

## PLANO CITY COUNCIL

**WILL CONVENE INTO EXECUTIVE SESSION AT 5:00 P.M. SEPTEMBER 9, 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 |           |         |
|      | B. Cable Modem Franchise Fees                                    |           |         |
| II.  | Litigation:<br>City of Plano v. Michael Ray Darby                | Wetherbee | 10 min. |
| III. | Personnel Appointments   | Council   | 10 min. |
|      | A. Board of Adjustment   |           |         |
|      | B. Building Standards Commission                                 |           |         |
|      | C. Planning and Zoning Commission                                |           |         |
|      | Interim Term<br>Board of Adjustment                              |           |         |

### **PRELIMINARY OPEN MEETING**

- |      |   |         |         |
|------|---|---------|---------|
| I.   | Consideration and action resulting from executive session discussion: Personnel Appointments Board of Adjustment, Building Standards Commission, Planning and Zoning Commission | Council | 5 min.  |
| II.  | DART Status Report  | Pope    | 10 min. |
| III. | Presentation re Management Preparation Program of Plano (MP <sup>3</sup> )  | Ross    | 15 min. |

IV.	Discussion and Direction re NLC Congress of Cities Voting and Alternate Voting Delegates	Council	10 min.
V.	Discussion and Direction re Proposed Public Art Plan	Council	15 min.
VI.	Personnel Appointments	Council	30 min.
	A. Animal Shelter Advisory Committee		
	B. Civil Service Commission		
	C. Community Relations Commission		
	D. Cultural Affairs Commission		
	E. Heritage Commission		
	F. Keep Plano Beautiful Commission		
	G. Library Advisory Board		
	H. Parks and Recreation Planning Board		
	I. Plano Housing Authority		
	J. Plano Transition and Revitalization Commission		
	K. Public Arts Committee		
	L. Retirement Security Plan Committee		
	M. Self-Sufficiency Committee		
	N. Senior Citizens Advisory Board		
	O. Tax Increment Financing Reinvestment Zone No. 1 Board		
	P. Technology Commission		
	Q. Transportation Advisory Committee		

Interim Terms

Animal Shelter Advisory Committee

Heritage Commission

Self-Sufficiency Committee

Senior Citizens Advisory Board

Transportation Advisory Committee

VII.	Council items for discussion/action on future agendas	Council	5 min.
VIII.	Consent, Statutory and Regular Agenda	Council	5 min.
IX.	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: September 9, 2002

CALL TO ORDER: 7:00 p.m.  
INVOCATION: Pastor Bob Ross  
Prairie Creek Baptist Church  
PLEDGE OF ALLEGIANCE: Junior Girl Scout Troop 2232

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><b><u>PROCLAMATIONS AND SPECIAL RECOGNITION</u></b></p> <p>“9-1-1 Hero Recognition”</p> <p>”Food Safety Awareness Month”</p> <p><b><u>CERTIFICATES OF RECOGNITION</u></b></p> <p><u>Transportation Advisory Committee</u> Floyd “Richard” Simmons</p> <p><b>GENERAL DISCUSSION</b></p> <p><b>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.</b></p> <p><b>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.</b></p> <p><b>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</b></p> <p><b>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):</b></p> <ul style="list-style-type: none"><li>A. Sign Ordinance</li><li>B. Solicitation</li><li>C. Animal Shelter</li></ul>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><b>CONSENT AGENDA</b></p> <p><b><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></b></p> <p>(a) <b><u>Approval of Minutes:</u></b></p> <p>August 26, 2002 August 28, 2002 September 3, 2002</p> <p><b><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></b></p> <p>(b) <b>Bid No. C112-02</b> for a fixed-price contract for Solid Waste Truck Parts in the estimated annual amount of \$142,653.</p> <p><b><u>Adoption of Resolutions</u></b></p> <p>(c) To approve and authorize refunds of property tax overpayments; and providing an effective date.</p> <p>(d) To authorize the City Manager to enter into an interlocal agreement with local governmental entities pursuant to Chapter 791 of the Government Code to establish a cooperative purchasing group known as the Innovation Group National Purchasing Alliance (“Alliance”) and providing an effective date.</p> <p>(e) To approve the internal operating procedures for receipt of electronic sealed bids or proposals and a comprehensive e-procurement system to ensure the identification, security, confidentiality and protection against premature opening of electronic bids or proposals required by House Bill 1981 and providing an effective date.</p> <p>(f) To approve the terms and conditions of a communications facilities license by and between City of Plano and Metroplex Telephone Company d/b/a/ AT&amp;T Wireless for the placement of cellular antennas on the municipal center communications tower located at 1520 Avenue K; authorizing its execution by the City Manager; and providing an effective date.</p> <p>(g) To establish a fee schedule for the use of Parks and Recreation Facilities; repealing previous fee schedules for the use of the Parks and Recreation Facilities; and providing a repealer clause, a severability clause, and an effective date.</p> <p>(h) To repeal the previous tax abatement policy of the City of Plano; adopting a tax abatement policy statement on establishing criteria for evaluating incentive applications; establishing procedural guidelines and criteria governing tax abatement agreements; and providing an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><b><u>Adoption of Ordinances</u></b></p> <p>(i) To repeal Ordinance No. 96-8-8; increasing fees for registration of dogs, cats, potbellied pigs, ferrets, and dangerous animals; increasing impoundment and adoption fees for dogs, cats, ferrets, and other animals; and providing a repealer clause, a severability clause, and an effective date.</p> <p>(j) To amend Ordinance No. 99-9-5, Article XI, Inspection and Enforcement, Section 9-107, Permit, Subsection (d), Fees, of Chapter 9 Food and Food Establishments of the City Code; increasing fees for food permits; providing a severability clause, and an effective date.</p> <p>(k) To repeal Ordinance No. 2001-12-20, codified as Section 21-2, Municipal Drainage Utility System Charges of Article I, in General, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, Texas; adopting a new Section 21-2, providing for an amended fee schedule for municipal drainage system; and providing a repealer clause, a severability clause and an effective date.</p> <p>(l) To repeal Sections III and V of Ordinance No. 85-9-21, Sections I and IV of Ordinance No. 87-9-13, Ordinance No. 92-10-37 in its entirety, Ordinance No. 93-9-51 in its entirety and Ordinance No. 79-9-20 in its entirety, adopting a new Section 21-131, Failure to Pay for Service, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances; adopting a new Section 21-154, Utilities Service Fee, of Article IV, Service Charges Generally of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano; and providing a repealer clause, a savings clause, a penalty clause, a severability clause, and an effective date.</p> <p>(m) To revise Section 8-3 of Chapter 8 Fire Prevention and Protection, of the Code of Ordinances of the City; establishing a policy of responding only to emergency ambulance service requests; providing for the collection of such fees and for crediting thereof upon receipt; ordaining other matters on the subject; and providing a severability clause and an effective date.</p> <p>(n) To amend Sections 21.28(F) (Testing Fee) and 21.31(B) (Certified Backflow Technician Registration Fee), of Plano City Ordinance No. 2000-2-16, codified as Division 1.5 Cross Connection Control Program of Article II Water of Chapter 21 Utilities of the Plano Code of Ordinances; providing a severability clause, and an effective date.</p> <p>(o) To amend 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 Planned Development-139-Single Family-9; directing a change accordingly in the official zoning map of the City; and providing an penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Zoning Case 2002-31</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(p)	<p>To amend Section 11-222, Permit, Subsection (D) Fee; term; renewal of Article VI, Alarm Systems, of Chapter 11, Licenses and Business Regulations of the Code of Ordinances of the City of Plano to revise the permit fee and increase the late fee; providing a severability clause, and an effective date.</p> <p><b><u>Approval of Agreement</u></b></p>	
(q)	<p>To approve the terms and conditions of a professional services contract between the City of Plano and Family Services of Plano wherein Family Services of Plano will provide services to the Police Department to combat juvenile delinquency and authorizing execution of such agreement by the City Manager, and providing an effective date.</p> <p><b><u>Award of Contract</u></b></p>	
(r)	<p>To authorize expenditure of eGovernment business analyst services in an amount not to exceed \$44,460 from Checkmate Consulting Inc.; and authorizing the City Manager to execute all documents necessary to effectuate the purchase.</p> <p><b><u>Approval of Change Order</u></b></p>	
(s)	<p>To S. J. Louis Construction of Texas Ltd., LLP, increasing the contract by \$61,906 for Claridge Drainage Improvements, Change Order No. 6 (Bid No. B170-01)</p> <p><b><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></b></p> <p><b><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></b></p> <p><b><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></b></p>	
(1)	<p><b>Consideration of an ordinance</b> to approve and adopt the tax rate for the fiscal year beginning October 1, 2002, and terminating September 30, 2003, and providing an effective date.</p>	
(2)	<p><b>Consideration of an ordinance</b> to approve and adopt the budget for the fiscal year beginning October 1, 2002, and terminating September 30, 2003; and providing an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(3)	<p><b>Consideration of an ordinance</b> to approve and adopt the capital improvement program and setting the appropriations for 2002-2003; and providing an effective date.</p>	
(4)	<p><b>Public Hearing</b> pertaining to a presentation of alternatives and recommendations for the placement of an Outdoor Warning Siren in the area north of Independence Parkway and Legacy Drive. City Council will provide direction and action on this matter at the conclusion of the Public Hearing.</p>	
(5)	<p><b>Public Hearing and consideration of an ordinance as requested in Zoning Case 2002-25</b> – To amend the Comprehensive Zoning Ordinance, Ordinance No. 86-3-14, as heretofore amended, so as to amend Planned Development-20-Mixed Use 2. (Sub-area B [Town Center]) m. and to add 7. (Sub-area A [Preston Road Mixed Use]) b. (Building Design) 5. on 135.3± acres on the southeast corner of Preston Road and McDermott Road in the City of Plano, Collin County, Texas, pertaining to development phasing and building design and; 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 #1. Applicants: Preston/121 Joint Venture, Stratford Group</p>	
(6)	<p><b>Public Hearing and consideration of an ordinance as requested in Zoning Case 2002-34</b> – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 473 so as to allow the additional use of a 90-foot tall commercial antenna on one lot on 0.01± acre on the southwest corner of Legacy Drive and Communication Parkway in the City of Plano, Collin County, Texas, presently zoned Commercial Employment; 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. Zoned Commercial Employment. Neighborhood #15. Applicant: Ericsson</p>	
(7)	<p><b>Public Hearing and consideration of an ordinance as requested in Zoning Case 2002-35</b> – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit (SUP) No. 474 so as to allow the additional use of a Day Care Center on one lot on 1.7± acres on the west side of Custer Road, 800± feet north of Parker Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-90-Retail; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Zoned Planned-Development-90-Retail. Neighborhood #34. Applicant: Metro Family Church</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
<p>(8)</p> <p>(9)</p>	<p><b>Consideration of a resolution</b> to modify the policy and procedures regarding reconsideration of previous action of the City Council; and providing an effective date.</p> <p><b>A Motion to Reconsider the City Council’s Action on An Appeal of the Planning and Zoning Commission’s Denial of Zoning Case 2002-30</b> – A request to rezone 10.0± acres on the southwest corner of Chase Oaks Boulevard and future Seabrook Drive from Planned Development-107-Office-2 (PD-107-O-2) to Planned Development-Multi-Family-2 (PD-MF-2). Applicant: Mockingbird Properties.</p> <p><u><b>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.</b></u></p>	



September 4, 2002

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

Mayor Pat Evans  
City Councilmembers  
City of Plano  
Plano, TX 75074

Honorable Mayor and City Council:

We will begin our meeting Monday with legal advice, litigation and personnel appointments during the Executive Session.

The Preliminary Open Meeting agenda consists of the DART Status Report, a presentation by Lashon Ross on the Management Preparation Program of Plano, and consideration of the voting and alternate voting delegates to NLC. The proposed Public Art Plan and personnel appointments are also on the agenda.

I look forward to seeing you Monday evening.

Sincerely yours,

Thomas H. Muehlenbeck  
City Manager

THM/bn

Preliminary Open Meeting Item III.

DART Status Report  
Oral Presentation  
Robert Pope

*APM IIIa*

*Management  
Preparation Program of  
Plano*

*mp<sup>3</sup>*

*“Enhancement for today . . .  
Empowerment for the future”*

Applications are available through Human Resources from September 3 – September 27, 2002. Application deadline is September 27, 2002.

# **INTRODUCING**

## **The**

### **Management Preparation Program of Plano**

The City of Plano is recognized as one of the "Premier Cities" in Texas. This has been accomplished through its recruitment and selection of candidates for employment who have consistently demonstrated excellence in knowledge, skills, and abilities (KSA's). As we consider the City's future needs as they relate to maintaining the established standards of excellence through service delivery; continuing to meet and/or exceed the City Council's stated goals; and continuing to meet the needs of citizens even as we face the challenges of a "leaner" economy and the impact of build-out, we want to ensure competent leadership to meet current and future goals of the City of Plano.

Just as we plan for the fiscal needs of the City on an annual basis, it is equally important that we address relative staffing needs in an effort to prevent the potentially negative impact of key positions being vacant for extended periods of time. Succession planning and manager development will address these issues. Some of the benefits of developing internal candidates to compete for key managerial/executive positions are:

- Candidates are generally aware of the organization's culture/philosophy.
- Loyal, high-performing employees receive the opportunity for upward mobility.
- The organization increases the opportunity for placing the "right people in the right positions at the right time".
- The organization benefits from the assessments, mentorships, and specialized training provided to candidates.
- The organization has additional opportunities to explore its needs and future direction.

Some of the questions that may be answered through this process are:

- What are the strengths and weaknesses of the organizational culture and what changes should be made, if any?
- What managerial/executive qualities are necessary to successfully direct the organization; meet City Council objectives; and ensure excellence through the delivery of services and work relationships?
- Which key positions may present the greatest challenge for replacement following the incumbent's departure?
- What are the management competencies to be achieved throughout the organization?

While employees selected for participation in a Management Preparation Program of Plano will certainly receive additional training and coaching, it will be clearly communicated that participation is not a guarantee of promotion. However, participants' KSA's will be enhanced which is clearly a benefit to them as well as to the City.

*RDM/VY*

If we consider retirements, which may occur as of December 31, 2003, ten (10) of the twenty-three (23) members of the executive team are eligible to retire. During the following consecutive years, the numbers increase as shown below:

- 2004 13
- 2005 14
- 2006 14
- 2007 15

So, during the next five (5) years, approximately fifty-eight percent (58%) of the positions represented on the Executive Team could conceivably be vacated. This would account for several new individuals being given the responsibility of continuing to further the City's mission. It would be beneficial for a large percentage of these individuals to be familiar with the City's existing management philosophy, its processes, and history, as a tremendous amount of practical knowledge and expertise will be leaving with the incumbents.

Of the fifty-two (52) employees on the Management Team (not including Executive Team members), forty-six percent (46%) will be eligible to retire during the next five (5) years. Again, there is a substantial knowledge base represented within this number, which bears significance to the City of Plano. Therefore, it is recommended that the City begin planning for these changes in order to alleviate any "gaps" in overall performance that may occur while transitioning from the incumbent to the new appointee.

Participants in this program will quickly realize that the wealth of knowledge and experience gained through this program comes through tremendous time and effort from themselves and current members of the Executive Management Team. Of course, the benefits of participation are endless.

All participants will successfully complete a comprehensive screening process which will involve internal and external assessors. Once selected, participants will be required to successfully complete the components of a 12-month Preparation Period (Jan - Dec) to include meeting with Coaches, completing written assignments, attending classes, reading/summarizing professional publications, and other relative assignments.

Yes, there is a significant time commitment involved in successfully completing this program. What is the benefit of being involved in this program? The skills of graduates should be very obvious during the screening and interview process for positions at the executive management level, as well as in the performance of our current managerial duties.

Applications will be accepted September 3-27, and the program will begin on January 6, 2003.

*POMIVE*

## ***Management Preparation Program of Plano*** **Management Intern Calendar of Events**

### **Calendar Year 2002**

September 2-27	Accept Applications (5 invitations to participate may be issued by City Mgr/Ex. Dir.)
October 7-18	Applications reviewed by MPAT* (15 candidates selected for further screening)
October 29-31	Conduct Assessment Centers
November 4	Assessment/Applications information forwarded To MPAT for final selection (1 for City Mgr.; 1 for Exec. Dir.; and 3 for Dept. Dir.)
November 12	Candidates notified of results

### **Calendar Year 2003**

January 6, 2003	MP3 begins with Intern Orientation
4 <sup>th</sup> week of March	Intern meets with Coach for Evaluation
4 <sup>th</sup> week of June	Intern meets with Coach for Evaluation
4 <sup>th</sup> week of September	Intern meets with Coach for Evaluation
3 <sup>rd</sup> week of November	Intern meets with Coach for Evaluation
November 28	Coaches' final recommendations due
December 5	Notices of completion/continuance issued
December 16	Graduation Ceremony

#### **\*Management Preparation Assessment Team**

To apply for participation in the *Management Preparation Program of Plano*, please contact LaShon Ross (x7422) or Daryll McCarthy (x5216) in HR to obtain an application. You will be apprised of further details as you continue through the selection process.

A minimum of a Bachelor's Degree and three years of progressively responsible experience as a manager are required to participate at any level. Other relative qualifications will be determined by the respective job descriptions.

*Pom / VD*

To strengthen  
and promote  
cities as centers  
of opportunity,  
leadership, and  
governance.



**National League of  
Cities**

1301 Pennsylvania Ave., N.W.  
Washington, D.C. 20004-1763

202-626-3000

Fax: 202-626-3043

www.nlc.org

**2002 Officers**

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Karen J. Anderson  
Mayor, Minnetonka, Minnesota

*First Vice President*

John DeStefano, Jr.  
Mayor, New Haven, Connecticut

*Second Vice President*

Charles Lyons  
Selectman, Arlington, Massachusetts

*Immediate Past President*

Bob Knight  
Mayor, Wichita, Kansas

*Executive Director*

Donald J. Borut

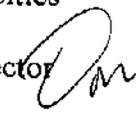
August 14, 2002

**MEMORANDUM**

**RECEIVED**

**AUG 19 2002**

**CITY SECRETARY'S OFFICE**

To: City Clerks of Direct Member Cities  
From: Donald J. Borut, Executive Director   
Subject: Congress of Cities Voting and Alternate Voting Delegates

The National League of Cities' Annual Business Meeting will be held on Saturday, December 7, 2002, at the Congress of Cities in Salt Lake City, Utah. Under the Bylaws of the National League of Cities, depending upon the city's population, each direct member city is entitled to cast from one to 20 votes through its designated voting delegate at the Annual Business Meeting. NLC is now using the 2000 census figures to determine the number of votes your city has this year. Please consult the table on the reverse side of this memorandum which shows the breakdown of votes by population categories.

Your mayor and city elected officials should be informed of this request so that decisions can be made on who will be the voting delegate and alternate according to your city's established procedures.

To be eligible to cast a city's vote(s), each voting delegate and alternate must be designated by the city using the attached credentials form. This form will be forwarded to NLC's Credentials Committee. **NLC Bylaws expressly prohibit voting by proxy.** The voting delegate must pick up his/her voting credentials **BEFORE** the Annual Business Meeting and must be present at the Annual Business Meeting to cast the city's vote(s).

In November, NLC will send out a special edition of the *Policy Informer* summarizing the proposed National Municipal Policy amendments and proposed resolutions that are to be voted on at the Annual Business Meeting. This information should be shared with your voting delegate(s).

To establish your city's voting credentials for the Congress of Cities, we ask that you return the completed form to NLC not later than **October 11, 2002**. Please follow the instructions on the card and keep a copy for your files. A pre-addressed envelope is enclosed for your convenience. If you have any questions or concerns, contact Keith Kirk at [kirk@nlc.org](mailto:kirk@nlc.org) or (202) 626-3176.

Enclosure

*Past Presidents:* Clarence E. Anthony, Mayor, South Bay, Florida • Glanda E. Hood, Mayor, Orlando, Florida • William M. Hudnut, III, Councilman, Village of Chevy Chase, Maryland • Sharpe James, Mayor, Newark, New Jersey • Brian J. O'Neill, Councilman, Philadelphia, Pennsylvania • Cathy Reynolds, Councilwoman-at-Large, Denver, Colorado • *Directors:* Jerry Bamberger, Commissioner, Covington, Kentucky • Branda S. Barger, Mayor, Watertown, South Dakota • Kenneth Barr, Mayor, Fort Worth, Texas • Sally D. Bealis, Mayor, Centerville, Ohio • Throat W. Brown, Councilman, East Point, Georgia • Michael S. Buehlhorn, Village President, Swansea, Illinois • Steve Burkholder, Mayor, Lakewood, Colorado • Charles J. Canfield, Mayor, Rochester, Minnesota • Catherine F. Connolly, Executive Director, League of Arizona Cities and Towns • Jim Dalley, Mayor, Little Rock, Arkansas • Alex G. Fekete, Mayor, Pembroke Pines, Florida • Samuel J. Ferrari, Mayor, Greenacres, Florida • Carolyn L. Floyd, Mayor, Kodiak, Alaska • Timothy M. Fulkerson, Mayor, New Castle, Pennsylvania • Ed Garza, Mayor, San Antonio, Texas • Kathleen A. Gaylord, Mayor, South St. Paul, Minnesota • George D. Goodman, Executive Director, Michigan Municipal League • Michael A. Guido, Mayor, Dearborn, Michigan • Larry Haler, Council Member, Richland, Washington • Scott A. Hancock, Executive Director, Maryland Municipal League • George R. Harvill, Jr., Mayor, Millington, Tennessee • John Heilman, Mayor, West Hollywood, California • Joseph Hinson, Mayor Pro Tem, Hayward, California • Joycelyn V. Johnson, Alderman, Winston-Salem, North Carolina • Christopher G. Lockwood, Executive Director, Maine Municipal Association • Sonya L. Margerum, Mayor, West Lafayette, Indiana • Gary Markenson, Executive Director, Missouri Municipal League • Brenda Allison Oliver, Mayor, Sylva, North Carolina • George Parks, Executive Director, Wyoming Association of Municipalities • T. J. Paterson, Council Member, Lubbock, Texas • Joe Pisciotte, Council Member, Wichita, Kansas • Marie Lopez Rogers, Vice Mayor, Avondale, Arizona • Perry Requemoire, Executive Director, Alabama League of Municipalities • Ann Simank, Councilmember, Oklahoma City, Oklahoma • Alecia D. Smilde, Council Member, Saline, Michigan • Daniel Soza, Council Member, Saginaw, Michigan • W. Glenn Stackman, III, Councilman, Ocean City, Maryland • Frank Sturtz, Executive Director, Texas Municipal League • Vera White-Reynolds, Council Member, Harrisburg, Pennsylvania • Billy D. Williams, Council Member, Florence, South Carolina



# NATIONAL LEAGUE OF CITIES

## ANNUAL CONGRESS OF CITIES SALT LAKE CITY, UTAH

### Number of Votes – Annual Business Meeting Direct Member Cities

Article IV, Section 2 of NLC's Bylaws specifies the number of votes that each direct member city of the National League of Cities is entitled to cast at the Annual Congress of Cities:

CITY POPULATION (per 2000 Census)	NUMBER OF VOTES
Under 50,000	1 vote
50,000 – 99,999	2 votes
100,000 – 199,999	4 votes
200,000 – 299,999	6 votes
300,000 – 399,999	8 votes
400,000 – 499,999	10 votes
500,000 – 599,999	12 votes
600,000 – 699,999	14 votes
700,000 – 799,999	16 votes
800,000 – 899,999	18 votes
900,000 and above	20 votes

Please note that all member cities are required by the Bylaws to cast unanimous votes.

NLC is now using 2000 census data for the city's voting entitlement.

*AMTVL*



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

## MEMORANDUM

DATE: September 4, 2002

TO: Mayor and City Council

FROM: Thomas H. Muehlenbeck, City Manager 

I have attached a copy of the Proposed Public Art Plan. The plan contains an executive summary, goals, and summary of recommendations.

We would like your direction regarding the plan including any sections or recommendations you believe need further attention.

THM/bn

Attach.

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# Memorandum

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**Date:** July 19, 2002

**To:** Mayor and City Council Members

**Cc:** Tom Muehlenbeck, City Manager  
Don Wendell, Director of Parks & Recreation  
Jim Wear, Creative Arts Manager  
Joe Gorfida, Assistant City Attorney

**From:** Sabrina Shuford, Creative Arts Coordinator

**Subject:** Response to Questions Regarding Draft of Public Art Master Plan

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At the June 24<sup>th</sup> Council meeting, the draft of the Public Art Master Plan was presented. At that time, there were questions on a few points in the plan. Below you will find responses as you consider a Public Art program.

**Is a 2% designation for art appropriate?**

Typically, cities allocate anywhere between 1-2%, with ordinances that have been adopted in recent years trending towards a higher percentage. Many municipalities have found that an allocation of 1% did not adequately provide for architectural enhancements, as well as project administration, community involvement programs and preservation. In fact some programs, such as Broward County, Florida and Portland, Oregon have amended their ordinances in recent years to increase the percentage.

City of Dallas is 1.5%, City of Frisco is 2%, City of Fort Worth is 2%, City of Houston 1.75%.

**Regarding the 1% for art for developers with projects of \$1 million or more, there was concern that this would affect their profit margin greatly and suggested that an incentive program would be okay.**

It is our recommendation that Council appoint a task force that would include representatives of the development community that could take a look at this issue and come up with detailed recommendations on how best to proceed. The task force could explore the range of options presented in the plan, from mandate to incentives.

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**Problem with an honorarium for panelists who serve in selection processes; mentioned that we don't do that for other boards/commissions. (Page 15 of draft plan)**

It is customary for public art programs nationally to offer an honorarium to panelists who participate in artist selection processes. Generally it is a nominal amount, although some established programs, such as Miami/Dade County, pay substantial fees to ensure a high level of unbiased professional expertise. However initially, it is not critical to the success of our program as volunteers will be willing to serve in this capacity.

**Is it legal to have panels take votes in closed session? (Page 16 of draft plan)**

The Legal Department will be responding on this matter.

**Why should we pay for artist's proposals? We don't pay for architect's proposals.**

Certainly, we should not pay for responses to simple RFQ's. However, it is the accepted practice nationally to pay artists for their time if a specific design concept is requested. Artists generally do not have a staff that can prepare standard concepts quickly. Given the individuality of their work, any concept development requires the investment of a great deal of time. In addition, since the payment of a proposal fee is the accepted norm, it will be difficult for Plano to attract artists of significant stature and expertise unless the City adopts standard practices.

**Regarding deaccessioning of art, it was felt that Council should make that determination.**

When removing or relocating a piece of public artwork, it touches on a number of complex issues. Some considerations include: the integrity of the artwork; contractual obligations; freedom of artistic expression and responsibilities to the public. Review of deaccessioning artwork, should be done with the interests of the public in mind, professional judgment and following a set of policies and procedures. Therefore, we are recommending that the Public Art Committee make recommendations to Council on any removal procedures for Council's final approval.

**When bonds are voted on, should there be mention of use of funds for public art? If not, does this present a legal problem?**

The Legal Department will be responding on this matter.

**Is the 20% for administration too high? (Pg. 26)**

Well managed public art programs are traditionally somewhat staff intensive in that in order to be successful they require a great deal of public involvement, outreach and education. Many public art programs are discovering that their allocations for administration are too low and are modifying their ordinances accordingly. For example, when Portland, Oregon revised their ordinance to 1.33% they allocated it as follows: .33% for administration, .5% for maintenance,

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.95% for acquisition and siting of art. The City of Ventura, California allocates 20% and the City of Los Angeles, CA. 18%.

It is difficult to compare administrative costs in that many cities provide staffing for their programs as part of their overall cultural affairs budget and only charge such things as specialty consultants, community outreach, documentation and signage to their public art programs administrative budgets.

This percentage could vary depending on how the City of Plano ultimately plans to administer its program and is one of the things that the city staff task force charged with drafting an ordinance can explore in detail prior to making a recommendation to Council.

Please let me know if I can be of further assistance.

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# **CITY OF PLANO, TEXAS**

## **PUBLIC ART PLAN**

- I. EXECUTIVE SUMMARY**
- II. OVERVIEW OF THE PUBLIC ART PLANNING PROCESS**
- III. COMMUNITY PUBLIC ART GOALS**
- IV. DEVELOPING A PUBLIC ART PROGRAM FOR PLANO**
- V. FUNDING STRATEGIES**
- VI. SUMMARY OF RECOMMENDATIONS**

### **APPENDIX**

- 1. Interview list**
- 2. Draft collection management policies**
- 3. Financial projections of potential projects and art dollars**
- 4. Implementation milestones**
- 5. Draft public art ordinance**

## I. EXECUTIVE SUMMARY

Mature cities provide their residents with more than the basic necessities. They are characterized by a broad array of amenities that support the overall quality of life of a community and the arts are intrinsic to this mix. Public art in particular contributes to the economic vitality of a city through the enhancement of the urban environment as well as by fostering a sense of civic pride and community identity.

Successful public art planning is a complex process, one that requires the active participation of the residents and leadership of a community. The goal is to craft a vision that reflects the desires and concerns of the people involved as well as the unique characteristics of the city. In Plano, the process has gone through many phases and taken nearly two years to complete. Throughout, the dedicated volunteers on the Public Art Committee have provided committed leadership and vision along with countless hours of their time. City staff, in particular the staff of the Creative Arts Division, have also been invaluable to the process. They, along with many other members of the community, gave generously of their energy and insight to craft a plan that is in keeping with Plano's history and potential.

A broad cross section of the community is excited about the role that public art can play in Plano. Their vision is expansive and includes a complex array of public art opportunities from functional park features to delight and inspire children of all ages, to major works of art by nationally recognized artists. They envision a public art program that will celebrate the history of the city, develop new icons for the community and build a cultural legacy for future generations.

The plan provides a roadmap for the development of public art in Plano over the next five years. It presents the priorities that were identified by the community and outlines the components that could be used to create a complete and multi-faceted program. The plan discusses a variety of funding strategies for the establishment of such a program. At the heart of the plan are thirteen recommendations, some of which can be implemented immediately at a low cost to the City, others that will take more time and resources to complete. The public art program envisioned in this plan is one that fosters partnerships between the public and private sector. It is a program that will grow organically, building upon its successes as resources and relationships are cultivated.

## II. OVERVIEW OF THE PUBLIC ART PLANNING PROCESS

### A. Background:

The Public Art Committee was established by City Council in late 1999 and charged with the *"promotion, acquisition and placement of public art throughout the community, both on public and private property."* Initially, Committee members worked to research public art programs throughout the country and to inform themselves of the benefits and issues associated with the development of a public art initiative. The Committee adopted the following mission statement:

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***"The celebration of public spaces through the development and implementation of visual art projects and programs, which enrich the cultural experience of the citizens of Plano."***

The Committee prepared an initial report for Council outlining possible approaches to public art and in August 2000, City Council requested the Committee work to establish a master plan for the development of a public art program. A Request for Proposals (RFP) was distributed to public art consultants nationally and in May 2001, Cusick Consulting was selected to work with the Committee to prepare the plan.

**B. Plan Development:**

Beginning in August 2001, Cusick Consulting conducted research in Plano in order to establish the community's priorities and concerns in regard to a potential public art program. Over the course of four trips to the area, the consultant interviewed a cross section of community leadership<sup>1</sup>, met with city staff, and conducted a series of public meetings and focus groups. In addition, the consultant toured the city extensively in order to better understand the city's civic assets and defining physical characteristics. Recent planning and budget documents were also used to obtain a clear picture of the City's growth and investment priorities. Information from each of these sources helped shape the content of this plan.

**C. Defining Characteristics:**

During the course of all of the research sessions, the consultant provided information on public art programs in other communities and asked participants to address the following questions.

- ***What do you think are some of the defining characteristics of Plano?***
- ***How do you think Plano might benefit from a public art program?***
- ***If there were a public art program in Plano, what do you feel would be critical to its success?***

The following points were articulated by a majority of the people consulted.

- Plano is a city that values community planning and prides itself on high quality civic improvements.
- Parks and other civic resources that benefit families and children are one of the defining characteristics of Plano.
- Plano has several key commercial nodes or districts, including: Downtown, Legacy Park, the intersection of Park and Preston, as well as the area around Colin County Community College and the Convention Center.

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<sup>1</sup> For a complete list please see the appendix section of this document.

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- Plano is nearing the end of a long growth cycle and is entering a new stage of maturity as a city.
- More people are choosing to live in Plano for the long-term, versus viewing it as a short-term corporate assignment.
- Public art could add character and identity to Plano's parks and neighborhoods as a part of new construction.
- Public art in Plano needs to benefit all of the city's distinct sections and neighborhoods.
- Public art in Plano needs to engage the citizens in the decision making process.
- Public art is one of the ways the City can address potential eyesores and turn them into neighborhood assets.
- The private sector should partner with the city in developing public art for the entire community to enjoy.

The goals and recommendations contained in this report were crafted to incorporate the priorities articulated by members of the community during the research process. In addition they reflect the current standards and 'best practices' in the field of public art.

### **III. COMMUNITY PUBLIC ART GOALS**

The arts are vital to the overall quality of life of a community. Public art contributes to the economic vitality of a city through the enhancement of the urban environment as well as by fostering a sense of civic pride and community identity. Artists have helped shape the great civic projects of every nation and every era. In Plano, the public art program will celebrate the history of the city, develop new icons for the community and build a cultural legacy for future generations.

The Public Art Committee has the following goals for public art in Plano:

- To contribute to the quality of life of the residents of Plano through the creation of an enhanced physical and cultural environment
- To assist in the development of high quality civic spaces
- To support the economic vitality of the city through increased property values and new cultural tourism opportunities
- To enhance the knowledge and understanding of the community's history and culture

- To provide increased access to artistic experiences of the highest caliber for the residents of Plano

Specific program objectives include:

- To enhance the quality of selected capital improvement projects through the incorporation of the skills of artists
- To foster public/private partnerships for the creation of public art
- To work collaboratively with other City Boards and Committees in the development of public art
- To encourage innovative approaches to public art and support a wide variety of project types
- To integrate artists into the planning and design process at the earliest possible opportunity
- To encourage the distribution of commissions between artists of diverse cultural backgrounds and aesthetic perspectives
- To provide professional quality care and appropriate conservation for works of art acquired for the City

#### **IV. DEVELOPING A PUBLIC ART PROGRAM FOR PLANO**

##### **A. Current Situation**

The following public art projects and activities were identified as part of the research process and there are probably other efforts sprinkled throughout the community.

- Exhibits at City Hall and Plano Center
- Connemara Conservancy temporary outdoor sculpture program
- Douglass community mural
- Temporary displays in front of the Plano Art Center
- Various private sector projects

Although each of these initiatives contributes to the cultural fabric of the city, the lack of a centralized plan and support mechanism limits their effectiveness. It is recommended that the City undertake the creation of an inventory and a tour of public art as the first step in gathering these disparate efforts and shaping them into an active cultural resource for Plano. Information on the various artists and projects could then be made available to the public via the City's website.

Since several of the existing projects are in downtown, a walking tour could provide an additional incentive for people to visit the historic heart of the community. It is recommended that the Public Art Committee and the Historic Commission collaborate on the development of a tour that would feature cultural and historic attractions in the downtown area.

**B. Creation of a Citywide Public Art Program**

In forming the Public Art Committee and charging them with the development of a public art plan City Council took the first step in establishing a public art program. The planning process confirmed that a cross section of the city's residents support the development of public art in Plano and are particularly interested in seeing public art integrated in new construction. The most effective way to begin to implement a citywide approach to public art is for City Council to adopt this plan, in whole or in part, and to establish a public art program with the goals and objectives outlined in Section III.

It is recommended that the Public Art Committee's charge be amended to include oversight of the implementation of the City's adopted public art plan. In addition, it is recommended that a full-time position be established within the Creative Arts Division to staff the public art program.

In order for the City to build upon the enthusiasm generated by the planning process, it is recommended that a series of demonstration projects be undertaken immediately. Because of the City's longstanding commitment to the creation of high-quality parks, as well as due to the interest of the Parks Department staff, it is recommended that initially these demonstration projects be developed from among park projects currently in design.

In order for the City to achieve maximum impact with limited funds, many of the demonstration projects can focus on artist designed enhancements to existing project elements. For example, an artist added to the overall project design team might develop paving patterns for walkways, icons for signage or decorative fencing. It is therefore recommended that Council allocate \$150,000 in special project funds for the fiscal year beginning October 1, 2002 to support the implementation of citywide demonstration projects.

In order to cultivate creative partnerships with the private sector and recognize leadership in enhancing the community, it is further recommended that the Public Art Committee create an award to be given annually by the Mayor in recognition of the public art project or projects that have made an outstanding contribution to Plano in the preceding year.

**C. Program Components**

The vision for public art in Plano is diverse and inclusive. Over the course of the next five years it is recommended that Plano establish a multi-faceted public art program that includes a number of different components. However each of the components can be developed and phased in over time so that none of the initiatives places an excessive burden on City staff and resources.

Ultimately the City's should put in place the following program elements:

- Public art enhancements that are integrated into new City public works or capital improvement projects.
- Public art enhancements that are integrated into new private sector development projects.
- A 'municipal art collection', works of art acquired by the City either through gifts or purchases which are displayed in municipal facilities.<sup>2</sup>
- Temporary sculpture exhibitions in the median along Plano Parkway.
- Community based and artist-initiated public art projects.

Further the program should strive to develop and support a variety of approaches to public art, including projects that express a variety of aesthetic and cultural perspectives, projects with a range of budgets and projects that target artists with different levels of experience and working in different media.

#### **D. Priority Locations for Public Art**

During the course of the planning process participants were asked to identify priority locations for public art. The following four locations were listed by virtually everybody:

- Haggard Park
- the median along Plano Parkway
- the future Performing Arts Center
- the Convention Center expansion

In addition, people identified a number of project types that they felt should be a priority for Plano's public art program. These include:

- Overpasses at strategic entrances to the city
- Key intersections throughout the city, such as Park/Preston
- Pedestrian linkages in the downtown core
- Sites associated with new or expanded municipal facilities such as libraries, fire stations, senior centers, parking garages, etc.
- Parks, trails and sports facilities
- Sites under the jurisdiction of more than one entity or institution where there is an opportunity to leverage funding from different sources.
- Elevated water tanks

## **V. FUNDING STRATEGIES**

### **A. Public Funding**

Twenty-six states, dozens of counties and several hundred cities around the country have public art programs. The programs are funded from a variety of sources including public monies, private contributions, corporate sponsorship and grants. A majority of the programs are funded through legislative mandates that allocate a percentage of capital

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<sup>2</sup> The Plano Art Association recently donated three works to establish the collection.

improvement project budgets for the inclusion of art. In numerous cities the requirement applies to private development projects as well. The percentage varies by program from a low of one half of one percent (.5%) to a high of two percent (2%).

In the Dallas-Fort Worth metropolitan area, the City of Dallas allocates one and a half percent (1.5%) for public art and the cities of Fort Worth and Frisco have each adopted ordinances which allocate two percent (2%).

It is recommended that the City of Plano adopt an ordinance which mandates the allocation of two percent (2%) of selected capital improvement projects with budgets of one million dollars (\$1,000,000.) or above for the inclusion of artist designed enhancements. Recommended project types include: parks, libraries, fire stations, senior centers, recreation centers, trails, parking structures, bridges, overpasses or underpasses and water tanks.

During the planning process it was also suggested that the City explore the establishment of a minimal assessment of property owners to support community enhancements through public art. For example an assessment of one dollar for every \$100,000 of assessed value. This presents a potential alternate funding option. Since there wasn't an opportunity to discuss this approach with property owners the level of support for this funding option has yet to be determined.

#### **B. Funding from Private Development**

In order to ensure that public art plays a significant role in the built environment and to provide broad access to the arts for their residents, many cities have adopted public art requirements for private sector projects. In addition, many of the leading developers of high-end retail and office complexes choose to include public art in their projects because of the distinct image and character the art provides their development. Recent examples of this approach in the region include the Hall Office Park in Frisco and several of the Bass Company projects in Fort Worth.

In Plano, as part of the planning process, a breakfast meeting was convened to discuss different ways in which the development community might contribute to the creation of public art. The meeting was sparsely attended and the consensus of the developers present was that they would rather see the City adopt an incentive-based program than a requirement. Potential approaches discussed included tax rebates, zoning waivers and some form of matching fund. Of course each of these options would have a cost associated for the City.

It is recommended that Council adopt a public art requirement for private development projects over one million dollars (\$1,000,000). Projects would be required to include public art enhancements with a cost equal to one percent of the cost of the project. Developers would also have the option of complying with the requirement by contributing an amount equal to one half of one percent of the cost of the project to the Plano Community Enhancement Fund. The City would utilize monies contributed in this manner to support public art projects through its public art program.

Alternatively, Council could instruct staff from Planning and Creative Arts to explore ways in which the City might establish an incentive program for the creation of public art in private development.

**C. Grants, gifts and corporate sponsorship:**

It is recommended that the City create the Plano Community Enhancement Fund, a separate interest bearing account to receive all fees, grants, and gifts to the City in support of public art.

Grants:

Public art is an eligible expenditure under many federal and state grant programs, for example Community Development Block Grants or Transportation Enhancement (T21) funds. It is recommended that the staff of the Creative Arts Division work with staff from all the departments with capital programs to identify potential grant funding that might be used to supplement City public art projects.

Gifts:

In order to develop to its fullest potential, Plano's public art program will need to seek funding from a variety of additional sources. For example, the Plano Art Association recently donated three works by noted local artists to establish the Municipal Art Collection. And the Association is committed to purchasing one work a year as a gift to the City to expand the collection. Other such gifts can be solicited from local artists and collectors.

Corporate sponsorship:

Numerous cities have featured temporary public displays by internationally acclaimed artists. For example Park Avenue in New York hosted an installation of works by Henry Moore and the City of West Hollywood featured works by Keith Haring along Santa Monica Boulevard. These are high visibility projects that attract a great number of visitors and are usually funded in part by the host city and in part by a corporate sponsor. Plano could develop a program of large-scale temporary installations in the median along Plano Parkway that would be attractive to corporate sponsors.

It is recommended that the staff of the Creative Arts division work with the members of the Public Art Committee to develop corporate and foundation partnerships that could yield funding for future projects.

It is important to note that the competition for both corporate sponsorship and grant funds is substantial. In order for the public art program to compete successfully in most cases the City will need to be able to demonstrate that it is providing matching funds.

## VI. SUMMARY OF RECOMMENDATIONS

1. Develop an inventory and tour of public art in Plano that is available on the City's website.
2. Collaborate with the Historic Commission to create a tour of cultural and historic attractions in the downtown area.
3. Amend the charge of the Public Art Committee to include the implementation of the City's public art plan and program.
4. Designate a full-time staff position within the Creative Arts Division responsible for the implementation of the City's public art program.
5. Develop a multi-faceted public art program over a period of five years, phasing in each new component as resources become available.
6. Immediately implement three or more demonstration projects where a public art component is integrated into capital improvement projects currently in preliminary design.
7. Allocate \$150,000 in special project funds for the fiscal year beginning October 1, 2002 to support the implementation of demonstration projects.
8. Create an award to be given annually by the Mayor in recognition of the public art project or projects that have made an outstanding contribution to Plano in the preceding year.
9. Adopt an ordinance that mandates the allocation of two percent of the design and construction costs of selected City capital improvement projects with budgets over one million for the inclusion of public art enhancements.
10. Establish a requirement that private development projects over one million dollars include public art enhancements within the project equal to one percent of the project cost or contribute an amount equal to one half of one percent of the project cost to the Plano Public Art Fund.
11. Create the Plano Community Enhancement Fund, a separate interest bearing account, for the receipt of all fees, gifts and grants received by the City to support public art.
12. Direct staff of the Creative Arts Division to work with the members of the Public Art Committee to develop corporate and foundation partnerships.
13. Direct staff of the Creative Arts Division to work with staff from all the departments with capital programs to identify potential grant funding that might be used to supplement City public art funding

**APPENDIX ONE  
INTERVIEW AND FOCUS GROUP LIST**

**City Council**

Jeran Akers, Mayor  
Phil Dyer, City Council  
Pat Evans, City Council  
Ken Lambert, City Council  
Jim McGee, City Council  
Rick Neudorff, City Council  
Shep Stahel, City Council  
Steve Stovall, City Council

**City Staff**

Tom Muehlenbeck, City Manager  
Sally Bane, Economic Development Director  
Joyce Baumbach, Libraries Director  
Bob Buffington, Neighborhood Services  
Rod Hogan, Public Services Director  
Phyllis Jarrell, Planning Director  
Sabrina Shuford, Creative Arts Coordinator  
Frank Turner, Development Director  
Jim Wear, Creative Arts Manager  
Don Wendell, Parks and Recreation Director

**Community Leaders**

Shelley Baggett, Chamber of Commerce  
Mike Crawford, Dean of Fine Arts, Collin County Community College  
Tom Dulaney, Kiwanis Club  
Pam Hatcher  
Dr. Carey Israel, President, Collin County Community College  
Russ McKissick, Interurban Museum  
Evelyn McKnight  
Amy Monier, Connemara Conservancy  
Betty Muns  
Ralph Stowe  
Dolly Thomas  
Jim Wilk, Homeowners Association  
Betty Wolff

**Focus Groups**

Arts Leaders from the following organizations:  
ArtCentre of Plano  
The Classics  
Plano Repertory Theatre  
Chamberlain Ballet

Plano Symphony Orchestra  
Texas Conservatory for Young Artists  
Heritage Farmstead  
Plano Art Association  
Men of Note Barbershop Chorus  
Plano Civic Chorus  
Plano Community Band  
Younger Generation Chorus of Plano

Developers

Amicus Partners LTD  
Jackson Shaw Co.  
Woodbine Development

Members of City Boards and Commissions including:

Cultural Affairs Commission  
Heritage Commission  
Parks & Recreation Planning Board  
Planning & Zoning Commission  
Library Advisory Board

A Community Focus Group was held at the Municipal Center with approximately 50 citizens in attendance.

Focus Groups were held at the Homeowners Association; Fine Arts Faculty of Collin County Community College; two Rotary Clubs and the Chamber of Commerce.

**APPENDIX TWO**  
**COLLECTION MANAGEMENT PROCEDURES: ARTIST SELECTION, GIFTS AND LOANS, COLLECTION MAINTENANCE AND DEACCESSIONING**

**I. ARTIST SELECTION**

To ensure that artists commissioned under the City's public art program produce work of the highest quality and public benefit, the Plano Public Art Committee has adopted the following artist selection procedures.

**1. Public Process**

All artists commissioned by the City will be selected through a public process overseen by staff from the City's Creative Arts Division.

**2. Artist Selection Panels**

**A. Panel composition:**

An artist selection panel will be formed for each project. Generally panels will have not less than three and no more than five people and must include individuals who have a background or professional expertise in the arts. The number of panelists will be relative to the dollar value and complexity of the project.

The following groups may have representation on panels:

- Representatives of the Public Art Committee.
- At least one community representative with a direct relation to the proposed project. For example, an adjacent property owner, a representative of the homeowners association, etc.
- One or more practicing artists.
- Other arts-related professionals or knowledgeable amateurs including curators, art historians, architects, designers, writers and critics, arts administrators, arts activists and arts volunteers.
- The lead project designer.
- City staff representatives from affected departments who will serve as non-voting advisors to the panel.

**B. Panel formation:**

The public art program manager will invite people to serve on specific project panels, with the goal of shaping a group that balances knowledge of art, design and community concerns. The panels will meet the composition guidelines outlined above.

The public art program manager and the members of the Public Art Committee will periodically solicit recommendations for qualified people interested in serving as panelists.

**C. Conflict of interest:**

Anyone in a position to receive financial gain from the selection of artists will be ineligible to serve on a selection panel. Panelists must declare any conflict of interest and abstain from voting if a conflict of interest arises.

In addition artists or members of their immediate family who serve on the Public Art Committee will not be eligible for commissions or to receive any direct financial benefit from the Program during their tenure. This restriction shall extend for the period of one-year following the end of service and indefinitely for projects that were developed or acted upon during the artist's tenure on the Committee.

**D. Panelists fees:**

Panelists, with the exception of those working on the project in a professional capacity, will receive an honorarium for their services. The honorarium will be based on a schedule developed by Creative Arts Division staff and will be updated periodically.

**3. Panel Procedures**

Creative Arts Division staff will facilitate all artist selection panels. A member of the Public Art Committee or the Creative Arts Division staff member will chair the panel. Prior to the panels first meeting, staff will send each panelist a project description along with written instructions outlining duties and responsibilities.

**A. Criteria**

Panelists will use the following general criteria in evaluating artists:

- Ability to respond to the specific contextual issues and considerations of a particular project, its community and users.
- Ability to successfully manage all aspects of the project including budgets, committees, sub-contractors, installers and other construction and administrative logistics.
- Credentials, including experience, training, and critical or other professional recognition.

If an artist is presenting a specific proposal, the following additional criteria will apply:

- Evaluation of the proposed materials and their appropriateness to the project, including issues of aesthetics, durability, ease of maintenance, protections against theft or vandalism, etc.
- Analysis of the artist's proposed method of installation and an evaluation of the safety and structural factors involved.
- Evaluation of the project budget.

## **B. Procedures**

Panels will meet in open session. Panelists will use consensus in their decision-making unless a failure to reach a decision requires a formal vote, determined by a simple majority.

Panelists may elect not to recommend any applicants for the project, in which case staff will recommend another round of artist selection or an alternative process to the Public Art Committee.

## **3. Artist Selection Methods**

The public art program manager will make a recommendation to the Public Art Committee regarding the appropriate method to be used to select artists for each project, as well as any artist eligibility requirements.

### **A. Artist Eligibility:**

Specific artist eligibility requirements may be established for certain projects. For example, some projects may be restricted to artists living in Plano, others may be open to artists from the Dallas-Fort Worth region, and still others may be open nationally or internationally.

In addition, artists will not be eligible for consideration if they currently engaged in two commissions from the City. Nor will artists be eligible to receive more than two commissions from the City in a three-year period.

### **B. Request for Qualifications (RFQ):**

The City will issue an RFQ notifying artists of a specific public art project. In some cases, due to scheduling constraints, the City may issue an RFQ for multiple projects at the same time.

The panel's preliminary round of selection will be based upon submittals of credentials and past work. Generally, a short list of finalists will be established who will be invited to interview. Based on the interviews one artist, and an alternate will be selected. This method is particularly appropriate for selecting an artist for a design team.

Alternatively, each of the finalists may be asked to develop a proposal, which will be evaluated during an interview. If a proposal is requested, an honorarium will be paid to the artists.<sup>3</sup>

### **C. Request for Proposals (RFP):**

An RFP process is particularly appropriate for existing facilities or in the case of a smaller budget project for which entry level artists are being targeted. The City will issue an RFP notifying artists of the specific project, requesting preliminary proposals and detailing the

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<sup>3</sup> Artists will generally receive a proposal fee equal to one percent of the project budget, with a minimum of \$300 and a maximum of \$3,000.

proposal requirements. The respondents' proposals will provide panelists with an understanding of the artist's thought process or approach. The panel may choose to invite several finalists to interview prior to final selection. Artists responding to an RFP will not be compensated for preliminary proposals.

**D. Invitational Competition:**

This process is particularly appropriate in the case of complex projects where a limited number of artists may be capable of successfully competing. It is also appropriate in a case where there are severe schedule restrictions.

Based upon the project requirements the panel will invite a limited number of artists to submit qualifications or a proposal. This may also be conducted in two stages, with the first phase based on qualifications and the second based on a proposal. Artists invited to develop proposals will be compensated.<sup>4</sup>

**E. Pre-qualified list:**

The City may also choose to develop a pre-qualified list from which to select artists for projects with limited lead times and/or restricted budgets. If the City chooses to maintain such a list, the City will issue an RFQ and a panel of art professionals will review applicants' submittals. The list will be updated periodically, at a minimum every three years. The list will have categories for established as well as emerging artists and will include local, regional and national artists.

**F. General Procedures:**

Staff from the Creative Arts Division will work with community representatives for each new project to identify potential issues and concerns prior to artist selection.

Whenever applicable, staff will hold at least one application workshop to encourage the participation of local artists.

Staff may pre-screen applicants to verify that any minimum qualifications that may have been established for the project have been met.

**G. Artist Approval**

Regardless of the selection method used, the panel will forward its recommendation to the Public Art Committee. The Public Art Committee may approve the recommendation. Or if the contract is for over \$xx may recommend to City Council for approval. If the Public Art Committee disagrees with a panel recommendation it will direct staff to reconvene the panel and present specific concerns for consideration.

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<sup>4</sup> Same as # 3.

## II. GIFTS AND LOANS

To ensure the integrity of the City of Plano's art collection, the Public Art Committee determines that the following uniform procedures should be followed for the review and acceptance of gifts or loans of artwork to the city and for their placement or display on public property.

### 1. Review Process

Gifts or long-term loans of artwork to the City shall be reviewed by the Public Art Committee and/or a specific subcommittee formed for that purpose. The review and recommendation shall be based on the following considerations:

- Aesthetic considerations to ensure that the collection has art of the highest quality; based on a detailed written proposal and concept drawings, or photographs of an existing artwork, documentation of the artists professional qualifications and, in some instances, a current certified appraisal of the artwork.
- Financial considerations; based on the cost of installation, sources of funding for the project, a maintenance agreement between the City and the donor, and the estimated cost of maintenance and liability associated with the artwork, based on the susceptibility of the artwork to damage and vandalism, potential danger to the public and special insurance requirements.
- Environmental considerations; based on the physical appropriateness of the artwork to the site and the scale of the artwork.
- Legal considerations; including an instrument of conveyance showing that the artwork is free of any encumbrances, claims or defects in title.

### 2. Submittals

Any person wishing to offer a gift or a loan to the City, shall be asked to submit the following to the Public Art Committee:

- A description and documentation of the artwork including photographs, slides, size media, title, date of creation, the current value of the artwork and the professional resume of the artist if available.
- Information regarding the proposed length of the loan (if applicable), any maintenance requirements and any special conditions associated with the gift or loan.

Staff from the Creative Arts Division will develop an appropriate form for these submittals.

### 3. Exemptions

The following should be exempt from the formal review and acceptance procedure:

- Proposed gifts of artworks which have a current appraised value of less than \$500.
- Gifts of state presented to the City by foreign governments or by other political jurisdictions of the United States that may be accepted by the City Council or City Manager on behalf of the City. Permanent placement of any such artworks will be determined jointly by the Public Art Committee and the appropriate city department. If not provided by the donor maintenance of the art will be the responsibility of host city department with assistance from the staff of the Creative Arts Division.
- Art or exhibitions loaned for display on public property for 90 days or less will not be subject to the standard review process. Review and approval in these instances will be the responsibility of the Creative Arts Division staff in consultation with the department with jurisdiction over the site of the display or exhibition.
- Artworks in private offices or non-public areas of city facilities.

### III. COLLECTION MAINTENANCE

To ensure that the City Collection is kept current and well maintained, the Public Art Committee has established the following procedures for administering the Program's collection

#### 1. Periodic Review and Assessment of the Collection:

At least once in every ten-year period, the Collection will be evaluated by the Public Art Committee for the purpose of collection management and in order to assess the Collection's future.

Staff of the Creative Arts Division will establish a review process meeting the following objectives

- Establish a regular procedure for assessing the condition and needs for restoration or repair of works in the collection.
- Establish a regular procedure for evaluating the value, whether monetary or artistic, of the collection.
- Ensure that deaccessioning of artworks is governed by careful procedures.
- Insulate the deaccessioning process from fluctuations in artistic taste.

## **2. Maintenance, repairs and restoration**

- It shall be the policy of the City of Plano to provide professional care for all works of art in the Collection.
- Artists, as part of the terms of their contract, will provide the City with detailed information regarding the routine maintenance and anticipated periodic restoration needs of the work.
- All routine maintenance of artworks (i.e.: cleaning, changing light bulbs, etc.) will be the responsibility of the department having jurisdiction over the associated facility or location. Such work will be completed in accordance with maintenance schedules and guidelines prepared by the Creative Arts Division.
- Within the lifetime of the artist, all repairs and restoration made to the work will be done with the approval of the artist. To the extent practical, the artist will be given the opportunity to accomplish such repairs for a reasonable fee.
- If the artist is no longer living, or is unwilling or unable to perform the needed repairs or restoration, the Creative Arts Division will contract with a qualified professional to perform the work.

## **3. Transportation**

- City departments shall not move any artwork from the site at which it was installed, nor remove any artwork from display, without the prior written authorization of the Creative Arts Division.
- Professional care will be taken in moving and transporting all work in the Collection. Whenever feasible such relocation will be contracted to or supervised by a professional art handler.

## **4. Deaccessioning Process**

### A. Criteria:

Art may be considered for review toward deaccessioning from the City Collection if one or more of the following considerations apply:

- The art has received consistent adverse public reaction over a period of years as determined by letters, memorialized verbal comments and/or other ascertainable methods

- The site for the art has become inappropriate because the site is no longer accessible to the public or the physical site is to be destroyed or altered in a significant way.
- The art is found to be fraudulent or non-authentic.
- The art possesses demonstrated faults of design or workmanship.
- The art requires excessive or unreasonable maintenance.
- The art is irreparably damaged, or is in a condition where repair is unreasonable or impractical.
- The art represents a physical threat to public safety.
- A suitable place for display of the art no longer exists.
- The art is not, or is rarely displayed within a period of ten years
- A written request for de-accessioning has been received from the artist.

#### B. Process

- Unless there is a significant issue of public safety, or the site for a work has been lost; no art will be considered for deaccessioning unless the art has been in the collection for a minimum of ten years.
- If a work of art in the collection is determined to meet one or more of the above stated criteria, the Creative Arts Division shall convene a special meeting of the Public Art Committee to review the work.
- The public and/or any interested parties shall be notified of the meeting and invited to attend. In addition, staff shall arrange for the testimony of any appropriate experts, such as a conservationist.
- The Public Art Committee will make a final decision as to the disposition of the artwork. If the Committee decides the artwork should be deaccessioned, it will make a recommendation as to which of the following methods applies.

#### C. Deaccessioning

Should the City choose to deaccession a work of art, the following methods will apply:

- The City will give the artist first opportunity to either remove the artwork or purchase the art back at its current fair market value, depending on the nature and condition of the

artwork. All artists shall have a contractual obligation to notify the City of any changes in contact information in order to preserve their rights in this process.

- The City may obtain a bona-fide appraisal of the art and advertise it for sale.
- The City may seek competitive bids for the art.
- The City may dispose of the art through its standard surplus property procedures.

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Analysis of potential projects for the inclusion of public art (based on the 2000-01 adopted CIP)

Project	2002-03	2.00%	2003-04	2.00%	2004-05	2.00%	future years	2%
<b>Municipal Facilities</b>								
Haggard Library	\$ 3,110,600	\$ 62,212						
Fire Station #11	\$ 1,550,000	\$ 31,000						
Fire Station #12			\$ 1,300,000	\$ 26,000			\$ 4,600,000	\$ 92,000
Count/Trail expansion								
Municipal Center Parking	\$ 4,000,000	\$ 80,000						
<b>Parks</b>								
Arbor Hills Nature Preserve			\$ 300,000	\$ 6,000	\$ 2,700,000	\$ 54,000		
Chapparral Rd. Athletic Site			\$ 300,000	\$ 6,000	\$ 3,000,000	\$ 60,000	\$ 9,700,000	\$ 194,000
Cottonwood Creek Greenbelt							\$ 2,000,000	\$ 40,000
West Senior High Pool			\$ 600,000	\$ 12,000	\$ 6,400,000	\$ 128,000		
Haggard Park	\$ 100,000	\$ 2,000	\$ 1,400,000	\$ 28,000				
Legacy Trail	\$ 1,900,000	\$ 38,000						
Oak Point Park	\$ 3,500,000	\$ 70,000	\$ 3,500,000	\$ 70,000			\$ 7,000,000	\$ 140,000
Tennis Center # 2			\$ 500,000	\$ 10,000	\$ 5,000,000	\$ 100,000	\$ 5,000,000	\$ 100,000
Senior Center #2								
<b>Streets</b>								
Preston/Legacy overpass			\$ 4,800,000	\$ 96,000				
Preston/Plano Parkway			\$ 200,000	\$ 4,000			\$ 1,800,000	\$ 36,000
<b>Water</b>								
Storage tank repainting							\$ 5,000,000	\$ 100,000
	\$ 14,160,600	\$ 283,212	\$ 12,900,000	\$ 258,000	\$ 17,100,000	\$ 342,000	\$ 35,100,000	\$ 702,000

## **APPENDIX FOUR IMPLEMENTATION MILESTONES**

The plan is envisioned as a roadmap for the development of public art in Plano. Listed below are potential milestones for the first five years, although only the first year has been developed in detail. The intention is to create a complete and multi-faceted program, one that builds on its successes and grows as resources and partnerships are cultivated. This is performed as an organic process and will not necessarily comply with a predictable list of milestones.

### **Year One:**

- Identify a staff person to manage the public art program.
- Initiate three or more demonstration projects selected based on priority locations and project types listed in the plan.
- Establish a staff task force to extrapolate lessons learned from the demonstration projects to craft internal project management policies. The task force should include at a minimum representatives from Creative Arts, Finance, Parks, Planning and Public Works.
- Adopt a 'percent for art ordinance' for new municipal construction to begin in FY 03/04.
- Establish a committee of developers and civic leaders to draft a public art requirement for private development.
- Develop a public art inventory and tour.
- Commission an artist to create the award and create guidelines for the selection of award recipients.
- Solicit nominations for the first annual Mayor's award for public art.
- Serve as a resource for information on public art to community members interested in initiating public art projects.

### **Year Two**

- Hold the first annual Mayor's award ceremony.
- Adopt an ordinance establishing a public art requirement for private development.
- Dedicate the first permanent City of Plano public art project.
- Identify a corporate sponsor to partner with for the first Plano Parkway outdoor sculpture exhibition.
- Continue ongoing activities such as project management, community resource activities, etc.
- Actively seek to develop partners for the City's public art program.
- Establish an advisory committee to develop goals for the Municipal Art Collection and to seek funding to begin to acquire works for the collection.

### **Year Three**

- Hold the first Plano Parkway outdoor sculpture exhibition.
- Continue ongoing activities such as project management, community resource activities, etc.
- Update and expand the public art inventory and tour.

#### **Year Four**

- Continue ongoing activities such as project management, community resource activities, etc.
- Establish a committee to explore the creation of a fundraising component to the public art award program.

#### **Year Five**

- Continue ongoing activities such as project management, community resource activities, etc.
- Initiate assessment process and public art plan update.

**APPENDIX FIVE  
DRAFT PUBLIC ART ORDINANCE**

**AN ORDINANCE ESTABLISHING  
A PUBLIC ART PROGRAM FOR  
THE CITY OF PLANO**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO:**

**SECTION 1. PURPOSE.**

City Council recognizes that public art can:

- contribute to the quality of life of all residents of Plano through the creation of an enhanced physical and cultural environment
- assist in the development of high quality civic spaces
- support the economic vitality of the city through increased property values and new cultural tourism opportunities
- enhance the knowledge and understanding of the community's history and culture
- and, provide increased access to artistic experiences of the highest caliber for the residents of Plano.

A policy is therefore hereby established to include works of public art in selected public improvement projects in the City's Capital Improvement Plan.

**SECTION 2. FUNDING OF THE PUBLIC ART PROGRAM.**

- a. For the fiscal year beginning October 1, 2003, and for each fiscal year thereafter, 2% of all appropriations for the City's Capital Improvement Plan for such fiscal year (excluding Excluded Projects) shall be credited to the Public Art Fund. Such credits shall be made at the same time that the City Controller encumbers funds as a result of the adoption of a budget or appropriation for one or more of the projects contained in the Capital Improvement Plan. Allocations shall be calculated based on the total of all engineering, design and construction costs, minus all costs for demolition and real property acquisition. The appropriation for the Public Art Program will be calculated only on the original appropriation for design and

*vec*

- construction services, excluding any subsequent amounts appropriated for amendments and change orders.
- b. The City Controller shall establish a separate interest bearing Public Art Fund for all monies appropriated under this ordinance. The Public Art Fund shall also be authorized to receive grants and gifts received by the City for Public Art. Various sub-accounts shall also be established within the Fund, in order to account separately for amounts therein allocated to or derived from different City enterprise funds, departments, projects or otherwise, as may be determined by the City Controller. Amounts credited to the Public Art Fund derived from bonds may also be segregated into separate sub-accounts to be spent in accordance with applicable legal restrictions related to such bonds. In addition, there shall be created in the Public Art Fund a Public Art Administration Sub-account.
  - c. Amounts appropriated for a Public Art project which are not expended may be re-appropriated for and expended on other Public Art projects approved under the Public Art Plan provided that, if the funds in question are derived from bond proceeds or enterprise funds, the re-appropriation and expenditure constitutes a lawful use of such funds.
  - d. Upon adoption of this ordinance, each City department shall include in every application for a capital improvement project grant over \$250,000 (other than for Excluded Projects) a request that 2% of the grant amount be authorized for public art in accordance with this ordinance. All capital improvement projects financed with grants or contributions from private persons or governmental or public agencies are subject to this ordinance unless it is expressly provided otherwise in the conditions of the grant. If public art is not allowed as an authorized purpose of such grant or contribution, then only the city-funded portion of the project will be subject to this ordinance.

### **SECTION 3. USE OF FUNDS**

- a. Amounts credited to the Public Art Fund shall be applied to pay the costs and expenses of Public Art in accordance with the Public Art Plan, which may include costs and expenses for artists' design concepts, architect's fees where collaboration is involved, and for the acquisition, purchase, commissioning, fabrication, manufacture, erection, placement, installation, exhibition, repair and restoration of Public Art. Funds shall not be used for professional graphics, mass produced work or work not produced by an artist approved per the City's artist selection policies.
- b. From the amounts credited to the Public Art Fund, 20% shall be transferred into the Public Art Administration Sub-account to be expended on administration as authorized in the annual Public Art Plan. Eligible costs include project administration, artist-selection-related costs, community education, insurance, curatorial services, identifying plaques, documentation, publicity, and such other

purposes as may be deemed appropriate by the City Council for the administration of the Public Art program.

#### **SECTION 4. RESPONSIBILITIES OF THE PUBLIC ART COMMITTEE**

The Plano Public Art Committee shall advise and make recommendations to the Plano City Council regarding the Public Art Program concerning the following matters:

- a. Public Art policies and procedures;
- b. Artist selection juries and process;
- c. Commission and placement of artworks;
- d. Maintenance and removal of artworks;
- e. Development and approval of the annual Public Art Plan

#### **SECTION 5. ADMINISTRATION OF THE PUBLIC ART PROGRAM.**

Day-to-day administration of the Plano Public Art Program shall be provided by the staff of the Creative Arts Division, in coordination with other affected city departments and agencies. Their administrative duties shall include the following:

- a. Preparation of the annual Public Art Plan, in consultation with the Public Art Committee, the City Manager and/or his/her designee, the directors of all City departments with eligible projects included in that plan, and the Mayor and City Council, as appropriate.
- b. Administration of all aspects of the Public Art Program, including: 1) the development and revision of program policies and guidelines; 2) the development of program budgets, artist selection processes and juries; 3) community outreach and education and all other aspects of implementing the Program.
- c. Reporting annually to the Public Art Committee, City Manager and to the Plano City Council regarding prior year activities related to the Public Art Program.
- d. Provision of staff support to the Public Art Committee.
- e. Conducting periodic surveys of the condition of the public art collection. Each survey will include a report on the condition of each artwork, prioritized recommendations for the restoration and/or repair of the artwork and estimated cost for that restoration or repair.

## **SECTION 6. ONGOING MAINTENANCE OF PUBLIC ART.**

- a. In order to provide for ongoing maintenance of Public Art, the upkeep and maintenance shall be the responsibility of each department having jurisdiction over the associated facility or location.
- b. The cost of maintaining public art shall constitute an operating expense of the associated facility or location. The Department having jurisdiction over said facility or location shall be responsible for seeking budgetary funding for such operating expenses to the same extent as other operating expenses of such department.
- c. The cost and expense of periodic restoration and/or repair shall constitute an eligible expense of funds from the Public Art Fund. Projects in need of restoration and/or repair will be considered annually for inclusion and funding in the Public Art Plan.

## **SECTION 7. DEFINITIONS**

**"Excluded Projects"** means street resurfacing projects, underground projects and projects with budgets under \$1,000,000.

**"Public Art"** means the services of, or work by, a professional artist generally recognized by critics and peers as a professional of serious intent and recognized ability who produces art in any medium or material, including, but not limited to, the visual, literary and media arts. The civic art program should encompass the broadest possible range of expression, media and materials. The work must be original and may be permanent, temporary, or functional. Specifically excluded from this definition are: a) supergraphics, signage, or color coding except where these elements are integral parts of the overall concept of the artist commissioned for the project; b) art objects that are mass produced such as fountains or statuary; c) reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts; d) the architecture of the building or facility, or any portion thereof, including decorative, ornamental, or functional elements, unless designed by an artist commissioned for this design enhancement purpose; e) landscape architecture and landscape gardening except where these elements are designed by an artist commissioned for this design enhancement purpose.

**"Public Art Fund"** means a separate account to be maintained by the City Controller, which shall contain an unlimited number of separate sub-accounts for individual Public Art projects or groups of projects and for administration of the Public Art program.

**"Public Art Committee"** means a committee appointed by City Council per resolution # .

**"Public Art Plan"** means a prioritized list of Public Art projects and expenditures for the year, developed by the Creative Arts Division in consultation with all City entities

anticipating capital improvement projects, to be approved by the Public Art Committee and City Council.

# MEMO

**DATE:** September 3, 2002

**TO:** Honorable Mayor and City Council  
City Manager Muehlenbeck

**FROM:** Elaine Bealke, City Secretary 

**RE:** Personnel, Worksession

The following Board and Commission appointments will be addressed at the September 9, 2002, Council Worksession:

- Animal Shelter Advisory Committee
- Civil Service Commission
- Community Relations Commission
- Cultural Affairs Commission
- Heritage Commission
- Keep Plano Beautiful Commission
- Library Advisory Board
- Parks and Recreation Planning Board
- Plano Housing Authority
- Plano Transition and Revitalization Commission
- Public Arts Committee
- Retirement Security Plan Committee
- Self Sufficiency Committee
- Senior Citizens Advisory Board
- Tax Increment Financing Reinvestment Zone No. 1 Board
- Technology Commission
- Transportation Advisory Committee

Interim Terms:

- Animal Shelter Advisory Committee
- Heritage Commission
- Self Sufficiency Committee
- Senior Citizens Advisory Board
- Transportation Advisory Committee

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BRDSCOM/PERSMEMO

Via

**Discussion/Action Items for Future Council Agendas  
(as of September 3, 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.***

**September 23**

Plan for Review of ACC Recommendations (Mayor)  
Comprehensive Monthly Financial Report  
CAP Agreement

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

*October 2 – 4 – Homeland Security Conference – Plano Centre*

**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

**November 4**

Spotlight on Building Inspection

**November 11**

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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**

*February 15, 2003, Fire Banquet, Perot Systems Building*

*April 12, 2003, Police Banquet*

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

VII



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		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:	<b>9/9/02</b>		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>ATC</i>
Agenda Coordinator (include phone #): <b>S. Tawwater X7107</b>				
<b>ACTION REQUESTED:</b> <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				
<b>CAPTION</b>				
"9-1-1 Hero Recognition"				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
<b>FISCAL YEAR:</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
<b>BALANCE</b>	0	0	0	0
<b>FUND(s):</b>				
<b>COMMENTS:</b>				
<b>SUMMARY OF ITEM</b>				
<b>List of Supporting Documents:</b>		<b>Other Departments, Boards, Commissions or Agencies</b>		



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		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:	<b>9/9/02</b>	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>	
Agenda Coordinator (include phone #): <b>S. Tawwater X7107</b>				
<b>ACTION REQUESTED:</b> <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 PROCLAMATION				
<b>CAPTION</b>				
'FOOD SAFETY AWARENESS MONTH'				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
<b>BALANCE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
FUND(s):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING**

**August 26, 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 5:06 p.m., Monday, August 26, 2002 in Training Room A of the Plano Municipal Center, 1520 K Avenue. All Council Members were present. Mayor Evans then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071 for which a certified agenda is not required.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting at 5:43 p.m. in the Council Chambers for which the following matters were discussed:

**Consideration and Action Resulting From Executive Session**

No items were brought forward.

**Hebron Business Alliance Report**

Hebron Community Alliance Chair David Loerwald addressed the Council regarding the Hebron Community and Business Alliance and the Hebron area which consists of five different cities. He stated that the purpose of the organization is to build and market the area as a place to go.

Mr. Loerwald spoke to accomplishments of the organization which included Hebron Parkway, HWY 121 Bypass, facilitating voting issues in the area, sports organizations, and stated that it is the desire of the organization to facilitate better communication with the business community. He offered the services of the organization to assist Plano in any upcoming promotion efforts. Hebron Community Alliance Executive Director Linda Caldwell spoke to challenges associated with being located “on the edge” of a community.

### **Briefing Regarding Proposed Resolution by the Arts of Collin County Committee**

Collin County Cultural Arts District Chair Robbie Robinson reviewed the resolution placed on the Consent Agenda to support a proposal for an arts complex operated by the cities of Allen, Frisco, McKinney and Plano. He stated that the resolution addresses seating capacity, site location, and funding and further asked for Council support of the item.

### **Spotlight on Information Services**

Director of Information Services Collins reviewed the Core Service Functions and Responsibilities which included support of the City’s technology infrastructure, PC’s and network printers, software applications, e-mail and associated functions, major applications, and technical support. He reviewed departmental staffing, management organization, and spoke to current and future projects to include the availability of e-Commerce applications on line and future investigations into the area of Voice Over telephone communication. Executive Director Glasscock advised that the Information Services Department is educating themselves on issues of infrastructure cyber terrorism. Council Member Stahel complemented the Council on their progressive and modern program.

### **Mobility Report**

Transportation Engineering Manager Neal spoke to development of a child safety program providing annual school walking route maps, Safe Streets Program participation on Promontory Point for removal of speed humps in September, and long-range planning projects to include Spring Creek Parkway Corridor Study, US-75 Ramp Study Phase 2, Dallas North Tollway Ramp Study, and continuation of the update of the Plano Thoroughfare Standards. He advised the Council that traffic signal synchronization is in the last phase of completion on the far east side of Plano, and further responded to questions on “bulb-out” devices temporarily used to identify a narrow lane and stated that traffic cameras on K Avenue are there only to monitor traffic and not as an enforcement device.

## **Comprehensive Monthly Financial Report**

Director of Finance McGrane presented the Comprehensive Monthly Finance Report for the month of July, and spoke to revenue shortfalls, expenditure funds, sales tax collections being ahead of the previous year at this time, and to recent bond sales.

## **Discussion and Direction Regarding the Creation of a Multi-Cultural Outreach Advisory Board**

Mayor Evans spoke to the Council regarding a Multi-Cultural Outreach Advisory Board which would function more as a roundtable and not as an actual board with the focus being to make the lives of the different cultural groups better in the City of Plano. She spoke to groups naming a representative from their community to the Council to participate at the roundtable and open up the lines of communication, and that the group will evolve as is needed possibly into a regular board or commission in the future. Mayor Evans asked that the Council contact her with names of groups to contact. City Attorney Wetherbee recommended that a resolution be brought forward to identify the purpose of the proposal. Mayor Evans spoke to leaving things "open" in terms of how this would progress and advised that while this concept is somewhat similar to the former Urban Design Roundtable it will be more like the Neighborhood Roundtable meetings in terms of communication.

## **Council Items for Discussion/Action on Future Agendas**

No items were brought forward.

## **Consent and Regular Agenda**

City Secretary Bealke advised that Consent Item "B," resolution to approve refunds of property tax overpayments, will be removed for individual consideration in order to read into the record the names of entities receiving the refunds.

## **Council Reports**

No reports were brought forward.

Nothing further was discussed. Mayor Evans recessed the meeting at 6:45 p.m.

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Pat Evans, **MAYOR**

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Elaine Bealke, CITY SECRETARY

**PLANO CITY COUNCIL**  
**August 26, 2002**

**COUNCIL MEMBERS**

Pat Evans, Mayor  
Phil Dyer, Mayor Pro tem  
Steve Stovall, Deputy Mayor Pro tem  
Shep Stahel  
Scott Johnson  
Sally Magnuson  
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**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, August 26, 2002, at 7:03 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Gary Mueller, Senior Pastor from First United Methodist Church.

The Pledge of Allegiance was led by Plano Police Explorer Troop 911.

Mr. Simmons was unable to attend to receive his certificate of appreciation.

**GENERAL DISCUSSION**

James M. Craft, Jr., citizen of the City, spoke regarding the impact of the current solicitation ordinance on non-profit fundraising groups and requested the Council separate consideration and guidelines for non-profit groups versus street selling profit vendors. Mr. Craft spoke regarding the benefits that might be offered. Mayor Evans requested the City Attorney and City Manager respond and look at putting the request on an agenda.

Todd Campbell and Ronnie Teaff of New Image Advertising, requested an item for a future agenda to discuss the placement of off-premise business advertisements on trash receptacles. Mayor Evans requested that Staff respond to the request.

Beverly Barker, citizen of the City, stated concern regarding the current one sign limitation for garage sales. She spoke to requiring names and addresses on signs and to prompt removal of signage. Mayor Evans requested Staff look at bringing information to the Council.

Joe Cattell, citizen of the City, and Gary A. Oviatt, Francis Richmond, volunteers at the Plano Animal Shelter stated concern regarding procedures for evaluation of animal temperament and euthanasia. Ms. Oviatt spoke to placing an item on the Council's agenda. Mayor Evans spoke regarding the upcoming meeting of the Animal Shelter Advisory Committee.

## **CONSENT AGENDA**

City Secretary Bealke advised that the Council has requested Consent Agenda Item "B" be removed for individual consideration to read into the record the names of entities receiving refunds of property tax overpayments.

Dick Bode, citizen of the City, requested Consent Agenda Item "E" be removed for individual consideration.

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

**Approval of Minutes:** [Consent Agenda Item (A)]

August 6, 2002  
August 10, 2002  
August 12, 2002  
August 15, 2002

## **Adoption of Resolutions**

**Resolution No. 2002-8-8(R):** To approve participation in a grant of \$12,200 from the Telecommunications Infrastructure Fund Board to the North Texas Virtual Reference Collaborative, an Interlocal Collaborative including the Irving Public Library System, the North Richland Hills Public Library, the Carrollton Public Library, and the Plano Public Library System; authorizing the City Manager to execute all necessary documents to participate in the grant funding; designating Plano's appropriation of the grant funding for purchase of equipment for a collaborative virtual reference service; authorizing the Plano Library System to contribute \$325 toward the \$1,300 in local funds needed for development of the project; and providing an effective date. [Consent Agenda Item (C)]

**Resolution No. 2002-8-9(R):** To support a proposal by the Arts of Collin County for an arts complex to be owned and operated by the cities of Allen, Frisco, McKinney and Plano; providing guidelines for the building and operation of the arts complex and providing an effective date. [Consent Agenda Item (D)]

**Approval of Agreement Renewal**

To renew an agreement to provide the Certificate of Public Administration Program between the City of Plano and the University of Texas at Dallas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (F)]

**Approval of Request**

To approve a request for an 80-foot tall flagpole at American Legion Post 321 located at 1236 J Avenue. Applicant: American Legion Post 321. [Consent Agenda Item (G)]

**END OF CONSENT**

**Resolution No. 2002-8-10(R):** To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (B)]

City Secretary Bealke read into the record the names of entities receiving a refund of property tax overpayments.

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro tem Stovall, the Council voted 8-0 to approve and authorize refunds of property tax overpayments; and providing an effective date; and further to adopt Resolution No. 2002-8-10(R).

**Resolution No. 2002-8-11(R):** To approve the terms and conditions of a real estate contract by and between Plano Properties, Inc. and the City of Plano for the purchase of 4.589 acres of land; located at the northwest corner of Avenue K and Park Boulevard; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (E)]

Dick Bode, citizen of the City, requested information regarding the item including the purpose and plan for the property, whether or not it is a budgeted CIP item, the method of financing, and if it is included in the DART station issue.

Executive Director Turner advised regarding the location of the property, and stated that the acquisition is intended to “land bank” the property in hopes of attracting transit-oriented development in the future. He spoke to the benefits of this type of development, DART’s support and their indicating a willingness to modify the platform to “marry it” to future development. Mr. Turner advised that funding would be from an internal loan program and is included in the Parker Road Study area.

**Resolution No. 2002-8-11(R) (cont'd)**

Upon a motion made by Council Member Stahel and seconded by Council Member Lambert the Council voted 8-0 to approve the terms and conditions of a real estate contract by and between Plano Properties, Inc. and the City of Plano for the purchase of 4.589 acres of land; located at the northwest corner of Avenue K and Park Boulevard; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-8-11(R)

**Public Hearing** on a proposal to increase total tax revenues from properties on the tax roll by 6.72 percent. [Regular Agenda Item (1)]

Director of Budget and Research Rhodes advised that the proposed tax rate is 45.35 cents and that total tax revenue will be 6.72 percent over the previous year. She responded to Deputy Mayor Pro tem Stovall that the tax rate is the same as for the 2001-02 budget.

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

**Public Hearing and adoption of Ordinance No. 2002-8-12** to request to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 71 for commercial/industrial tax abatement consisting of a 6.086-acre tract of land located at 5700 Democracy Drive in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (2)]

Director of Finance McGrane stated that the proposed 25% real property and business personal property tax abatement on the improvements will be for three years beginning in January 2004 through December 2006. He further advised that there will be 250 employees.

Mayor Evans opened the Public Hearing. Jason Lantz, citizen of the City, spoke to concerns regarding this abatement, stating that he has circulated a petition in opposition, that this case represents a relocation and not a new company and that only 188 jobs are mandated by the contract. He further spoke to consideration of any unemployment impact, the long-term viability of the company and its ethics, spoke regarding building taking place, and requested the Council table the item. Tarrah Browning, spoke regarding Frisco's methods of attracting corporations and consideration of the tax code related to the granting of tax abatements. She requested the Council table the item. No one else spoke either for or against the request. The Public Hearing was closed.

**Ordinance No. 2002-8-12 (cont'd)**

Mr. McGrane responded to the Council regarding review by the Tax Abatement Committee and advised that the company was looking to relocate out of Dallas. Mayor Pro tem Dyer stated that in general, companies come to the City via real estate brokers when seeking to leave their current locations and spoke regarding the benefits to be derived.

Upon a motion made by Council Member Lambert and seconded by Council Member Johnson, the Council voted 8-0 to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 71 for commercial/industrial tax abatement consisting of a 6.086-acre tract of land located at 5700 Democracy Drive in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2002-8-12.

**Resolution No. 2002-8-13(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 6.086 L.P. and Ameriplan Corporation, and providing for a commercial/industrial tax abatement for 6.086 L.P. and Ameriplan Corporation, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (3)]

Upon a motion made by Mayor Pro tem Dyer and seconded by Council Member Magnuson, 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 6.086 L.P. and Ameriplan Corporation, and providing for a commercial/industrial tax abatement for 6.086 L.P. and Ameriplan Corporation, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-8-13(R).

**Public Hearing and consideration of an ordinance as requested in Zoning Case 2002-27** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 5.0± acres on the south side of Los Rios Boulevard, 250± feet east of Flintstone Drive in the City of Plano, Collin County, Texas, from Planned Development-320-Single-Family-7/Single-Family-9/Estate Development (PD-320-SF-7/SF-9/ED) to Single-Family-20 (SF-20); 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. Zoned Planned Development-320-Single-Family-7/Single-Family-9/Estate Development (PD-320-SF-7/SF-9/ED). Neighborhood #50. Applicant: John W. Jolly [Regular Agenda Item (4)]

Director of Planning Jarrell advised that due to the property's small size and access restrictions it would be difficult to develop as minimum one-acre lots, that an SF-20 would provide a transition area, and that the Planning and Zoning Commission recommended approval of the request as submitted. She responded to the Council that if approved, the property would still be within the original PD requirements for density.

### **Zoning Case 2002-27 (cont'd)**

Mayor Evans opened the Public Hearing. Applicant John W. Jolly stated that his intent is to hold the investment for future development and requested Council approval. He responded to Council Member Stahel that at the time it was purchased the land was zoned for one-acre lots, there was church property located to the south and that at the time he had no development plans. Nancy Jenison, citizen of the City, stated that residents on Ridgetop Lane and Flintstone Drive would like to go on record in support of retaining the one-acre zoning designation and that a change would set a precedence. Richard Crucknol, representing the Stoney Hollow development, requested the one-acre zoning be retained and stated that an offer has been made to annex these lots into his development. No one else spoke either for or against the request. The Public Hearing was closed.

Ms. Jarrell responded to Council Member Stahel regarding access and that the development would most likely accommodate 3 lots. She responded to Council Member Lambert that this area and the church property to the south have not been a part of the overall tract for approximately 15 years and that no plan has been submitted. She further reviewed zoning in the area and the transition from one-acre lots, stated that access would be from Los Rios Boulevard, and spoke regarding the configuration which has been zoned for one-acre lots since 1984.

Council Member Stahel spoke to the original plan and neighborhood concerns related to density, rezoning to a maximum of 950 dwelling units and to the buffer zone of one-acre lots. He spoke regarding the layout of Los Rios Boulevard, the intentional dead end of Ridgetop Lane to avoid through traffic from the high school, and to development that followed. Mr. Stahel spoke to respecting those who built and bought homes with an understanding of what the zoning was, the desire by the Stoney Hollow development to annex the property, and stated support for retaining one-acre lots and further made a motion to deny the request which Council Member Lambert seconded. (No vote was taken at this time.)

Deputy Mayor Pro tem Stovall spoke to consideration by the Planning and Zoning Commission, existing transition of zoning, the unusual configuration of the property and there being no access to current development. He stated an inclination to grant the SF-20 zoning and spoke to an opposition to the motion. Council Member Lambert spoke to the request being speculation and to the current zoning which has been in place for a long time. Deputy Mayor Pro tem Stovall stated agreement that the request is speculation and advised that he has changed his mind.

The Council discussed denying the item with or without prejudice. Council Member Stahel revised his motion to deny with prejudice. Ms. Jarrell advised that if the case is denied with prejudice, there is a strict two-year waiting period for the applicant to file any subsequent cases. Council Member Stahel advised that he is reverting back to his original motion to deny and spoke retaining the current zoning.

### **Zoning Case 2002-27 (cont'd)**

Upon a motion made by Council Member Stahel and seconded by Council Member Lambert, the Council voted 8-0 to deny (without prejudice) a request to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 5.0± acres on the south side of Los Rios Boulevard, 250± feet east of Flintstone Drive in the City of Plano, Collin County, Texas, from Planned Development-320-Single-Family-7/Single-Family-9/Estate Development (PD-320-SF-7/SF-9/ED) to Single-Family-20 (SF-20) as requested in Zoning Case 2002-27; 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 . Zoned Planned Development-320-Single-Family-7/Single-Family-9/Estate Development (PD-320-SF-7/SF-9/ED).

**Public Hearing and adoption of Ordinance No. 2002-8-14 as requested in Zoning Case 2002-33** – To amend Subsection 2-815 (R-Retail) F. Special District Requirements, Subsection 2-819 (LC-Light Commercial) F. Special District Requirements, and Subsection 2-820 (CE-Commercial Employment) G. Special District Requirements 1. Miscellaneous, of Section 2-800 (District Charts) of Article 2 (Zoning Districts and Uses), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to govern the maximum lot coverage requirements for mini-warehouse/public storage developments; 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 (5)]

Director of Planning Jarrell advised that this item would amend zoning districts to allow a 50% maximum lot coverage only for miniwarehouse uses and that other uses would be subject to lot coverage provisions of the base zoning district. She advised that the Planning and Zoning Commission has recommended approval with the following stipulations:

1. Amend Subsection 2-815 (Retail) F. Special District Requirements, of Section 2-800 (District Charts) of Article 2 (Zoning Districts and Uses) to read as follows:

#### **“F. SPECIAL DISTRICT REQUIREMENTS**

1. For gasoline service stations, canopies shall be considered as an accessory structure and shall be included in all calculations of lot coverage. A maximum 30% of the lot may be covered by the primary and/or accessory structures.
2. For mini-warehouse/public storage uses, the maximum lot coverage shall be 50%.”

**Ordinance No. 2002-8-14 (cont'd)**

2. Amend Subsection 2-819 (Light Commercial) F. Special District Requirements, of Section 2-800 (District Charts) of Article 2 (Zoning Districts and Uses) to read as follows:

“F. SPECIAL DISTRICT REQUIREMENTS

1. For gasoline service stations, canopies shall be considered as an accessory structure and shall be included in all calculations of lot coverage. A maximum 30% of the lot may be covered by the primary and/or accessory structures.
2. For mini-warehouse/public storage developments, maximum 50% lot coverage shall be allowed.”

3. Amend Subsection 2-820 (Commercial Employment) G. Special District Requirements 1. Miscellaneous of Section 2-800 (District Charts) of Article 2 (Zoning District & Uses) to read as follows:

“G. SPECIAL DISTRICT REQUIREMENTS

1. MISCELLANEOUS

- a. District requires a minimum contiguous area of 200 acres.
- b. Parking structures or surface parking facilities shall be excluded in computing lot coverage.
- c. A minimum front yard of 50 feet shall be required for any non-residential use; provided, however, none of the off-street parking requirements set forth in Section 3-1100 shall be met utilizing the first 20 feet of such front yard. A minimum front yard of 25 feet shall be required for any residential use; provided, however, that in no case shall the front yard be less than one-half the height of the building, and in no case need such front yard exceed 50 feet regardless of the height of the building.
- d. The City Council, at the time of granting Commercial Employment district zoning to any tract of land, shall have the authority to modify the district requirements, and may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, light and air orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space and screening.

**Ordinance No. 2002-8-14 (cont'd)**

- e. The City Council, at the time of granting Commercial Employment district zoning to any tract of land, shall have the authority to limit multi-family uses to certain designated locations within such tract and to limit the number of multi-family units to be built on such designated locations.
- f. A general phasing plan for the total development of the property shall be approved at the time of land study approval.
- g. The general allocation of permitted density levels of development on the various sections of the property shall be approved at the time of land study approval.
- h. Site plan approval in accordance with article 5 shall be required.
- i. For gasoline service stations, canopies shall be considered as an accessory structure and should be included in all calculations of lot coverage. (A maximum 30% of the lot may be covered by the primary and/or accessory structures.)
- j. For mini-warehouse/public storage developments, a maximum 50% lot coverage shall be allowed.”

Ms. Jarrell responded to Mayor Pro tem Dyer that the height of multi-story units would depend on the height limitation in the zoning district and that this request addresses only lot coverage. She reviewed lot coverage requirements in light commercial and light industrial and stated that those facilities currently in retail districts were addressed as planned development stipulation. Deputy Mayor Pro tem Stovall stated concern with 50% coverage in retail zoned areas.

Ms. Jarrell responded to Council Member Lambert that 50% lot coverage would apply only to mini-warehouse development at a site, that those done in the past have been in this range of density, and that an SUP would still be required for those located in Retail districts. She reviewed the areas currently zoned as Commercial Employment and Light Commercial and stated that mini-warehouses are permitted in Corridor Commercial zoning with 50% lot coverage.

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

Council Member McGee stated no problem with increasing the lot coverage

**Ordinance No. 2002-8-14 (cont'd)**

Deputy Mayor Pro tem Stovall spoke regarding restricting multi-story units. Ms. Jarrell spoke to uses within Light Commercial or Retail districts being restricted by the maximum height within the district and that this item was only advertised to amend lot coverage and advised that the Council may direct to have a future agenda item addressing height. Mayor Evans and Council Member McGee spoke regarding the two story height limit in Retail districts with anything further requiring an SUP.

A motion was made by Council Member McGee and seconded by Mayor Pro tem Dyer to amend Subsection 2-815 (R-Retail) F. Special District Requirements, Subsection 2-819 (LC-Light Commercial) F. Special District Requirements, and Subsection 2-820 (CE-Commercial Employment) G. Special District Requirements 1. Miscellaneous, of Section 2-800 (District Charts) of Article 2 (Zoning Districts and Uses), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to govern the maximum lot coverage requirements for mini-warehouse/public storage developments as requested in Zoning Case 2002-33 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. 2002-8-14. The Council voted seven in favor and one in opposition with Deputy Mayor Pro tem Stovall casting the opposing vote. The motion carried.

**Public Hearing and adoption of Ordinance No. 2002-8-15 as requested in Zoning Case 2002-28** – To amend the Comprehensive Zoning Ordinance of the City; Ordinance No. 86-3-14, as heretofore amended, so as to rezone 12.7± acres on the northeast corner of Hedgcoxe Road and Ohio Drive in the City of Plano, Collin County, Texas from Retail to Planned Development-Retail to allow mini-warehouse/public storage as an additional use and to amend lot coverage and setback standards; 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. Zoned Retail. Neighborhood #4. Applicant: Copacabana Corporation [Regular Agenda Item (6)]

Director of Planning Jarrell advised the Council that the applicant wishes to use the back wall of the mini-warehouses as the screening wall between the residential neighborhood to the east and to the north. She spoke to the Planning and Zoning Commission's consideration of the design of the back side of the building and the façade facing Hedgcoxe Road. Ms. Jarrell advised that the item was recommended for approval by the Planning and Zoning Commission subject to the following stipulations:

1. Mini-warehouse/public storage is an additional allowed use.
2. The maximum lot coverage for mini-warehouse/public storage development shall be 50%.

**Ordinance No. 2002-8-15 (cont'd)**

3. A zero rear yard setback is allowed for the mini-warehouse/public storage use. The exterior walls of the mini-warehouse/public storage buildings shall be allowed on the north property line and the east property line as part of the required screening wall. Freestanding walls must connect the buildings to form a solid continuous screen wall. The rear walls on the north and east property lines must be of uniform height and of brick construction.
4. Screening walls and building facades for the mini-warehouse/public storage use fronting Hedcoxe Road must be brick construction.

Ms. Jarrell responded to Council Member Stahel that exterior maintenance on the rear of the back wall would require working through access issues with the adjacent property owner. Council Member McGee spoke to other locations with a similar design and the positive aspects. Mr. Stahel spoke to this being a good method of “doubling up.” The Council spoke regarding other locations with similar designs. Ms. Jarrell advised that the commission recommended a stipulation that the back of the units be of brick construction.

Mayor Evans opened the Public Hearing. Jim Dewey, representing the applicant, spoke to the request to amend lot coverage and setback requirements and the benefits of this design including enhancing security of the property and addressing concerns related to lighting. He spoke regarding meetings held with area homeowners and stated that brick will be used in compliance with the commission’s recommendations. No one spoke either for or against the request. The Public Hearing was closed.

Ms. Jarrell stated that the area between the alley and the wall will be cemented and Mr. Dewey spoke to addressing maintenance should there be any accidents involving the wall and responded that walls between buildings would be increased in height to match the anticipated 8-9 foot height of the buildings.

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Magnuson, 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 12.7± acres on the northeast corner of Hedcoxe Road and Ohio Drive in the City of Plano, Collin County, Texas from Retail to Planned Development-Retail to allow mini-warehouse/public storage as an additional use and to amend lot coverage and setback standards; directing a change accordingly in the official zoning map of the City as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2002-28; and further to adopt Ordinance No. 2002-8-15.

**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 (SF-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. Tabled 08-12-02 [Regular Agenda Item (7)]

Upon a motion made by Council Member Stahel and seconded by Mayor Pro tem Dyer, the item was removed from the table.

Director of Planning Jarrell advised that the applicant has worked with area homeowners to address issues related to the creation of a buffer zone along Parker Road and special screening and landscaping requirements primarily along the west side of the property and for lots closest to Parker Road. She advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted.

Mayor Evans opened the Public Hearing. Rick Fambro, representing the applicant, spoke regarding concerns he has received from area homeowners stating that changes are occurring along Parker Road with the construction of a church in the area. He advised that the adjacent zoning is SF-9, a buffer will be provided to minimize the impact on the area south of Parker Road and spoke regarding the proposal's conformity to the City's Land Use Plan, a review of drainage issues and Parker Road access. He stated that those impacted to the north support the item and spoke to an agreement reached with a representative of area homeowners. Patty Milligan, citizen of the City, stated opposition, citing concerns related to the change in the area and possible flooding that might occur as a result of development. Richard Crucknol, citizen of the City, spoke in opposition to the item, retaining the continuity of the neighborhood and requiring homes to fit into a neighborhood. He stated concern that not enough time was given for homeowners to work with the developer. James Mahdak, citizen of the City, stated opposition to the request and said that SF-9 is not conducive, that the uniqueness of the area should be preserved and that any future development attempts should be larger lots to match the area. Bucky Buckley, citizen of the City, spoke to his work with the developer regarding fencing and screening and stated support of the change as proposed. He responded to Mayor Evans that his property is zoned SF-9. Sharon Prince, citizen of the City, stated concern regarding the lack of responsiveness of the applicant and requested the item be denied and returned to the Planning and Zoning Commission for development as a planned development. She spoke to consistency along the perimeter.

### **Zoning Case 2002-31 (cont'd)**

Mr. Fambro stated the changes agreed to include a 95-foot setback, landscaped area and six-foot stone wall along Parker Road, a wrought iron fence along the western border with a hedge extending 205 feet north from the stone wall, the lots backing to the western border deed restricted from wooden fences, placement of wrought iron fence/screening along the south side of the closest lots to Parker Road with an extension to the north on the east side of the property. He clarified that any location having the wrought iron fence and hedge would be deed restricted from wooden fences as well. Mr. Fambro spoke to the screening provided by the Unitarian church, stated that everything possible would be done to preserve trees on this development and that the developer would be putting in the wrought iron fence.

Will Prince, citizen of the City, spoke to homeowner discussions with the developer and spoke in support of the zoning change with the changes that Mr. Fambro outlined. John H. Harney, citizen of the City, stated concerns that his homeowners group was not contacted regarding the zoning request and regarding flooding. He spoke to retaining the nature of the area. Rocky Schwartz, citizen of the City, spoke to the area being one of national focus. Ms. Jarrell responded to Mr. Schwartz stating that property to the west of the development is zoned SF-9 and it is typical when starting a development in an area to require a stubbed-out street to provide access for future development. Mr. Schwartz spoke to SF-20 possibly being necessary to set a precedent for future development. Wendy Plagens, citizen of the City, stated her opposition, spoke to "blending a neighborhood in" and requested the Council deny the item. No one else spoke either for or against the request. The Public Hearing was closed.

Ms. Jarrell responded to Deputy Mayor Pro tem Stovall stating that the property was zoned as SF-9 sometime in the mid-1970's as a map change and that if the request moves forward engineering will review a drainage plan for conformance. Mr. Stovall spoke to flooding issues. Matt Robinson of Carter & Burgess, Inc. stated that a drainage study will come forward at the time of the preliminary plat, reviewed tributaries in the area and stated that drainage from the tract would go into a culvert. Mr. Stahel spoke to water coming down in a southeasterly direction running into the ponds. Council Member Lambert spoke to Ms. Milligan's property being affected not only by the water level of Brown Branch but also Rowlett Creek. Ms. Milligan spoke to the land being raised for development of the Methodist church in the area, the culvert constructed, the source of flooding on her property and stated that her barn was built above the floodplain. She stated that the land for the Methodist church had been her land.

Ms. Jarrell reviewed “PD language” based on Mr. Fambro’s changes which include the requirement of a minimum 95-foot wide landscaped area along the north side of Parker Road, a minimum 6-foot tall stone wall between the landscaped area and the adjacent lots to the north, a minimum 6-foot tall wrought-iron or tubular steel fence beginning at the western and eastern ends of the stone wall (referenced above) and extending along the entire western boundary of the planned development district. She spoke to the landscaping on the western boundary extending 205 feet, on the eastern end of the stone wall landscaping and wrought iron fencing extending a minimum distance of 205 feet north, and a requirement of a minimum 6-foot tall wrought-iron or tubular steel fence with landscaping along the rear yard of the lots located in the southeast corner of the planned development district adjacent to the existing pond and extending along the eastern boundary a minimum of 365 feet to the north. She advised the Council that if the zoning case was passed, Staff would then bring back an ordinance to create a planned development district. Council Member Lambert made a motion to approve the zoning case subject to the stipulations detailed by Ms. Jarrell and requested that the ordinance be prepared as a planned development and brought back to the Council in two weeks. Mayor Pro tem Dyer seconded the motion. (No vote was taken at this time.)

Deputy Mayor Pro tem Stovall spoke to extending the fence/landscaping along the eastern boundary up to the entrance on Spring Creek Parkway. Mr. Fambro stated that the primary entrance will be off of Spring Creek Parkway. Mike Brady of Standard Pacific Homes advised that the fence/landscaping would be continued on the eastern boundary up to Spring Creek Parkway. Council Member Lambert modified his motion to include additional fencing/landscaping along the eastern boundary.

Ms. Jarrell advised that the issues related to flooding cannot be resolved through zoning but will need to be addressed as properties come in for development and stated assurance that the City’s engineers will seriously consider this.

Council Member Stahel spoke to the rezoning of property in the area to SF-9, the improbability that this will be revised and the homeowners in the area wanting something other than SF-9. He spoke to the entrance off Parker Road being set back 200-250 feet, requested the item be tabled to see if this setback were acceptable, and stated that he would be voting in opposition to the current motion.

Mayor Evans advised that the motion was amended by Council Member Lambert to which Mayor Pro tem Dyer seconded the revised motion to approve the item, Zoning Case 2002-31, 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 (SF-9); with stipulations stating the requirement of a minimum 95-foot wide landscaped area along the north side of Parker Road, a minimum 6-foot tall stone wall between the landscaped area and the adjacent lots to the north, a minimum 6-foot tall wrought-iron or tubular steel fence beginning at the western and eastern ends of the stone wall (referenced above) and extending along the entire western boundary of the planned development district. She spoke to the landscaping on the western boundary extending 205 feet, on the eastern end of the stone wall landscaping and wrought iron fencing extending a minimum distance of 205 feet north, and a requirement of a minimum 6-foot tall wrought-iron or tubular steel fence with landscaping along the rear yard of the lots located in the southeast corner of the planned development district adjacent to the existing pond and extending along the eastern boundary a minimum of 365 feet to the north with amendment that the fence/landscaping be continued on the eastern boundary up to Spring Creek Parkway. The Council voted seven in favor and one in opposition with Council Member Stahel voting in opposition. The motion carried. The Council further directed Staff to bring forward an ordinance for consideration.

The Council took a brief recess at 10:17 p.m. and reconvened at 10:30 p.m.

**Public Hearing and consideration of an appeal of the Planning and Zoning Commission's Denial of Zoning Case 2002-30** - A request to rezone 10.0± acres on the southwest corner of Chase Oaks Boulevard and future Seabrook Drive from Planned Development-107-Office-2 (PD-107-O-2) to Planned Development-Multi-Family-2 (PD-MF-2) to accommodate the development of multiple-family dwellings. Neighborhood #67. Applicant: Mockingbird Properties [Regular Agenda Item (8)]

Director of Planning Jarrell advised that while there is not a district that would address the density of the proposed townhouse development, Multi-Family-2 would be the most similar. She advised that the applicant is requesting a Planned Development with the following stipulations:

1. The minimum required open space shall be 190 square feet for each one bedroom unit and 110 square feet for each additional bedroom.
2. The allowed height shall be 3-stories, 45-feet; and
3. 70% of garage spaces provided shall be counted as required parking.

### **Zoning Case 2002-30 (cont'd)**

Ms. Jarrell stated that Multi-Family Guidelines recommend that no more than 50% of the parking provided for a development be in garages. She spoke to Comprehensive Plan policies recommending that no more than 500 units be located within a 1,500-foot radius advising that there are currently 720 units within this radius and stated that this location is not adjacent to residential development and does not have a direct link to either a public/private park or recreation area as recommended. Ms. Jarrell stated that the Planning and Zoning Commission recommended denial of the request.

Ms. Jarrell responded to the Council stating that other cities do have similar development, but that she did not know the nature of the zoning and that if approved as multi-family zoning, the applicant could come back in with an apartment development. She advised regarding the differences between this request and Single-Family-Attached zoning, stated that the form of ownership is typically not addressed through zoning, and spoke to the options for platting. Council Member Lambert stated concern with placing MF-2 zoning in an area above guidelines for density. Ms. Jarrell responded to Deputy Mayor Pro tem Stovall, stating that she would not recommend creating a new zoning district, but rather fitting this type of development into an existing category though a planned development district.

Mayor Evans opened the Public Hearing. Mitchell Vexler, representing the applicant, spoke to the demographics of the City, the availability/cost of housing and regarding the planned development. No one else spoke either for or against the request. The Public Hearing was closed.

Mr. Vexler responded to Deputy Mayor Pro tem Stovall that other cities have usually utilized Single-Family-Attached zoning. He responded to Council Member Johnson that the community would be gated and that every alley would be a fire lane.

Council Member Johnson spoke to the viability of the housing and providing different types of housing and made a motion to approve the request as a planned development. Council Member Magnuson seconded the motion. (No vote was taken at this time.)

Ms. Jarrell recommended that if the Council is not comfortable with MF-2 as a base zoning they table the request and instruct Staff to bring back a planned development to address issues. She spoke regarding platting issues and the applicant's desire to sell only the land under the building. Mayor Pro tem Dyer spoke regarding the positives of the "product," the four-story look, and being within walking distance to parks. He stated concern regarding the density and that he could not support the item as presented. Mayor Evans spoke to being over the Multi-Family Guidelines, stated that the request is not in an urban setting, and that she would not support the request. Council Member Lambert spoke to this type of request being in the downtown area and concerns related to the MF-2 zoning.

### **Zoning Case 2002-30 (cont'd)**

Mayor Evans restated Council Member Johnson's motion to approve the request and Council Member Magnuson withdrew her second. The motion failed for lack of a second.

A motion was made by Council Member McGee and seconded by Mayor Pro tem Dyer to deny the request - Appeal of the Planning and Zoning Commission's Denial of Zoning Case 2002-30 - A request to rezone 10.0± acres on the southwest corner of Chase Oaks Boulevard and future Seabrook Drive from Planned Development-107-Office-2 (PD-107-O-2) to Planned Development-Multi-Family-2 (PD-MF-2) to accommodate the development of multiple-family dwellings. The Council voted 6 in favor and 2 in opposition with Council Members Johnson and Magnuson casting the opposing votes. The motion carried

The Council considered Regular Agenda Items "9" and "10" concurrently.

**Public Hearing and consideration of an appeal of the Planning and Zoning Commission's Denial of Zoning Case 2002-32** - A request to rezone 24.6± acres on the southwest corner of Los Rios Boulevard and 14<sup>th</sup> Street from Research Technology Center (RT) to Planning Development-Retail (PD-R) to accommodate the development of a retail shopping center. Zoned Research Technology Center. Neighborhood #69. Applicant: ASG Plano Industrial, Ltd. [Regular Agenda Item (9)]

**Consideration of an appeal of the Planning and Zoning Commission's Denial of a Concept Plan** for The Village at Los Rios - A retail development on eight lots on 24.6± acres on the southwest corner of Los Rios Boulevard and 14<sup>th</sup> Street. Zoned Research Technology Center. Neighborhood #69. Applicant: ASG Plano Industrial, Ltd. [Regular Agenda Item (10)]

Director of Planning Jarrell stated that the applicant is requesting a Planned-Development-Retail zoning with stipulations regarding the number of pad sites, the exterior façade construction materials, the maximum height of the building and signage. She spoke to the commission's review and consideration of retail in the area and whether or not to rezone a portion of the Research Technology (RT) district. Ms. Jarrell spoke to the results of the Tri-City Retail Study and responded to Council Member Lambert regarding existing retail development.

Mayor Evans opened the Public Hearing. Tim McNamara and Don Silverman, representing the applicant, spoke regarding consideration of the location, proposed façade/landscaping, and the Retail zoning prior to the creation of the RT district, and requested approval. Patricia Ann Cole, representing Old Towne and the Southwood Estates Home Owner's Association, spoke in opposition to the request citing past experience with retail development, demographics, and the Tri-City Retail Study.

**Zoning Case 2002-32/Concept Plan (cont'd)**

Alan Smith, representing the Creekside North Homeowners Association, spoke in opposition to the request, in support of maintaining the RT district and regarding the amount of retail currently in the area. Natalie Davis, citizen of the City, spoke regarding opposition expressed by other grocers in the area, in support of a low traffic use/homeowner friendly use, and regarding the impact on small retailers. Timothy Penn, representing the Ridge Gate Estates Homeowners Association, spoke in opposition to the request, regarding the growth of the technology sector, and the current retail zoning being sufficient. Katherine Brewer, citizen of the City, spoke in support of the RT district and requested the item be denied. Mary Tave-Ihenacho, representing the Ridge Gate Estate Homeowners Association, stated concerns regarding excessive traffic, noise and lighting. Tony Hopkins, representing Ridge Gate Estates, stated concern that the quality of life will decline and regarding an escalation of traffic and noise. No one else spoke either for or against the request. The Public Hearing was closed.

A motion was made by Council Member Lambert and seconded by Deputy Mayor Pro tem Stovall to deny the items: Appeal of the Planning and Zoning Commission's Denial of Zoning Case 2002-32 - A request to rezone 24.6± acres on the southwest corner of Los Rios Boulevard and 14<sup>th</sup> Street from Research Technology Center (RT) to Planning Development-Retail (PD-R) to accommodate the development of a retail shopping center; and Appeal of the Planning and Zoning Commission's Denial of a Concept Plan for The Village at Los Rios - A retail development on eight lots on 24.6± acres on the southwest corner of Los Rios Boulevard and 14<sup>th</sup> Street. The Council voted seven in support and one in opposition with Mayor Evans casting the opposing vote. The motion carried.

There being no further discussion, Mayor Evans adjourned the meeting at 11:40 p.m.

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Pat Evans, **MAYOR**

ATTEST:

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Elaine Bealke, City Secretary

**PLANO CITY COUNCIL  
PLANO INDEPENDENT SCHOOL DISTRICT BOARD  
JOINT RETREAT  
August 28, 2002**

**COUNCIL MEMBERS**

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

**PISD BOARD MEMBERS**

Mary Beth King, President  
Duncan Webb, Vice-President  
Ralph Stow, Secretary  
Dr. Allan Bird, Trustee  
Scott Carpenter, Trustee  
Lloyd Jenkins, Trustee  
Melody Timinsky, Trustee

**STAFF**

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

**STAFF**

Dr. Doug Otto, Superintendent  
Richard Matkin, Assistant Supt.  
Danny Modisette, Deputy Supt.

Mayor Evans and President King convened the meeting at 12:30 p.m., following lunch on Wednesday, August 28, 2002, at Plano Station, 1012 16<sup>th</sup> Street, Suite 105. All Council Members were present with the exception of Council Member Stahel.

**PISD Construction Project Update**

Assistant Superintendent Richard Matkin provided an update on current construction projects and distributed a handout identifying the projects and the applicable timelines.

**Joint City/PISD Safety Committee Update**

Deputy Superintendent Danny Modisette stated that this is the fourth year of the joint committee, stated that the committee meets three times each year, and advised that issues of bus routes and crossing guards have been addressed. He stated that the crossing guard situation has greatly improved and thanked the City for their efforts.

Mr. Modisette stated that high traffic locations and communication issues are being looked at, and spoke to the reduction of certain bus routes in areas where problems have been resolved no longer requiring a bus.

## **TIF Update**

Executive Director Turner spoke to TIF 1 and stated that the Shops of Willow Bend are progressing well and further stated that TIF 2 (downtown area) is outperforming earlier projections. He stated that the Courtyard Theater is complete and receiving good bookings, spoke to the Cox building and future plans, and stated that leasing is doing well in the downtown area. Mr. Turner spoke to the downtown DART shuttle now providing transportation to Collin Creek Mall and stated that with the coming of lite rail in December, rail passengers will be able to obtain free shuttle passes. He stated that a new parking program with a four-hour parking limitation will go into effect in December and further that Haggard Park renovations are coming along.

## **Future Legislative Issues**

City Manager Muehlenbeck spoke to proposed upcoming Legislative topics regarding Homestead Exemption and to requiring a one-year return policy for persons no longer living on the property. He spoke to utility right-of-way franchise fee issues, and continuation of support of red-light photo violation enactment.

Superintendent Otto spoke in favor of the Homestead Exemption recommendation, stated concern regarding school finance system deficits, providing relief on recapture, debt service issues, and legislation to count e-School class participation in the enrollment numbers.

## **IG Homeland Security Seminar**

City Manager Muehlenbeck spoke to grant funding for Homeland Security and preparation of a manual to assist and prepare citizens in the event of an emergency. He stated that 100,000 copies will be printed. Mr. Muehlenbeck spoke to the upcoming symposium scheduled October 2-4 at the Plano Centre to address Homeland Security issues. President King thanked the City for recent security assistance given to the school.

## **Cox Building Utilization**

President King spoke to future shared usage of the Cox building and recommended that the City and School District meet to discuss the possibilities. Mr. Modisette spoke to a cooperative arts/business education center and to relocating existing school staff to the nearby Methodist church.

Mr. Turner stated that a City/School partnership would be mutually beneficial in the usage of the Cox building and that the Courtyard Theater has limited storage space and needs a rehearsal area and that the bottom floor of the Cox building would be ideal for this. He also spoke to an art education program and to training rooms as potential uses for the City.

Mr. Modisette stated that an exploratory committee will look into these concepts. President King spoke to identifying a time line for determining these uses. Mr. Turner stated that these are economically viable recommendations and that a time line could be made available in late fall. He stated that the design will take time.

City Attorney Wetherbee stated concern regarding both City and School entities meeting in Executive Session with regard to discussing Cox building usage related matters and stated she would speak to the PISD attorney.

**Review Current Buddy Pairings**

The members determined that the following Trustees would “Buddy” with the following Council Members:

President King	Mayor Evans/Mayor Pro tem Dyer
Vice-President Webb	Deputy Mayor Pro tem Stovall
Secretary Stow	Council Member McGee
Trustee Bird	Council Member Stahel
Trustee Carpenter	Council Member Johnson
Trustee Jenkins	Council Member Magnuson
Trustee Timinsky	Council Member Lambert

Ms. King asked that contact information be distributed between the entities.

Nothing further was discussed. The meeting adjourned at 1:32 p.m.

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Pat Evans, MAYOR

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Elaine Bealke, CITY SECRETARY

**PLANO CITY COUNCIL  
PLANNING AND ZONING COMMISSION  
JOINT MEETING AND  
PRELIMINARY AND REGULAR MEETING  
September 3, 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

**COMMISSION MEMBERS**

Michael Davidoff, Chair  
Joyce Beach  
Lee Dunlap  
Joy Flick  
Carolyn Kalchthaler  
Jerry Kezhaya  
Bill Neukranz  
Laura Williamson

**STAFF**

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., Tuesday, September 3, 2002, in the Council Chambers of the Municipal Center, 1520 K Avenue. All Council Members were present. Deputy Mayor Pro tem Stovall arrived at 5:10 p.m.

**PRELIMINARY OPEN MEETING**

**Personnel Appointments**

**Animal Shelter Advisory Committee**

Council Members nominated Dr. Oliver Clark Mulkey to fill the regular position. The interim Municipality Representative and the Animal Shelter Representative (recent resignation) positions are deferred at this time. (3 positions)

**Civil Service Commission**

Mayor Evans advised that there are no openings on this commission

**Community Relations Commission**

Mayor Evans advised that there are no openings on this commission.

### **Cultural Affairs Commission**

Council Members nominated Martin Greenblatt, Stella Lin, Mary Long, Patricia Madigan, and Anthony Veal. (2 positions)

### **Heritage Commission**

Council Members nominated Lawrence Hunter, W. Neely Plumb, and Pat Warren. (1 position)

### **Keep Plano Beautiful Commission**

Council Members nominated David James Gillespie, Kathryn A. Lehan, Bob Mitchell, Amy P. Morenz, Jason A. Teel, and Jeffrey Wilshire. (4 positions)

### **Library Advisory Board**

Council Members nominated Mary McGowan, Amy P. Morenz, Harmon Norton, Miriam Satterfield, and Elena Rohweder-Turner. (3 positions)

### **Parks and Recreation Planning Board**

Council Members nominated Byron Betler, Loretta L. Ellerbe, Paul J. Gephart, William Kolbe, Stella Lin, Mary F. Long, Francis Ngoh, Susan Plonka, Richard C. Reynolds, Edward L. Sanders, Jr., and Michael Tucker. (3 positions)

### **Plano Housing Authority**

Council Members nominated Sandy Fletcher, Paul J. Gephart, Kam S. Tsang, and Sue W. Yeh. (1 position)

### **Plano Transition and Revitalization**

Council Members nominated Stella Mercedes Veal. (1 position)

### **Public Arts Committee**

Mayor Evans advised that there are no openings on this committee.

### **Retirement Security Plan Committee**

City Manager Muehlenbeck nominated John McGrane and Karen Rhodes for Council consideration. (2 positions)

### **Self Sufficiency Committee**

Council Members nominated Joe Wolens Milkes (interim position) and Janet P. Oller and Greg Huykaby (regular position.) (2 positions)

### **Senior Citizens Advisory Board**

Council Members nominated Ruth A. Arnold (interim position), Lilliam Hammer, Cynthia Aynne Hooper, Jerry C. Luttrell, Sr., Kay McGowan, Donald J. Mellor, and Jerry A. Wells. (6 positions)

### **Tax Increment Financing district #1 Board**

Council Members nominated Jon Chistiansen, and Dong Shen. (2 positions)

### **Technology Commission**

Council Members nominated Karen Chambers and Bob Yeh. (1 or possibly 2 positions)

### **Transportation Advisory Committee**

Council Members nominated John K. Houcek, L. Dean McGowan, and Ronald L. Seifert. (1 position)

### **Spotlight on Public Safety Communications**

Public Safety Communications (PSC) Director Timmons stated that the PSC employees provide the 911 answering point for all emergency calls within the City as well as dispatch service for the Plano Police and Fire Departments and supply of two-way communication services to many City departments outside of the Police and Fire Departments along with other allied agencies in the region. He spoke regarding the front line challenges faced by PSC employees, advised that the average length of stay in the City of Plano for this occupation is four years, and spoke to the need for recognition for a job well done in this field. Mr. Timmons spoke regarding upgrades to the emergency medical dispatch program and early warning system, radio system improvements and upgrades, and further stated that facility renovations will begin soon along with technology upgrades to the dispatch system. He stated that in August of next year the Texas Chapter of National Emergency Number Association will meet in Plano and will address full phase-two compliance of the wireless carriers. Mr. Timmons thanked the Council for their support.

Public Safety Communications Public Education and Hiring Representative Wesson-Grimes advised the Council that out of 1500 calls received in the department per day, approximately 500 of them are 911 related with 1/3 of the 500 calls originating from a cell phone. Mr. Timmons advised the Council that the holdup with wireless carriers providing triangulation of a wireless user is related to needed support of the organizations as the matter moves forward, consensus with the carriers of the technology to be used and stated that old handsets are remaining in service for a number of years. Deputy Mayor Pro tem Stovall commended the department for a job well done.

### **Discussion and Direction Regarding an Administrative Review of Policies, Procedures and Statutes Regarding the Enforcement of Property and Health Codes on Residential and Commercial Structures**

Deputy Mayor Pro tem Stovall spoke to persons calling in and complaining, ordinances passed over the years that require different ways for City inspectors to handle certain types of complaints going on sometimes for months or years, and neighborhood frustrations. He spoke to studying this situation and putting together one solid approach to address ordinances needing changing and applicable problems and improving how citizens are responded to. City Manager Muehlenbeck spoke to an internal team consisting of the Executive Directors, City Attorney's office, and Municipal Courts area all looking at this in September with a time line for completion with early reports possibly being in November of this year.

### **Council items for Discussion/Action on Future Agendas**

Mayor Pro tem Dyer spoke to individuals speaking at a previous Council meeting to address a form of advertising not fitting nicely into the current ordinance and stated that he will support looking at this and to sponsoring an agenda item for the Council to address and possibly followed with a review by the Planning and Zoning Commission. The City Manager advised that a report is scheduled on the next agenda to respond to this request and further stated that an item can be placed on the next agenda for Council action to send to the Planning and Zoning Commission for a recommendation. He stated that this item would take a different direction than would his statement regarding the disallowance of off-site advertising.

### **Consent and Regular Agendas**

No items were discussed.

## **Council Committee Reports**

Council Member McGee stated that a Sister City Brampton, Ontario/Canada representative is arriving in the City and that a reception will be held in their honor on Sunday afternoon. He recommended that Council Members plan to attend the planned events. Council Member Stahel stated that an itinerary of the Sister City visit and applicable events would be helpful to the Council.

Mayor Evans advised at 5:50 p.m. that the Council will recess and convene into Executive 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 Security matters, Section 551.076 and 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.

## **PRELIMINARY OPEN MEETING/OPEN JOINT WORKSESSION – PLANNING AND ZONING COMMISSION**

Mayor Evans reconvened the meeting back into open session at 6:07 p.m. in the Council Chambers to discuss the following Preliminary Items and meet with the Planning and Zoning Commission.

### **Discussion and Direction on the Planning and Zoning Commission's Work Program**

Director of Planning Jarrell stated that the update to the Education Element of the Comprehensive Plan, new requirements for dumpster and recycling container screening, and the Tri-City Retail Revitalization Study have all been completed.

Ms. Jarrell spoke to new high priority work program items to include review of Research Technology District Regulations, Implementation Plan for the Tri-City Retail Revitalization Study, and review of Excessive Parking Requirements. She spoke to medium priority work programs to include Residential Adjacency Standards review, review of Garden Center Regulations, and Exterior Façade Requirements for Parking Structures. Ms. Jarrell advised that a work program issue that has come up recently is the Impact Fee update which will require Commission review of recommendations followed by Council review. She stated that this would be a high priority item as well. She advised that the Commission may have different priority ratings and that the suggested priorities given are hers due to scheduling conflicts of the Commissioners.

Ms. Jarrell advised the Council that under the Parking Garage Façade Design only the Baylor Hospital has been planned. She further advised the Council regarding the medium priority designation of Residential Adjacency Standards review and to several other issues being currently addressed with high priority designation taking up Commission time. She stated that information is being researched on several of these items in an effort to be prepared for Commission discussion.

### **Consideration and Action Resulting from Executive Session Discussion: Personnel**

#### **Board of Adjustment**

City Secretary Bealke stated that the Council discussed nominating Byron Betler, Roger K. Bolin, and Christopher J. Caso. The Council concurred to make these nominations. (1 position)

#### **Building Standards Commission**

City Secretary Bealke stated that the Council discussed nominating John K. Houcek and Satish P. Shah. The Council concurred to make these nominations. (1 position)

#### **Planning and Zoning Commission**

City Secretary Bealke stated that there are no openings on this commission. The Council concurred.

### **CONSENT AGENDA**

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

#### **Adoption of Resolutions**

**Resolution No. 2002-9-1 (R):** To support the establishment of a federal court house and related facilities in the City of Plano; and providing an effective date. [Consent Agenda Item “A”]

**Resolution No. 2002-9- 2 (R):** To support the “Don’t Borrow Trouble” program educating home buyers and current home owners of potential predatory lending practices with regard to home loans and home refinancing; requesting a tool kit to be used in this program for review; and providing an effective date. [Consent Agenda Item “B”]

**Adoption of Ordinances**

**Ordinance No. 2002-9-3:** To adopt and enact Supplement Number 58 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the code; and providing an effective date. [Consent Agenda Item “C”]

**Approval of Agreement**

To approve the terms and conditions of an agreement by and between City of Plano Police Department and Government Payment Service, Inc. for the purpose of collecting funds including Cash Bail, Fines and other Fees for the City of Plano Police Department. [Consent Agenda Item “D”]

**END OF CONSENT**

Nothing further was discussed. Mayor Evans adjourned the meeting at 6:18 p.m.

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Pat, Evans, **MAYOR**

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Elaine Bealke, **City Secretary**

**CITY OF PLANO  
COUNCIL AGENDA ITEM**



<b>CITY SECRETARY'S USE ONLY</b>		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:	9/9/02		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Purchasing		Initials	Date	
Department Head	Mike Ryan		Executive Director		
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	
Agenda Coordinator (include phone #): <b>Veronica Douglas x7247</b>					

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

**CAPTION**

Award, rejection of Bids/Proposals, Conditional acceptance of lowest responsible Bid/Proposal for a fixed price contract for Solid Waste Truck Parts. (C112-02).

**FINANCIAL SUMMARY**

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     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
<b>BALANCE</b>	0	0	0	0

**FUND(s): WAREHOUSE FUND**

**COMMENTS:** This item approves price quotes. Expenditures will be made in the Warehouse within the approved budget appropriations. The estimated annual amount is \$142,653.45.

**SUMMARY OF ITEM**

**ANNUAL CONTRACT WITH RENEWALS**

Staff recommends bids of Heil of Texas (items 1, 2, 3, 4a, 8, 9, 10a, 11a, 12, 14a, 15, 16a, 17, 18, 19, 20a, 21, 22, 23a, 24, 25, & 26) in the amount of \$127,742.61, Express Truck & Equipment (item 5a) in the amount of \$6,030.84, and Parts Incorporated (items 6a, 7a, & 13a) in the amount of \$8,880.00 for a total estimated expenditure of \$142,653.45 be accepted as lowest responsible bidders conditioned upon timely execution of any necessary contract documents. This will establish an annual fixed price contract for Solid Waste Truck parts.

List of Supporting Documents: Bid Recap	Other Departments, Boards, Commissions or Agencies
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**Veronica Douglas**

**From:** Karl Henry  
**Sent:** Tuesday, August 13, 2002 4:01 PM  
**To:** Mike Ryan  
**Subject:** FW: Heil Parts

I finally got around to sending this to Tom, but I see he's out until Aug. 19. So I'm sending it to you, too.

-----Original Message-----

**From:** Karl Henry  
**Sent:** Tuesday, August 13, 2002 3:54 PM  
**To:** Tom Johnston  
**Cc:** Karl Henry  
**Subject:** Heil Parts

This request is in reference to the following parts:

Item 1A Muncie Hydraulic Pump  
 Item 2A Tyrone Hydraulic Pump  
 Item 3A Packer Cylinder  
 Item 8A Sweep Panel  
 Item 9A Vertical Lift Arm  
 Item 12A Actuator Plate  
 Item 15A Grip Arm  
 Item 17A 4-Stack Valve  
 Item 18A 2-Stack Valve  
 Item 19A Cross Port Relief Valve  
 Item 21A Joy Stick  
 Item 22A Coordinator Board  
 Item 24A Hydraulic Filters  
 Item 25A Loader Wiring Harness  
 Item 26A Grip Gear with Spacer

Equipment Services' technicians have encountered numerous problems over the last several years using aftermarket parts to repair refuse, recycling and rear load trucks. To prevent this from happening in the future, we request the Warehouse not purchase aftermarket parts for the repair parts shown above. For instance, if the parts room orders the packer cylinder listed as 3A above, we would the part to be purchased from Heil.

The technicians have found aftermarket vertical lift arms, carriage assemblies, track assemblies, actuator plates and sweep panels require modification to work. Usually, they must relocate the brackets these parts attach to so the part will fit properly. Here are some other problems technicians

*ba*

have encountered using aftermarket parts listed above.

The use of aftermarket parts can void the factory warranty. Based on information from Heil, if a packer body is under warranty and non-factory parts are used to make a repair, the warranty could be rendered void. Also, if an aftermarket part fails and injures someone, the liability rests with the City of Plano and aftermarket part manufacturer, not the packer body manufacturer (Heil) who installed the original part. Compatibility of aftermarket parts is another problem because it can jeopardize sensitive installed electronic components installed by Heil. This becomes an even greater issue when a technician tries to diagnose an electronic problem using specific parameters provided to them by Heil.

Also, two hydraulic packer cylinders must have precisely the same stroke. Although they say they are, aftermarket hydraulic cylinders are not always the same stroke as the cylinders Heil uses. If the stroke for one of the cylinders is slightly different, the operation of the packer panel is affected.

I hope this provides you with the background information you needed. Let me know if you have any questions.

SOLID WASTE TRUCK PARTS OPENS: 7/25/02 @ 3:00PM

				WITTKE-USA			
Item	Description	Make/Part	Qty	Unit Price	Ext. Base \$	Ext Price Alt	Delivery
1	Muncie Hydraulic Pump	Heil 219-1931	6				
1A	Muncie Hydraulic Pump	H-2191931	6	\$990.00		\$5,940.00	3 days
2	Tryone Hydraulic Pump	Heil 219-2076	3				
2A	Tryone Hydraulic Pump	H-2192076	3	\$3,500.00		\$10,500.00	3 days
3	Packer Cylinder	Heil 001-6164	12				
3A	Packer Cylinder	H-0016164	12	\$802.50		\$9,630.00	3 days
4	Grip Cylinder	Heil 001-6331	12				
4A	Grip Cylinder	H-0016331	12	\$472.50		\$5,670.00	3 days
5	In/Out Cylinder	Heil 001-6194	12				
5A	In/Out Cylinder	H-0016162	12	\$537.75		\$6,453.00	3 days
6	Lift Cylinder	Heil 001-6161	12				
6A	Lift Cylinder	H-0016161	12	\$467.09		\$5,605.08	3 days
7	Sweep Panel Cylinder	Heil 1-5111	4				
7A	Sweep Panel Cylinder	H-0015111	4	\$1,000.00		\$4,000.00	3 days
8	Sweep Panel	Heil 234-0600-99	1				
8A	Sweep Panel	H-2340600	1	\$1,400.00		\$1,400.00	3 days
9	Vertical Lift Arm	Heil 272-6631	12				
9A	Vertical Lift Arm	H-2726631	12	\$1,172.34		\$14,068.08	3 days
10	Carriage Assembly	Heil 272-6630	12				
10A	Carriage Assembly	H-2726630	12	\$1,521.44		\$18,257.28	3 days
11	Track Assembly	Heil 272-6629	4				
11A	Track Assembly	H-2726629	4	\$1,656.63		\$6,626.52	3 days
12	Actuator Plate	Heil P25-1.0	8				
12A	Actuator Plate	H-2728626	8	\$464.31		\$3,714.48	3 days
13	Hopper Cover	Heil 560-004	2				
13A	Hopper Cover	H-5600004	2	\$332.19		\$664.38	3 days
14	Paddle	Heil P11.0	6				
14A	Paddle	H-D110	6	\$1,425.00		\$8,550.00	3 days
15	Grip Arm	Heil 093-2396	12				
15A	Grip Arm	H-0932396	12	\$186.48		\$2,237.76	3 days
16	Journal Plate	Heil P800	8				
16A	Journal Plate	H-0063242	8	\$135.00		\$1,080.00	3 days
17	4-Stack Valve	Heil 031-5621	1				
17A	4-Stack Valve	H-0316007	1	\$2,700.00		\$2,700.00	3 days
18	2-Stack Valve	Heil 031-5633	1				
18A	2-Stack Valve	H-0315633	1	\$1,183.94		\$1,183.94	3 days
19	Cross Port Relief Valve	Heil 031-5630	6				
19A	Cross Port Relief Valve	H-0316062	6	\$614.14		\$3,684.84	3 days
20	Arm Lock Latch Assembly	Heil 053-2025	8				
20A	Arm Lock Latch Assembly	H-0532025	8	\$663.35		\$5,306.80	3 days
21	Joy Stick	Heil 254-4145	2				
21A	Joy Stick	H-2544145	2	\$1,042.04		\$2,084.08	3 days
22	Coordinator Board	Heil 108-5694	6				
22A	Coordinator Board	H-1085694	6	\$36.00		\$216.00	3 days
23	Hydraulic Tank	Heil A020-2177	1				
23A	Hydraulic Tank	H-0202177	1	\$2,658.20		\$2,658.20	3 days
24	Hydraulic Filters	Heil 075-0711/015-0578	60				
24A	Hydraulic Filters	H-0750711001	60	\$59.00		\$3,540.00	3 days
25	Loader Wiring Harness	Heil 108-5064	4				
25A	Loader Wiring Harness	H-1085064	4	\$300.00		\$1,200.00	3 days
26	Grip Gear w/spacer		6				
26A	Grip Gear w/spacer	H-0932277	6	\$265.74		\$1,594.44	3 days
	<b>Grand Total</b>	<b>0% OFF LIST PRICE</b>				<b>\$128,564.88</b>	

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				EXPRESS TRUCK & EQUIPMENT			
Item	Description	Make/Part	Qty	Unit Price	Ext. Base \$	Ext Price Alt	Delivery
1	Muncie Hydraulic Pump	Heil 219-1931	6				
1A	Muncie Hydraulic Pump	WR 2191922	6	\$1,272.50		\$7,635.00	3-5 days
2	Tryone Hydraulic Pump	Heil 219-2076	3				
2A	Tryone Hydraulic Pump	WR 219-2076	3	\$4,978.13		\$14,934.39	3-5 days
3	Packer Cylinder	Heil 001-6164	12				
3A	Packer Cylinder	WR 001-6164	12	\$718.75		\$8,625.00	same day
4	Grip Cylinder	Heil 001-6331	12				
4A	Grip Cylinder	MTM 1108108	12	\$394.61		\$4,735.32	same day
5	In/Out Cylinder	Heil 001-6194	12				
5A	In/Out Cylinder	WR 01-6194	12	\$502.57		\$6,030.84	3-5 days
6	Lift Cylinder	Heil 001-6161	12				
6A	Lift Cylinder	WR 001-6161	12	\$497.38		\$5,968.56	3-5 days
7	Sweep Panel Cylinder	Heil 1-5111	4				
7A	Sweep Panel Cylinder	MTM 622462	4	\$1,121.25		\$4,485.00	3-5 days
8	Sweep Panel	Heil 234-0600-99	1				
8A	Sweep Panel	MTM 622378	1	\$1,178.75		\$1,178.75	3-5 days
9	Vertical Lift Arm	Heil 272-6631	12				
9A	Vertical Lift Arm	WR 272-6631	12	\$1,325.00		\$15,900.00	5-7 days
10	Carriage Assembly	Heil 272-6630	12				
10A	Carriage Assembly	MTM 1108814	12	\$1,420.37		\$17,044.44	5-7 days
11	Track Assembly	Heil 272-6629	4				
11A	Track Assembly	MTM 1108976	4	\$1,520.00		\$6,080.00	5-7 days
12	Actuator Plate	Heil P25-1.0	8				
12A	Actuator Plate	MTM 1167829	8	\$450.00		\$3,600.00	same day
13	Hopper Cover	Heil 560-004	2				
13A	Hopper Cover	WA 560-004	2	\$214.50		\$429.00	5-7 days
14	Paddle	Heil P11.0	6				
14A	Paddle	MTM 62067	6	\$1,175.00		\$7,050.00	same day
15	Grip Arm	Heil 093-2396	12				
15A	Grip Arm	WR 093-2396	12	\$194.00		\$2,328.00	3-5 days
16	Journal Plate	Heil P800	8				
16A	Journal Plate	WRP-800	8	\$156.00		\$1,248.00	3-5 days
17	4-Stack Valve	Heil 031-5621	1				
17A	4-Stack Valve	MTM 031-5621	1	\$3,496.28		\$3,496.28	5-7 days
18	2-Stack Valve	Heil 031-5633	1				
18A	2-Stack Valve	WR 031-5633	1	\$1,389.04		\$1,389.04	5-7 days
19	Cross Port Relief Valve	Heil 031-5630	6				
19A	Cross Port Relief Valve	WR-031-5630	6	\$625.50		\$3,753.00	3-5 days
20	Arm Lock Latch Assembly	Heil 053-2025	8				
20A	Arm Lock Latch Assembly	WR 053-2025	8	\$680.21		\$5,441.68	5-7 days
21	Joy Stick	Heil 254-4145	2				
21A	Joy Stick	HEIL 254-4145	2	\$1,096.88		\$2,193.76	3-5 days
22	Coordinator Board	Heil 108-5694	6				
22A	Coordinator Board	MTM 1107922	6	\$42.00		\$252.00	same day
23	Hydraulic Tank	Heil A020-2177	1				
23A	Hydraulic Tank	WR A020-2177	1	\$2,645.65		\$2,645.65	5-7 days
24	Hydraulic Filters	Heil 075-0711/015-0578	60				
24A	Hydraulic Filters	1105523	60	\$51.75		\$3,105.00	same day
25	Loader Wiring Harness	Heil 108-5064	4				
25A	Loader Wiring Harness	WR 108-5064	4	\$380.22		\$1,520.88	3-5 days
26	Grip Gear w/spacer	WR	6				
26A	Grip Gear w/spacer	WR 093-2292	6	\$161.34		\$968.04	3-5 days
	<b>Grand Total</b>	<b>35% OFF LIST PRICE</b>				<b>\$132,037.63</b>	

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SOLID WASTE TRUCK PARTS OPENS: 7/25/02 @ 3:00PM

				PARTS INCORPORATED			
Item	Description	Make/Part	Qty	Unit Price	Ext. Base \$	Ext Price Alt	Delivery
1	Muncie Hydraulic Pump	Heil 219-1931	6				
1A	Muncie Hydraulic Pump	3wf219-1922	6	\$1,495.00		\$8,970.00	2 days
2	Tryone Hydraulic Pump	Heil 219-2076	3				
2A	Tryone Hydraulic Pump	3wf219-2076	3	\$1,175.00		\$3,525.00	2 days
3	Packer Cylinder	Heil 001-6164	12				
3A	Packer Cylinder	3wf001-6164	12	\$625.00		\$7,500.00	2 days
4	Grip Cylinder	Heil 001-6331	12				
4A	Grip Cylinder	3wf001-6331	12	\$375.00		\$4,500.00	2 days
5	In/Out Cylinder	Heil 001-6194	12				
5A	In/Out Cylinder	3wf001-6403	12	\$550.00		\$6,600.00	2 days
6	Lift Cylinder	Heil 001-6161	12				
6A	Lift Cylinder	3wf001-6161	12	\$425.00		\$5,100.00	2 days
7	Sweep Panel Cylinder	Heil 1-5111	4				
7A	Sweep Panel Cylinder	3wf001-4887	4	\$875.00		\$3,500.00	2 days
8	Sweep Panel	Heil 234-0600-99	1				
8A	Sweep Panel	3wf234-060099	1	\$1,750.00		\$1,750.00	2 days
9	Vertical Lift Arm	Heil 272-6631	12				
9A	Vertical Lift Arm	3wf272-6631	12	\$1,596.00		\$19,152.00	2 days
10	Carriage Assembly	Heil 272-6630	12				
10A	Carriage Assembly	3wf272-6630	12	\$1,926.76		\$23,121.12	2 days
11	Track Assembly	Heil 272-6629	4				
11A	Track Assembly	3wf272-6629	4	\$2,231.00		\$8,924.00	2 days
12	Actuator Plate	Heil P25-1.0	8				
12A	Actuator Plate	3wfp251.0	8	\$475.00		\$3,800.00	2 days
13	Hopper Cover	Heil 560-004	2				
13A	Hopper Cover	3wf560-004	2	\$140.00		\$280.00	2 days
14	Paddle	Heil P11.0	6				
14A	Paddle	3wfp11.0	6	\$1,450.00		\$8,700.00	2 days
15	Grip Arm	Heil 093-2396	12				
15A	Grip Arm	3wf093-2396	12	\$183.00		\$2,196.00	2 days
16	Journal Plate	Heil P800	8				
16A	Journal Plate	3wfp81.0	8	\$175.00		\$1,400.00	2 days
17	4-Stack Valve	Heil 031-5621	1				
17A	4-Stack Valve	3wf031-5621	1	\$2,175.00		\$2,175.00	2 days
18	2-Stack Valve	Heil 031-5633	1				
18A	2-Stack Valve	3wf031-5633	1	\$2,672.00		\$2,672.00	2 days
19	Cross Port Relief Valve	Heil 031-5630	6				
19A	Cross Port Relief Valve	3wf031-6062	6	\$633.00		\$3,798.00	2 days
20	Arm Lock Latch Assembly	Heil 053-2025	8				
20A	Arm Lock Latch Assembly	3wf053-2025	8	\$610.00		\$4,880.00	2 days
21	Joy Stick	Heil 254-4145	2				
21A	Joy Stick	3wf254-4145	2	\$1,097.00		\$2,194.00	2 days
22	Coordinator Board	Heil 108-5694	6				
22A	Coordinator Board	3wf108-5694	6	\$42.00		\$252.00	2 days
23	Hydraulic Tank	Heil A020-2177	1				
23A	Hydraulic Tank	3wf020-2177	1	\$2,798.11		\$2,798.11	2 days
24	Hydraulic Filters	Heil 075-0711/015-0578	60				
24A	Hydraulic Filters	3wf075-711-far	60	\$55.00		\$3,300.00	2 days
25	Loader Wiring Harness	Heil 108-5064	4				
25A	Loader Wiring Harness	3wf108-5064	4	\$395.00		\$1,580.00	2 days
26	Grip Gear w/spacer		6				
26A	Grip Gear w/spacer	3wf093-2292	6	\$199.00		\$1,194.00	2 days
<b>Grand Total</b>		<b>25% OFF LIST PRICE</b>				<b>\$133,861.23</b>	

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				HEIL OF TEXAS			
Item	Description	Make/Part	Qty	Unit Price	Ext. Base \$	Ext Price Alt	Delivery
1	Muncie Hydraulic Pump	Heil 219-1931	6	\$2,373.12	\$14,238.72		0-7 days
1A	Muncie Hydraulic Pump	219-1922	6	\$1,752.75		\$10,516.50	0-7 days
2	Tryone Hydraulic Pump	Heil 219-2076	3	\$3,515.00	\$10,545.00		0-7 days
2A	Tryone Hydraulic Pump	am 991-219-2076	3	\$3,515.00		\$10,545.00	0-7 days
3	Packer Cylinder	Heil 001-6164	12	\$1,253.78	\$15,045.36		0-7 days
3A	Packer Cylinder	am 991-1-6581	12	\$780.00		\$9,360.00	0-7 days
4	Grip Cylinder	Heil 001-6331	12	\$990.35	\$11,884.20		0-7 days
4A	Grip Cylinder	am 991-1-6416	12	\$324.00		\$3,888.00	0-7 days
5	In/Out Cylinder	Heil 001-6194	12	\$1,082.39	\$12,988.68		0-7 days
5A	In/Out Cylinder	am 991-6403	12	\$594.00		\$7,128.00	0-7 days
6	Lift Cylinder	Heil 001-6161	12	\$826.64	\$9,919.68		0-7 days
6A	Lift Cylinder	am 991-1-6161	12	\$444.00		\$5,328.00	0-7 days
7	Sweep Panel Cylinder	Heil 1-5111	4	\$1,411.69	\$5,646.76		0-7 days
7A	Sweep Panel Cylinder	am 991-1-5111	4	\$993.00		\$3,972.00	0-7 days
8	Sweep Panel	Heil 234-0600-99	1	\$1,546.36	\$1,546.36		0-7 days
8A	Sweep Panel	am 991-234-60099	1	\$1,252.11		\$1,252.11	0-7 days
9	Vertical Lift Arm	Heil 272-6631	12	\$1,516.95	\$18,203.40		0-7 days
9A	Vertical Lift Arm	am 991-272-6631	12	\$1,078.55		\$12,942.60	0-7 days
10	Carriage Assembly	Heil 272-6630	12	\$1,830.43	\$21,965.16		0-7 days
10A	Carriage Assembly	am 991-272-6630	12	\$1,380.00		\$16,560.00	0-7 days
11	Track Assembly	Heil 272-6629	4	\$1,859.26	\$7,437.04		0-7 days
11A	Track Assembly	am 991-272-6630	4	\$1,140.00		\$4,560.00	0-7 days
12	Actuator Plate	Heil P25-1.0	8	\$786.90	\$6,295.20		0-7 days
12A	Actuator Plate	am 991-272-8626	8	\$360.00		\$2,880.00	0-7 days
13	Hopper Cover	Heil 560-004	2	\$583.54	\$1,167.08		0-7 days
13A	Hopper Cover	am 991-560-004	2	\$305.62		\$611.24	0-7 days
14	Paddle	Heil P11.0	6	\$2,065.26	\$12,391.56		0-7 days
14A	Paddle	am 991-128-46699	6	\$1,080.00		\$6,480.00	0-7 days
15	Grip Arm	Heil 093-2396	12	\$337.96	\$4,055.52		0-7 days
15A	Grip Arm	am 991-93-2396	12	\$277.20		\$3,326.40	0-7 days
16	Journal Plate	Heil P800	8	\$333.45	\$2,667.60		0-7 days
16A	Journal Plate	am 991-6-3242	8	\$135.00		\$1,080.00	0-7 days
17	4-Stack Valve	Heil 031-5621	1	\$3,604.50	\$3,604.50		0-7 days
17A	4-Stack Valve	am 991-31-8007	1	\$2,924.87		\$2,924.87	0-7 days
18	2-Stack Valve	Heil 031-5633	1	\$1,268.77	\$1,268.77		0-7 days
18A	2-Stack Valve	am 991-31-5633	1	\$1,252.60		\$1,252.60	0-7 days
19	Cross Port Relief Valve	Heil 031-5630	6	\$614.14	\$3,684.84		0-7 days
19A	Cross Port Relief Valve	am 991-31-6062	6	\$497.27		\$2,983.62	0-7 days
20	Arm Lock Latch Assembly	Heil 053-2025	8	\$663.35	\$5,306.80		0-7 days
20A	Arm Lock Latch Assembly	am 991-53-202599	8	\$537.12		\$4,296.96	0-7 days
21	Joy Stick	Heil 254-4145	2	\$1,042.04	\$2,084.08		0-7 days
21A	Joy Stick	am 991-254-4145	2	\$843.76		\$1,687.52	0-7 days
22	Coordinator Board	Heil 108-5694	6	\$88.53	\$531.18		0-7 days
22A	Coordinator Board	am 991-108-5694	6	\$33.12		\$198.72	0-7 days
23	Hydraulic Tank	Heil A020-2177	1	\$2,658.21	\$2,658.21		0-7 days
23A	Hydraulic Tank	am 991-20-2177	1	\$2,152.40		\$2,152.40	0-7 days
24	Hydraulic Filters	Heil 075-0711/015-0578	60	\$65.95	\$3,957.00		0-7 days
24A	Hydraulic Filters	991-75-711-1	60	\$54.00		\$3,240.00	0-7 days
25	Loader Wiring Harness	Heil 108-5064	4	\$464.92	\$1,859.68		0-7 days
25A	Loader Wiring Harness	am 991-108-5064	4	\$276.00		\$1,104.00	0-7 days
26	Grip Gear w/spacer	heil 093-2292099	6	\$300.94	\$1,805.64		0-7 days
26A	Grip Gear w/spacer	am 991-93-2292-088	6	\$174.00		\$1,044.00	0-7 days
	<b>Grand Total</b>	<b>25% off list price</b>			<b>\$182,758.02</b>	<b>\$121,314.54</b>	

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*Veronica Douglas*

VERONICA DOUGLAS, PURCHASING SPECIALIST

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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

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## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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:	<b>9/9/02</b>	Reviewed by Legal <i>SSG</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Customer & Utility Services/Tax Administration	Initials	Date	
Department Head	Linda Keyton	Asst City Manager	<i>[Signature]</i>	<b>8-30-02</b>
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	<b>9/3/02</b>
Agenda Coordinator (include phone #):	<b>Angela Gurley x-7352</b>			
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				
<b>CAPTION</b>				
Approving and authorizing refunds of property tax overpayments.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	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: Funds are disbursed by the Collin County Tax Office.				
<b>SUMMARY OF ITEM</b>				
Attached for your approval are property tax refunds totalling \$616.92				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Refund request listing provided by Collin County Tax Office				

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS,  
APPROVING AND AUTHORIZING REFUNDS OF PROPERTY TAX  
OVERPAYMENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 31.11 of the Texas Property Tax Code authorizes refunds of certain payments of taxes upon application to the City; and

**WHEREAS**, under said Section 31.11 of the Texas Property Tax Code, refunds must be presented to the governing body of the taxing unit for approval; and

**WHEREAS**, the City Council has been presented a list of tax payments made, a copy of which is attached hereto, made a part hereof and marked Exhibit "A", which payments are requested to be refunded because such payments were erroneous or excessive; and

**WHEREAS**, upon full review and consideration of the above, and all matters attendant and related thereto, the City Council is of the opinion that the tax payments should be refunded,

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

Section I. The City Council of the City of Plano, Texas, finds and determines that the tax payments listed in Exhibit "A" were paid erroneously or were in excess of taxes due and shall be refunded in accordance with Section 31.11 of the Texas Property Tax Code.

Section II. The Director of Tax Collections for the City of Plano, Texas, or her designee, is hereby authorized to take the necessary action to effectuate the refunds approved under this Resolution.

Resolution No. \_\_\_\_\_

Page 2

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

DULY PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_,  
2002.

\_\_\_\_\_  
Pat Evans, MAYOR

ATTEST:

\_\_\_\_\_  
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

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CF

Resolution No. \_\_\_\_\_  
 Attachment "A" Page 1 of 2

FIDO	NAME & ADDRESS	VARIANCE/REFUND-REQ#2 OVERPAYMENT/ALREADY PAID ACCOUNT #	GF/LN #	YEAR	BATCH #	REFUND TYPE	PLANO CITY	ACCOUNT TOTAL	TOTAL OF REFUND
333833	TRANSAMERICA REAL ESTATE TAX SERVICE 1201 ELM ST STE 400 DALLAS TX 75270	R-1551-040-001A-1	991 6515432	2001	T02807W1	AP	123.96	123.96	123.96
300776	WORLD SAVINGS AND LOAN ASSN 1901 HARRISON'S T OAKLAND CA 94612-0000	R-1833-002-0060-1	2528115	2001	T02614M2	OP	492.96	492.96	492.96
							616.92	616.92	616.92

TOTAL PAGE 1

Resolution No. \_\_\_\_\_  
Attachment "A" Page 2 of 2

AUGUST 29, 2002(DB)  
VARIANCE/REFUND-REQ#2  
OVERPAYMENT/ALREADY PAID

23		ACCOUNT	TOTAL OF
PLANO	CITY	TOTAL	REFUND
616.92		616.92	616.92
616.92		616.92	616.92
PAGE 1			
GRAND TOTALS			

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## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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:	<b>9/9/02</b>	Reviewed by Legal <i>OK</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Purchasing	Initials	Date	
Department Head	Mike Ryan	Executive Director		
Dept Signature:	<i>Mike Ryan</i>	City Manager	<i>[Signature]</i>	<i>9/29/02</i>
Agenda Coordinator (include phone #):		<b>7134</b>		

**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 MANAGER OR HIS DESIGNEE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH LOCAL GOVERNMENTAL ENTITIES PURSUANT TO CHAPTER 791 OF THE GOVERNMENT CODE TO ESTABLISH A COOPERATIVE PURCHASING GROUP KNOWN AS THE INNOVATION GROUP NATIONAL PURCHASING ALLIANCE ("ALLIANCE") AND PROVIDING 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
<b>BALANCE</b>	0	0	0	0

FUND(s):

COMMENTS:

### SUMMARY OF ITEM

Staff requests approval by City Council to enter into an Interlocal Cooperative Purchasing Agreement with currently 16 other participating local governmental entities collectively known as the Innovation Group National Purchasing Alliance for cooperative purchasing efforts. Texas competitive bid laws will govern the cooperative purchasing activities and participation in this agreement will satisfy any competitive bid requirements.

List of Supporting Documents:  
 Resolution  
 Exhibit "A" Interlocal Agreement

Other Departments, Boards, Commissions or Agencies

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH LOCAL GOVERNMENTAL ENTITIES PURSUANT TO CHAPTER 791 OF THE GOVERNMENT CODE TO ESTABLISH A COOPERATIVE PURCHASING GROUP KNOWN AS THE INNOVATION GROUP NATIONAL PURCHASING ALLIANCE ("ALLIANCE") AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Interlocal Cooperative Act provided under Chapter 791, Government Code, authorizes local governments to contract with each other to the greatest extent possible to perform government functions and services under the terms thereof; and

**WHEREAS**, Section 271.101, Local Government Code, allows local governments to participate in the cooperative purchasing program to purchase from a contract currently in place between another local government and vendor by entering into an interlocal agreement with the applicable governmental entity; and

**WHEREAS**, the City Council has been presented a proposed Interlocal Participation Agreement ("Agreement"), by and between the City of Plano, Texas and currently 16 other participating local governments to form a cooperative purchasing group known as the Innovation Group National Purchasing Alliance ("Alliance"), to establish a cooperative purchasing program for goods and services, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement");

**WHEREAS**, any and all activities conducted as part of the cooperative purchasing program by the participating local government entities will be in accordance with Texas competitive bid laws; and

**WHEREAS**, a local government entering into an interlocal agreement with the City of Plano for this purpose agrees to execute and administer its own contract with the vendor, including but not limited to, making payments directly to the vendor and being responsible for a vendor's compliance with provisions relating to the quality of items and terms of delivery; and

**WHEREAS**, a purchase by a participating local government through the cooperative purchasing program satisfies any competitive bid requirements; and

**WHEREAS**, the name "Innovation Group National Purchasing Alliance" is based on The Innovations Groups, a national nonprofit organization with membership base of governmental entities. The Innovations Groups' role in the cooperative purchasing group is to market the database nationally and will receive remuneration for aggregate purchases based on its participation in the bid process; and

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

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

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

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

**Section III.** This Resolution shall become effective 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

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# NATIONAL LEAGUE OF CITIES

## ANNUAL CONGRESS OF CITIES SALT LAKE CITY, UTAH

### Number of Votes – Annual Business Meeting Direct Member Cities

Article IV, Section 2 of NLC's Bylaws specifies the number of votes that each direct member city of the National League of Cities is entitled to cast at the Annual Congress of Cities:

CITY POPULATION (per 2000 Census)	NUMBER OF VOTES
Under 50,000	1 vote
50,000 – 99,999	2 votes
100,000 – 199,999	4 votes
200,000 – 299,999	6 votes
300,000 – 399,999	8 votes
400,000 – 499,999	10 votes
500,000 – 599,999	12 votes
600,000 – 699,999	14 votes
700,000 – 799,999	16 votes
800,000 – 899,999	18 votes
900,000 and above	20 votes

Please note that all member cities are required by the Bylaws to cast unanimous votes.

NLC is now using 2000 census data for the city's voting entitlement.

*AMTVL*

**Exhibit "A"**

**INTERLOCAL AGREEMENT BETWEEN CITY OF PLANO AND  
PARTICIPATING LOCAL GOVERNMENTAL ENTITIES TO FORM A  
COOPERATIVE PURCHASING GROUP KNOWN AS THE INNOVATION  
GROUP NATIONAL PURCHASING ALLIANCE ("ALLIANCE")**

This agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the **CITY OF PLANO, TEXAS** (hereinafter called "PLANO"), acting by and through its duly authorized official, and currently 16 participating **LOCAL GOVERNMENTAL ENTITIES** to form a cooperative purchasing group known as the Innovation Group National Purchasing Alliance ("ALLIANCE"); and

**WHEREAS**, ALLIANCE is composed of local government entities engaged in the purchase of goods and services, which is a recognized governmental function, and

**WHEREAS**, PLANO desires to enter into an Interlocal Agreement pursuant to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") with other participating local governmental entities in the ALLIANCE to establish a cooperative purchasing group; and

**WHEREAS**, participation in a Cooperative Purchasing Program will be highly beneficial to the taxpayers of Plano and other ALLIANCE participants based upon the anticipated savings to be realized and is of mutual concern to the contracting parties; and

**WHEREAS**, the name "Innovation Group National Purchasing Alliance" is based on The Innovations Groups, a national nonprofit organization with membership base of governmental entities. The Innovations Groups' role in the cooperative purchasing group is to market the database nationally and will receive remuneration for aggregate purchases based on its participation in the bid process; and

**WHEREAS**, PLANO and other ALLIANCE participants have current funds available to satisfy any fees owed pursuant to this Agreement.

**NOW, THEREFORE**, in consideration of the foregoing and the mutual promises, covenants and obligations as set forth herein; PLANO and other ALLIANCE participants agree as follows:

1. PLANO and other ALLIANCE participants will establish a cooperative purchasing program for purchase of various goods and services

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commonly utilized by all participants from vendors under present and future contracts.

2. The activities conducted as part of the cooperative purchasing program by the participating local government entities will be in accordance with Texas competitive bid laws.
3. PLANO and other ALLIANCE participants will enter into individual contracts with vendors under the Cooperative Purchasing Program provided for under this Agreement. PLANO and other ALLIANCE participants shall each be individually responsible for payments directly to the vendor and for the vendor's compliance with all conditions of delivery and quality of purchased items under such individual contracts. PLANO and other ALLIANCE participants shall each make their respective payments from current revenues available to the paying party.
4. The initial term of this Contract shall be a period of twelve (12) months commencing upon the effective date hereof; provided however, that the City shall have the right and option to extend the term hereof by five (5) additional twelve (12) month periods by giving written notice to other ALLIANCE participants of City's election to extend the term hereof, such notice to be given not more than sixty (60) days prior to the expiration of the initial term.
5. Notwithstanding anything herein to the contrary, participation in this Agreement may be terminated by any party upon thirty (30) days written notice to the other entities at the address set forth below the signatures hereto.
6. The Innovations Group is responsible for marketing the cooperative purchasing program and will receive remuneration for aggregate purchases based on its participation in the bid process.
7. The undersigned officer and/or agents of the parties hereto are duly authorized officials and possess the requisite authority to execute this Agreement on behalf of the parties hereto.
8. This Agreement may be executed separately, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.
9. Notwithstanding anything herein to the contrary, nothing in this Agreement is intended to create a joint enterprise between or among PLANO and any ALLIANCE participants. The purpose of this Agreement is to gain the advantage of economies of scale and the reduction of advertising, administrative, and overhead expenses relating to the purchasing of goods and services by allowing any participant in the ALLIANCE to enter into individual contracts with participating vendors.

The only parties to those contracts will be the respective individual ALLIANCE participant and the vendor. No other ALLIANCE participant has any right of control over that contract. No party to this Agreement and no participant in the ALLIANCE have the authority to enter into contracts or to assume any obligation for any other participant, nor to make warranties or representations on behalf of any other participant.

**EXECUTED** hereto on the day and year first above written.

**CITY OF PLANO, TEXAS**

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

TITLE: \_\_\_\_\_

P.O. Box 860358  
PLANO, TX 75086-0358

ATTEST:

\_\_\_\_\_  
Elaine Bealke, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane Wetherbee, City Attorney

STATE OF TEXAS        )

COUNTY OF COLLIN     )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2002, by **Thomas H. Muehlenbeck**, City Manager of the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

\_\_\_\_\_  
Notary Public in and for the State  
Of Texas

*d-l*



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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:	<b>9/9/02</b>	Reviewed by Legal <i>W</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Purchasing	Initials	Date	
Department Head	Mike Ryan	Executive Director		
Dept Signature:	<i>Mike Ryan</i>	City Manager	<i>DM</i>	<i>8/28/02</i>
Agenda Coordinator (include phone #):		7134		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				

### CAPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE INTERNAL OPERATING PROCEDURES FOR RECEIPT OF ELECTRONIC SEALED BIDS OR PROPOSALS AND A COMPREHENSIVE E-PROCUREMENT SYSTEM TO ENSURE THE IDENTIFICATION, SECURITY, CONFIDENTIALITY AND PROTECTION AGAINST PREMATURE OPENING OF ELECTRONIC BIDS OR PROPOSALS REQUIRED BY HOUSE BILL 1981 AND PROVIDING 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
<b>BALANCE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

FUND(s): \_\_\_\_\_

COMMENTS:

### SUMMARY OF ITEM

House Bill 1981, effective September 1, 2001, authorizes municipalities to electronically receive sealed bid and proposal responses from vendors. Staff requests Council approval of the attached internal operating procedures for receipt of electronic sealed bids or proposals and comprehensive e-procurement system.

List of Supporting Documents: Resolution Exhibit "A" - Internal Operating Procedure Exhibit "B" - Memo to City Manager on Comprehensive E-Procurement	Other Departments, Boards, Commissions or Agencies
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RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE INTERNAL OPERATING PROCEDURES FOR RECEIPT OF ELECTRONIC SEALED BIDS OR PROPOSALS AND A COMPREHENSIVE E-PROCUREMENT SYSTEM TO ENSURE THE IDENTIFICATION, SECURITY, CONFIDENTIALITY AND PROTECTION AGAINST PREMATURE OPENING OF ELECTRONIC BIDS OR PROPOSALS REQUIRED BY HOUSE BILL 1981 AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, HB 1981, effective September 1, 2001, authorizes municipalities to electronically receive sealed bid and proposal responses from vendors; and

**WHEREAS**, the bill requires that internal procedures for ensuring the identification, security, confidentiality and protection against premature opening of electronic bids or proposals be established and approved by the governing body prior to implementation; and

**WHEREAS**, Staff proposes that internal operating procedures for receipt of electronic sealed bids or proposals attached herein as Exhibit "A" be approved. In addition, through an interlocal agreement with other local governmental entities, the City will participate in a comprehensive e-procurement system providing online bid notification and management that will ensure the identification, security, confidentiality and protection against premature opening of bids or proposals; and

**WHEREAS**, upon full review and consideration of the internal operating procedures referenced above and e-procurement system attached herein as Exhibit "B", the City Council is of the opinion that it is in the best interest of the City and its citizens to adopt said procedure, and that the City Manager should be authorized to implement the same on behalf of the City of Plano.

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

**Section I.** The internal operating procedures for receipt of electronic sealed bids or proposals and a comprehensive e-procurement system attached herein, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interest of the City of Plano and its citizens, are hereby approved.

**Section II.** The City Manager is hereby authorized to implement said procedure on behalf of the City of Plano.

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

DULY PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_,

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2002.

\_\_\_\_\_  
Pat Evans, MAYOR

ATTEST:

\_\_\_\_\_  
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

## Exhibit "A"

### City of Plano Purchasing Division Internal Operating Procedure Receipt of Electronic Sealed Bids or Proposals

SUMMARY: This procedure will apply to sealed bids and proposals that are estimated to cost \$25,000+ or the sealed bid/proposal dollar levels as defined by current State law. This procedure is to ensure the identification, security and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

WHO	DOES WHAT
Purchasing Staff	Places bid notice advertisements as required by State law. A notification will be added to the bid/proposal ad stating vendors may submit responses electronically through the designated Internet provider, listing the appropriate electronic address.
Purchasing Staff	Only a password-enabled purchasing employee will be able to open the electronic responses and only at the established closing time and date.
Purchasing Staff	Bids/proposals and the recap summary will be opened, downloaded, and printed.
Purchasing Staff	Will open any hard document (paper) responses received in full sight of any interested party.
Purchasing Staff	Will read aloud to interested parties present, all electronic and hard document responses properly received by closing time and date.
Purchasing Staff	Will post recap electronically as appropriate with the following statement: <i>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 notify the successful bidder upon award of the contract.</i>

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## Exhibit "B"

### MEMORANDUM

**DATE:** August 23, 2002

**TO:** Thomas H. Muehlenbeck  
City Manager

**FROM:** Mike Ryan  
Purchasing Manager

**SUBJECT:** E-Procurement Program

### ISSUE

1. House Bill 1981, effective September 1, 2001, authorized municipalities and counties to electronically receive sealed bid and proposal responses from vendors. The bill also requires that the governing body approve the operating procedures of the entity and security measures of the selected provider prior to use.
2. Request for Proposal (RFP) #221-02 was issued by Garland (as the lead agency), Innovation Group and 16 area agencies, including the City of Plano, to select an e-procurement provider for electronic sealed bids and other Internet based procurement services. RFP Depot was selected as the provider offering best value to the City of Plano and all participating agencies.
3. The 17 participating agencies and IG will initially form the Innovation Group National Purchasing Alliance (Alliance), an Interlocal cooperative purchasing alliance, enabling all participating agencies to establish a cooperative purchasing program for goods and services and to aggregate like goods and services. We request Council approve a resolution for Plano's participation in the Alliance.

### BACKGROUND

In March 2001, Plano became one of the nation's first participants in a new online bid notification system, which proved to be a tremendous benefit to our Purchasing operations. With that system, we did not have to pay anything for the

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service, but vendors paid an annual fee to be automatically e-mailed any time a bid came out in a commodity they provided. However, in 2001, ownership of the company changed hands, and a number of changes were made which prompted us and others to question whether they would remain viable as a company.

In January of this year, the Innovation Groups (IG), a non profit association of local governments of which Plano is a member, pulled together several area purchasing directors, one of which was myself, to evaluate the situation and to ensure that we were prepared, in the event this company failed to survive. From those discussions, it was agreed that significant benefits would result from our working together, operating from a common e-procurement platform. Such cooperation would lower operating costs for our vendors, while simultaneously lowering internal costs for us. Additionally, operating from a common e-procurement platform would allow us to make strides in cooperative and aggregated bidding, which would yield significant cost savings on the products and services being bid out.

This initial group spent approximately three months developing a set of specifications for a comprehensive e-procurement system, including the secure receipt of electronic sealed bids and proposals. These specifications and the overall concepts were shared with other area purchasing directors at a meeting in Plano. Following that meeting, we grew to a total of 17 agencies that formally agreed to be a part of a RFP for a common e-procurement system. These 17 agencies include the cities of Allen, Arlington, Carrollton, The Colony, Flower Mound, Garland, Grand Prairie, Lewisville, Mesquite, Plano, Richardson, and University Park, as well as Duncanville ISD, Collin County, Denton County, Collin County Community College District, and the University of Texas at Dallas. A cooperative known as the Innovation Group National Purchasing Alliance (Alliance) will be formed by these 17 agencies.

All 17 agencies then conducted additional review of the specifications, and agreed to final modifications. An extensive search was done to identify and notify every possible provider of e-procurement systems. A pre-submission conference was held in Garland in March, with 27 vendors attending. RFP #221-02 was issued with a closing date of April 30, 2002. Ultimately, a total of 17 companies submitted proposals. One of the requirements of the bid specifications was that the system be provided at no or low cost to the local governments.

Copies of all proposals were provided to each of the 17 agencies. The group devoted almost a month to detailed technical review of the proposals. Most were rejected because they failed to provide a solution that was low or no cost, and in fact some of those proposals ran into the hundreds of thousands of dollars. Ultimately, it was unanimously agreed that four proposals warranted a further look. Those four were invited to present live demonstrations, which were hosted by Collin County Community College in their computer training room. Out of this

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process, two of the systems appeared to meet all technical specifications, as well as to provide us with the low or no cost solution. Ultimately, further review suggested that one of the two providers offered substantially higher stability and longevity than the other. As a result, the committee unanimously decided to move forward with RFP Depot as the chosen provider.

Following this initial decision, we conducted a financial review, which yielded no significant problems with the company. Additionally, a committee of approximately a dozen IT Directors from the participating agencies met with RFP Depot for a half day to review all technical and compatibility issues. That group likewise found no issues of concern with the system. It was determined that the RFP Depot security system meets City of Plano standards.

The Purchasing Directors from Garland, Plano, Collin County, and Duncanville ISD comprised the negotiation team, and agreed that the RFP Depot system is the best technical system, that it meets all specifications, that it is stable, and that the business model makes sense. In essence, the RFP Depot business model provides significant advantages for small and minority businesses. Where the system we had been using requires companies to pay for access to information, whether they actually get any business out of it or not, this system is provided at no cost but requires the successful vendor to pay a 1% transaction fee to RFP Depot.

### **CONSIDERATION**

Another component for progressive local governments like ours is that if a local government wants to, they can structure a bid to be a national contract through this system. When a bid is structured to be a national contract, the transaction fee is 2% instead of 1%, but that additional 1% is split between the Innovation Groups for coordinating and marketing the national contract, and the local government who originated that particular national bid.

**In other words, this provides an opportunity to generate revenue, while simultaneously lowering our own product costs, and providing lower product costs for numerous other agencies. To our knowledge this is the first time this model has ever been used.**

This system also gives us the ability to buy off of other national contracts. Every time we buy off of a contract that another agency has already bid, we save staff preparation and analysis time, as well as advertising and processing costs. This should also improve productivity because using departments will get their needed supplies and equipment faster.

Another cost saving impact is on the price of the product itself. These savings come four ways:

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1. By saving the vendor process costs on his end. IG visited with one vendor who said that approximately 6% of the cost of his product covers bid response and compliance costs.
2. This system will lower our product costs through volume. Cooperating together to create greater volume, will drive down the pricing.
3. We can reduce product costs when we are part of such a large group, as there are some products we can get directly from the manufacturer, eliminating middleman costs.
4. We should see savings by using online reverse auctions. A reverse auction is just like a regular auction except the vendor is bidding the price down instead of up. This system complies with State law regarding reverse auctions.

The potential downside to this system is that some vendors may resist paying the 1% transaction fee charged to the successful vendor. Our argument for this potential complaint is the system must be paid for by one of three methods: 1) Each agency must budget funds to pay for the system individually, 2) All Vendors could pay for the system through an annual "sign-up" fee (as in our current system), or 3) The Vendor who is actually making money (successful vendor) could pay a small % on each successful contract. Method #3 is being used by many successful cooperative purchasing ventures around the country; i.e., U.S. Communities, Texas Buy-Board, and others.

This RFP was done with IG, and all 17 previously named agencies. Because RFP Depot system does not involve any expenditure of City funds, and does not require a contract to be executed, formal Council action is not required.

This is a project that will clearly give Plano, and the other core agencies, national attention. By this action, we are changing the way local government purchasing is done locally and nationwide.

## **FINANCIAL CONSIDERATION**

No fee is involved in the participation with either RFP Depot or the Interlocal Agreement with Alliance. There will be no additional budgetary expenses and no additional staffing requirements.

## **LEGAL CONSIDERATION**

Interlocal participation under Sections 271.101 - 271.102 and 791 of the Texas Local Government Code satisfies State law requiring the local government to seek competitive bids for the purchase of goods or services, provided that one of those parties has competitively bid the goods or services being purchased. Electronic sealed bids are authorized in 252.0415 of the Local Government Code. Reverse auctions are authorized in 252.021(a)(2) of the Local Government Code.



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>9/9/02</b>		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Intergovernmental Relations			Initials	Date
Department Head	Julie M. Fleischer			Executive Director	
Dept Signature:	<i>Julie M. Fleischer</i>			City Manager	
Agenda Coordinator (include phone #):		<b>Nancy Rodriguez x7510</b>			
ACTION REQUESTED:					
<input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					

### CAPTION

APPROVING THE TERMS AND CONDITIONS OF A COMMUNICATIONS FACILITIES LICENSE BY AND BETWEEN CITY OF PLANO AND METROPLEX TELEPHONE COMPANY D/B/A AT&T WIRELESS FOR THE PLACEMENT OF CELLULAR ANTENNAS ON THE MUNICIPAL CENTER COMMUNICATIONS TOWER LOCATED AT 1520 AVENUE K; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

### FINANCIAL SUMMARY

<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>02-03</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	56,361	56,361
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
<b>BALANCE</b>	0	0	56,361	56,361

FUND(s): **GENERAL FUND**

COMMENTS: This item has been included in the 2002-2003 Proposed Budget in the amount of \$10,200. Future revenues include a 5% per annum escalator for a five-year period.

STRATEGIC PLAN GOAL: Revenues generated from facilities licensing agreements related to the City's Goal of a Major Business Center

### SUMMARY OF ITEM

Metroplex Telephone Company d/b/a AT&T Wireless has completed negotiations with the City on the attached License for the placement of cellular antennas on the communications tower located on the Municipal Center complex. The Communications Facilities License is for an initial five-year term with five additional five-year renewals. The License will be managed by Signal Sites, Inc., a company retained by the City to manage and market City facilities for the placement of wireless antennas/equipment. Pursuant to the City's contract with Signal Sites, management fees are 50% of the net new revenue generated by this License. However, for this particular contract, Signal Sites has agreed to lower management fees. For FY 2002-2003, estimated annual net revenue for the City is \$10,200, with estimated management fees of \$7,800. The License provides for a 5% escalator for each Lease Year.



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

List of Supporting Documents: Communications Facilities License	Other Departments, Boards, Commissions or Agencies n/a

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RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A COMMUNICATIONS FACILITIES LICENSE BY AND BETWEEN CITY OF PLANO AND METROPLEX TELEPHONE COMPANY D/B/A AT&T WIRELESS FOR THE PLACEMENT OF CELLULAR ANTENNAS ON THE MUNICIPAL CENTER COMMUNICATIONS TOWER LOCATED AT 1520 AVENUE K; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Plano, Texas, has been presented a proposed Communications Facilities License by and between the City of Plano and Metroplex Telephone Company d/b/a AT&T Wireless for the placement of cellular antennas on the Municipal Center Communications Tower located at 1520 Avenue K, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "the License"); and

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

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

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

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

**Section III.** This Resolution 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

f-3

The proposed Communications Facilities License  
by and between the City of Plano and  
Metroplex Telephone Company d/b/a AT&T Wireless  
may be reviewed in the  
Intergovernmental Relations offices of the City of Plano.

f-4



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

AUG 30 2002

<b>CITY SECRETARY'S USE ONLY</b>		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:	9/9/02		Reviewed by Legal <i>JG</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Parks and Recreation		Initials	Date	
Department Head	Don Wendell		Executive Director		
Dept Signature:	<i>Don Wendell</i>		City Manager	<i>JG</i>	8/30/02
Agenda Coordinator (include phone #): <b>Linda Benoit (7255)</b>					

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

**CAPTION**

Establishing a Fee Schedule for the Use of Parks and Recreation Facilities; Repealing Previous Fee Schedules for the Use of Parks and Recreation Facilities; and Providing a Repealer Clause, A Severability Clause, and 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	1,498,758	0	1,498,758
Encumbered/Expended Amount	0	0	0	0
This Item	0	406,333	0	406,333
<b>BALANCE</b>	0	1,905,091	0	1,905,091

FUND(S): **GENERAL FUND**

**COMMENTS:** If approved, this item will add additional revenues in the amount of \$406,333 to the FY 2002-03 Budget. The FY 2002-03 Budget includes these increases.

**SUMMARY OF ITEM**

This Resolution authorizes the fee increases approved in the FY 2002-03 budget.

List of Supporting Documents:  
Resolution  
Fee Schedule

Other Departments, Boards, Commissions or Agencies  
Approved by the Parks and Recreation Planning Board  
on May 7, 2002.

*g-1*

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS ESTABLISHING A FEE SCHEDULE FOR THE USE OF PARKS AND RECREATION FACILITIES; REPEALING PREVIOUS FEE SCHEDULES FOR THE USE OF THE PARKS AND RECREATION FACILITIES; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council recognizes the importance of providing effective and efficient Parks and Recreation services and programs; and

**WHEREAS**, to provide for the expenses and resources for City recreation facilities and programs, the City Council is of the opinion that a Parks and Recreation Fee Schedule should be adopted to cover the increased costs of administering and providing City services and programs to the users, and the City Council has been presented a proposed fee schedule, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

**WHEREAS**, upon full review and consideration of the fee schedule, the City Council is of the opinion that the attached Parks and Recreation Fee Schedule should be adopted and approved and all previous fee schedules and charges for Parks and Recreation services should be repealed in all respects, and that a copy of the fee schedule, when approved, should be on file with the Parks and Recreation Department and made available to the public at the Parks and Recreation Department office;

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

**Section I.** The Parks and Recreation Department Fee Schedule attached hereto as Exhibit "A", 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 adopted and approved, and previous fee schedules and charges for the services are repealed in all respects.

**Section II.** All prior Resolutions in conflict with the provisions of this Resolution are hereby repealed.

RESOLUTION NO. \_\_\_\_\_

Page 2

**Section III.** This Resolution shall become effective October 4, 2002.

**DULY PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Pat Evans, MAYOR

ATTEST:

\_\_\_\_\_  
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane Wetherbee, CITY ATTORNEY

9-3

**CITY OF PLANO – PARKS AND RECREATION DEPARTMENT  
FEE SCHEDULE**

**PAVILION RESERVATION FEES**

Administrative Fee	\$ 10.00
--------------------	----------

**POOL DAILY ADMISSION FEES**

Jack Carter Pool	\$ 2.00
Plano Aquatic Center	\$ 1.50
Williams Natatorium	\$ 1.50

**POOL COUPON BOOK**

	\$ 30.00
For 20 Admissions	

**POOL RENTALS**

Based on Number of Participants and  
Facility (See Attached)

**POOL PARTY AREA RENTALS (PER HOUR)**

Resident	\$ 50.00
Non-Resident	\$ 60.00

**RECREATION CENTER ANNUAL MEMBERSHIPS**

Adult	\$ 49.00
Youth	\$ 25.00
Senior	\$ 35.00
Non-Resident who Works in Plano	\$ 98.00
Replacement ID Card	\$ 5.00
Non-Resident Adult	\$147.00
Non-Resident Youth	\$ 75.00
Non-Resident Senior	\$105.00

**RECREATION & ATHLETIC USER FEES**

Resident	\$ 4.00
Non-Resident	\$ 8.00

- A resident is defined as someone who lives in the City of Plano or the Plano Independent School District.
- A youth is defined as someone at least age 7 but not older than age 17.
- An adult is defined as someone age 18 and older.
- A senior citizen is defined as someone age 60 and older.

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**RESIDENT POOL RENTAL FEES**

# People	PAC/NAT	OPC Outdoor	OPC Indoor	OPC Both	JCP Main	JCP w/baby
1-40	\$ 95.00					
41-60	\$ 120.00				\$ 120.00	\$ 150.00
61-80	\$ 145.00				\$ 145.00	\$ 175.00
81-100	\$ 170.00				\$ 170.00	\$ 200.00
101-120	\$ 195.00				\$ 195.00	\$ 225.00
121-140	\$ 220.00	\$ 220.00	\$ 220.00		\$ 220.00	\$ 250.00
141-160	\$ 245.00	\$ 245.00	\$ 245.00		\$ 245.00	\$ 275.00
161-180	\$ 270.00	\$ 270.00	\$ 270.00		\$ 270.00	\$ 300.00
181-200	\$ 295.00	\$ 295.00	\$ 295.00		\$ 295.00	\$ 325.00
201-220		\$ 320.00	\$ 320.00		\$ 320.00	\$ 350.00
221-240		\$ 345.00	\$ 345.00		\$ 345.00	\$ 375.00
241-260		\$ 370.00	\$ 370.00		\$ 370.00	\$ 400.00
261-280		\$ 395.00	\$ 395.00		\$ 395.00	\$ 425.00
281-300		\$ 420.00	\$ 420.00	\$ 450.00	\$ 420.00	\$ 450.00
301-320			\$ 445.00	\$ 475.00	\$ 445.00	\$ 475.00
321-340			\$ 470.00	\$ 500.00	\$ 470.00	\$ 500.00
341-360			\$ 495.00	\$ 525.00	\$ 495.00	\$ 525.00
361-380			\$ 520.00	\$ 550.00	\$ 520.00	\$ 550.00
381-400			\$ 545.00	\$ 575.00	\$ 545.00	\$ 575.00
401-420			\$ 570.00	\$ 600.00	\$ 570.00	\$ 600.00
421-440			\$ 595.00	\$ 625.00	\$ 595.00	\$ 625.00
441-460			\$ 620.00	\$ 650.00	\$ 620.00	\$ 650.00
461-480			\$ 645.00	\$ 675.00	\$ 645.00	\$ 675.00
481-500			\$ 670.00	\$ 700.00	\$ 670.00	\$ 700.00
501-520				\$ 725.00		
421-540				\$ 750.00		
541-560				\$ 775.00		
561-580				\$ 800.00		
581-600				\$ 825.00		
601-620				\$ 850.00		
621-640				\$ 875.00		
641-660				\$ 900.00		
661-680				\$ 925.00		
681-700				\$ 950.00		
701-720				\$ 975.00		
721-740				\$1,000.00		

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741-760				\$1,025.00		
761-780				\$1,050.00		
781-800				\$1,075.00		

**ADD \$20.00 FOR NON-RESIDENTS**

g-4



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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:	<b>9/9/02</b>	Reviewed by Legal <i>AW</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Economic Development		Initials	Date
Department Head	Sally Bane		Executive Director	
Dept Signature:		City Manager	<i>[Signature]</i>	<i>9/16</i>
Agenda Coordinator (include phone #): <b>Lynne Kemper - 7109</b>				
<b>ACTION REQUESTED:</b> <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				
<b>CAPTION</b>				
A Resolution of the City Council of the City of Plano, Texas, repealing the previous tax abatement policy statement on establishing criteria for evaluating incentive applications; establishing procedural guidelines and criteria governing tax abatement agreements; and providing an effective date.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	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:				
<b>SUMMARY OF ITEM</b>				
Tax abatement guidelines are effective for two years and the existing tax abatement guidelines were adopted two years ago. This Resolution repeals the previous tax abatement policy and adopts a new tax abatement policy.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
n/a		n/a		

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, REPEALING THE PREVIOUS TAX ABATEMENT POLICY OF THE CITY OF PLANO; ADOPTING A TAX ABATEMENT POLICY STATEMENT ON ESTABLISHING CRITERIA FOR EVALUATING INCENTIVE APPLICATIONS; ESTABLISHING PROCEDURAL GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, tax abatement guidelines and criteria are effective for two (2) years from adoption; and

**WHEREAS**, the existing tax abatement guidelines and criteria were adopted two (2) years ago; and

**WHEREAS**, the City wishes to repeal the previous tax abatement policy of the City and adopt a new tax abatement policy which will be applicable for all tax abatement applications filed after the date of this Resolution; and

**WHEREAS**, the City Council has been presented with a proposed Policy Statement for Tax Abatement, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Policy"); and

**WHEREAS**, upon full review and consideration of the Policy and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved.

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

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



**Section II.** The City of Plano elects to be eligible to participate in tax abatement agreements.

**Section III.** This Resolution 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*  
\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

## CITY OF PLANO

### POLICY STATEMENT FOR TAX ABATEMENT

#### **I. General Purpose and Objectives**

The City of Plano is committed to the promotion and retention of high quality development in all parts of the City and to an ongoing improvement in the quality of life for its citizens. Insofar as the enhancement and expansion of the local economy generally serve these objectives are generally served by the enhancement and expansion of the local economy, the City of Plano will, on a case-by-case basis, give consideration to providing tax abatement as stimulation for economic development in Plano. The City of Plano will consider providing incentives in accordance with the procedures and criteria outlined in this document. Nothing herein shall imply or suggest that the City of Plano is under any obligation to provide tax abatement to any applicant. All applicants shall be considered on a case-by-case basis.

#### **II. Criteria**

Any request for tax abatement shall be reviewed by the Joint Committee on Tax Abatement, said Committee being comprised of two elected officials from each of the following taxing units: City of Plano, Collin County Community College and Collin County. Participation on the Joint Committee on Tax Abatement is elective and determined by each taxing entity. Because of provisions of the Texas Education Code, Plano Independent School District will not be able to participate in Tax Abatements under this policy.

The Joint Committee on Tax Abatement serves as a recommending body to the taxing units regarding whether economic development incentives should be offered in each individual case. Their recommendation shall be based upon an evaluation of the criteria that each applicant will be requested to address in narrative format.

#### **III. Value of Incentives**

Following an assessment of the narrative response, the Joint Committee on Tax Abatement shall determine whether it is in the best interests of the affected participating taxing entities to recommend that an abatement be offered to the applicant. Additional consideration beyond the criteria will include such items as the degree to which the project/applicant furthers the goals and objectives of

the community or meets or compliments a special need identified by the community.

Tax Abatement shall be offered in two categories: 1) Real Property and/or 2) Business Personal Property. Real property abatements will be offered to applicants that pursue the construction of new or expanded facilities in which to house the applicable project or the modernization of existing facilities. The abatement will apply to the value of improvements made. Business Personal Property abatements will be offered to applicants that pursue the purchase or long-term lease of existing facilities. The abatement will apply to the value of new personal property brought into the taxing jurisdiction.

Once a determination has been made that a tax abatement should be offered, the value and term of the abatement will be determined based upon information provided in the narrative response.

#### **IV. Procedural Guidelines**

Any person, organization or corporation desiring that Plano consider providing tax abatement to encourage location, modernization of existing facilities, or expansion of operations within the city limits of Plano, shall be required to comply with the following procedural guidelines. Nothing within these guidelines shall imply or suggest that Plano is under any obligation to provide tax abatement in any amount or value to any applicant.

##### **Preliminary Application Steps**

- A. Applicant shall complete the attached "Application for Tax Abatement."
- B. Applicant shall address all criteria questions outlined in the application in narrative format.
- C. Applicant shall prepare a plat showing the precise location of the property, all roadways within 500 feet of the site, and all existing land uses and zoning within 500 feet of the site.
- D. 14 days prior to the public hearing, the applicant must provide a metes & bounds property description and a general address of the property.

- E. Applicant shall complete all forms and information detailed in items A through D above and submit them to the Director of Finance, City of Plano, P. O. Box 860358, Plano, Texas 75086-0358 (email: [jmcgrane@plano.gov](mailto:jmcgrane@plano.gov)). Applicant shall also submit a copy of the application to the Executive Director of the Plano Economic Development Board, 4800 Preston Park Boulevard, Suite A-100, Plano, Texas 75093 (email: [sbane@airmail.net](mailto:sbane@airmail.net)).

### Application Review Steps

- F. All information in the application package detailed above will be reviewed for completeness and accuracy. Additional information may be requested as needed.
- G. The application will be distributed to the appropriate City departments for internal review and comments. Additional information may be requested as needed.
- H. Copies of the complete application package and staff comments will be provided to the Joint Committee on Tax Abatement.

### Consideration of the Application

- I. The Joint Committee on Tax Abatement will consider the application at a regular or called meeting(s). The applicant must submit the tax abatement application to the City of Plano at least fourteen (14) days prior to the meeting of the Committee, scheduled on a monthly basis. Upon review, the Joint Tax Committee, will determine whether it will recommend a proposed offer of abatement to the applicant. The proposed offer shall not bind the City of Plano or other taxing entity to grant an abatement.
- J. Upon receipt of the proposed offer, the applicant will have ninety (90) days to accept, reject or request an extension of the proposed offer. All responses and requests shall be made to the Joint Committee on Tax Abatement to extend the tax abatement proposal. In certain circumstances, the time frame may be shortened. See S. below.

- K. Upon written acceptance by the applicant, the recommendation of the Joint Committee on Tax Abatement with all relevant materials will be forwarded by the City of Plano, to the chief administrative officer of each taxing unit.
- L. The City Council of Plano may consider a resolution calling a public hearing to consider establishment of a tax reinvestment zone.
- M. The City Council of Plano may hold the public hearing and determine whether the project is "feasible and practical and would be of benefit to the land to be included in the zone and to the municipality after the expiration of the tax abatement agreement."
- N. The City Council of Plano may consider adoption of an ordinance designating the area described in the legal description of the proposed project as a commercial/industrial tax abatement zone.
- O. The City Council may consider adoption of a resolution approving the terms and conditions of a contract between the City and the applicant governing the provision of the tax abatement.
- P. The governing bodies of the Collin County and Collin County Community College District may consider ratification of and participation in the abatement agreement between the City of Plano and the applicant.
- Q. Certain information provided to the Joint Committee on Tax Abatement in connection with an application or request for tax abatement may be confidential and not subject to public disclosure until the tax abatement agreement is executed. The Joint Committee on Tax Abatement, through the City of Plano, will respond to requests for disclosure as required by law and will assert exceptions to disclosure as it deems relevant. Texas Government Code Chapter 552; Texas Tax Code section 312.003.
- R. If the tax abatement agreement is approved by the taxing units, the City of Plano will send copies of the agreement to the Texas Department of Economic Development, Office of the Comptroller, and to the State Property Tax Board each April.

- S. Property tax is assessed on January 1 of each year. It is the obligation of the applicant to ensure that all final approvals for the tax abatement agreement have occurred by December 31<sup>st</sup> of the year prior to the year the improvements are assessed. No tax abatement can be given for improvements that are on the Tax Assessor's Roll before the tax abatement is effective. The applicant should be aware that because of mandatory publication requirements, compliance with the governing body's calendar, and other matters, the process for obtaining approval for a tax abatement with the governing body is extensive and may take as long six weeks. It is the applicant's responsibility to ensure the follow up of these items and approvals.

V. Tax Abatement Agreement Terms

At a minimum, all tax abatements shall include the following provisions:

1. No Business Personalty shall be located from any other reinvestment zone;
2. A minimum number of jobs must be maintained at the time Real Property Improvements are completed;
3. Right of inspection to the premises must be provided to ensure compliance with the Agreement; and
4. The right of recapture of previously abated taxes if Applicant defaults in any provision of the Agreement, including meeting the threshold value for both Real Property and Business Personalty.

CITY OF PLANO

APPLICATION FOR TAX ABATEMENT

1. Applicant Company's Name \_\_\_\_\_  
Company's Representative \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Fax Number \_\_\_\_\_  
Email Address \_\_\_\_\_
  
2. Property Owner \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number \_\_\_\_\_  
Email Address \_\_\_\_\_
  
3. Property Owner's Representative \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Fax Number \_\_\_\_\_  
Email Address \_\_\_\_\_
  
4. Property Address \_\_\_\_\_  
Property Legal Description (Provide email attachment of metes and bounds)  
\_\_\_\_\_
  
5. Located within:  
City of Plano? \_\_\_\_\_  
Plano Independent School District? \_\_\_\_\_  
Lewisville Independent School District? \_\_\_\_\_  
Frisco Independent School District? \_\_\_\_\_  
Collin County? \_\_\_\_\_  
Denton County? \_\_\_\_\_

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14. Business Type:

Hotel/Group Residence

Retail

Industrial

Manufacturing

Medical

Wholesale

Energy

Research/Development

Commercial/Real Estate

Banking/Finance

Other \_\_\_\_\_

15. Type of tax abatement requested:

Real Property improvements

Business Personal Property improvements

Both

**Employment Impact**

1. Please provide a schedule of projected employment milestones including:

Initial employment \_\_\_\_\_ (at occupancy)

Projected employment (milestone) \_\_\_\_\_ by \_\_\_\_\_ (indicate date)

Projected employment (milestone) \_\_\_\_\_ by \_\_\_\_\_ (indicate date)

Anticipated full employment \_\_\_\_\_ by \_\_\_\_\_ (indicate date)

2. What is the number of new jobs that will be created?

3. What is the number of jobs, if any, that will be retained in Plano by this project?

4. What is the number of jobs that will be relocated to Plano from:

The DFW Metroplex?

Other locations?

5. What types of jobs will be created?

6. What will be the average annual salary?

7. What will the total annual payroll be?

**Fiscal Impact**

	Initial Year	Year _____ (If applicable)	Year _____ (If applicable)
1. What is the value of the <b>Real Property</b> improvements (exclusive of land) that will be added to the tax base?			
2. What is the value of the <b>Business Personal Property</b> improvements that will be added to the tax base?			
<b>TOTAL IMPROVEMENTS</b>	\$	\$	\$

3. If applicable, what is the value of inventory eligible for Freeport Exemption?
4. If applicable, what is the value of sales that will be subject to sales tax collection by the City of Plano?
5. Will additional infrastructure investment be required from the City of Plano at the proposed site(s)? If so, please detail required improvements.

**Community Impact**

1. Is this a retention and/or expansion project of an existing Plano company?
2. How will this project affect existing businesses?
3. What effect would the project have on the local housing market?
4. What effect would the project have on existing residential neighborhoods?
5. Will development of the project create any environmental impact (air quality, water quality, visual quality, etc.)?
6. Will any zoning changes be necessary to accommodate the project?
7. Is the project compatible with the City's Comprehensive Plan?
8. Will the project be located in the Research/Technology Crossroads District?  
If so, describe in detail the proposed utilization (office, light assembly, research & development, etc.) of the facility.
9. Will the company occupy existing space?

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10. Will the company construct a new facility?
11. Will the company occupy space that is currently planned or under construction?
12. What is the projected impact on the School District (anticipated number of additional students, etc.)?
13. Please summarize the overall economic impact on the City of Plano (sales, real property and business personal property improvements, employment, business sector, etc.).
14. Please describe the necessity in requesting property tax abatement. Describe the competitive, financial or other issues associated with this application.



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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:	<b>09-09-02</b>	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Health	Executive Director	Initials	Date
Department Head	Brian Collins	City Manager	<i>[Signature]</i>	9/30-02
Dept Signature:	<i>[Signature]</i>	Agenda Coordinator (include phone #):	<i>[Signature]</i>	9/2/02
Doris Callaway (7494)				
<b>ACTION REQUESTED:</b> <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				
<b>CAPTION</b>				
AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING ORDINANCE NO. 96-8-8; INCREASING FEES FOR REGISTRATION OF DOGS, CATS, POTBELLED PIGS, FERRETS, AND DANGEROUS ANIMALS; INCREASING IMPOUNDMENT AND ADOPTION FEES FOR DOGS, CATS, FERRETS, AND OTHER ANIMALS; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
<b>FISCAL YEAR:</b>	<b>2002-03</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>
Budget			168,773	168,773
Encumbered/Expended Amount				
This Item			18,000	18,000
<b>BALANCE</b>			<b>186,773</b>	<b>186,773</b>
<b>FUND(S): GENERAL</b>				
<b>COMMENTS:</b> Approval of this item anticipated to increase Animal Services permit revenues by \$18,000.				
<b>SUMMARY OF ITEM</b>				
Fees for registration, animal impoundment and adoption, and other fees necessary to cover the cost of administering the regulations regarding the keeping of animals within the city.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING ORDINANCE NO. 96-8-8; INCREASING FEES FOR REGISTRATION OF DOGS, CATS, POTBELLIED PIGS, FERRETS, AND DANGEROUS ANIMALS; INCREASING IMPOUNDMENT AND ADOPTION FEES FOR DOGS, CATS, FERRETS, AND OTHER ANIMALS; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, on August 12, 1996, the City Council of the City of Plano duly passed Ordinance No. 96-8-8, which adopted fees for registration, impoundment, adoption, and removal of dead animals; and

**WHEREAS**, City Staff recommends that due to the increasing expenses, a new schedule of fees should be implemented; and

**WHEREAS**, the City Council of the City of Plano now hereby finds and determines that Ordinance No. 96-8-8 should be repealed and that it is in the best interest of the City and its citizens to adopt a new schedule of fees for registration, impoundment, and adoption of animals to cover the costs of administering regulations regarding the keeping of animals within the City.

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

**Section I.** Ordinance No. 96-8-8, duly passed and approved by the City Council of the City of Plano, Texas on August 12, 1996, is hereby repealed in its entirety.

**Section II.** The following fees for registration, animal impoundment and adoption, and other fees necessary to cover the cost of administering the regulations regarding the keeping of animals within the city are approved and adopted:

1. Annual registration fees:
  - (a) Each neutered dog, cat or ferret \$ 5.00
  - (b) Each unneutered dog, cat or ferret \$10.00
  - (c) Replacement of a permit tag for a dog, cat or ferret \$ 5.00
  - (d) Dangerous animal \$100.00
  - (e) Re-registration of dangerous animal \$ 50.00  
if sold and/or moved within the City
  - (f) Potbellied pig \$ 50.00
  
2. Impoundment fees;
  - (a) Dogs or cats or ferrets:  
First Violation:

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Each impounded dog, cat or ferret	\$ 20.00
Plus	\$ 10.00/day
Second Violation:	
Each impounded dog, cat or ferret	\$ 40.00
Plus	\$ 10.00/day
Third Violation:	
Each impounded dog, cat or ferret	\$ 60.00
Plus	\$ 10.00/day
Fourth or More Violations:	
Each impounded dog, cat or ferret	\$100.00
Plus	\$ 10.00/day
(b) <u>Other impounded animal:</u>	\$ 30.00
Plus	\$ 10.00/day
3. Adoption fees:	
(a) Dog	\$ 45.00
(b) Cat or Ferret	\$ 40.00
(c) Other animals	As may be determined at the discretion of the Animal Services Manager
4. Quarantine Fees	\$ 10.00/day
5. Removal of dead animals:	
(a) At veterinarian hospitals/clinics	\$ 5.00
(b) Livestock from private property	\$ 50.00
Plus actual expense in removal	

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

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

**Section V.** This Ordinance and all fees established herein, shall become effective on October 1, 2002.

**DULY PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Pat Evans, MAYOR

ATTEST:

\_\_\_\_\_  
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

*Diane C. Wetherbee*  
\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

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**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>09/10/02 9-9-02</b>		Reviewed by Legal <i>W</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Health		Initials	Date	
Department Head	Brian Collins	Executive Director	<i>[Signature]</i>	8-30-02	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	9/3/02	
Agenda Coordinator (include phone #): <b>Doris Callaway (7494)</b>					
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 AMENDING ORDINANCE NO. 99-9-5, ARTICLE XI, INSPECTION AND ENFORCEMENT, SECTION 9-107, PERMIT, SUBSECTION (d), FEES, OF CHAPTER 9 FOOD AND FOOD ESTABLISHMENTS OF THE CITY CODE; INCREASING FEES FOR FOOD PERMITS; PROVIDING A SEVERABILITY CLAUSE, AND 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	359,533	0	359,533
Encumbered/Expended Amount	0	0	0	0
This Item	0	54,000	0	54,000
<b>BALANCE</b>	0	413,533	0	413,533

FUND(S): **GENERAL**

COMMENTS: Approval of this item anticipated to increase health permit revenues by \$54,000.

**SUMMARY OF ITEM**

Permit fees are determined by labor categories for conducting inspections at food service establishments. Labor category I requiring the most extensive time for inspection and labor category VIII requiring the least time for inspection. Fees have remained stable since 1992 while labor costs continue to rise. Adjustment of the fee schedule will bring permit fees comparable with labor costs to conduct required inspections.

List of Supporting Documents:

Other Departments, Boards, Commissions or Agencies

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS AMENDING ORDINANCE NO. 99-9-5, ARTICLE XI, INSPECTION AND ENFORCEMENT, SECTION 9-107, PERMIT, SUBSECTION (d), FEES, OF CHAPTER 9 FOOD AND FOOD ESTABLISHMENTS OF THE CITY CODE; INCREASING FEES FOR FOOD PERMITS; PROVIDING A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, on September 13, 1999, the City Council of the City of Plano duly passed Ordinance No. 99-9-5 which adopted permit fees for food establishments; and

**WHEREAS**, the City Council of the City of Plano hereby recognizes the importance of providing the fiscal resources needed to effectively and efficiently administer programs and services of the City of Plano which contribute to the health, safety and general welfare of the citizenry; and

**WHEREAS**, generation of resources through fees needed to administer the programs and services of the City of Plano is of vital concern to all citizens and must be considered for each year in concurrence with the annual budget for the City; and

**WHEREAS**, the City Council, upon review and consideration of these matters, and in concurrence with the adoption of the annual budget for the City of Plano, has determined that it is in the best interest of the City of Plano, Texas, to revise the fees hereinafter set forth, and that they are proper and should be approved and adopted.

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

**Section 1.** Ordinance No. 99-9-5, Section 9-107, Permits, Subsection (d), Fees, of Chapter 9 Food and Food and Food Establishments of the City Code is hereby revised and amended to read as follows:

*“(d) Fees*

**FOOD CATEGORIES AND FEES**

Permit Category:	Fee
1. Mega Stores (Central Market, Super Wal-Mart, Super Target, Costco, etc.)	\$800.00
2. Grocery Stores, (Kroger, Tom Thumb, etc.)	\$700.00

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3. Full Service, (Luby's, Friday's, Tia's, etc.)	\$475.00
4. Exempt, (PISD)	-0-
5. Fast Foods, (McDonald's Taco Bell, Jack-In-Box, etc.)	\$350.00
6. Convenience, (7-11, etc.)	\$300.00
7. Non-PHF, prepackaged only, (Marshall's T.J. Maxx, Beer and Wine only, etc.)	\$175.00
8. Misc. Vending	
A. Hot Trucks	\$300.00
B. Catering, Prepackaged	\$275.00
C. Push Cart (Ice Cream)	\$150.00
9. Seasonal, Non-PHF	\$150.00
Temporary	\$ 75.00

No permit shall be issued or renewed until such fee is paid. Late fees for permit renewals shall apply as follows:

Late Fees:

Food and Pool Permits-Renewals.	
1-30 after expiration date	10% of permit fee
31-60 days after expiration date	15% of permit fee
60 or more days after expiration date	30% of permit fee
Liquid Waste Generator Permit renewal.	
1-30 days after expiration	\$50.00
C/O and Reinspection Fees.	
First reinspection	-0-
Second reinspection	\$75.00

A permit fee of Seventy-Five Dollars (\$75.00) must accompany each completed temporary food service application form. An additional Seventy-Five Dollars (\$75.00) will be assessed if application is submitted less than two (2) business days prior to the event. All nonprofit organizations shall be exempt from the temporary food service permit fee charge. Proper documentation of nonprofit status must be provided to the Health Department at the time of application.

Vendors having more than one booth at an event will be charged Seventy-Five Dollars (\$75.00) for the first booth and Twenty-Five Dollars for each additional booth.

A permit fee of One Hundred Fifty Dollars (\$150.00) must accompany each completed seasonal food service permit charge; proper documentation of nonprofit status must be provided to the Health Department at the time of application. An additional One Hundred Fifty Dollars (\$150.00) will be assessed if application is submitted less than two (2) business days prior to the event.

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A permit fee waiver may be obtained if proof of charitable non-profit (tax-supported) status is submitted with application. There is a Twenty Dollar (\$20.00) permit processing and inspection fee.

A plans review fee of Two Hundred Dollars (\$200.00) shall be charged for the review of plans and specifications of new construction or extensively remodeled facilities."

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

**Section III.** This Ordinance and all fees established herein, shall become effective on October 1, 2002.

**DULY PASS AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Pat Evans, MAYOR

ATTEST:

\_\_\_\_\_  
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

*Diane C. Wetherbee*  
\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

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**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>9/3/02</b>		Reviewed by Legal <b>JSG</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Budget & Research		Initials	Date	
Department Head	Karen Rhodes		Executive Director		
Dept Signature:	<i>[Signature]</i>		City Manager <i>[Signature]</i> <b>9/3/02</b>		
Agenda Coordinator (include phone #): <b>Mark D. Israelson ext 5207</b>					
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					
<b>CAPTION</b>					
AN ORDINANCE OF THE CITY OF PLANO, REPEALING ORDINANCE 2001-12-20, CODIFIED AS SECTION 21-2, MUNICIPAL DRAINAGE UTILITY SYSTEM CHARGES OF ARTICLE I, IN GENERAL, OF CHAPTER 21, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF PLANO, TEXAS; ADOPTING A NEW SECTION 21-2, PROVIDING FOR AN AMENDED FEE SCHEDULE FOR MUNICIPAL DRAINAGE SYSTEM; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.					
<b>FINANCIAL SUMMARY</b>					
<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	4,194,613	0	4,194,613	
Encumbered/Expended Amount	0	0	0	0	
This Item	0	220,146	0	220,146	
BALANCE	0	4,414,759	0	4,414,759	
FUND(S): <b>DRAINAGE FUND</b>					
COMMENTS: If approved, this item will add additional revenue in the amount of \$220,146 to the FY 2002-03 Budget. The FY 2002-03 includes this increase.					
<b>SUMMARY OF ITEM</b>					
This ordinance approves and adopts the Drainage rates for fiscal year 2002-03 as reviewed by the City Council.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PLANO, REPEALING ORDINANCE 2001-12-20, CODIFIED AS SECTION 21-2, MUNICIPAL DRAINAGE UTILITY SYSTEM CHARGES OF ARTICLE I, IN GENERAL, OF CHAPTER 21, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF PLANO, TEXAS; ADOPTING A NEW SECTION 21-2, PROVIDING FOR AN AMENDED FEE SCHEDULE FOR MUNICIPAL DRAINAGE SYSTEM; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, a study has been presented to council, which indicates revenues generated by the present drainage rates will not be sufficient to cover the costs associated with the operation and maintenance of the storm drainage system, and

**WHEREAS**, upon consideration of the recommendations and the potential impact of a modification of the drainage rates upon the storm drainage fund, the City Council is of the opinion that the drainage rates should be modified accordingly; and

**WHEREAS**, the City Council further finds and determines that such modifications to the drainage rates are in the best interest of the City and its citizens and that the most efficient method of enacting the adjusted rates is to adopt the new rates with this ordinance.

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

**Section I.** Ordinance No. 2001-12-20 duly passed and approved by the City Council of the City of Plano, Texas, on December 17, 2001, and codified as Subsection (c ) of Section 21-2 Municipal Drainage Utility System charges of Article I, In General of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano is hereby repealed.

**Section II.** A new Section 21-2 Municipal Drainage Utility System Charges of Article I, In General, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano is hereby adopted and shall read as follows:

“(a) The City council has established a municipal drainage utility system and declared said system to be a public utility by Ordinance No. 92-7-41, pursuant to authority contained in V.T.C.A., Local Government Code, Section 402.041 et seq., the City Charter, and its home rule authority as provided under Article XI, Section 5, of the Texas Constitution.

*h-2*

ORDINANCE NO. \_\_\_\_\_

- (b) All billings, credits, exemptions, rules, and other procedures relating to this charge shall be subject to the provisions of V.T.C.A., Local Government Code, Section 402.041 et seq., and shall specifically include the following:
- (1) There shall be a charge on each monthly utility statement for the Municipal Drainage Utility System pursuant to Ordinance No. 92-7-41 (section 21-1) and as authorized herein. The city manager or his designee is authorized to collect such charges in a manner consistent with the city Charter and state law. The drainage fee will be a separate line item on the utility statement and shall be clearly identified as a separate charge.
  - (2) Except as otherwise provided herein, billing, charges and collection procedures shall be consistent with that of the water and sewer services.
  - (3) Drainage charges shall be identified separately on the utility billing. Billing shall be consistent with V.T.C.A., Local Government Code, Section 402.048.
  - (4) Delinquent charges shall be collected in a manner consistent with V.T.C.A., Local Government Code, Section 402.050.
  - (5) The following properties shall be exempt from the drainage charges set forth herein:
    - a. Property with proper construction and maintenance of a wholly sufficient and privately owned drainage system;
    - b. Property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the city for maintenance; and
    - c. A subdivided lot, until a structure has been built on the lot and a certificate of occupancy has been issued by the city.
  - (6) The city manager or his designee(s) may, from time to time, adopt rules for the administration of the drainage charge.
- (c) The following rates are hereby established and shall be collected through the city's public utility billings, effective for bills rendered on and after October 1, 2002 pursuant to V.T.C.A., Local Government Code, section 402.048 et seq.:

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## ORDINANCE NO. \_\_\_\_\_

<i>Residential Customer Class</i>	<i>Size of Impervious Area (in square feet)*</i>	<i>Monthly Fee</i>
<i>R-1</i>	<i>Less than 4,750</i>	<i>\$2.25</i>
<i>R-2</i>	<i>4,750 to 6,450</i>	<i>\$3.30</i>
<i>R-3</i>	<i>Greater than 6,450</i>	<i>\$4.25</i>

\*Includes footprint of first floor, patio, garage, and a pro rata portion adjustment of three thousand (3,000) square feet for streets, alleys, and sidewalks.

Duplex properties shall have the same monthly fee as R-1, R-2, R-3 (depending on the size of the impervious area), if the duplex is under single ownership. If each side of the duplex is individually metered, the fee for each half shall be one-half, (1/2) the total fee as calculated for the duplex.

For all other properties including but not limited to apartment, commercial, industrial, offices, churches, schools and quasi-governmental entities, the fees shall be based on fifty-six hundredths cents (\$0.056) per one hundred (100) square feet of total impervious area of each improved property within the city. The total impervious area includes ten (10) percent additional area for the street and sidewalk adjustment. Minimum bill shall be two dollars and twenty-five cents (\$2.25) per property.

- ( d ) In setting the rates for drainage service, the city has based its calculations on an inventory of impervious areas of all improved properties within the service area. The inventory is the city's property management system which is maintained in the office of the city engineer of the City of Plano.
- ( e ) There shall be a period of time during which the property owner may appeal the assessed drainage fee including the size of the impervious area which was determined by the city. Sufficient documentation must be provided by the owner to verify that the city's impervious calculation is incorrect. Such documentation, in the form of a survey, site plan or other such documents must be presented to the city engineer within sixty (60) days of the owner's request for an appeal. The city engineer shall have thirty (30) days following receipt of the documentation to approve or deny such appeal. During all appeal periods, the property owner shall be responsible for payment of fees. If the appeal warrants a reduction in the impervious area, a credit will be applied to the next month's billing which will be based on the revised impervious area. For new customer accounts, there will be a ninety-day appeal period from the initial billing of the account. When a request for appeal is received later than ninety (90) days after initial billing, approved credits will only be effective forward from the next billing cycle for the property, and will not be allowed for any previous period.

R-4

**ORDINANCE NO.** \_\_\_\_\_

The appeal methodology shall be an administrative policy as established by written report maintained in the development services department of the city.

- (f) Those improved nonresidential properties (including apartments) which practice stormwater management are eligible to receive a credit on their monthly billings. The application for such credit shall follow the procedures for appeal as set forth in subsection (e) above. The credit will be only for the impervious area within the area which receives the stormwater management technique.
  - (1) That area which receives approved street sweeping on a weekly basis will be eligible for up to a five-percent reduction
  - (2) That area which drains into an approved detention basin will be eligible for up to a fifteen-percent reduction.
  - (3) That area which drains into an approved retention basin will be eligible for up to a thirty-five percent reduction.
  - (4) The credit methodology shall be an administrative policy as established by written report maintained in the development services department of the city."

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

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

**Section V.** This Ordinance shall become effective immediately upon its passage. The new charges shall be for all billing generated on and after October 1, 2002.

*R-5*

ORDINANCE NO. \_\_\_\_\_

DULY PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Pat Evans, MAYOR

ATTEST:

\_\_\_\_\_  
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane Wetherbee, CITY ATTORNEY

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**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>09/09/02</b>		Reviewed by Legal <i>JSG</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Customer & Utility Services		Initials	Date	
Department Head	Linda Keyton	Executive Director	<i>LK</i>	8-30-02	
Dept Signature:	<i>Linda Keyton</i>		City Manager		
Agenda Coordinator (include phone #): <b>Angela Gurley X7253</b>					

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

**CAPTION**

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING SECTIONS III AND V OF ORDINANCE NO. 85-9-21, SECTIONS I AND IV OF ORDINANCE NO. 87-9-13, ORDINANCE NO. 92-10-37 IN ITS ENTIRETY, ORDINANCE NO. 93-9-51 IN ITS ENTIRETY AND ORDINANCE NO. 79-9-20 IN ITS ENTIRETY, ADOPTING A NEW SECTION 21.131, FAILURE TO PAY FOR SERVICE, OF ARTICLE IV, SERVICE CHARGES GENERALLY, OF CHAPTER 21, UTILITIES, OF THE CODE OF ORDINANCES; ADOPTING A NEW SECTION 21-154, UTILITIES SERVICE FEE, OF ARTICLE IV, SERVICE CHARGES GENERALLY OF CHAPTER 21, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF PLANO; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND 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	40,147	0	40,147
<b>BALANCE</b>	0	40,147	0	40,147

FUND(s):    **WATER & SEWER FUND**

COMMENTS: Approval of this item will result in an additional \$40,147 in revenue in Water & Sewer Fund.  
 STRATEGIC PLAN GOAL: Safe, Livable Neighborhoods

**SUMMARY OF ITEM**

After review and study of our current utility services fees, we found that our fees do not cover the cost of providing services. Our utility services fees have not been adjusted since they were implemented in the late 1970's, early 1980's. The recommended increase in service fees will better reflect the true cost of providing the service. In addition, changes were made to the ordinance to further define penalty assessment.

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

**DATE:** August 29, 2002  
**TO:** Tom Muehlenbeck, City Manager  
**FROM:** Linda Keylon, Director of Customer and Utility Services *PK*  
**SUBJECT:** Utility Service Fees

Requesting City Council approval of the attached ordinance changes pertaining to an increase in utility service fees. The increase in service fees will result in an estimated \$40,000 of additional revenue.

In a study/review of our utility service fees for services not covered in the water and sewer rate structure, we found that the fees currently charged do not cover the cost of providing the services. The fees were last adjusted in the early 1980's. Our recommended increase will better reflect the true cost of providing service.

In addition, our department has recently assumed night callback duty from Utility Operations. In performing this duty we must utilize our regular employees on stand by status for after hours. We receive calls all hours of the night and because of the safety implications, we are proposing an increased fee for non-emergency requests between the hours of 10:00 pm and 8:00 am, to discourage calls during this time frame.

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING SECTIONS III AND V OF ORDINANCE NO. 85-9-21, SECTIONS I AND IV OF ORDINANCE NO. 87-9-13, ORDINANCE NO. 92-10-37 IN ITS ENTIRETY, ORDINANCE NO. 93-9-51 IN ITS ENTIRETY AND ORDINANCE NO. 79-9-20 IN ITS ENTIRETY, ADOPTING A NEW SECTION 21-131, FAILURE TO PAY FOR SERVICE, OF ARTICLE IV, SERVICE CHARGES GENERALLY, OF CHAPTER 21, UTILITIES, OF THE CODE OF ORDINANCES; ADOPTING A NEW SECTION 21-154, UTILITIES SERVICE FEE, OF ARTICLE IV, SERVICE CHARGES GENERALLY OF CHAPTER 21, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF PLANO; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, after due study and consideration of existing utility service fees and penalty assessment, it has been determined that there exists a need to make certain adjustments; and

WHEREAS, a recommendation has been presented to the City Council which indicates the present utility service fees are not sufficient to cover the cost of providing utility, administration and field services during business hours and after hours; and

WHEREAS, a recommendation has been presented to the City Council which indicates that the additional costs of providing utility, administrative and field services should be borne by the party making the request for service; and

WHEREAS, the City Council further finds and determines that such modifications to the utility service fees are in the best interest of the City and its' citizens.

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

**Section I.** The following Ordinances or specific sections thereof are hereby repealed:

- (1) Sections III and V of Ordinance No. 85-9-21, duly adopted by the City Council of the City of Plano, Texas on September 23, 1985;
- (2) Sections I and IV of Ordinance No. 87-9-13, duly adopted by the City Council of the City of Plano, Texas on September 14, 1987;
- (3) Ordinance No. 92-10-37 in its entirety, duly adopted by the City Council of the City of Plano, Texas on October 26, 1992;
- (4) Ordinance No. 93-9-51 in its entirety, duly adopted by the City Council of the City of Plano, Texas on September 27, 1993.
- (5) Ordinance No. 79-9-20 in its entirety, duly adopted by the City Council of the City of Plano, Texas on September 10, 1979.

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**Section II.** A new Section 21-131, Failure To Pay For Services, is hereby adopted and shall read as follows:

**“Section 21-131. Failure to pay for service.**

- (a) **Penalty Assessment:** The utility bill is defined as the charge for the utility services of water, sewer, refuse collection and storm drainage. The net amount due includes, in addition to the utility bill, any previous unpaid balance due, service charges, sales tax on refuse collection and voluntary contribution (where applicable).

The due date for the utility bill shall be the twenty-fifth (25th) day after the billing date. Failure to pay the full net amount due (excluding any voluntary contribution) by the end of the first business day following the due date shall result in a penalty being assessed in the amount of ten (10) percent of the unpaid current charges. No penalty is assessed on the sales tax, and no penalty results if the voluntary contribution is not paid. The net amount due plus the penalty is identified on the water bill as the gross amount due. Failure to pay such penalty in addition to the net amount due shall constitute sufficient cause for termination of service.

All payments received satisfy the previous balance, the current charges, and finally, the voluntary contribution. Failure to pay the voluntary contribution does not result in a penalty or service termination. An outstanding balance of less than one dollar (\$1.00) will not result in a penalty.

Failure to pay a penalty shall result in the assessment of additional penalties.

- (b) **Termination of service:** Failure to pay the total gross amount due (excluding voluntary contributions) by the fiftieth (50th) day after initial billing shall be cause for water service to be terminated. Service will be resumed in a reasonable time after the delinquent customer has paid the total due, including utility service fees as set forth in Sec. 21-154-Utility Service Fees. Fees are applicable from the fiftieth (50th) day after initial billing.

In addition to this service charge, an additional deposit will be required before service is restored to ensure the City is protected from loss. The additional deposit will be ten dollars (\$10.00) unless the customer had service terminated 2 or more times within the last 12 months the deposit must be an amount equal to the customer's average two month bill. If a service representative is dispatched to turn off the water for nonpayment, a utility service fee and additional deposit will apply regardless of whether or not service is actually terminated.

- (c) Exception: If utility services to an individual's account are being maintained or restored by an agency that is wholly or partially funded by tax exempt donations or public funds, all service charges to that agency will be waived. A supplemental deposit will be required subject to provisions of section 21-131(b)."

**Section III.** A new Section 21-146, Connection of New Service, is hereby adopted and shall read as follows:

- "(a) A utility service fee is required of any person receiving any water services upon application for initial commencement of service, or upon application for any transfer of service from one name or address to another. Such fee is a nonrefundable fee to cover the cost of establishing service at the request of such customer. If more than one (1) account is involved in an initial establishment or subsequent transfer, the fee shall be paid for each account involved.
- (b) The amount of the utility service fee for service connection is set forth in Sec. 21-154, Utility Service Fees. Such fee(s) shall be paid by each applicant for service from or transfer of service by the water department at the time of submission of such application, and prior to connection or transfer of service by the water department; or shall be added to the customer's account. Payment shall be made to the water department."

**Section IV.** A new Section 21-154, Utility Service Fees, is hereby adopted and shall read as follows:

- "(a) There is hereby established a utility service fee which shall be for the following services:
- (1) Initial commencement of service;
  - (2) Any request for transfer of service from one name or address to another;
  - (3) Any disconnection or reconnection of water service resulting from nonpayment of bill;
  - (4) Lock-up or removal of meters for unauthorized use of water;
  - (5) Any other non-emergency service call made at the customer's request.

- (b) Any customer requested modification to the initial request for service will result in an administrative fee of ten dollars (\$10.00) being applied in addition to the utility service fees as described in Section 21-154(c).
- (c) Utility service fees are nonrefundable fees to cover the cost of providing these services. The fees are "per account" for residential services and "per meter" for commercial services. The utility service fee shall be:

Service provided during normal City working hours*; scheduled at least 24 hours in advance.	\$15
Service provided during normal City working hours*; scheduled less than 24 hours in advance.	\$20
Service provided outside normal City working hours*--weekdays from 5pm to 10pm and weekends and holidays from 8am to 10pm.	\$25
Service provided from 10pm to 8am	\$50
Emergency disconnect of water services	No charge

\*Monday-Friday 8 a.m. to 5 p.m., excluding City holidays.

- (d) The utility services fee shall be paid by each applicant for service from the City water utilities at the time of submission of each request shall be paid to the service representative at the time service is performed, or shall be added to the customer's account. Payment shall be made to "City of Plano Utilities."
- (e) Whenever a customer fails to keep an appointment for a utility service call and requests the service representative to make a return call to the same address(es), the customer shall be charged the applicable fee for the missed service call as well as the fee for the service call during which work was actually performed."

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

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

**Section VII.** It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any

section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

**Section VIII.** 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 Wetherbee, CITY ATTORNEY

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## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>9-9-02</b>		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Fire		Initials	Date	
Department Head	William Peterson		Executive Director	9/3/02	
Dept Signature:	<i>William Peterson</i>		City Manager	9/3/02	
Agenda Coordinator (include phone #): <b>Frank Snidow, x7318</b>					
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					
<b>CAPTION</b>					
An Ordinance of the City of Plano, Texas, revising Section 8-3 of Chapter 8 Fire Prevention and Protection, of the Code of Ordinances of the City; establishing a policy of responding only to emergency ambulance service requests; providing for the collection of such fees and for crediting thereof upon receipt; ordaining other matters on the subject; and providing a severability clause and an effective date.					
<b>FINANCIAL SUMMARY</b>					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR: <b>02-03</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget	0	0	2,227,558	2,227,558	
Encumbered/Expended Amount	0	0	0	0	
This Item	0	0	485,000	485,000	
BALANCE	0	0	2,712,558	2,712,558	
FUND(s): <b>GENERAL FUNDS.</b>					
COMMENTS: Approval of this item will increase Ambulance Service Fees Revenue by an estimated \$485,000 during FY 2002-03.					
STRATEGIC PLAN GOAL: The increase of Ambulance Base Service Fees relates to the City's Goal of "Service Excellence".					
<b>SUMMARY OF ITEM</b>					
This emergency ambulance service fee revision will allow the Fire department to increase the basic fee for ambulance service by 15% effective October 1, 2002.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Ordinance					



## *Memorandum*

**Date:** September 3, 2002  
**To:** Frank Turner, Director, Development Business Center  
**From:** William Peterson, Fire Chief *WP*  
**Subject:** Revised Ambulance Service Fee Ordinance

Attached is the revised ambulance fee ordinance, which increases the basic fee for advanced life support/basic life support medical care for both Plano residents and non-residents effective October 1, 2002. The new fee reflects a 15% base rate increase, which is consistent with the department's approved revenue supplement contained in the FY 02-03 budget. The ambulance fee was last changed in October 1999.

The new fees will still be approximately 25% below private sector EMS fees in the Metroplex. The revised fees will generate a projected additional \$485,000 in ambulance service revenue in FY 02-03 and raise the total estimated ambulance service revenue to \$2,712,558 in FY 02-03.

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

FS/II

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REVISING SECTION 8-3 OF CHAPTER 8 FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES OF THE CITY; ESTABLISHING A POLICY OF RESPONDING ONLY TO EMERGENCY AMBULANCE SERVICE REQUESTS; PROVIDING FOR THE COLLECTION OF SUCH FEES AND FOR CREDITING THEREOF UPON RECEIPT; ORDAINING OTHER MATTERS ON THE SUBJECT; AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

**WHEREAS**, on September 27, 1999, by Ordinance No. 99-9-27, the City Council of the City of Plano established a response policy and user fees to be charged for ambulance services and such ordinance was codified as section 8-3 of Chapter 8, Fire Prevention and Protection, of the Code of Ordinances of the City of Plano; and

**WHEREAS**, to operate a cost-efficient, effective, and emergency-ready fire service, it is necessary to restrict response by fire fighters to emergency-only requests; and

**WHEREAS**, the City Council now hereby finds and determines that it is necessary to revise the established user fees to be charged for ambulance services, as an offset to the cost of providing such service;

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

**Section I.** Section 8-3 of Chapter 8, Fire Prevention and Protection, of the Code of Ordinances of the City is hereby revised to read in its entirety as follows:

“Sec. 8-3. City ambulance service.

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(a) It shall be the policy of the City fire department to respond to emergency ambulance calls only.

(b) It shall be the policy of the City fire department to allow transport only to a hospital of choice within the geographic boundaries of Highway 121 to US 75 to Highway 380 (North), Highway 78 and Garland Road (East), Northwest Highway (South), and Interstate 35 to Old Denton Road (East).

(c) The following user fees are hereby approved, adopted, and levied and shall be paid by those individuals and/or organizations making use of the City's fire department ambulance service:

The basic fee for ambulance transport is \$380.00 per Plano resident per incident and \$455.00 per non-resident per incident plus, in both cases, a fee of \$7.00 per mile from the incident location to the medical facility. Additional charges, if incurred, will be as follows:

- 1) A \$30.00 fee for the administration of oxygen;
- 2) A \$25.00 fee for a second attendant will be assessed when required for the treatment or safe handling of a patient;
- 3) A fee for each medication administered to each patient, which will be billed based on the price schedule attached to Ordinance No. 99-9-27, incorporated herein by reference.

The user fees established above shall be collected by the accounting department, and upon receipt thereof, shall be credited to the general fund as an offset to the cost of providing the fire department service for which the fee is being charged."

**SECTION II.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph, or section of this Ordinance,

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Ordinance No. \_\_\_\_\_

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and the City Council hereby declares that it would have passed the remaining portions even though it had known the affected parts would be held unconstitutional or invalid.

**Section III.** The fees established in Section I hereof shall be levied beginning on the first day of October 2002.

**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

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## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>9/9/02</b>		Reviewed by Legal <i>SK</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Public Works/Michael Rapplean			Initials
Department Head	Jimmy Foster	Executive Director	<i>RA</i> <b>9-3-02</b>	
Dept Signature:	<i>M Rapplean for</i>	City Manager	<i>SK</i> <b>9/3/02</b>	
Agenda Coordinator (include phone #): <b>Margie Stephens (4104)</b>				
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				
<b>CAPTION</b>				
AN ORDINANCE OF THE CITY OF PLANO, TEXAS AMENDING SECTIONS 21.28(F) (TESTING FEE) AND 21.31(B) (CERTIFIED BACKFLOW TECHNICIAN REGISTRATION FEE), OF PLANO CITY ORDINANCE NO. 2000-2-16, CODIFIED AS DIVISION 1.5 CROSS CONNECTION CONTROL PROGRAM OF ARTICLE II WATER OF CHAPTER 21 UTILITIES OF THE PLANO CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>02-03</b>	Prior Year (CIP Only)	Current Year	Future Years
Budget		0	60,000	0
Encumbered/Expended Amount		0	0	0
This Item		0	58,000	0
BALANCE		0	118,000	0
FUND(S): <b>WATER AND SEWER FUND</b>				
COMMENTS: Approval of this item will increase Backflow Fee revenue by an estimated \$58,000 during FY 2002-03. STRATEGIC PLANO GOAL: The increase of Backflow Fees relates to the City's Goal of "Service Excellence".				
<b>SUMMARY OF ITEM</b>				
The Public Works Department recommends an increase in fees associated with the administration of the City's Cross Connection Control Program. The increases involve the Registration Fee all licensed testers must pay yearly and the Testing Fee for each backflow assembly tested yearly. The Registration Fee is currently \$20 per year, which will increase to \$100 per year. The Testing Fee for each backflow assembly tested is \$15 per year, which will increase to \$25 per assembly.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Backflow Benchmark Survey				

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS AMENDING SECTIONS 21.28(F) (TESTING FEE) AND 21.31(B) (CERTIFIED BACKFLOW TECHNICIAN REGISTRATION FEE), OF PLANO CITY ORDINANCE NO. 2000-2-16, CODIFIED AS DIVISION 1.5 CROSS CONNECTION CONTROL PROGRAM OF ARTICLE II WATER OF CHAPTER 21 UTILITIES OF THE PLANO CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, on February 26, 2000, the City Council of the City of Plano enacted Ordinance No. 2000-2-16, providing for regulations relating to the Cross Connection Control Program and;

**WHEREAS**, this ordinance provided for backflow prevention assembly technicians operating in the City of Plano to pay an annual registration fee and to pay a testing fee for each backflow prevention assembly test report submitted.

**WHEREAS**, the City Council of the City of Plano hereby recognizes the importance of providing the fiscal resources needed to effectively and efficiently administer programs and services of the City of Plano which contribute to the health, safety and general welfare of the citizens of Plano; and

**WHEREAS**, generation of resources through fees needed to conduct the programs and services of the City of Plano is of vital concern to all citizens and must be considered for each year in concurrence with the annual budget for the City; and

**WHEREAS**, the City Council, upon review and consideration of these matters, and in concurrence with the adoption of the annual budget for the City of Plano, has determined that it is in the best interest of the City of Plano, Texas, to revise the fees hereinafter set forth, and that they are proper and should be approved and adopted.

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

**Section 1.** Section 21.28(f) Testing Fee, of Division 1.5 Cross Connection Control Program, of Article II Water, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, Texas is hereby revised and amended as follows:

"(f) *Testing Fee.* A twenty-five dollar (\$25.00) fee shall be submitted to the utility operations department for each backflow prevention assembly tested and shall be paid at the time that the

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technician files the backflow prevention assembly test report with the city."

**Section II.** Section 21.31(b) Registration Fee, of Division 1.5 Cross Connection Control Program, of Article II Water, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, Texas is hereby revised and amended as follows:

"(b) *Registration fee.* An annual registration fee in the amount of one hundred dollars (\$100.00) shall be paid by the certified technician or the company employing such certified technician at the time an application for annual registration is submitted to the superintendent. This annual registration fee includes the city's testing of the technician's equipment and tools."

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

**Section III.** This Ordinance, and the fee established herein, shall become effective on October 1, 2002.

**DULY PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Pat Evans, MAYOR

ATTEST:

\_\_\_\_\_  
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

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## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>09/09/02</b>		Reviewed by Legal <i>pl</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Planning		Initials	Date
Department Head	Phyllis Jarrell	Executive Director	<i>[Signature]</i>	9/3/02
Dept Signature:	<i>P. Jarrell</i>	City Manager	<i>[Signature]</i>	9/3/02
Agenda Coordinator (include phone #): <b>L. Jobe - 7165</b>				
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 PUBLIC HEARING				

### CAPTION

To amend 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 Planned Development-139-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.

### FINANCIAL SUMMARY

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

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

**FUND(s):**

**COMMENTS:**

### SUMMARY OF ITEM

At their August 26, 2002, meeting, City Council approved Zoning Case 2002-31 as Planned Development-Single-Family-9 and directed staff to prepare the associated ordinance for approval on the September 9, 2002, meeting. The attached ordinance reflects the development stipulations as discussed at the meeting.

List of Supporting Documents: Staff Memo Follow-up memo Write-up Location Map Zoning Exhibit Land Study	Other Departments, Boards, Commissions or Agencies Planning & Zoning Commission
---	--

August 27, 2002

**TO:** Applicants with Items before City Council  
**FROM:** Tom Elgin, Development Review Manager *TE*  
**SUBJECT:** Results of City Council Meeting of August 26

At its meeting of August 26, City Council 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. Tabled 08/12/02

**APPROVED:** 7-1 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**STIPULATIONS:**

City Council rezoned the property to Planned Development - Single Family-9 subject to:

1. A landscaped buffer area shall be provided along the portion of the planned development fronting Parker Road. The landscaped buffer area shall extend the full width of the Parker Road frontage (approximately 300 feet) and shall have a minimum depth of 95 feet measured from the north right-of-way line of Parker Road. A minimum 6-foot tall stone wall shall be required along the northernmost line of the landscaped buffer area adjacent to the residential lots to the north.
2. A minimum 6-foot tall wrought iron or tubular steel fence shall be provided as follows:
  - a. Along the western boundary of the property, beginning at the stone wall per No. 1 above and extending to the northward to the northern boundary line for a distance of approximately 1,106 feet.

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Applicants with Items before City Council  
Zoning Case 2002-31  
August 27, 2002  
Page 2 of 2

- b. Along the eastern boundary of the portion of the planned development fronting Parker Road, beginning at the stone wall mentioned in No. 1 above and extending northward for a minimum distance of 205 feet.
  - c. Along the eastern boundary of the property, beginning at the southeastern corner of the planned development and extending north along the eastern boundary for a distance of approximately 934 feet.
  - d. Along the rear yards of the lots located in the southeastern corner of the planned development adjacent to the existing pond, beginning at the southeastern corner of the planned development and extending westward approximately 530 feet.
3. Landscaping shall be provided along the interior side of the required wrought iron or tubular steel fence as follows:
- a. Along the fence per No. 2a and No. 2b above, beginning at the stone wall and extending northward for a minimum distance of 205 feet.
  - b. Along the entire length of the fence per No. 2c and No. 2d above.

CDL/lj

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.  
Richard Matkin, PISD  
Keith Schmidt, Assistant Building Official

**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 PLANNED DEVELOPMENT-139-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 Planned Development-139-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 9th day of September, 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.

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**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 Planned Development-139-Single-Family-9, said property being described in the legal description on Exhibit "A" attached hereto.

**Section II.** The change granted in Section I is granted subject to the following stipulations:

1. A landscaped buffer area shall be provided along the portion of the planned development fronting Parker Road. The landscaped buffer area shall extend the full width of the Parker Road frontage (approximately 300 feet) and shall have a minimum depth of 95 feet measured from the north right-of-way line of Parker Road. A minimum 6-foot tall stone wall shall be required along the northernmost line of the landscaped buffer area adjacent to the residential lots to the north.
2. A minimum 6-foot tall wrought iron or tubular steel fence shall be provided as follows:
  - a. Along the western boundary of the property, beginning at the stone wall per No. 1 above and extending to the northward to the northern boundary line for a distance of approximately 1,106 feet.
  - b. Along the eastern boundary of the portion of the planned development fronting Parker Road, beginning at the stone wall mentioned in No. 1 above and extending northward for a minimum distance of 205 feet.
  - c. Along the eastern boundary of the property, beginning at the southeastern corner of the planned development and extending north along the eastern boundary for a distance of approximately 934 feet.
  - d. Along the rear yards of the lots located in the southeastern corner of the planned development adjacent to the existing pond, beginning at the southeastern corner of the planned development and extending westward approximately 530 feet.

3. Landscaping shall be provided along the interior side of the required wrought iron or tubular steel fence as follows:
  - a. Along the fence per No. 2a and No. 2b above, beginning at the stone wall and extending northward for a minimum distance of 205 feet.
  - b. Along the entire length of the fence per No. 2c and No. 2d above.

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

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

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

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

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

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



ORDINANCE NO. \_\_\_\_\_ (ZC 2002-31)

Page 4 of 3

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

0-7



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>9/9/02</b>		Reviewed by Legal <i>WJ</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Police Department			Date	
Department Head	Gregory W. Rushin	Executive Director	<i>[Signature]</i> <b>9/3/02</b>		
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i> <b>9/3/02</b>		
Agenda Coordinator (include phone #)		<b>Pam Haines, ext 2526</b>			
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, amending Section 11-222, Permit, (d) Fee; term; renewal, of Article VI, Alarm Systems, of Chapter 11, Licenses and Business Regulations, of the Code of Ordinances of the City of Plano to revise the permit fee and late fee; providing a severability clause; and an effective date.

### FINANCIAL SUMMARY

NOT APPLICABLE    OPERATING EXPENSE    REVENUE    CIP

FISCAL YEAR: <b>FY 02-03</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	866,874	0	866,874
Encumbered/Expended Amount	0	0	0	0
This Item	0	162,085	0	162,085
<b>BALANCE</b>	0	1,028,959	0	1,028,959

FUND(S): **GENERAL FUND**

COMMENTS: Approval of this item will increase Alarm Permit Fees and Alarm Permit Late Fees by an estimated \$162,085 during FY 2002-03.

STRATEGIC PLAN GOAL: The increase of Alarm Permit Fees and Late Fees relates to the City's Goal of "Service Excellence".

### SUMMARY OF ITEM

On August 9, 1982, the City Council established Ordinance 82-1-12, which provides for an alarm permit application fee of twenty dollars (\$20.00) annually. State law currently provides that cities may charge up to fifty dollars (\$50.00) for such alarm permit application fees. Due to the continuing growth of the City of Plano and consequently the number of alarm systems, Council has found it necessary to revise the registration fee for alarm permits to twenty-five dollars (\$25.00) in 1999 and in 2000 revised it to thirty dollars (\$30.00). The City Council has found it necessary to revise the registration fee for Alarm Permits to thirty-five dollars (\$35.00) and the late fee to ten dollars (\$10.00). The increase in the alarm permit application fee and late fee will generate an estimated additional \$162,085 in revenue. The additional revenue gained from the revised alarm permit application fee and late fee will offset the increasing costs incurred by the City that are associated with the growing number of alarm systems.



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

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

*p. 2*

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS AMENDING SECTION 11-222, PERMIT, SUBSECTION (D) FEE; TERM; RENEWAL OF ARTICLE VI, ALARM SYSTEMS, OF CHAPTER 11, LICENSES AND BUSINESS REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF PLANO TO REVISE THE PERMIT FEE AND INCREASE THE LATE FEE; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

**WHEREAS**, on October 16, 2000, by Ordinance No. 2000-10-8, the City Council of the City of Plano set the permit fee for operating an alarm system to thirty dollars (\$30.00) annually; and

**WHEREAS**, the City Council of the City of Plano hereby recognizes the importance of providing the fiscal resources needed to effectively and efficiently administer programs and services of the City of Plano, including police, fire and emergency medical services, which contribute to the health, safety and general welfare of the citizens of Plano; and

**WHEREAS**, generation of resources through fees needed to conduct the programs and services of the City of Plano is of vital concern to all citizens and must be considered for each year in concurrence with the annual budget for the City; and

**WHEREAS**, the City Council, upon review and consideration of these matters, and in concurrence with the adoption of the annual budget for the City of Plano, has determined that it is in the best interest of the City of Plano, Texas, to revise the fees hereinafter set forth, and that they are proper and should be approved and adopted.

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

**Section I.** Section 11-222 Subsection (d) Fee; Term; Renewal, of Article VI, Alarm Systems of Chapter 11 Licenses and Business Regulations, of the Code of Ordinances of the City of Plano, Texas is hereby revised and amended as follows:

"(d) *Fee; Term; Renewal.* A nonrefundable fee of thirty-five dollars (\$35.00) per year is required for each permit or renewal of a permit. A nonrefundable fee of one hundred dollars (\$100.00) per year is required for each panel alarm. A permit is issued for one (1) year and must be renewed each year thereafter by payment of the permit fee. It is the responsibility of the permit holder to pay the renewal fee no later than the seventh day of the month following the renewal month. If the permit is not renewed within the allowable time, a late fee of five dollars (\$5.00) will be assessed. "

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

**Section III.** This Ordinance, and the fee established herein, shall become effective on October 1, 2002.

**DULY PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Pat Evans, MAYOR

ATTEST:

\_\_\_\_\_  
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

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## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>9/9/02</b>		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		
Dept Signature:	<i>Gregory W. Rushin</i>	City Manager	<i>RH</i>	
Agenda Coordinator (include phone #)		Pam Haines, Ext 2526		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input checked="" type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				

### CAPTION

Approving the terms and conditions of a professional services contract between the City of Plano and Family Services of Plano wherein Family Services of Plano will provide services to the Police Department to combat juvenile delinquency and authorizing execution of such agreement by the City Manager, or in his absence, an Executive Director, and providing an effective date.

### FINANCIAL SUMMARY

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

FISCAL YEAR: <b>FY 02-03</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	115,000	0	115,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-115,000	0	-115,000
BALANCE	0	0	0	0

FUND(s): **GENERAL FUND**

COMMENTS: Funds are included in the 2002/03 proposed budget for this item.

### SUMMARY OF ITEM

This is an ongoing agreement for alternatives to prosecution for youth offenders. This contract also provides for victims assistance coordination.

List of Supporting Documents:  
Professional Services Contract

Other Departments, Boards, Commissions or Agencies

## PROFESSIONAL SERVICES CONTRACT

This Contract entered this 1<sup>st</sup> day of October, 2002 between the CITY OF PLANO, a home-rule municipal corporation, Collin County, Texas, hereinafter called "City" and FAMILY SERVICES OF PLANO, a Texas non-profit organization whose address is 2600 Avenue K, Suite 140, Plano, Texas, hereinafter referred to as "FSP" for services to the City of Plano by and through the Plano Police Department for the purpose of combating, preventing and controlling juvenile delinquency.

WHEREFORE, for and in consideration of the payments and mutual covenants contained herein, and for other good and valuable consideration, the parties agree as follows:

### I. SCOPE OF SERVICES

FSP will provide a comprehensive, systematic, integrated program to incorporate appropriately referred juveniles into activities, groups and organizations in the City of Plano for rehabilitative purposes.

FSP, at its own expense, will furnish all labor, material and facilities in order to provide non-exclusive services to City in order to combat, prevent and control juvenile delinquency. This includes short-term counseling for appropriately referred juveniles and their families, referrals, and assisting other information and referral centers and planning agencies in the City of Plano in providing services to divert juveniles from the juvenile justice system. FSP will give priority to referrals from City and may accept referrals from the judicial and public school system, parents and minors themselves if space is available after serving City referrals. FSP will also provide structured assistance programs to victims of crimes.

The specific programs to be provided by FSP are as follows:

- A. **FIRST OFFENDER PROGRAM:** FSP will implement programs for group and individual counseling for juveniles from committing status or criminal offenses; and individual group and/or family counseling for juveniles referred to FSP. FSP may provide these services directly and/or by subcontracting with other non-profit organizations to provide these services.
- B. **VICTIM ASSISTANCE PROGRAM.** FSP will implement, coordinate and manage a program designed to help victims of certain, specified crimes obtain state-funded benefits. FSP will provide a Victim Assistance Coordinator who will report directly to the FSP Executive Director.
- C. **MINOR IN POSSESSION PROGRAM:** FSP will coordinate and manage a program designed to address those adolescents cited by law enforcement officials for MIP (of alcohol) offenses. This program will be sanctioned by the

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Texas Commission on Alcohol and Drug Abuse (TCADA) and follow state guidelines and requirements.

- D. **TOBACCO AWARENESS AND PREVENTION:** FSP will implement, coordinate and manage a program designed to address issues of adolescent use and/or possession of tobacco products. This program shall be sanctioned by the State of Texas.

## II. SUBCONTRACTING/INDEPENDENT CONTRACTOR

FSP understands and agrees that if it opts to subcontract with other entities to satisfy any portion of FSP's obligations, FSP is not relieved of its full obligation to the City as provided by this Contract.

FSP and its subcontractors are independent contractors and shall not, with respect to their acts or omissions, be deemed an agent or employee of the City, its officers, officials, agents and employees.

## III. COMPENSATION; TERM

The City will pay FSP up to \$115,000 for services deemed satisfactory by City which are rendered from October 1, 2002 through September 30, 2003. Payment will be made on a pro-rated basis over the term of the Contract. One twelfth of this amount (\$9,583.33) will be paid to FSP for satisfactorily completed services after each month's services upon submission of an invoice and approval of such invoice by the City.

This Contract will not automatically renew and includes no option for additional terms. It may be terminated as provided in Article VIII. If FSP wishes to initiate negotiations for a new Contract for October 2003, FSP shall submit a detailed report to the City no later than June 30, 2003, and said report shall include FSP's 2001 and 2002 budgets and charges for services as well as an analysis of services provided in 2001 and 2002.

## IV. INDEPENDENT CONTRACTOR

The operations and activities of FSP and its subcontractors shall be in accordance with guidelines established by the FSP Board of Directors and by the Chief of the Plano Police Department. The actual administration and operation of all programs and services provided by FSP shall be performed by FSP in its capacity as an Independent Contractor. FSP shall at all times function as an Independent Contractor.

FSP covenants and agrees that it is an Independent Contractor and not an officer, agent, servant or employee of City; that FSP shall have exclusive control of and exclusive right to control the details of the work performed hereunder and all persons

performing same, and shall be responsible for the acts and omissions of its officers, agents, employees, contractors, subcontractors and consultants; that the doctrine of respondeat superior shall not apply as between City and FSP, its officers, agents, employees, contractors, subcontractors and consultants, and nothing herein shall be construed as creating a partnership or joint enterprise between City and FSP.

#### V. INDEMNITY

FSP agrees that it will, to the extent allowed by the laws and constitution of the State of Texas, defend, indemnify and hold harmless, the City, including but not limited to, the Plano Police Department, officers agents and employees from and against all damages, injuries (including death), claims, property damages (including loss of use), losses, demands, suits, judgment and costs, including reasonable attorney's fees, in any way arising out of or resulting from the performance of the work or alleged to have been caused by the negligent act or omission of FSP, its officers, agents, employees, subcontractors, licensees or invitees.

#### VI. VENUE

The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this Contract, and the exclusive venue for any legal proceedings involving this Contract shall be Collin County, Texas.

#### VII. SUCCESSORS AND ASSIGNS

This Contract shall be binding upon the parties hereto, their successors, personal representatives and assigns.

#### VIII. TERMINATION

Notwithstanding the "Term" provision in Article III above, this Contract may be unilaterally terminated by City or FSP without cause upon thirty (30) days prior written notice to the other party. Upon receipt of notice of termination, FSP shall not incur any expenses other than its customary services and charges rendered through date of termination. If the termination date occurs prior to the end of a month, FSP will be paid a pro-rated portion of the monthly compensation of \$9,583.00.

Notice to parties shall be as follows:

City of Plano  
P.O. Box 860358  
Plano, TX 75086-0358  
Attn: Police Department

Family Services of Plano  
2600 Avenue K, Suite 140  
Plano, Texas 75074

**IX.  
APPLICABLE LAW**

This Contract is entered into subject to the charter and ordinances of City as they may be amended from time to time, and is subject to and is to be construed, governed and enforced under all applicable federal and state laws. FSP will make any and all reports required in accordance with federal, state or local law, including but not limited to proper reporting to the Internal Revenue Service as required in accordance with FSP's income.

**X.  
ASSIGNMENT AND SUBLETTING**

FSP agrees to retain control and to give full attention to the fulfillment of this Contract, that this Contract will not be assigned or sublet without the prior written consent of City, and that no part or feature of the work will be sublet to anyone objectionable to the City. FSP further agrees that the subletting of any portion or feature of the work, or materials required in the performance of this Contract, shall not relieve FSP from its full obligations to City as provided by this Contract.

**XI.  
AFFIDAVIT OF NO PROHIBITED INTEREST**

FSP acknowledges and represents it is aware of all applicable laws, City Charter, and City Code of Conduct regarding prohibited interests and that the existence of a prohibited interest at any time will render the Contract void. Contractor has executed the Affidavit of No Prohibited Interest, attached and incorporated herein as Exhibit "A."

**XII.  
SEVERABILITY**

The provisions of this Contract are severable. If any paragraph, section, subdivision, sentence, clause or phrase of this Contract is for any reason held to be contrary to the law or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of the Contract.

**XIII.  
ENTIRE AGREEMENT**

This Contract and its attachments embodies the entire agreement between the parties and may only be modified in writing if executed by both parties.

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**XIV.  
REMEDIES**

No right or remedy granted herein or reserved to the parties is exclusive of any right or remedy herein by law or equity provided or permitted, but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this Contract may be waived without consent of the parties. Forbearance or indulgence by either party shall not constitute a waiver of any covenant or condition to be performed pursuant to this Contract.

IN WITNESS WHEREOF, the parties have executed this Contract by signing below. The effective date of this Contract shall be the date of City Council approval.

**FAMILY SERVICES OF PLANO**

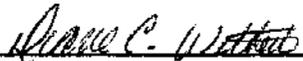
By:   
Name: Cathy Barker  
Title: Executive Director

**CITY OF PLANO, TEXAS**

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

BY: \_\_\_\_\_  
Thomas H. Muehlenbeck  
CITY MANAGER

APPROVED AS TO FORM:

  
Diane C. Wetherbee, CITY ATTORNEY

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ACKNOWLEDGMENTS

STATE OF TEXAS §  
COUNTY OF Collin §  
§

This instrument was acknowledged before me on the 28 day of August, 2002 by Cathy Barker, Executive Director of FAMILY SERVICES OF PLANO, a non-profit corporation, on behalf of said corporation. organization



Pam Haines  
Notary Public in and for the  
State of Texas

STATE OF TEXAS §  
COUNTY OF COLLIN §  
§

This instrument was acknowledged before me on the \_\_\_ day of \_\_\_\_\_, 2002 by THOMAS H. MUEHLENBECK, City Manager of the CITY OF PLANO, TEXAS, a home-rule municipal corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public in and for the  
State of Texas

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**EXHIBIT "A"**  
**Affidavit of No Prohibited Interest**

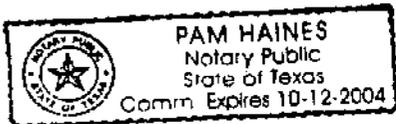
I, the undersigned declare and affirm that no person or officer in this sole proprietorship, partnership, corporation, or board has or will have during the term of this contract a prohibited interest as that term is defined in Section 11.02 of the Plano City Charter and the City's Code of Conduct, Chapter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

Family Services of Plano  
Name of Contractor  
By: *Cathy Barker*  
Signature  
Cathy Barker  
Print Name  
Executive Director  
Title  
Date: 8-28-02

STATE OF TEXAS           §  
  §  
COUNTY OF Collin   §

SUBSCRIBED AND SWORN TO before me this 28<sup>th</sup> day of August, 2002.



*Pam Haines*  
Notary Public, State of Texas

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## PROFESSIONAL SERVICES CONTRACT

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WHEREFORE, for and in consideration of the payments and mutual covenants contained herein, and for other good and valuable consideration, the parties agree as follows:

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- C. **MINOR IN POSSESSION PROGRAM:** FSP will coordinate and manage a program designed to address those adolescents cited by law enforcement officials for MIP (of alcohol) offenses. This program will be sanctioned by the

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Texas Commission on Alcohol and Drug Abuse (TCADA) and follow state guidelines and requirements.

- D. **TOBACCO AWARENESS AND PREVENTION:** FSP will implement, coordinate and manage a program designed to address issues of adolescent use and/or possession of tobacco products. This program shall be sanctioned by the State of Texas.

## II. SUBCONTRACTING/INDEPENDENT CONTRACTOR

FSP understands and agrees that if it opts to subcontract with other entities to satisfy any portion of FSP's obligations, FSP is not relieved of its full obligation to the City as provided by this Contract.

FSP and its subcontractors are independent contractors and shall not, with respect to their acts or omissions, be deemed an agent or employee of the City, its officers, officials, agents and employees.

## III. COMPENSATION; TERM

The City will pay FSP up to \$115,000 for services deemed satisfactory by City which are rendered from October 1, 2002 through September 30, 2003. Payment will be made on a pro-rated basis over the term of the Contract. One twelfth of this amount (\$9,583.33) will be paid to FSP for satisfactorily completed services after each month's services upon submission of an invoice and approval of such invoice by the City.

This Contract will not automatically renew and includes no option for additional terms. It may be terminated as provided in Article VIII. If FSP wishes to initiate negotiations for a new Contract for October 2003, FSP shall submit a detailed report to the City no later than June 30, 2003, and said report shall include FSP's 2001 and 2002 budgets and charges for services as well as an analysis of services provided in 2001 and 2002.

## IV. INDEPENDENT CONTRACTOR

The operations and activities of FSP and its subcontractors shall be in accordance with guidelines established by the FSP Board of Directors and by the Chief of the Plano Police Department. The actual administration and operation of all programs and services provided by FSP shall be performed by FSP in its capacity as an Independent Contractor. FSP shall at all times function as an Independent Contractor.

FSP covenants and agrees that it is an Independent Contractor and not an officer, agent, servant or employee of City; that FSP shall have exclusive control of and exclusive right to control the details of the work performed hereunder and all persons

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performing same, and shall be responsible for the acts and omissions of its officers, agents, employees, contractors, subcontractors and consultants; that the doctrine of respondeat superior shall not apply as between City and FSP, its officers, agents, employees, contractors, subcontractors and consultants, and nothing herein shall be construed as creating a partnership or joint enterprise between City and FSP.

## V. INDEMNITY

FSP agrees that it will, to the extent allowed by the laws and constitution of the State of Texas, defend, indemnify and hold harmless, the City, including but not limited to, the Plano Police Department, officers agents and employees from and against all damages, injuries (including death), claims, property damages (including loss of use), losses, demands, suits, judgment and costs, including reasonable attorney's fees, in any way arising out of or resulting from the performance of the work or alleged to have been caused by the negligent act or omission of FSP, its officers, agents, employees, subcontractors, licensees or invitees.

## VI. VENUE

The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this Contract, and the exclusive venue for any legal proceedings involving this Contract shall be Collin County, Texas.

## VII. SUCCESSORS AND ASSIGNS

This Contract shall be binding upon the parties hereto, their successors, personal representatives and assigns.

## VIII. TERMINATION

Notwithstanding the "Term" provision in Article III above, this Contract may be unilaterally terminated by City or FSP without cause upon thirty (30) days prior written notice to the other party. Upon receipt of notice of termination, FSP shall not incur any expenses other than its customary services and charges rendered through date of termination. If the termination date occurs prior to the end of a month, FSP will be paid a pro-rated portion of the monthly compensation of \$9,583.00.

Notice to parties shall be as follows:

City of Plano  
P.O. Box 860358  
Plano, TX 75086-0358  
Attn: Police Department

Family Services of Plano  
2600 Avenue K, Suite 140  
Plano, Texas 75074

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**IX.  
APPLICABLE LAW**

This Contract is entered into subject to the charter and ordinances of City as they may be amended from time to time, and is subject to and is to be construed, governed and enforced under all applicable federal and state laws. FSP will make any and all reports required in accordance with federal, state or local law, including but not limited to proper reporting to the Internal Revenue Service as required in accordance with FSP's income.

**X.  
ASSIGNMENT AND SUBLETTING**

FSP agrees to retain control and to give full attention to the fulfillment of this Contract, that this Contract will not be assigned or sublet without the prior written consent of City, and that no part or feature of the work will be sublet to anyone objectionable to the City. FSP further agrees that the subletting of any portion or feature of the work, or materials required in the performance of this Contract, shall not relieve FSP from its full obligations to City as provided by this Contract.

**XI.  
AFFIDAVIT OF NO PROHIBITED INTEREST**

FSP acknowledges and represents it is aware of all applicable laws, City Charter, and City Code of Conduct regarding prohibited interests and that the existence of a prohibited interest at any time will render the Contract void. Contractor has executed the Affidavit of No Prohibited Interest, attached and incorporated herein as Exhibit "A."

**XII.  
SEVERABILITY**

The provisions of this Contract are severable. If any paragraph, section, subdivision, sentence, clause or phrase of this Contract is for any reason held to be contrary to the law or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of the Contract.

**XIII.  
ENTIRE AGREEMENT**

This Contract and its attachments embodies the entire agreement between the parties and may only be modified in writing if executed by both parties.

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**XIV.  
REMEDIES**

No right or remedy granted herein or reserved to the parties is exclusive of any right or remedy herein by law or equity provided or permitted, but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this Contract may be waived without consent of the parties. Forbearance or indulgence by either party shall not constitute a waiver of any covenant or condition to be performed pursuant to this Contract.

IN WITNESS WHEREOF, the parties have executed this Contract by signing below. The effective date of this Contract shall be the date of City Council approval.

**FAMILY SERVICES OF PLANO**

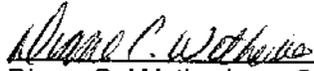
By:   
Name: Cathy Barker  
Title: Executive Director

**CITY OF PLANO, TEXAS**

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

BY: \_\_\_\_\_  
Thomas H. Muehlenbeck  
CITY MANAGER

APPROVED AS TO FORM:

  
Diane C. Wetherbee, CITY ATTORNEY

ACKNOWLEDGMENTS

STATE OF TEXAS §  
COUNTY OF Collin §  
§

This instrument was acknowledged before me on the 28 day of August, 2002 by Cathy Barker, Executive Director of FAMILY SERVICES OF PLANO, a non-profit organization corporation, on behalf of said corporation.



Pam Haines  
Notary Public in and for the  
State of Texas

STATE OF TEXAS §  
COUNTY OF COLLIN §  
§

This instrument was acknowledged before me on the \_\_\_ day of \_\_\_\_\_, 2002 by THOMAS H. MUEHLENBECK, City Manager of the CITY OF PLANO, TEXAS, a home-rule municipal corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public in and for the  
State of Texas

Q-14

**EXHIBIT "A"**  
**Affidavit of No Prohibited Interest**

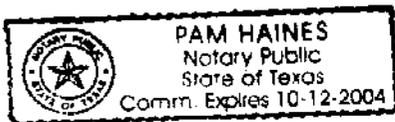
I, the undersigned declare and affirm that no person or officer in this sole proprietorship, partnership, corporation, or board has or will have during the term of this contract a prohibited interest as that term is defined in Section 11.02 of the Plano City Charter and the City's Code of Conduct, Chapter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

Family Services of Plano  
Name of Contractor  
By: Cathy Barker  
Signature  
Cathy Barker  
Print Name  
Executive Director  
Title  
Date: 8-28-02

STATE OF TEXAS           §  
  §  
COUNTY OF Collin   §

SUBSCRIBED AND SWORN TO before me this 28<sup>th</sup> day of August, 2002.



Pam Haines  
Notary Public, State of Texas

Q-15



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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:	<b>9/9/02</b>	Reviewed by Legal <i>JK</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Information Services		Initials	Date
Department Head	Chip Collins	Executive Director	<i>[Signature]</i>	9.5.02
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	9/3/02
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 checked="" type="checkbox"/> AWARD OF CONTRACT	<input type="checkbox"/> OTHER	

### CAPTION

Authorizing expenditure of eGovernment business analyst services in an amount not to exceed \$44,460 from Checkmate Consulting Inc.; and authorizing the City Manager or his designee to execute all documents necessary to effectuate the purchase.

### FINANCIAL SUMMARY

NOT APPLICABLE   
  OPERATING EXPENSE   
  REVENUE   
  CIP

FISCAL YEAR:    2001-02	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	1,500,000	0	1,500,000
Encumbered/Expended Amount	0	-972,782	0	-972,782
This Item	0	-44,460	0	-44,460
<b>BALANCE</b>	0	482,758	0	482,758

**FUND(S):**    TECHNOLOGY FUND

**COMMENTS:** This item, in the amount of \$44,460 will leave a remaining balance of \$482,758 for the e-commerce/e-government project.

**STRATEGIC PLAN GOAL:** eGovernment business analyst services relates to the City's Goal of Service Excellence.

### SUMMARY OF ITEM

Information Services requests Council authorize an expenditure for eGovernment business analyst services in an amount not to exceed \$44,460 from Checkmate Consulting, Inc. The award of this contract will provide the assistance necessary to perform detail analysis and the creation of requirement specifications for eGovernment related applications. Checkmate Consulting was selected using the Request For Qualifications (RFQ) process and all competitive procurement requirements have been met.

List of Supporting Documents: Proposal Summary Sheet, internal memo, service agreement	Other Departments, Boards, Commissions or Agencies
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## eGov Business Analyst RFQ Initial Review Matrix

1 to 10 Scale, 1 being low, 10 being high

Company	Proposed Analyst	Ability	Tech		Work		Resume	Score	Average
			Qualifications	History	History	Resume			
Idea Integration	Shane Walden	9	8	8	8	8	8	33	8.25
Checkmate Consulting	Richard Englebert	8	9	8	8	8	8	33	8.25
Techsys	Chris Menegay	8	9	7	7	8	8	32	8.00
Eclipse	Edward Carter	8	8	8	8	8	8	32	8.00
Ameriss	Thomas McKinnon	7	8	8	8	7	7	30	7.50
Buchanan Assoc.	Morris Hunter	7	7	7	7	7	7	28	7.00
Buchanan Assoc.	Robert Clark	7	7	7	7	7	7	28	7.00
Ameriss	Jeffrey Moerbe	7	7	7	7	7	7	28	7.00
PDS Tech Services	David Pewit	7	7	6	6	6	6	26	6.50
Compuware	Aravind Rajan	6	8	6	6	6	6	26	6.50
Idea Integration	Yvonne Zagumny	7	6	6	6	6	6	25	6.25
Idea Integration	Venta Cotton	7	6	6	6	6	6	25	6.25
NEORIS	Rob Dubois	7	6	6	6	6	6	25	6.25
NEORIS	Mark Roberts	7	6	6	6	6	6	25	6.25
CompOsoft	David Schedler	6	8	5	5	5	5	24	6.00
Quasium	Sandeep Bidare	6	6	6	6	6	6	24	6.00
ECOM Consulting	Amit Mehta	6	6	4	4	5	5	21	5.25
Talent Roofing	Mistaken Submittal	0	0	0	0	0	0	0	0.00
Network Exchange	Software Solution Only	0	0	0	0	0	0	0	0.00

## eGov Business Analyst

### Top 4 Candidates Interview Matrix

1 to 10 Scale, 1 being low, 10 being high

Company	Proposed Analyst	Ability	Tech		Work		Resume	Score	Average
			Qualifications	History	History	Resume			
Checkmate Consulting	Richard Englebert	10	9	8	8	8	8	35	8.75
Idea Integration	Shane Walden	8	8	8	8	8	8	32	8.00
Eclipse	Edward Carter	8	7	8	8	8	8	31	7.75
Techsys	Chris Menegay	7	9	7	7	8	8	31	7.75

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DATE: August 30, 2002

TO: Chip Collins

CC: Mike Ryan, Kathy Kargol, Mike Mirau (Exodus Consulting)

FR: Murray Johnston

SUBJ: Decision Process for eGovernment Business Analyst Consultant

As you know, we have actively been seeking an eGovernment Business Analyst to replace Mike Mirau as the result of his contract expiration. The purpose of this memo is to share with you the process I went through in cooperation with Purchasing to ensure that a thorough and fair process was used.

Our process began with selecting the RFQ (Request for Qualifications) approach as recommended by Kathy Kargol and confirmed by Purchasing. I developed the RFQ with input from Mike Mirau to ensure that we were clearly identifying all the necessary technical qualifications and interpersonal skills necessary for the assignment. I then coordinated with Purchasing to take over process of advertising the opportunity and officially logging the receipt of the replies.

We received 18 candidate resumes and 1 accidental response from a roofing contractor (who I personally called to confirm that it was a mistake). Mike Mirau and I then reviewed the 18 resumes and ranked them based on the decision criteria listed in the RFQ. The results of this ranking process are contained in the attached Excel spreadsheet under the heading "RFQ Initial Review Matrix".

Our next step was then to interview the top ranked candidates. Rather than interview just the top three, we interview the top four due to a tie in the

2-3

rankings. Mike and I interviewed the candidate separately spending 45 minutes to an hour with each one. I discussed with purchasing about their participation in the interviews, but due to the deep level of technical discussions, it was decided that we should proceed on our own. The results of the interview process are also contained in the attached spreadsheet under the heading, "Top 4 Candidates Interview Matrix", again ranked according to the decision criteria listed in the RFQ. Mike Mirau and I were in clear agreement with each others ranking efforts that led to the recommendation for Richard Englebert of Checkmate Consulting.

After sharing the decision matrix with Purchasing and explaining why I felt Richard Englebert was the right choice, Purchasing was satisfied that the RFQ process had been appropriately followed. I then began the negotiation process with Richard and am pleased that we have a fair and fiscally responsible deal on the table ready for the Council's approval.

**CHECKMATE CONSULTING INC.  
PROFESSIONAL SERVICES AGREEMENT**

<b>City of Plano</b>	<b>Checkmate Consulting Inc.</b>
<b>PO Box 860358</b>	<b>7750 N. MacArthur Blvd. Suite 120</b>
<b>Plano, Texas 75086-0358</b>	<b>Irving, Texas 75063</b>

The Client and CHECKMATE CONSULTING, INC. agree that the following terms and conditions shall govern in all cases when CHECKMATE CONSULTING INC. furnishes assistance to the Client in the installation and use of data processing products.

**1. SERVICES.**

This Agreement shall cover all assistance in the installation and use of data processing products by CHECKMATE CONSULTING INC. personnel at the Client's request, including, but not limited to, special studies, programming and application design and development, systems analysis and design, conversion and implementation planning, and installation evaluation. These services may be performed at either the Client's or CHECKMATE CONSULTING INC. premises. The parties hereto agree and understand that CHECKMATE CONSULTING INC. is an independent contractor and nothing herein shall be construed as creating a relationship of employer and employee between Client and any of CHECKMATE CONSULTING INC. employees.

**2. TERM.**

This Agreement is effective from the date on which it is executed by Client and by CHECKMATE CONSULTING INC. and shall remain in force for a period of six months or until terminated by the Client or CHECKMATE CONSULTING INC. upon thirty (30) days prior written notice, whichever occurs first. Completion of any specific services or Client's failure to order additional services hereunder shall not terminate this Agreement, it being the intent of the parties to leave this Agreement in effect in the event of future orders for services.

**3. WORK ORDERS.**

The work to be provided under this Agreement shall be mutually agreed to in writing and shall be described in an attached Work Order which shall be executed on behalf of each of the parties. Each Work Order becomes effective on the date executed by both parties and thereafter shall remain in effect until terminated as provided in the applicable Work Order. The completion or termination of a Work Order does not terminate this Agreement.

Notwithstanding the provisions of Section 2 above, Client or CHECKMATE CONSULTING INC. may terminate a specific Work Order at any time by giving thirty (30) calendar day's prior written notice to the other party. Upon such termination, CHECKMATE CONSULTING INC. agrees to forward to Client all completed or uncompleted reports, drawings and other documents. Work performed in accordance with a Work Order is "authorized".

In the event of any conflict between the provisions of a Work Order and the provisions of this Agreement, the provisions of this Agreement shall prevail.

**4. PRICES AND PAYMENT TERMS.**

Client agrees to pay for the authorized work furnished by CHECKMATE CONSULTING INC., and any goods provided incidental to the furnishing of such services, at the prices specified therein, \$95 per hour with the total amount not to exceed FORTY FOUR THOUSAND, FOUR HUNDRED AND SIXTY (\$44,460.00) DOLLARS. CHECKMATE CONSULTING INC. may revise the prices set forth in this Agreement upon thirty (30) day's prior written notice.

Prices do not include taxes. Client shall pay CHECKMATE CONSULTING INC. for any sales, use, personal property or similar taxes, exclusive of taxes on CHECKMATE CONSULTING INC. net income or corporate franchise taxes, and any other governmental charges based on transactions hereunder.

CHECKMATE CONSULTING INC. shall submit semi-monthly invoices to Client for the authorized services actually performed and for the authorized travel and other expenses actually incurred hereunder during the preceding semi-monthly time period. All such invoices shall include the name of the person performing the work, date, hours worked, billing rate and working period for which such invoice is submitted. Any third party charges, including but not limited to authorized purchases of material, employee travel expenses, and the like, will be accompanied by supporting data. At Client's request, CHECKMATE CONSULTING INC. agrees to submit any other documentation reasonably required by Client to substantiate the invoices submitted hereunder. Client shall make payment of all invoices for accepted work to CHECKMATE CONSULTING INC. within ten (10) days after receipt of each invoice.

CHECKMATE CONSULTING INC will maintain complete and accurate accounting records, in a form in accordance with its standard accounting practices, and shall retain such records for a period of one (1) year from date of final payment under this Agreement.

## 5. CONTROL AND SUPERVISION.

Client tasks on which CHECKMATE CONSULTING INC. personnel assist shall remain under the supervision, management and control of the Client.

## 6. CONFIDENTIALITY.

With respect to financial, statistical and personnel data relating to the Client's business which is confidential, is clearly so designated, and which is submitted CHECKMATE CONSULTING INC. by the Client in order to carry out this Agreement, CHECKMATE CONSULTING INC. will instruct its personnel to keep such information confidential by using the same care and discretion that they use with similar data which CHECKMATE CONSULTING INC. designates as confidential. With respect to technical data relating to the Client's business which is confidential, and which must be submitted to CHECKMATE CONSULTING INC. by the Client in order for CHECKMATE CONSULTING INC. to carry out its work under this Agreement, CHECKMATE CONSULTING INC. will instruct its personnel to keep such information confidential by using the same care and discretion with regard to the identified technical data as they use with similar data which CHECKMATE CONSULTING INC. designates as confidential. The foregoing restrictions shall not apply to any information that: (a) was known by CHECKMATE CONSULTING INC. prior to disclosure thereof by the other party; (b) was in or entered the public domain through no fault of CHECKMATE CONSULTING INC.; (c) is disclosed to CHECKMATE CONSULTING INC. by a third party legally entitled to make such disclosure without violation of any obligation of confidentiality; or (d) is independently developed by CHECKMATE CONSULTING INC. without reference to any Confidential Information of the Client. If CHECKMATE CONSULTING INC. is required to disclose Confidential Information by applicable laws or regulations, CHECKMATE CONSULTING INC. shall provide the Client with prior written notice of such requirement, disclose such Confidential Information only to the extent legally required, and cooperate with the Client in maintaining the confidentiality of such Confidential Information. Upon request of the Client, or in any event upon any termination or expiration of the Term, CHECKMATE CONSULTING INC. shall return to the other all materials, in any medium, which contain, embody, reflect or reference all or any part of any Confidential Information of the Client. CHECKMATE CONSULTING INC. acknowledges that breach of this provision by it would result in irreparable harm to the Client, for which money damages would be an insufficient remedy, and therefore that the Client shall be entitled to seek injunctive relief to enforce the provisions of this Section 6.

## 7. RIGHTS IN DATA.

CHECKMATE CONSULTING INC. acknowledges that the services provided for Client and all inventions and processes, products or services held as trade secrets, inventions for which applications for patents may be filed in any country or written data and software and any other works of authorship that are protectable by copyright (collectively "Client's Intellectual Property") shall be considered, "works made for hire" within the meaning of applicable United States law and shall be the sole and exclusive property of Client. To the extent any aspect of the Client's Intellectual Property is not legally regarded as a work made for hire, CHECKMATE CONSULTING INC. hereby assigns, transfers and sets over to Client, all ownership interest in the Client's Intellectual Property and agrees to execute all documents confirming such ownership, and, at the expense of Client, take such other actions as required in connection therewith, including but not limited to securing any third party license necessary to utilize the Client's Intellectual Property. Notwithstanding the foregoing, any CHECKMATE CONSULTING INC. tools, techniques, processes, generalized ideas, concepts, know-how, methods or skills, including any of the foregoing gained or learned during the course of any Project (collectively "CHECKMATE CONSULTING INC. Intellectual Property"), shall be and remain the sole property of CHECKMATE CONSULTING INC., subject to CHECKMATE CONSULTING INC. confidentiality obligations in Section 6 herein. CHECKMATE CONSULTING INC. hereby grants to Client a non-exclusive, non-transferable, world-wide, permanent, paid-up license to make, have made, use, have used, reproduce and modify CHECKMATE CONSULTING INC. Intellectual Property as the same are incorporated into Client's Intellectual Property.

## 8. INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS.

CHECKMATE CONSULTING INC. represents and warrants that the services will not infringe or violate any patents, copyrights, trademarks, trade secrets or other proprietary rights of any third party. All services provided by CHECKMATE CONSULTING INC. shall be original. In the event that a claim is made against the Client that any of the services violate any third party intellectual property rights, the Client shall promptly notify CHECKMATE CONSULTING INC. and CHECKMATE CONSULTING INC. shall have the right to control the defense or settlement of any such third party claim at CHECKMATE CONSULTING INC. expense. The Client shall cooperate with CHECKMATE CONSULTING INC. in connection with any such claim. Should any such services be found to constitute infringement of any third party's intellectual property rights and an injunction issues prohibiting use thereof, CHECKMATE CONSULTING INC. shall, at its option, either (a) secure for the Client the right to use such infringing item by means of license or other permission, (b) replace the infringing aspect of the services with a non-infringing substitute of substantially equivalent functionality, or (c) modify such infringing services so that it becomes non-infringing. If CHECKMATE CONSULTING INC. is unable to accomplish any of the foregoing, the services shall be returned to CHECKMATE CONSULTING INC. and CHECKMATE CONSULTING INC. shall refund to the Client the full amount paid for such services. CHECKMATE CONSULTING INC.'s obligations under this Section 8, and under the indemnity provided in Section 15 shall not apply to any infringement arising out of services utilized by the Client in a manner inconsistent with the specifications set forth in any applicable Statement of Work or any alteration, modification or revision of the services.

## 9. STANDARDS OF PERFORMANCE/WARRANTIES.

Except as set forth in Section 8 hereof, all of CHECKMATE CONSULTING INC. warranties in connection with the services shall be as follows:

9.1 CHECKMATE CONSULTING INC. warrants that CHECKMATE CONSULTING INC. Personnel will be qualified, competent, experienced, trained personnel to perform the work required by the Work Orders and such services shall be of professional quality and conform to generally accepted industry practices.

9.2 All CHECKMATE CONSULTING INC. work shall be subject to acceptance by the Client. For purposes of this Agreement, CHECKMATE CONSULTING INC. services shall be "Accepted" if such services have been performed substantially in accordance with the standards set forth in Section 9.1 above, are consistent with all specifications set forth in any applicable Work Orders and services are substantially free of defects and conforms to the specifications set forth in an applicable Work Orders. After completion of the services or any portion of such services, the Client shall have a period of thirty (30) days to review and test such a services and unless such services are rejected within such thirty (30) day period, such services shall be deemed Accepted. Each Work Orders shall detail the timing of testing of CHECKMATE CONSULTING INC. services.

9.3 For a period of thirty (30) days after acceptance of services, CHECKMATE CONSULTING INC. warrants that such services shall be substantially free from defects and shall operate in accordance with the specifications set forth in the applicable Work Orders and CHECKMATE CONSULTING INC. shall, without additional cost and expense to the Client, furnish necessary labor, services or software to cause the services to be substantially defect free and to operate in accordance with the specifications in any applicable Work Orders.

9.4 CHECKMATE CONSULTING INC. also warrants that no part of any service due under any Project, when delivered, shall contain any computer virus or other contaminants, including any codes or instructions that may be used to access, modify, delete, damage or disable the Client's computer system, which shall include, but not be limited to, security or expiration codes.

9.5 CHECKMATE CONSULTING INC. warranty obligations are subject to the Client notifying CHECKMATE CONSULTING INC. in writing of any defect, within the warranty period. CHECKMATE CONSULTING INC. shall not be responsible for warranty claims arising from the Client's substitution, omission, accident, misuse, neglect, alteration of any services, or defects arising from adjustment, support or other impact on services made by third parties' unauthorized testing, use not within specifications or any other cause not arising out of defects in material or workmanship. CHECKMATE CONSULTING INC. shall not be responsible for any warranty with respect to hardware and software supplied by Client or by a third party; provided, however, that CHECKMATE CONSULTING INC. provide a list of all third party hardware and software supplied as part of the services, prior to delivery and provide reasonable assistance in obtaining warranties from those third parties. In the event CHECKMATE CONSULTING INC. is purchasing third party hardware and software for a particular Work Orders, CHECKMATE CONSULTING INC. will take such steps as to assign the manufacturer's warranty to the Client.

9.6 CHECKMATE CONSULTING INC. warrants and represents that it shall adhere to the U.S. Export Control Laws and Regulations and shall not export or re-export any technical data, products, or services to any proscribed country listed in the U.S. Export Administration Regulations unless properly authorized by the U.S. Government.

#### 10. ASSIGNED EMPLOYEES.

CHEKMATE CONSULTING INC. employees shall at all times remain employees of CHECKMATE CONSULTING INC. who shall be solely responsible for the payment of each employee's benefits and entire compensation, including employment taxes, worker's compensation, and any similar taxes associated with employment. CHECKMATE CONSULTING INC. agrees and represents that as the employer of such persons, it will comply with all requirements of applicable tax and employment laws. CHECKMATE CONSULTING INC. represents that it is in full compliance with the Immigration Reform and Control Act of 1986 and will only provide Client with personnel whose employment eligibility has been verified.

CHEKMATE CONSULTING INC. represents to Client that it is in full compliance with the terms and obligations imposed by all Equal Employment Opportunity regulations and statutes.

CHEKMATE CONSULTING INC. agrees to submit satisfactory information concerning the qualifications of its employees proposed to be assigned to Client projects. Client will be the sole judge of performance and may at any time request the removal of a consultant for cause. In the event of removal CHECKMATE CONSULTING INC. shall make all reasonable attempts to replace the individual for the remainder of the project.

CHEKMATE CONSULTING INC. may subcontract specific assignments hereunder, but only with the Client's express written permission. CHECKMATE CONSULTING INC. hereby agrees to ensure that all third party subcontractors execute all reasonable documents necessary to secure Client's rights in Client's Intellectual Property. CHECKMATE CONSULTING INC. further agrees to indemnify, hold harmless, save, and protect Client from and against any and all losses, suits, demands, liabilities, claims, actions, expenses and damages of whatsoever kind or nature, including costs of litigation and reasonable attorney's fees, arising at any time under this Agreement and connected in any way with any services which are subcontracted hereunder.

#### 11. SOLICITATION OF EMPLOYMENT.

Both parties agree not to hire or solicit any employee of the other party during the term of this Agreement and continuing for a period of one (1) year thereafter without the prior written consent of the other party.

Upon written agreement between the parties, either party at its option may waive the provisions of this paragraph for a specific employee in which case the hiring party agrees to pay a fee to the other party. The fee shall be equal to 50% of the employee's new or proposed annual salary as compensation for expenses incurred in replacing said employee.

#### 12. SERVICE ESTIMATES.

Estimates of services to be rendered under this Agreement may be agreed to in writing. No estimates are guaranteed in any way or to any extent by CHECKMATE CONSULTING INC.. CHECKMATE CONSULTING INC. will, however, notify the Client as soon as practicable if the estimate will be exceeded, and the Client may then terminate the services, paying only for effort expended to that time. Charges will be paid by the Client at the established rates and minimums whether the charges are above or below the estimate.

Service Estimates may include agreed to work schedules of CHECKMATE CONSULTING INC. personnel. CHECKMATE CONSULTING INC. will attempt to provide personnel in accordance with such schedules subject to circumstances beyond CHECKMATE CONSULTING INC. control. Should a CHECKMATE CONSULTING INC. employee be unable to perform scheduled services under this Agreement because of illness, resignation or other causes beyond CHECKMATE CONSULTING INC. reasonable control, CHECKMATE CONSULTING INC. shall not be liable for failure to replace such employee within the schedule.

All schedules may be revised by mutual agreement.

### 13. WARRANTY LIMITATIONS.

THE WARRANTIES SET FORTH IN SECTIONS 8 AND 9 ABOVE ARE IN LIEU OF ALL OTHER WARRANTIES EXPRESSED, IMPLIED OR STATUTORY, INCLUDING WITHOUT LIMITATION, WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, ALL OF WHICH ARE EXPRESSLY DISCLAIMED.

### 14. LIMITATIONS ON LIABILITY.

CHECKMATE CONSULTING INC. agrees to indemnify, defend and hold the Client harmless against any loss, cost, damage or expense (including reasonable attorney's fees) incurred by the Client as a result of (i) CHECKMATE CONSULTING INC. infringement of any third party intellectual property as provided in Section 8, (ii) claims against the Client for bodily injury or property damage caused by CHECKMATE CONSULTING INC. Personnel, (iii) any breach by CHECKMATE CONSULTING INC. of its obligations of confidentiality contained in Section 6, and (iv) claims against the Client from CHECKMATE CONSULTING INC. Personnel with respect to CHECKMATE CONSULTING INC. obligation for the payment of wages or other compensation, insurance coverage, taxes or expenses as provided in Section 4 hereof.

SUBJECT TO THE ABOVE AND SECTION 9, CHECKMATE CONSULTING INC. LIABILITY UNDER THIS AGREEMENT SHALL BE LIMITED TO THE AMOUNT OF FEES RECEIVED BY CHECKMATE CONSULTING INC. UNDER THE APPLICABLE SERVICE ESTIMATE OR IN THE AUTHORIZATION FOR THE PARTICULAR SERVICE IF NO SERVICE ESTIMATE IS MADE, OR THE APPLICABLE WORK ORDER. IN NO EVENT SHALL SOFTWARE ARCHITECT BE LIABLE FOR ANY SPECIAL, CONSEQUENTIAL OR INCIDENTAL DAMAGES, INCLUDING WITHOUT LIMITATION, LOSS OF PROFITS, REVENUE OR DATA, EVEN IF ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OCCURRING.

### 15. INDEMNITY.

CHECKMATE CONSULTING INC. agrees to indemnify, defend and hold the Client harmless against any loss, cost, damage or expense (including reasonable attorney's fees) incurred by the Client as a result of (i) CHECKMATE CONSULTING INC. infringement of any third party intellectual property as provided in Section 8, (ii) claims against the Client for bodily injury or property damage caused by CHECKMATE CONSULTING INC. Personnel, (iii) any breach by CHECKMATE CONSULTING INC. of its obligations of confidentiality contained in Section 6, and (iv) claims against the Client from CHECKMATE CONSULTING INC. Personnel with respect to CHECKMATE CONSULTING INC. obligation for the payment of wages or other compensation, insurance coverage, taxes or expenses as provided in Section 4 hereof. The Client hereby agrees to indemnify, defend and hold CHECKMATE CONSULTING INC. harmless against any loss, cost, damage or expense (including reasonable attorney's fees), arising out of the Client's breach of its obligations of confidentiality as set forth in Section 6 hereof.

### 16. EQUITABLE REMEDIES.

In the event of a violation or threatened violation of the covenants and agreements contained in Sections 6, 7, and 11 hereof, the aggrieved party, in addition to and not in limitation of any other rights, remedies or damages available at law or in equity, shall be entitled to equitable relief in a court of equity, including a temporary and permanent injunction against the other, or such other equitable relief as may be appropriate, including an order of specific performance.

### 17. MISCELLANEOUS PROVISIONS.

17.1 Notices. Any notice, request, consent, demand, offer, acceptance or other communications required or permitted under this Agreement shall be made in writing and shall be deemed to have been duly given if, electronically mailed, personally delivered, or if mailed by registered or certified mail, postage prepaid, return receipt requested (and shall be deemed delivered on the date received for delivery by the Postal Service whether or not accepted), or by telefax, telecopier, electronic mail or similar transmission on the date received (provided there is verification of delivery), or by overnight delivery service, charges prepaid, on the date received, addressed to the parties hereto at their respective addresses as follows:

- (a) If to CHECKMATE CONSULTING INC.:  
Richard Joseph Englebert  
President  
7750 N. MacArthur Blvd. Suite 120  
Irving, Texas 75063  
Phone: (972) 316-1100, Ext 2  
E-mail: Richard.Englebert@checkmateconsult.com
- (b) If to the Client:  
City of Plano  
Murray Johnston  
PO Box 860358  
Plano, Texas 75086-0358  
Phone: (972) 941-7625  
E-mail: [murrayj@gwmail.plano.gov](mailto:murrayj@gwmail.plano.gov)

or to such other address or addresses and to the attention of such other person or persons as either of the parties hereto may notify the other in accordance with the provisions of this Agreement.

17.2 No Third-Party Beneficiaries. There are no third-party beneficiaries of this Agreement or of the transactions contemplated hereby and nothing contained herein shall be deemed to confer upon any one other than the parties hereto (and their respective successors and permitted assigns), any right to insist upon or to enforce to perform any of the obligations contained herein.

17.3 Entire Agreement. This Agreement together with the Work Orders, sets forth all of the promises, covenants, agreements, conditions and understandings between the parties hereto, with respect to the subject matter hereof, and supersedes all prior and contemporaneous writings (including requests for proposals and responses thereto), agreements and understandings, inducements or conditions pertaining thereto, expressed or implied, oral or written, except as contained herein.

17.4 Headings. The section headings in this Agreement and the Background of this Agreement are for reference purposes only and shall not define, limit or affect the meaning or interpretation of this Agreement.

17.5 Assignment. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns. Notwithstanding the foregoing, this Agreement may not be assigned in whole or in part without the prior written consent of the other party.

17.6 Governing Law. This Agreement and all questions relating to its validity, interpretation, performance and enforcement shall be governed by and construed in accordance with the laws of the State of Texas, notwithstanding any conflicts of laws, doctrines of such states or other jurisdictions to the contrary. Both parties agree to submit to the jurisdiction and venue of Collin County, Texas.

17.7 Amendments. No amendment, alteration or modification of this Agreement shall be valid unless each such instance, amendment, alteration or modification is expressed in a written instrument duly executed by both parties hereto.

17.8 No Waiver. The failure of any party to insist, in any one or more instances, on performance of any of the terms and conditions of this Agreement, shall not be construed as a waiver or relinquishment of any rights granted hereunder or of the future performance of such term, covenant or condition, but the obligations of the parties, with respect thereto, shall continue in full force and effect.

17.9 Unenforceable Provisions. It is the agreement of the parties that in case any one or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the other provisions of this Agreement and this Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein. In case any one or more of the provisions hereof shall for any reason be held to be excessively broad as to duration, geographical scope, activity or subject matter, such provision shall be construed by limiting and reducing it as determined by a court of competent jurisdiction, so as to be enforceable only to the extent compatible with applicable law.

17.10 Counterparts. This Agreement may be executed in any number of counterparts, which when taken together shall constitute an original document.

17.11 Survival. The provisions of Sections 4, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, and 17 shall survive termination of this Agreement.

AGREED TO:

**CHECKMATE CONSULTING INC.**

By \_\_\_\_\_  
(Signature)

Name \_\_\_\_\_  
(Type or Print)

Title \_\_\_\_\_  
(Type or Print)

Date \_\_\_\_\_

**CLIENT: CITY OF PLANO, TEXAS**

By \_\_\_\_\_  
(Signature)

Name \_\_\_\_\_  
(Type or Print)

Title \_\_\_\_\_  
(Type or Print)

Date \_\_\_\_\_

2-10

**Schedule A to Professional Services Agreement**

This Schedule A shall be governed by, and is an integral part of, the Professional Services Agreement dated \_\_\_\_\_, between **CHECKMATE CONSULTING INC.** and **CITY OF PLANO, TEXAS.** ("Client"). In the event of conflict between this Schedule A and the Professional Services Agreement, the terms and conditions of the Professional Services Agreement shall prevail.

**STATEMENT OF WORK:**

**Provide technical project management services**

**BASE HOURLY RATE/FEES:**

\$95.00 per hour. During the six month term of the Agreement, the total billings shall not exceed \$44,460.00, which is based on an average of 18 hours per week.

**All terms and conditions of the Professional Services Agreement, of which this Schedule is an integral part, are expressly incorporated herein by reference.**

**AGREED TO:**

**CHECKMATE CONSULTING INC.**

**CLIENT: CITY OF PLANO, TEXAS**

By \_\_\_\_\_  
(Signature)

By \_\_\_\_\_  
(Signature)

Name \_\_\_\_\_  
(Type or Print)

Name \_\_\_\_\_  
(Type or Print)

Title \_\_\_\_\_  
(Type or Print)

Title \_\_\_\_\_  
(Type or Print)

Date \_\_\_\_\_

Date \_\_\_\_\_



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>			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:		<b>9/9/02</b>	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Engineering			Initials	Date
Department Head	Alan J. Upchurch		Executive Director	<i>[Signature]</i>	8-29-02
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	8/30/02
Agenda Coordinator (include phone #):			Irene Pegues (7198)		Project No. 4965
<b>ACTION REQUESTED:</b> <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
<b>CAPTION</b>					
To S. J. Louis Construction of Texas Ltd., LLP, increasing the contract by \$61,906.10 for Claridge Drainage Improvements, Change Order No. 6 (Bid No. B170-01).					
<b>FINANCIAL SUMMARY</b>					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	2001-02	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		61,822	1,722,000	0	1,783,822
Encumbered/Expended Amount		-61,822	-1,703,179	0	-1,765,001
This Item		0	-61,906	0	-61,906
<b>BALANCE</b>		0	-43,085	0	-43,085
<b>FUND(S):</b> MUNICIPAL DRAINAGE CIP					
<b>COMMENTS:</b> Funds are included in the 2001-02 Municipal Drainage CIP for the Claridge/Greenway project. Additional funding in the amount of \$43,085 is available from savings in the design of the Bronze Leaf project. <b>STRATEGIC PLAN GOAL:</b> Claridge Drainage Improvements relates to the City's Goal of Safe, Livable Neighborhoods.					
<b>SUMMARY OF ITEM</b>					
This change order is to adjust contract quantities to reflect actual constructed quantities, mainly for additional concrete, necessary to complete the project and process the Final Payment.					
Staff recommends approval of Change Order No. 6. The contract total will be \$1,742,492.06, which includes change orders of 6.38% of the original contract amount of \$1,638,027.00.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Change Order No. 6			N/A		
Location Map					

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CHANGE ORDER NO. 6

CLARIDGE DRAINAGE IMPROVEMENT  
PROJECT NO. 4965  
PURCHASE ORDER NO. 102241  
CIP NO. 71117-8331

A. INTENT OF CHANGE ORDER

The intent of this change order is to modify the provisions of the contract entered into by the **CITY OF PLANO, TEXAS** and **S.J. LOUIS CONSTRUCTION OF TEXAS LTD.** for the **CLARIDGE DRAINAGE IMPROVEMENTS PROJECT**, dated **July 23, 2001**.

B. DESCRIPTION OF CHANGE

The change order is for additional items required to complete the project.

C. EFFECT OF CHANGE

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

ITEM NO.	ITEM DESCRIPTION	CONTRACT QUANTITY	REVISED QUANTITY	UNIT	UNIT PRICE	AMOUNT OF CHANGE
6	66" RCP	613	637	LF	\$314.00	\$7,536.00
40	Repair 66" pipe joint	188	199	EA	\$350.00	\$3,850.00
41	Trim interconnect pipes	2	4	EA	\$3,000.00	\$6,000.00
43	Remove exist. Alley/drives	3739	3924	SY	\$10.00	\$1,850.00
44	6" 3600psi concrete pavement	3739	3927	SY	\$40.00	\$7,520.00
45	Sawcut pavement	2089	2469	LF	\$3.00	\$1,140.00
49	Remove & replace curb	346	432.5	LF	\$30.00	\$2,595.00
49A	Remove & replace curb		654	LF	\$20.00	\$13,080.00
51	Remove & replace sidewalk	1120	1236	SF	\$10.00	\$1,160.00
53	Grass sod	134	487.5	SY	\$10.00	\$3,535.00
	Remove & replace 10" conc.		127.4	SY	\$61.50	\$7,835.10
	Remove & replace 8" conc.		96	SY	\$55.00	\$5,280.00
	Landscape work		1	LF	\$525.00	\$525.00
	<b>TOTAL:</b>					<b>\$61,906.10</b>

S-2

Original Contract Amount	\$ 1,638,027.00
Contract Amount (Including Previous Change Orders)	\$ 1,680,585.96
Amount, Change Order No. 6	\$ 61,906.10
Revised Contract Amount	\$ 1,742,492.06
Total Percent Increase Including Previous Change Orders	6.38%

D. EFFECT OF CHANGE ON CONTRACT TIME

The work required under this change order will add 0 days to this project:

Original Contract Time	180 calendar days
Amount (Including Previous Change Orders)	186 working days
Amount, Change Order No. 6	0 working days
Revised Contract Time	186 working days
Total Percent Increase Including Previous Change Orders	3.33%

E. AGREEMENT

By the signatures below, duly authorized agents of the City of Plano, Texas and S.J. Louis Construction of Texas LTD., do hereby agree to append this Change Order No. 6 to the original contract between themselves, dated July 23, 2001.

**CITY OF PLANO**

**S.J. LOUIS CONSTRUCTION OF TEXAS LTD.**

OWNER

CONTRACTOR

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

By: Les V. Whitman  
(signature)

Print Name: Thomas H. Muehlenbeck

Print Name: LES V. WHITMAN

Print Title: City Manager

Print Title: GENERAL MANAGER

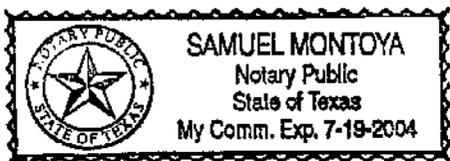
Date: \_\_\_\_\_

Date: 8-14-02

**ACKNOWLEDGMENTS**

STATE OF TEXAS       )  
                                  )  
COUNTY OF TARRANT )

This instrument was acknowledged before me on the 14<sup>th</sup> day of  
August, 2002, by LES V. WHITMAN,  
GENERAL MANAGER, of S.J. LOUIS CONSTRUCTION OF TEXAS LTD., LLP, a Texas limited  
partnership, on behalf of said partnership.



Samuel Montoya  
Notary Public, State of Texas

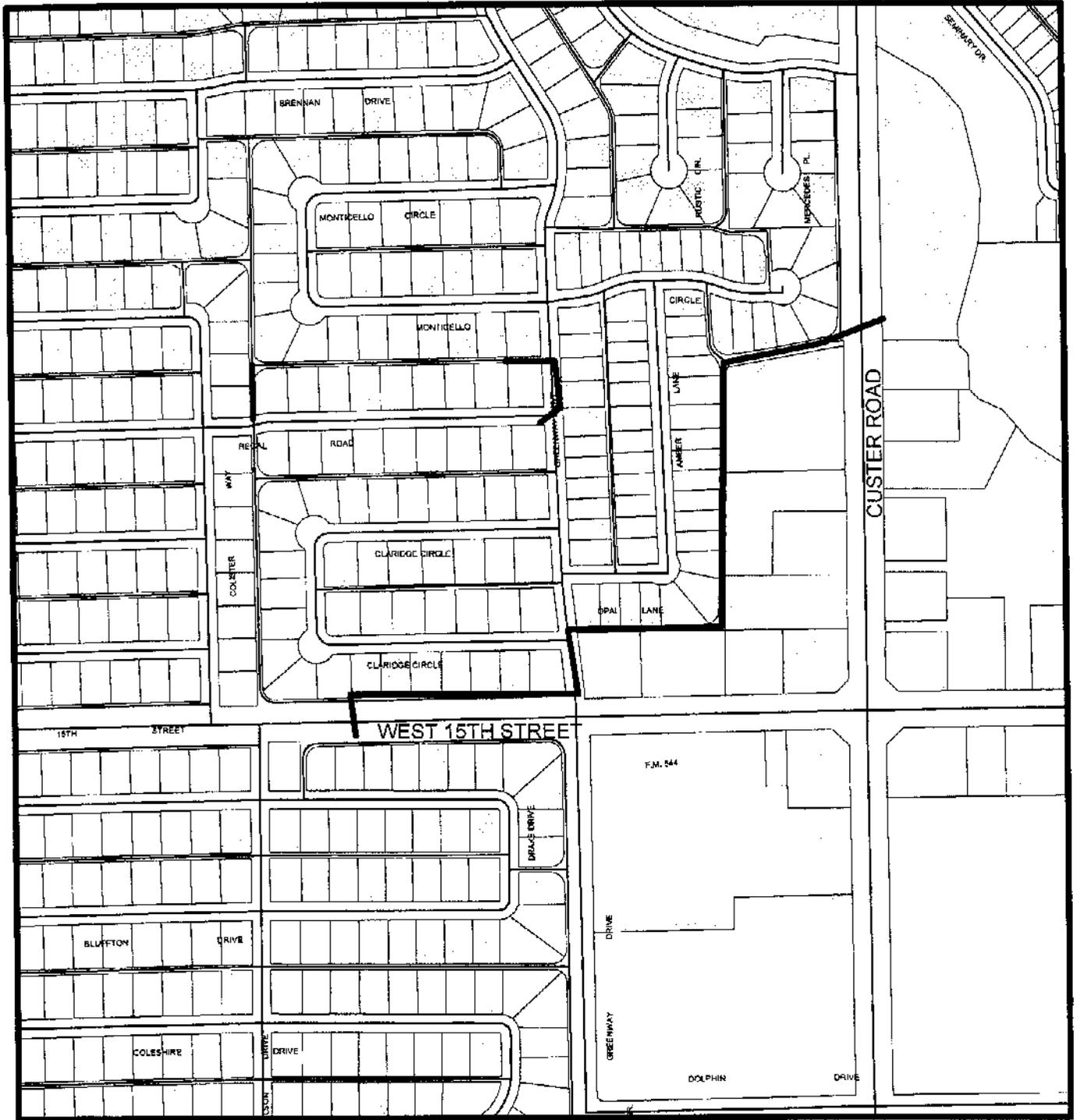
STATE OF TEXAS       )  
                                  )  
COUNTY OF COLLIN    )

This instrument was acknowledged before me on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2002, by **Thomas H. Muehlenbeck, City Manager**, of the City of  
**Plano, Texas**, a Home-Rule Municipal Corporation, on behalf of said municipal corporation.

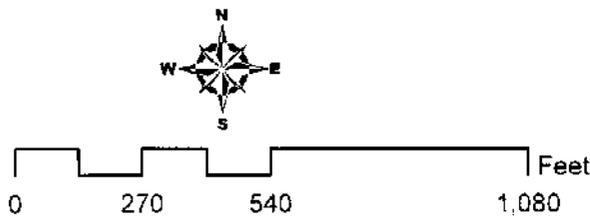
\_\_\_\_\_  
Notary Public, State of Texas

D-4

# CLARIDGE DRAINAGE IMPROVEMENTS



City of Plano  
Engineering Department



*A-5*



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		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:	<b>9/9/02</b>		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Budget & Research		Initials	Date	
Department Head	Karen M. Rhodes		Executive Director		
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	9/3/02
Agenda Coordinator (include phone #):		<b>DIAnn Lewis (Ext. 5470)</b>			
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, APPROVING AND ADOPTING THE TAX RATE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002, AND TERMINATING SEPTEMBER 30, 2003, AND PROVIDING AN EFFECTIVE DATE.

**FINANCIAL SUMMARY**

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

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

FUND(S):

COMMENTS:

**SUMMARY OF ITEM**

This ordinance sets the ad valorem tax rate for 2002-03 at 45.35 cents per \$100 assessed valuation, to be distributed as follows:

- 28.64 for Operations & Maintenance
- 16.71 for General Obligation Debt
- 45.35 Total Tax Rate

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

*1-1*

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, APPROVING AND ADOPTING THE TAX RATE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002, AND TERMINATING SEPTEMBER 30, 2003; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Plano has been presented with a proposed Ad Valorem Tax Rate for Fiscal Year 2002-03, and such Tax Rate would impose an amount of taxes that would exceed the levy for Fiscal Year 2001-02; and

**WHEREAS**, Section 26.05 of the Texas Tax Code, as amended, provides that the City may not adopt a Tax Rate for Fiscal Year 2002-03 that exceeds the lower of the Rollback Tax Rate or 103 percent of the Effective Tax Rate calculated without notice of and holding a public hearing on the proposed tax rate; and

**WHEREAS**, as required by Section 26.06 of the Texas Tax Code, as amended, notice of a public hearing was published on August 15, 2002, and the City Council, pursuant to such notice, held a public hearing on August 26, 2002, and heard all persons wishing to be heard both for and against the proposed tax increase; and

**WHEREAS**, upon full review of and consideration of the matter, the City Council is of the opinion that the proposed Tax Rate for Fiscal Year 2002-03 should be approved and adopted for Fiscal Year 2002-03.

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

Section 1. There is hereby levied and shall be assessed for the Fiscal Year 2002-03 of the City of Plano an Ad Valorem Tax Rate on each ONE HUNDRED DOLLARS (\$100.00) valuation of property within the limits of the City of Plano and subject to taxation as follows:

\$ .2864	for purposes of General Fund maintenance and operation.
\$ .1671	for payment of principal and interest on all General Obligation Bond funded debt of this City.
<hr/>	
\$ .4535	Total Tax Rate.

1-2

Section II. The Tax Assessor of the City of Plano is hereby directed to assess for the 2002-03 Fiscal Year the rates and amounts herein levied and, when such taxes are collected, to distribute the collections in accordance with this ordinance.

Section III. This Ordinance 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:

\_\_\_\_\_  
Diane C. Wetherbee, **CITY ATTORNEY**

1-3



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		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:	<b>9/09/02</b>		Reviewed by Legal <i>ML</i>	<input checked="" 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>ML</i>	<i>9/3/02</i>
Agenda Coordinator (include phone #):	DiAnn Lewis (5470)				

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

**CAPTION**

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, APPROVING AND ADOPTING THE BUDGET AND SETTING THE APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002, AND TERMINATING SEPTEMBER 30, 2003.

**FINANCIAL SUMMARY**

NOT APPLICABLE  OPERATING EXPENSE  REVENUE  CIP

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

FUND(S):

COMMENTS:

**SUMMARY OF ITEM**

This Ordinance adopts the operating budget for Fiscal Year 2002-03 and sets the level of appropriations and transfers for the various funds, as reviewed and adjusted by Council.

List of Supporting Documents:  
Revised Fund Summaries

Other Departments, Boards, Commissions or Agencies

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002, AND TERMINATING SEPTEMBER 30, 2003; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, following public notice duly posted and published as required by law, a Public Hearing was held on August 5, 2002, by and before the City Council of the City of Plano, the subject of which was the proposed operating budget of the City of Plano for Fiscal Year 2002-03 as filed and submitted by the City Manager in accordance with provisions of the City Charter and state and federal statutes; and,

**WHEREAS**, during said public hearing, all interested persons were given the opportunity to be heard for or against any item or the amount of any item contained in said budget, after which said public hearing was closed; and

**WHEREAS**, the City Council, upon full consideration of the matter, is of the opinion that the budget hereinafter set forth is proper and should be approved and adopted.

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

Section I. Subject to the applicable provisions of state law and the City Charter, the budget for the Fiscal Year beginning October 1, 2002, and terminating September 30, 2003, as filed and submitted by the City Manager, and adjusted by the City Council, containing estimates of resources and revenues for the year from all of the various sources, and the projects, operations, activities, and purchases proposed to be undertaken during the year, together with the estimated costs thereof, and estimated amounts of all other proposed expenditures, is hereby approved and adopted, as follows:

A.	General Fund - Operating Appropriation:	\$144,190,326
B.	General Fund - Transfer to Property & Liability Loss:	2,133,127
C.	General Fund - Transfer to Economic Development:	622,800
D.	General Fund - Transfer to Capital Reserve Fund:	9,172,352
E.	General Fund - Transfer to Technology Fund:	1,000,000
F.	General Fund - Transfer to CATV Fund:	579,865
G.	Convention & Tourism Fund - Operating Appropriation:	5,903,527

2-2

H.	Convention & Tourism Fund - Transfer to General Fund:	296,825
I.	Convention & Tourism Fund - Transfer to Technology Fund:	53,722
J.	Convention & Tourism Fund - Transfer to General Obligation Debt:	193,846
K.	Water & Sewer System Fund - Operating Appropriation:	54,795,061
L.	Water & Sewer System Fund - Transfer to General Fund:	10,259,669
M.	Water & Sewer System Fund - Transfer to Water & Sewer Revenue Bond Debt Service Fund:	2,846,530
N.	Water & Sewer System Fund - Transfer to Water & Sewer CIP:	7,250,000
O.	Water & Sewer System Fund - Transfer to Capital Reserve:	3,000,000
P.	Water & Sewer System Fund - Transfer to Property & Liability Loss Fund:	623,767
Q.	Water & Sewer System Fund - Transfer to Technology Fund:	880,547
R.	Water & Sewer System Fund - Transfer to Information Services:	1,261,653
S.	Solid Waste Fund - Operating Appropriation:	14,466,507
T.	Solid Waste Fund - Transfer to General Fund:	635,762
U.	Solid Waste Fund - Transfer to Technology Fund:	168,264
V.	Solid Waste Fund - Transfer to Property & Liability Loss Fund:	325,637

W.	Municipal Drainage Fund - Operating Appropriation:	1,785,931
X.	Municipal Drainage Fund - Transfer to General Fund:	220,738
Y.	Municipal Drainage Fund - Transfer to Municipal Drainage Debt:	2,351,811
Z.	Municipal Drainage Fund - Transfer to Technology Fund:	41,738
AA.	Recreation Fund - Operating Appropriation:	2,265,668
BB.	Recreation Fund - Transfer to General Fund:	128,865
CC.	Golf Course Fund - Operating Appropriation:	2,926,022
DD.	Golf Course Fund - Transfer to General Fund:	55,996
EE.	Property & Liability Loss Fund - Operating Appropriation:	5,363,286
FF.	Grant Fund - Operating Appropriation:	1,106,648
GG.	Community Access TV Fund - Operating Appropriation:	1,013,717
HH.	Criminal Investigation Fund - Operating Appropriation:	185,000
II.	Property Management Fund - Operating Appropriation:	47,150
JJ.	Technology Fund - Operating Appropriation:	2,144,271
KK.	PC Replacement Fund - Operating Appropriation:	856,869
LL.	General Obligation Bond - Debt Service Appropriation:	37,537,522
MM.	Water & Sewer Revenue Bond - Debt Service Appropriation:	4,469,087

2-4

Section II. This ordinance shall be in full force and effect from and after its adoption.

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

2-5

C



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>9/9/02</b>		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Budget & Research		Initials	Date	
Department Head	Karen Rhodes		Executive Director		
Dept Signature:	<i>Karen Rhodes</i>		City Manager	<i>MLL</i> <i>9/20/02</i>	
Agenda Coordinator (include phone #):		<b>DiAnn Lewis 5470</b>			

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

**CAPTION**

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, APPROVING AND ADOPTING THE CAPITAL IMPROVEMENT PROGRAM AND SETTING THE APPROPRIATIONS FOR 2002-03; AND PROVIDING AN EFFECTIVE DATE.

**FINANCIAL SUMMARY**

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

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

**FUND(s):**

**COMMENTS:**

**SUMMARY OF ITEM**

This ordinance approves and adopts the Capital Improvement Projects to be completed or undertaken in 2002-03, and sets the level of appropriations for the various funds, as reviewed by the City Council.

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

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, APPROVING AND ADOPTING THE CAPITAL IMPROVEMENT PROGRAM AND SETTING THE APPROPRIATIONS FOR 2002-03; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, following public notice duly posted and published as required by law, a public hearing was held on August 5, 2002, by and before the City Council of the City of Plano, the subject of which was the proposed Operating Budget and Capital Improvement Program of the City of Plano for Fiscal Year 2002-03; and

**WHEREAS**, during said Public Hearing, all interested persons were given the opportunity to be heard for or against any item or the amount of any item contained in said Capital Improvement Program, after which said Public Hearing was closed; and

**WHEREAS**, the City Council, upon full consideration of the matter, is of the opinion that the appropriations for the 2002-03 Capital Improvement Program hereinafter set forth is proper and should be approved and adopted.

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

Section I. Appropriations for the Capital Improvement Program for the year beginning October 1, 2002 and ending September 30, 2003, as filed and submitted by the City Manager, containing estimates for the various projects to be expended, is hereby approved and adopted as follows:

A.	Police and Court Facilities Fund	2,055,000
B.	Library Facilities Fund	2,800,000
C.	Fire Facilities Fund	2,074,000
D.	Parking Facilities Fund	252,000
E.	Service Center Facilities Fund	3,500,000
F.	Joint Use Facilities Fund	1,468,000
G.	Creative & Performing Arts Facilities Fund	266,000
H.	Park Improvement Fund	12,742,000
I.	Recreation Centers Fund	800,000
J.	Street Improvement Fund	26,191,000
K.	Street Enhancement Fund	134,000
L.	Park Fee Program	1,625,000
M.	DART Fund	707,501
N.	Capital Reserve Fund	16,863,000

ORDINANCE NO. \_\_\_\_\_

Page 2

O.	Municipal Drainage CIP Fund	4,132,000
P.	Water Projects Fund	5,384,251
Q.	Sewer Projects Fund	7,229,251

Section II. This Ordinance shall be in full force and effect 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**

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## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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:	<b>9/9/02</b>	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Public Safety Communications			Date
Department Head	Ronald P. Timmons	Executive Director	<b>9.3.02</b>	
Dept Signature:	<i>Ronald P. Timmons</i>	City Manager	<b>9/3/02</b>	
Agenda Coordinator (include phone #): <b>Terri Manning Extension 7934</b>				
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

A Public Hearing for the City Council of the City of Plano, Texas pertaining to a presentation of alternatives and recommendations for the placement of an Outdoor Warning Siren in the area north of Independence Parkway and Legacy Drive. City Council will provide direction and action on this matter at the conclusion of the Public Hearing.

### 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: This item has no fiscal impact.

### SUMMARY OF ITEM

Staff requests a Public Hearing for a presentation of alternatives and recommendations for the placement of an Outdoor Warning Siren for the neighborhoods adjacent to the Davis Library. City Council will provide direction and action on this matter at the conclusion of the Public Hearing.

List of Supporting Documents:

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:** August 20, 2002

**TO:** Mayor Pat Evans and Members of City Council  
Thomas H. Muehlenbeck, City Manager

**FROM:**  Bruce D. Glasscock, Executive Director  
Community Response and Technology Business Center

**SUBJECT:** Emergency Warning System Recommendation

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Attached to this memorandum for your review is a report from Ron Timmons, Director of Public Safety Communications, concerning his review, analysis and recommendation for the placement of the last emergency warning siren system pole.

I concur with staff recommendation the most suitable and best placement of the final outdoor warning siren pole is at the Davis Library/Joint Use Facility site.

We have scheduled a public hearing for the City Council meeting on Monday, September 9, 2002. We will be looking for direction and action from City Council at the conclusion of the public hearing. All the appropriate HOA's will have been notified by Public Safety Communications of the hearing. Should you have any additional questions, please feel free to contact me.

Attachment

c: Ron Timmons, Director of Public Safety Communications

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From: Ron Timmons, Director, Public Safety Communications  
To: Bruce Glasscock, Executive Director  
Subject: Outdoor Warning System Recommendations

### ***Outdoor Warning System Overview***

The Public Safety Communications (PSC) Department has responsibility for the City of Plano's warning point for a variety of environmental and civil emergencies. Upon notification of such emergencies, a procedural response is made in the form of notification to emergency agencies, public officials, and the general public. Methods of communicating with the public include Cable TV override messaging, PTN Text and voice messages, media contacts, and activation of the Outdoor Warning System.

The outdoor warning system is intended to alert individuals outside of structures to move indoors and turn on a source of information. The City encourages the use of weather alert radios as the best way for people to be alerted to emergencies while inside.

### ***History of Outdoor Warning System***

During the 1970s, 5 sirens were used, each within a couple of miles of Central, only. They were of the mechanical, Civil Defense style of the day, and proved to be unreliable and limited in effectiveness. During the 1980s, 3 or 4 more sites were added to in-fill new development, still utilizing the old, mechanical type, which required frequent maintenance.

In 1998, 19 new units were purchased, replacing the old ones and adding sites to provide coverage in areas throughout the city. These units featured new technology, using the city's 800 MHz radio system as the communications piece, and reliable, solid state speakers and amplifiers to produce voice and signaling capabilities.

During 2000, in response to frequent complaints from citizens that they could not hear the sirens in some areas of the city, PSC staff consulted with the manufacturer of the system. The presence of background noise, especially that which is generated by traffic and increased development was noted. A recommendation was received to add 17 additional sites, which brings a citywide average of one every two square miles, thus achieving the one-mile radius of coverage the manufacturer recommends for each site. In 2001, PSC and Engineering started searching for specific locations for the 17 sites, which the manufacturer specified in general, geographic terms. The best location for some were immediately apparent, others in densely developed areas took more work.

### ***Why Bethany Site Was Selected***

In seeking a location for the site recommended for the area near Independence, north of Legacy, Engineering was aware of a City Council Resolution from 1996, which specifies design criteria for the city property around Davis Library. Although the ideal positioning of the siren would be near the Davis Library, to adequately serve the densely populated neighborhoods to the west, an alternate was sought, in the interest of keeping the project on time, since the resolution would require 90 days notice. Another factor anticipated was neighborhood resistance, based on prior years experience with design meetings for the Joint Use Facility.

An alternate site was identified, 1/2 mile to the east, on the property of the Bethany Elementary School. PISD officials indicated the only position they could approve would be one along the outside property line, in the interest of maximizing their alternatives for future development of the school property. The site selected was to be about 18' from the nearest property line, which has a two-story residence.

### *Community Input Process*

On March 6, 2002, a public information session was held at Municipal Center, to seek input from citizens near all 17 sites. A small group of citizens had questions and concerns about three other sites, which were generally satisfied by explanation. A large contingent was present from the Hunter's Glen HOA, including neighbors immediately impacted by the proposed location at Bethany Elementary. They expressed general support of the need for such a public safety asset; they passionately asked we consider other placement alternatives that would not be as close as 18' from their properties. They suggested other placements on the school property, closer to the school. PISD reaffirmed their preference for placing the siren on the property line.

### *Why Davis Library Site Reconsidered*

PSC looked again at the Davis site and noted the nearest houses were over 300 feet away, and that it, indeed, was better positioned to provide balanced coverage, in relation to the sites surrounding it. The 1995 Resolution, which some recalled as saying the City would never do certain things, was reviewed by our Legal Department and instead found that unknown, unanticipated contingencies could be considered by the City Council, after affording the named HOAs a 90 day period to comment and give input.

Letters were sent to the presidents of the six HOAs named in the resolution, inviting them to an informational meeting at Davis Library, on April 4, 2002. A small turnout of representatives was present from Whiffletree and Hunter's Glen HOAs, with the largest contingent from the Hunter's Glen 9 & 10 neighborhood around Bethany. Several stated the invitation letters were misdirected to former presidents and that late notice prevented an adequate turnout. PSC presented information on the history of the site selection for their neighborhood, and outlined the process the city intended to take in receiving input during the 90-day comment period.

At the advice of our Legal Department, on April 12, 2002, we sent certified letters to the 6 HOAs named in the resolution, as well as the nearest-facing neighbors to the Davis Library site. We indicated the comment period would run to August 1, 2002, how they could channel their questions and concerns, and that an informational packet was available at the Davis Library Reference Desk.

To date, about 20 households have voiced their opposition to the proposal, via e-mail. In addition, a communication from James Shy, President of the Whiffletree HOA, expressed opposition to the erection of a tower at the Davis Library; a petition carrying 250 signatures was enclosed with his letter. Opposition centered on the neighborhood's history with having input into design criteria at Davis Library and the Joint Use Facility. During that process, it was asserted that towers would not be erected and height limitations were imposed on roof structures. Four parties have communicated support for the plan. Attached are copies of written comments received.

### *Outdoor Warning Siren Alternatives*

The 90-day comment period, provided in City Council Resolution 96-1-12 [R] has lapsed. A vast majority of the comments from the public have been in opposition of a proposal to place an Outdoor Warning Siren at the site of the Davis Library.

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Alternative #1:

Place the 66' Outdoor Warning Siren on a pole in the rear of the Davis Library.

Advantages:

- Provides coverage to the zone, consistent with the spacing and deployment of the other 35 sites around the city.
- Is buffered by the city property, providing about 300 feet of distance to the nearest residence.
- Is cost effective, in that the equipment has already been purchased and is awaiting installation.

Disadvantages:

- Is strongly opposed by the neighbors as counter to the types of uses illustrated in the 1995 City Council Resolution.

*Omni-directional speaker  
used in new phase of siren system.*



Alternative #2:

Place the 66' Outdoor Warning Siren on a pole at the corner of Coit Road and Legacy Drive, in the Tom Thumb parking lot. The plaza's owners have given preliminary approval.

Also, a new siren unit will be purchased for placement on the roof of the new Joint Use Facility. It will be a directional style siren, aimed at a coverage gap area to the east, created by the repositioning of the original siren. The unit will be placed toward the rear of the roof, in a position that would be partially visible from the Independence Parkway side of the building.

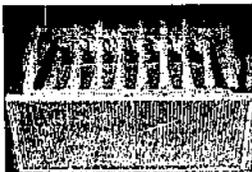
Advantages:

- Provides in-fill coverage to a targeted area.
- Places the equipment on a city building for easy access and maintenance.
- Is consistent with the language of the City Council Resolution, Development Criteria, stating that attachments to the roof would not exceed the roofline by five feet.

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**Disadvantages:**

- Will add about \$35,000 to the cost of the project.
- Adds an additional site requiring maintenance.
- May raise question on compliance with visual screening ordinance.
- May still invoke some neighbor concern since the language of the 1995 City Council Resolution has room for interpretation.
- Delays project while serving notice to neighbors of Tom Thumb.
- Places siren at Tom Thumb site within 100 feet of residential properties.



*Directional  
Speaker to be placed  
on the roof of the Joint Use Facility.*

**Alternative #3:**

Place the 66' Outdoor Warning Siren on a pole at the corner of Coit Road and Legacy Drive, in the Tom Thumb parking lot.

Also, a new siren unit will be purchased for placement on a pole along the north property line of a parcel owned by the Wal-Mart Corporation at Hedgcoxe Road and Independence Parkway. Wal-Mart representatives have given preliminary approval to placing the pole on their property, but are firm that the pole must be placed on the north side of the parcel, closest to the adjacent homes.

**Advantages:**

- Provides coverage at a greater density than other areas of the city.

**Disadvantages:**

- Will add about \$35,000 to the cost of the project.
- Adds an additional site requiring maintenance.
- Maintenance access limited at Wal-Mart site.
- Delays project while serving notice to neighbors of both sites.
- Places sirens at both sites within 100 feet of residential properties.

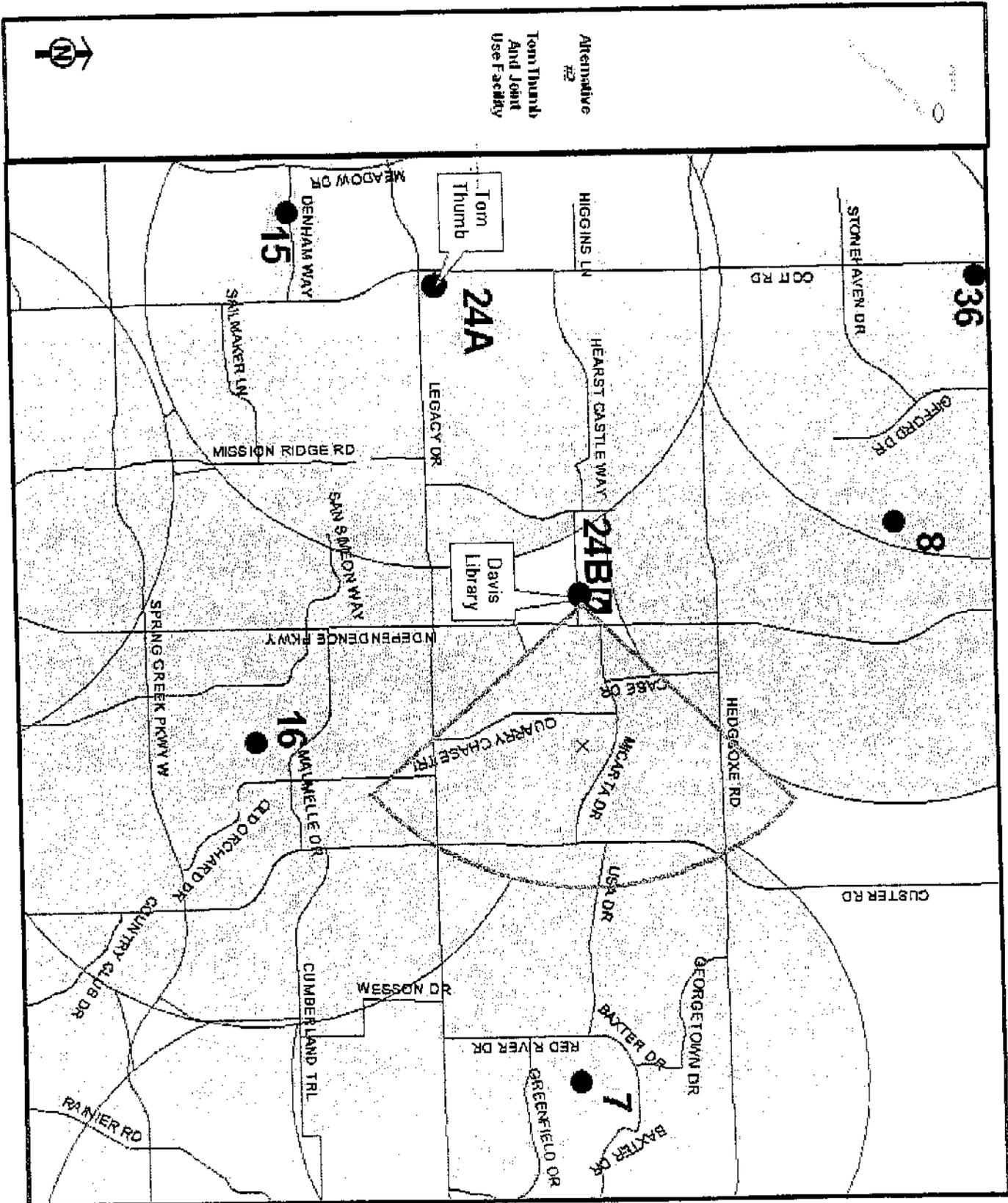
***Staff Recommendation***

After careful consideration, the Public Safety Communications Department recommends Alternative #1. This alternative provides the optimum level of coverage to the area, is most cost-effective, and provides the greatest buffer between the pole's location and the nearest homes.

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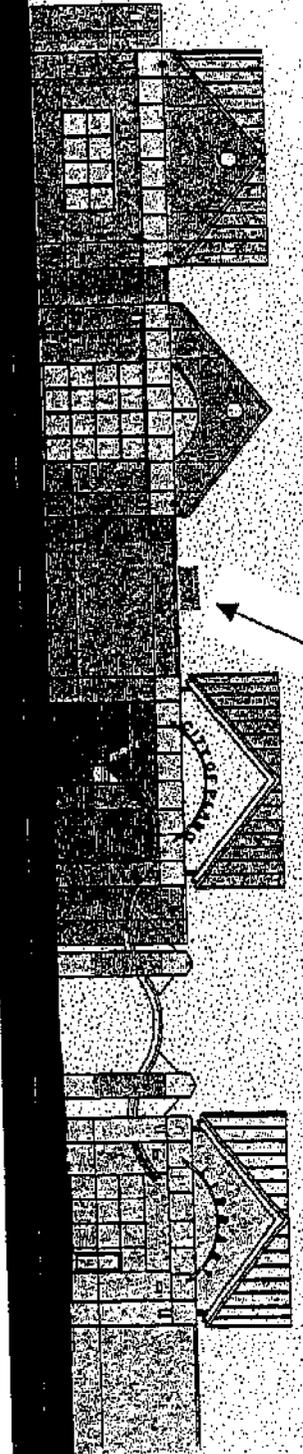
**PIANO JOINT USE FACILITY**  
SCHEMATIC DESIGN

26 March 2001

**PSA**  
PHILLIPS SWAGER  
ASSOCIATES

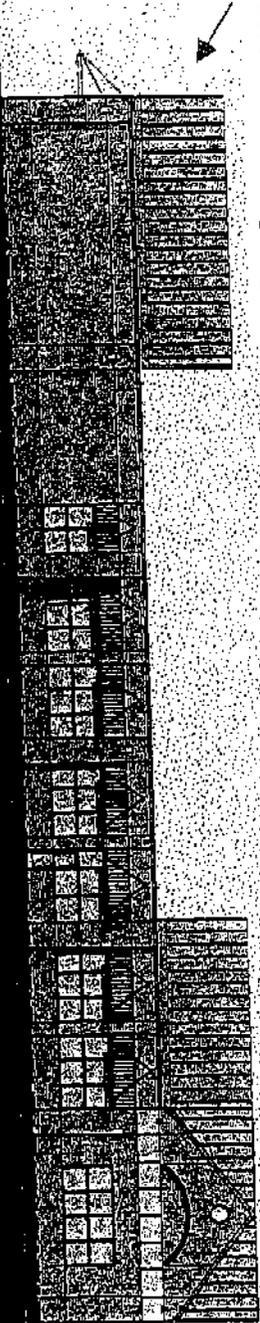
**EAST ELEVATION**

*Approximate visual impact while facing building from the Independence Pkwy side.*



*(Siren would be mounted on the rear of the roof, facing forward.)*

*(Siren would be screened behind parapet)*

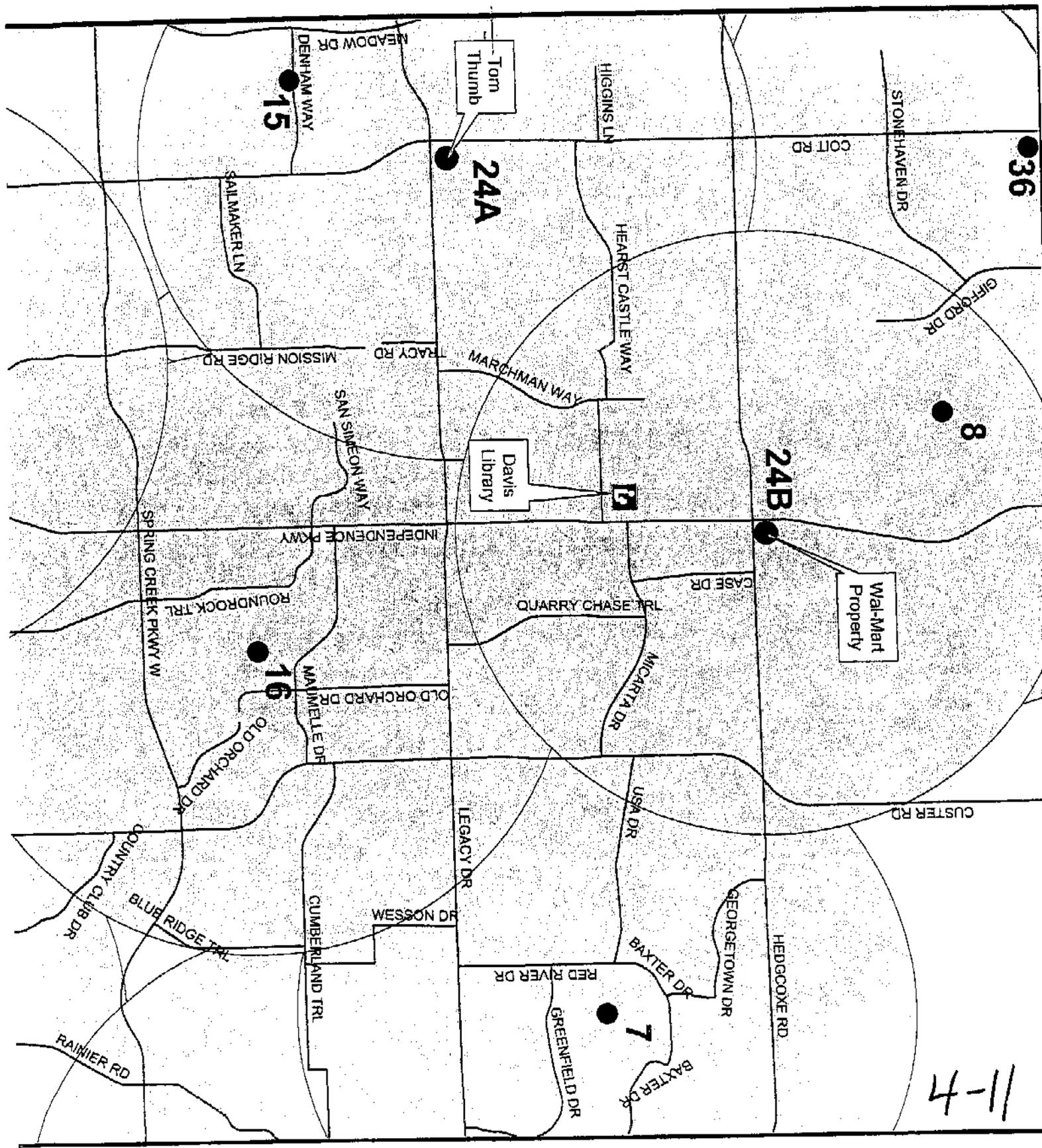
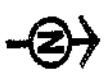


**SOUTH ELEVATION**

*View from the Caravan Drive side.*

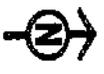
4-10

Alternative #3  
Tom Thumb  
And Wal-Mart  
Property



4-11

Aerial View  
Site Alternatives



## Ron Timmons

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**From:** Pen1416@aol.com  
**Sent:** Monday, May 13, 2002 7:52 AM  
**To:** Ron Timmons  
**Cc:** Pen1416@aol.com  
**Subject:** Tornado Siren ?????

Mr. Timmons,

It has been brought to our attention that Plano intends to install a 66 ft. Tornado siren next to the Davis Library. It is our understanding that Resolution No. 96-1-12, Exhibit A, page 1 paragraph Height, bullet point 2, states "No antennas or other attachments will exceed the roof line by five feet. No freestanding towers or antaennas shall be placed on the site".

We do not understand why this should even be discussed as a future site for such a structure since it has been address and the the code has already been adopted, stating that no such structure would be in our neighborhood, thus adding to the reason that we purchased our property. You and your fellow officials would have to change the code. We strongly protest this structure and the fact that it is being considered.

Please review this consideration and vote that the code is not to be changed, which would allow this construction.

Thank you,

Mr and Mrs William E. Goodwin  
3108 Congress  
Plano, Texas 75025

**Ron Timmons**

---

**From:** Conover, Debbie [debbie.conover@eds.com]  
**Sent:** Monday, May 13, 2002 8:19 AM  
**To:** Ron Timmons; Tom Muehlenbeck; phild@legacytexas.com; patevans@plano.net; pate@gwmail.plano.gov  
**Subject:** Tornado Siren

I understand that the city is planning to install a 66 ft tornado siren on Caravan/Independence. It is my understanding that there is a Resolution no-96-1-12 Exhibit A, page 1 that states "No antennas or other attachments will exceed the roof line by 5 feet. No freestanding towers or antennas shall be placed on the site"

I do not understand how you can ignore this resolution. We purchased our home knowing about the library and police sub-station, but no antenna. I DO NOT WANT AN ANTENNA INSTALLED IN THIS AREA!

I urge you to consider large public grounds such as High Schools or Parks for these antennas...not small patches of public land surrounded by expensive real estate (such as Whiffletree). Thank you.

Debbie & Bob Conover  
3229 Langley Drive  
Plano TX 75025  
phone: 972-618-5783

4-14

## Ron Timmons

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**From:** Mickey Dawson [mdawson@jcpenny.com]  
**Sent:** Monday, May 13, 2002 12:21 PM  
**To:** Ron Timmons; Tom Muehlenbeck; phild@legacytexas.com; pate@gwmail.plano.gov  
**Subject:** Tornado Siren



Signature (716 B)

I am writing this note to express my concern about the Tornado siren and by necessity it's 66 foot tower being placed adjacent to the Davis Public Library. Please be advised that I feel the placement of a tornado siren at this location as a serious breach of confidence on the part of the City of Plano with the surrounding community.

It is my understanding that such a tower is in violation of Resolution No96-1-2. Which indicates that "no antennas or other attachments will exceed the roof line [of the Library] by five feet. No freestanding towers or antennas shall be placed on the site."

It would seem that such a tower with it's inherent visibility and sound issues (with once a month testing) should be placed in an area that offers more open space such as the lighted ball fields on Hedgecoxe.

I am requesting that the siren be relocated to avoid unnecessary hardship to homeowners who surround the proposed site.

Regards,  
Mickey Dawson  
3208 Caravan Drive  
Plano, TX 75020

**Ron Timmons**

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**From:** Joseph & Jazia Di Sarro [jazzrunner@earthlink.net]  
**Sent:** Monday, May 13, 2002 1:45 PM  
**To:** Ron Timmons; Tom Muehlenbeck; phild@legacytexas.com; patevans@plano.net; pate@gwmail.plano.gov  
**Subject:** Opposition to plan to erect a 66 ft. tornado tower near the Davis Library

Dear Representatives:

We reside at 3109 Lagley Drive, having relocated to Texas in October of this past year.

We find it disturbing that The City Of Plano would consider erecting the aforementioned tower in deference to resolution #96-1-12 (exhibit A, page 1, paragraph Height, bullet point 2)

We assure you that we would not have moved to our section of Wiffletree if the tower existed last year. Why would a tornado tower, with its extremely loud siren and daily test signals, be placed in an area surrounded by neighborhoods with home values that exceed \$500,000? We have additional concerns since the appraised value of our home increased more than \$30,000 this year. The fact is that its market value, already hurt by the recession, will drop precipitously if the tower is indeed constructed.

I'm sure you are aware that the local homeowners associations, neighborhood activist groups, and local political voting blocks are sounding the trumpets for all residents to organize their opposition to any plan to erect a tornado siren at the planned site. I believe that this is one of many other communications to come.

Sincerely,  
Joseph and Hedy Di Sarro

4-16

8/13/2002

**Ron Timmons**

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**From:** Jim and Rachel  
**Sent:** Monday, May 13, 2002 2:49 PM  
**To:** Ron Timmons  
**Subject:** Tornado Siren

I and many others in this neighborhood are strongly opposed to the placement of the tornado warning tower in the Davis Library area. That installation violates Resolution 96-1-12 in both method of construction (as a free standing tower) and in height (unless the Police/Fire substation is going to be 61 feet tall). Please stop the construction of the tower on that site.

Jim Schwebach  
3309 Monette Lane  
Plano 75025

4-17

## Ron Timmons

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**From:** Wilson, Debbie [Debbie.Wilson@richardson.k12.tx.us]  
**Sent:** Monday, May 13, 2002 4:47 PM  
**To:** Ron Timmons  
**Subject:** Tomado Siren

Dear Mr. Timmons:

We are sending this message regarding the proposed installation of the tornado siren next to the Davis Library. As residents and homeowners in the Whiffletree neighborhood we strongly oppose the construction of any large tower or antenna as it will decrease the value of our property and distract from the aesthetic appeal of the surrounding area. We have been homeowners in the neighborhood for eleven years and chose the location because it was not in the proximity of large power lines or water towers. We know that the neighborhood is a desirable location and hope that it will continue to be just that. We doubt that you would want a siren or tower constructed in your neighborhood. We know that Plano has other locations where the tower can be built. Please keep the proposed tower out of the Whiffletree neighborhood. We do not want it here!

Thank you,  
Debbie and Gregg Wilson

4-18

## Ron Timmons

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**From:** Gregg Wilson [gregg.wilson2@verizon.net]  
**Sent:** Monday, May 13, 2002 3:38 PM  
**To:** Ron Timmons  
**Subject:** Tornado Siren

Dear Mr. Timmons,

I am writing to you regarding the decision to install a Tornado Siren next to the Davis Library. I am very much opposed to this installation as I feel it will detract from the neighborhood by being an eyesore. I have lived in the Whiffletree neighborhood for over ten years and one of the reasons I moved here was the fact there were no overhead power lines or water towers within sight. I do not want a 66 foot tall tower to ruin that view. In addition, the current building code for that sight prohibits towers and as I have to abide by the building codes for any renovations to my house, I don't think it is right for the city to change the code to erect something the homeowners don't want.

I appreciate the opportunity to write to you and hope you will look for an alternate location for this tower.

Regards,

Gregg Wilson

## Ron Timmons

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**From:** Smith, Lois A [lois.smith@eds.com]  
**Sent:** Tuesday, May 14, 2002 9:06 AM  
**To:** Ron Timmons; Tom Muehlenbeck; 'phild@legcytexas.com'; 'patevans@plano.net'; 'pate@gwmail.plano.gov'  
**Subject:** Proposed Construction - Caravan and Independence

Dear City Officials -

I was unable to attend the City Council Meeting last evening to voice my strong objection to the changes to the current site development adjacent to the Davis Library. I understand that one neighbor was heard; however, there are a significant number of others who concur with her: we do not want a 66 ft tornado siren nor increased parking facilities at that location.

Our neighborhood is one that holds very precious the quality of life defined by the community when we purchased our homes. A library and a school are assets; a tower and even police and administrative offices are not. However, in the interest of compromise we accepted the proposed police and city building with the assurance there would not be a tower. Additionally there is no need for increased parking as that which exists today is more than adequate.

There are four registered voters in my home, although one of them is currently away at college. Those remaining are not only registered but most have voted in almost every election since we moved to Plano in 1978. Thank you for not only hearing our neighborhood objections to this proposed construction, but also thank you for taking the initiative to find an alternate location for the tower and deleting the additional parking spaces.

Lois Smith  
EDS - Global Travel Management  
MS H3-2F-53  
5400 Legacy Drive  
Plano, TX 75024  
\* phone: +01-972-605-2779 (8-835)  
\* mailto:lois.smith@eds.com  
www.eds.com

4-20

## Ron Timmons

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**From:** Dan O'Hara [dohara@uctcorp.com]  
**Sent:** Tuesday, May 14, 2002 6:06 PM  
**To:** Ron Timmons; Tom Muehlenbeck; Phil Dyer; Pat Evans  
**Cc:** awashington@dallasnews.com  
**Subject:** New Tornado Tower at Davis Library

Dear Fellow Citizens:

I was president of the Denim Village Homeowners Association in the early to mid-'90's. During that time, our Association worked with the Whiffletree HOA and the city on the planning for the Davis Library. We worked diligently to make significant contributions to the development of the site. The project, in my view, has been very successful.

Since then, I've built a new home approximately 1 short block from the Davis Library. I live at 3200 Langley Drive.

At the time, there was agreement that no freestanding towers would be built on the site. As you know, Resolution No 96-1-12 specifically prohibits any antennas or other attachments that would exceed the roof line by 5 feet. Freestanding towers were also prohibited. This restriction didn't apply only to police antennas - it prohibits any such structure.

Now the city wants to change the agreement. This isn't necessary and it also isn't the way the city should keep its agreements with its citizens. The city is also expanding the use agreed to for the site, which in my view may be acceptable so long as the city stays within the framework of the original plan.

**No change to the agreement on antennas and freestanding towers is acceptable. I expect you to keep the promises made by the city to our neighborhood.**

Please let me know if I can assist you in this matter.

Respectfully,

Dan O'Hara, President & CEO  
Universal Conversion Technologies  
(214) 348-2000  
<http://www.uctcorp.com>

**Ron Timmons**

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**From:** Hoyt, Donald J. [DHoyt@ACNielsen.com]  
**Sent:** Wednesday, May 15, 2002 9:49 AM  
**To:** Ron Timmons; Tom Muehlenbeck; phild@legacytexas.com;  
**Cc:** craig\_clark@i2.com; Jeff Zimmerman; 'DPHOYT76@aol.com'  
**Subject:** RE: OPPOSE Tower/siren at Davis Library

All,

As a resident and taxpayer in Plano, in the Whiffletree subdivision, I want to go on record as **STRONGLY OPPOSED** to the construction of a 66 Ft tower / Tornado siren at the Davis Library on Independence.

I believe the city should honor their commitment made to local residents in Resolution No 96-1-12, Exhibit A, page 1 paragraph Heights, bullet point 2 that "No antennas or other attachments will exceed the roof line by five feet. No freestanding towers or antennas shall be placed on the site."

Before purchasing in this neighborhood we met personally with Jeff Zimmerman and reviewed the city plans for the open area -now the Davis Library / future substation. There was never any plan or allowance for a Tower/Siren as is currently being contemplated. That resolution is very simple, clear and explicit and to change that resolution is unacceptable.

Donald J. Hoyt  
3209 Langley Drive  
972 208 2262

4-22

8/13/2002

## Ron Timmons

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**From:** DPHOYT76@aol.com  
**Sent:** Tuesday, May 14, 2002 7:00 PM  
**To:** Ron Timmons; Tom Muehlenbeck; phild@legacytexas.com; patevans@plano.net  
**Cc:** craig\_clark@i2.com; Jeff Zimmerman  
**Subject:** OPPOSE Tower/siren at Davis Library

Ron, Tom, Phil and Pat,

As a resident and taxpayer in Plano, in the Whiffletree sundivison, I want to go on record as STRONGLY OPPOSED to the construction of a 66 Ft tower / Tornado siren at the Davis Library on Independence.

I believe the city should honor their commitment made to local residents in Resolution No 96-1-12, Exhibit A, page 1 paragraph Heights, bullet point 2 that "No antennas or other attachments will exceed the roof line by five feet. No freestanding towers or antennas shall be placed on the site."

Before purchasing in this neighborhood we met presonally with Jeff Zimmerman and reviewed the city plans for the open area -now the Davis Library / future substation. There was never any plan or allowance for a structure as is currently being contemplated. That resoution is very simple, clear and explicit and to change that resolution is unacceptable.

Patricia A. Neice-Hoyt  
3209 Langley Drive  
972 208 2262

4-23

## Ron Timmons

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**From:** Tom Bechtel [t.becht@verizon.net]  
**Sent:** Sunday, May 19, 2002 2:25 PM  
**To:** pate@gwmail.plano.gov; phild@gwmail.plano.gov; Tom Muehlenbeck; Ron Timmons  
**Subject:** Berm and Tornado Siren at Davis Library

Dear City Officials,

I have just been made aware of some proposals that affect my neighborhood and I would like to say I am not very happy that one of them is even being considered.

First of all, I would like to say that I am all for the Tornado siren. I think it is a needed service in this part of the city and the location is good in that it is an open area that is not immediately adjacent to any homes. Last time the sirens were used we could barely hear them and that was only because we went outside. So I think this is a good proposal and a good location.

Secondly, I have to say that the removal of the berm behind the Davis library is absolutely ridiculous! We worked hard as a neighborhood to get the berm included as part of the city building complex plan and we agreed to the plan with the understanding that it would be permanent. The fact that other people are now unhappy about the new building under construction and the subsequent parking lot near them should not counter our agreement with the city. There are many other solutions for these people to consider besides pushing their problem across the lot. These berms are very beautiful and add a lot of value to the complex as a whole. The cost alone of ripping out the berms just to satisfy other home owners at our expense is not a viable option and I will oppose it with what ever effort it takes.

These people who are unhappy about the new building and parking lot need to negotiate with the city planners and other offices just as we did to work out a plan that is agreeable for all without infringing upon our agreement (berm) that is already in place. If the berm was removed and more parking placed behind our subdivision (Independence Hill) then it would completely undermine the trust in the Plano City government and its elected officials for this and all future agreements.

I beseech you to leave the berms in place and work with these unhappy home owners just as we did and work out a plan that is acceptable without destroying another agreement that has already been negotiated and fully exercised.

Thank you very much for your time.

Sincerely,  
Tom Bechtel  
3108 Glory Ln.  
Plano, TX 75025

4-24

**Ron Timmons**

---

**From:** g.less@verizon.net  
**Sent:** Wednesday, May 22, 2002 3:48 PM  
**To:** Ron Timmons  
**Subject:** Regarding proposed Tornado

I am a resident who lives on Micarta Drive very close to the Davis Library. I understand the city is planning to build a tornado tower in this area and am extremely opposed to one being built.

Not only will a tornado siren be an annoyance, it will damage every persons hearing who lives near it and their property value will drop significantly.

I ask you to use whatever power you have to prevent a tornado siren from being placed in my area.

Thank You,  
Virginia L. Less

4-25

## Ron Timmons

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**From:** CKSCKM@aol.com  
**Sent:** Monday, May 27, 2002 5:35 PM  
**To:** Ron Timmons; Tom Muehlenbeck; phild@legcytexas.com; patevans@plano.net; pate@gwmail.plano.gov  
**Subject:** Tornado siren next to David Library - Please don't!

Please DO NOT continue with your plans to build a tornado siren next to the Davis Library.

Thank you,  
Cyndi Stevens

4-26

**Ron Timmons**

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**From:** Yigang Li [yigang@nortelnetworks.com]

**Sent:** Wednesday, May 29, 2002 9:35 AM

**To:** Ron Timmons

**Subject:** Against the 60-foot tower next to Davis

Hello,

As a homeowner in this neighborhood, we are strongly against the 60-foot tower next to Davis Library.

When we moved in 1997, we were told a library is being built there, and builders don't even know there is a plan to erect a free standing tower there.

This erection will definitely decrease our property value, affect our quality life.

Please reconsider and move it to some wide open park.

Regards,

Yigang Li  
ESN 444-5139, Nortel Networks  
External (972)684-5139

**Ron Timmons**

---

**From:** Craig\_Clark@i2.com  
**Sent:** Monday, May 06, 2002 2:32 PM  
**To:** Ron Timmons  
**Cc:** b-mccullough@ti.com; patevans@plano.net; phild@legacytexas.com; ront@gwmail.plano.gov; shy-1@worldnet.att.net; Tomm@gwmail.plano.gov; ahoenshell@yahoo.com; b-mccullough@ti.com; billandterrid@attbi.com; cclark@verizonmail.com; dale.hoenshell@eds.com; donaldsn@dallas.net; dphoyt76@aol.com; info@plainoldsoftware.com; mark.oconnor@wcom.com; pclark@verizonmail.com; polinchak@aol.com; pzagurski@movesolutions.com; rdubois@berg.org; rer3@earthlink.net; shy-1@worldnet.att.net; simonandebbie@cs.com; snjmiller1@attbi.com  
**Subject:** RE: Warning Tower In Whiffletree ; Resolution Change

Dear Ron Timmons,

Quite simple put, I am beside myself after reading your response to Bruce McCullough. Let me restate the facts as you see them.

- The city comes to our neighborhood in 1995 with a proposal to construct a Library, pond and multi-use facility to which five surrounding neighborhood associations agree but with the stipulation that no towers be constructed on the site. The specific language that the city agreed to and placed in the resolution was "NO FREESTANDING TOWERS OR ANTENNAS SHALL BE PLACED ON THE SITE".
- In 2001/2002, city engineers complete a study of how they can get the best tornado siren coverage with the least number of tornado siren towers and identifies the Davis Library as one of the locations.
- The proposal makes it to the City Planning department and they inform you that "oops, can't build a tower there per the resolution" so you decide to try Bethany as an alternate.
- Bethany residents complain so now you're back to the Davis Library.
- Because it will take a year or more to find another suitable site and get funding, the decision was made to simply change the resolution and ignore commitments made to five surrounding neighborhoods.
- To get around the wording of the resolution, City attorney's recommend you enforce Section II, give the neighborhoods 90 days notice, then do what you want.

Clearly the tone of your message was that although you plan to give the 90 days notice required by the resolution, you have no intention whatsoever to uphold the original intent of the resolution because now it no longer suits you and there is nothing we can say or do to change your position. You have no idea how frustrating and infuriating that is to be told, "...and there is nothing you can do about it."

What happened to upholding commitments and the spirit of the resolution? Yes, I realize the "no tower"

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clause falls under Development Criteria which subsequently falls under Section II. However, we all know Section II is the Plano's standard "city out" clause of any commitments made during negotiations with neighborhoods we're adamant that the City should uphold their commitment, find another siren location and not take the easy out.

It might take a little bit more time and be a little bit more difficult, but please, lets find another alternative and create a win-win situation for everyone.

Regards,

Craig and Pam Clark

"Ron Timmons"

<Ront@plano.gov>

05/06/02 01:28 PM

To: "McCullough, Bruce" <b-mccullough@ti.com>, <rnt@gwmail.plano.gov>  
cc: <Tomm@gwmail.plano.gov>, <phild@legacytexas.com>, <Craig\_Clark@i2.com>, <palevans@plano.net>, "Jim Shy" <shy-1@worldnet.att.net>  
Subject: RE: Warning Tower in Whiffletree ; Resolution Change

Dear Mr. McCullough,

I have received your e-mail stating opposition to placing an Outdoor Warning Siren at the Davis Library. I will forward it to our City Manager's office for consideration prior to development of a recommendation to City Council later this summer.

In answering your question regarding the Bethany site, it was not the volume of the negative responses that sent us seeking another locations, but rather a careful reexamination of the pertinent facts.

The Bethany site was to be 18 feet from the rear property line of the nearest neighbor, and about 60 feet from another neighbor across the street. Those homeowners, and their HOA, asked us to reconsider another location on the school property, one that would not be so close to their homes. They were supportive of the need to have such warning devices, but asked for relief from such a close setback. Those individuals also noted that the optimal location for balanced coverage for that sector of the city was somewhere west of their neighborhood, around Davis, or beyond. We

8/13/2002

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went back to PISD officials and we were told that there was not any possibility of relocating elsewhere on the Bethany site. Those making the initial site selections were aware of the 90-days-notice stipulated in the Davis Resolution, and in the interest of keeping the project on time, suggested the Bethany site as an alternative.

We looked again at the Davis site and noted that the nearest houses were over 200 feet away, and that it, indeed, was better positioned to provide balanced coverage. We also looked again at the Resolution, which some recalled as saying the City would never do certain things, and instead found that unknown, unanticipated contingencies could be considered by the City Council, after affording the named HOAs a 90 day period to comment and give input. It was our view that the named items, such as the one you cited, were illustrative of the kinds of things that would require the comment period, rather than a promise to never erect such items.

The City staff, and ultimately the City Council, are responsible for utilizing city assets in a manner which answers the greater good of the community as a whole. There are 35 other warning sites throughout Plano, in neighborhoods very similar to yours and in much greater proximity to the neighboring homes. The sites must be placed every 2 square miles; the area in which you reside in is very densely developed. No other site affords us the same level of buffering from neighboring homes and coverage.

You have taken the step that we requested in our letter to your neighborhood, in corresponding to me for collection of all comments and submission to the City Manager's staff. You are, of course, free to pursue whatever communication methods you choose, during the comment period.

Sincerely,

Ron Timmons

-----Original Message-----

**From:** McCullough, Bruce [mailto:b-mccullough@ti.com]

**Sent:** Friday, May 03, 2002 1:58 PM

**To:** 'ront@gwmail.plano.gov'

**Cc:** 'Tommm@gwmail.plano.gov'; 'phild@legacytexas.com'; 'Craig\_Clark@i2.com'; 'patevans@plano.net'; 'Jim Shy'

**Subject:** Warning Tower in Whiffletree ; Resolution Change

Ron, I am a resident of the Whiffletree subdivision and live near where the proposed "warning tower" is to be build. I am against this proposal and reference Resolution No

4-30

8/13/2002

96-1-12, Exhibit A, page 1, paragraph Height, bullet point 2, "No antennas or other attachments will exceed the roof line by five feet. No freestanding towers or antennas shall be placed on the site.

I understand the original plan located this tower at the Bethany school site and there was "sufficient" neighborhood response to cause you to look at modifying the agreement in the Resolution above and recommend the installation in the Whiffletree subdivision area.

My question is, what is the amount of negative response required to eliminate the Whiffletree location for consideration like you did for the Bethany site? There must be some threshold (emails, letters, residents attending city council meeting speaking against the proposal, etc) that you can tell me that was met by the homeowners at the Bethany location (and they didn't have a resolution to "break" there like you do at Whiffletree).

-Thanks for your time  
-Bruce McCullough  
b-mccullough@ti.com  
972-208-2620 (h)  
214-567-9567 (w)  
214-796-9134 (cell)

4-31

## Ron Timmons

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From: Ann Hoenshell [ahoenshell@yahoo.com]  
Sent: Monday, May 06, 2002 9:36 AM  
To: ront@gwmail.plano.gov  
Subject: Siren

Dear Mr. Timmons,

I am writing in regard to the proposed siren placement at the Davis Library. While I know the city feels this is the best site for the siren, I object to it for the following reasons.

First of all, I think it will be unsightly to look at. My house faces the library as well as the additional new Joint Use Facility and I think a siren is just one more negative to the neighborhood and the view from my front porch.

Secondly, is just that, the negative. I think the siren will be a deterrent for any future home buyers should we decided to sell our home and I think it will significantly reduce the value of our property.

Lastly, with my home being so close, the noise is another deterrent for me and potential home buyers. I understand it is important the siren be heard in the event of a tornado but it seems the siren could be placed where it would not impact the value of the cities homeowners. Seem like everyone could hear it if it were placed by the Albertsons or Kroger at Legacy and Independence.

I am asking that you please consider my point of view when you go the meet with the City of Plano at the upcoming meeting regarding the Siren. The decision you make directly impacts me and the future resell of my home and that is very important to me as well as my neighbors. Thank you for your consideration.

Regards,

Ann Hoenshell

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Do You Yahoo!?

Yahoo! Health - your guide to health and wellness <http://health.yahoo.com>

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**Ron Timmons**

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**From:** ahoenshell  
**Sent:** Thursday, April 25, 2002 1:15  
**To:** Ron Timmons  
**Subject:** Siren

Dear Mr. Timmons,

I am writing in regard to the Siren that is to be placed at the Davis Library area. I will be sending an email stating the reasons for my opposition to the Davis site. However, for now I would like to be notified through email of any meetings in the future regarding this issue. Because my property is directly affected by this action I believe I should be included in the process. Thank you.

Regards,  
Ann Hoenshell

---

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Yahoo! Games play chess, backgammon, pool and more  
<http://games.yahoo.com/>

**Rose Biase  
7505 Quarry Chase Trail  
Plano, Texas 75025**

April 8, 2002

Mr. Ronald P. Timmons  
Director, Public Safety Communications  
City of Plano  
PO Box 860358  
Plano, Texas 75086-0358

Dear Mr. Timmons,

I would like to thank you and the rest of your staff for the additional work that you have had to do to accommodate our neighborhood in looking for a better location to place the proposed tower. It is this dedication to customer service and "going the extra mile", which drew many residents to Plano in the first place.

While I completely understand and value the emergency warning system I, and others in my neighborhood, felt that a better site could be found. I think that it is clear from the schematic showing the placement of the proposed tower sites that the site at Bethany would not be the first choice. It is obvious that the site at Davis Library would give better coverage and fill in nicely between the existing sites, whereas the Bethany site would not. This is not a case of "not in my backyard" mentality, but truly we were interested in finding the best location for the tower – not trying to eliminate it from our area.

Our initial meeting with Ron Goldsmith explained the reasoning behind the "less than optimal" site at Bethany Elementary School. While most of our neighborhood would have been content merely by relocating the tower to a less conspicuous site at Bethany, after further research it was determined that the better site all around was the Davis Library site. That is why I support the moving of the tower to that location.

Regards,

Rose Biase

4-34

From: James D. Shy

June 12, 2002

To: City of Plano  
P. O. Box 860358  
Plano, TX 75086-0358

Subject: Warning Tower

References: 1. Letter from Mr. Ronald Timmons, dated March 22, 2002.  
2. E-mail from Mr. Craig Clark, resident on Caravan Street, to Mr. Jeff Zimmerman, NOTAL, attached.  
3. Signatures on a Petition concerning the Tower's proposed location, attached.

This letter is in reference to the warning tower that Mr. Ronald Timmons has discussed; see Reference 1, on several occasions with members of our neighborhood. First, thank you for the opportunity to get to renew acquaintances of many wonderful people in and around the area of the Whiffletree HomeOwners' Association (WHOA). The board members took the issue of the addition of the tower to the people in our neighborhood by surveying the WHOA area with a petition that addressed the placement of the tower at the Davis Library site. And we received a resounding mandate that the tower is not wanted in the area of Davis Library. Our community and the people located on or near the street of Caravan already provide a school, a library, soon a police annex that will support twenty police cruisers, and a group of City of Plano Administration offices. Our community has been more than cooperative with the spirit of the agreement of Resolution 96-1-12 R concerning supporting the City and we do not want the addition of a 66 foot tower at the library as well as the frequent noise of testing, the activities necessary with periodic maintenance and appearance of this less-than sight appealing tower in our neighborhood. It is to be pointed out that members of our neighborhood found after reviewing plans from the City of Plano that a number of unsatisfactory conditions developed from the addition of the twenty police cruisers and the city administration offices that produced noise, light pollution and heavy congestion in our area, Reference 2. For example, it was our opinion that the space allocated for parking far exceeded the number necessary and the parking areas were far to close to residential structures, not in compliance with building code. We are thankful that the City of Plano now has updated some of the designs to possibly reduce the pollution and parking spaces; however, the congestion and impact to the area of additional cars, noise, light, people, etc will be experienced.

And now Mr. Ron Timmons wants to provide more pollution in the area of the Davis Library by installing a warning tower, which again, as mentioned, brings an unsightly structure close to area residents, the frequent noise of testing and periodic maintenance activities. Our first notification of his intent was a letter, dated March 22, 2002, Reference 1, which I received on April 2, 2002, addressing a public meeting on April 4, 2002. As a result, only a few from the WHOA community attended but there

4-35

were 30 or so people from the Bethany Elementary School who were concerned about the location of the warning tower in their area because of closeness to homes, noise of the system, etc. They preferred to have the tower re-located for several of the same reasons for our reservations and Mr. Timmons offer the area near the Davis Library. He referred to a "Nebulous Agreement" signed on 1996 that placed limits on the types of construction on the Davis Library area.

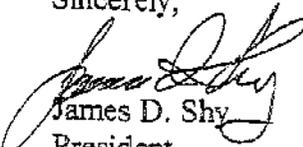
Fortunately, our predecessors foresaw the possibility of such an event and City Council Resolution 96-1-12 R was approved in 1996 to address area concerns and the resolution places limits on construction activity in the Davis Library area. One of the conditions of the resolution is that no tower is to be constructed and we want to the City of Plano to honor this Resolution. Over 235+ signatures from WHOA homeowners on the attached petition state that WHOA residents do not want the tower in our area.

Our petition benchmarks the desires of the community and verifies that the vast majority of the residents of the 485 homes located Whiffletree do not want the tower to be located in the Davis Library area. Mr. Timmons has attempted to isolate the tower as an addition to our community but the tower fits into the community just like the police annex, the library, the new City administration offices and the school. So it must be considered in total and we ask that additional pollution to the Davis Library area be resisted. We ask that you continue to comply with the spirit of Resolution 96-1-12R.

Mr. Timmons did not address locating the tower in the two City Park areas, one to the south of Legacy and Independence and one to the north of Davis Library. But provided a rough demonstration that the area of Davis Library was the better of choices; however, no matter where the tower is located there will fringe areas that extend beyond the one mile area with a 70 decibel sound. Please consider these sites.

The residents are still very concerned about the construction in the Davis Library area and the resulting impact to our area, and do not want the situation compounded with the addition of the tower in the Davis Library area. We are hopeful that when the current Davis Library project finishes, the impact to the area will be minimal and local residents will voice high praise for the efforts of the managers of the City of Plano and their support the concerns of our community. Please let us know of your intent so that the residents in the Whiffletree HomeOwners' Association area can determine the next course of action.

Sincerely,



James D. Shy  
President

Whiffletree HomeOwners' Association

4-36

**Jim Shy**

---

**From:** Craig\_Clark@i2.com  
**Sent:** Thursday, May 02, 2002 9:45 AM  
**To:** jeffz@plano.gov  
**Cc:** ahoenshell@yahoo.com; b-mccullough@ti.com; billandterrid@attbi.com; cclark@verizonmail.com; dale.hoenshell@eds.com; donaldsn@dallas.net; dphoyt76@aol.com; info@plainoldsoftware.com; mark.oconnor@wcom.com; pclark@verizonmail.com; polinchak@aol.com; pzagurski@movesolutions.com; rdubols@berg.org; rer3@earthlink.net; shy-1@worldnet.att.net; simonandebbie@cs.com; snjmillier1@attbi.com; jeran@mayorakers.com; Tomm@gwmail.plano.gov; phild@legacytexas.com; patevans@plano.net  
**Subject:** Follow up to Caravan Drive Neighborhood Meeting

Jeff,

Our thanks to you and Bill for attending the neighborhood meeting last evening. Your patience and understanding of our frustration was very much appreciated.

Per our discussion on May 1, 2002, below are the highlighted issues / concerns that the neighborhood would like for you and Bill to address. It is our understanding that you will coordinate with the appropriate city departments and present a consolidated project adjustment plan to overcome our concerns in one to two weeks. During that time Bill will ensure that no concrete will be poured for parking spaces nor will any other construction occur that will prevent any of the issues from being addressed.

The issues / concerns are not listed in any priority.

1. Stop all plans to construct the tornado siren tower on the 13-acre multi-use facility site and uphold the language of the Resolution forbidding construction of anything taller than 30 feet.
2. Eliminate the Southern parking completely per the Resolution blueprint with the total number of parking spaces not to exceed 223 (per the Resolution). Increasing parking on the Northern side of Library is agreeable with attendees of this meeting.
3. Place berming along the complete Southern and as much on the Western side of the project as possible. The berming should match the Northern side of the property in size and width to the degree possible.
4. Place mature shrubbery and trees no smaller than 6 caliper inches on top of berm to create a complete canopy facilitating a noise, sight and light barrier.
5. Sod the entire berm to prevent erosion.
6. Place mature shrubbery along the entire length of the wrought iron fence.
7. Reduce the construction time allowable hours of work to 7:00AM to 7:00PM during the week and eliminate all weekend work. This should be enforced from the site prep through the roofing phase of the project. Total prevented work hours should be calculated and contractor given a coordinating grace period at the end of the construction period where no \$500 per day late completion fee will be assessed. There is no issue on work occurring inside of the facility per the contractually stated hours of work.
8. Require the Police to not test or run their sirens any closer than the corners of Independence and Legacy and Independence and Hedgecoxe.
9. Require the Police to utilize the Independence traffic light exit when entering and exiting the facility in effort to reduce traffic on Caravan Drive.
10. Adjust the existing Davis Library lighting to eliminate spillover, excess illumination of Caravan Drive as well as the direct shining into neighborhood homes.
11. Construct headlight barriers to prevent lights shining into Caravan Drive and Lavery homes from cars leaving the current Library parking lot and from when they utilize the Library book drop lane.
12. Ensure that the multi-use facility lighting plan incorporates headlight barriers and prevents spillover and

6/17/02

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excess illumination.

13. Present proposal for increased lake and park maintenance, e.g. lake doesn't drain, full of moss, erosion on slopes surrounding lake, etc,...
14. Propose solution to reduce speeding on Caravan Drive. Increase in traffic to the area will only compound the situation.
15. Present plan to address traffic and safety concerns stemming from the police shift changes that coincide with school release and commencement times.
16. Provide more information on hours of operation of city offices.

Again, thank you for hearing and addressing our concerns. We look forward to receiving your proposal in one to two weeks.

Regards,  
Craig Clark

4-38

6/17/02

- Sample page -

(250 signatures received)

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### Petition

We, who live in the Whiffletree community, north off Legacy and Independence, do not want a tower to built near the Davis Library. Our desires are that the City of Plano respects the provisions of Resolution No. 96-1-12(R) that have been coordinated with the homeowners' association of neighboring communities. The following signatures represent families who live in Whiffletree and ask that you respect this resolution:

	<u>Name</u>	<u>Address</u>	<u>Date</u>
1.	<u>Ken Jonner</u>	<u>3100 Monette</u>	<u>5-19-02</u>
2.	<u>Mary Jo Harmon</u>	<u>3100 Monette</u>	<u>5-19-02</u>
3.	<u>Karen Jonnesen</u>	<u>3101 Monette Ln</u>	<u>5-19-02</u>
4.	<u>R.E. Jon</u>	<u>"</u>	<u>"</u>
5.	<u>Sammie L. McPherson</u>	<u>3105 Monette Ln.</u>	<u>5-19-02</u>
6.	<u>Carrie D. McPherson</u>	<u>3105 Monette Ln.</u>	<u>5-19-02</u>
7.	<u>Ernie Montesana</u>	<u>3109 Monette</u>	<u>5-19-02</u>
8.	<u>Catherine Montesana</u>	<u>3109 Monette</u>	<u>5-19-02</u>
9.	<u>Mal Z Naumann</u>	<u>3104 BRET ON</u>	<u>5-20-02</u>
10.	<u>CARL MONTESANA</u>	<u>3104 Monette</u>	<u>5-29-02</u>
11.	<u>Lynette Montesana</u>	<u>3104 Monette</u>	<u>5-29-02</u>
12.	<u>Cindy Brown</u>	<u>3204 Monette</u>	<u>5-29-02</u>
13.	<u>Mitzi Baillien</u>	<u>3208 Monette</u>	<u>5-30-02</u>
14.	<u>Art Baillien</u>	<u>3208 Monette Ln</u>	<u>5-30-02</u>
15.	<u>Gene Baillien</u>	<u>3213 Monette</u>	<u>5-30-02</u>

4-39

## Ron Timmons

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**From:** MGEBERT120@aol.com  
**Sent:** Monday, May 13, 2002 7:33 AM  
**To:** Ron Timmons; Tom Muehlenbeck; phild@legacytexas.com; patevans@plano.net; pate@gwmail.plano.gov  
**Subject:** vote yes for safety!!!!

I live at 7301 Lougheed in Whiffletree approximately 4-5 blocks from the proposed site of the emergency warning system siren. I was thrilled to hear about the construction of the siren for the safety of my children and our family. I was surprised to learn of people that are more concerned about the site of the siren rather than the safety of their family. Our family has lived in North Texas since 1989. My husband was born and raised here. We know and have seen first hand of the destruction that a North Texas storm can bring. Evidently the person leading this campaign does not. That would have to be the only excuse he would have for promoting such an insane idea as this. I do remember one case when the sirens were on and the only reason we heard them was because we happened to be outside. This would never be enough to alert us in time if this would have been at night. I believe the strong winds had set them off that day. All I remember that it was on a Saturday. There are times my children are alone and watching TV with the satellite dish where they would get no weather alert. They have gotten use to the lightening and strong winds and would not sense danger until it might be too late. The siren would let them know in plenty of time to get to a safe place. I am proud of the city leaders and their evident concern of safety for their citizens. Please do not let a lunatic lead you astray from the real issue here, safety first.

Thank you for your time,  
Melissa Gebert  
972-618-9192

4-40

**Ron Timmons**

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**From:** YELOFE@aol.com  
**Sent:** Sunday, May 12, 2002 5:44 PM  
**To:** Ron Timmons  
**Subject:** Yes! Tower

Mr. Timmons We live on Constitution Drive, a short way from the new library. YES! Please vote for that tower. I hope we never need it, but if it becomes necessary, it will be nice to know we will be able to hear a warning if one is sounded. It has to be someplace so let it be here. Thank you. Gene Foley and Jane Foley 7701 Constitution Drive, Plano 75025 972-208-7266

4-41

**Ron Timmons**

---

**From:** ker  
**Sent:** Thursday, April 11, 2002 6:58 PM  
**To:** Ron Timmons  
**Cc:** bnjkilgore; mlhesser  
**Subject:** Plano Community Warning System - Siren

I also want to acknowledge and thank you for the efforts of you and your staff that were required to present the change in proposed locations of siren #24 from the Bethany Elementary tract to the Davis Library/Joint Use Facility tract.

As you requested, I hope that you receive a significant number of inputs from homeowners who are included in the homeowner associations listed as parties in the Resolution. Obviously, this will be very important in properly assessing the overall sentiment toward the proposed location of the tower. I hope that the inputs are favorable, which will enable a final conclusion to the process!

For the record, I hereby provide approval of the proposed location of siren #24 on the Davis Library/Joint Use Facility tract. I believe that the location provides for nearly maximum attainable coverage for citizens to the West of the location achieving a significant increase in coverage as compared to the previous Bethany Elementary site, and minimizing the remaining coverage gap as compared to the final overall warning system. Further, the specific site location will provide a significant amount of offset from the nearest homeowner, as well as enabling the siren to become integrated visually with the existing and planned facilities.

If you have any questions or comments, feel free to contact me.

Regards,

Kirk Robicheaux  
2409 Trophy Drive

4-42  
8/13/2002

**Ron Timmons**

---

**From:** npisarik  
**Sent:** Friday, April 05, 2002 2:47  
**To:** Ron Timmons  
**Subject:** Siren Tower #24

I live in Hunter's Glen 9 & 10 neighborhood. I am very much in favor of the tower being placed at the Davis Library site. I believe it should be the intent of the city to place the tower where it would maximize the coverage and provide the best communication means to it's citizens. The Davis Library site would eliminate much of the overlapping that would be occurring if the tower would be placed at the Bethany Elementary Site. It would also be placed at least 200 feet from the nearest homeowner instead of the current 18 feet from the nearest homeowner at the Bethany Elementary site. The placement of the tower near the back of the Davis Library between the library and the proposed Police and city office building would make it blend in better. There are already 40 ft flag poles at the library and this tower would look less conspicuous at this site than at the Bethany Elementary site.

While I know there was an agreement drawn up with the city and the Homeowner Associations back in 1996, the current threat of possible terrorist attacks would never have even been thought of when this agreement was drawn up.

Thank you for your time and consideration. I know the city will do what is best for all the citizens.

Nancy Pisarik

Do You Yahoo!?  
Yahoo! Tax Center online filing with TurboTax

August 20, 2002

**TO:** Honorable Mayor & City Council  
**FROM:** Michael Davidoff, Chairman, Planning & Zoning Commission *TD*  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of August 19, 2002

At its meeting of August 19, the Planning & Zoning Commission took action on the following:

**Public Hearing:** Zoning Case 2002-25

**Applicants:** Preston/121 Joint Venture, Stratford Group

**DESCRIPTION:**

A request to amend the planned development stipulations pertaining to development phasing and building design within Sub-Area A (Preston Road Mixed Use) and Sub-Area B (Town Center) on 135.3± acres on the southeast corner of Preston Road and McDermott Road. Neighborhood #1.

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

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

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

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

**STIPULATIONS:**

Staff does not recommend changing the building materials standard. Staff recommends approval of the following amendments to PD-20-MU:

1. Stipulation 2(m) be amended to read as follows:

"Phasing - The northern building fronting Town Square must be constructed concurrent or prior to any development above 235,000 square feet in aggregate within Sub-Area A or concurrent with or prior to any development for which plan or permit approval is sought after ~~March 20, 2002~~ September 9, 2004."

5-1

2. Stipulation 7(b)5 be added to read as follows:

“(5) The following shall apply to buildings adjacent to the promenade regardless of use:

- a) A minimum of 50% of the surface area of the first level of the facade adjacent to the promenade and 25% of the side facades must be glass windows, doors or display windows. The surface area shall be calculated by multiplying the length of the facade by 15 feet.
- b) Covered walkways must be provided along a minimum of 50% of the length of the facade adjacent to the promenade and a minimum of 25% of the length of all side facades. This may be done through the use of awnings, arcades, roof overhangs, or similar architectural features.”

The Commissioner voting in opposition felt the proposed reduction in the materials requirement was reasonable and adequate to ensure quality development.

**FOR CITY COUNCIL MEETING OF:** September 9, 2002 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

CDD/lj

xc: Phillip Wiggins, Preston/121 Joint Venture  
Larry Good, Good Fulton & Farrell  
Lanae Jobe, Sr. Administrative Assistant

5-2

CITY OF PLANO  
PLANNING & ZONING COMMISSION

August 19, 2002

**Agenda No. 5**

**Public Hearing:** Zoning Case 2002-25

**Applicants:** Preston/121 Joint Venture, Stratford Group

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**DESCRIPTION:**

A request to amend the planned development stipulations pertaining to development phasing and building design within Sub-Area A (Preston Road Mixed Use) and Sub-Area B (Town Center) on 135.3± acres on the southeast corner of Preston Road and McDermott Road. Neighborhood #1.

**HISTORY:**

This item was tabled at the July 15, 2002, Planning & Zoning Commission meeting and must be removed from the table for consideration.

Zoning Case 97-01 - Established Planned Development-20-Mixed Use (PD-20-MU). Mixed Use (MU) zoning is intended to provide a variety of retail, office, and residential uses. The planned development district contains building design, building arrangement, streetscape, open space, landscaping, parking, screening, and phasing stipulations to allow a pedestrian-oriented "new urbanism" development. Approved August 11, 1997.

Planned Development-20-Mixed Use was established as a "New Urbanism" development. The stipulations of this "New Urbanism" development are intended to blend work, housing, shopping, and service opportunities together by combining these uses, de-emphasizing the automobile, and encouraging social interaction and a special sense of place.

PD-20-MU is a 135.3± acre tract of land that is bounded by Preston Road, Rasor Boulevard, Ohio Drive, and McDermott Road. Please refer to attached "Exhibit B" showing the general layout of PD-20-MU. The western portion of the property is Sub-Area A and is intended to be primarily retail and office uses. A tributary of White Rock Creek traverses southeasterly across the property within Sub-Area A. The southern portion of this watercourse has been left in its natural state as open space. The northern portion has been dammed to create a pool of water for aesthetic and flood control purposes.

5-3

Sub Area B is the area that is to be the Town Center. It is centrally located within the development and will include retail, office, and residential uses around a village green. Town Center is intended to be the focal point of the entire development.

Sub Area C is the majority of the eastern half of the property. It is predominately residential in use and will contain multi-family, town-home, and other housing forms and types. The density of the housing is comparatively high to develop the urban concept and to avoid the appearance of a typical garden apartment development.

Sub Area D is a small portion of the property at the northwest corner of Ohio Drive and Rasor Road with retail as the primary land use. This development will have storefronts on both sides facing the public streets and the residences in Sub-Area C and will be connected to the Town Center by open space.

Zoning Case 2000-02 - Amended development phasing and building design within Sub-Area A (Preston Road Mixed Use) and Sub-Area B (Town Center) of PD-20-MU. The original Exhibit B was replaced with Exhibit C. The phasing of the northern building fronting Town Square was extended from February 11, 1999 to March 20, 2002.

#### **REMARKS:**

The applicant is requesting to eliminate the development phasing stipulation relating to Sub-Area B and to amend the building design standards within Sub-Area A. In addition to the applicants' request, staff proposes to amend the building design standards for buildings adjacent to the promenade. This zoning request does not propose to change the allowable uses within PD-20-MU.

Portions of PD-20-MU have been developed. Multi-family residences, town home residences, and a public use park, Town Square, have been constructed on approximately half of Sub Area C. The southern and eastern buildings of the Town Square (Sub-Area B) have been constructed and contain office, recreational (clubhouse), and residential uses.

#### Development Phasing

The original planned development phasing required that "the northern building fronting Town Square must be constructed concurrent or prior to any development above 160,000 square feet in aggregate within Sub-Area A or concurrent with or prior to any development for which plan or permit approval is sought after February 11, 1999." As part of Zoning Case 2000-02, the applicant requested to increase the allowable development area to 235,000 square feet and to extend the date to March 20, 2002. The 235,000 square feet of building area allowed construction of the restaurants along the creek and the buildings fronting the promenade. This request was approved by City Council.

5-4

The intent of the initial phasing stipulation was to complete the Town Square as soon as possible to have a vibrant, active public space for both patrons and residents. The applicant is proposing to eliminate the stipulations requiring completion of the northern building fronting Town Square. Staff is concerned that if the stipulation is eliminated, the Town Square may not ever be completed along the northern edge. Staff does acknowledge that the economic viability of the Town Square is dependent upon activity that is not present today. Therefore, staff proposes the phasing stipulation remain, except the date for requiring construction of the northern building of the Town Square be extended two additional years from the date of City Council consideration of this zoning request. This extension will allow construction of buildings along the promenade and/or greenbelt that would increase activity and, hence, the viability of the Town Square.

#### Building Design (Materials)

The existing planned development requires that a minimum of 80% of any exposed exterior wall shall consist of glass or masonry. The applicant is requesting to reduce that requirement to 70%. Within PD-20-MU, masonry is defined as stone, clay-fired brick or tile, exterior plasters, or a combination of these materials. Staff thinks it is important to maintain the architectural standards of the existing buildings within PD-20-MU and does not see the necessity to reduce the materials requirement. Therefore, staff is not in support of this request.

#### Building Design (Facade)

The concept of PD-20-MU envisioned a grand promenade entry from Preston Road flanked on both sides by retail buildings leading to Town Square. The intent was to have pedestrian activity along the promenade. For this reason, Sub-Area A building design standards prescribe glass window, door, and/or display window standards and covered walkway standards for retail buildings. The applicant has considered office uses in the building adjacent to the promenade. Staff believes it is important to maintain pedestrian activity along the promenade and therefore thinks it appropriate to require the same design standards for the front and side facades of buildings adjacent to the promenade regardless of use.

5-5

**RECOMMENDATIONS:**

Staff does not recommend changing the building materials standard. Staff recommends approval of the following amendments to PD-20-MU:

1. Stipulation 2(m) be amended to read as follows:

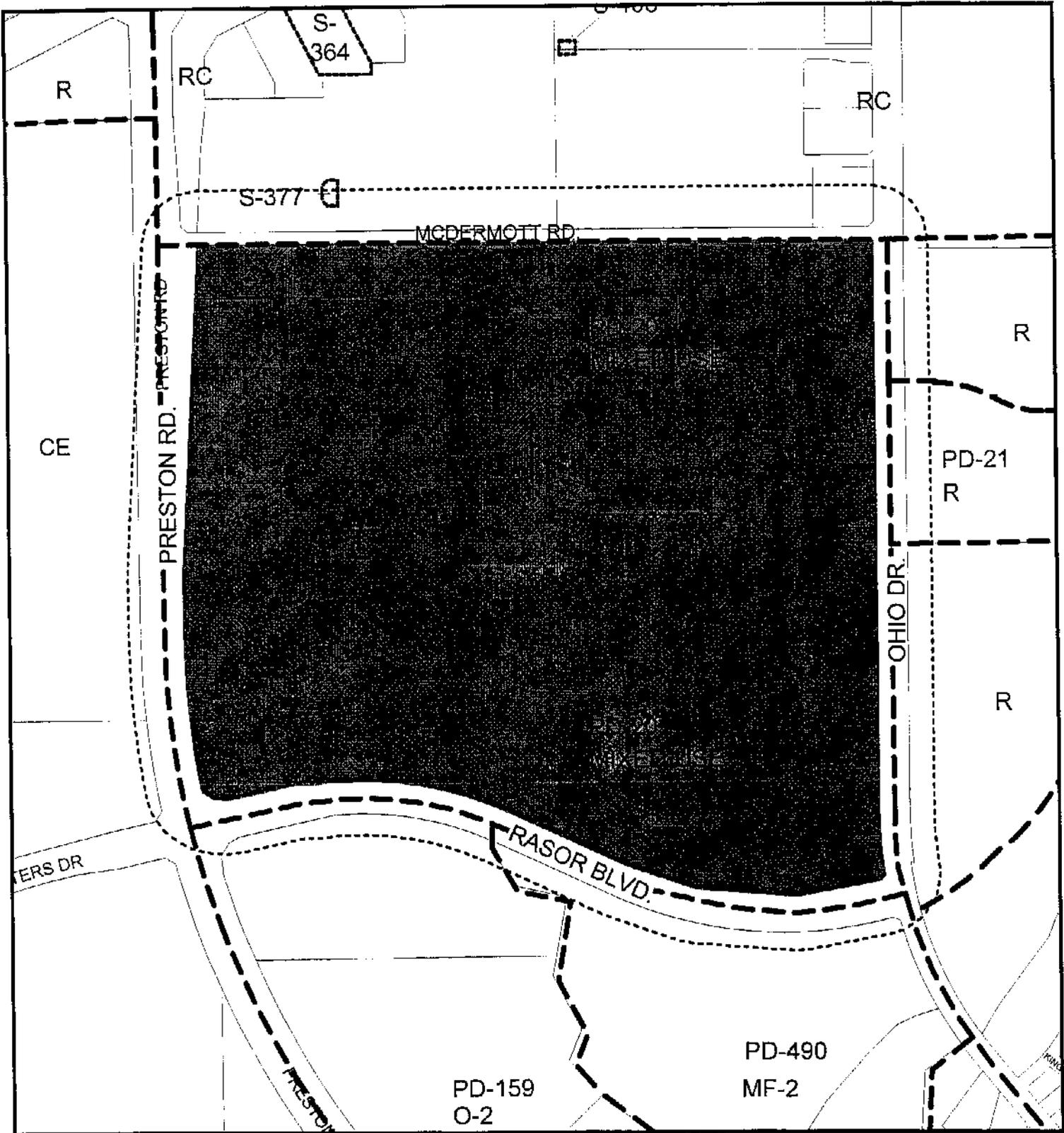
"Phasing - The northern building fronting Town Square must be constructed concurrent or prior to any development above 235,000 square feet in aggregate within Sub-Area A or concurrent with or prior to any development for which plan or permit approval is sought after September 9, 2004."

2. Stipulation 7(b)5 be added to read as follows:

"(5) The following shall apply to buildings adjacent to the promenade regardless of use:

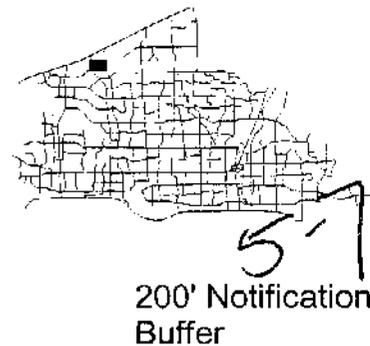
- a) A minimum of 50% of the surface area of the first level of the facade adjacent to the promenade and 25% of the side facades must be glass windows, doors or display windows. The surface area shall be calculated by multiplying the length of the facade by 15 feet.
- b) Covered walkways must be provided along a minimum of 50% of the length of the facade adjacent to the promenade and a minimum of 25% of the length of all side facades. This may be done through the use of awnings, arcades, roof overhangs, or similar architectural features."

5-b



**ZONING CASE  
# 2002-25**

**EXISTING ZONING:  
PD-20-MIXED USE**



**ORDINANCE NO. \_\_\_\_\_**  
**(Zoning Case 2002-25)**

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 AMEND PLANNED DEVELOPMENT-20-MIXED USE 2. (SUB-AREA B [TOWN CENTER]) m. AND TO ADD 7. (SUB-AREA A [PRESTON ROAD MIXED USE]) b. (BUILDING DESIGN) 5. ON 135.3± ACRES OUT OF THE WILLIAM BROWN SURVEY, ABSTRACT NO. 66, LOCATED ON THE SOUTHEAST CORNER OF PRESTON ROAD AND MCDERMOTT ROAD IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, PERTAINING TO DEVELOPMENT PHASING AND BUILDING DESIGN AND; 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 9th day of September, 2002, for the purpose of amending Planned Development-20-Mixed Use 2. (Sub-Area B [Town Center]) m. and 7. (Sub-Area A [Preston Road Mixed Use]) b. (Building Design) 5. on 135.3± acres out of the William Brown Survey, Abstract No. 66, located on the southeast corner of Preston Road and McDermott Road in the City of Plano, Collin County, Texas, pertaining to development phasing and building design; and

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

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 9th day of September, 2002; and

**WHEREAS**, the City Council is of the opinion and finds that such amending 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.

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**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 amend Planned Development-20-Mixed Use 2. (Sub-Area B [Town Center]) m. and to add 7. (Sub-Area A [Preston Road Mixed Use]) b. (Building Design) 5. on 135.3+ acres out of the William Brown Survey, Abstract No. 66, located on the southeast corner of Preston Road and McDermott Road in the City of Plano, Collin County, Texas, pertaining to development phasing and building design, said property being described in the legal description on Exhibit "A" attached hereto.

**Section II.** The change granted in Section I is granted subject to:

"Phasing - The northern building fronting Town Square must be constructed concurrent or prior to any development above 235,000 square feet in aggregate within Sub-Area A or concurrent with or prior to any development for which plan or permit approval is sought after September 9, 2004."

**Section III.** The change granted in Section I is granted subject to:

"(5) The following shall apply to buildings adjacent to the promenade regardless of use:

- a) A minimum of 50% of the surface area of the first level of the facade adjacent to the promenade and 25% of the side facades must be glass windows, doors or display windows. The surface area shall be calculated by multiplying the length of the facade by 15 feet.
- b) Covered walkways must be provided along a minimum of 50% of the length of the facade adjacent to the promenade and a minimum of 25% of the length of all side facades. This may be done through the use of awnings, arcades, roof overhangs, or similar architectural features."

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

**Section VII.** 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 VIII.** 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 IX.** 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

5-10

EXHIBIT "A"  
LEGAL DESCRIPTION

BEING a tract of land, situated in the William Brown Survey, Abstract No. 66 in the City of Plano, Collin County, Texas, and being a portion of a called "Tract 3" as conveyed to Preston/121 Joint Venture and evidenced in a deed recorded in County Clerk's File No. 95-0039500, a portion of a tract of land as conveyed to Preston/121 Joint Venture and evidenced in a deed recorded in County Clerk's File No. 95-0039457, a portion of a tract of land as conveyed to Preston/121 Joint Venture and evidenced in a deed recorded in County Clerk's File No. 95-0039492, a portion of a tract of land as conveyed to Preston/121 Joint Venture and evidenced in a deed recorded in County Clerk's File No. 95-0039502 and a portion of a tract of land as conveyed to Preston/121 Joint Venture and evidenced in a deed recorded in County Clerk's File No. 95-003940 all of the Official Public Land Records of Collin County, Texas (O.P.L. R.C.C.T.), and being more particularly described by metes and bounds as follows (bearings on the deed to the City of Plano as recorded in County Clerk's File No. 96-0108189 (O.P.L.R.C.C.T.):

BEGINNING at a 5/8-inch iron rod set for the northeast corner of a tract of land as conveyed to the City of Plano and evidenced in a deed recorded in County Clerk's File No. 96-0072860 O.P.L.R.C.C.T., same being on the south line of a tract of land as conveyed to Mixon Enterprises and evidenced in a deed recorded in Volume 2160, Page 927 O.P.L.R.C.C.T.;

THENCE, South 89° 42' 31" East, along the south line of said Mixon Enterprises, a distance of 609.31 feet to a 5/8-inch iron rod found for an angle point;

THENCE, South 89° 38' 49" East, continuing along said south line, a distance of 1,916.31 feet to the northeast corner of said Tract 3;

THENCE, in a southerly direction, along the east line of said Tract 3, the following:

South 00° 14' 32" West, a distance of 459.64 feet to a point for corner;

South 00° 37' 06" West, a distance of 78.53 feet to a point for corner;

South 00° 19' 13" West, a distance of 569.95 feet to a point for corner;

South 00° 15' 39" West, a distance of 45.57 feet to a point for corner;

South 00° 16' 44" East, a distance of 155.02 feet to a point for corner;

South 00° 26' 30" West, a distance of 817.97 feet to the beginning of a curve to the left;

THENCE, in a southerly direction, along the arc of said curve to the left, having a central angle of  $12^{\circ} 42' 25''$  East, a radius of 1,400.00 feet and an arc length of 310.49 feet to the curving centerline of proposed Razor Road, said curve being a non-tangent curve to the right;

THENCE, in a westerly direction, along the centerline of said proposed Razor Road the following:

Along the arc of said curve to the right, having a central angle of  $03^{\circ} 31' 44''$ , a radius of 1,100.00 feet and an arc length at 67.75 feet to the end of said curve, same being the beginning of a curve to the right;

Along the arc of said curve to the right, having a central angle of  $40^{\circ} 35' 06''$ , a radius of 1,400.00 feet and an arc length at 993.31 feet to the end of said curve;

North  $65^{\circ} 07' 47''$  West, a distance of 486.47 feet to a 1/2-inch iron rod found for the beginning of a curve to the left;

Along the arc of said curve to the left, having a central angel of  $38^{\circ} 56' 16''$ , a radius of 1,200.00 feet and an arc length of 815.51 feet to a point for corner;

South  $75^{\circ} 55' 58''$  West, a distance of 264.05 feet to a point for corner on the east right-of-way line of State Highway No. 289;

THENCE, in a northerly direction, along the east right-of-way line of said State Highway No. 289, the following:

North  $13^{\circ} 31' 55''$  West, a distance of 215.85 feet to a 1/2-inch iron rod found for a corner;

North  $08^{\circ} 05' 04''$  West, a distance of 200.64 feet to a point for corner;

North  $03^{\circ} 34' 02''$  West, a distance of 292.54 feet to a point for corner;

North  $88^{\circ} 45' 09''$  East, a distance of 10.14 feet to a point for corner;

North  $00^{\circ} 33' 57''$  East, a distance of 247.62 feet to a point for corner;

North  $00^{\circ} 27' 45''$  West, a distance of 362.34 feet to a point for corner;

North  $01^{\circ} 31' 39''$  West, a distance of 197.16 feet to a point for corner;

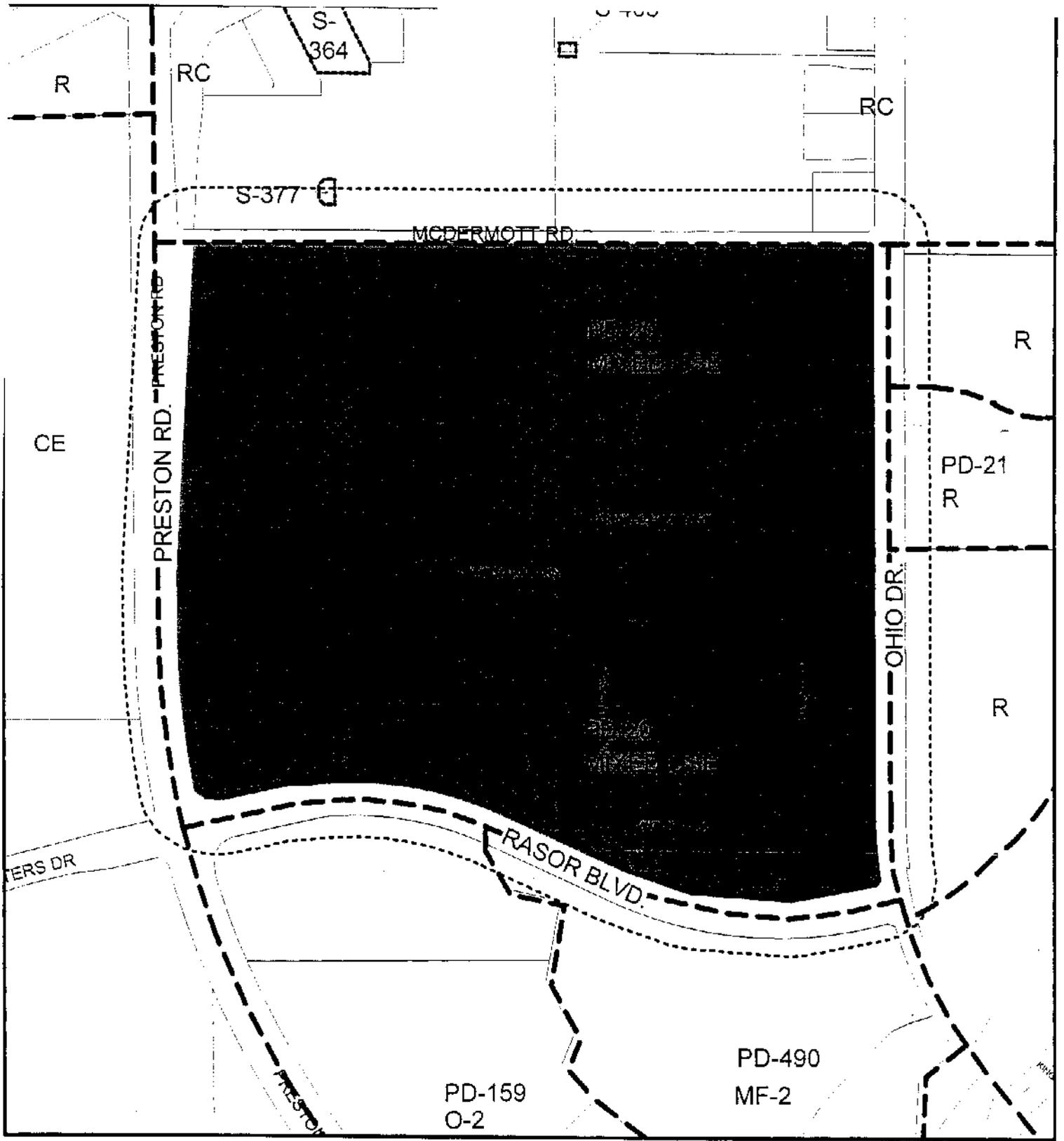
North  $00^{\circ} 05' 49''$  West, a distance of 182.68 feet to a point for corner;

512

North 03° 09' 59" East, a distance of 16.90 feet to a point for the southwest corner of the aforementioned City of Plano tract as recorded in County Clerk's File No. 96-0072861;

THENCE, North 89° 49' 53" East, along the south line of said City of Plano tract, a distance of 44.34 feet to a point for the southeast corner of said City of Plano tract;

THENCE, North 03° 31' 48" East, along the east line of said City of Plano tract, a distance of 511.75 feet to the POINT OF BEGINNING and containing 135.3 acres of land, more or less.



5-14

**ZONING CASE  
# 2002-25**

**EXISTING ZONING:  
PD-20-MIXED USE**



200' Notification  
Buffer

2

August 20, 2002

**TO:** Honorable Mayor & City Council

**FROM:** Michael Davidoff, Chairman, Planning & Zoning Commission

**SUBJECT:** Results of Planning & Zoning Commission Meeting of August 19, 2002 *TE*

At its meeting of August 19, the Planning & Zoning Commission took action on the following:

**Public Hearing:** Zoning Case 2002-34

**Applicant:** Ericsson

**DESCRIPTION:**

A request for a Specific Use Permit for a 90-foot tall Commercial Antenna on one lot on 0.01± acre on the southwest corner of Legacy Drive and Communication Parkway. Zoned Commercial Employment. Neighborhood #15.

**APPROVED:** 7-0 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

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

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

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

**STIPULATIONS:**

Recommended for approval as submitted.

**FOR CITY COUNCIL MEETING OF:** September 9, 2002 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

CDL/lj

xc: Joe Corcoran, Ericsson  
John Hubbard, Voicestream  
Lanae Jobe, Sr. Administrative Assistant

6-1

CITY OF PLANO  
PLANNING & ZONING COMMISSION

August 19, 2002

**Agenda No. 8**

**Public Hearing:** Zoning Case 2002-34

**Applicant:** Ericsson

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**DESCRIPTION:**

A request for a Specific Use Permit for a Commercial Antenna on one lot on 0.01± acre on the southwest corner of Legacy Drive and Communication Parkway. Zoned Commercial Employment. Neighborhood #15.

**REMARKS:**

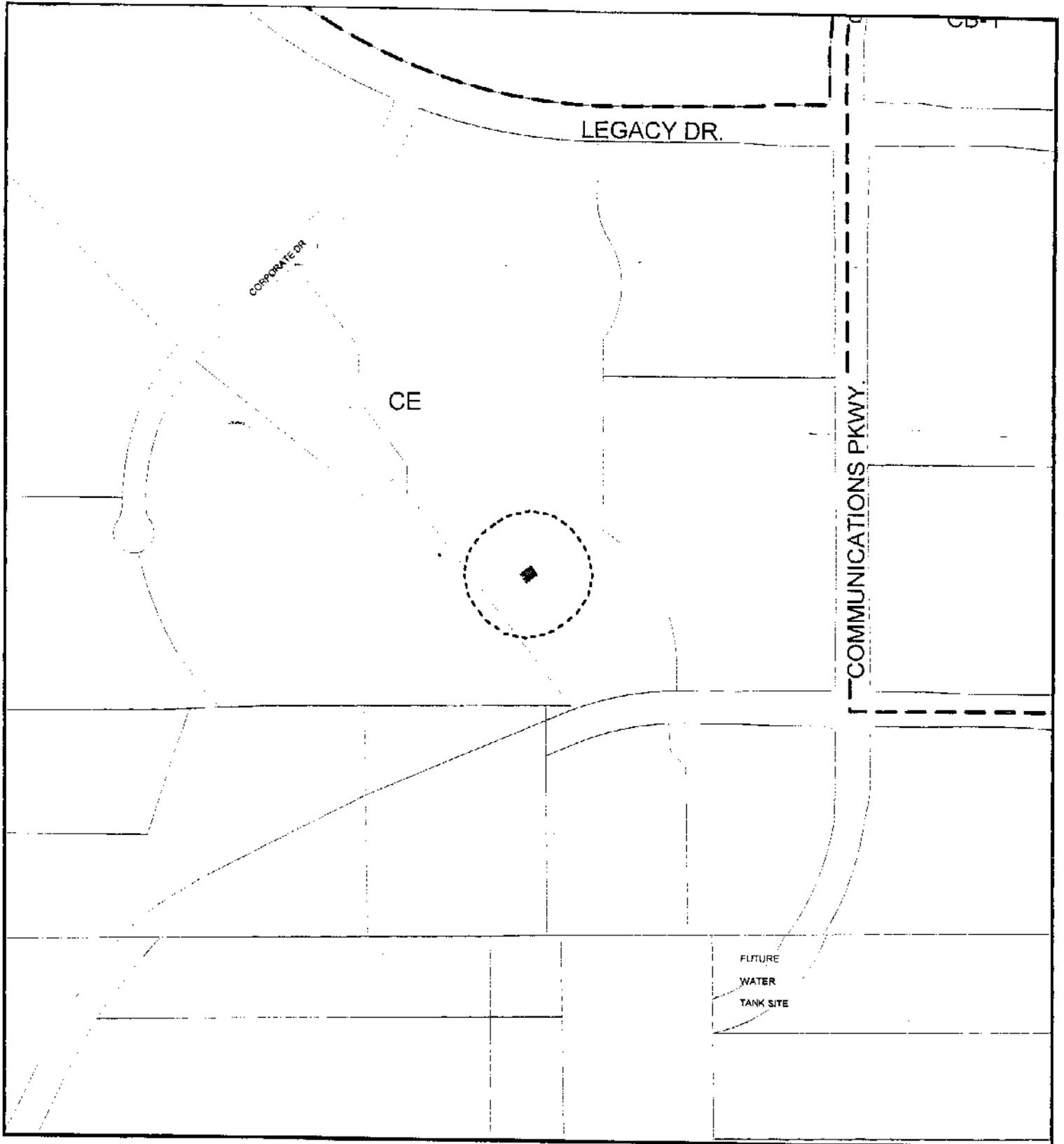
The applicant is requesting a Specific Use Permit (SUP) for a Commercial Antenna Support Structure with a height of 90 feet. The current zoning is Commercial Employment (CE). The CE district is intended to provide the flexibility for integrated development that may include retail, office, commercial, light manufacturing, and multi-family residences. An SUP authorizes and regulates a use not normally permitted in a district, which could benefit in a particular case the general welfare, provided adequate development standards and safeguards are established.

The applicant is proposing a 90-foot monopole on an 800 square foot lease area within the property of an existing corporate headquarters. Within the CE district, commercial antenna support structures are permitted by right to a height of 60 feet, and by approval of an SUP to 120 feet. The request complies with setback, separation distance, and other placement standards for commercial antenna support structures.

**RECOMMENDATIONS:**

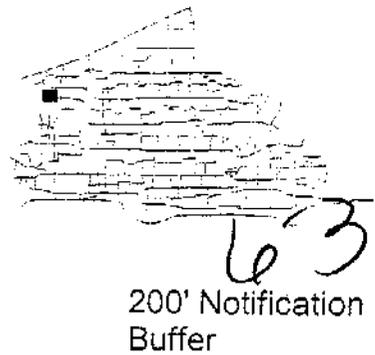
Recommended for approval as submitted.

6-2



**ZONING CASE  
# 2002-34**

**EXISTING ZONING:  
CE**



200' Notification  
Buffer



**ORDINANCE NO. \_\_\_\_\_**  
**(Zoning Case 2002-34)**

AN ORDINANCE OF THE CITY OF PLANO AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 86-3-14, AS HERETOFORE AMENDED, GRANTING SPECIFIC USE PERMIT NO. 473 SO AS TO ALLOW THE ADDITIONAL USE OF A 90-FOOT TALL COMMERCIAL ANTENNA ON 0.01± ACRE OF LAND OUT OF THE COLLIN COUNTY SCHOOL LAND SURVEY NO. 5, ABSTRACT NO. 150, LOCATED ON THE SOUTHWEST CORNER OF LEGACY DRIVE AND COMMUNICATION PARKWAY IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, PRESENTLY ZONED COMMERCIAL EMPLOYMENT; 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 9th day of September, 2002, for the purpose of considering granting Specific Use Permit No. 473 for a 90-foot tall Commercial Antenna on 0.01± acre of land out of the Collin County School Land Survey No. 5, Abstract No. 150, located on the southwest corner of Legacy Drive and Communication Parkway in the City of Plano, Collin County, Texas, presently zoned Commercial Employment; and

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

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 9th day of September, 2002; and

**WHEREAS**, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 473 for a 90-foot tall Commercial Antenna on 0.01± acre of land out of the Collin County School Land Survey No. 5, Abstract No. 150, located on the southwest corner of Legacy Drive and Communication Parkway in the City of Plano, Collin County, Texas, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

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

6-5

**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 grant Specific Use Permit No. 473, allowing the additional use of a 90-foot tall Commercial Antenna on 0.01± acre of land out of the Collin County School Land Survey No. 5, Abstract No. 150, located on the southwest corner of Legacy Drive and Communication Parkway in the City of Plano, Collin County, Texas, presently zoned Commercial Employment, said property being more fully described on the legal description in Exhibit "A" attached hereto.

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

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

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

**Section V.** Any 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.

6-6

**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

6-7

EXHIBIT "A"  
LEGAL DESCRIPTION

BEING a 0.015 acre (670.93 square feet) tract and being all that certain lot, tract or parcel of land situated in the Collin County School Land Survey No. 5, Abstract No. 150, Collin County, Texas, and being part of a called 38.221 acre tract described in a deed from Electronic Data Systems Corporation to First Union National Bank, not in its individual capacity, but solely as Owner Trustee for Ericsson Statutory Trust (Plano)-1999 as recorded in Volume 4,549, Page 2,563, Collin County Land Records, and being more particularly described as follows:

COMMENCING at 5/8-inch iron rod found at the southwest corner of said 38.221 acre tract and being on the north line of Tennyson Parkway;

THENCE, North 38° 01' 11" West, along the southwest line of said 38.221 acre tract a distance of 393.19 feet and North 51° 58' 49" East across said 38.221 acre tract a distance of 70.08 feet to an "X" set in a concrete-curb for the POINT OF BEGINNING;

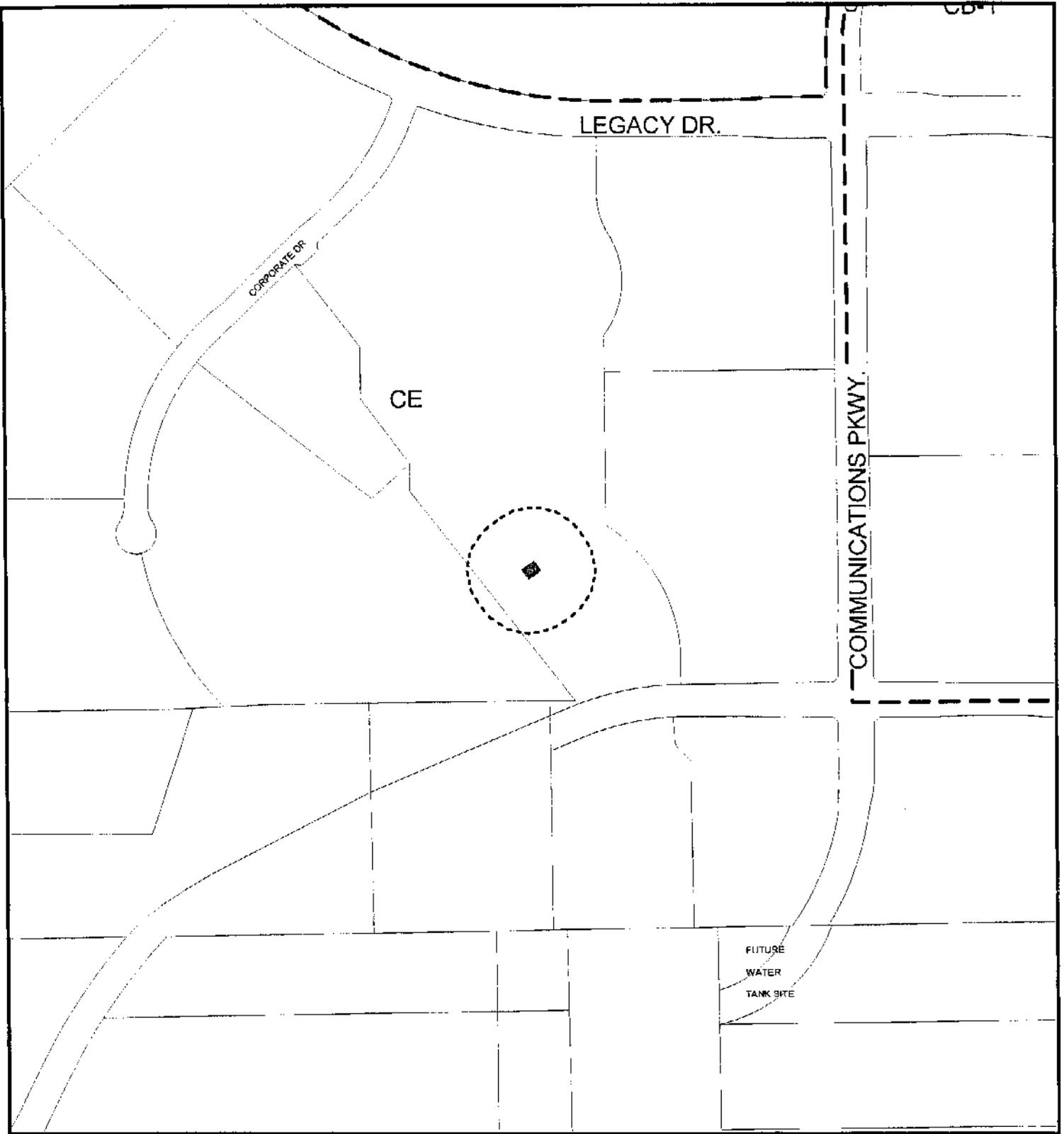
THENCE, North 28° 36' 33" West, a distance of 24.00 feet to a 1/2-inch iron rod set for a corner;

THENCE, North 61° 23' 34" East, a distance of 27.96 feet to a 1/2-inch iron rod set for a corner;

THENCE, South 28° 36' 33" East, a distance of 24.00 feet to an "X" set in concrete for a corner;

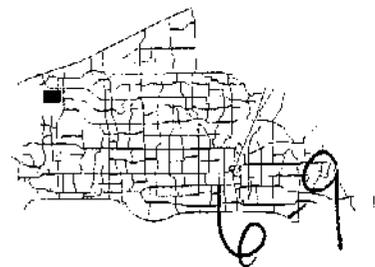
THENCE, South 61° 23' 34" West, a distance of 27.96 feet to the POINT OF BEGINNING and containing 0.015 acres (670.93 square feet) of land.

6-8



**ZONING CASE  
# 2002-34**

**EXISTING ZONING:  
CE**



200' Notification  
Buffer

R

August 20, 2002

**TO:** Honorable Mayor & City Council

**FROM:** Michael Davidoff, Chairman, Planning & Zoning Commission 

**SUBJECT:** Results of Planning & Zoning Commission Meeting of August 19, 2002

At its meeting of August 19, the Planning & Zoning Commission took action on the following:

**Public Hearing:** Zoning Case 2002-35

**Applicant:** Metro Family Church

**DESCRIPTION:**

A request for a Specific Use Permit (SUP) for a Day Care Center on one lot on 1.7± acres on the west side of Custer Road, 800± feet north of Parker Road. Zoned Planned-Development-90-Retail. Neighborhood #34.

**APPROVED:** 7-0 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

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

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

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

**STIPULATIONS:**

Recommended for approval as submitted.

**FOR CITY COUNCIL MEETING OF:** September 9, 2002 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

CDL/lj

xc: Randy Bailey, Metro Family Church  
 Gaylen Howard Laing Architect Inc.  
 Lanae Jobe, Sr. Administrative Assistant

7-1

CITY OF PLANO  
PLANNING & ZONING COMMISSION

August 19, 2002

**Agenda No. 9**

**Public Hearing: Zoning Case 2002-35**

**Applicant: Metro Family Church**

---

**DESCRIPTION:**

A request for a Specific Use Permit (SUP) for a Day Care Center on one lot on 1.7± acres on the west side of Custer Road, 800± feet north of Parker Road. Zoned Planned-Development-90-Retail. Neighborhood #34.

**REMARKS:**

The applicant is requesting an SUP to allow for the operation of a Day Care Center in conjunction with a private school (Montessori: New Beginnings Academy). The existing building, previously occupied by a church, will be redeveloped to accommodate a private school and affiliated day care. A revised site plan will be submitted after approval of the SUP.

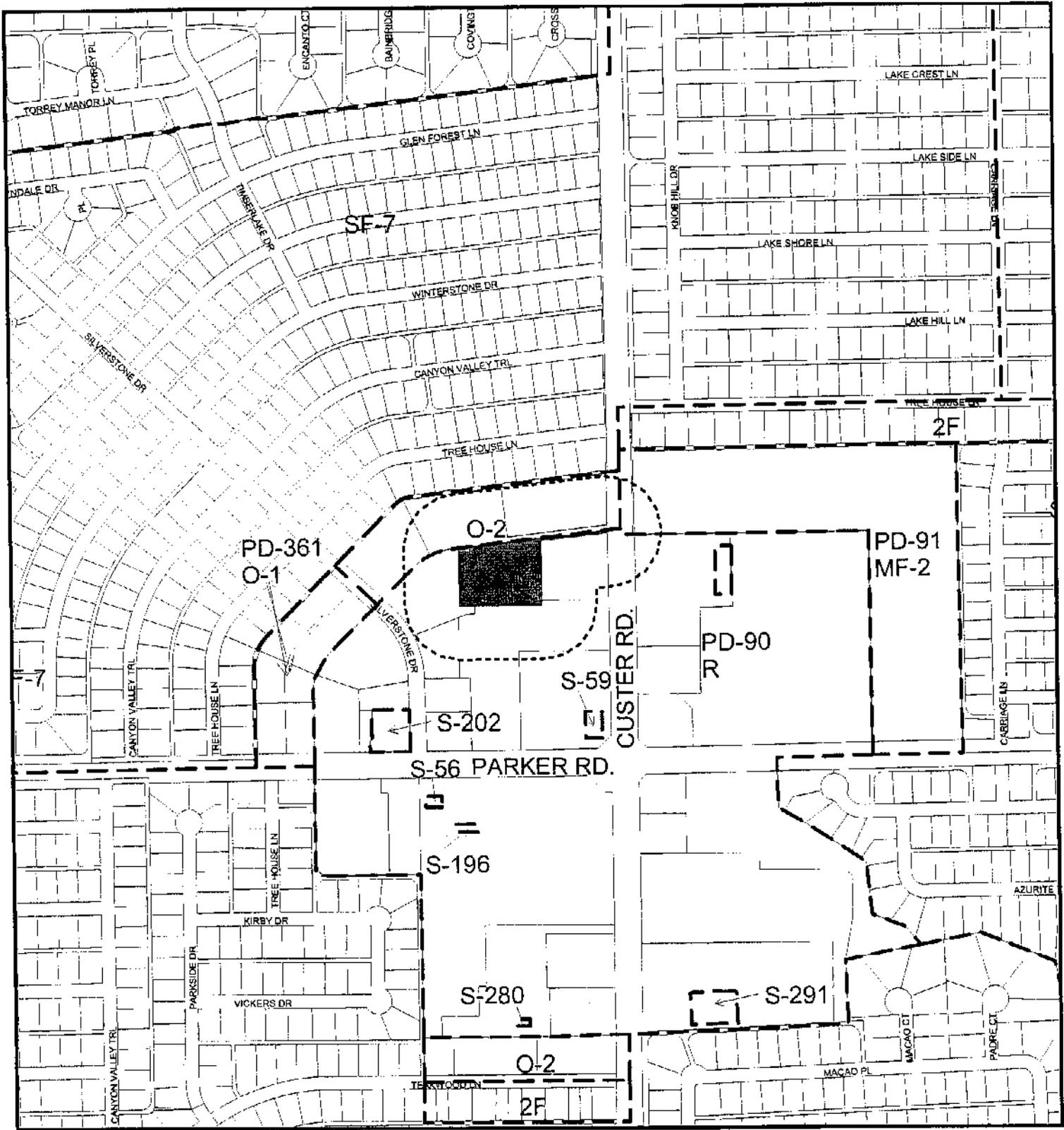
The proposed location of the day care center is adjacent to retail uses on the east, west, and south, and to office uses on the north. Day care center uses are compatible with and complementary to these existing adjacent uses, and are allowed in the Planned Development-90-Retail zoning district with approval of an SUP.

Minimum standards for day care centers are established in Section 3-102 of the Zoning Ordinance. The proposed facility complies with the standards for outdoor play space, passenger loading and unloading, site circulation, street access, and distance from gasoline pumps and underground storage tanks.

**RECOMMENDATIONS:**

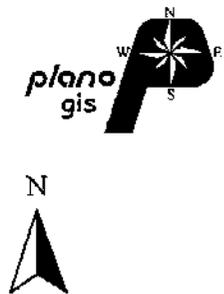
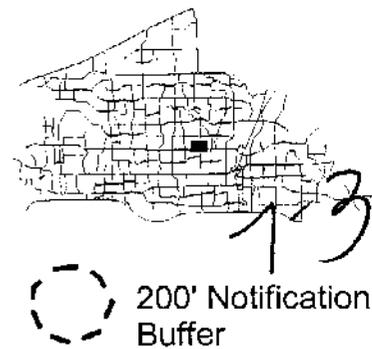
Recommended for approval as submitted.

1-2



**ZONING CASE  
# 2002-35**

**EXISTING ZONING:  
RETAIL**





**ORDINANCE NO. \_\_\_\_\_**  
**(Zoning Case 2002-35)**

AN ORDINANCE OF THE CITY OF PLANO AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 86-3-14, AS HERETOFORE AMENDED, GRANTING SPECIFIC USE PERMIT NO. 474 SO AS TO ALLOW THE ADDITIONAL USE OF A DAY CARE CENTER ON 1.7± ACRES OF LAND OUT OF THE GEORGE W. MASSIE SURVEY, ABSTRACT NO. 613, LOCATED ON THE WEST SIDE OF CUSTER ROAD, 800± FEET NORTH OF PARKER ROAD IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, PRESENTLY ZONED PLANNED DEVELOPMENT-90-RETAIL; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

**WHEREAS**, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 9th day of September, 2002, for the purpose of considering granting Specific Use Permit No. 474 for a Day Care Center on 1.7± acres of land out of the George W. Massie Survey, Abstract No. 613, located on the west side of Custer Road, 800± feet north of Parker Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-90-Retail; and

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

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 9th day of September, 2002; and

**WHEREAS**, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 474 for a Day Care Center on 1.7± acres of land out of the George W. Massie Survey, Abstract No. 613, located on the west side of Custer Road, 800± feet north of Parker Road in the City of Plano, Collin County, Texas, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

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

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

**Section I.** The Comprehensive Zoning Ordinance No. 86-3-14, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 474, allowing the additional use of a Day Care Center on 1.7± acres of land out of the George W. Massie Survey, Abstract No. 613, located on the west side of Custer Road, 800± feet north of Parker Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-90-Retail, said property being more fully described on the legal description in Exhibit "A" attached hereto.

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

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

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

**Section V.** Any 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:

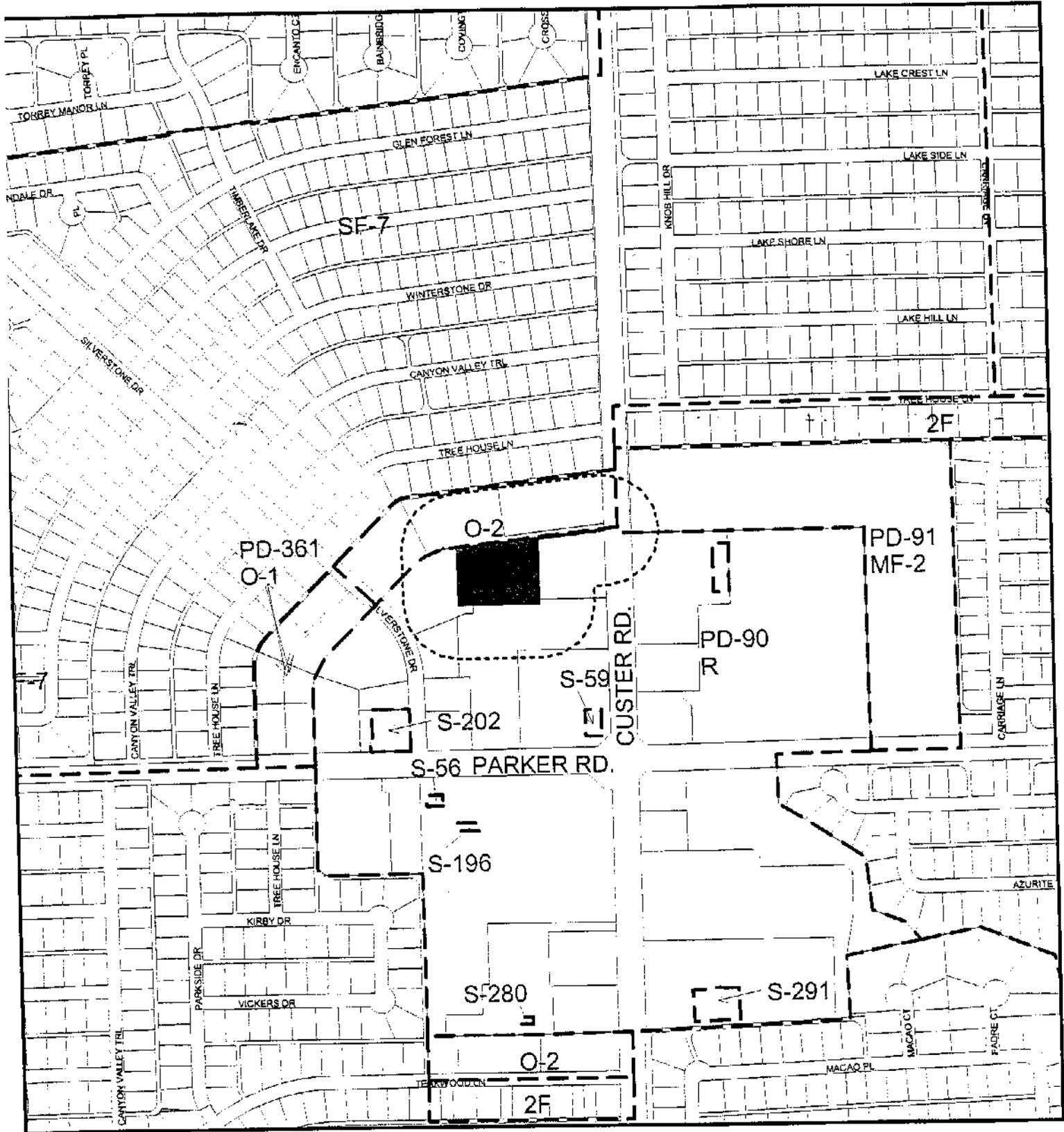
\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY



EXHIBIT "A"  
LEGAL DESCRIPTION

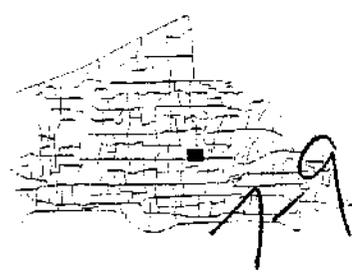
Being 1.7± acres of land out of the George W. Massie Survey, Abstract No. 613 and known more particularly as Linya Retail - Office Park, Block A, Lot 1, Volume F, Page 307, Collin County Texas.

1-8



**ZONING CASE  
# 2002-35**

**EXISTING ZONING:  
RETAIL**



 200' Notification Buffer



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>9/9/02</b>		Reviewed by Legal <i>W</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Legal		Initials	Date
Department Head	Diane C. Wetherbee	Executive Director	<i>[Signature]</i>	<b>9-5-02</b>
Dept Signature:	<i>Diane Wetherbee</i>	City Manager		
Agenda Coordinator (include phone #): <b>Carol Jasien x7545</b>				
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				
<b>CAPTION</b>				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS MODIFYING THE POLICY AND PROCEDURES REGARDING RECONSIDERATION OF PREVIOUS ACTION OF THE CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
This Resolution clarifies the specific council meetings when a motion to reconsider must be made.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS MODIFYING THE POLICY AND PROCEDURES REGARDING RECONSIDERATION OF PREVIOUS ACTION OF THE CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has previously established a policy for reconsideration of items previously acted upon (Resolution 92-1-37(R)).

**WHEREAS**, the City Council deems it advisable to modify the policy regarding reconsideration of any action previously taken by the City Council so as to clarify the specific council meetings when a motion to reconsider must be made; and

**WHEREAS**, the City Council is of the opinion that it is in the best interests of the City and its citizens to modify Resolution 92-1-37(R).

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

**Section I.** The City Council of the City of Plano, Texas, hereby modifies Resolution 92-1-37(R), Section I as follows:

**Reconsideration.** A motion to reconsider any action of the City Council may be made not later than the next regularly scheduled Council meeting as those meetings are required in City Charter Section 3.09. Regular meetings are held on the second and fourth Mondays of each month and may be rescheduled by Council as needed. Such a motion may only be made by a member who voted with the prevailing side. It can be seconded by any member. No vote on the subject to be reconsidered shall be taken at the same meeting at which the motion to reconsider is made. No question shall be twice reconsidered, except by unanimous vote of the City Council, except that action relating to any contract may be reconsidered at any time before the final execution thereof."

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

**DULY PASSED AND APPROVED** this the 9<sup>th</sup> day of September, 2002.

\_\_\_\_\_  
Pat Evans, MAYOR

ATTEST:

\_\_\_\_\_  
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		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: <b>9/9/02</b>		Reviewed by Legal <i>JK</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Planning		Initials	Date
Department Head	P. Jarrell	Executive Director	<i>[Signature]</i>	9.5.02
Dept Signature:	<i>P. Jarrell</i>	City Manager		
Agenda Coordinator (include phone #):		L. Jobe - 7165		

**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 RECONSIDERATION	

### CAPTION

A Motion to Reconsider the City Council's Action on An Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2002-30 -- A request to rezone 10.0+- acres on the southwest corner of Chase Oaks Boulevard and future Seabrook Drive from Planned Development-107-Office-2 (PD-107-O-2) to Planned Development-Multi-Family-2 (PD-MF-2). Applicant: Mockingbird Properties

### FINANCIAL SUMMARY

<input type="checkbox"/> NOT APPLICABLE	<input type="checkbox"/> OPERATING EXPENSE	<input type="checkbox"/> REVENUE	<input type="checkbox"/> CIP	
<b>FISCAL YEAR:</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
<b>FUND(s):</b>				

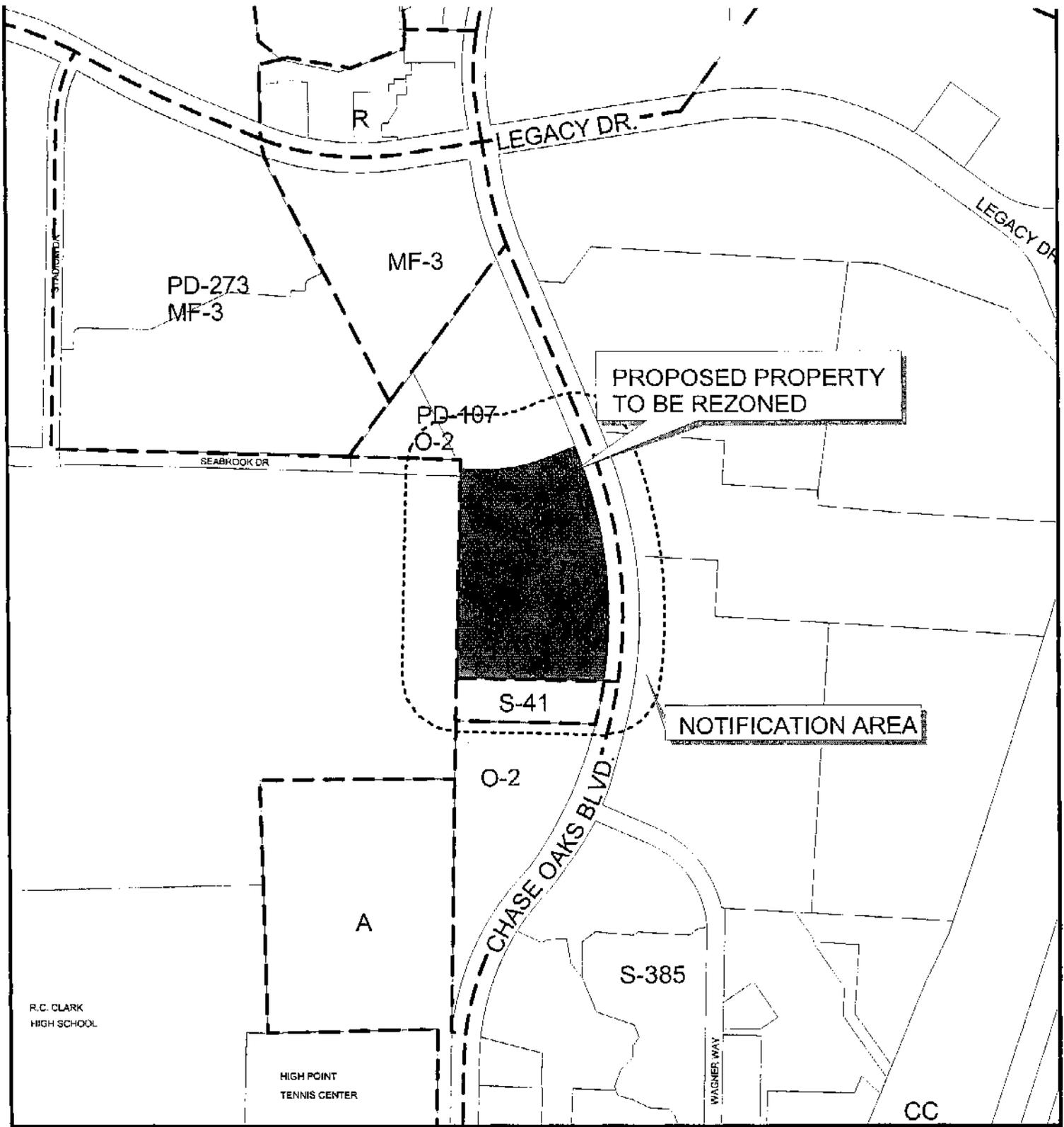
**COMMENTS:**

### SUMMARY OF ITEM

Councilmembers Lambert and McGee have requested that the Council reconsider its action on this zoning case. The Council denied the appeal by a vote of 6-2 at its August 26<sup>th</sup> meeting. Council's action on this motion would be focused solely on the question of whether or not the case should be brought back for reconsideration at a future date. If Council votes to reconsider the case, it will be scheduled for the October 14<sup>th</sup> agenda, after the required public hearing notices have been published. Since the Planning & Zoning Commission did deny the zoning request, the 3/4 vote requirement will still apply to any reconsideration.

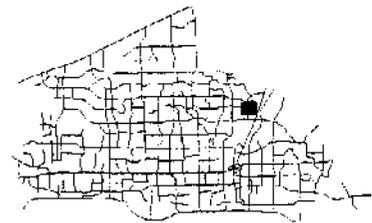
List of Supporting Documents:  
Location Map

Other Departments, Boards, Commissions or Agencies



**ZONING CASE  
# 2002-30**

**EXISTING ZONING:  
PD-107-O-2**



200' Notification  
Buffer



9-2