

CITY COUNCIL

1520 AVENUE K



DATE: 1/10/2011

CALL TO ORDER: 7:00 p.m.

INVOCATION: Imam Yaseen Shaikh
Islamic Association of Collin County

PLEDGE OF ALLEGIANCE:

ITEM NO.	EXPLANATION	ACTION TAKEN
(a)	<p>THE MISSION OF THE CITY OF PLANO IS TO PROVIDE OUTSTANDING SERVICES AND FACILITIES, THROUGH COOPERATIVE EFFORTS WITH OUR CITIZENS THAT CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</p> <p><u>COMMENTS OF PUBLIC INTEREST</u> <u>This portion of the meeting is to allow up to five (5) minutes per speaker with thirty (30) total minutes on items of interest or concern and not on items that are on the current agenda. The Council may not discuss these items, but may respond with factual or policy information. The Council may choose to place the item on a future agenda.</u></p> <p><u>CONSENT AGENDA</u> <u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></p> <p><u>Approval of Minutes</u> December 7, 2010 December 13, 2010</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><u>Approval of Expenditures</u></p> <p>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</p>	
(b)	Bid No. 2011-9-C for a one (1) year contract with three (3) optional one year renewals for the purchase of Pool Chemicals for the Parks and Recreation Department to Petra Chemicals Co. in the amount of \$64,186 and authorizing the City Manager to execute all necessary documents.	
(c)	Bid No. 2011-8-C for a one (1) year contract with three (3) optional one year renewals for the purchase of Outdoor Litter and Restroom Service for the Parks and Recreation Department to Northstar Facility Services in the amount of \$88,102 and authorizing the City Manager to execute all necessary documents.	
(d)	Bid No. 2011-19-B for Bob Woodruff Park Irrigation Renovation for the Parks Department to A New Deal Irrigation, Inc. in the amount of \$103,450 and authorizing the City Manager to execute all necessary documents.	
(e)	Bid No. 2011-14-B for Fire Station 7 Replacement of Under Floor Piping, to Plumb Right Services, in the amount of \$145,900 and authorizing the City Manager to execute all necessary documents.	
	<p>Purchase from an Existing Contract</p>	
(f)	To approve the purchase of Animal Shelter Kennel Renovation in the amount of \$254,877 from Kellogg Brown & Root Services, Inc through an existing contract with The Cooperative Purchasing Network (TCPN) and authorizing the City Manager to execute all necessary documents. (TCPN Contract Number R4895).	
(g)	To approve a contract for the purchase of maintenance support for Ironport Software in the amount of \$114,729 from INX, Inc., through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1386).	
	<p>Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)</p>	
(h)	To approve an Architectural Services agreement by and between the City of Plano and Alliance Architects, Inc., in the amount of \$121,220 for Technology Services Data Center schematic design; and authorizing the City Manager to execute all necessary documents.	
	<p>Approval of Contract Modification</p>	
(i)	To approve and authorize Contract Modification No. 1 for additional design services for Aquatic Center Renovations in the amount of \$89,400 from Brinkley Sargent Architects; and authorizing the City Manager to execute all necessary documents.	

ITEM NO.	EXPLANATION	ACTION TAKEN
(j)	<p>Reimbursement of Oversize Participation</p> <p>To approve and authorize reimbursement to Tollway/121 Partners, Ltd. for oversize participation for public improvements associated with the construction of Parkwood Boulevard from Parkshore Drive to State Highway 121 in the amount of \$259,751.</p>	
(k)	<p><u>Adoption of Resolutions</u></p> <p>To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the County of Denton for participation in the Scofflaw Program in accordance with Section 702.003 of the Texas Transportation Code allowing the county tax assessor-collector to deny motor vehicle registrations or re-registrations for persons with outstanding warrants for failure to appear or failure to pay a fine involving the violation of a traffic offense; authorizing its execution by the City Manager; and providing an effective date.</p>	
(l)	<p>To approve the terms and conditions of a First Amendment to an Economic Development Incentive Agreement by and between Cirro Group, Inc. and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date.</p>	
(m)	<p>To accept the findings and opinions of the Annual Audit; authorizing the City Manager, or in his absence the Director of Finance, to publish the results thereof; and providing an effective date.</p>	
	<p><u>Adoption of Ordinances</u></p>	
(n)	<p>To adopt and enact Supplement Number 92 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date.</p>	
(o)	<p>To amend Article IX, Railroads, of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas, by amending Section 12-258, Subsection (c)(i), Quiet Zones, and to add Park Vista Road to the list of Quiet Zones at railroad crossings, and providing a penalty clause, a severability clause, a publication clause, and providing an effective date.</p>	
(p)	<p>To amend the project and finance plan for Tax Increment Financing Reinvestment Zone Number Two to amend the project and financial plan within the zone; ordain other matters relating thereto; and provide a severability clause, a savings clause, and an effective date.</p>	
(q)	<p>To repeal in its entirety, City of Plano Ordinance No. 2008-4-35 codified as Article II, Building Code, of Chapter 6 of the Code of Ordinances; and adopting the 2009 Edition of the International Building Code, with certain additions, deletions, and amendments, as the Building Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(r)	To repeal in its entirety, City of Plano Ordinance No. 2008-4-38 codified as Division 2 Plumbing Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances; and adopting the 2009 Edition of the International Plumbing Code, with certain additions, deletions and amendments, as the Plumbing Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.	
(s)	To repeal in its entirety, City of Plano Ordinance No. 2008-4-37 codified as Division 3, Mechanical Code, or Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances of the City; and adopting the 2009 Edition of the International Mechanical Code, with certain additions, deletions, and amendments, as the Mechanical Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.	
(t)	To repeal in its entirety, City of Plano Ordinance 2008-4-38 codified as Article XIX, Fuel Gas Code, of Chapter 6 of the Code of Ordinances; and adopting the 2009 Edition of the International Fuel Gas Code, with certain additions, deletions, and amendments, as the Fuel Gas Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.	
(u)	To repeal in its entirety, City of Plano Ordinance No. 2004-8-10, codified as Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances; and adopting the 2009 Edition of the International Energy Conservation Code, with certain additions, deletions and amendments, as the Energy Conservation Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.	
(v)	To repeal Ordinance No. 2008-9-8, codified as Article IX, Electrical Code, of Chapter 6 of the Code of Ordinances of the City of Plano; adopting the 2011 National Electrical Code; with certain additions, deletions, and amendments, as the Electric Code for the City of Plano; and providing a repealer clause, a severability clause, a penalty clause, a savings clause, a publication clause and an effective date.	
(w)	To partially repeal City of Plano Ordinance No. 2008-4-39 as further amended by Ordinance No. 2008-6-16 and Ordinance No. 2009-4-17 and codified as Article XX, Residential Code, of Chapter 6 of the Code of Ordinances; and adopting the 2009 Edition of the International Residential Code with certain additions, deletions, and amendments, as the Residential Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.	

ITEM NO.	EXPLANATION	ACTION TAKEN
(x)	<p>To amend Section 6-3(b)(4) of Division 2, Building Standards Commission of Article I, In General, and Subsection 304.3, Premises Identification of Section 6-52, Deletions, additions, and amendments to Chapter 3 of the International Property Maintenance Code of Division 2, Amendments, of Article III, Property Maintenance Code to Chapter 6, Building and Building Regulations of the Code of Ordinances to change the manner in which approval occurs from a supermajority to a simple majority vote of commission members and to provide the correct chapter reference regarding premises identification; providing a penalty clause; a severability clause; a repealer clause; a savings clause; a publication clause and an effective date.</p> <p><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></p> <p><u>Public Hearing Items: Applicants are limited to fifteen (15) minutes presentation time with a five (5) minute rebuttal, if needed. Remaining speakers are limited to thirty (30) total minutes of testimony time, with three (3) minutes assigned per speaker. The presiding officer may extend these times as deemed necessary.</u></p> <p><u>Non-Public Hearing Items: The Presiding Officer may permit limited public comment for items on the agenda not posted for a Public Hearing. The Presiding Officer will establish time limits based upon the number of speaker requests, length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Speakers will be called in the order cards are received until the cumulative time is exhausted.</u></p>	
(1)	<p>Consideration of a Resolution to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas, and Hyundai Capital America, a California corporation; authorizing its execution by the City Manager; and providing an effective date.</p> <p><u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Training Room A/Building Inspections Training Room are located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</u></p>	

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
December 7, 2010**

COUNCIL MEMBERS

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

STAFF

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

Mayor Dyer called the meeting to order at 5:09 p.m., Tuesday, December 7, 2010, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Council Member Callison arrived at 5:11 p.m. Mayor Dyer then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071; and to receive information regarding Economic Development, Section 551.087 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Dyer reconvened the meeting back into the Preliminary Open Meeting at 5:55 p.m.

Consideration and Action Resulting From Executive Session

No items were brought forward.

DART Report

DART Board Member Ellerbe spoke to plans for paid parking at the Parker Road Station, advised that 65% of the design of the Northwest Park and Ride is complete with plans to open by spring of 2012 and spoke to shuttle service from the Legacy area. Ms. Ellerbe spoke to cost savings and reworking of DART's budget resulting in funds to complete the last section of the orange line in 2014, but advised that they do not expect to have funds for a second alignment. She advised regarding the opening of the green line ahead of schedule and below cost and connection to the Denton County Transit Authority.

Ms. Ellerbe advised that the DART Board approved a \$10 regional fare between the Denton County system and DART and stated her opposition to the proposal as there was no discussion or agreement regarding cost recovery or an access fee. Mayor Dyer requested information regarding the impact of regional fares on revenues. Ms. Ellerbe spoke regarding possible changes to paratransit services utilizing different types of vehicles.

Discussion/Direction re 2011 Plano MLK Celebration One Time Funding Support Request in the amount of \$9,550

Spokesperson for the 2011 MLK Celebration Steering Committee Earnest Burke requested approval of a funding request, spoke to the 25-year history of the event, its inclusiveness, diversity, participation by the school district and clubs and the legacy of Dr. King. City Manager Muehlenbeck spoke to the number of police officers required for this event and costs. He spoke to recovering costs for the use of the Municipal Center and Plano Centre which had been absorbed in the past. Mr. Muehlenbeck advised that due to timing, this is a one-time contribution and that future requests will come through the Cultural Affairs Commission for consideration. He responded to Council Member Smith, advising that the City has not contacted the Plano Independent School District regarding participation costs.

Mayor Dyer and Council Member LaRosiliere spoke to approving the request and consideration of future funding by the Cultural Affairs Commission. Council Members Davidson and Smith stated concern regarding providing funding for one group. Deputy City Manager Glasscock advised traffic on streets must be regulated by sworn officers rather than volunteers. Council Member LaRosiliere spoke to providing funding during transition as was done for others and Council Member Callison agreed. The Council stated a consensus to approve the one time funding support request.

Discussion/Direction re 2011 G.O. Bond Issuance – CIP Projects

Budget and Research Director Rhodes-Whitley spoke to Council direction to provide additional information regarding the operation/maintenance costs related to the requested projects advising that for 2011-12 costs would be \$51,149 (\$46,149 at Fire Station #13 and \$5,000 for trail connections) with costs of \$1.9 million in 2012-13. She advised that there will be \$892,000 of principle and interest falling off the debt payment.

Director of Parks and Recreation Fortenberry advised regarding voter approval of bond items including the renovation of the Aquatic Center (\$1.5 million) where no additional operation/maintenance monies would be incurred and Parks Projects with \$7 million contractually obligated to the Pecan Hollow Golf Course and \$1 million to the land acquisition of the Hall Tract. She spoke to the remaining \$2.75 million including further land acquisition, athletic field renovations, and trail connections. Ms. Fortenberry spoke to the Preston Ridge Trail south connection along Ohio Drive to the City of Dallas and the Bluebonnet Trail connection to the City of Allen. She spoke to possible delay of the Arbor Hills parking lot design and to delaying Chase Oaks Trail Connection funding (\$450,000 in design costs) until the City of Allen moves forward with golf course renovations. Council Member Harris thanked Staff for providing clarification.

Ms. Fortenberry advised that if bonds were issued for the Chase Oaks Trail Connection, the City would be in a position to move forward simultaneously with the City of Allen when renovations occur and responded to Council that there may be some savings in joining with Allen's contract. Council Member LaRosiliere spoke to approval of this bond issuance resulting in a .46 increase to the debt side of the tax rate.

Deputy City Engineer and Director of Public Works Cosgrove spoke to citizen opposition to the widening of Windhaven Parkway from the City Limits to Spring Creek Parkway and advised that based on projections, four lanes should be sufficient for 20 years. City Manager Muehlenbeck advised that if TxDOT funding is removed with delay of the project, Staff will bring the item back for Council consideration.

Upon a motion made Council Member Davidson and seconded by Council Member LaRosiliere, the Council voted 8-0 to approve the 2011 G.O. Bond Issuance as recommended by Staff and to issue debt for the design/building of the Chase Oaks Golf Course trail connection, but delay the project until the City of Allen's course renovation. Citizen of the City Warren Casteel thanked the Council for their consideration.

Departmental Briefing - Budget

Budget and Research Director Rhodes-Whitley spoke to the department's mission statement, "The Budget & Research Department develops, coordinates, and monitors the City's spending plans including the annual operating budget and the Community Investment Program." She spoke to performing program evaluations to determine the effectiveness and efficiencies of departmental service levels and preparation of regular analyses of the City's revenues and expenditures, as well as special studies addressing financial management issues. Ms. Rhodes-Whitley spoke to the core functions: Develop, prepare and monitor \$400 million operating budget and \$77 million Community Investment Program, Three-year Financial Forecast and Core Business Matrix; handle property tax functions including effective and rollback tax rate calculation; maintain J.D. Edwards budget module; develop revenue models including sales tax and water/sewer rates; monitor the Performance Measurement Process; and oversee bond referendums. She spoke to additional functions: monitoring the non-departmental budget; providing projections for all salary and benefits; providing administration for grant funding; providing projections and budget for the Health Insurance Fund; overseeing the carry forward process; maintaining the capital reserve funding matrix; monitoring the Budget Contingency Plan and Budget Reduction Plan; providing legislative analysis for budget items including all revenues, property tax and sales tax; overseeing the Citizen Survey process; completing any special projects as directed by management and City Council; compiling operational analysis studies; and conducting public and citizen relations for budget, CIP and bond referendums.

Ms. Rhodes-Whitley spoke to current projects: finalizing the budget and Community Investment Program documents; developing a prioritization system for the Core Business Matrix process; preparing models for the Three-year Financial Forecast process; preparing the Budget Preparation Manual for FY 2011-12; starting the ICMA Performance Management Process; and developing a charge back system for the Plano Television Network. She spoke to Staff education, memberships in national, state and regional associations and certificates/awards received.

Personnel Appointment - Multi-Cultural Outreach Roundtable

Upon a motion made by Council Member Davidson and seconded by Council Member LaRosiliere the Council voted 8-0 to appoint Sally Magnuson as member and Chair.

Reconsideration of March 2011 City Council Meeting Date

The Council stated a consensus to move the first meeting of the month to Wednesday, March 9, 2011.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agendas

No items were discussed.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:57 p.m.

Phil Dyer, Mayor

ATTEST:

Diane Zucco, City Secretary

PLANO CITY COUNCIL

December 7, 2010

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Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Tuesday, December 7, 2010, at 7:01 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Reverend Bryan Stamper of Grace Presbyterian Church and the Pledge of Allegiance was led by The Men of Note Chorus who sang several holiday songs.

Consent Agenda

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

Approval of Minutes (Consent Agenda Item "A")

November 18, 2010

November 22, 2010

Approval of Expenditures

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

Bid No. 2011-2-G for Plano Senior Center Air Cooled Chiller Replacement to Gulf Energy Systems, Inc., in the amount of \$92,935 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Bid No. 2010-251-G for Haggard Library Air Cooled Chiller Replacement to EEC Enviro Service Co. LLC, in the amount of \$138,221 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

CSP No. 2010-141-C for a three (3) year contract for Enterprise Video Solutions to Johnson Controls in the amount of \$398,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

CSP No. 2010-252-C for a one (1) year contract with three (3) optional one year renewals for Wireless Voice and Data Services to AT&T Mobility in the amount of \$494,362 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

Purchase from an Existing Contract

To approve a contract for the purchase and installation of infield conditioner for baseball/softball fields at Enfield Park, Carpenter Park and the Youth Ball Park for the Parks and Recreation Department in the amount of \$83,982 from MasterTurf Products and Service, Inc. through an existing contract or agreement with BuyBoard, and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract 292-08). (Consent Agenda Item “F”)

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

To approve an Engineering Services Agreement by and between the City of Plano and BW2 Engineers, Inc. in the amount of \$57,275 for the design of the Bluebonnet Trail connection under U.S. 75 at Rowlett Creek and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

Adoption of Resolutions

Resolution No. 2010-12-1(R): To adopt a 2011 State Legislative Program for the City of Plano, Texas; directing the City Manager to act with regard to the City’s Legislative Program; and providing an effective date. (Consent Agenda Item “H”)

Resolution No. 2010-12-2(R): To authorize the Cities Aggregation Power Project, Inc. (CAPP) to negotiate an extension to the current electric supply and necessary related services agreement with Next Era for a fixed price per kWh that is lower than contract rates for 2011-2013, said extension to continue until December 31, 2018; authorizing CAPP to act as an agent on behalf of the City to enter into a contract for electricity; authorizing the Chairman of CAPP to execute an extension to the current electric supply agreement for deliveries of electricity effective January 1, 2011, or as soon after finalization of a contract as possible; committing to budget for energy purchases and to honor the City’s commitments to purchase power through CAPP for its electrical needs through December 31, 2018; and providing an effective date. (Consent Agenda Item “I”)

Resolution No. 2010-12-3(R): To approve the terms and conditions of a fourth amendment to the development agreement between the City of Plano, Texas, and Pinnacle AMS Development Company, LLC (now Southern/Pinnacle AMS Development Company, LLC), for development of Eastside Station – Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “J”)

Adoption of Ordinances

Ordinance No. 2010-12-4: To abandon all right, title and interest of the City, in and to a portion of that certain 60-foot wide Fire Lane, Access and Utility Easement recorded in Cabinet 2006, Page 148 of the Map Records of Collin County, Texas and being situated in the Henry Cook Survey, Abstract No. 183, which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, KDC Legacy North Investments I, L.P. to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “K”)

Ordinance No. 2010-12-5: To abandon all right, title and interest of the City, in and to a portion of that certain 60-foot wide Right-of-Way (Infinity Avenue) recorded in Cabinet 2006, Page 440 of the Map Records of Collin County, Texas and being situated in the Henry Cook Survey, Abstract No. 183, which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, KDC Legacy North Investments I, L.P. to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “L”)

END OF CONSENT

Public Hearing and adoption of Ordinance No. 2010-12-6 as requested in Zoning Case 2010-16 to amend Section 3.1400 (Traffic Impact Analysis) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, pertaining to traffic impact analysis; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Regular Agenda Item “1”)

Planning Manager Firgens spoke to traffic impact analyses (TIAs) utilized as a planning tool to estimate the effect of a particular land use on the area roadway system. She advised that the TIA ordinance was first adopted in the late 1980s, at a time when the City’s street system was incomplete and many options for mitigation of traffic impacts were still available. Ms. Firgens advised that the street system is almost complete, mitigation options are more limited and state laws governing the vesting of development projects have limited the City’s ability to decrease the size and intensity of a proposed development so that the existing ordinance no longer adequately addresses the Plano’s present condition as a maturing first-tier suburb.

Ms. Firgens spoke to TIAs identifying the relationship between land use and transportation needs and their review by the Planning and Zoning Commission. She spoke to current traffic issues in the City including the growth of traffic congestion, costs related to adding capacity and the need to explore new options such as the median left-turn lane and single point urban interchange. She spoke to the impact of development and redevelopment of properties and mitigation efforts/opportunities including deceleration lanes for driveways, increased left-turn lane stacking length, and exit drives with both right and left turn movements.

Senior Traffic Engineer Jeff Green advised that Staff recommends removal of the TIA requirement for zoning applications since the roadway system is nearly complete, additional capacity improvements are limited to intersection improvements, and zoning applications requiring a TIA have decreased significantly. He spoke to Staff's recommendation increasing the minimum trips per day threshold generated by a development, omitting the minimum threshold based upon floor area ratio, and proposed amendments to traffic mitigation options that are more appropriate and consistent with existing roadway improvements and state law requirements. Mr. Green spoke to focusing on how internal circulation interfaces with adjacent development and turning lanes and stated that the Planning and Zoning Commission recommended approval subject to the following: (Deletions are indicated in strikethrough text; additions are indicated in underlined text):

Amend Section 3.1400 (Traffic Impact Analysis) of Article 3 (Supplementary Regulations) to read as follows.

3.1400 Traffic Impact Analysis

3.1401 Introduction

This section establishes requirements and procedures pertaining to traffic impact analysis (TIA). These requirements are intended to inform the applicant of the city's expectations, expedite the city staff's review process of TIA reports, provide standard criteria for evaluating development proposals, and establish equitable mitigation and cost sharing policies.

A TIA is intended to develop public/private partnerships to coordinate land use and transportation facility development. Both the City of Plano and the land developer share in the responsibility to consider all reasonable solutions to identified transportation problems.

~~Plano requires TIAs to be done for both zoning and~~ must be performed as part of the preliminary site plan processes. Each of these has specific purposes that are complementary of one another. Both types of TIAs do, however, share the with the goal of identifying the relationship between land use and transportation needs. The site plan process, as described in Article 5 (Site Plan Review), is a multi-step land development approval process that includes a series of three plans, a concept plan, preliminary site plan, and site plan. ~~Below is a brief description of the purpose of each process:~~

1. ~~Zoning TIA~~

~~The goal of this process is to ensure balance between future land uses and the ultimate roadway system. This process uses future traffic volumes based on the city being developed (as projected in the year 2020 Tranplan computer model). It also assumes the entire roadway system to be in place (both existing and future roads). This allows a zoning proposal to be evaluated as to its effect on the ultimate roadway system and allows for determination of the roadway system's ability to accommodate the proposed use.~~

~~The TIA, done at the time of a zoning change request, is to determine the traffic loading that the proposed zoning will impose on the approved thoroughfare system in the 2020 design year and to determine that the thoroughfare system, as planned, can handle the traffic loading at Level of Service D or better in the peak hour. Conclusions drawn from the analysis, along with other land use and service factors, shall be taken into consideration by the Planning & Zoning Commission and the City Council in approval or disapproval of zoning changes.~~

Ordinance No. 2010-12-6 (cont'd)

~~2. Site Plan TIA~~

~~3.1402 Applicability~~

~~— This process is done simultaneous with the submittal of a preliminary site plan. The goal of this study is to look at a specific development of known size and use and to determine the effect of that use on the existing roadway system. It uses existing traffic volumes and assumes the existing roadway configuration to be used for analysis. This process should ensure that the roadway system is adequate to accommodate the proposed use and may recommend mitigation measures necessary to ensure efficient traffic flow around the proposed site (as based on intersection and roadway levels of service).~~

1. Purpose

A TIA, at the time of site plan approval, is intended to define the immediate impacts of the proposed development and any necessary transportation improvements (public or private) required to ensure a satisfactory level of service on all affected thoroughfares. A site plan TIA is designed to mitigate traffic impacts by optimizing roadway capacity, access design, and traffic control. A TIA may not be used to deny development permitted by zoning, nor shall it be used to modify road design contrary to the ~~Transportation Element of the Comprehensive Plan~~ or to the Thoroughfare Standards Ordinance. ~~The detail of site plan TIAs is greater than TIAs prepared for zoning cases.~~ Specific improvements to the existing roadways consistent with the Thoroughfare Plan may be needed to gain approval of site plan proposals. Timing of and cost sharing agreements for the construction of offsite improvements also may be considered.

2. Goal

The goal of this study is to review a specific development of known size and use and to determine the effect of that use on the existing roadway system by analyzing existing traffic volumes and existing roadway configurations. This process ensures that the roadway system is adequate to accommodate the proposed use.

3. Requirements

The TIA process shall be required simultaneous with the site plan approval process for projects generating 8,000 trips per day or greater. A TIA is typically required with the submission of the preliminary site plan; however, the city may require the TIA to be submitted with a concept plan or site plan due to project phasing. It is the responsibility of the applicant to demonstrate that a TIA is not required. Recommendations shall be made for mitigation measures necessary to ensure efficient traffic flow around the proposed site (as based on intersection and roadway levels of service) on all preliminary site plans and/or site plans. Site plan applications as defined herein, not containing TIAs will be judged incomplete and shall not be forwarded to the Planning & Zoning Commission for action.

Ordinance No. 2010-12-6 (cont'd)

3.14023 Definitions

Term	Definition
Trip Generation Rates	The city's criteria for trip generation for various categories of land use and density shall be those set forth in the latest edition of the trip generation informational report published by the Institute of Transportation Engineers (ITE) unless the proposed use does not have a corresponding rate in the Trip Generation Manual. Alternate trip generation rates shall not be accepted for individual zoning cases or site plans but shall instead be adopted for citywide use on the basis of a general study of local conditions.
Design Year	The design year is the point in time upon which assumptions pertaining to land use, population, employment, and transportation facilities are based. All zoning analysis shall be based on a design year of 2020. All site plan analysis shall use a design year based on the expected date of project occupancy.
Base Volumes	Base volumes for analyzing zoning cases shall be derived from the city's latest computer projection of traffic volumes for the year 2020. Base volumes for site plans shall be based on current traffic counts adjusted to the expected date of project occupancy. When available, all base data shall be supplied by the city's Engineering Department, Transportation Division. In all cases when ground counts are needed and are not available, the developer or his agent shall be required to collect such data.
Modeling	A TIA as required by the city for zoning cases will be accomplished by the use of the TRANPLAN analysis package. A TIA, as required, may be performed by the applicant or his agent. The city's Engineering Department, Transportation Division will supply (for a fee) TRANPLAN volume plots based on existing and proposed zoning.
Level of Service (LOS)	LOS is a measure of the level of congestion experienced on roadways. The desirable minimum LOS of the City of Plano is Level of Service D in the peak hour. LOS shall be measured of both link and intersection operations.
Thoroughfare Plan	The official City of Plano Thoroughfare Plan, including all routes designated as a Type F collector facility or higher.
Transportation Improvements Community Investment Program(TIP CIP)	A five year schedule and funding program of all approved and committed transportation improvements.

Ordinance No. 2010-12-6 (cont'd)

3.1403 Applicability

~~— A TIA will be required by the city's Planning Department for zoning requests and preliminary site plans submitted for approval. All TIAs shall be performed by a consultant qualified to perform such studies. Requirements for mitigating negative traffic impacts shall apply to all zoning cases and site plans. In certain cases, due to project phasing, a site plan TIA might be required with a concept plan submittal.~~

1. ~~Zoning~~

~~— Any zoning request for multifamily or nonresidential as defined herein under the land use classification which generates at least 5,000 trips per day requires a TIA, unless the proposed zoning results in a net trip reduction compared to existing zoning. A zoning request involving multiple zoning districts is required to have a TIA based on the total traffic generated.~~

2. ~~Preliminary Site Plan~~

~~— Any preliminary site plan or site plan generating 5,000 trips per day or which has a floor area ratio (FAR) of 0.75, or greater, requires a TIA.~~

3.1404 Methodology

~~Pre-submission application consultation with the Development Review Planning and Transportation Divisions staff is required. Zoning and site plan applications, as defined in Subsection 3.1403, not containing TIAs will be judged incomplete and shall not be forwarded to the Planning & Zoning Commission for action. It is the responsibility of the applicant to demonstrate that a TIA is not required. Details of the required analysis will be determined at this meeting. In certain instances, traffic from other approved but not built developments may have to be accounted for included in traffic assignments. Staff might may also require specific assumptions such as percent trucks to be altered to match local conditions. Peak hour analysis might may be directed to reflect the peak 15 minutes for certain types of land use. All of these types of issues will be addressed at the pre-application meeting.~~

~~The following procedures shall be followed in preparing site plan traffic impact analysis studies submitted to the City of Plano:~~

1. ~~Zoning TIA Content~~

a. ~~Study Area~~

~~— A map(s) delineating the TIA study area and all existing and planned streets contained therein. The study area shall be based on the total daily estimated trip generation. The study area shall be a one mile radius for less than 10,000 trips per day. A larger radius shall be considered for more than 10,000 trips per day.~~

b. ~~Existing Zoning~~

~~— A description of the existing zoning in the area proposed for rezoning including: existing land area (gross and net) by zoning classification and density figures expressed as FAR, square footage, number of hotel rooms, dwelling units, etc.~~

c. ~~Proposed Zoning~~

~~— A description of the proposed zoning including land area (gross and net) by zoning classification and density figures expressed by FAR, square footage, number of hotel rooms, dwelling units, etc.~~

d. ~~Thoroughfare Network~~

~~— A description of roadway development at the 2020 design year for the entire study area and base volumes of thoroughfares within the study area.~~

Ordinance No. 2010-12-6 (cont'd)

~~e. Impact Determination~~

~~— The TIA will describe the volume/capacity (V/C) ratio for all thoroughfares (Type F and higher) and delay projections for intersections in the studied area to determine if Level of Service D operation is maintained. The analysis shall contain the following minimum information:~~

~~i. Proposed Trip Generation~~

~~Show in tabular form trip generation rates and the total trips generated by land use assuming full development and occupancy. Indicate trip reductions, if any, resulting from credits for mass transit, passerby, mixed use, etc. All trip reductions must conform to Planning & Zoning Commission approved generation rates. Calculate the net estimated trips.~~

~~ii. Existing Trip Generation~~

~~Show in tabular form by land use trips generated based on existing zoning. All appropriate trip reductions permitted by approved generation rates must be included.~~

~~iii. Net Increased Trip Generation, Distribution, and Assignment~~

~~Proposed trip generation minus existing trips generated and the assignment of new trips generated is to be calculated. The net increased trips generated by the development are to be added to the base volumes projected for the design year. Twenty-four hour and peak hour volumes must be calculated. Distribution and assignment calculations must be provided unless TRANPLAN is used.~~

~~iv. Level of Service Analysis~~

~~Show in tabular form, 24 hour and peak hour levels of service for existing and proposed zoning. Calculations shall include all thoroughfare links and intersections. Calculate level of service and percentage of change (when compared to base volumes) for each link and intersection.~~

~~v. Conclusions~~

~~Summarize points of conflict and congestion; identify all thoroughfare links or intersections exceeding a Level of Service D and the percentage of change produced by the proposed zoning change.~~

~~f. Mitigation~~

~~Traffic produced by the proposed zoning plus the assumed background traffic should not exceed Level of Service D. Locations exceeding Level of Service D, where the proposed zoning contributes five percent or more of the traffic, should be mitigated. Acceptable methods of mitigating negative traffic impacts are:~~

~~i. Requirements in addition to those provided in the Thoroughfare Standards Ordinance relating to driveway median opening location and distance between drives.~~

~~ii. Modified zoning and/or density reduction or relocation.~~

~~iii. Amendments to the city's Thoroughfare Plan shall not be accepted as a means of mitigating negative impacts. Minor amendments to thoroughfare and intersection design (e.g., turn lanes, acceleration and deceleration lanes, and associated rights-of-way) may be accepted on a case-by-case basis.~~

Ordinance No. 2010-12-6 (cont'd)

~~2. Planning & Zoning Commission Report~~

~~The Planning & Zoning Commission shall make a report to the City Council on all TIAs it considers in conjunction with requests for rezoning. The Planning & Zoning Commission may make a recommendation for approval, modification, or denial of the zoning case based on other planning factors in addition to its review of a TIA.~~

~~Where the identified impacts of the proposed zoning cannot be adequately mitigated, the Planning & Zoning Commission shall recommend to the City Council one or more of the following actions:~~

~~a. Denial of the zoning case in total or in part.~~

~~b. Any other action deemed appropriate to mitigate negative traffic impacts.~~

~~The Planning & Zoning Commission may recommend, in addition to measures defined above, that a study of the Major Thoroughfare Plan be made to determine amendments required to ensure adequate long term capacity.~~

~~3. 1. Site Plan TIA Content~~

~~a. Study Area~~

~~A map(s) shall be included delineating the TIA study area and all existing and planned streets therein. The study area shall be a minimum of a one mile radius, which may be increased depending upon the amount of traffic generated by the proposed development as determined by at the discretion of the city's Traffic Engineer Transportation Division.~~

~~b. Existing Zoning and Development~~

~~Describe existing zoning including land area (gross and net) by zoning classification, including density figures expressed as FAR, square footage, number of hotel rooms, dwelling units, etc. Also, describe any existing development onsite and how it will be affected by development proposals.~~

~~c. Thoroughfare Network~~

~~Describe existing thoroughfares, signals and signal phasing, and traffic volumes within the study area.~~

~~d. Proposed Development~~

~~Describe the proposed development including land area (gross and net) and density figures expressed by FAR, square footage, number of hotel rooms, dwelling units, etc. Also describe roadway conditions as expected by date of occupancy. Improvements shown must be funded within the Transportation Improvements Community Investment Program or proposed for development at the developer's expense to be repaid by the city in accordance with the city's cost sharing policies as funds become available as required by the city's Subdivision Ordinance. ~~Indicate Roadway and intersection capacities at study date shall be indicated.~~~~

~~e. Impact Determination~~

~~Determine the level of service for all thoroughfares and intersections in the study area. The analysis shall contain the following minimum information:~~

~~i. Proposed Trip Generation~~

~~Calculate total trip generation by use (assuming full development and occupancy) and report any reductions for passerby, mixed use, etc., as permitted by generation rates, approved by the Planning & Zoning Commission. Show trip generation by use in tabular form with land use trip generation rates and trips generated.~~

Ordinance No. 2010-12-6 (cont'd)

- ii. Trip Distribution and Assignment
Trips generated by the proposed development are to be added to the base volumes projected for the design year. Peak hour volumes must be calculated. Distribution assumptions and assignment calculations must be provided.
- iii. Level of Service Analysis

Show in tabular form 24-hour and peak-hour V/C ratios for links and intersections within the study area. Analyze all points of ingress and egress, median breaks, and turn lanes associated with the proposed site.

- iv. Conclusions
Provide a summary of points of conflict and congestion. Identify all thoroughfare links or intersections exceeding a Level of Service D and the percent increase in total traffic produced by the proposed site plan. Identify any operational problems (e.g., drives, median openings, and signalization) within 500 feet of the site.

- f. Mitigation
Traffic levels exceeding Level of Service D, where the development is contributing five percent or more of the total trips should be mitigated- if possible. Problems demonstrated by the TIA can be corrected by Mitigation measures are limited to the following:

- i. Requirements in addition to those provided in the Thoroughfare Standards Ordinance relating to driveway and median opening location design and distance between drives.
- ii. ~~Modifying density or intensity or use (e.g., reduction in square footage or percentage of commercial use).~~
- iii. ~~Phasing construction until additional roadway capacity becomes available.~~
- iv. ii. Onsite improvements including access controls and site circulation adjustments.
- v. iii. Offsite improvements including the construction of additional lanes where the surrounding thoroughfares are not fully developed or intersection improvements where the surrounding area is approaching full development. Costs for offsite improvements that are consistent with the Thoroughfare Plan shall be repaid by the city in accordance with its cost sharing policies, as funds become available- as required by the city's Subdivision Ordinance. Offsite improvements must be consistent with the Thoroughfare Plan and are subject to the availability of right-of-way and other design constraints as determined by the City Engineer.

- 4. ~~Public Meetings~~
~~The applicant or their representative shall be available to answer questions that may arise during Planning & Zoning Commission meetings or City Council meetings.~~

Ordinance No. 2010-12-6 (cont'd)

5. 2. Planning & Zoning Commission Report

The Planning & Zoning Commission shall ~~report to the City Council their~~ make a findings on all TIA studies reviewed in conjunction with the review of site plans that based upon the TIA, the thoroughfares can accommodate anticipated traffic volumes at an acceptable level of service.

Where identified impacts cannot be adequately mitigated by the date of occupancy, the Planning & Zoning Commission shall ~~recommend to the City Council~~ one or more of the following actions:

- ~~a. Study of the major Thoroughfare Plan to determine amendments required to increase long-term capacity.~~
- ~~b. a.~~ a. Amendment of the ~~TIP~~ CIP to expedite construction of needed related public improvements.
- ~~c. b.~~ b. Changes in intersection design, signal systems, etc. to increase capacity.
- ~~d. Temporary delay (partial or total) of the proposed project for up to two years to coordinate with planned public improvements. In no instance may a project be delayed more than two years based on negative findings of a TIA. If all planned public improvements have been constructed in the area, there shall be no cause for delay in approval of the project based upon the TIA.~~
- ~~e. Any other measures deemed appropriate to mitigate negative traffic impacts.~~

3.1405 Administration Appeals

~~The Planning & Zoning Commission shall be responsible for administering the TIA requirements of the Zoning Ordinance. The Planning & Zoning Commission shall also be responsible for:~~

- ~~1. Reviewing and proposing to the City Council amendments to all TIA requirements and procedures.~~
- ~~2. Reviewing all TIAs submitted in conjunction with zoning and site plan applications.~~
- ~~3. Reporting to the City Council their finding of traffic impacts and, if appropriate, recommended methods of mitigation.~~

Applicants may request City Council reconsideration of a TIA and the findings of the Planning & Zoning Commission in conjunction with an appeal of a site plan, as provided for in Section 5.800 (Appeals). ~~Unless a majority of the City Council votes in favor of reconsidering the TIA, discussion shall be limited to the findings of the Planning & Zoning Commission.~~

Mayor Dyer opened the Public Hearing. No one appeared to speak for or against the request. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro Tem Miner and seconded by Council Member Smith, the Council voted 8-0 to amend Section 3.1400 of Article 3 and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, pertaining to traffic impact analysis; as requested by Zoning Case 2010-16 and as recommended by the Planning and Zoning Commission and further to adopt Ordinance No. 2010-12-6.

Public Hearing and adoption of Ordinance No. 2010-12-7 as requested in Zoning Case 2010-19 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 606 so as to allow the additional use of an Electrical Substation on 6.3± acres of land located on the east side of Communications Parkway, 1,100± feet north of Windhaven Parkway, in the City of Plano, Collin County, Texas, presently zoned Regional Employment/Dallas North Tollway Overlay District; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Acres of Sunshine (Regular Agenda Item “2”)

Director of Planning Jarrell advised that the applicant plans to connect the proposed electrical substation to an existing one to the north in order to receive electrical power from the transmission power lines. She further advised that the proposed substation is needed to serve and accommodate existing and anticipated growth in this area of the City and that there will be an eight-foot masonry screening wall and landscaping along Communications Parkway. Ms. Jarrell advised that the Planning and Zoning Commission recommended approval as submitted and that the property is subject to existing setbacks.

Mayor Dyer opened the Public Hearing. No one appeared to speak for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, granting Specific Use Permit No. 606 so as to allow the additional use of an Electrical Substation on 6.3± acres of land located on the east side of Communications Parkway, 1,100± feet north of Windhaven Parkway as requested by Zoning Case 2010-16 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2010-12-7.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 7:33 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
December 13, 2010**

COUNCIL MEMBERS

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

STAFF

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

Mayor Dyer called the meeting to order at 5:09 p.m., Monday, December 13, 2010, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Deputy Mayor Pro Tem Miner arrived at 5:21 p.m. Mayor Dyer then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071; and to receive information regarding Economic Development, Section 551.087 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Dyer reconvened the meeting back into the Preliminary Open Meeting at 6:10 p.m.

Consideration and Action Resulting From Executive Session

No items were brought forward.

Personnel Appointments – Chairs

Tax Increment Financing Reinvestment Zone No. 1 Board/Tax Increment Financing Reinvestment Zone No. 2 Board.

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Council Member Davidson, the Council voted 8-0 to reappoint Council Member LaRosiliere as Chair of the TIF Zone No. 1 Board and Deputy Mayor Pro Tem Miner as Chair of the TIF Zone No. 2 Board.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agendas

No items were discussed.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:12 p.m.

Phil Dyer, Mayor

ATTEST:

Diane Zucco, City Secretary

PLANO CITY COUNCIL
December 13, 2010

COUNCIL MEMBERS

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

STAFF

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

Mayor Dyer convened the Council into the Regular Session on Monday, December 13, 2010, at 7:00 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member LaRosiliere.

The invocation was led by Reverend Clint Kerley of Christ Church Plano and the Pledge of Allegiance was led by Jr. Girl Scout Troop 2206 of Andrews Elementary.

PROCLAMATIONS & SPECIAL RECOGNITION

The Friends of the Plano Public Library made a presentation to the Plano Public Library System.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon a motion made by Council Member Callison and seconded by Mayor Pro Tem Dunlap, the Council voted 7-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

Approval of Expenditures

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

Bid No. 2011-24-B for the Park System Pond Restoration, Project No. 5895 to Ark Contracting Services, LLC in the amount of \$339,500 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “A”)

Bid No. 2011-29-B for Hoblitzelle Park Improvements – Restroom Renovation, Project No. 6021 to Cole Construction, Inc. in the amount of \$444,945 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

RFP No. 2010-209-C for a one (1) year contract with five (5) City optional renewals, for Third Party Claims Administrator to Alternative Service Concepts, LLC for the Risk Management Department in the amount of \$350,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Bid No. 2011-21-B for the 2009-2010 Residential Concrete Pavement Rehab Zone J5 South, bounded by Cross Bend Road on the north, Independence Parkway on the west, Parker Road on the south and Custer Road on the east, to McMahan Contracting, L.P. in the amount of \$1,567,403 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Purchase from an Existing Contract

To approve the purchase of construction services for Gun Range Additional Parking Lot in the amount of \$55,209 from CORE Construction Services of Texas, Inc. through an existing contract with The Cooperative Purchasing Network (TCPN) and authorizing the City Manager to execute all necessary documents. (TCPN Contract Number R4955) (Consent Agenda Item “E”)

To approve the purchase of Print Services in the estimated annual amount of \$50,000 from Office Depot through an existing contract/agreement with The Cooperative Purchasing Network (TCPN) and authorizing the City Manager to execute all necessary documents. (TCPN Contract Number R5023) (Consent Agenda Item “F”)

Approval of Change Order

To Motorola USA, Inc., increasing the contract by \$202,487 for equipment and services associated with the CSP P25 Simulcast System, Change Order #3. Contract No. 2009-137-C. (Consent Agenda Item “G”)

To McMahan Contracting, L.P., increasing the contract by \$38,155 for the 14th Street – Avenue K to Ridgewood project, Change Order No. 1. Original Bid No. 2010-14-B. (Consent Agenda Item “H”)

Adoption of Resolutions

Resolution No. 2010-12-8(R): To modify the contract by and between Legal Aid of Northwest Texas and the City of Plano for the Homelessness Prevention and Rapid Re-Housing Program in Plano; approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item “I”)

Resolution No. 2010-12-9(R): To modify the contract by and between Interfaith Housing Coalition and the City of Plano for the Homelessness Prevention and Rapid Re-Housing Program in Plano, reallocating funds available within the Homelessness Prevention and Rapid Re-Housing Program subject to approval of the reallocation of funds previously approved to Legal Aid of Northwest Texas; approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item “J”)

Resolution No. 2010-12-10(R): To approve the terms and conditions of a Texas Traffic Safety Program Grant Agreement by and between the State of Texas and the City of Plano, Texas; authorizing the City Manager to execute the grant agreement and any other documents necessary to effectuate the action taken; and providing an effective date. (Consent Agenda Item “K”)

Resolution No. 2010-12-11(R): To approve a Contract for receipt of funds in the amount of \$122,448 from the Texas State Library and Archives Commission – Loan Star Libraries Grant Number: 442-11690 to provide funds to maintain, improve, and enhance the Plano Public Library System by providing funding for the following: 19 ITG Self Check Machines and Microsoft Office Instructors; approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2010-12-12(R): To approve the terms and conditions of an Agreement for Mutual Aid by and between the City of Plano, Texas, and other participating local governments of the State of Texas for the purpose of sharing available resources, personnel, and equipment in the event of an emergency, disaster, and/or civil disaster in accordance with the terms and conditions of the Agreement; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “M”)

Resolution No. 2010-12-13(R): To support reallocating the 700 MHz D Block to Public Safety for a nationwide interoperable public safety broadband network; authorizing the City Manager to support; and providing an effective date. (Consent Agenda Item “N”)

Resolution No. 2010-12-14(R): To approve the terms and conditions of a Mutual Release and Termination Economic Development Incentive Agreement by and between the City of Plano and FutureWei Technologies, Inc. d/b/a Huawei Technologies (USA); authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “O”)

Resolution No. 2010-12-15(R): To approve the financing by the Red River Education Finance Corporation of education facilities located within the City of Plano, Texas for John Paul II High School, Inc.; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “P”)

END OF CONSENT

Resolution No. 2010-12-16(R): To approve updates of the Rules and Regulations for the use of Buffington Community Services Grant funds; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “1”)

Community Services Manager Day spoke to Council’s request to have the Community Relations Commission review the rules/regulations for the use of Buffington Community Services Grant Funds. Community Relations Commission Chair Grady thanked the Commission’s subcommittee for their efforts in preparing the report and reviewed revisions including: stating within the objectives that the program supports programs delivering emergency services rather than agencies; defining the programs and services by specifically stating they will be aligned with the City’s Consolidated Plan goals; removal of the salary funding limitation to permit fulfillment of needs by doctors, nurses and other licensed professionals; allowing for some duplication of services when the clientele are different; and removing the restriction of the use of funds for loans to permit emergency services for both homeowners as well as renters. Mayor Dyer thanked the Commission for their efforts.

Upon a motion made by Deputy Mayor Pro Tem Miner and seconded by Council Member Harris, the Council voted 7-0 to approve updates of the Rules and Regulations for the use of Buffington Community Services Grant funds and further to adopt Resolution No. 2010-12-16(R).

Public Hearing and Comment: Review of the Consolidated Annual Performance Report for the use of Federal Funds 2009-10 grant year as received by the U.S. Department of Housing and Urban Development. (Regular Agenda Item “2”)

Senior Community Coordinator Brown spoke to the spending of \$1,986,451 in federal funds and \$527,600 in Buffington Community Service funds to help 7,020 individuals and 529 households in need. She spoke to the importance of partnerships with social service and non-profit agencies, assisting 38 first time homebuyers and the leveraging of \$250,000 to receive \$3 million in non-federal funding. Ms. Brown spoke to rehabilitation of 44 homes and upgrades to the Day Laborer Center. Mayor Dyer thanked Staff for their efforts.

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

Nothing further was discussed and Mayor Dyer adjourned the meeting at 7:21 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/10/11		
Department:		Purchasing		
Department Head		Mike Ryan		
Agenda Coordinator (include phone #): Bev Rogers ext. 7376				
CAPTION				
Bid No. 2011-9-C for a one (1) year contract with three (3) optional one year renewals for the purchase of Pool Chemicals for the Parks and Recreation department to Petra Chemicals Co. in the amount of \$64,186 and authorizing the City Manager to execute all necessary documents.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2010-11	Prior Year (CIP Only)	Current Year	Future Years
				TOTALS
Budget		0	106,076	0
Encumbered/Expended Amount		0	0	0
This Item		0	-64,186	0
BALANCE		0	41,890	0
FUND(S): GENERAL FUND				
<p>COMMENTS: This item, in the amount of \$64,186, provides for the delivery of chemicals necessary for the safe, sanitary operation of all City pools, with the option of annual renewals for the following three years. The remaining amount will be used for other pool chemical needs.</p> <p>STRATEGIC PLAN GOAL: Chemical treatment of water used at Plano Aquatic Facilities relates to the City's goal of Great Neighborhoods - 1st Choice to Live.</p>				
SUMMARY OF ITEM				
The Parks and Recreation staff recommends the purchase of Pool Chemicals from Petra Chemicals Co. in the estimated annual amount of \$64,186.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Memorandum Bid Recap				

MEMO

TO: PURCHASING DEPARTMENT, BEV ROGERS
FROM: HEATHER MILLER, RECREATION SUPERINTENDENT
DATE: 12/17/2010
RE: **AWARD RECOMMENDATION 2011-9-C – POOL CHEMICALS**

It is the recommendation of Parks and Recreation Department to award **2011-9-C for Pool Chemicals** to *Petra Chemical Company*. Petra has a good working relationship with the City of Plano based on their previous performance on other city contracts. Plano Parks and Recreation believes that Petra is capable of meeting the requirements of the aforementioned contract. As stated in the bid documentation, this contract is to be awarded to the lowest responsive, responsible bidder.

As shown in the bid re-cap, Petra Chemical Company was the lowest, responsive bidder for Pool Chemicals.

Total annual amount awarded for this contract is \$64,186.

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

CITY OF PLANO

BID NO. 2011-9-C POOL CHEMICALS BID RECAP

Bid opening Date/Time: December 10, 2010 @ 3:00PM

Number of Vendors Notified: 1,970

Vendors Submitting "No Bids": 1

Vendors Submitting "Partial Bids": 0

Number of Bids Submitted: 1

Bidder(s):

Petra Chemicals Co.

Vendors Evaluated Non-Responsive to Specification: 0

Recommended Vendor(s):

Petra Chemicals Co.

Bev Rogers
Bev Rogers, Buyer

December 10, 2010
Date



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/10/11		
Department:		Purchasing		
Department Head		Mike Ryan		
Agenda Coordinator (include phone #): Bev Rogers ext. 7376				
CAPTION				
Bid No. 2011-8-C for a one (1) year contract with three (3) optional one year renewals for the purchase of Outdoor Litter and Restroom Service for the Parks and Recreation department to Northstar Facility Services in the amount of \$88,102 and authorizing the City Manager to execute all necessary documents.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2010-11	Prior Year (CIP Only)	Current Year	Future Years
				TOTALS
Budget		0	1,098,143	0
Encumbered/Expended Amount		0	-162,249	0
This Item		0	-88,102	0
BALANCE		0	847,792	0
FUND(S): GENERAL FUND				
<p>COMMENTS: This item, in the amount of \$88,102, provides for regular litter collection and custodial restroom services at 11 high use parks and athletic facilities in the Plano Parks system through a contract with Northstar Facility Services, with the option of annual renewals for the following three years. The remaining balance will be used for other contractual expenditures.</p> <p>STRATEGIC PLAN GOAL: Regular litter pickup and clean restrooms at Plano Parks relates to the City's goal of "Great Neighborhoods - 1st Choice to Live."</p>				
SUMMARY OF ITEM				
The Parks and Recreation staff recommends the purchase of Outdoor Litter and Restroom Service from Northstar Facility Services in the estimated annual amount of \$88,102.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Memorandum Bid Recap				

MEMO

TO: PURCHASING DEPARTMENT, BEV ROGERS
FROM: MATTHEW SIMMONS, PARKS FIELD SERVICES SUPERVISOR
DATE: 12/14/2010
RE: **AWARD RECOMMENDATION 2011-8-C Outdoor Litter and Restroom Service**

It is the recommendation of Parks and Recreation Department to award **2011-8-C for Outdoor Litter and Restroom Service** to *Northstar Facilities Service*. Northstar has a good working relationship with the City of Plano based on their previous performance on other city contracts. Plano Park's believes that Northstar is capable of meeting the requirements of the aforementioned maintenance contract. As stated in the bid documentation, this contract is to be awarded to the lowest responsive, responsible bidder.

As shown in the bid re-cap, Service Master Superior was low bid at \$85,532.06, but was deemed non-responsive to the bid specifications. Northstar Facilities is, therefore, the lowest responsive, responsible bidder. This contract includes litter and restroom service for 11 high use parks and athletic facilities.

Total annual amount awarded for this contract is \$88,102.

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

Attachments:
Vendor Bid Recap



CITY OF PLANO

BID NO. 2011-8-C OUTDOOR LITTER AND RESTROOM SERVICE – GROUP B BID RECAP

Bid opening Date/Time: November 19, 2010 @ 3:00PM

Number of Vendors Notified: 918

Vendors Submitting “No Bids”: 0

Vendors Submitting “Partial Bids”: 0

Number of Bids Submitted: 4

Bidder(s):

Northstar Facility Services

Texas Tree Turf Co.

Somerset Landscape Maintenance

Vendors Evaluated Non-Responsive to Specification: 1

Service Master Superior

Recommended Vendor(s):

Northstar Facility Services

Bev Rogers

Bev Rogers, Buyer

November 19, 2010

Date



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		01/10/2011		
Department:		Purchasing		
Department Head		Mike Ryan		
Agenda Coordinator (include phone #): Bev Rogers ext. 7376				
CAPTION				
Bid No. 2011-19-B for Bob Woodruff Park Irrigation Renovation for the Parks department to A New Deal Irrigation, Inc. in the amount of \$103,450, and authorizing the City Manager to execute all necessary documents.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	237,699	810,301	425,000	1,473,000
Encumbered/Expended Amount	-237,699	-109,735	0	-347,434
This Item	0	-103,450	0	-103,450
BALANCE	0	597,116	425,000	1,022,116
FUND(S): CAPITAL RESERVE				
COMMENTS: Funds are included in the 2010-11 Capital Reserve. This item, in the amount of \$103,450, will leave a current year balance of \$597,116 for Park Irrigation Renovations. STRATEGIC PLAN GOAL: Park irrigation renovations relate to the City's Goal of Great Neighborhoods - 1st Choice to Live.				
SUMMARY OF ITEM				
The Parks and Recreation staff recommend the purchase of Bob Woodruff Park Irrigation Renovation from A New Deal Irrigation, Inc. in the estimated annual amount of \$103,450.				
List of Supporting Documents: Award Recommendation Memo Bid Recap			Other Departments, Boards, Commissions or Agencies	

MEMORANDUM

TO: BEV ROGERS, BUYER
FROM: JEFF SCHWARTZ, PARK OPERATIONS SUPERINTENDENT
DATE: 12/14/2010
RE: **AWARD RECOMMENDATION 2011-19-B BOB WOODRUFF PARK IRRIGATION RENOVATION**

It is the recommendation of Parks and Recreation Department to award **Bid 2011-19-B Bob Woodruff Park Irrigation Renovation to A New Deal Irrigation, Inc.** After reviewing the vendor submittals and consulting with work history references, A New Deal Irrigation, Inc. appears capable of meeting the requirements of the aforementioned contract. As stated in the bid documentation, this contract is to be awarded to the lowest responsive, responsible bidder.

As shown in the bid re-cap, A New Deal Irrigation, Inc. is the lowest responsive, responsible bidder for this contract, which involves the renovation of the irrigation system at Bob Woodruff Park. The Parks and Recreation Department believes that awarding this Bid to the lowest responsive, responsible bidder is in the best interest of the City.

Total amount awarded for Bid 2011-19-B is \$103,450. This amount is approximately \$71,500 under the budgeted amount for this contract.

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

Attachments:
Vendor Bid Recap

CITY OF PLANO

BID NO. 2011-19-B BOB WOODRUFF PARK IRRIGATION RENOVATION BID RECAP

Bid opening Date/Time: November 23, 2010 @ 3:00 PM

Number of Vendors Notified: 2,312

Vendors Submitting "No Bids": 0

Number of Proposals Submitted: 11

A New Deal Irrigation, Inc.
American Landscape Systems, Inc.
Elite Landscape
Central North Construction, LLC
C. Greenscaping LP.
JR Landscaping and Sprinkler
Landscapes Unlimited

Proposals Evaluated Non-Responsive to Specification: 4

Denali Land Development (Offer 1)
Denali Land Development (Offer 2)
Jonesplan, Inc.
Cole Construction

Recommended Vendor(s):

A New Deal Irrigation, Inc.

Bev Rogers

November 23, 2010

Bev Rogers, Buyer

Date



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/10/2011		
Department:		Purchasing		
Department Head		Diane Palmer-Boeck		
Agenda Coordinator (include phone #): Dianna Wike x7549				
CAPTION				
Bid No. 2011-14-B, for Fire Station 7 Replacement of Under Floor Piping, to Plumb Right Services, in the amount of \$145,900, and authorizing the City Manager to execute all necessary documents.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	26,615	285,385	0	312,000
Encumbered/Expended Amount	-26,615	-8,855	0	-35,470
This Item	0	-145,900	0	-145,900
BALANCE	0	130,630	0	130,630
FUND(S): CAPITAL RESERVE				
COMMENTS: Funds are included in the 2010-11 Capital Reserve. This item, in the amount of \$145,900, will leave a current year balance of \$130,630 for the Fire Station #7 project. STRATEGIC PLAN GOAL: Piping replacement at fire stations relates to the City's Goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
Staff recommends bid of Plumb Right Services, in the amount of \$145,900, be accepted as the lowest responsive, responsible bid, and conditioned upon timely execution of any necessary contract documents. This is for Fire Station 7 Replacement of Under Floor Piping that has deteriorated, developed holes throughout the piping.				
List of Supporting Documents: Memorandum Bid Recap			Other Departments, Boards, Commissions or Agencies	



Phil Dyer
Mayor

Lee Dunlap
Mayor Pro Tem

Pat Miner
Deputy Mayor Pro Tem

Ben Harris
Place 2

André Davidson
Place 3

Lissa Smith
Place 4

Harry LaRosiliere
Place 5

Jean Callison
Place 7

Thomas H. Muehlenbeck
City Manager

MEMORANDUM

DATE: December 22, 2010
TO: Dianna Wike, Buyer Supervisor
FROM: Richard Medlen, Facilities Maintenance Superintendent
SUBJECT: **Fire Station No. 7 Replacement of Under Floor Piping
Bid No. 2011-14-B**

I have reviewed the bids submitted for the replacement of the under floor piping at Fire Station No. 7 that has deteriorated, developed holes throughout the piping and needs to be replaced. Reference checks on bidders' subcontractors revealed that EEC Enviro Service Co. LLC, and subcontractors have not had the requisite experience with projects extensive as the Fire Station No. 7 Replacement of Under Floor Piping.

Hagler Construction Company submitted an alternate scope of work; therefore, their bid is nonresponsive to the bid specifications. Therefore, I recommend award to Plumb Right Services with a bid amount of \$145,900 as the lowest responsive responsible bid. The funding for the project is in the Capital Reserve Fund account number 54467.

Please let me know if you have any questions.

/rmt

Cc: Jim Razinha
Mike Malone
Steve Healy
Melody Morgan
Bob Kolodziej

CITY OF PLANO

Bid NO. 2011-14-B FIRE STATION 7 REPLACEMENT OF UNDER FLOOR PIPING

Bid opening Date/Time: November 18, 2010 @ 3:00pm

Number of Vendors Notified: 1233

Vendors Submitting "No Bids": 2

Number of Bids Submitted: 3

EEC Enviro Service Co. LLC	\$139,640
Hagler Construction Co.	\$142,700
Plumb Right Services	\$145,900

Bids Evaluated Non-Responsive to Specifications: 1

Hagler Construction Co. submitted an alternate bid that did not meet specifications.

Recommended Vendor(s):

Plumb Right Services	\$145,900
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Dianna Wike

December 9, 2010

Dianna Wike, Buyer Supervisor

Date



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/10/11		
Department:		Purchasing		
Department Head		Diane Palmer-Boeck		
Agenda Coordinator (include phone #): Heather Parkerson x 7554				
CAPTION				
To approve the purchase of Animal Shelter Kennel Renovation in the amount of \$254,877 from Kellogg Brown & Root Services, Inc through an existing contract with The Cooperative Purchasing Network (TCPN) and authorizing the City Manager to execute all necessary documents. (TCPN Contract Number R4895).				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 10/11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	277,150	0	277,150
Encumbered/Expended Amount	0	0	0	0
This Item	0	-254,877	0	-254,877
BALANCE	0	22,273	0	22,273
FUND(S): ANIMAL SHELTER DONATIONS				
COMMENTS: Funds are included in the FY 2010-11 adopted budget to purchase Animal Shelter Renovations to replace existing dog kennel fence partition walls. The remaining balance of funds will be used for other Animal Shelter Donations materials or services. STRATEGIC PLAN GOAL: Purchase of Animal Shelter Kennel Renovations relates to the City's Goal of a Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
Facilities Maintenance staff recommends approval of the purchase of Animal Shelter Renovation, to include replacement of 63 dog kennel fence partition walls with CMU Decora Glass Block Partition walls and install 63 new doors and refinish the epoxy floors, from Kellogg Brown & Root Services, Inc. in the amount of \$254,877 conditioned upon timely execution of any necessary contract documents. The City is authorized to purchase from the State Contract list pursuant to Section 271 Subchapter D of the Local Government Code and by doing so satisfies any State Law requiring Local governments to seek competitive sealed bids for items. (TCPN Contract Number R4895).				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Memo				



Phil Dyer
Mayor

Lee Dunlap
Mayor Pro Tem

Pat Miner
Deputy Mayor Pro Tem

Ben Harris
Place 2

André Davidson
Place 3

Lissa Smith
Place 4

Harry LaRosiliere
Place 5

Jean Callison
Place 7

Thomas H. Muehlenbeck
City Manager

MEMORANDUM

DATE: December 23, 2010
TO: Dianna Wike, Buyer Supervisor
FROM: Richard Medlen, Facilities Maintenance Superintendent 
SUBJECT: **Animal Shelter Kennel Renovation**

I am recommending the approval of the lowest proposal from KBR utilizing their TCPN Contract Number R4895 for \$254,877 to replace the existing animal shelter 63 dog kennel fence partition walls with new glazed CMU Decora Glass Block partition walls, and install 63 new doors and refinish the epoxy floors in the kennels. An additional proposal was received from Centennial Contractors Enterprises, Inc., utilizing their Tarrant County JOC contract for \$377,582.23. The Animal Shelter will provide the funding for project and will provide the financial summary work sheet.

Please let me know if you have any questions.

/rmt

Cc: Jamey Cantrell
Steve Healy
Jim Razinha



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		01/10/11			
Department:		Technology Services			
Department Head		David Stephens			
Agenda Coordinator (include phone #): Amy Powell X7342					
CAPTION					
To approve a contract for the purchase of maintenance support for Ironport Software in the amount of \$114,729 from INX, Inc., through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1386).					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2010-2011	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	2,829,389	0	2,829,389
Encumbered/Expended Amount		0	-1,051,125	0	-1,051,125
This Item		0	-114,729	0	-114,729
BALANCE		0	1,663,535	0	1,663,535
FUND(S): TECHNOLOGY SERVICES FUND (66)					
COMMENTS: Funds are included in the 2010-11 Technology Services budget for annual maintenance on the Ironport Software. The remaining balance will be used throughout the year for other maintenance agreements. STRATEGIC PLAN GOAL: Maintenance support services for internet security relate to the City's Goal of Financially Strong City with Service Excellence.					
SUMMARY OF ITEM					
Technology Services recommends Council approve a contract in the amount of \$114,729 to INX, Inc., through the Department of Information Resources (DIR) Contract for maintenance support for Ironport Software. Ironport Software is used to filter our current incoming email and to filter traffic to the internet. This maintenance is for a one-year term and provides the City with critical security for our Internet access. The City is authorized to purchase from the State contract list pursuant to Section 271, Subchapter D of the Local Government Code, and by doing so, satisfies any State Law requiring the local government to seek competitive bids for items. (DIR-SDD-1386).					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Contract and Staff Memo					

Interoffice

Memo

Date: 12/14/10
To: David Stephens, Director Technology Services
Cc:
From: Chester M. Helt, Infrastructure Manager
RE: Annual Maintenance for Ironport Maintenance

We must purchase maintenance for our IronPort software which we use to filter our current incoming email and to filter traffic to the internet. We obtained quotes from Solid Border, a DIR vendor and INX, a DIR vendor. We recommend purchasing this maintenance from INX, using their State of Texas contract number DIR-SDD-1386 for a not to exceed price of \$114,729.14.

IronPort is a critical layer of security for our Internet access. We are purchasing email filtering for one year to give us an extension of this protection while migrating our email to Microsoft's cloud solution. The Internet filtering, anti-malware and all required Ironport software maintenance are for a one year term.

**CONTRACT BY AND BETWEEN
CITY OF PLANO AND INX, INC.
FOR MAINTENANCE AND SUPPORT FOR IRONPORT SOFTWARE**

THIS CONTRACT is made and entered into by and between **INX, INC.**, a Texas corporation, whose address is 1955 Lakeway Drive, Suite 220, Lewisville, Texas, 75057 hereinafter referred to as "Contractor," and the **CITY OF PLANO, TEXAS**, a home rule municipal corporation, hereinafter referred to as "City," to be effective upon execution of this Contract by the Plano City Manager or his duly authorized designee.

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

**I.
SCOPE OF SERVICES**

Contractor shall provide maintenance and support for Ironport Software. These services shall be provided in accordance with this Contract and with the Department of Information Resources Contract No. SDD-1386 a copy of which is incorporated herein by reference in its entirety as if it were recited here verbatim and which is on file and available for inspection in the City of Plano Technology Services Department. This Contract consists of:

- (a) This Contract;
- (b) the Department of Information Resources Contract No. SDD-1386 on file with the City of Plano Technology Services Department;
- (c) INX, Inc.'s Statement of Work (Exhibit "A");
- (d) Insurance Requirements; (Exhibit "B"); and
- (e) Affidavit of No Prohibited Interest (Exhibit "C").

In the event there is a conflict in interpretation or terms, the documents shall control in the order listed above. These documents shall be referred to collectively as "Contract Documents."

**II.
PAYMENT**

Payment hereunder shall be made to Contractor within thirty (30) days of receiving Contractor's invoice for the services described herein. Total compensation under this contract shall not exceed the sum of **ONE HUNDRED FOURTEEN THOUSAND SEVEN HUNDRED TWENTY NINE AND 14/100 DOLLARS (\$114,729.14)**.

**III.
TERM**

The term of this Contract shall be a period of one (1) year commencing upon the effective date hereof.

**IV.
DESCRIPTION OF SERVICES**

Contractor will provide the services described in the Contract Documents and Exhibit "A" attached hereto. At City's request, Contractor may also provide additional services under this Contract at Contractor's then-applicable rates for such services or goods under the Department of Information Resources Contract No. SDD-1386 or any additional contract addendums as executed by the Plano City Manager or his duly authorized designee.

**V.
CITY CONTACT**

If requested by Contractor, City will provide Contractor with designated points of contact (list of names and phone numbers) that will be available twenty-four (24) hours per day, seven (7) days per week, and an escalation procedure to enable City's personnel to maintain contact, as needed, with Contractor.

**VI.
PROTECTION AGAINST ACCIDENT TO EMPLOYEES AND THE PUBLIC**

Contractor shall at all times exercise reasonable precautions for the safety of employees and others on or near the work and shall comply with all applicable provisions of Federal, State, and Municipal safety laws.

**VII.
TIME AND PLACE OF SERVICE**

Service will be provided at the location specified in the Contract Documents. Unless otherwise stated in this Contract, the hours of Service will be 8:30 a.m. to 4:30 p.m., local time, excluding weekends and holidays.

**VIII.
COMPLIANCE WITH APPLICABLE LAWS**

Contractor shall at all times observe and comply with all directly applicable Federal, State and local laws, ordinances and regulations including all amendments and revisions thereto, which affect the work. If Contractor observes that the work is at variance therewith, Contractor shall promptly notify City in writing.

**IX.
INDEMNIFICATION AND HOLD HARMLESS**

THE CONTRACTOR AGREES TO DEFEND, INDEMNIFY AND HOLD THE CITY AND ITS RESPECTIVE OFFICERS, AGENTS AND EMPLOYEES, HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, FINES, PENALTIES, COSTS AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE OR OTHER HARM OR VIOLATIONS FOR WHICH RECOVERY OF DAMAGES, FINES, OR PENALTIES IS SOUGHT, SUFFERED BY ANY PERSON

OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY CONTRACTOR'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS CONTRACT, VIOLATIONS OF LAW, OR BY ANY NEGLIGENT, GROSSLY NEGLIGENT, INTENTIONAL, OR STRICTLY LIABLE ACT OR OMISSION OF THE CONTRACTOR, ITS OFFICERS, AGENTS, EMPLOYEES, INVITEES, SUBCONTRACTORS, OR SUB-SUBCONTRACTORS AND THEIR RESPECTIVE OFFICERS, AGENTS, OR REPRESENTATIVES, OR ANY OTHER PERSONS OR ENTITIES FOR WHICH THE CONTRACTOR IS LEGALLY RESPONSIBLE IN THE PERFORMANCE OF THIS CONTRACT. THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH SHALL NOT APPLY TO ANY LIABILITY RESULTING FROM THE SOLE NEGLIGENCE OF THE CITY, AND ITS OFFICERS, AGENTS, EMPLOYEES OR SEPARATE CONTRACTORS. THE CITY DOES NOT WAIVE ANY GOVERNMENTAL IMMUNITY OR OTHER DEFENSES AVAILABLE TO IT UNDER TEXAS OR FEDERAL LAW. THE PROVISIONS OF THIS PARAGRAPH ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND ARE NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY.

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

X. VENUE

The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this Contract. The parties agree that this Contract is performable in Collin County, Texas, and that exclusive venue shall lie in Collin County, Texas.

XI. ASSIGNMENT AND SUBLETTING

Contractor agrees to retain control and to give full attention to the fulfillment of this Contract and that this Contract shall not be assigned without the prior written consent of City, except for assignments to a Contractor affiliate. An assignment of this Contract with the consent of the City or to an affiliate of Contractor is conditioned on the assignee agreeing to be bound by the terms of this Contract. Contractor may subcontract any portion of its performance under this Contract. Contractor further agrees that the subletting of any portion or feature of the work, or materials required in the performance Service Contract

Page 3

of this Contract, shall not relieve Contractor from its full obligations to City as provided by this Contract. In the event any additional or different subcontractors are required or requested by City, or in the event City rejects the use of a particular subcontractor, such rejection must be submitted in writing and be based on just and reasonable cause. Any resultant change in contract price and/or schedule shall be mutually agreed upon.

**XII.
INDEPENDENT CONTRACTOR**

Contractor covenants and agrees that Contractor is an independent contractor and not an officer, agent, servant or employee of City; that Contractor 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 Contractor, its officers, agents, employees, contractors, subcontractors and consultants, and nothing herein shall be construed as creating a partnership or joint enterprise between City and Contractor.

**XIII.
INSURANCE AND CERTIFICATES OF INSURANCE**

Contractor shall procure and maintain for the duration of the Contract insurance coverage as set forth in Exhibit "B" including the City as a named insured.

**XIV.
FORCE MAJEURE**

Neither party is liable for delays or lack of performance resulting from any causes beyond the reasonable control of a party including acts of God or the public enemy, war, riot, civil commotion, insurrection, government or de facto governmental action (unless caused by the intentionally wrongful acts or omissions of the party), fires, explosions or floods, strikes, slowdowns or work stoppages any of which event(s) directly impact the Company's operations in the City.

**XV.
AFFIDAVIT OF NO PROHIBITED INTEREST**

Contractor acknowledges and represents Contractor 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 voidable. Contractor has executed the Affidavit of No Prohibited Interest, attached and incorporated herein as Exhibit "B".

**XVI.
TERMINATION FOR CAUSE**

If either party defaults in the performance of this Contract, the other party will give to the non-performing party a written and detailed notice of the default. If City is the defaulting party, it will have thirty (30) days to provide a written plan to cure the default

Service Contract Page 4

that is acceptable to Contractor and begin implementing the cure plan immediately after plan approval. If the non-performing party fails to provide or implement a cure plan, then the injured party, in addition to any other rights available to it under law, may immediately terminate this Contract effective upon giving a written notice of termination to the defaulting party.

Any termination of this Contract will not relieve either party of obligations previously incurred pursuant to this Contract, including payments which may be due and owing at the time of termination. All sums owed and not in dispute by City will become due and payable immediately upon termination of this Contract. Upon the effective date of termination, Contractor will have no further obligation to provide Services.

XVII. 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. However, upon the occurrence of such event, either party may terminate this Contract by giving the other party thirty (30) days written notice.

XVIII. TERMINATION FOR CONVENIENCE

City may, at its option, with or without cause, and without penalty or prejudice to any other remedy it may be entitled to at law, or in equity or otherwise under this Contract, terminate further work under this Contract, in whole or in part by giving at least sixty (60) days prior written notice thereof to Contractor with the understanding that all services being terminated shall cease upon the expiration of the 60-day period.

If Contractor provides Services after the termination or expiration of this Contract, the terms and conditions in effect at the time of the termination or expiration will apply to those Services.

XIX. MAILING OF NOTICES

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

City of Plano
Technology Services
P.O. Box 860358
Plano, Texas 75086-0358
Attn: David Stephens

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

INX, Inc.
1955 Lakeway Drive
Suite 220
Lewisville, Texas 75057
Attn: Traci Chrisman

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

**XX.
ENTIRE AGREEMENT**

This Contract and its attachments embody the entire agreement between the parties and may only be modified in writing if executed by both parties.

City agrees to reference this Contract and the Department of Information Resources Contract No. SDD-1386 on any purchase order issued in furtherance of this Contract, however, an omission of the reference to this Contract shall not affect its applicability. In no event shall either party be bound by any terms contained in a City purchase order, acknowledgement, or other writings unless: (i) such purchase order, acknowledgement, or other writings specifically refer to this Contract; (ii) clearly indicate the intention of both parties to override and modify this Contract; and (iii) such purchase order, acknowledgement, or other writings are signed by authorized representatives of both parties.

**XXI.
AUTHORITY TO SIGN**

The undersigned officers and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto.

**XXII.
SUCCESSORS AND ASSIGNS**

This Contract shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns.

**XXIII.
HEADINGS**

The headings of this Contract are for the convenience of reference only and shall not affect in any manner any of the terms and conditions hereof.

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

Service Contract

Page 6

INX, INC.

Date: _____

By: _____
Name: _____
Title: _____

CITY OF PLANO, TEXAS

Date: _____

By: _____
Thomas H. Muehlenbeck
CITY MANAGER

APPROVED AS TO FORM

Diane C. Wetherbee, CITY ATTORNEY

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 20__ by _____, (*Authorized representative*) _____ (*Title*) of **INX, INC.**, a Texas corporation, on behalf of said corporation.

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

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

Notary Public, State of Texas



Go **Direct**

Contract Number DIR-SDD-1386

QUOTATION



Created On: 30 Nov 2010
Expiration Date: 29 Dec 2010

Quote No: TC113010SBIP1Y
Project Name:

City of Plano
Phone:
Fax:

From: Traci Chrisman
Phone: 469-549-3841
Fax: 469-549-3871

<i>IronPort 1 Year Renewal</i>							
Catalog number	Description	Qty	Unit Price	Lead time	Discount %	Discounted Price	Total Price
EBUN-2A-GV-SQR-1Y-RE	Cisco IronPort Dual Email Security Bundle including Anti-Spam, Sophos AV, Virus Outbreak Filters, Centralized Management & Platinum Support 1 Year License Key	2,300	\$ 17.90		33.00	\$ 11.99	\$ 27,577.00
WUC-GV-1Y	Cisco IronPort Web Usage Controls 1 Year License Key, 2700 Users	2,700	\$ 7.77		29.00	\$ 5.52	\$ 14,904.00
IPAM-W-GV-1Y	Cisco IronPort Anti-Malware (Webroot Verdict Engine) Government 1 Year License Key, 2700 Users	2,700	\$ 7.50		29.00	\$ 5.33	\$ 14,391.00
WREP-GV-1Y	Cisco IronPort Web Reputation Filters 1 Year License Key, 2700 Users	2,700	\$ 8.63		29.00	\$ 6.13	\$ 16,551.00
IPAM-MFE-GV-1Y	Cisco IronPort Anti-Malware (McAfee Verdict Engine) Government 1 Year License Key, 2700 Users	2,700	\$ 4.88		29.00	\$ 3.46	\$ 9,342.00
SP-S650-P-1Y	Platinum Support for Cisco IronPort S650, 1 Year	1	\$ 13,416.67		29.00	\$ 9,525.84	\$ 9,525.84
M660-BUN-R-NA	Cisco IronPort M660, Standard Configuration	1	\$ 19,950.00		33.00	\$ 13,366.50	\$ 13,366.50
SP-M660-P-1Y	Platinum Support for Cisco IronPort M660, 1 Years	1	\$ 3,590.00		33.00	\$ 2,405.30	\$ 2,405.30
ICCM-10A-1Y	Cisco IronPort Centralized Configuration Manager, 1 Year License for up to 10 WSAs	1	\$ 9,950.00		33.00	\$ 6,666.50	\$ 6,666.50
Total:						\$	114,729.14

INX Inc.
1955 Lakeway Drive
Suite 220
Lewisville, TX 75057
CISV# 1-76-051-5249-906

Ground Freight Included
Quote valid for 30 days
Terms are Net 30
Lead times subject to change

Customer Signature of Acceptance Date

The amounts listed above do not include and are subject to additional charges if Client pays by credit card.

EXHIBIT
PAGE 1 OF 1

PRODUCER

MCGRUFF, SEIBELS & WILLIAMS OF TEXAS, INC.
811 Town and Country Lane, Suite 500
Houston, TX 77024
713-877-8975

This certificate is issued as a matter of information only and confers no rights upon the Certificate Holder. This Certificate does not amend, extend or alter the coverage afforded by the policies below.

COMPANIES AFFORDING COVERAGE

Company A Travelers Lloyds Insurance Company

Company B The Travelers Indemnity Company of CT

Company C Standard Fire Insurance Co

Company D Charter Oak Fire Insurance Company

Company E

INSURED

INX Inc.
11757 Katy Freeway
Suite 500
Houston, TX 77079

This is to certify that the policies of insurance described herein have been issued to the Insured named herein for the policy period indicated. Notwithstanding any requirement, term or condition of contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, conditions and exclusions of such policies. Limits shown may have been reduced by paid claims.

CO LT	TYPE OF INSURANCE	POLICY NUMBER	EFFECTIVE EXPIRATION	LIMITS OF LIABILITY	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> Commercial General Liability <input type="checkbox"/> Claims Made <input checked="" type="checkbox"/> Occurrence <input type="checkbox"/> Owners' and Contractors' Protection <input type="checkbox"/> General Aggregate Limit applies per: <input type="checkbox"/> Policy <input type="checkbox"/> Project <input type="checkbox"/> Location	6306931N919	05/15/2010 05/15/2011	EACH OCCURRENCE	\$ 1,000,000
				FIRE DAMAGE	\$ INCLUDED
				MEDICAL EXPENSE	\$ 10,000
				PERS. AND ADVERTISING INJURY	\$ 1,000,000
				GENERAL AGGREGATE	\$ 2,000,000
				PRODUCTS AND COMP. OPER. AGG.	\$ 2,000,000
D	AUTOMOBILE LIABILITY <input type="checkbox"/> Any Automobile <input type="checkbox"/> All Owned Automobiles <input type="checkbox"/> Scheduled Automobiles <input checked="" type="checkbox"/> Hired Automobiles <input checked="" type="checkbox"/> Non-owned Automobiles <input type="checkbox"/>	BA6931N919	05/15/2010 05/15/2011	COMBINED SINGLE LIMIT	\$ 1,000,000
				BODILY INJURY (Per person)	\$
				BODILY INJURY (Per accident)	\$
				PROPERTY DAMAGE (Per accident)	\$
				COMPREHENSIVE	
				COLLISION	
C	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY	HCUB6931N91910	05/15/2010 05/15/2011	WC Statutory Limit <input checked="" type="checkbox"/> Other <input type="checkbox"/>	
				EL EACH ACCIDENT	\$ 1,000,000
				EL DISEASE (Each employee)	\$ 1,000,000
				EL DISEASE (Policy Limit)	\$ 1,000,000
B	EXCESS LIABILITY <input checked="" type="checkbox"/> Occurrence <input type="checkbox"/> Claims Made	CUP1393R710	05/15/2010 05/15/2011	EACH OCCURRENCE	\$ 10,000,000
				AGGREGATE	\$ 10,000,000
A	TECHNOLOGY E&O Claims Made	TE09104971	05/15/2010 05/15/2011	Total Limit	\$ 5,000,000
				Each wrongful act limit	\$ 5,000,000
				Each wrongful act deductible	\$ 100,000
					\$
					\$

Certificate Holder is included as Additional Insured as respects General and Auto Liabilities. A Waiver of Subrogation is provided in favor of the Certificate Holder for Liabilities and Workers Compensation. All as required by written contract, but only for liability arising out of the operations of the Named Insured and subject to policy terms, conditions and exclusions.

CERTIFICATE HOLDER

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

Authorized Representative

 **EXHIBIT** B
PAGE 1 **OF** 1

FOR INFORMATION PURPOSES ONLY

AFFIDAVIT OF NO PROHIBITED INTEREST

I, the undersigned declare that I am authorized to make this statement on behalf of **INX, INC.**, a Texas corporation and I have made a reasonable inquiry and, to the best of my knowledge, no person or officer of **INX, INC.** is employed by the City of Plano or is an elected or appointed official of the City of Plano within the restrictions of the Plano City Charter.

I am aware that Section 11.02 of the City Charter states:

“No officer or employee of the city shall have a financial interest, direct or indirect, in any contract with the city, nor shall be financially interested, directly or indirectly, in the sale to the city of any land, or rights or interest in any land, materials, supplies or service. The above provision shall not apply where the interest is represented by ownership of stock in a corporation involved, provided such stock ownership amounts to less than one (1) per cent of the corporation stock. Any violation of this section shall constitute malfeasance in office, and any officer or employee of the city found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge, express or implied, of the persons or corporation contracting with the city shall render the contract voidable by the city manager or the city council.”

I further understand and acknowledge that a violation of Section 11.02 of the City Charter at anytime during the term of this contract will render the contract voidable by the City.

INX, INC.

By: _____
Signature

Print Name

Title

Date

STATE OF TEXAS §
 §
COUNTY OF _____ §

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____.

Notary Public, State of Texas

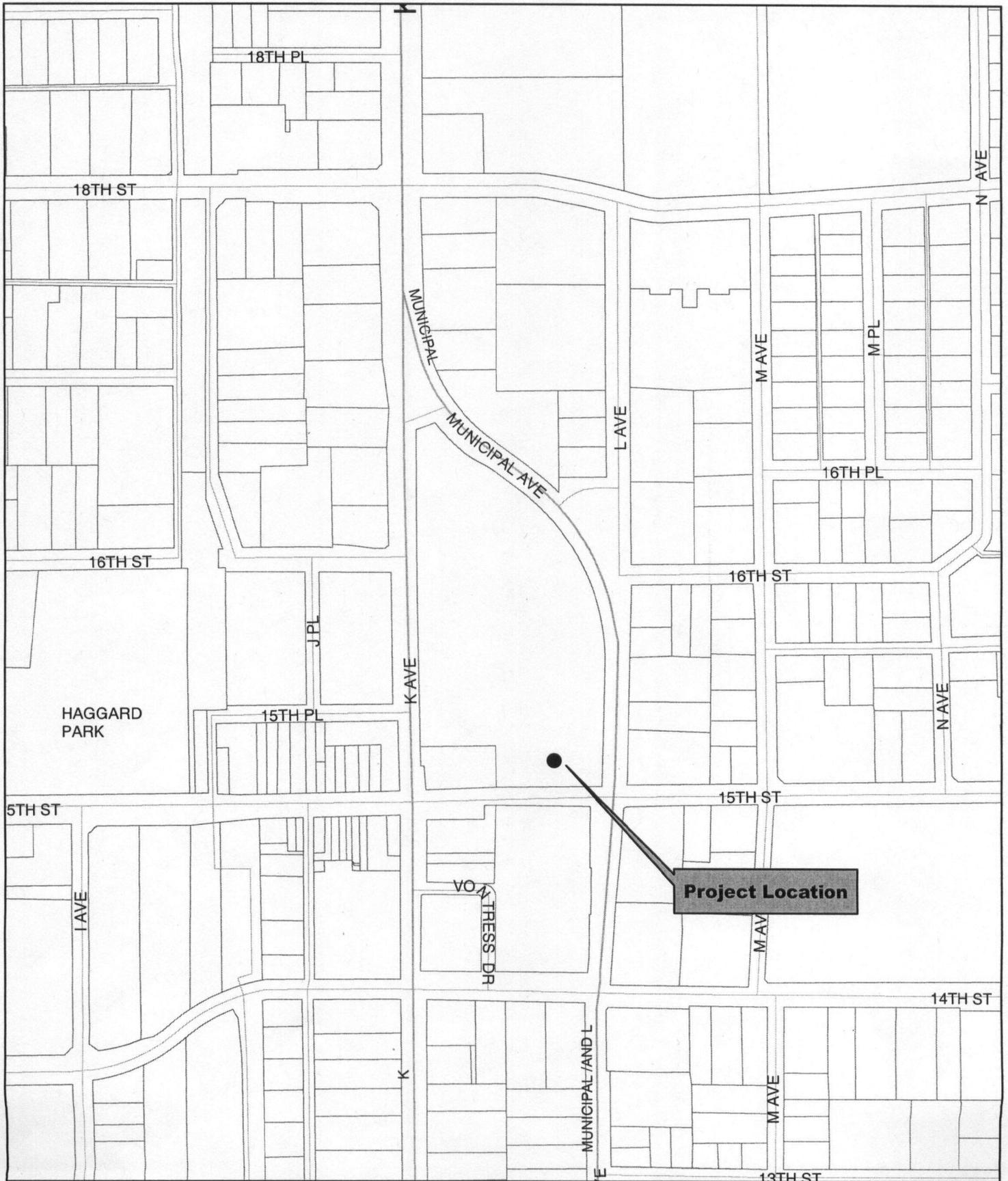
EXHIBIT C
PAGE 1 OF 1



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/10/11		
Department:		Public Works & Engineering		
Department Head:		Alan L. Upchurch		
Agenda Coordinator (include phone #):		Irene Pegues (7198)		Project No. 6119
CAPTION				
To approve an Architectural Services Agreement by and between the City of Plano and Alliance Architects, Inc., in the amount of \$121,220, for Technology Services Data Center schematic design; and authorizing the City Manager or his authorized designee to execute all necessary documents.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	1,000,000	7,000,000	8,000,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-121,220	0	-121,220
BALANCE	0	878,780	7,000,000	7,878,780
FUND(S): MUNICIPAL FACILITIES AND PARKING CIP				
COMMENTS: Funds are included in the 2010-11 Municipal Facilities and Parking CIP Fund. This item, in the amount of \$121,220, will leave a current year balance of \$878,780 for Technology Service Facility project.				
STRATEGIC PLAN GOAL: Architectural design services for the Technology Services Facility relate to the City's Goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
This agreement with Alliance Architects, Inc., is for programming, discovery and schematic design of the Technology Services Data Center to include evaluation of renovation versus demolition and new construction, programming of functional and space requirements for data center and support space and associated LEED analyses and support work.				
The contract fee is \$121,220 and is detailed as follows:				
Programming and discovery		\$ 39,800		
Schematic design		\$ 69,220		
Additional services (testing and modeling), if required		\$ 12,200		
TOTAL		<u>\$121,220</u>		
The scope of design will address construction of an energy efficient, flexible and scalable space for the primary City data center and renovation/construction of efficient work space for the Technology Services Department.				
Funding is available from the Facilities Community Investment Program. Staff feels the fee is reasonable for this project estimated to cost \$7,000,000.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Architectural Services Agreement, Location Map		N/A		

Technology Services



Location Map

TECHNOLOGY SERVICES DATA CENTER

PROJECT NO. 6119

ARCHITECTURAL SERVICES AGREEMENT

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

WITNESSETH:

WHEREAS, the City desires to engage the services of the Architect to prepare construction plans, specifications, details and special provisions and to perform other related architectural services in connection with the **TECHNOLOGY SERVICES DATA CENTER** located in the City of Plano, Collin County, Texas, hereinafter referred to as the "Project"; and

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

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

I. Employment of the Architect

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

II. Scope of Services

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

III. Schedule of Work

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

IV. Compensation and Method of Payment

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

V. Information to be Provided by the City

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

VI. Insurance

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

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

VII. INDEMNITY

THE ARCHITECT AGREES TO DEFEND, INDEMNIFY AND HOLD THE CITY AND ITS RESPECTIVE OFFICERS, AGENTS AND EMPLOYEES, HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, FINES, PENALTIES, COSTS AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE OR OTHER HARM OR VIOLATIONS FOR WHICH RECOVERY OF DAMAGES, FINES, OR PENALTIES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY ARCHITECT'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS

CONTRACT, VIOLATIONS OF LAW, OR BY ANY NEGLIGENT, GROSSLY NEGLIGENT, INTENTIONAL, OR STRICTLY LIABLE ACT OR OMISSION OF THE ARCHITECT, ITS OFFICERS, AGENTS, EMPLOYEES, INVITEES, SUBCONTRACTORS, OR SUB-SUBCONTRACTORS AND THEIR RESPECTIVE OFFICERS, AGENTS, OR REPRESENTATIVES, OR ANY OTHER PERSONS OR ENTITIES FOR WHICH THE ARCHITECT IS LEGALLY RESPONSIBLE IN THE PERFORMANCE OF THIS CONTRACT. THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH SHALL NOT APPLY TO ANY LIABILITY RESULTING FROM THE SOLE NEGLIGENCE OF THE CITY, AND ITS OFFICERS, AGENTS, EMPLOYEES OR SEPARATE ARCHITECTS. THE CITY DOES NOT WAIVE ANY GOVERNMENTAL IMMUNITY OR OTHER DEFENSES AVAILABLE TO IT UNDER TEXAS OR FEDERAL LAW. THE PROVISIONS OF THIS PARAGRAPH ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND ARE NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY.

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

VIII. Independent Contractor

Architect covenants and agrees that Architect is an independent contractor and not an officer, agent, servant or employee of City; that Architect 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 Architect, its officers, agents, employees, contractors, subcontractors and consultants, and nothing herein shall be construed as creating a partnership or joint enterprise between City and Architect.

IX. Assignment and Subletting

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

X. Audits and Records/Prohibited Interest

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

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

XI. Contract Termination

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

XII. Architect's Opinion of Probable Construction Costs

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

XIII. Ownership of Documents

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

XIV. Complete Contract

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

XV. Mailing of Notices

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

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

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

Alliance Architects, Inc.
1600 North Collins Blvd., Ste. 1000
Richardson, Texas 75080
Attn: Charles J. Reagan, Principal

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

XVI. Miscellaneous

A. Paragraph Headings:

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

B. Contract Interpretation:

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

C. Venue/Governing Law:

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

D. Successors and Assigns:

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

E. Severability:

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

F. Effective Date:

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

G. Authority to Sign:

The undersigned officers and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto.

SIGNED on the date indicated below.

**TECHNOLOGY SERVICES DATA
CENTER**
A Texas Corporation

DATE: _____

BY: _____
Charles J. Regan, AIA, NCARB
PRINCIPAL

CITY OF PLANO, TEXAS

DATE: _____

BY: _____
Thomas H. Muehlenbeck
CITY MANAGER

APPROVED AS TO FORM:

Diane C. Wetherbee
CITY ATTORNEY

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of _____, 20____, by _____, _____ of **ALLIANCE ARCHITECTS, INC.**, a **TEXAS** corporation, on behalf of said corporation.

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

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

Notary Public, State of Texas

EXHIBIT "A"

SCOPE OF SERVICES

A. PROGRAMMING AND DISCOVERY

1. Visit the project site and become familiar with its overall characteristics. Perform site investigation, field verification and CADD documentation of existing building components. This includes site and topographic survey, overall structural review, floor plans and MEP systems. Document findings for planning and feasibility study.
2. Coordinate and participate in OEM presentations relative to current and emerging technologies specific to Data Center infrastructure.
3. Coordinate and participate in 3 Data center visits for City exposure to peer facilities
4. Review available existing pertinent data, in the form of plans, base maps, aerial photographs, engineering information and controls, planning reports and projections.
5. Review and assist in the development and review of design intent and basis of design documentation for mechanical and lighting systems.
6. Perform design review of HVAC concepts and construction documents. Investigation of LEED rating system to identify possible areas from which credits can be accumulated toward a desired certification level.
7. Meet informally with appropriate agencies for planning and consulting as required.
8. Meet with and coordinate work with other designated project consultants and City of Plano staff.
9. Perform furniture and equipment inventory and documentation of existing furniture and equipment to be relocated. This information shall be provided in both spread sheet format and plans as part of the space planning process.
10. Meet with City of Plano staff, as required, to confirm information pertaining to (but not limited to):
 - a. Existing and Projected Spaces that may be needed
 - b. Existing and Projected Space Allocations
 - c. Existing and Projected Furnishings and Equipment
 - d. Operating Procedures and Communication Relationships
 - e. Security and Safety Criteria Information
 - g. Long - Term Expansion Strategy Formulation
 - h. Critical Path Scheduling for Project including milestone dates for information and decisions.

B. SCHEMATIC DESIGN

1. Based on the approved programming report, prepare architectural and engineering schematic design for renovation of the existing structure. These will indicate distribution of spaces reflecting adjacency requirements and square footage allocations for all portions of the program.
2. Develop and present architectural and engineering schematic design reflecting types and qualities of finishes and materials for a new structure to replace the existing. Prepare computer generated elevations or perspectives to reflect building concepts.

3. Coordinate with special consultants required for this project, such as: consulting engineers, computer, security, communications, audio/visual, lighting, acoustical, etc.
4. Facilitate sustainable building design Owner's Project Requirements workshop in which all design team members and Owner will be requested to attend in order to complete the LEED investigation and solidify the design team's resolve to develop design to support the identified credit goal. Document workshop results in written summary report.
5. Review and assist in the development and review of design intent and basis of design documentation for mechanical and lighting systems.
6. Perform design review of HVAC concepts and construction documents.
7. Register project with USGBC, fill-out on-line pre-certification documents, and assign responsibilities for credit submission requirements.
8. Monitor progress of design relative to credit goals.
9. Verify applicable codes to assure compliance.
10. Provide an overall project schedule, including project milestones and approvals required by governing jurisdictions.
11. Develop a preliminary statement of probable cost for construction of both project schemes.

EXHIBIT "B"

SCHEDULE OF WORK

Field Investigation; Architectural, MEP, LEED	10 days	Mon 1/3/11	Fri 1/14/11
Survey & Topo	10 days	Mon 1/3/11	Fri 1/14/11
OEM Presentations	10 days	Mon 1/10/11	Fri 1/21/11
Data Center Tours	10 days	Mon 1/10/11	Fri 1/21/11
LEED Workshop	1 day	Wed 1/5/11	Wed 1/5/11
Programming Interviews, Questionnaires	5 days	Mon 1/3/11	Fri 1/7/11
Programming Report	5 days	Mon 1/10/11	Fri 1/14/11
City of Plano Review	5 days	Mon 1/17/11	Fri 1/21/11
City of Plano Approval of Program	1 day	Mon 1/24/11	Mon 1/24/11
Schematic Design, Renovation	25 days	Tue 1/25/11	Mon 2/28/11
Schematic Design, New Building	30 days	Tue 1/25/11	Mon 3/7/11
Interim Design Review 1	1 day	Thu 2/3/11	Thu 2/3/11
Interim Design Review 2	1 day	Thu 2/24/11	Thu 2/24/11
Presentation of Final Schematic Design	1 day	Tue 3/8/11	Tue 3/8/11

EXHIBIT "C"

COMPENSATION

1. Compensation for the services described shall be Lump Sum Fees based on the following:

SCOPE OF WORK	FEES
2. PROGRAMMING AND DISCOVERY	
Architectural	\$14,500.00
Structural analysis	3,800.00
Civil Boundary and Topographic Survey	6,000.00
MEP engineering	11,500.00
LEED administration	3,000.00
<u>LEED commissioning</u>	<u>1,000.00</u>
Sub-Total	\$39,800.00
3. SCHEMATIC DESIGN	
Architectural	41,000.00
Structural engineering	4,500.00
Preliminary grading and drainage	3,500.00
MEP engineering	14,220.00
LEED administration	4,000.00
<u>LEED commissioning</u>	<u>2,000.00</u>
Sub-Total	\$69,220.00
4. TOTAL FEES	\$109,020.00
5. ALTERNATE SERVICES, IF REQUIRED	
Air quality testing:	2,000.00
Functional and performance testing of HVAC and Lighting:	5,200.00
Energy Modeling:	<u>5,000.00</u>
	\$12,200.00
6. TOTAL CONTRACT AMOUNT NOT TO EXCEED	\$121,220.00

PAYMENT

AAI will invoice the Client on a monthly basis for services performed and expenses incurred. All charges will be due and payable within Thirty (30) days following receipt by Client. Unpaid invoices will accrue interest after Forty-five (45) days from the date of the invoice at a rate of one (1%) percent per month.

EXHIBIT "D"

ARCHITECTURE

INSURANCE

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

1. General Insurance Requirements:

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

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

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

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

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

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

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

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

3.0 Consultant's Insurance – Claims Made

Professional Errors and Omissions

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

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

ARCHITECTURE

City of Plano - Insurance Checklist

("X" means the coverage is required.)

Coverages Required

Limits (Figures Denote Minimums)

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



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/10/11		
Department:		Public Works & Engineering		
Department Head:		Alan L. Upchurch		
Agenda Coordinator (include phone #):		Irene Pegues (7198)		Project No. 6060
CAPTION				
To approve and authorize Contract Modification No. 1 for additional design services for Aquatic Center Renovations in the amount of \$89,400 from Brinkley Sargent Architects; and authorizing the City Manager or his authorized designee to execute all necessary documents.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	20,624	1,979,376	1,500,000	3,500,000
Encumbered/Expended Amount	-20,624	-376,916	0	-397,540
This Item	0	-89,400	0	-89,400
BALANCE	0	1,513,060	1,500,000	3,013,060
FUND(S): RECREATION CENTER CIP				
COMMENTS: Funds are included in the 2010-11 Recreation Center CIP. This item, in the amount of \$89,400, will leave a current year balance of \$1,513,060 for the Aquatic Center Renovation project. STRATEGIC PLAN GOAL: Engineering design services for recreation center renovation relate to the City's Goal of Great Neighborhoods - 1 st Choice to Live.				
SUMMARY OF ITEM				
Following initial inspections and design review, additional design services are required to complete the design of a new pool as more cost effective than renovating the existing 30 year old pool.				
The original contract amount was \$397,540. The Public Works & Engineering Department is seeking City Council approval because this first modification exceeds \$25,000. The revised contract amount is \$486,940.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Contract Modification		N/A		

CONTRACT MODIFICATION

AQUATIC CENTER RENOVATION PROJECT NO. 6060

PURCHASE ORDER NO. 103834 CIP NO. 23408

This shall serve as a First Modification to the Contract between the City of Plano, Texas (hereinafter "City"), and Brinkley Sargent Architects (hereinafter "Consultant"), dated June 28, 2010, for Professional Architectural Services for the referenced project (hereinafter "Project").

Services:

This Modification amends the scope of services as originally set forth in the contract as follows:

Design of new pool and supporting equipment as being more cost effective than renovating existing. Adding design of additional mechanical, plumbing, electrical and lighting systems for change in scope for entrance.

Compensation:

For additional services provided pursuant to this Modification, City shall pay Consultant an amount not to exceed \$89,400.00. Such payment shall be made in accordance with the payment terms specified in the Contract.

In the event of any conflict or inconsistency between the provisions set forth in this Modification and the Contract, this Modification shall govern and control. For and in consideration of the covenants, duties and obligations herein contained, the parties do mutually agree that except as provided above, all other terms and conditions of the Contract shall remain unchanged and in full force and effect.

Original Contract Amount	<u>\$ 397,540.00</u>
Contract Amount (Including Previous Modifications)	<u>\$ 397,540.00</u>
Amount, Modification No. 1	<u>\$ 89,400.00</u>
Revised Contract Amount	<u><u>\$ 486,940.00</u></u>
Total Percent Increase Including Previous Modifications	<u>22.49%</u>

Authority to Sign:

The undersigned officers and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto.

CITY OF PLANO

OWNER

BRINKLEY SARGENT ARCHITECTS

CONSULTANT

By: _____
 (signature)

By: _____
 (signature)

Print Name: Thomas H. Muehlenbeck

Print Name: Dwayne Brinkley

Print Title: City Manager

Print Title: Chairman of the Board

Date: _____

Date: _____

ACKNOWLEDGMENTS

STATE OF TEXAS

COUNTY OF DENTON

This instrument was acknowledged before me on the _____ day of _____, 20____, by **DWAYNE BRINKLEY, CHAIRMAN OF THE BOARD** of **BRINKLEY SARGENT ARCHITECTS**, a Texas corporation, on behalf of said corporation.

Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF COLLIN

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

Notary Public, State of Texas



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		1/10/2011			
Department:		Public Works & Engineering			
Department Head		Alan L. Upchurch			
Agenda Coordinator (include phone #): Irene Pegues (X-7152) PROJ #4794-1					
CAPTION					
Approving and authorizing reimbursement to Tollway/121 Partners, Ltd. for oversize participation for public improvements associated with the construction of Parkwood Boulevard from Parkshore Drive to State Highway 121, in the amount of \$259,751.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		103,963	511,037	100,000	715,000
Encumbered/Expended Amount		-103,963	-53,357	0	-157,320
This Item		0	-259,751	0	-259,751
BALANCE		0	197,929	100,000	297,929
FUND(S): STREET IMPROVEMENT CIP					
COMMENTS: Funds are included in the 2010-11 Street Improvement CIP. This item, in the amount of \$259,751 will leave a current year balance of \$197,929 for Streets Oversized Reimbursements.					
STRATEGIC PLAN GOAL: Oversized participation for public improvements associated with construction relates to the City's Goal of Financially Strong City with Service Excellence.					
SUMMARY OF ITEM					
In accordance with the Subdivision Ordinance and a Subdivision Improvement Agreement, reimbursement of \$259,751.02 to Tollway/121 Partners, Ltd. is due for oversize participation for public improvements associated with construction of Parkwood Boulevard from Parkshore Drive to State Highway 121. The construction was inspected and found to be in conformance with the executed Agreement.					
Staff recommends the City Council authorize payment for the oversize participation.					
List of Supporting Documents: Letter dated 12/2/05 from City Engineer Letter dated 12/3/10 from Engineering Manager Exhibits A & C Location Map			Other Departments, Boards, Commissions or Agencies N/A		



December 2, 2005

Tollway/121 Partners, Ltd.
5800 Granite Parkway #750
Plano, Texas 75024

**Re: Parkwood Boulevard, Parkshore Drive to SH 121
Project No. 4794-1**

Gentlemen:

A final inspection of the water, sanitary sewer, paving, and drainage improvements, as shown on plans prepared by Wier & Associates, Inc., has been made by the City of Plano. These improvements were found to be satisfactory and in accordance with the City of Plano specifications.

A Maintenance Bond has been received from Mario Sinacola. Therefore, the improvements noted above are accepted by the City of Plano subject to the one-year maintenance requirements.

Sincerely,

Alan Upchurch, P.E.
City Engineer

Is

cc: Building Inspection - Keith Schmidt, Anthony Han, Charles Hart,
Mamie Free, Cliff Bormann
Planning - Charles Alexander, Melody Spencer
Engineering - Warren Laney, Irene Pegues
Public Works - Dale Pettit
Utility Operations - David Ratcliff
Parks - Jim Fox
Verizon
Southwestern Bell (2 locations)
Wier & Associates, Inc.
Mario Sinacola

St Evans
Mayor

Don Lambert
Mayor Pro Tem

Scott Johnson
Deputy Mayor Pro Tem

Rep Stahl
Place 1

Veretta Ellerbe
Place 3

Ally Magnuson
Place 4

Harry LaRosiliere
Place 5

Jan Callison
Place 7

Thomas H. Muehlenbeck
City Manager

MEMORANDUM

Date: December 3, 2010
To: Melody Morgan, CIP Budget Coordinator
From: Gerald P. Cosgrove, Engineering Manager
Subject: Parkwood Boulevard from Parkshore Drive to
State Highway 121 - Project No. 4794-1

It has been five years since the acceptance of the public improvements in subject addition. In accordance with our Subdivision Improvement Agreement dated November 9, 2004, the remaining oversize participation in the amount of \$259,751.02 is due to Tollway/121 Partners, Ltd.

Reimbursement Due	\$259,751.02
Prior Reimbursements	0
Total City Participation	<u>\$259,751.02</u>

GPC/eh

xc: Alan Upchurch
Ricky Lindley

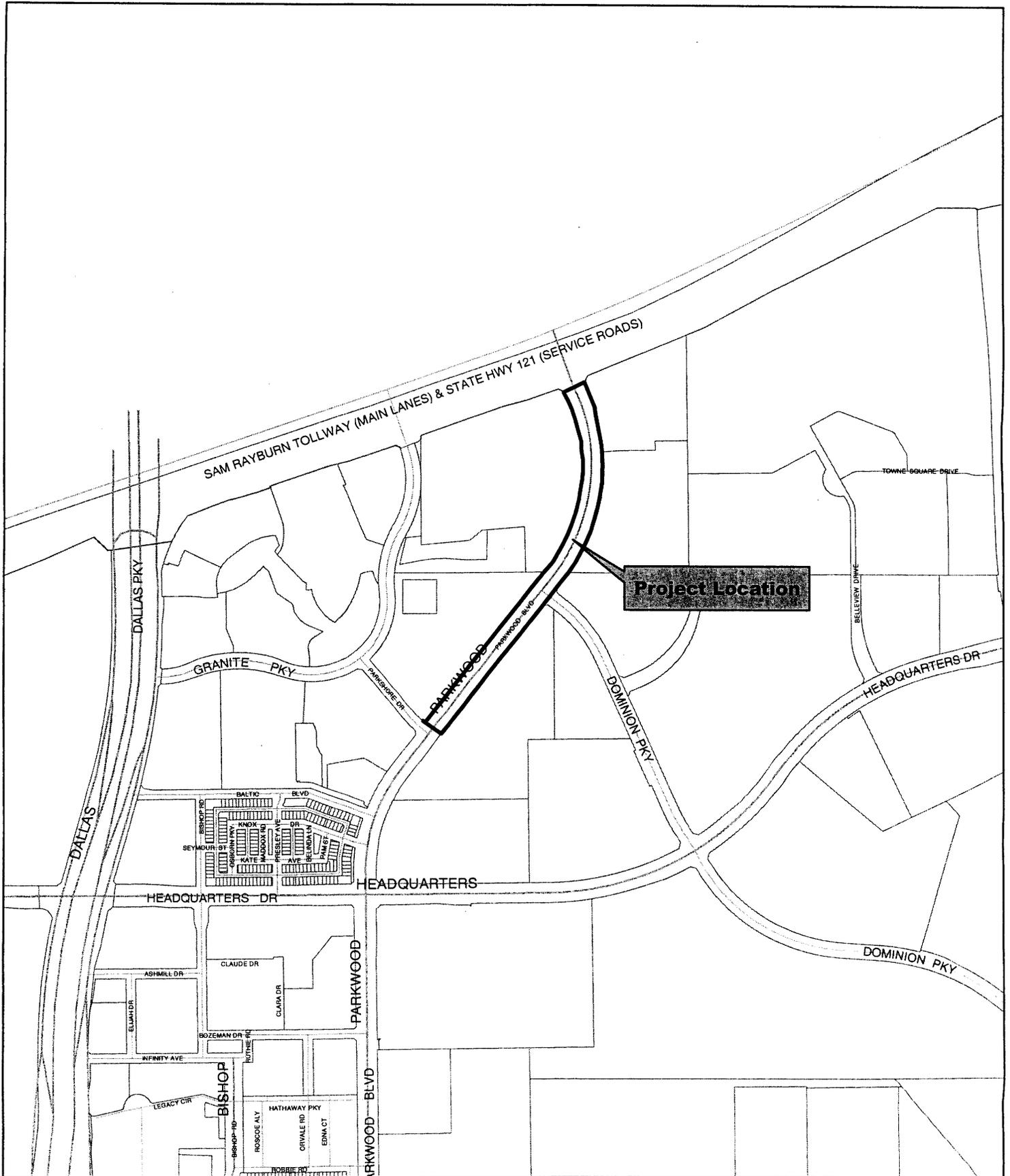
EXHIBIT "A"
OVERSIZE COST REIMBURSEMENTS

Item No.	Quantity	Unit	Description	Unit Price	Total Price
Paving, Water& Culvert Improvements					
1	3,686	CY	Unclassified Excavation	\$2.00	\$7,372.00
2	9,479	SY	6" Lime Stabilized Subgrade (36 lbs/SY)	\$1.65	\$15,640.35
3	170.6	TON	Hydrated Lime	\$85.00	\$14,501.00
4	8,923	SY	8" 5,000 psi Concrete Pavement	\$21.86	\$195,056.78
5	1	EA	Landscape Maintenance Ramp	\$200.00	\$200.00
6	488	LF	2" PVC Conduit for Street Lights	\$5.00	\$2,440.00
7	9	EA	Pullbox	\$500.00	\$4,500.00
8	341	EA	4" White Reflective Traffic Buttons	\$4.00	\$1,364.00
9	1,136	EA	4" White Non-reflective Traffic Buttons	\$2.75	\$3,124.00
10	1	EA	24" Thermoplastic Stop Bar	\$500.00	\$500.00
11	2	EA	Thermoplastic Paint Right Turn Only Arrow	\$175.00	\$350.00
TOTAL CITY PARTICIPATION					\$245,048.13
6% ENGINEERING					\$14,702.89
TOTAL EXHIBIT "A"					\$259,751.02
DUE UPON DEVELOPMENT OF ADJACENT PROPERTY					\$
SUBJECT TO AVAILABILITY OF FUNDING					

EXHIBIT "C"
PUBLIC IMPROVEMENTS

Item No.	Quantity	Unit	Description	Unit Price	Total Price
Paving, Drainage, Water & Sewer Improvements					
1	7,368	CY	Unclassified Excavation	\$2.00	\$14,736.00
2	8,006	CY	Controlled Density Fill	\$3.00	\$24,018.00
3	1	LS	Right-of-way Preparation	\$10,500.00	\$10,500.00
4	1	EA	Remove Existing Drop Inlet	\$1,500.00	\$1,500.00
5	1	LS	Remove & Backfill Existing Well	\$4,000.00	\$4,000.00
6	1	LS	Remove Existing Traffic Buttons	\$410.00	\$410.00
7	21,996	SY	6" Lime Stabilized Subgrade (36 lbs/SY)	\$1.65	\$36,293.40
8	395.9	TON	Hydrated Lime	\$85.00	\$33,653.88
9	20,992	SY	8" Reinforced Concrete Street Pavement	\$21.86	\$458,885.12
10	9	EA	Landscape Maintenance Ramp	\$200.00	\$1,800.00
11	456	SF	Pavestone Median Cap	\$9.50	\$4,332.00
12	240	SF	Monolithic Median Nose	\$20.00	\$4,800.00
13	28,765	SY	4" Topsoil & Hydromulch Seed	\$1.00	\$28,765.00
14	344	LF	4" Sch. 40 PVC Irrigation Conduit	\$7.00	\$2,408.00
15	488	LF	2" Sch. 40 PVC Street Light Conduit	\$5.00	\$2,440.00
16	9	EA	Pullbox	\$500.00	\$4,500.00
17	531	EA	4"x4" Reflectorized Clear Acrylic Pavement Markers	\$4.00	\$2,124.00
18	1,318	EA	4" Non-reflectorized Ceramic Pavement Markers	\$2.75	\$3,624.50
19	2	EA	8' Reflectorized Right Turn Arrow	\$175.00	\$350.00
20	1	EA	24" Reflectorized Stop Bar	\$500.00	\$500.00
21	200	LF	21" R.C.P. Storm Drain Pipe Class III	\$40.28	\$8,056.00
22	286	LF	24" R.C.P. Storm Drain Pipe Class III	\$45.53	\$13,021.58
23	202	LF	27" R.C.P. Storm Drain Pipe Class III	\$51.82	\$10,467.64
24	150	LF	30" R.C.P. Storm Drain Pipe Class III	\$58.44	\$8,766.00
25	411	LF	33" R.C.P. Storm Drain Pipe Class III	\$68.12	\$27,997.32
26	174	LF	39" R.C.P. Storm Drain Pipe Class III	\$96.75	\$16,834.50
27	88	LF	45" R.C.P. Storm Drain Pipe Class III	\$113.73	\$10,008.24
28	367	LF	48" R.C.P. Storm Drain Pipe Class III	\$124.57	\$45,717.19
29	466	LF	54" R.C.P. Storm Drain Pipe Class III	\$148.10	\$69,014.60
			SUBTOTAL		<u>\$849,522.97</u>
			6% ENGINEERING		<u>\$50,971.38</u>
			TOTAL PUBLIC IMPROVEMENTS		<u>\$900,494.35</u>
			MAXIMUM CITY PARTICIPATION IS BASED ON		<u>\$270,148.30</u>
			30% OF TOTAL PUBLIC IMPROVEMENTS OR		
			TOTAL OF EXHIBIT "A", WHICHEVER IS SMALLER		

Reimbursement to Tollway/121 Partners, Ltd.



Location Map



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		01/10/2011		
Department:		Purchasing		
Department Head		Mike Ryan		
Agenda Coordinator (include phone #): Bev Rogers 972-941-7376				
CAPTION				
<p>A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the County of Denton for participation in the Scofflaw Program in accordance with Section 702.003 of the Texas Transportation Code allowing the county tax assessor-collector to deny motor vehicle registrations or re-registrations for persons with outstanding warrants for failure to appear or failure to pay a fine involving the violation of a traffic offense; authorizing its execution by the City Manager, or in his absence, an authorized designee; and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	6,000	0	6,000
Encumbered/Expended Amount	0	-200	0	- 200
This Item	0	-400	0	- 400
BALANCE	0	5,400	0	5,400
FUND(S): MUNICIPAL COURT TECHNOLOGY FUND				
<p>COMMENTS: Funds are available in the 2010-11 Municipal Court Technology Fund. This item, in the amount of \$400, is the fee for participation in the Scofflaw Program in Denton County.</p>				
<p>STRATEGIC PLAN GOAL: Participation in the Scofflaw Program in Denton County relates to the City's goal of Partnering for Community Benefit.</p>				
SUMMARY OF ITEM				
Request for an Interlocal Agreement between the City of Plano and the County of Denton for participation in the Scofflaw Program.				
List of Supporting Documents: Resolution, Interlocal Agreement with TxDOT			Other Departments, Boards, Commissions or Agencies	

A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the County of Denton for participation in the Scofflaw Program in accordance with Section 702.003 of the Texas Transportation Code allowing the county tax assessor-collector to deny motor vehicle registrations or re-registrations for persons with outstanding warrants for failure to appear or failure to pay a fine involving the violation of a traffic offense; authorizing its execution by the City Manager, or in his absence, an authorized designee; and providing an effective date.

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

WHEREAS, the City Council has been presented a proposed Interlocal Cooperation Agreement by and between the City of Plano, Texas and the County of Denton for participating in the Scofflaw Program, in accordance with Section 702.003 of the Texas Transportation Code (hereinafter "Agreement"), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, Transportation Code Section 702.003 allows a County Tax Assessor-Collector or the Texas Department of Motor Vehicles, upon receipt of information from a municipality, to refuse to register a motor vehicle if the owner of the vehicle has an outstanding warrant from that municipality for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law; and

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

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

Section I. The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best 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 authorized designee, is hereby authorized to execute the Agreement and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Agreement.

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

DULY PASSED AND APPROVED this the 10th day of January, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

RESOLUTION NO. 2010-7-3(R)

A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and Texas Department of Transportation ("TxDOT") for participation in the Scofflaw Program in accordance with Section 702.003 of the Texas Transportation Code for the collection of outstanding warrant fees; authorizing its execution by the City Manager, or his designee; and providing an effective date.

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

WHEREAS, the City Council has been presented a proposed Interlocal Cooperation Agreement by and between the City of Plano, Texas and TxDOT for participating in the Scofflaw Program, in accordance with Section 702.003 of the Texas Transportation Code (hereinafter "Agreement"), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, Transportation Code Section 702.003 allows a County Tax Assessor-Collector or the Texas Department of Motor Vehicles, upon receipt of information from a municipality, to refuse to register a motor vehicle if the owner of the vehicle has an outstanding warrant from that municipality for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law; 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, shall be authorized to execute it on behalf of the City of Plano.

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

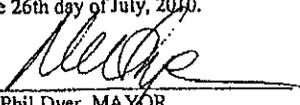
Section I. The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, are hereby in all things approved.

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

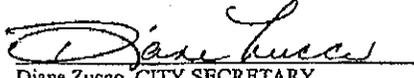
Section III. This Resolution shall become effective from and after its passage.

RESOLUTION NO. 2010-7-3(R)

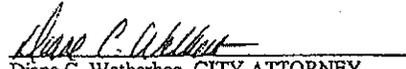
DULY PASSED AND APPROVED this the 26th day of July, 2010.


Phil Dyer, MAYOR

ATTEST:


Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:


Diane C. Wetherbec, CITY ATTORNEY



Texas Department of Transportation

VEHICLE TITLES AND REGISTRATION DIVISION • AUSTIN, TEXAS 78779-0001 • (512) 465-7811

Section 702.003 of the Texas Transportation Code provides that a county tax assessor-collector or the Texas Department of Transportation (department) may refuse to register a motor vehicle, if the department receives under a city scofflaw contract information from a municipality that the owner of the vehicle has an outstanding warrant from that municipality for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law.

Section 707.017 of the Texas Transportation Code provides that a county tax assessor-collector or the Texas Department of Transportation may refuse to register a motor vehicle alleged to have been involved in a violation, if the owner of the vehicle is delinquent in the payment of a civil penalty imposed under this chapter.

A city may contract with the Texas Department of Transportation (TxDOT) to "flag" motor vehicle records of such vehicles. Although not a contractual requirement, TxDOT recommends that a city seek an agreement of cooperation with the county or counties in which they are located to confirm that they will agree to deny vehicle registration on their behalf.

In order to place or remove "flags" from motor vehicle records, a city must submit their input files to TxDOT on CD-ROMs or as an e-mail attachment. The input data must be formatted to TxDOT specifications as indicated in "City Scofflaw Input File Requirements", Attachment G of the contract. The cost to the city will be \$23.00 per computer run (file submission) plus \$.12 (twelve cents) for each transaction in the file. Payment must be remitted either at the time each file is submitted or, as an alternative, the city shall establish a non-interest bearing escrow account (see Attachment B, "Budget").

The attached contract outlines the conditions under which TxDOT will place and remove "flags" on motor vehicle records as provided for by Section 702.003 and Section 707.017 of the Transportation Code. The contract must be completed in full and signed by an authorized city official in the space provided. The contract constitutes the sole and only agreement between TxDOT and a participating municipality for the purpose of placing and removing "flags" on motor vehicle records.

Upon completion of the properly executed and unmodified contract, please return to:

Texas Department of Transportation
Vehicle Titles and Registration Division
Attention: Technology Support Branch
4000 Jackson Avenue
Austin, Texas 78731-6007

If you have any questions of a technical nature regarding the data processing or regarding the stipulations of the contract, please call the Technology Support Branch at (512) 467-5983 or (512) 465-7950.

Sincerely,

Rebecca Davio, Ph.D., Director
Vehicle Titles and Registration Division

Attachment

Exhibit "A" to Resolution No. 2010-7-3(R)

THE STATE OF TEXAS §
THE COUNTY OF TRAVIS §

INTERLOCAL AGREEMENT

THIS CONTRACT is entered into by the Contracting Parties under Government Code, Chapter 791.

I. CONTRACTING PARTIES:

The Texas Department of Transportation (TxDOT)
CITY OF PLANO (Local Government)

II. PURPOSE: Scofflaw Services contract for marking Texas Motor Vehicle Registration Records.

III. STATEMENT OF SERVICES TO BE PERFORMED: TxDOT will undertake and carry out services described in Attachment A, Scope of Services.

IV. CONTRACT PAYMENT: Contract payment shall conform to the provisions of Attachment B, Budget.

V. TERM OF CONTRACT: This contract begins when fully executed by both parties and terminates on _____ or when otherwise terminated as provided in Attachment C, Article 5 of this Agreement.

VI. LEGAL AUTHORITY:

THE PARTIES certify that the services provided under this contract are services that are properly within the legal authority of the Contracting Parties.

TxDOT further certifies that it has the authority to perform the services by authority granted in Section 702.003 and in Section 707.017 of the Texas Transportation Code.

The governing body, by resolution or ordinance, dated 7-26-10, has authorized the Local Government to obtain the services described in Attachment A.

This contract incorporates the provisions of Attachment A, Scope of Services, Attachment B, Budget, Attachment C, General Terms and Conditions, Attachment D, Resolution or Ordinance, Attachment E, Contact Information, Attachment F, Account Information and Attachment G, City Scofflaw Input File Requirements.

CITY OF PLANO (Name of Local Government)
By Thomas Muehlenbeck Date 8/31/10
AUTHORIZED SIGNATURE
Thomas Muehlenbeck, City Manager
TYPED OR PRINTED NAME AND TITLE
Title CITY MANAGER

APPROVED AS TO FORM:

[Signature]
Diane C. Wetherbee, CITY ATTORNEY

FOR THE STATE OF TEXAS

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

By Ed Serna Date 8/30/10
~~Rebecca Davis, Ph.D.~~ Ed Serna
~~Director, Vehicle Titles and Registration Division~~ Executive Director
~~Texas Department of Transportation~~ Motor Vehicles

ATTACHMENT A
Scope of Services

TxDOT will:

1. On initial probes (inquiries) of data submissions received from the local government, generate an output file containing matching license plates. If no vehicle record is found, such factual information will be indicated on the output file together with the input data. Input and output files will be returned to the Local Government after completion of the computer run.
2. Place "flags" on vehicle records based on data submissions received from Local Government containing "flag" request codes.

A flagged record will cause:

- A. A "scofflaw" remark to be displayed on inquiry devices and point-of-sale workstations as part of the vehicle record when an inquiry is made on a "flagged" record.
 - B. The printing of registration renewal notices with a "scofflaw" remark ("City Scofflaw: PLANO (City Name)") so the Local Government may deny registration. Explanation on the back of the registration renewal notice form directs the registrant to the county tax office, or the municipal court in the indicated city.
3. Remove "flags" from vehicle records based on data submissions received from Local Government containing "clear" request codes.

Local Government shall:

1. Provide data submissions to TxDOT via CD-ROMs or e-mail attachments in accordance with TxDOT specifications (see Attachment G) for computer run of initial probes (inquiry), flags (marking) of vehicle records and clears (removal) of flags.
2. Label CD-ROMs externally with the type of run to be made ("probe", "flag" and/or "clear") and the number of logical records. Note: Files containing probes must be exclusively probes. Files containing flags or clears can be exclusively flags or clears, or a combination of flags and clears.
3. Submit an application to establish the method of payment (see Attachment F), and establish account prior to submitting inquiries.

ATTACHMENT B

Budget

The Local Government shall pay to TxDOT the amount of \$23.00 per computer run (file submission) plus \$.12 (twelve cents) for each transaction ("probe", "flag", or "clear") submitted to TxDOT.

Payments shall be made to the following address:

Texas Department of Transportation
Vehicle Titles and Registration Division
PO Box 5020
Austin, TX 78763-5020

- A. If the Local Government chooses to submit their input file via CD-ROM, the attached "Account Information" form must be completed, indicating that the Local Government wishes to establish a "Pay Upon Request" Account. The applicable payment shall be made each time a request to probe (search/inquiry), place or remove "flags" from motor vehicle records is submitted to TxDOT.
- B. As an alternative, if the Local Government chooses to send their input file as an e-mail attachment, the "Account Information" form must be completed, indicating that the Local Government wishes to establish a non-interest bearing escrow account ("Prepaid Account") with TxDOT. Upon agreement between the Local Government and TxDOT and payment of applicable fees, as described below, TxDOT will establish an account in the name of the Local Government. Charges will be deducted from the escrow account until the balance of that account reaches the minimum required balance for the Local Government, as determined by TxDOT and provided herein.

A deposit of at least \$500.00 must be maintained in a non-interest bearing escrow account. This initial deposit is to cover estimated service use. The escrow account must be established with TxDOT prior to submission of probes (inquiries), or placing or removing "flags" from motor vehicle records for the Local Government. Payment of the deposit shall be made by check or warrant, payable to the "Texas Department of Transportation" and is due upon execution of this contract. The \$500.00 minimum balance to be maintained in the escrow account may increase depending on established monthly usage by the Local Government. The Local Government may deposit additional funds into the escrow account in excess of the stated minimum balance. When it becomes necessary to increase the Local Government's escrow account minimum balance, as determined by TxDOT, the Local Government agrees to pay the sum in increments of \$500.00. This additional funding is payable within fifteen (15) days from receipt of notification from TxDOT.

TxDOT will provide a statement to the Local Government which indicates the remaining balance in the Local Government's escrow account. A statement will be provided by TxDOT each time a probe or a request to place or remove "flags" from motor vehicle records is submitted.

If the balance in the non-interest bearing escrow account falls below the \$500.00 minimum balance, TxDOT will suspend processing probes, or placing or removing "flags" from motor vehicle records for the Local Government until such time as a deposit is made by the Local Government, in an amount sufficient to increase the balance in the escrow account to the \$500.00 minimum balance.

ATTACHMENT C

General Terms and Conditions

Article 1. Amendments

This contract may only be amended by written agreement executed by both parties before the contract is terminated.

Article 2. Conflicts Between Agreements

If the terms of this contract conflict with the terms of any other contract between the parties, the most recent contract shall prevail.

Article 3. Disputes

TxDOT shall be responsible for the settlement of all contractual and administrative issues.

Article 4. Ownership of Equipment

Except to the extent that a specific provision of this contract states to the contrary, all equipment purchased by TxDOT under this contract shall be owned by TxDOT.

Article 5. Termination

This contract may be terminated by mutual written agreement, or 30 days after either party gives notice to the other party, whichever occurs first.

Article 6. Gratuities

Any person who is doing business with or who reasonably speaking may do business with TxDOT under this contract may not make any offer of benefits, gifts, or favors to employees of TxDOT. The only exceptions allowed are ordinary business lunches and items that have received the advanced written approval of the Executive Director of the Texas Department of Transportation.

Article 7. Responsibilities of the Parties

Each party acknowledges that it is not an agent, servant, or employee of the other party. Each party is responsible for its own acts and deeds and for those of its agents, servants, or employees.

Article 8. Compliance with Laws

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules, and regulations and with the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement.

Article 9. State Auditor's Provision

The state auditor may conduct an audit or investigation of any entity receiving funds from TxDOT directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

Article 10. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

Exhibit "A" to Resolution No. 2010-7-3(R)

ATTACHMENT D

Resolution or Ordinance

On the 26th day of JULY, 2010, the PLANO City Council passed Resolution No. 2010-7-3(R), hereinafter identified by reference, authorizing the City's participation in the Program.

Exhibit "A" to Resolution No. 2010-7-3(R)

ATTACHMENT E

Contact Information

Technical assistance regarding probes, placing and removing of "flags" from motor vehicle records or information regarding payments for your account may be obtained by contacting the Vehicle Titles and Registration Division, Technology Support Branch, at (512) 467-5983 or (512) 465-7950 (Monday through Friday 8:00 AM - 5:00 PM).

ATTACHMENT F

ACCOUNT INFORMATION

VEHICLE TITLES AND REGISTRATION DIVISION 4000 JACKSON AVENUE, AUSTIN, TEXAS 78731-6007 PLEASE PRINT OR TYPE		Contract Number For Department Use Only
Type of Account Requested: <input checked="" type="checkbox"/> "Prepaid" Account <input type="checkbox"/> "Pay Upon Request" Account		
DATE:	ATTN: (Name and Telephone Number of Person Responsible For Account) VICKI SMITH	
ACCOUNT NAME:	PLANO MUNICIPAL COURT	
BILLING ADDRESS:	PLANO MUNICIPAL COURT PO BOX 860828 PLANO TX 75086-0828	
ATTENTION: (Name and Mailing Address of the Person Responsible for Sending and Receiving Files.)	Sheila Heugel PLANO Municipal Court PO Box 860828 PLANO TX 75086-0828	
MAILING ADDRESS:		
E-MAIL ADDRESS: (For Output File Returns By E-mail)	sheilah@plano.gov	
BUSINESS TELEPHONE NUMBER:	BUSINESS FAX NUMBER:	
972-941-2176	972-941-2024	
<i>For Department Use Only</i>		
Escrow Amount:		
Date Agreement Signed:		
Account terminated/canceled:	Account Number:	
Non-Payment:	User Request:	

ATTACHMENT G

**CITY SCOFFLAW
INPUT FILE REQUIREMENTS**

1. There are three (3) processes available within the RTS CITY SCOFFLAW processing program. The available processes are as follows:
 - A. 'P' - PROBE (inquiry)
 - B. 'F' - FLAG (set CITY SCOFFLAW data)
 - C. 'C' - CLEAR (lift CITY SCOFFLAW data)

2. The following input file format is required to process any of the three (3) options available with the RTS CITY SCOFFLAW process:

INPUT FILE			
REG-YR	4 bytes	Position 1-4	/*License Registration Year
PLTNO	7 bytes	Position 5-11	/*License Plate Number
DOCNO	17 bytes	Position 12-28	/*Document Number
FILLER	51 bytes	Position 29-79	/*City Optional Data (Data is returned on output file)
CODE	1 byte	Position 80	/*P=Probe (Inquiry) /*F=Flag (set SCOFFLAW) /*C=Clear (lift SCOFFLAW)
TOTAL	80 bytes		

NOTE: A 'Probe request requires REG-YR (Registration Year), PLTNO (License Plate Number) and CODE. All other information is optional.

Both 'Flag or 'Clear requests require DOCNO (Document Number) and CODE. All other information is optional.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/10/11		
Department:		Finance		
Department Head		Denise Tacke		
Agenda Coordinator (include phone #): Katherine Crumbley - x7479				
CAPTION				
A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a First Amendment to Economic Development Incentive Agreement By and Between Cirro Group, Inc. and the City of Plano, Texas; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	12,578,710	0	12,578,710
Encumbered/Expended Amount	0	-4,144,275	-4,435,250	-8,579,525
This Item	0	48,000	0	48,000
BALANCE	0	8,482,435	-4,435,250	4,047,185
FUND(s): ECONOMIC DEVELOPMENT FUND				
COMMENTS: Strategic Plan Goal: Providing economic development incentives relates to the City's goal of strong local economy				
SUMMARY OF ITEM				
This First Amendment reflects Cirro's request for a reduction in the number of Job Equivalents from 91 to 80 and date to certify the Job Equivalents.				
List of Supporting Documents: First Amendment to Economic Development Incentive Agreement			Other Departments, Boards, Commissions or Agencies	

A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a First Amendment to Economic Development Incentive Agreement By and Between Cirro Group, Inc. and the City of Plano, Texas; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.

WHEREAS, the City Council has been presented a proposed First Amendment to Economic Development Incentive Agreement By and Between Cirro Group, Inc. and the City of Plano, Texas, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "First Amendment"); and

WHEREAS, the purpose of the First Amendment is to revise the number of Job Equivalents, extend the date for the annual certification and revise the exhibits to reflect these changes; and

WHEREAS, upon full review and consideration of the First Amendment, 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 authorized designee shall be authorized to execute it on behalf of the City of Plano.

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

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

Section II. The City Manager or his authorized designee is hereby authorized to execute the First Amendment 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 First Amendment.

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

DULY PASSED AND APPROVED this the 10th day of January, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

First Amendment to Economic Development Incentive Agreement between City of Plano, Texas and Cirro Group, Inc., a Texas corporation

THIS First Amendment to the Economic Development Incentive Agreement (hereinafter "First Amendment") is made and entered into on this the ____ day of _____, 20____, by and between **CIRRO GROUP, INC.**, a Texas corporation, (hereinafter "Company") and the **CITY OF PLANO, TEXAS**, a home rule municipal corporation (hereinafter "City").

WITNESSETH:

WHEREAS, City and Company entered into an Agreement on June 14, 2010 (hereinafter "Agreement") for City to provide an economic development incentive grant to Company under certain terms and conditions, and

WHEREAS, City and Company desire to further amend said Agreement in certain respects as set forth below.

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

I.

The original Agreement entered into on June 14, 2010 is incorporated herein as if fully set forth at length. Except for the amendments below, all other terms and conditions of the original Agreement shall remain unchanged and shall remain in full force and effect. In the event of any conflict or inconsistency between the provisions set forth in this First Amendment and the original Agreement, the priority of interpretation shall be in the following order: First Amendment, the original Agreement.

II.

The fourth "Whereas" clause is hereby amended to read in its entirety as follows:

"WHEREAS, occupancy of 24,555 square feet of commercial/office space and the creation or transfer of 80 Job Equivalents at the Property within the City will promote economic development, stimulate commercial activity and enhance the tax base and economic vitality of the City; and"

III.

Subsection (b) of Article III is amended to read in its entirety as follows:

“(b) Create or transfer at least 80 Job Equivalents on the Property on or before September 1, 2010.”

IV.

Sections 4.01, 4.02 and 4.03(a) of Article 4 Economic Development Grant are amended to read in their entirety as follows:

“4.01 **Grant.** The City agrees to provide the Company a cash grant of Forty-eight Thousand Dollars (\$48,000.00) for the occupancy of 24,555 square feet of commercial/office space on the Property and the transfer or creation of not less than 80 Job Equivalent positions on the Property in accordance with Article 3 above. The Company agrees to maintain the occupancy of the office space and the 80 transferred or created Job Equivalents for which a cash grant has been paid by the City to the Company throughout the term of this Agreement as provided in Section 4.03 below.

4.02 **Grant Payments.** Except as otherwise indicated, the Company shall be entitled to a payment of Forty-eight Thousand Dollars (\$48,000.00) from the City under this Agreement within thirty (30) days after the Company verifies to the City, using the Initial Certification form attached hereto as Exhibit “A”, that the Company has met its obligations as set forth in Article 3(a) and (b) above (such payment referred to as the “initial Grant Payment”). **IN ORDER TO RECEIVE PAYMENT UNDER THIS AGREEMENT, COMPANY’S INITIAL CERTIFICATION VERIFYING COMPLIANCE WITH ARTICLE 3 (A) AND (B) ABOVE MUST BE FILED WITH THE CITY ON OR BEFORE JANUARY 31, 2011.**

4.03 **Refunds.**

(a) In the event the Company allows Job Equivalents at the Property to fall below 80 for more than one hundred eighty (180) consecutive days during the term of this Agreement, not the result of an Event of Force Majeure, the Company shall refund to the City an amount equal to Six Hundred Dollars (\$600.00) for each lost Job Equivalent. For purposes of determining whether the City is due a refund under this section, the Company’s Chief Financial Officer shall certify to the City by January 31, 2012, and by January 31st of each year thereafter during the term of this Agreement the actual number of Job Equivalents at the Property for the preceding calendar year, using the Certification form attached as Exhibit “B”. All refunds under this Agreement shall be due within thirty (30) days of written demand for payment. Notwithstanding the foregoing, the Company shall never be required to refund to the City,

in the aggregate, any amount in excess of the total grant amount set forth in Section 4.01.”

V.

Exhibits “A” and “B” of the original Agreement are revised as shown on the attached.

IN WITNESS WHEREOF, this Amendment is effective upon the last date of execution by all parties.

ATTEST:

CITY OF PLANO, TEXAS, a home
rule municipal corporation

Diane Zucco, CITY SECRETARY

By: _____
Thomas H. Muehlenbeck
CITY MANAGER

APPROVED AS TO FORM

Diane C. Wetherbee, CITY ATTORNEY

ATTEST:

CIRRO GROUP, INC.,
a Texas corporation

Name: _____
Title: _____

By: _____
R. Michael Rose
Managing Director, Dominion Retail

EXHIBIT "A"

INITIAL CERTIFICATE OF COMPLIANCE

[DATE]

City of Plano
Finance Department
P.O. Box 860358
Plano, Texas 75086-0358

RE: Initial Certificate of Compliance by Cirro Group, Inc., ("Company")
Economic Development Incentive Agreement between Company and the City of
Plano dated as of June 14, 2010 (the "Agreement")

I hereby certify that Company has occupied not less than 24,555 square feet of commercial/office space located at 2745 Dallas Parkway, Plano, Texas (the "Property") and has transferred or added 80 Job Equivalent (as defined in the Agreement) positions to the Property. Company is in compliance with subsections (a) and (b) of Article 3 of the Agreement and is entitled to receive payment under the terms of the Agreement.

Cirro Group, Inc.,
a Texas corporation

By: _____
Name: _____
Title: _____

EXHIBIT "B"

ANNUAL CERTIFICATE OF COMPLIANCE

[DATE]

City of Plano
Finance Department
P.O. Box 860358
Plano, Texas 75086-0358

RE: Annual Certificate of Compliance by Cirro Group, Inc., ("Company")
Economic Development Incentive Agreement between Company and the City of
Plano dated as of June 14, 2010 (the "Agreement")

I hereby certify that Company is in compliance with each applicable term as set forth in Article 3 of the Agreement. The term of the Agreement is September 1, 2010 through August 31, 2020. The number of new or transferred Job Equivalents, calculated as set forth in the Agreement and maintained pursuant to the Agreement since its inception, has not fallen below 80 for more than one hundred eighty (180) consecutive days and is _____ as of the date of this Certificate of Compliance. If the number herein reported is below the number required to be maintained pursuant to the Agreement, I certify that the City of Plano has been refunded the appropriate amount as required by Section 4.03 of the Agreement. This form is due on January 31st of each year the Agreement is in force.

Cirro Group, Inc.,
a Texas corporation

By: _____
Name: _____
Title: _____



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		01/10/11		
Department:		Accounting		
Department Head		Denise Tacke		
Agenda Coordinator (include phone #): Andrea Cockrell x5116				
CAPTION				
A Resolution of the City Council of the City of Plano, Texas, accepting the findings and opinions of the Annual Audit; authorizing the City Manager, or in his absence the Director of Finance, to publish the results thereof; and providing an effective date				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS: This item has no fiscal impact.				
SUMMARY OF ITEM				
It is recommended that the City Council formally accept the annual financial report and that authorization be given for publication of a summary of the 2009-10 financial audit in the City's official newspaper as required by Section 3.14 of the City Charter.				
List of Supporting Documents: Comprehensive Annual Financial Report			Other Departments, Boards, Commissions or Agencies	

A Resolution of the City Council of the City of Plano, Texas, accepting the findings and opinions of the Annual Audit; authorizing the City Manager, or in his absence the Director of Finance, to publish the results thereof; and providing an effective date.

WHEREAS, Section 3.14 of the City Charter requires that "At the close of each fiscal year a complete audit shall be made by a duly licensed Public Accountant . . ."; and

WHEREAS, the City Council has been presented the Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2009-10, a copy of which has been filed with the City Secretary, available for public inspection, and incorporated herein by reference (hereinafter called "CAFR"); and

WHEREAS, upon full review and consideration of the CAFR, and the included opinion of the City's duly appointed auditors, Grant Thornton LLP, the City Council is of the opinion that the requirements of the Charter have been satisfied.

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

Section I. The findings and opinions of the CAFR have been reviewed by the City Council of the City of Plano, and are hereby in all things accepted.

Section II. The City Manager, or in his absence, the Director of Finance, is hereby instructed to publish the results of the CAFR and all other documents in connection therewith on behalf of the City of Plano, as provided in Section 3.14 of the City Charter.

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

DULY PASSED AND APPROVED this the 10th day of January, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

CITY OF PLANO, TEXAS

Comprehensive Annual Financial Report

FOR FISCAL YEAR ENDED SEPTEMBER 30, 2010

Prepared By:

Accounting Division

**Director of Finance – Denise Tacke
Controller – Andrea Cockrell**

**Wendy Badgett
Dianne Bell
Jonathan Davis
Jillyann Eastham
Heather Foldi
Allison Friloux
Pam Hanks
Debbie Hartwell
Tara Lopez
Denise McCord
Elsa Pasanen
Rebecca Sides
Crystal Swiere
Valerie Tidwell**



**CITY OF PLANO, TEXAS
 COMPREHENSIVE ANNUAL FINANCIAL REPORT
 FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2010
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December 30, 2010

To the Honorable Mayor, Members of the City Council
and Citizens of the City of Plano, Texas:

The Comprehensive Annual Financial Report (CAFR) of the City of Plano, Texas (the City), for the year ended September 30, 2010, is submitted in accordance with Section 3.14 in the City Charter.

Management assumes full responsibility for the completeness and reliability of the information contained in this report, based upon a comprehensive framework of internal controls established for this purpose. Because the cost of internal control should not exceed anticipated benefits, the objective is to provide reasonable, rather than absolute, assurance that the financial statements are free of any material misstatements.

Grant Thornton LLP has issued an unqualified (“clean”) opinion on the City of Plano’s financial statements for the year ended September 30, 2010. The independent auditors’ report is located in the beginning of the financial section of the CAFR.

This letter of transmittal is designed to compliment Management’s Discussion and Analysis (MD&A) and should be read in conjunction with it. The City’s MD&A can be found immediately following the independent auditors’ report and provides a narrative introduction, overview and analysis of the basic financial statements.

City of Plano Profile

The City of Plano is the largest city in Collin County, located in the southwest corner of the county, approximately 20 miles north of downtown Dallas. There are currently 72.1 square miles of land in the City’s corporate boundary.

The City was incorporated on June 2, 1873, under the provisions of H.B. 901 of the Texas Legislature. It was subsequently chartered on June 10, 1961, and operates under a Council-Manager form of government. The City Council is comprised of a Mayor and seven members and is responsible for enacting ordinances, resolutions, and regulations governing the City, as well as appointing the members of various statutory and advisory boards, the City Manager, City Attorney, and a Municipal Judge. The City Manager is the chief administrative officer of the government and is responsible for the enforcement of laws and ordinances, the appointment and supervision of the Deputy City Managers, Assistant City Manager, and heads of departments, and the performance of functions within the municipal organization.

Financial reporting of the entity (the government) includes all the funds of the primary government (i.e., the City of Plano as legally defined), as well as all of its component units. Component units are legally separate entities for which the primary government is financially accountable. The government provides a full range of services including police and fire protection, environmental health, sanitation services, community development, building inspection, traffic control, parks and libraries, the construction and operation of water, sewer, drainage, environmental waste services, streets and infrastructure, and convention, tourism, and cultural events.

Discretely presented component units are legally separate entities and are not part of the primary government's operations. Accordingly, the Plano Economic Development Board and the two Tax Increment Financing units are reported discretely using proprietary fund accounting. The Plano Housing Authority, a related organization, is not a part of this report as the City's accountability does not extend beyond appointing the Board.

Local Economy

Plano, a 1994 All-America City, is a community that offers exceptional housing, award-winning schools and a dynamic business climate, all of which are strong factors in the success of the City's economy. The City continues to benefit from other favorable conditions associated with Plano including a stable, diverse economic base and a desirable location for work and living.

Since 2000, Plano's population grew an estimated 18.8% to 263,800 in 2009. According to the North Texas Council of Governments, Plano's population on January 1, 2010 was 265,000. According to residential development projections by the City's planning department it is projected to grow to 276,000 by 2020.

The United States Census Bureau announced Plano retained its status as the most affluent large city in September 2009 with a median household income of \$85,003. The City had the highest income and lowest poverty level for cities with populations of more than 250,000.

In October 2010, *Forbes* named Plano *America's Safest City* based on low violent crime and fatal traffic accident data. *Forbes* had previously packaged Plano with the Dallas Metropolitan Area to give it a 5th place ranking as one of the big "Best Cities for Jobs" and 32nd of all 336 cities compared in April 2009.

The "2010 Bundle Report: Spending by Cities" placed Plano 5th of 100 cities reviewed. Plano households were estimated to have spent on average \$56,738 each in 2009.

"U.S. News and World Report" in August 2009 selected Plano as one of *America's 10 Best Places to Grow Up*. Plano was lauded for its outstanding school district, great park system and comfortable lifestyle. That same year Plano was listed among *RelocateAmerica's TOP 100 Places to Live*.

Plano remains one of only a few cities in the United States receiving an "AAA" Bond Rating, the highest possible bond rating from Moody's Investor Service, Standard & Poor's and Fitch IBCA. In issuing their ratings, they lauded the City of Plano for its quality of fiscal management as well as its diverse economic development and corporate headquarter relocation and retention success.

Given Plano's continued pro-business attitude and enthusiastic accommodation of industry, the City continues to prosper economically. The following categories represent key factors that impact Plano's economic and financial success:

Property Tax Revenues

Property tax revenues are the City's largest source of funding. Due to commercial and residential development in Plano and despite a recent national and county trend towards decreased valuations, tax collections totaled \$122.5 million for fiscal year 2010, an increase of 1% from the prior year. According to the Collin County Appraisal District, Plano property appraisals decreased 5.8% for 2010 on property tax estimates.

Sales Tax Revenues

After property tax revenues, the General Fund's second largest revenue source is sales tax generated from a variety of businesses operating in the City of Plano. Sales tax collections are produced primarily from Plano's sizeable retail base including two major shopping malls, 70 shopping centers, The Shops at Legacy, Historic Downtown Plano with Dallas Area Rapid Transit (DART) light rail access, as well as hundreds of specialty shops and major retailers throughout the City.

Sales tax allocations to the City totaled \$58.7 million from October 2009 through September 2010, an increase of 4.62% over fiscal year 2009.

Employment

A strong business atmosphere, coupled with a highly-educated and motivated workforce, continue to draw diverse companies to relocate to Plano. The three largest job sectors are retail and wholesale trade, services, and manufacturing. According to the U.S. Census Bureau, 53% of Plano residents have a bachelor's degree or higher. The unemployment rate in Plano from January through September 2010 ranged from 6.9 percent to 7.5 percent. The U.S. Census Bureau also reports that one third of Plano's population is 25 to 44 years old.

Plano's large businesses, employing 1000+, include Alcatel-Lucent, AT&T, Bank of America Home Loans, Capital One, CIGNA, Dell, Dr. Pepper Snapple Group, Ericsson, Frito-Lay, HP Enterprise Services, JCPenney, Medical Center of Plano and PepsiCo. Employing 500-999, companies having significant operations in Plano include AEGON DMS, CA, CROSSMARK, Denbury Resources, Flextronics, Huawei Technologies USA, Intuit, McAfee, Rent-A-Center, Samsung Telecommunications America, St. Jude Medical Neuromodulation Division, Texas Instruments and XO Communications. This type of environment creates a broad range of employment opportunities for Plano and area residents and creates a significant business component to the local tax base.

Job Growth

The following businesses relocating and expanding into Plano from October 2009 through September 2010 have increased the number and scope of job opportunities and brought a variety of services to the community:

99 Ranch Market, a California-based Asian grocer, opened a 62,500 square foot store and employs 75 people in its first Texas store.

Alliance Data Systems, a leading provider of loyalty-marketing solutions, relocated its corporate headquarters and 265 employees to Plano into 84,260 square feet at One Legacy Circle.

Atmos Energy constructed a 48,600 square feet center where it will employ 89 people by the end of 2012. The \$7.7 million facility is used for employee training and emergency dispatch and was built to achieve Leadership in Energy and Environmental Design Silver Certifications by the U.S. Green Building Council.

Axxys Technologies, a provider of managed IT services, relocated its headquarters into 3,900 square feet in Granite Park III. Employing 14 employees and growing, the company delivers support for network design, security, monitoring, virtualization, unified communications and backup/disaster recovery solutions.

Denbury Resources leased 325,000 square feet in The Campus at Legacy as it relocated its corporate headquarters to the Legacy business park in 2010. It will initially house 500 employees, but with the acquisition of Encore in March 2010, employees now located in Fort Worth will relocate to Plano. Denbury is one of the largest independent oil companies in the United States.

Dr. Kracker, a cracker, biscuit and flatbread manufacturer, relocated its headquarters and bakery into 60,500 square feet in the Research/Technology Crossroads business park. Initial employment includes 30 people with plans to add 20 by the end of 2012. Dr. Kracker's products are made with organic whole grains and seeds.

Huawei Technologies (USA), a Shenzhen, China-based global provider of next-generation mobile convergence and end-to-end wireless technology, completed its expansion and relocated additional 375 full-time associates to Plano. In 2009, Huawei leased 103,150 square feet on Tennyson Parkway for its U.S. Sales and Marketing headquarters. Huawei also occupies 24,000 square feet on Alma Drive for its research and development operations.

Intertek relocated its Commercial and Electrical division and 30 employees into 94,600 square feet in the 10th Street Business Park. It is a provider of safety services to many producers of textiles, toys, electronics, building, heating, pharmaceuticals, petroleum, food, minerals and cargo scanning. Intertek plans to expand its Plano office to 50 employees.

New York Life Insurance, a *Fortune 100* company, relocated its office to Plano into 11,380 square feet in the One Legacy Town Center. It oversees company recruiting, training and development, as well as sales productions in the Midwestern U.S.

Seasons 52 opened its first Texas location in The Shops at Legacy in September 2010. Employing approximately 100 people, the 10,000 square foot restaurant is managed by award-winning Chef Clifford Pleau.

Tektronix, Inc. relocated its 450 employees to Plano into 185,000 square feet in the Wilcox Center on President George Bush Highway. The building was awarded LEED certification at the Gold level by the U.S. Green Building Council. Tektronix, Inc. supplies test, measurement and monitoring technology for computer, broadband and cellular applications.

Pizza Hut and YUM! Restaurants International broke ground in February 2010 for the new world-class corporate headquarters. Pizza Hut will relocate approximately 600 employees to Legacy business park where it purchased 21 acres. A three-story, 160,000 square foot office complex is under construction.

Long-Term Financial Planning

The City's responsiveness to emerging economic challenges and its long-term planning have been key factors in maintaining its fiscal health. Although economic forecasts for Plano and the region remain favorable, residential build-out and the stagnation of the national and local economy continue to affect the City. In 2007 the City established its Core Business Matrix, a program to address the challenges and opportunities that Plano will face as it transitions from a growing to a maturing community.

The City-wide 2010-11 combined budget appropriations of \$396,419,680 reflect a decrease of \$4.2 million, or 1.1% under the FY 2009-10 re-estimated budget. The 2010-11 budget for total General Fund revenues is estimated at \$202,869,179 which is \$3.3 million below the 2009-10 re-estimated budget. The 2010-11 total appropriations for General Fund expenditures is \$216,987,225, \$1.8 million lower than the 2009-10 Re-Estimate Budget.

Funding for Capital Reserves will be accomplished by transferring \$1.2 million from the Water and Sewer Fund, \$10.5 million from the General Fund and a one-time transfer of \$433,351 from the Property Management Fund. The Capital Reserve funding is a factor for maintaining the City's AAA bond ratings.

Of the \$47.7 million budgeted for General Obligation capital expenditures in 2010-11, \$9.8 million pertains to municipal facilities, \$15.8 million for parks and recreation and \$18.2 million for street improvements and enhancements.

The Equipment Replacement Fund provides resources for the purchase of equipment and the replacement of worn-out equipment which in turn minimize budgetary impacts. Scheduled depreciation charges from user departments on vehicles and capital equipment are collected in the fund. Reserve funds then are used to purchase new equipment as needed. Fiscal Year 2010-11 Equipment Replacement Fund projected revenues total \$7.9 million and includes \$7.3 million in depreciation transfers, \$225,000 in interest income, and \$360,000 from equipment auction revenues.

A General Obligation bond sale of \$21.4 million is included for mid-year 2010-11 and includes one interest payment of \$497,550. The sale will fund the renovation of Pecan Hollow golf course and Carpenter recreation center, the Aquatic Center, Fire Station #13, land acquisitions and several major street projects.

To offset increased expenditures to the North Texas Municipal Water District (NTMWD), water rates increased 6.0% effective November 1, 2010.

Relevant Financial Policies

Financial Policies. During fiscal year 1990-91, the City Council Finance Subcommittee developed written policies detailing financial goals and guidelines for the City. These included policies for accounting, budgeting, capital improvements, asset management, revenue management, risk management, and fund balance/reserve levels. The City Council adopted these policies in July 1991. During fiscal year 2000, the financial policies were reviewed and updated with the revised financial policies being adopted by City Council in November 2000.

Accounting Procedures and Budgetary Controls. The City's accounting records for general governmental funds are maintained on a modified accrual basis, with revenues being recorded when available and measurable, and expenditures being recorded when the services or goods are received and the liabilities are incurred. Accounting records for the City's water and sewer utility and other proprietary activities are maintained on the accrual basis.

Budgetary control is maintained at the fund level, and encumbrances are entered at the time a purchase order is issued. Open encumbrances are recorded as reservations of fund balance as of September 30 of each year, and the subsequent year's budget is increased to reflect these encumbrances. Unspent and unencumbered appropriations lapse at the end of the fiscal year.

The budgetary process begins each year with the preparation of both current and proposed year revenue estimates by the City's financial management staff and expenditure estimates by each City department. Budgets are reviewed by the Director of Budget & Research. The City Manager makes final decisions and submits a recommended budget, or "Program of Service," to the City Council. The proposed budget is reviewed extensively by the City Council, a process which includes a Charter-mandated public hearing, in addition to work sessions which are open to the public. The City Charter requires adoption of the City budget by no later than September 15 of each fiscal year.

While the budget is developed and controlled at the departmental level, appropriations are made at the fund level. An ordinance establishes the budget for operating expenditures, debt service payments, and interfund transfers, while a separate ordinance establishes the property tax rate.

As part of each year's budget development process, departments are required to update expenditure estimates for the current fiscal year. These estimates are reviewed by the Director of Budget & Research, the City Manager, and the City Council concurrent with review of the proposed budget. (The "re-estimated" current year budget is used as a working budget for the last half of the current fiscal year.) This re-estimated budget may require a supplemental appropriation and, if so, such supplemental appropriation is approved by ordinance adopted by the City Council prior to the end of the current fiscal year.

During the course of the fiscal year, expenditure controls are maintained by each department head with overall review exercised by the Director of Budget & Research and the City Manager. Monthly departmental expenditure reports are generated by an automated management accounting system and provide expenditure totals and encumbrances at the line-item level for the most recently completed month, as well as a year-to-date total, and an actual versus planned rate of expenditure. Major expenditure requests are reviewed by the Budget & Research Department prior to the encumbrance of funds.

Constant review of revenue and expenditure trends is maintained with specific responsibility assigned to the Director of Budget & Research. Recommendations for corrective action are made to the City Manager (and to the City Council, if appropriate) as needed to ensure the integrity of the adopted budget.

The City's Finance Department publishes a Comprehensive Monthly Finance Report (CMFR) directed at providing internal and external users with the general awareness of the City's financial positions and economic activity. The CMFR includes a Financial Summary section reporting the performances of the major operating funds and a status report of the City's capital projects, an Economic Analysis section summarizing key economic indicators and an in-depth review with graphic illustrations, and an Investment Report section describing investment activity, interest earnings and the City's portfolio. The highlights of each month's CMFR are presented to the City Council.

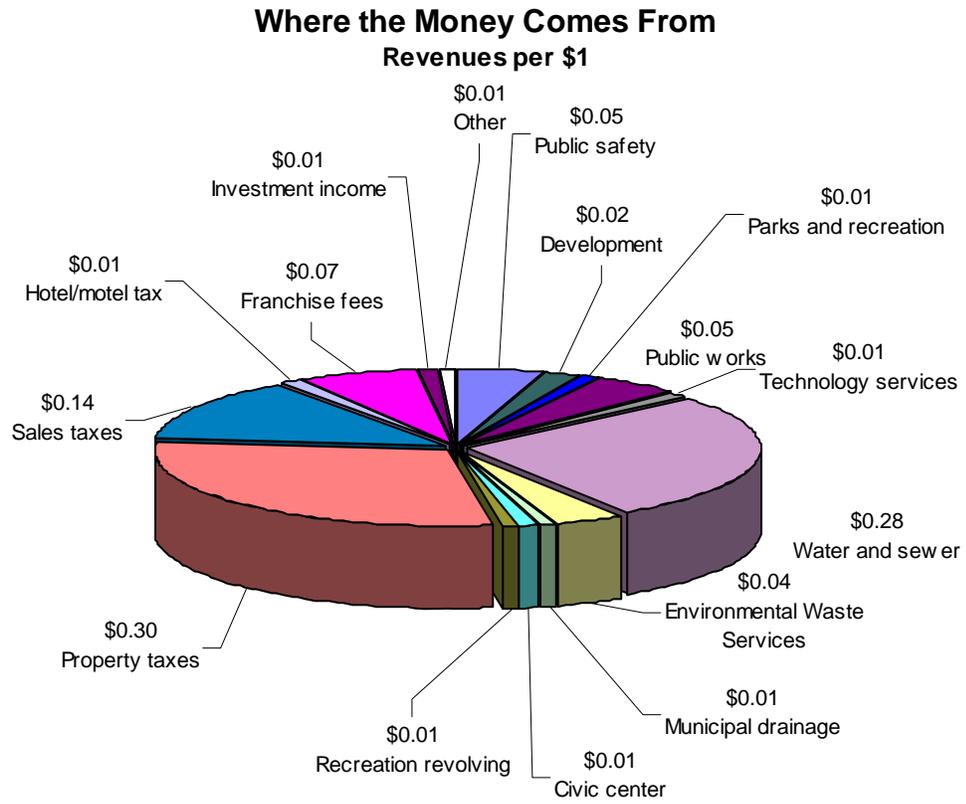
Recognizing the value of internal control, an internal audit program has been in place since 1988. An Internal Audit Committee provides oversight and the Internal Audit Department conducts the program. This program serves to enhance controls to safeguard the City's assets and provide a reasonable assurance of proper recording of financial transactions, which, due to the changing complexity of the organization, requires greater attention.

Major Initiatives

The City of Plano's fiscal year 2009-10 budget reflected continued strength in the City's dynamic economy. The significant projects from the Community Investment Program for 2009-10 included the Environmental Education Center, Emergency Operations Center, Fire Station #12, Radio Tower infrastructure project, Carpenter Recreation Center expansion, and the Animal Services building expansion.

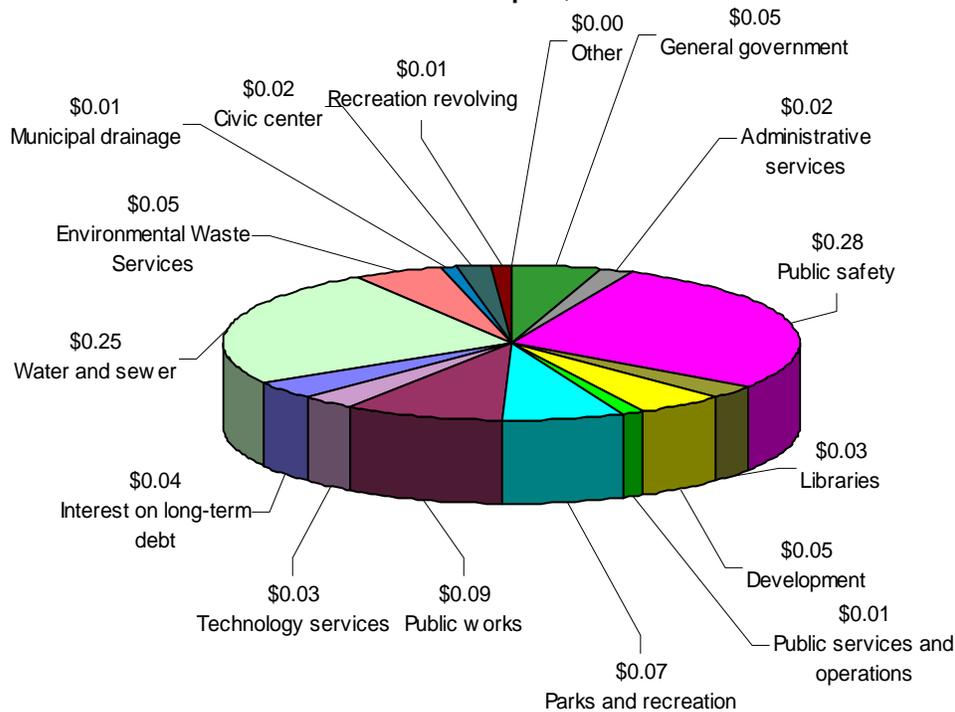
The City budgeted \$5.0 million for economic development incentives in order to remain competitive with surrounding neighboring cities. Fiscal year 2010 was the fourth year that two-cents of the property tax rate was dedicated for these incentives. The fiscal year 2010 property tax rate was a slight increase over the prior year from .4735 to .4886 cents (\$.3284 General Fund and \$.1602 Debt Service).

The following chart depicts the sources and uses of the City's financial breakout as of fiscal year end 2010:



Where the Money Goes

Cost per \$1



Awards and Acknowledgements

The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Plano for its CAFR for the Fiscal Year ended September 30, 2009. The Certificate of Achievement is a prestigious national award recognizing conformance with the highest standards for preparation of state and local government financial reports.

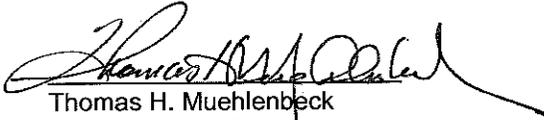
In order to be awarded a Certificate of Achievement, a governmental unit must publish an easily readable and efficiently organized CAFR whose contents conform to program standards. Such reports must satisfy both generally accepted accounting principles and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year. The City of Plano has received a Certificate of Achievement for the last twenty-nine consecutive years (Fiscal Years ended 1981-2009). We believe our current report continues to conform to the Certificate of Achievement Program requirements, and we are submitting it to the GFOA to determine its eligibility for another certificate.

Many persons are responsible for the preparation of this report, and for the maintenance of records upon which it is based. Appreciation is expressed to the City employees throughout the organization, especially those employees of the Accounting Department who were instrumental in the successful completion of this report. Certain individuals worked many extra hours and exhibited extraordinary effort in ensuring the accuracy and timeliness of this report, and their contribution to this effort is greatly appreciated.

Our appreciation is also extended to the Mayor and members of the City Council for providing the resources necessary to maintain the integrity of the City's financial affairs.

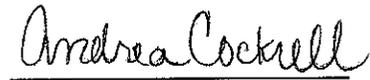
Respectfully submitted,



Thomas H. Muehlenbeck
CITY MANAGER



Denise Tacke, CPA
DIRECTOR OF FINANCE



Andrea Cockrell, CPA
CONTROLLER



Certificate of Achievement for Excellence in Financial Reporting

Presented to

City of Plano
Texas

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended
September 30, 2009

A Certificate of Achievement for Excellence in Financial Reporting is presented by the Government Finance Officers Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports (CAFRs) achieve the highest standards in government accounting and financial reporting.



President

Executive Director





CITY OF PLANO, TEXAS
ELECTED OFFICIALS AND ADMINISTRATIVE OFFICERS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2010

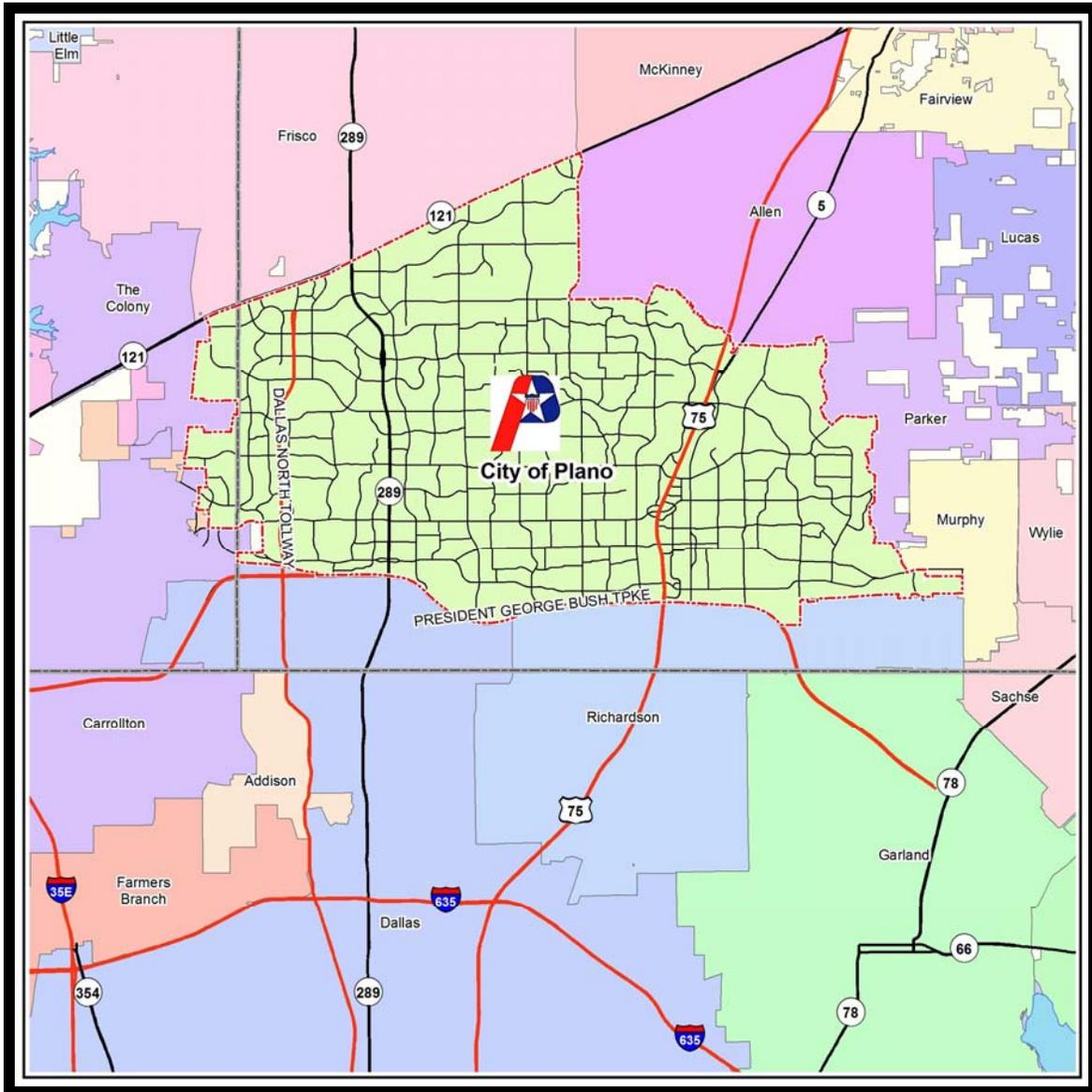
Elected Officials

<u>City Council</u>	<u>Term Expires</u>
Phil Dyer Mayor Place 6	May, 2012
Lee Dunlap Mayor Pro Tem Place 8	May, 2012
Pat Miner Deputy Mayor Pro Tem Place 1	May, 2011
Ben Harris Place 2	May, 2012
André Davidson Place 3	May, 2011
Lissa Smith Place 4	May, 2012
Harry LaRosiliere Place 5	May, 2011
Jean Callison Place 7	May, 2011

Administrative Officers

<u>Name</u>	<u>Position</u>
Thomas H. Muehlenbeck	City Manager
Denise Tacke, CPA	Director of Finance
Andrea Cockrell, CPA	Controller

The City of Plano and Surrounding Areas







Independent Auditor's Report

Audit • Tax • Advisory

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The Honorable Mayor and Members of the City Council
The City of Plano, Texas

We have audited the accompanying financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Plano, Texas (the "City"), as of and for the year ended September 30, 2010, which collectively comprise the City's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the City's management. Our responsibility is to express opinions on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America established by the American Institute of Certified Public Accountants and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and the significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Plano, Texas, as of September 30, 2010, and the respective changes in financial position and cash flows, where applicable, thereof and the respective budgetary comparison for the General Fund for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated December 30, 2010 on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

The Management's Discussion and Analysis on pages 3 through 14, the Schedule of Pension Trust – Texas Municipal Retirement System Funding Progress and Contributions, the Schedule of Pension Trust – Retirement Security Plan Funding Progress and Contributions and the Schedule of OPEB Trust – Postemployment Benefits 115 Trust Funding Progress and Contributions on page 69 are not a required part of the basic financial statements but are supplementary information required by accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The accompanying supplementary information listed in the table of contents is presented for purposes of additional analysis and is not a required part of the basic financial statements. The combining fund financial statements, individual nonmajor fund financial statements, and individual fund budgetary comparison schedules have been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, are fairly stated in all material respects in relation to the basic financial statements taken as a whole. The introductory section, capital assets used in the operation of governmental funds schedules, and statistical section, as listed in the table of contents, have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we express no opinion on them.

The image shows a handwritten signature in black ink that reads "Grant Thornton LLP". The signature is written in a cursive, flowing style.

Dallas, Texas
December 30, 2010

CITY OF PLANO, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
SEPTEMBER 30, 2010

Our discussion and analysis of the City of Plano's financial performance provides an overview and analysis of the City's financial activities for the fiscal year ended September 30, 2010. Please read it in conjunction with the accompanying transmittal letter and the accompanying basic financial statements. All amounts, unless otherwise indicated, are expressed in millions of dollars.

FINANCIAL HIGHLIGHTS

- The City's net assets of governmental activities increased \$25.7 million or 3.2 percent primarily due to increased capital grants and contributions which increased capital assets by approximately \$22.8 million. Net assets of the City's business-type activities increased as a result of this year's operations by \$14.2 million or 3.4 percent, with an increase in capital assets of \$2.3 million.
- The City of Plano's total net assets increased by \$39.9 million, or 3.3 percent, during the current fiscal year. In addition to the increase in capital assets, ad valorem tax revenue increased over the prior year by \$2.5 million. This is attributable to a slight increase in the property tax rate of 1.51 cents over the prior year to 48.86 cents per \$100 of assessed property value. Sales tax revenue also increased \$2.6 million as a result of a slight improvement in the economy as well as improved consumer confidence. Franchise fee revenue decreased \$1.55 million due to the expiration of the Verizon franchise in the current year along with lower natural gas prices and the overall slowing economy. Investment income decreased \$1.2 million due to lower interest rates.
- As of September 30, 2010, the City of Plano's governmental funds reported combined ending fund balances of \$174.5 million, a decrease of \$14.9 million in comparison with the prior fiscal year.
- At the end of the current fiscal year, the unreserved and undesignated fund balance for the general fund increased \$2.8 million to \$34.5 million. This amount is approximately 17.4 percent of total general fund expenditures.

OVERVIEW OF THE FINANCIAL STATEMENTS

Management's discussion and analysis is intended to serve as an introduction to the City of Plano's basic financial statements. The City of Plano's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

Government-wide financial statements

The government-wide financial statements are designed to provide readers with a broad overview of the City of Plano's finances, in a manner similar to private-sector business. The statement of net assets presents information on all of the City of Plano's assets and liabilities, with the difference between the two reported as net assets. Over time, increases or decreases in net assets may serve as a useful indicator of whether the financial position of the City of Plano is improving or deteriorating. The Statement of Net Assets combines and consolidates governmental funds current financial resources (short-term spendable resources) with capital assets and long-term obligations. In order to assess the overall health or financial condition of the City, other non-financial factors should also be taken into consideration. These include changes in the City's property tax base and the condition of the City's infrastructure (i.e. roads, drainage improvements, storm and sewer lines, etc.).

**City of Plano, Texas
Management's Discussion and Analysis (continued)
September 30, 2010**

The Statement of Activities presents information showing how the City's net assets changed during the most recent fiscal year. All of the current year's revenues and expenses are taken into account regardless of when cash is received or paid. Thus, revenues and expenses are reported for some items that will only result in cash flows in future fiscal periods (e.g. uncollected taxes and earned but not used vacation leave). Both the statement of net assets and the statement of activities are prepared utilizing the accrual basis of accounting as opposed to the modified accrual basis used in governmental fund financial statements.

In the Statement of Net Assets and the Statement of Activities, the City is divided into three types of activities:

- Governmental activities – Most of the City's basic services are reported here, including police, fire, libraries, development, public services and operations, parks and recreation, public works, technology services and general administration. Property taxes, sales taxes and franchise fees finance most of these activities.
- Business-type activities – The City charges a fee to customers to help it cover all or most of the cost of certain services it provides. The City's water and sewer system, environmental waste system, municipal drainage system, civic center, municipal golf course, property management activity, recreation revolving activities and downtown center development activity are reported as business-type activities.
- Component units – The City includes three separate legal entities in its report – the Economic Development Board, TIF (tax incremental financing unit) mall and TIF East Side. Although legally separate, these "component units" are important because the City is financially accountable for them.

Reporting the City's Most Significant Funds

Fund Financial Statements

The fund financial statements provide detailed information about the most significant funds – not the City as a whole. Some funds are required to be established by state law and by bond covenants. However, the City Council establishes many other funds to help it control and manage money for particular purposes or to show that it is meeting legal responsibilities for using certain taxes, grants, and other money. The City's two primary fund types – governmental and proprietary – utilize different accounting methods.

- Governmental funds – The majority of the City's basic services are reported in governmental funds, which focus on how money flows into and out of those funds and the balances left at year-end that are available for spending. These funds are reported using an accounting method identified as the modified accrual basis of accounting, which measures cash and all other financial assets that can readily be converted to cash. The governmental fund statements provide a detailed short-term view of the City's general government operations and the basic services it provides. Governmental fund information helps determine whether there are more or fewer financial resources that can be spent in the near future to finance the City's programs. By comparing information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements, readers may better understand the long-term impact of the government's near-term financing decisions. The relationships or differences between governmental activities (reported in the Statement of Net Assets and the Statement of Activities) and governmental funds are detailed in a reconciliation following the fund financial statements.

The City of Plano maintains twenty individual governmental funds. Information is presented separately in the governmental funds balance sheet and in the governmental funds statement of revenues, expenditures, and changes in fund balances for the general fund, debt service fund, capital reserve fund, municipal facilities fund, and street improvements fund, all of which are considered to be major funds. Data from the other fifteen governmental funds are combined into a single, aggregated presentation. Individual fund data for each of these non-major governmental funds is provided in the form of combining statements elsewhere in this report.

- Proprietary funds – The City charges customers for the services it provides, whether to outside customers or to other units within the City. These services are generally reported in proprietary funds. Proprietary funds are reported in the same way all activities are reported in the Statement of Net Assets and the Statement of Activities. In fact, the City's enterprise funds (a type of proprietary funds) are identical to the business-type activities reported in the government-wide statements but provide more detail and additional information, such as cash flows. The internal service funds (the other type of proprietary funds) are utilized to report activities that provide supplies and services for the City's other programs and activities, such as the City's municipal warehouse, the City's self insurance funds and equipment maintenance function. Because these services benefit governmental and business type functions, they have been included in both the governmental and business-type activities in the government-wide financial statements.

The City of Plano maintains eight individual enterprise funds. The City uses enterprise funds to account for its water and sewer, environmental waste, civic center, municipal drainage, municipal golf course, property management, downtown center development, and recreation revolving activities. The proprietary fund financial statements provide separate information for the water and sewer, environmental waste services and municipal drainage functions. All are considered major funds of the City. Data from the remaining five enterprise funds are combined into a single, aggregated presentation. Individual fund data for each of these nonmajor business-type funds is provided in the form of combining statements elsewhere in this report.

The City as Trustee

Reporting the City's Fiduciary Responsibilities

The City is the trustee, or fiduciary, for its employee's pension plan and post-employment retiree health benefits as well as certain amounts held on behalf of developers, property owners and others. All of the City's fiduciary activities are reported in separate Statements of Fiduciary Net Assets and Changes in Fiduciary Net Assets. Activities of these funds are excluded from the City's other financial statements because the City cannot use these assets to finance its operations. The City is responsible for ensuring that the assets reported in these funds are used for their intended purpose.

Other Information

In addition to the basic financial statements and accompanying notes, this report presents certain required supplementary information concerning the City's progress in funding its obligation to provide pension and health benefits to the employees.

THE CITY AS A WHOLE – Government-Wide Financial Analysis

The City's combined net assets were \$1.26 billion as of September 30, 2010. This analysis focuses on the net assets (table 1) and changes in general revenues (table 2) and changes in net assets (table 3) of the City's governmental and business-type activities.

By far the largest portion of the City's net assets (82.0 percent) reflects its investment in capital assets (e.g., land, buildings, machinery, and equipment) less any related debt used to acquire those assets that is still outstanding. The City uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the City's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets cannot be used to liquidate these liabilities.

City of Plano, Texas
Management's Discussion and Analysis (continued)
September 30, 2010

Table 1
Net Assets
(In Millions)

	Governmental Activities		Business-type Activities		Total Primary Government	
	2010	2009	2010	2009	2010	2009
Current and other assets	\$ 292	\$ 292	\$ 81	\$ 70	\$ 373	\$ 362
Capital assets	956	933	386	384	1,342	1,317
Total assets	1,248	1,225	467	454	1,715	1,679
Long-term debt outstanding	376	384	31	31	407	415
Other liabilities	42	37	9	10	51	47
Total liabilities	418	421	40	41	458	462
Net assets:						
Invested in capital assets, net of related debt	664	729	367	383	1,031	1,112
Restricted	4	3	40	4	44	7
Unrestricted	162	72	20	26	182	98
Total net assets	\$ 830	\$ 804	\$ 427	\$ 413	\$ 1,257	\$ 1,217

Governmental Activities

The City's general revenues increased when compared to the prior year by \$2.3 million or 1.1 percent. The primary reason for this increase was higher sales tax revenues of \$2.6 million, as a result of slight improvement in the economy as well as improved consumer confidence. In addition, property tax revenue increased \$2.5 million over the prior year and is attributable to a 1.51 cent increase in the property tax rate. The assessed value of the property in the City decreased by \$278.1 million, or 1.1 percent, as compared to the prior year. Franchise fees decreased \$1.6 million due to the expiration of the Verizon franchise in the current year, lower natural gas prices and the overall slowing economy. Additionally, a decrease of \$1.2 million in investment income occurred in the current year due to lower interest rates. The overall increases in the City's general revenues are detailed below (Table 2).

Table 2
General Revenues
(in Thousands)

	2010	2009	Increase (decrease)
Property taxes	\$ 129,741	\$ 127,265	\$ 2,476
Sales taxes	58,653	56,065	2,588
Mixed drink taxes	1,104	997	107
Other taxes	78	119	(41)
Franchise fees	22,361	23,995	(1,634)
Investment Income	3,473	4,633	(1,160)
Total general revenues	\$ 215,410	\$ 213,074	\$ 2,336

Governmental and Business-type activities increased the City's net assets by \$39.9 million in 2010. The key elements of this increase are as follows:

City of Plano, Texas
Management's Discussion and Analysis (continued)
September 30, 2010

Table 3
Changes in Net Assets
(in Thousands)

	Governmental Activities		Business-type Activities		Total	
	2010	2009	2010	2009	2010	2009
Revenues:						
Program revenues:						
Charges for services	\$ 33,708	\$ 32,374	\$143,696	\$134,896	\$177,404	\$167,270
Operating grants and contributions	6,859	7,431	60	340	6,919	7,771
Capital grants and contributions	20,766	10,939	3,722	5,128	24,488	16,067
General revenues:						
Property taxes	129,741	127,265	-	-	129,741	127,265
Sales taxes	58,653	56,065	-	-	58,653	56,065
Other taxes	1,182	1,116	4,099	3,952	5,281	5,068
Franchise fees	22,361	23,995	6,286	6,199	28,647	30,194
Investment income	3,473	4,633	532	604	4,005	5,237
Total revenues	276,743	263,818	158,395	151,119	435,138	414,937
Expenses:						
General government	18,439	14,360	-	-	18,439	14,360
Administrative services	7,800	8,294	-	-	7,800	8,294
Police	66,061	65,225	-	-	66,061	65,225
Fire	43,655	44,280	-	-	43,655	44,280
Libraries	10,295	11,105	-	-	10,295	11,105
Development	18,945	19,929	-	-	18,945	19,929
Public services and operations	5,663	5,646	-	-	5,663	5,646
Parks and recreation	27,220	26,170	-	-	27,220	26,170
Public works	34,002	28,025	-	-	34,002	28,025
Technology services	13,806	14,009	-	-	13,806	14,009
Other	2,076	5,579	-	-	2,076	5,579
Interest on long-term debt	14,119	14,640	-	-	14,119	14,640
Water and sewer	-	-	97,546	96,353	97,546	96,353
Environmental waste services	-	-	21,163	21,355	21,163	21,355
Municipal drainage	-	-	4,051	3,843	4,051	3,843
Civic center	-	-	6,393	7,331	6,393	7,331
Municipal golf course	-	-	718	870	718	870
Property management	-	-	60	32	60	32
Recreation revolving	-	-	3,217	3,192	3,217	3,192
Downtown center development	-	-	48	48	48	48
Total expenses	262,081	257,262	133,196	133,024	395,277	390,286
Increase in net assets before transfers	14,662	6,556	25,199	18,095	39,861	24,651
Transfers	11,013	13,307	(11,013)	(13,307)	-	-
Increase in net assets	25,675	19,863	14,186	4,788	39,861	24,651
Net assets – October 1	804,457	784,594	413,063	408,275	1,217,520	1,192,869
Net assets – September 30	\$830,132	\$804,457	\$427,249	\$413,063	\$1,257,381	\$1,217,520

**City of Plano, Texas
Management's Discussion and Analysis (continued)
September 30, 2010**

The most significant governmental expense for the City was for police activity. Of a total \$66.1 million spent, personnel costs were \$55.5 million, an increase over the prior year by \$0.6 million. The largest increase in governmental activities expenses can be noted in public works and pertains to depreciation. The largest governmental activities revenue increase was capital grants and contributions which increased \$9.8 million. The increase is primarily due to an increase in the number of transportation grants as well as additional funding from Collin County through interlocal agreements.

Business-type Activities

Revenues of the City's business-type activities were \$158.4 million for the fiscal year ended September 30, 2010. Revenues increased approximately \$7.3 million or 4.8 percent as compared to the prior fiscal year. Expenses for the City's business-type activities increased slightly by \$0.2 million or 0.1 percent. The increase in net revenues is the result of several factors, including the following:

- The City's water and sewer system recorded charges for services of \$116.3 million, an increase of \$8.4 million or 7.8 percent from the prior year primarily due to a six percent water rate increase effective October 1, 2009. Expenses increased over the prior year by \$1.2 million or 1.2 percent.
- The City's environmental waste services activities operated with program expenses exceeding charges for services by \$5.5 million. The City's percentage of contractual payments to North Texas Municipal Water District (NTMWD) increased \$0.3 million over the prior year. Payment is based on allocation of tonnage between member cities. Recycling revenues increased \$0.4 million due to an increase in prices.
- The City's municipal drainage activity operated with charges for services exceeding expenses by \$1.1 million, compared to \$1.2 million in the prior year. The municipal drainage system recorded charges for services of \$5.2 million, a 2.2 percent increase from the prior year as a result of a review of customers' drainage accounts to ensure completeness of billing and subsequent modifications.
- The City's civic center activity operated with expenses exceeding charges for services by \$4.2 million as compared to \$4.9 million in the prior fiscal year. Charges for services are reported at \$2.2 million which is a decrease of \$0.3 million from the prior fiscal year. Hotel/motel tax revenue increased \$0.1 million as a result of an increased collection effort and various hotel/motel tax audits.

CAPITAL ASSET AND DEBT ADMINISTRATION

Capital Assets

At the end of the fiscal year 2010, the City had \$1.3 billion invested in a broad range of capital assets, including police and fire equipment, buildings, park facilities, roads, bridges, and water and sewer lines. (See Table 4.) This amount represents a net increase (including additions and deductions) of \$25.1 million over the prior fiscal year.

Table 4
Capital Assets at Year-end
(Net of Depreciation, in Thousands)

	Governmental Activities		Business-type Activities		Totals	
	2010	2009	2010	2009	2010	2009
Land	\$ 122,700	\$ 107,127	\$ 9,264	\$ 9,267	\$ 131,964	\$ 116,394
Buildings and improvements	171,801	104,133	324,744	309,418	496,545	413,551
Equipment	44,980	45,579	3,301	4,185	48,281	49,764
Construction in progress	54,820	175,665	20,839	42,481	75,659	218,146
Public Art	1,699	1,697	-	-	1,699	1,697
Infrastructure	559,988	498,946	-	-	559,988	498,946
Drainage improvements	-	-	28,003	18,494	28,003	18,494
Totals	\$955,988	\$933,147	\$386,151	\$383,845	\$1,342,139	\$1,316,992

This year's major additions included (in millions):

Widening Plano Parkway-Midway to west City limits	\$ 1.1
Widening Rasor-Ohio to S.H. 121	2.9
Acquisition of a community park south of Spring Creek Parkway along White Rock Creek	5.4
Acquisition of acreage for the south Central Community Park and other acquisitions at various locations throughout the City	8.8
Replacement of various sections of street and alley pavement	1.5
Arterial concrete repair throughout the City	1.6
Arterial joint sealing program	1.0
Completion of Fire Station No.12	2.0
Installation of wireless network throughout the City	1.3
Installation of new radio system infrastructure	12.2
Installation of new radio mobile data system	1.6
Total	\$ 39.4

The City's fiscal year 2011 General Obligation capital budget includes \$43.7 million for capital projects, principally for three major categories: municipal facilities, parks and recreation, and street improvements and enhancements. Estimated expenditures for municipal facilities are \$9.8 million including \$6.0 million for public safety and fire facilities and equipment. Also included in the budget is \$2.3 million for the Collin County Cultural Arts. Estimated expenditures for parks and recreation facilities are \$15.8 million including \$8.0 million for the Pecan Hollow Golf Course, \$1.8 million for the Chisholm Trail, \$1.5 million for the Aquatic Center renovations and \$1.85 million for trail connections. An additional \$1.2 million is planned for land acquisitions. The remaining funds for park improvements and recreation centers are for a variety of projects. The City plans to spend \$18.2 million on street improvements and enhancements including \$2.8 million to reconstruct Communications from Spring Creek to Tennyson, \$1.7 million to reconstruct 14th Street from Avenue K to Ridgewood Drive, \$1.7 million to construct the Douglas walkway, \$1.2 million to widen McDermott Road from Coit to Ohio, and \$1.0

City of Plano, Texas
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million for the Park Blvd/US 75 pedestrian crossing. The remaining street improvements and enhancements are for a variety of projects. An additional \$21.4 million will be required to support the entire 2010-11 general obligation capital improvement program.

More detailed information about the City's capital asset activity is presented in Note 4 to the financial statements.

Debt

At year-end, the City had \$363.8 million in bonds and tax anticipation notes outstanding as compared to \$368.9 million at the end of the prior fiscal year, a decrease of 1.4 percent – as shown in Table 5.

Table 5
Outstanding Debt, at Year-end
(in Thousands)

	Governmental Activities		Business-type Activities		Totals	
	2010	2009	2010	2009	2010	2009
General obligation bonds and tax anticipation notes (backed by the City)	\$ 336,476	\$ 341,592	\$ -	\$ -	\$ 336,476	\$ 341,592
Revenue bonds (backed by fee revenues)	-	-	27,283	27,338	27,283	27,338
Totals	\$ 336,476	\$ 341,592	\$ 27,283	\$ 27,338	\$ 363,759	\$ 368,930

During the current fiscal year, the City issued \$28.5 million in general obligation bonds, \$9.7 million in tax and revenue certificates of obligation and \$6.8 million in municipal drainage revenue bonds.

The City's general obligation bonds and tax notes continue to carry an "AAA" rating, the highest rating possible. This rating has been assigned to the City's tax-supported debt since February 2000, by Moody's Investors Service, Inc., Standard & Poor's and Fitch, Inc. The City's drainage revenue bonds carry an A1 and AA- ratings, as assigned by two of the national rating agencies. The City is permitted by Article XI, Section 5, of the State of Texas Constitution to levy taxes up to \$2.50 per \$100 of assessed valuation for general governmental services including the payment of principal and interest on general obligation long-term debt. The current ratio of tax-supported debt to assessed value of all taxable property is 1.32 percent.

The City maintains a self-insurance program for general liability, public officials' errors and omission, police professional liability, property loss and workers' compensation. Claims for property loss over \$100,000 per occurrence and for workers' compensation over \$500,000 per occurrence are covered by private insurance companies. The City has claims and judgments of \$5.5 million outstanding at year-end compared with \$7.7 million at the end of the prior fiscal year. \$3.6 million is related to property/liability losses which are in line with the prior year while \$1.9 million is related to health claims which are down \$2.1 million from the prior year. Other obligations include accrued vacation pay and sick leave. More detailed information about the City's long-term liabilities is presented in Note 6 to the financial statements.

THE CITY'S FUNDS

At the close of the City's fiscal year on September 30, 2010, the governmental funds of the City reported a combined fund balance of \$174.5 million and the enterprise funds of the City reported combined net assets of \$417.7 million. Included in this year's total change in fund balance is a \$1.3 million decrease in the City's General Fund primarily due to decreases in franchise fees and intergovernmental revenues by \$1.7 million and \$2.2 million, respectively. Prior year intergovernmental revenues include \$2.1 million from TIF East Side as reimbursement for initial costs contributed by the City for the Courtyard Theater Project in FY 2001. In addition, other changes in fund balances should be noted:

- The City's Debt Service fund balance of \$1.2 million decreased from the prior year fund balance by \$2.1 million. Since fiscal year 2008-09, the allocation to the Debt Service portion of the ad valorem tax rate has increased to \$0.1602 from \$0.1467, a \$0.0135 increase. However, property tax revenues have fallen short of supporting the debt principal and interest charges.
- The City's Capital Reserve fund balance of \$43.1 million increased \$4.2 million over the prior year. This is due primarily to a decrease in capital outlay spending of \$4.8 million. The City spent \$8.8 million in capital outlay in the capital reserve fund as compared to \$13.6 million in the prior fiscal year.
- The City's Municipal Facilities fund balance of \$26.2 million decreased by \$8.4 million from the prior year. This is due primarily to an increase in capital outlay expenditures of \$6.2 million over the prior year.
- The City's Street Improvements fund balance of \$14.1 million increased by \$4.9 million from the prior year. Capital outlay expenditures of \$15.1 million decreased \$3.2 million as compared to \$18.3 million in the prior fiscal year. Additionally, contributions increased \$6.3 million over the prior year.
- The City's Water and Sewer fund net assets of \$385.2 million increased by \$12.1 million over the prior year. In the current fiscal year, total operating revenues increased by \$8.9 million due primarily to a six percent water rate increase.
- The City's Environmental Waste Services fund net assets increased slightly over the prior year by \$0.5 million to \$2.1 million.
- The City's Municipal Drainage fund net assets increased slightly over the prior year by \$0.9 million to \$20.0 million.

General Fund Budgetary Highlights

With adjustments made during FY 2009-10, the actual on a budgetary basis expenditures were \$202.4 million compared to the re-estimated budget amount of \$209.0 million. Actual expenditures were \$16.7 million lower than the original budget implemented for fiscal year 2009-10 and \$11.3 million lower as compared to the re-estimate. Decreases were due to reductions by City departments in anticipation of budget shortfalls.

For FY 2009-10, the actual on a budgetary basis revenues were \$197.6 million as compared to the re-estimated budget amount and original budget amount of \$196.4 million and \$198.5 million, respectively. The primary reason for the increase in actual revenue compared to the re-estimated budget is related to a \$1.3 million variance in sales tax revenue as a result of a slight improvement in the economy as well as improved consumer confidence.

**City of Plano, Texas
Management's Discussion and Analysis (continued)
September 30, 2010**

The City of Plano has an actual on a budgetary basis General Fund balance of \$36.7 million as of the fiscal year end, compared to the re-estimated budget fund balance and original budget fund balance of \$28.8 million and \$32.5 million respectively. The variance in fund balance is primarily due to expenditure reductions by City departments in anticipation of budget shortfalls

ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS AND RATES

Although the economy is a primary factor, City elected and appointed officials addressed many considerations when setting the fiscal year 2011 Budget, tax rates, and business-type activity fee structures. Financial forecasts in March 2010 projected a \$15.4 million General Fund budget deficit beginning in fiscal year 2010. In response, fees were increased for certain services and (98) full-time positions and (9) part-time positions were eliminated from the both the fiscal year 2009 and 2010 Budgets combined. A Core Business Matrix process prioritized core businesses, services and programs offered by the City and evaluated service level impacts and the amount of expenditures and revenues assigned to each core business. Budget reductions of \$14.0 million were identified from the fiscal year 2010 re-estimated budget and the 2011 budget including the elimination of a number of positions.

A primary reason for the budget deficit is a decrease of property values from the City's tax base for fiscal year 2011. According to the Collin County and the Denton County Central Appraisal Districts (CAD), total assessed property value for 2010-11 is \$24.7 billion which includes \$262.9 million of new property. Additionally, existing property values decreased by \$1.1 billion or 4.27%. This is the largest existing property value loss experienced in the City of Plano since 1993. The total change in value for fiscal year 2011 equals a decrease of \$826.3 million or 3.24%. The average home value as reported by the Collin County CAD is now \$245,802, down from \$249,679. In addition, the City of Plano offers Homestead, Disability and Over 65 Exemptions, and an ad valorem tax freeze on the residential homestead of citizens over 65 and disabled. Total exemptions account for \$5.2 billion in assessed property value, which equates to \$26.3 million in lost property tax revenue. Of this amount, \$779.9 thousand is lost due to the over 65 tax freeze.

The approved tax rate for 2011 remains constant from 2010 at 48.86 cents per \$100 valuation. The total tax rate includes an increase of 1.49 cents for debt service from 16.02 cents to 17.51 cents coupled with a 1.49 cents decrease for operation and maintenance (O&M) from 32.84 cents down to 31.35 cents. The increase in the debt service rate is to support the proposed capital improvement projects in 2011 which will require a G.O. bond sale in the amount of \$21.4 million. In order to keep the overall tax rate flat, the O&M rate decreased. Of the 48.86 cent tax rate, two-cents are solely dedicated for the Economic Development Incentive Program (EDIP), implemented by the City Council in fiscal year 2006-2007. The City continues to work to entice commercial entities to Plano and to provide economic development programs and redevelopment for all areas of the City.

The 2010-11 combined budget appropriation totals \$396.4 million for ten operating funds. This represents a decrease of \$5.8 million or 1.5 percent under the 2009-10 original budget. Ad valorem tax revenue is determined by two major factors: the total assessed values established by both the Central Appraisal District of Collin and Denton Counties and the tax rate established by the Plano City Council.

The City will continue its focus on protecting and expanding its revenue base. Like most Texas cities, Plano relies heavily on its local sales tax collections to provide the revenues necessary to meet citizen's expectations for demands for service. Since January 2008, Plano has experienced significant sales tax declines due to the economic downturn and growing competition from surrounding cities for sales tax dollars. For fiscal year 2010, however, the City experienced a slight increase and stabilization in sales tax collections compared to 2009 with seven (7) out of twelve (12) months reporting increases as compared to the same period last year. Sales-tax revenue projections of \$57.0 million in fiscal year 2011 do not take into consideration approximately \$1.5 million in 380 Agreements. Sales tax projections continue to be impacted by changes to the national economy, high

**City of Plano, Texas
Management's Discussion and Analysis (continued)
September 30, 2010**

fuel prices, weather conditions, loss of market share to surrounding communities, the annual Texas Legislative-initiated "Back-To-School" Sales Tax Holiday, and impending future legislation.

General Fund expenditures are expected to decrease by \$1.8 million or 0.8 percent from the 2009-10 re-estimated budget. Estimated salary and benefit savings of \$3.6 million is anticipated from the reduction of (31) full-time positions. The budget also includes a 2.5% attrition allowance and does not include a merit increase. Budget increases include \$880,000 in health insurance for rising health care costs. Other Post Employment Benefits contributions will decrease \$1.1 million due to a new actuarial study. Expected retiree payouts in FY 2010-11 are budgeted at \$2.5 million. Contribution rates for the Texas Municipal Retirement System (TMRS) increased on January 1, 2010 from 15.72% to 16.94%. The Retirement Security Plan (RSP) contribution rate will increase from 3.13% to 3.50%. Included in the 2010-11 General Fund budget is \$172,986 for capital improvement projects. In addition, a \$550,000 transfer from the Equipment Replacement Fund and a \$550,000 transfer from the Disaster Relief Fund will be made to the General Fund to balance the budget shortfall.

If these estimates are realized, the City's budgetary General Fund balance is expected to decrease from the re-estimated 2010 Budget by approximately \$14.1 million.

The Water and Sewer fund continues to be of concern in the City's business type activities. In fiscal year 2010, the City did not meet its 26.7 billion gallon water usage requirement as part of the take or pay contract with the North Texas Municipal Water District (NTMWD). The resulting cost impact for undelivered water was \$6.6 million. Lower revenues and increase charges from the NTMWD caused the City to increase water and sewer rates, the seventh increase since October 2006. The following recent rate decisions have been made regarding the City's business type activities:

- Revenue projections in 2010-11 increase water income by \$3.7 million, or 6.4% over the 2010 re-estimate. The water income revenue increase covers a 6% rate increase effective November 1, 2010 and reflects the water district's take-or-pay contracted purchase amount of 26.7 billion gallons. Using updated 3-year winter quarter averages for water and a November 1, 2010 rate increase of 6%, the 2010-11 Sewer revenues are projected to increase \$194,599, over the 2009-10 re-estimate.
- Total Environmental Waste Services revenues for 2010-11 are projected at \$22.2 million. Total 2009-10 budget re-estimated revenues were \$116,272 below the original budget due to decreases commercial franchise revenue, offset in part by higher recycling revenues. No rate adjustment will be required in 2011.
- A municipal drainage rate adjustment will not be required in 2010-11. The drainage rate for an average homeowner will continue to be \$3.30 per month, and non-residential rates will stay at .056 cents per 100 square feet of impervious area.
- Hotel/Motel tax receipts are projected to be \$3.9 million in fiscal year 2011. This represents a 12.2% decrease from the original budget and a 1% increase from the budget re-estimate. Reduction in revenue from original projections is related to the economic downturn. Although hotel occupancy rates have remained fairly stable, average room rates have decreased considerably. Civic Center fees are projected to be approximately \$2.0 million for 2010-11, a decrease of 23% from the original budget primarily due to the downturn in the economy and increased competition.
- Golf fees are projected to be \$68,000 in 2010-11, a decrease of 89% from the budget re-estimate due to golf course closure in FY 2010-11 for renovation.
- Recreation fees are projected to increase by \$320,242 over the original amount for 2010 to \$3.4 million and are projected down to \$3.0 million for 2011. The Recreation Revolving Fund is a compilation of over 30 activity budgets and fees are generated by various recreation classes.

CONTACTING THE CITY'S FINANCIAL MANAGEMENT

This financial report is designed to provide our citizens, taxpayers, customers, and investors and creditors with a general overview of the City's finances and to show the City's accountability for the money it receives. If you have questions about this report or need additional financial information, contact the City Controller's Office, at City of Plano, 1520 Avenue K, Suite 370, Plano, TX 75074.

**CITY OF PLANO, TEXAS
STATEMENT OF NET ASSETS
AS OF SEPTEMBER 30, 2010**

	Primary Government			Component Units
	Governmental Activities	Business-type Activities	Total	
ASSETS				
Cash and cash equivalents	\$ 75,048,808	\$ 3,669,182	\$ 78,717,990	\$ 7,388,325
Investments	175,974,902	8,594,349	184,569,251	17,350,732
Receivables (net of allowance for uncollectibles)	19,949,510	21,228,892	41,178,402	33,058
Internal balances	(9,593,755)	9,593,755	-	-
Due from other governments	5,196,392	-	5,196,392	-
Inventories	910,396	-	910,396	-
Prepays and other assets	21,713,523	526,665	22,240,188	3,176
Restricted assets:				
Cash and cash equivalents	939,735	11,156,438	12,096,173	-
Investments	2,235,440	26,175,918	28,411,358	-
Receivables	6,361	74,478	80,839	-
Capital assets:				
Non-depreciable	179,218,884	30,103,008	209,321,892	110,629
Depreciable (net)	776,769,533	356,047,579	1,132,817,112	2,595,796
Total Assets	1,248,369,729	467,170,264	1,715,539,993	27,481,716
LIABILITIES				
Accounts payable	4,140,678	4,865,900	9,006,578	6,016
Accrued liabilities	6,572,170	495,684	7,067,854	6,528
Accrued interest payable	1,144,650	440,545	1,585,195	-
Contracts payable	13,839,203	142,166	13,981,369	-
Customer deposits	-	2,021,439	2,021,439	-
Unearned revenue	14,190,075	685,496	14,875,571	-
Due to other governments	1,207,793	-	1,207,793	-
Retainage payable	713,743	431,211	1,144,954	-
Seized assets payable	149,715	-	149,715	-
Non-current liabilities				
Due within one year:				
Compensated absences	4,735,663	380,463	5,116,126	828
Notes payable	-	-	-	2,201,610
Bonds and notes payable	28,696,656	3,142,233	31,838,889	-
Liability for insurance claims	4,199,450	-	4,199,450	-
Due in more than one year:				
Compensated absences	29,563,569	3,175,670	32,739,239	132,420
Bonds and notes payable	307,779,043	24,140,283	331,919,326	-
Liability for insurance claims	1,305,256	-	1,305,256	-
Total Liabilities	418,237,664	39,921,090	458,158,754	2,347,402
NET ASSETS				
Invested in capital assets (net of related debt)	663,597,387	367,024,467	1,030,621,854	2,706,425
Restricted for:				
Debt service	1,182,560	2,639,954	3,822,514	-
Unrestricted	165,352,118	57,584,753	222,936,871	22,427,889
Total Net Assets	\$ 830,132,065	\$ 427,249,174	\$ 1,257,381,239	\$ 25,134,314

The notes to the financial statements are an integral part of this statement.

CITY OF PLANO, TEXAS
 STATEMENT OF ACTIVITIES
 FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2010

Function/Program Activities	Expenses	Program Revenues		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions
Primary Government:				
Governmental Activities:				
General government	\$ 18,438,819	\$ 1,394,826	\$ 881,428	\$ -
Administrative services	7,799,815	-	-	-
Police	66,061,326	15,429,740	1,287,634	246,554
Fire	43,654,787	3,882,667	121,345	-
Libraries	10,295,418	500,514	411,552	-
Development	18,945,171	3,990,274	2,508,621	-
Public services and operations	5,662,869	1,333,016	153,696	-
Parks and recreation	27,219,522	4,058,923	205,307	-
Public works	34,002,485	247,408	1,289,382	20,519,256
Technology services	13,806,148	2,870,243	-	-
Other	1,963,496	-	-	-
Interest on Long-Term Debt	14,119,411	-	-	-
Unallocated Depreciation	111,959	-	-	-
Total governmental activities	262,081,226	33,707,611	6,858,965	20,765,810
Business-type Activities:				
Water and sewer	97,546,366	116,516,442	-	3,721,845
Environmental waste services	21,163,351	15,616,880	60,194	-
Municipal drainage	4,051,080	5,161,087	-	-
Civic center	6,393,145	2,180,520	-	-
Municipal golf course	718,046	600,919	-	-
Property management	59,678	7,594	-	-
Recreation revolving	3,216,311	3,545,142	-	-
Downtown center development	47,918	68,128	-	-
Total business-type activities	133,195,895	143,696,712	60,194	3,721,845
Total primary government	\$ 395,277,121	\$ 177,404,323	\$ 6,919,159	\$ 24,487,655
Component units:				
Economic Development	\$ 3,652,655	\$ -	\$ 5,888,182	\$ -
TIF Mall	331,027	-	-	-
TIF East Side	2,420,563	-	-	-
Total component units	\$ 6,404,245	\$ -	\$ 5,888,182	\$ -

General revenues:
 Property taxes
 Sales taxes
 Mixed drink taxes
 Hotel/Motel tax
 Other taxes
 Franchise fees
 Investment income
 Transfers
 Total general revenues and transfers
 Change in net assets
 Net assets - beginning
 Net assets - ending

The notes to the financial statements are an integral part of this statement.

Net (Expense) Revenue and Changes in Net Assets

Primary Government			
Governmental Activities	Business-type Activities	Total	Component Units
\$ (16,162,565)		\$ (16,162,565)	
(7,799,815)		(7,799,815)	
(49,097,398)		(49,097,398)	
(39,650,775)		(39,650,775)	
(9,383,352)		(9,383,352)	
(12,446,276)		(12,446,276)	
(4,176,157)		(4,176,157)	
(22,955,292)		(22,955,292)	
(11,946,439)		(11,946,439)	
(10,935,905)		(10,935,905)	
(1,963,496)		(1,963,496)	
(14,119,411)		(14,119,411)	
(111,959)		(111,959)	
<u>(200,748,840)</u>		<u>(200,748,840)</u>	
-	\$ 22,691,921	22,691,921	
-	(5,486,277)	(5,486,277)	
-	1,110,007	1,110,007	
-	(4,212,625)	(4,212,625)	
-	(117,127)	(117,127)	
-	(52,084)	(52,084)	
-	328,831	328,831	
-	20,210	20,210	
-	<u>14,282,856</u>	<u>14,282,856</u>	
<u>(200,748,840)</u>	<u>14,282,856</u>	<u>(186,465,984)</u>	
			\$ 2,235,527
			(331,027)
			<u>(2,420,563)</u>
			<u>(516,063)</u>
129,741,125	-	129,741,125	8,050,268
58,652,787	-	58,652,787	-
1,103,815	-	1,103,815	-
-	4,098,810	4,098,810	-
77,968	-	77,968	-
22,361,082	6,286,201	28,647,283	-
3,473,366	531,546	4,004,912	179,406
11,013,481	(11,013,481)	-	-
<u>226,423,624</u>	<u>(96,924)</u>	<u>226,326,700</u>	<u>8,229,674</u>
25,674,784	14,185,932	39,860,716	7,713,611
804,457,281	413,063,242	1,217,520,523	17,420,703
<u>\$ 830,132,065</u>	<u>\$ 427,249,174</u>	<u>\$ 1,257,381,239</u>	<u>\$ 25,134,314</u>

**CITY OF PLANO, TEXAS
BALANCE SHEET
GOVERNMENTAL FUNDS
AS OF SEPTEMBER 30, 2010**

	<u>General</u>	<u>Debt Service</u>	<u>Capital Reserve</u>
ASSETS			
Cash and cash equivalents	\$ 11,604,983	\$ 353,397	\$ 13,234,701
Investments	27,150,631	829,162	31,052,064
Receivables (net of allowance for uncollectibles)			
Taxes	11,836,461	545,352	-
Accounts	1,730,528	-	-
Notes	2,201,610	-	-
Accrued interest	77,250	2,359	88,350
Assessments	-	-	-
Other	-	-	-
Due from other funds	1,938,861	-	-
Due from other governments	55,185	-	-
Prepaid items and other assets	120,229	-	-
Total Assets	<u>56,715,738</u>	<u>1,730,270</u>	<u>44,375,115</u>
LIABILITIES AND FUND BALANCES			
Liabilities:			
Accounts payable	2,462,298	-	-
Accrued liabilities	5,491,897	-	-
Contracts payable	-	-	1,085,652
Deferred revenue	7,292,447	545,351	-
Due to other funds	48,777	-	-
Due to other governments	19,742	9,764	-
Retainage payable	-	-	189,437
Seized assets payable	-	-	-
Total Liabilities	<u>15,315,161</u>	<u>555,115</u>	<u>1,275,089</u>
Fund Balance:			
Reserved for encumbrances in:			
General fund	4,604,162	-	-
Capital reserve fund	-	-	4,462,039
Municipal facilities	-	-	-
Street improvements	-	-	-
Capital project funds	-	-	-
Reserved for:			
Prepaid items and other assets	120,229	-	-
Notes receivable	2,201,610	-	-
Debt service	-	1,175,155	-
Capital reserve	-	-	38,637,987
Municipal facilities	-	-	-
Street improvements	-	-	-
Capital projects	-	-	-
Unreserved, designated in:			
Special revenue funds	-	-	-
Unreserved, undesignated in:			
General fund	34,474,576	-	-
Special revenue funds	-	-	-
Capital project funds	-	-	-
Total Fund Balance	<u>41,400,577</u>	<u>1,175,155</u>	<u>43,100,026</u>
Total Liabilities and Fund Balance	<u>\$ 56,715,738</u>	<u>\$ 1,730,270</u>	<u>\$ 44,375,115</u>

The notes to the financial statements are an integral part of this statement.

Municipal Facilities	Street Improvements	Other Governmental Funds	Total Governmental Funds
\$ 11,230,676	\$ 8,563,897	\$ 15,698,186	\$ 60,685,840
26,350,098	20,093,139	36,490,185	141,965,279
-	-	-	12,381,813
-	-	596,061	2,326,589
-	-	-	2,201,610
74,972	57,170	103,824	403,925
-	1,450,071	-	1,450,071
275	-	926,875	927,150
-	-	16,978	1,955,839
-	3,038,367	2,102,840	5,196,392
-	-	-	120,229
<u>37,656,021</u>	<u>33,202,644</u>	<u>55,934,949</u>	<u>229,614,737</u>
-	-	351,069	2,813,367
-	-	836,668	6,328,565
11,453,244	1,039,650	260,657	13,839,203
-	17,550,420	2,665,724	28,053,942
-	-	1,941,160	1,989,937
-	-	1,178,287	1,207,793
12,153	466,528	45,625	713,743
-	-	149,715	149,715
<u>11,465,397</u>	<u>19,056,598</u>	<u>7,428,905</u>	<u>55,096,265</u>
-	-	-	4,604,162
-	-	-	4,462,039
6,364,840	-	-	6,364,840
-	8,737,635	-	8,737,635
-	-	8,273,945	8,273,945
-	-	-	120,229
-	-	-	2,201,610
-	-	-	1,175,155
-	-	-	38,637,987
19,825,784	-	-	19,825,784
-	5,408,411	-	5,408,411
-	-	19,403,260	19,403,260
-	-	892,373	892,373
-	-	-	34,474,576
-	-	19,787,110	19,787,110
-	-	149,356	149,356
<u>26,190,624</u>	<u>14,146,046</u>	<u>48,506,044</u>	<u>174,518,472</u>
<u>\$ 37,656,021</u>	<u>\$ 33,202,644</u>	<u>\$ 55,934,949</u>	<u>\$ 229,614,737</u>

**CITY OF PLANO, TEXAS
RECONCILIATION OF THE STATEMENT OF NET ASSETS
OF GOVERNMENTAL FUNDS
TO THE BALANCE SHEET
AS OF SEPTEMBER 30, 2010**

Amounts reported for governmental activities in the statement of net assets are different because:

Total fund balance per balance sheet	\$ 174,518,472
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds.	922,082,731
Other long-term assets are not available to pay for current-period expenditures, and, therefore, are deferred in the funds.	35,235,011
Internal service funds are used by management to charge the costs of fleet management, property liability loss, health claims, office services and municipal warehouse to individual funds. The assets and liabilities of the internal service funds are included in governmental activities in the statement of net assets.	74,761,699
Long-term liabilities, including bonds payable, are not due and payable in the current period and therefore are not reported in the funds.	(376,465,848)
Net assets of governmental activities	<u><u>\$ 830,132,065</u></u>

The notes to the financial statements are an integral part of this statement.



CITY OF PLANO, TEXAS
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE YEAR ENDED SEPTEMBER 30, 2010

	<u>General</u>	<u>Debt Service</u>	<u>Capital Reserve</u>	<u>Municipal Facilities</u>
REVENUES				
Taxes-				
Property taxes	\$ 81,571,898	\$ 39,740,619	\$ -	\$ -
Other taxes	59,176,584	-	-	-
Franchise fees	21,886,667	-	-	-
Fines and forfeitures	7,767,903	-	-	-
Contributions	-	-	680,000	-
Rollback taxes	-	-	63,296	-
Licenses and permits	5,763,535	-	-	-
Intragovernmental	8,211,958	-	-	-
Intergovernmental	727,762	-	40,000	-
Fees for services	10,847,217	-	-	-
Assessments	-	-	-	-
Investment income	822,854	284,605	474,163	412,107
Miscellaneous	927,312	246,554	4,900	3,000
Total revenues	<u>197,703,690</u>	<u>40,271,778</u>	<u>1,262,359</u>	<u>415,107</u>
EXPENDITURES				
Current operating:				
General government	384,114	-	-	-
Administrative services	7,901,744	-	-	-
Police	60,573,455	-	-	-
Fire	42,800,659	-	-	-
Libraries	9,694,994	-	-	-
Development	16,796,214	-	-	-
Public services and operations	4,785,710	-	-	-
Parks and recreation	19,909,716	-	-	-
Environmental waste services	-	-	-	-
Public works	5,592,600	-	-	-
Other	27,809,863	-	-	-
Capital outlay	1,511,225	-	8,770,247	20,354,128
Debt service:				
Principal retirement	-	27,650,000	-	-
Interest and fiscal charges	-	14,553,158	-	-
Total expenditures	<u>197,760,294</u>	<u>42,203,158</u>	<u>8,770,247</u>	<u>20,354,128</u>
Deficiency of revenues over expenditures	<u>(56,604)</u>	<u>(1,931,380)</u>	<u>(7,507,888)</u>	<u>(19,939,021)</u>
OTHER FINANCING SOURCES (USES)				
Issuance of debt	-	-	-	11,000,000
Bond proceeds - refunding	-	16,633,613	-	-
Escrow payment - refunding	-	(16,777,204)	-	-
Premium on sale of bonds	-	-	-	145,487
Proceeds from sale of land	-	-	-	426,129
Transfers in	9,813,481	-	11,700,000	-
Transfers out	(11,100,430)	-	-	-
Total other financing sources (uses)	<u>(1,286,949)</u>	<u>(143,591)</u>	<u>11,700,000</u>	<u>11,571,616</u>
Net change in fund balances	(1,343,553)	(2,074,971)	4,192,112	(8,367,405)
Fund balances-beginning	42,744,130	3,250,126	38,907,914	34,558,029
Fund balances-ending	<u>\$ 41,400,577</u>	<u>\$ 1,175,155</u>	<u>\$ 43,100,026</u>	<u>\$ 26,190,624</u>

The notes to the financial statements are an integral part of this statement.

Street Improvements	Other Governmental Funds	Total Governmental Funds
\$ -	\$ -	\$ 121,312,517
-	-	59,176,584
-	-	21,886,667
-	3,145,010	10,912,913
9,806,070	205,842	10,691,912
-	-	63,296
-	-	5,763,535
-	-	8,211,958
3,384,011	3,084,369	7,236,142
-	2,921,872	13,769,089
88,375	-	88,375
274,572	616,303	2,884,604
111,866	105,110	1,398,742
<u>13,664,894</u>	<u>10,078,506</u>	<u>263,396,334</u>
-	8,015	392,129
-	-	7,901,744
-	4,716,275	65,289,730
-	183,476	42,984,135
-	231,825	9,926,819
-	2,898,095	19,694,309
-	848,483	5,634,193
-	-	19,909,716
-	88,202	88,202
-	-	5,592,600
-	-	27,809,863
15,052,846	19,138,922	64,827,368
-	-	27,650,000
-	-	14,553,158
<u>15,052,846</u>	<u>28,113,293</u>	<u>312,253,966</u>
<u>(1,387,952)</u>	<u>(18,034,787)</u>	<u>(48,857,632)</u>
6,110,000	5,505,000	22,615,000
-	-	16,633,613
-	-	(16,777,204)
157,151	141,590	444,228
-	-	426,129
-	384,772	21,898,253
-	(145,609)	(11,246,039)
<u>6,267,151</u>	<u>5,885,753</u>	<u>33,993,980</u>
4,879,199	(12,149,034)	(14,863,652)
9,266,847	60,655,078	189,382,124
<u>\$ 14,146,046</u>	<u>\$ 48,506,044</u>	<u>\$ 174,518,472</u>

**RECONCILIATION OF THE STATEMENT OF REVENUES
EXPENDITURES AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS
TO THE STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED SEPTEMBER 30, 2010**

Amounts reported for governmental activities in the statement of activities are different because:

Net change in fund balance - total governmental funds	\$ (14,863,652)
Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlays exceeded depreciation in the current period.	14,908,358
Revenues in the statement of activities that do not provide current financial resources are not reported as revenues in the funds.	9,631,358
The issuance of long-term debt (e.g. bonds, tax anticipation notes) provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net assets. Also, governmental funds report the effect of issuance costs premiums, discounts, and similar items when debt is first issued, whereas these amounts are deferred and amortized in the statement of activities. This amount is the net effect of these differences in the treatment of long-term debt and related items.	4,753,166
Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.	2,753,877
Internal service funds are used by management to charge the costs of fleet management, property liability loss, health claims, office services and municipal warehouse to individual funds. The net expenses of certain activities of internal service funds is reported within governmental activities.	8,494,414
Grant revenue included in the special revenue funds which are used for the benefit of business-type activities. The net expenses of certain activities are reported within the business-type activities.	(2,737)
Change in net assets of governmental activities	<u>\$ 25,674,784</u>

The notes to the financial statements are an integral part of this statement.

CITY OF PLANO, TEXAS
GENERAL FUND - STATEMENT OF REVENUES, EXPENDITURES AND CHANGES
IN FUND BALANCE-BUDGET AND ACTUAL
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2010

	<u>Budgeted Amounts</u>		<u>Actual</u>	<u>Adjustments- Budgetary Basis</u>	<u>Actual on a Budgetary Basis</u>	<u>Variance with Final Budget - Positive (Negative)</u>
	<u>Original</u>	<u>Final</u>				
REVENUES:						
Taxes-						
Property taxes	\$ 82,436,251	\$ 81,932,161	\$ 81,571,898	\$ (63,296)	\$ 81,508,602	\$ (423,559)
Other taxes	58,935,386	57,833,841	59,176,584	-	59,176,584	1,342,743
Franchise fees	22,197,743	21,522,622	21,886,667	-	21,886,667	364,045
Fines and forfeitures	8,297,385	7,837,264	7,767,903	-	7,767,903	(69,361)
Licenses and permits	4,127,062	5,641,718	5,763,535	-	5,763,535	121,817
Intragovernmental	8,211,958	8,211,958	8,211,958	-	8,211,958	-
Intergovernmental	716,747	749,759	727,762	-	727,762	(21,997)
Fees for services	11,212,405	10,841,313	10,847,217	-	10,847,217	5,904
Investment income	1,300,000	900,000	822,854	-	822,854	(77,146)
Miscellaneous	1,032,794	893,526	927,312	-	927,312	33,786
Total Revenues	198,467,731	196,364,162	197,703,690	(63,296)	197,640,394	1,276,232
EXPENDITURES:						
General government	488,276	540,542	384,114	81,586	465,700	74,842
Administrative services	8,453,711	8,396,331	7,901,744	119,027	8,020,771	375,560
Police	62,674,759	62,031,428	60,573,455	334,024	60,907,479	1,123,949
Fire	43,519,918	43,578,585	42,800,659	219,880	43,020,539	558,046
Libraries	9,794,588	9,898,944	9,694,994	184,672	9,879,666	19,278
Development	20,200,008	19,397,399	16,796,214	559,483	17,355,697	2,041,702
Public services and operations	4,892,493	4,950,868	4,785,710	7,209	4,792,919	157,949
Parks and Recreation	22,739,108	21,383,180	19,909,716	329,183	20,238,899	1,144,281
Public works	6,142,493	5,962,512	5,592,600	236,822	5,829,422	133,090
Other	29,393,240	30,314,880	27,809,863	1,500,610	29,310,473	1,004,407
Capital outlay	1,010,000	2,572,909	1,511,225	1,031,666	2,542,891	30,018
Total Expenditures	209,308,594	209,027,578	197,760,294	4,604,162	202,364,456	6,663,122
Deficiency Of Revenues (under) Expenditures	(10,840,863)	(12,663,416)	(56,604)	(4,667,458)	(4,724,062)	7,939,354
OTHER FINANCING SOURCES (USES):						
Transfers in	11,277,493	9,813,481	9,813,481	-	9,813,481	-
Transfers out	(10,634,771)	(11,100,430)	(11,100,430)	-	(11,100,430)	-
Total Other Financing Sources (Uses)	642,722	(1,286,949)	(1,286,949)	-	(1,286,949)	-
Excess (Deficiency) Of Revenues And Other Sources Over Expenditures And Other Uses	(10,198,141)	(13,950,365)	(1,343,553)	(4,667,458)	(6,011,011)	7,939,354
FUND BALANCE, October 1	42,744,130	42,744,130	42,744,130	-	42,744,130	-
FUND BALANCE, September 30	\$ 32,545,989	\$ 28,793,765	\$ 41,400,577	\$ (4,667,458)	\$ 36,733,119	\$ 7,939,354

The notes to the financial statements are an integral part of this statement.

**CITY OF PLANO, TEXAS
 ADJUSTMENTS TO REVENUES, EXPENDITURES AND OTHER
 FINANCING USES FROM GAAP BASIS TO BUDGETARY BASIS
 FOR THE YEAR ENDED SEPTEMBER 30, 2010**

	Deficiency of Revenues and Other Sources Under Expenditures and Other Uses General Fund
GAAP basis	\$ (1,343,553)
Revenues:	
Decrease due to rolled back taxes	(63,296)
Expenditures:	
Increase due to encumbrances	(4,604,162)
Budgetary basis	\$ (6,011,011)

The notes to the financial statements are an integral part of this statement.



CITY OF PLANO, TEXAS
STATEMENT OF NET ASSETS
PROPRIETARY FUNDS
AS OF SEPTEMBER 30, 2010

Business-type Activities
Enterprise Funds

	Water and Sewer	Environmental Waste Services	Municipal Drainage	Other Enterprise Funds	Total	Governmental Activities- Internal Service Funds
ASSETS						
Current assets:						
Cash and cash equivalents	\$ 718,715	\$ 528,180	\$ 1,190,648	\$ 1,231,639	\$ 3,669,182	\$ 14,362,968
Investments	1,680,722	1,237,722	2,793,571	2,882,334	8,594,349	34,009,623
Receivables (net of allowance for uncollectibles)						
Accounts	17,557,925	1,902,021	627,997	562,268	20,650,211	145,087
115 trust	-	-	-	-	-	16,500
Accrued interest	4,782	3,522	7,948	8,201	24,453	96,765
Other	854	550,823	-	2,551	554,228	-
Interfund receivable	134,409	-	-	-	134,409	-
Due from other funds	-	-	-	-	-	38,660
Inventories	-	-	-	-	-	910,396
Prepaid expenses & other assets	489,488	1,950	-	35,227	526,665	222,150
Restricted assets:						
Revenue bond debt service-						
Cash and cash equivalents	129,000	-	985,422	-	1,114,422	-
Investments	302,666	-	1,215,427	-	1,518,093	-
Accrued interest receivable	861	-	6,578	-	7,439	-
Revenue bond reserve fund-						
Investments	-	-	1,565,563	-	1,565,563	-
Revenue bond construction fund-						
Cash and cash equivalents	7,393,204	-	2,648,812	-	10,042,016	939,735
Investments	17,346,386	-	5,745,876	-	23,092,262	2,235,440
Accrued interest receivable	49,355	-	17,684	-	67,039	6,361
Total current assets	<u>45,808,367</u>	<u>4,224,218</u>	<u>16,805,526</u>	<u>4,722,220</u>	<u>71,560,331</u>	<u>52,983,685</u>
Advances to other funds	436,352	-	-	-	436,352	-
Capital assets:						
Land	4,884,695	-	53,812	4,325,479	9,263,986	62,522
Buildings	2,727,318	8,581	52,921	13,953,990	16,742,810	5,825,002
Improvements other than buildings	505,954,046	-	-	2,053,248	508,007,294	-
Equipment	12,919,745	6,995,801	264,643	2,247,236	22,427,425	39,673,352
Furniture and fixtures	208,643	53,028	8,124	466,460	736,255	118,046
Rolling equipment	114,195	133,694	-	-	247,889	50,545,544
Drainage improvements	-	-	32,140,124	-	32,140,124	-
Construction in progress	19,573,145	-	1,265,877	-	20,839,022	-
Less accumulated depreciation	<u>(197,059,781)</u>	<u>(6,899,714)</u>	<u>(4,415,173)</u>	<u>(15,879,550)</u>	<u>(224,254,218)</u>	<u>(62,318,780)</u>
Total capital assets (net of accumulated depreciation)	<u>349,322,006</u>	<u>291,390</u>	<u>29,370,328</u>	<u>7,166,863</u>	<u>386,150,587</u>	<u>33,905,686</u>
Total noncurrent assets	<u>349,322,006</u>	<u>291,390</u>	<u>29,370,328</u>	<u>7,166,863</u>	<u>386,150,587</u>	<u>33,905,686</u>
Total assets	<u>\$ 395,130,373</u>	<u>\$ 4,515,608</u>	<u>\$ 46,175,854</u>	<u>\$ 11,889,083</u>	<u>\$ 457,710,918</u>	<u>\$ 86,889,371</u>

The notes to the financial statements are an integral part of this statement.

(continued)

CITY OF PLANO, TEXAS
STATEMENT OF NET ASSETS
PROPRIETARY FUNDS
AS OF SEPTEMBER 30, 2010
(continued)

Business-type Activities
Enterprise Funds

	Water and Sewer	Environmental Waste Services	Municipal Drainage	Other Enterprise Funds	Total	Governmental Activities- Internal Service Funds
LIABILITIES						
Current liabilities:						
Accounts payable	\$ 4,024,771	\$ 337,852	\$ 346,912	\$ 156,365	\$ 4,865,900	\$ 1,327,311
Accrued liabilities	92,170	337,683	13,210	52,621	495,684	243,605
Deferred revenue	-	4,230	-	681,266	685,496	-
Due to other funds	1,215	1,769	123	690	3,797	765
Interfund payable	-	134,409	-	-	134,409	-
Accrued interest payable	-	1,517	-	-	1,517	-
Customer deposits	1,835,529	-	-	185,910	2,021,439	-
Liability for compensated absences	131,324	91,346	15,602	142,191	380,463	115,393
Liability for insurance claims	-	-	-	-	-	4,199,450
Total current liabilities	<u>6,085,009</u>	<u>908,806</u>	<u>375,847</u>	<u>1,219,043</u>	<u>8,588,705</u>	<u>5,886,524</u>
Current liabilities payable from restricted assets:						
Contracts payable	142,166	-	-	-	142,166	-
Current portion of long-term debt	1,309,233	-	1,833,000	-	3,142,233	-
Accrued interest payable	6,254	-	432,774	-	439,028	-
Retainage payable	402,126	-	29,085	-	431,211	-
Total current liabilities payable from restricted assets	<u>1,859,779</u>	<u>-</u>	<u>2,294,859</u>	<u>-</u>	<u>4,154,638</u>	<u>-</u>
Total current liabilities	<u>7,944,788</u>	<u>908,806</u>	<u>2,670,706</u>	<u>1,219,043</u>	<u>12,743,343</u>	<u>5,886,524</u>
Noncurrent liabilities:						
Advance from other funds	-	436,352	-	-	436,352	-
Bonds payable	772,953	-	23,367,330	-	24,140,283	-
Liability for compensated absences	1,601,585	1,042,351	126,377	405,357	3,175,670	843,046
Liability for insurance claims	-	-	-	-	-	1,305,256
Total noncurrent liabilities	<u>2,374,538</u>	<u>1,478,703</u>	<u>23,493,707</u>	<u>405,357</u>	<u>27,752,305</u>	<u>2,148,302</u>
Total liabilities	<u>10,319,326</u>	<u>2,387,509</u>	<u>26,164,413</u>	<u>1,624,400</u>	<u>40,495,648</u>	<u>8,034,826</u>
NET ASSETS						
Invested in capital assets (net of related debt)	347,239,820	291,390	12,326,394	7,166,863	367,024,467	33,905,686
Restricted for:						
Debt service	432,527	-	2,207,427	-	2,639,954	-
Unrestricted	37,138,700	1,836,709	5,477,620	3,097,820	47,550,849	44,948,859
Total Net Assets	<u>\$ 384,811,047</u>	<u>\$ 2,128,099</u>	<u>\$ 20,011,441</u>	<u>\$ 10,264,683</u>	<u>\$ 417,215,270</u>	<u>\$ 78,854,545</u>

The notes to the financial statements are an integral part of this statement.

**CITY OF PLANO, TEXAS
 RECONCILIATION OF THE STATEMENT OF NET ASSETS
 OF PROPRIETARY FUNDS
 TO THE GOVERNMENT-WIDE STATEMENT OF NET ASSETS
 AS OF SEPTEMBER 30, 2010**

Amounts reported for business type activities in the statement of net assets are different because:

Total net assets of proprietary funds	\$ 417,651,622
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Internal service funds are used by management to charge the costs of fleet management, property liability loss, health claims, office services and municipal warehouse to individual funds.

The net receivable due from activities of the internal service funds which are reported within business-type activities.	9,597,552
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Net assets of business type activities	<u>\$ 427,249,174</u>
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The notes to the financial statements are an integral part of this statement.

CITY OF PLANO, TEXAS
STATEMENT OF REVENUES, EXPENSES AND CHANGES IN FUND NET ASSETS
PROPRIETARY FUNDS
FOR THE YEAR ENDED SEPTEMBER 30, 2010

Business-type Activities
Enterprise Funds

	Water and Sewer	Environmental Waste Services	Municipal Drainage	Other Enterprise Funds	Total	Governmental Activities- Internal Service Funds
Operating revenues:						
Charges for sales and services:						
Service charges	\$ 114,136,008	\$ 13,314,222	\$ 5,157,387	\$ 6,292,756	\$ 138,900,373	\$ 66,189,685
Franchise fees	-	6,286,201	-	-	6,286,201	-
Sale of trash bags	-	1,179,816	-	-	1,179,816	-
Penalties	1,406,436	-	-	-	1,406,436	-
Taps and meters	215,628	-	-	-	215,628	-
Construction water	177,346	-	-	-	177,346	-
Contributions	-	115,616	-	-	115,616	-
Miscellaneous charges	339,429	998,228	3,700	102,008	1,443,365	191,864
Total operating revenues	<u>116,274,847</u>	<u>21,894,083</u>	<u>5,161,087</u>	<u>6,394,764</u>	<u>149,724,781</u>	<u>66,381,549</u>
Operating expenses:						
Personal services	9,079,138	6,016,127	1,598,234	4,243,054	20,936,553	8,302,930
Contractual services	7,469,845	6,751,547	598,628	4,709,612	19,529,632	11,624,925
Supplies	5,543,748	368,050	269,241	1,018,354	7,199,393	7,130,669
Claims expense	-	-	-	-	-	17,650,843
Depreciation	13,489,133	71,169	732,802	550,107	14,843,211	7,217,672
Landfill services	-	7,291,338	-	-	7,291,338	-
Wastewater treatment	23,304,804	-	-	-	23,304,804	-
Charges in lieu of taxes	7,319,923	892,035	-	-	8,211,958	-
Water supply	31,084,974	-	-	-	31,084,974	-
Other post employment benefits	-	-	-	-	-	5,890,210
Miscellaneous	716,461	133,042	9,330	89,627	948,460	54,589
Total operating expenses	<u>98,008,026</u>	<u>21,523,308</u>	<u>3,208,235</u>	<u>10,610,754</u>	<u>133,350,323</u>	<u>57,871,838</u>
Operating income (loss)	<u>18,266,821</u>	<u>370,775</u>	<u>1,952,852</u>	<u>(4,215,990)</u>	<u>16,374,458</u>	<u>8,509,711</u>
Nonoperating revenues (expenses):						
Investment income	308,593	7,150	170,082	45,721	531,546	589,555
Gain on property disposition	46,420	-	-	-	46,420	260,599
Interest and fiscal charges	(114,727)	(35,948)	(866,278)	-	(1,016,953)	-
Hotel/motel tax	-	-	-	4,098,810	4,098,810	-
Intergovernmental revenues	-	-	-	-	-	2,559
Miscellaneous	195,175	8,998	(32,611)	7,539	179,101	32,172
Total nonoperating revenue (expenses)	<u>435,461</u>	<u>(19,800)</u>	<u>(728,807)</u>	<u>4,152,070</u>	<u>3,838,924</u>	<u>884,885</u>
Income (loss) before contributions and transfers	18,702,282	350,975	1,224,045	(63,920)	20,213,382	9,394,596
Contributions from developers	3,721,845	-	-	-	3,721,845	-
Transfers in	-	100,000	-	-	100,000	4,851,267
Transfers out	(10,280,801)	-	(359,636)	(473,044)	(11,113,481)	(4,490,000)
Change in net assets	12,143,326	450,975	864,409	(536,964)	12,921,746	9,755,863
Total net assets-beginning	373,104,073	1,677,124	19,147,032	10,801,647	404,729,876	69,098,682
Total net assets-ending	<u>\$ 385,247,399</u>	<u>\$ 2,128,099</u>	<u>\$ 20,011,441</u>	<u>\$ 10,264,683</u>	<u>\$ 417,651,622</u>	<u>\$ 78,854,545</u>

The notes to the financial statements are an integral part of this statement.



**CITY OF PLANO, TEXAS
RECONCILIATION OF THE STATEMENT OF REVENUES,
EXPENSES AND CHANGES IN NET ASSETS OF PROPRIETARY FUNDS
TO THE STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED SEPTEMBER 30, 2010**

Amounts reported for business-type activities in the statement of activities are different because:

Net change in net assets - total proprietary funds	\$12,921,746
Internal service funds are used by management to charge the costs of fleet management, property liability loss, health claims, office services and municipal warehouse to individual funds.	
The net revenues of certain activities of internal service funds is reported within business-type activities.	1,261,449
The net expenses of grant activities of special revenue funds is reported within business-type activities.	2,737
Change in net assets of business-type activities	<u><u>\$14,185,932</u></u>

The notes to the financial statements are an integral part of this statement.

CITY OF PLANO, TEXAS
STATEMENT OF CASH FLOWS
PROPRIETARY FUNDS
FOR THE YEAR ENDED SEPTEMBER 30, 2010

	Business-type Activities Enterprise Funds					Governmental Activities- Internal Service Funds
	Water and Sewer	Environmental Waste Services	Municipal Drainage	Other Enterprise Funds	Total	
CASH FLOWS FROM OPERATING ACTIVITIES						
Cash received from customers	\$ 114,077,879	\$ 15,636,175	\$ 5,146,591	\$ 6,190,436	\$ 141,051,081	\$ 66,513,357
Franchise fees	-	6,286,201	-	-	6,286,201	-
Charges in lieu of taxes	(7,319,923)	(892,035)	-	-	(8,211,958)	-
Cash payments to suppliers for goods and services	(68,078,018)	(13,284,909)	(615,331)	(5,970,192)	(87,948,450)	(44,619,179)
Cash payments to employees for services	(9,323,651)	(6,029,814)	(1,687,406)	(4,656,987)	(21,697,858)	(8,583,311)
Net cash provided (used) by operating activities	29,356,287	1,715,618	2,843,854	(4,436,743)	29,479,016	13,310,867
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES						
Advances (to) from other funds	(436,559)	570,761	-	-	134,202	(47,706)
Repayments (to) from other funds	2,004	(632,092)	-	(209)	(630,297)	(105,051)
Hotel/motel tax	-	-	-	4,098,810	4,098,810	-
Transfers (to) from other funds	(10,280,801)	100,000	(359,636)	(473,044)	(11,013,481)	361,267
Grant receipts	-	-	-	-	-	2,559
Net cash provided (used) by noncapital financing activities	(10,715,356)	38,669	(359,636)	3,625,557	(7,410,766)	211,069
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES						
Acquisition and construction of capital assets	(12,528,825)	-	(899,225)	(49,773)	(13,477,823)	(10,935,813)
Bond proceeds	-	-	3,272,791	-	3,272,791	-
Proceeds from sale of equipment	-	-	-	-	-	367,240
Principal paid on long-term debt	(1,940,000)	-	(1,315,000)	-	(3,255,000)	-
Interest and fees paid on long-term debt	(172,044)	(35,948)	(884,675)	-	(1,092,667)	-
Proceeds from insurance damages	72,710	8,998	2,869	7,539	92,116	32,172
Proceeds from sale of equipment	46,420	-	-	-	46,420	-
Net cash provided (used) by capital and related financing activities	(14,521,739)	(26,950)	176,760	(42,234)	(14,414,163)	(10,536,401)
CASH FLOWS FROM INVESTING ACTIVITIES						
Purchase of investment securities	(19,329,774)	(1,237,722)	(11,320,437)	(2,882,335)	(34,770,268)	(36,245,066)
Proceeds from sale and maturities of investment securities	20,018,631	-	11,509,645	4,250,665	35,778,941	41,455,186
Interest on investments	358,299	43	187,244	59,515	605,101	739,327
Increase in fair value of investments	-	3,585	10,827	238	14,650	-
Net cash provided (used) by investing activities	1,047,156	(1,234,094)	387,279	1,428,083	1,628,424	5,949,447
Net increase in cash and cash equivalents	5,166,348	493,243	3,048,257	574,663	9,282,511	8,934,982
Cash and cash equivalents, October 1	3,074,571	34,937	1,776,625	656,976	5,543,109	6,367,721
Cash and cash equivalents, September 30	\$ 8,240,919	\$ 528,180	\$ 4,824,882	\$ 1,231,639	\$ 14,825,620	\$ 15,302,703
Classified as:						
Current assets	\$ 718,715	\$ 528,180	\$ 1,190,648	\$ 1,231,639	\$ 3,669,182	\$ 14,362,968
Restricted assets	7,522,204	-	3,634,234	-	11,156,438	939,735
Total	\$ 8,240,919	\$ 528,180	\$ 4,824,882	\$ 1,231,639	\$ 14,825,620	\$ 15,302,703
Non-cash disclosure:						
Developers contributions	\$ 3,721,845	\$ -	\$ -	\$ -	\$ 3,721,845	\$ -
Gain (loss) on property disposition	46,420	-	-	-	46,420	(106,641)
Increase in fair value of investments	-	3,585	10,827	238	14,650	(35,884)
Transfer in (out) of capital assets	3,190,490	(14,016)	808,654	-	3,985,128	30,225

The notes to the financial statements are an integral part of this statement.

(continued)

CITY OF PLANO, TEXAS
STATEMENT OF CASH FLOWS
PROPRIETARY FUNDS
FOR THE YEAR ENDED SEPTEMBER 30, 2010
(continued)

	Business-type Activities Enterprise Funds					Governmental Activities- Internal Service Funds
	Water and Sewer	Environmental Waste Services	Municipal Drainage	Other Enterprise Funds	Total	
RECONCILIATION OF OPERATING INCOME (LOSS) TO NET CASH PROVIDED (USED) BY OPERATING ACTIVITIES						
Operating income (loss)	\$ 18,266,821	\$ 370,775	\$ 1,952,852	\$ (4,215,990)	\$ 16,374,458	\$ 8,509,711
Adjustments to reconcile operating income to net cash provided (used) by operating activities:						
Depreciation	13,489,133	71,169	732,802	550,107	14,843,211	7,217,672
Change in assets and liabilities:						
(Increase) decrease in-						
Accounts receivable	(1,799,180)	30,809	(14,496)	(170,408)	(1,953,275)	93,594
Other accounts receivable	699	3,254	-	201	4,154	-
Due from other funds	-	-	123	-	123	(99)
Due from other governments	-	-	-	-	-	434
Prepaid expenses & other assets	249,617	1,087,805	-	13,448	1,350,870	(6,558)
Inventories	-	-	-	-	-	32,386
Increase (decrease) in-						
Accounts payable	(207,803)	171,263	261,745	(166,248)	58,957	(109,982)
Accrued liabilities	(214,933)	(41,343)	(28,152)	(204,450)	(488,878)	(2,329,241)
Due to other funds	-	-	-	(811)	(811)	38,420
Liability for compensated absences	(29,580)	27,656	(61,020)	(212,131)	(275,075)	(63,384)
Customer deposits	(398,487)	-	-	(24,364)	(422,851)	-
Deferred revenue	-	(5,770)	-	(6,097)	(11,867)	-
Liability for insurance claims	-	-	-	-	-	(72,086)
Total adjustments	11,089,466	1,344,843	891,002	(220,753)	13,104,558	4,801,156
Net cash provided (used) by operating activities	\$ 29,356,287	\$ 1,715,618	\$ 2,843,854	\$ (4,436,743)	\$ 29,479,016	\$ 13,310,867

The notes to the financial statements are an integral part of this statement.



**CITY OF PLANO, TEXAS
STATEMENT OF FIDUCIARY NET ASSETS
FIDUCIARY FUNDS
AS OF SEPTEMBER 30, 2010**

	Pension and Other Employee Benefit Trust funds	Agency Funds
ASSETS		
Cash and cash equivalents	\$ 4,045,062	\$ 712,376
Investment pool	-	1,671,422
Other U.S. government obligations	9,038,800	-
Corporate bonds	21,340,531	-
Common stocks	50,358,097	-
Foreign equities	1,863,830	-
Mutual funds	20,038,769	-
Real estate investment trusts	501,860	-
Accrued interest	386,451	4,755
Total Assets	107,573,400	2,388,553
LIABILITIES		
Accounts payable	15,315	-
Payable from pending trades	53,469	-
Retiree claims payable to health claims fund	16,500	-
Developers' escrow liability	-	2,325,171
Unclaimed property payable	-	63,382
Total Liabilities	85,284	2,388,553
NET ASSETS		
Held in trust for pension benefits	73,872,753	
Held in trust for other postemployment benefits	33,615,363	
Total Net Assets	\$ 107,488,116	

The notes to the financial statements are an integral part of this statement.

CITY OF PLANO, TEXAS
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2010

I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES:

The City of Plano, Texas, ("City") was originally incorporated in 1873 and chartered on June 10, 1961, and is a municipal corporation incorporated under provisions of H.B. 901 of the Texas Legislature. The City operates under a Council-Manager form of government and provides such services as authorized by its charter to advance the welfare, health, comfort, safety and convenience of the City and its inhabitants.

The financial statements of the City have been prepared to conform to generally accepted accounting principles (GAAP) as applicable to state and local governments. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. Private-sector standards of accounting and financial reporting issued prior to December 1, 1989, generally are followed in both the government-wide and proprietary fund financial statements to the extent that those standards do not conflict with or contradict guidance of the Governmental Accounting Standards Board. Governments also have the option of following subsequent private-sector guidance for their business-type activities and enterprise funds, subject to this same limitation. The government has elected not to follow subsequent private-sector guidance. The more significant accounting and reporting policies and practices used by the City are described below.

A. Financial Statement Presentation

The basic financial statements are prepared in conformity with GASB Statement No. 34, as amended, which requires the government-wide financial statements to be prepared using the accrual basis of accounting and the economic resources measurement focus. Government-wide financial statements do not provide information by fund, but distinguish between the City's governmental activities, business-type activities and activities of its discretely presented component units on the statement of net assets and statement of activities. The City's statement of net assets includes both noncurrent assets and noncurrent liabilities of the City. In addition, the government-wide statement of activities reflects depreciation expense on the City's capital assets, including infrastructure.

In addition to the government-wide financial statements, the City has prepared fund financial statements, which use the modified accrual basis of accounting and the current financial resources measurement focus for the governmental funds. The accrual basis of accounting is utilized by proprietary fund types and the pension trust and postemployment benefits trust funds. Under this method, revenues are recorded when earned and expenses are recorded at the time liabilities are incurred.

Management's Discussion and Analysis provides an analytical overview of the City's financial activities. In addition, a budgetary comparison statement is presented that compares the original adopted and final amended General Fund budget with actual results.

B. Reporting Entity

The City is governed by an elected mayor and seven-member council. As required by GAAP, these financial statements present the City (the primary government) and its component units, entities for which the government is considered to be financially accountable. Blended component units, although legally separate

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

entities are, in substance, part of the City's operations and data from these units are combined with data of the primary government. A discretely presented component unit, on the other hand, is reported in a separate column in the government-wide financial statements to emphasize it is legally separate from the City. The criteria for including organizations as component units within the City's reporting entity, as set forth in Section 2100 of GASB's Codification of Governmental Accounting and Financial Reporting Standards, include whether:

- the organization is legally separate (can sue and be sued in their own name)
- the City holds the corporate powers of the organization
- the City appoints a voting majority of the organization's board
- the City is able to impose its will on the organization
- the organization has the potential to impose a financial benefit/burden on the City
- there is fiscal dependency by the organization on the City

Discretely Presented Component Unit. The Plano Economic Development Board (Board) is legally separate from the City and the City does not appoint a majority of its governing board; however, the City Manager is a designated position on the Board and City Council appoints one member who must be a Council Member to serve on the Board. The City Council contracts with the Board to provide marketing and economic development services to the City and the City provides for custody and investment of the Board's assets, various administrative/personnel/legal services and the majority of funding for the Board's budget. The Board is reported as an enterprise fund. There are no separately issued financial statements of the Board. The Board is presented as a discrete component unit.

Tax Increment Financing Units. The City has established two tax increment financing units (TIF) for project improvements within the City. The first is an agreement by and between the City of Plano and the Taubman Realty Group Limited Partnership for the development of a regional mall. The second relates to financing for public improvements associated with the future development of East Plano. Both projects were approved by the City Council in fiscal year 1999. The Tax Increment Financing Units are legally separate from the City, and the City does not appoint a majority of its governing board for the first TIF and does appoint a majority of its governing board for the second TIF; however, the entities are fiscally dependent on the City. These projects had limited activity during fiscal year 2010 and are presented as discrete component units as the City has determined it would be misleading to exclude them.

Related Organization. The City's mayor appoints the board of the Plano Housing Authority, but the City's accountability for this organization does not extend beyond making the appointments. Thus, they are not included in the primary government or as discretely presented component units.

The financial statements are formatted to allow the user to clearly distinguish between primary government and its discretely presented component units.

C. Government-wide and Fund Financial Statements

The basic financial statements include both government-wide (based on the City as a whole) and fund financial statements; the focus is either the City as a whole or major individual funds (within the fund financial statements). The government-wide financial statements (i.e., the statement of net assets and the statement of activities) report information on all of the non-fiduciary activities of the primary government and its component units. As a general rule the effect of interfund activity has been eliminated from the government-wide financial statements. Exception to this general rule is interfund services provided by the internal service funds. Elimination of these charges would distort the direct costs reported for the various functions concerned. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support. Likewise, the primary government is reported separately from certain legally separate component units for which the primary government is financially accountable.

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

The government-wide statement of activities demonstrates the degree to which the direct expenses of a functional category (Police, Fire, Public Works, etc.) or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with specific function or segment. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment, 2) grants and contributions that are restricted to meeting the operational requirements of a particular function or segment and 3) grants and contributions that are restricted to meeting the capital requirements of a particular function or segment. Taxes and other items properly excluded from program revenues are reported instead as general revenues.

The net cost (by function or business-type activity) is normally covered by general revenue (property, sales and franchise taxes, and interest income).

Separate fund financial statements are provided for governmental funds, proprietary funds, and fiduciary funds, even though the latter are excluded from the government-wide financial statements. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements. The major governmental funds are the general fund, debt service fund, capital reserve fund, municipal facilities fund and street improvements fund. The major enterprise funds are the water and sewer fund, environmental waste services fund and municipal drainage fund. GASB Statement No. 34 sets forth minimum criteria (percentage of assets, liabilities, revenues or expenditures/expenses of either fund category for the governmental and enterprise combined) for the determination of major funds. The non-major funds are combined in a separate column in the fund financial statements.

Internal Service Funds, which traditionally provide services primarily to other funds of the government, are presented in the summary form as part of the proprietary fund financial statements. Because the principal users of the internal services are the City's governmental activities, financial statements of internal service funds are consolidated into the governmental column when presented at the government wide level. To the extent possible, the cost of these services are reflected in the appropriate functional activity (Police, Fire, Public Works, etc.). The City's Internal Service Funds consist of the equipment maintenance, office services, municipal warehouse, technology services, property liability loss and health claims funds.

The City's Fiduciary Funds are presented in the fund financial statements by type. Since by definition these assets are being held for the benefit of a third party (other local governments, individuals, pension participants, etc.) and cannot be used to address activities or obligations of the government, these funds are not incorporated into the government-wide statements. The City's Fiduciary Funds consist of funds that account for the pension trust, postemployment benefits trust, developer's escrow and unclaimed property.

The government-wide focus is more on the sustainability of the City as an entity and the change in aggregate financial position resulting from the activities of the fiscal period. The focus of the fund financial statements is on the major individual funds of the governmental and proprietary categories, as well as the fiduciary funds, (by category). Each presentation provides valuable information that can be analyzed and compared to enhance the usefulness of the information.

D. Measurement Focus and Basis of Accounting

Measurement focus refers to what is being measured; basis of accounting refers to when revenues and expenditures are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of the measurement made, regardless of the measurement focus applied.

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund and fiduciary fund statements. The economic resources measurement focus means all assets and liabilities (whether current or non-current) are included on the statement of net assets and the operating statements present increases (revenues) and decreases (expenses) in total net assets. Under the accrual basis of accounting, revenues are recognized when earned, including unbilled water and sewer services which are accrued. Expenses are recognized at the time the liability is incurred.

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

Government fund level financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recognized when susceptible to accrual, in other words, as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 30 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when the obligation has matured and is due and payable shortly after year end as required by GASB Interpretation No. 6.

Ad valorem, franchise and sales tax revenues recorded in the General Fund and ad valorem tax revenues recorded in the Debt Service Fund are recognized under the susceptible to accrual concept. Licenses and permits, charges for services, fines and forfeitures, contributions, and miscellaneous revenues are recorded as revenues when received in cash, as the resulting receivable is not measurable. Investment earnings are recorded as earned since they are measurable and available. In applying the susceptible to accrual concept to intergovernmental revenues, the legal and contractual requirements of the numerous individual programs are used as guidance. Intergovernmental grant revenues are recognized when all eligibility requirements have been met. Additionally, funds received in advance for which all eligibility requirements have not been met are considered deferred revenue.

When both restricted and unrestricted resources are available for use, it is the government's policy to use restricted resources first, and then unrestricted resources as needed.

Paving assessments in the governmental funds – Street Improvements are recorded as revenues when cash is received. The assessments are due in annual installments, including interest, over a four- to eight-year period. The assessments are measurable when assessed but are generally not available for use when assessed. Unallocated assessments are recorded as deferred revenue.

Business-type activities and all proprietary funds, and the pension trust and postemployment benefits trust funds, are accounted for on a flow of economic resources measurement focus. With this measurement focus, all assets and all liabilities associated with the operation of these funds are included on the balance sheet. Proprietary fund-type operating statements present increases (revenues) and decreases (expenses) in net total assets. Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the City's water and sewer, environmental waste services, municipal drainage, civic center, municipal golf course, property management and recreation revolving funds are charges to customers for sales and services. Operating expenses for the enterprise funds and internal service funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

The following major funds are used by the City:

1. Governmental Funds:

The focus of Governmental Fund measurement (in the Fund Financial Statements) is upon determination of financial position and changes in financial position (sources, uses, and balances of financial resources) rather than upon net income. The following is a description of the major Governmental Funds of the City:

- a. General Fund accounts for several of the City's primary services (Police, Fire, Public Works, Libraries, Parks and Recreation, etc.) and is the primary operating unit of the City.

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

- b. Debt Service Fund accounts for the resources accumulated and payments made for principal and interest on long-term general obligation debt of governmental funds.
- c. Capital Reserve Fund accounts for the financing of betterments and renewals to the City's infrastructure and for public improvements not requiring general obligation bond financing.
- d. Municipal Facilities Fund accounts for the financing and construction of various City facilities. Funds are provided primarily through bond sales and interest earnings.
- e. Street Improvements Fund accounts for the financing and acquisition of right of way and construction of streets, storm sewers and alleys. Funds are provided primarily through bond sales, paving assessments and interest earnings.
- f. Other Governmental Funds is a summarization of all of the non-major governmental funds.

2. Enterprise Funds:

The focus of proprietary funds measurement is upon determination of operating income, changes in net assets, financial position, and cash flows, which is similar to businesses. The following is a description of the major Enterprise Funds of the City:

- a. Water and Sewer Fund accounts for the operation of the City's water and sewer utility. Activities of the fund include administration, operation and maintenance of the water and sewer system and billing and collection activities. This fund also accounts for the accumulation of resources for, and the payment of, long-term debt principal and interest for revenue bonds and obligations under capital leases when due throughout the year. All costs are financed through charges made to utility customers with rates reviewed regularly and adjusted if necessary to ensure integrity of the Fund.
- b. Environmental Waste Services Fund accounts for the provision of solid waste collection and disposal services to customers who are billed monthly at a rate sufficient to cover the cost of providing such services.
- c. Municipal Drainage Fund accounts for the City's storm water management program.
- d. Other Enterprise Funds is a summarization of all of the non-major enterprise funds.

3. Other Fund Types:

The City additionally reports for the following Fund types:

- a. Internal Service Funds are used to account for the financing of goods or services provided by one department or agency to other departments or agencies of the City, or to other governmental units, generally on a cost reimbursement basis.
- b. Agency Funds are used to account for assets held by the City in an agency capacity for individuals, local law enforcement agencies or developers. Agency funds record only assets and liabilities and therefore have no measurement focus.
- c. Trust Funds are used to account for the accumulation of resources to be used for the retirement benefit payments to employees of the City and for postemployment health benefits.

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

E. Cash, Cash Equivalents and Investments

Cash and cash equivalents include cash on hand, demand deposits, escrow cash with fiscal agent and short-term investments with original maturities of three months or less from the date of acquisition.

Cash and cash equivalents in all funds are combined into one bank account in order to maximize investment opportunities. Although individual funds may experience temporary overdraft liabilities, a positive balance is maintained in combined cash.

All investments are recorded at fair value based on quoted market prices. Fair value is the amount at which a financial instrument could be exchanged in a current transaction between willing parties.

F. Receivables and Payables

Activity between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either "interfund advances or interfund receivable/payable". All other outstanding balances between funds are reported as "due to/from other funds". Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as "internal balances".

G. Inventories and Prepaid Items

Inventories of supplies are maintained at the City warehouse for use by all the City funds and are accounted for by the consumption method. They are valued at the lower of moving average (i.e., perpetual inventory) cost or market. Unit prices are adjusted as new inventory is added; thus the moving average cost closely represents the cost of goods sold. Other inventories are stated at the lower of cost (i.e., first-in, first-out method) or market.

Prepaid items are for payments made by the City in the current year to provide services occurring in the subsequent fiscal year. A reserve for prepaid items is recognized in the governmental funds in the fund level financial statements to signify that a portion of fund balance is not available for other subsequent expenditures.

H. Interfund Transactions and Receivables and Payables

Short-term advances between funds are accounted for in the appropriate interfund receivable and payable accounts. Long-term advances between funds are accounted for in the appropriate interfund receivable and payable accounts and fund balance is reserved for these amounts. All legally authorized transfers are appropriately treated as transfers and are included in the results of operations of both governmental and proprietary funds. Nonrecurring or non-routine transfers of equity between funds – for example, contribution of capital assets to a proprietary fund or transfers of residual balances of discontinued funds to other funds – are accounted for as transfers.

I. Capital Assets

Property, plant and equipment purchased or acquired is carried at historical cost or estimated historical cost. Contributed capital assets are recorded at estimated fair market value at the time received. Public domain (infrastructure) capital assets consisting of roads, bridges, curbs and gutters, streets and sidewalks, drainage systems and lighting systems have been recorded at estimated historical cost. Capital assets are defined by the government as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of two years.

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest incurred during the construction phase of capital assets of business-type activities is included as part of the capitalized value of the assets constructed. For fiscal year 2010, \$33,723 of such interest costs were capitalized in the Municipal Drainage Fund.

Property, plant, and equipment of the primary government and business-type activities, as well as the component units, are depreciated using the straight line method over the following estimated useful lives:

<u>Assets</u>	<u>Years</u>
Buildings	15 – 40
Improvements other than buildings	20 – 50
Equipment	2 – 20
Furniture and fixtures	5 – 15
Drainage improvements	50
Meters	10
Streets	30 – 50
Alleys	25
Storm/sanitary sewer	50
System infrastructure	50

J. Compensated Absences

City employees are granted vacation and sick leave in varying amounts. Employees are required to utilize a minimum of 40 hours of vacation per year. Upon termination and completion of five years of service, an employee is reimbursed for accumulated vacation. Vacation leave in excess of 480 hours will not be reimbursed upon termination. Police and firemen are reimbursed upon termination up to a maximum of 90 days accumulated sick leave as required by State Civil Service law. All other full time City employees with five or more years of service are reimbursed up to 90 days accumulated sick leave upon termination. Sick leave in excess of 90 days is not paid upon termination, but will be paid only upon illness while in the employ of the City. Accumulated vacation and sick leave is accrued when incurred in the government-wide and proprietary financial statements. A liability for these amounts is reported in governmental funds only if they have matured, for example, as a result of employee resignations and retirements in accordance with GASB Interpretation No. 6.

K. Federal and State Grants

Grants and shared revenues are generally accounted for within the fund financed. Federal grants are from various federal agencies including the Departments of Energy, Transportation, Housing and Urban Development, Justice and Homeland Security which are accounted for within the Grant Fund (Special Revenue). Several of the Federal grants are a part of the American Reinvestment and Recovery Act Grants. Various state grants are included in the Grant Funds, General Fund and Capital Projects Funds (Street Improvements). Grant revenues received for purposes normally financed through the general government are accounted for within the General Fund and those for specific purposes in the proprietary fund.

L. Long-Term Debt

General Obligation Bonds issued for general government capital projects that are to be repaid from tax revenues of the City are recorded in the government-wide statement of net assets. Revenue Bonds issued for Proprietary Fund assets that are to be repaid by the Proprietary Fund are recorded in the Proprietary Funds.

Revenue Bonds have been issued to fund capital projects of Proprietary Funds. Such bonds are to be repaid from the net revenues of the applicable Proprietary Fund. To date, Revenue Bonds have been issued for water and wastewater purposes and for municipal drainage improvements. Tax Anticipation Notes have been issued to fund permanent public improvements related to public safety communications and network

**CITY OF PLANO, TX
 NOTES TO BASIC FINANCIAL STATEMENTS (continued)
 SEPTEMBER 30, 2010**

infrastructure. Such notes are to be repaid from tax revenues of the City and are recorded in the government-wide Statement of Net Assets.

Bond premiums and discounts, as well as issuance costs, are deferred and amortized over the life of the bonds using the effective interest method in the government-wide financial statements. Bonds payable are reported net of the applicable bond premium or discount. Deferred gains and losses are amortized as a component of interest expense in a systematic and rational manner over the remaining life of the old debt or the life of the new debt, whichever is shorter. In the fund financial statements, issuance costs, as well as bond premiums and discounts are recognized when incurred.

M. Retirement Plans

The City has two separate retirement plans, the Texas Municipal Retirement Plan and the Retirement Security Plan, covering substantially all employees. In addition, the City has a Deferred Compensation Plan and a Post Employment Benefit Plan. It is the City's policy to record the cost for such plans on the accrual basis (See Note 5).

II. RECONCILIATION OF GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS

A. Explanation of certain differences between the governmental fund balance sheet and the government-wide statement of net assets

The governmental fund balance sheet includes a reconciliation between fund balance – total governmental funds and net assets – governmental activities as reported in the government-wide statement of net assets. One element of that reconciliation explains that “long-term liabilities, including bonds payable, are not due and payable in the current period and therefore are not reported in the funds.” The details of this \$376,465,848 difference are as follows:

Bonds payable, certificates of obligation and tax anticipation notes	\$ 335,285,000
Add: Issuance premium (to be amortized as interest expense)	6,969,729
Less: Deferred charges from refunding and bond issuance costs	(5,779,030)
Accrued interest payable	1,144,650
Claims and judgments	5,504,706
Compensated absences	<u>33,340,793</u>
Net adjustment to reduce fund balance – total governmental funds	
To arrive at net assets – governmental activities	<u>\$ 376,465,848</u>

B. Explanation of certain differences between the governmental fund statement of revenues, expenditures, and changes in fund balances and the government-wide statement of activities

The governmental fund statement of revenues, expenditures, and changes in fund balances includes a reconciliation between net changes in fund balances – total governmental funds and changes in net assets of governmental activities as reported in the government-wide statement of activities. One element of the reconciliation explains, “Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is capitalized and allocated over their estimated useful lives and reported as depreciation expense.” The details of the \$14,908,358 difference are as follows:

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

Capital outlay	\$ 64,827,368
Depreciation expense	(48,318,392)
Other capital related transactions	<u>(1,600,618)</u>
Net adjustment to increase net changes in fund balances- total governmental funds to arrive at changes in net assets of governmental activities	<u>\$ 14,908,358</u>

Another element of the reconciliation states “The issuance of long-term debt (e.g., bonds, leases) provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net assets. Also, governmental funds report the effect of issuance costs, premiums, discounts, and similar items when debt is first issued, whereas these amounts are deferred and amortized in the statement of activities.” The details of this \$4,753,166 difference are as follows:

Debt issued or incurred:	
Issuance of general obligation bonds	\$(12,615,000)
General obligation bonds refunded	(16,633,613)
Issuance of tax anticipation notes	(10,000,000)
Payment to escrow	16,777,204
Add: premium	(444,228)
Less: refunding write-off	18,803
Principal repayments:	
General obligation debt	<u>27,650,000</u>
Net adjustment to decrease net changes in fund balances – total governmental funds to arrive at changes in net assets of governmental activities	<u>\$ 4,753,166</u>

The reconciliation also states “Some expenses reported in the statement of activities do not require the use of current financial resources and therefore are not reported as expenditures in governmental funds.” The details of this \$2,753,877 difference are as follows:

Changes in:	
Compensated absences	\$ (90,270)
Accrued interest	52,259
Amortization of bond discount / deferred charge on refunding	(708,118)
Amortization of bond premium	1,070,801
Record change in net OPEB asset	2,419,201
Record change in net pension asset	<u>10,004</u>
Net adjustment to decrease net changes in fund balances – total governmental funds to arrive at changes in net assets of governmental activities	<u>\$ 2,753,877</u>

**CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010**

III. STEWARDSHIP, COMPLIANCE, AND ACCOUNTABILITY

A. Budgetary Data

The City Charter contains the following requirements, which are adhered to by the City Council, regarding preparation of the annual budget:

- The City Manager, between 60 and 90 days prior to October 1 of each fiscal year, shall submit to the Council a proposed budget. Such budget shall provide a complete financial plan for the fiscal year.
- At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in the official newspaper of the City of Plano, a notice of the hearing setting forth the time and place thereof at least five days before the date of such hearing.
- The budget shall be finally adopted no later than 15 days prior to the beginning of the fiscal year and should the City Council fail to so adopt a budget, the then existing budget together with its tax-levying ordinance and its appropriation ordinance, shall be deemed adopted for the ensuing fiscal year.

The City Council approves annual appropriations for operations and interfund transfers for all operating and debt service funds. Only the General Fund and Debt Service Fund have legally adopted annual budgets. The City Manager has the authority to transfer unexpended balances between departmental budgets within appropriated funds. The City Council, however, must approve any increase in fund appropriations. The legal level of budgetary control is the fund level. During the year, there were \$63,296 in appropriation increases for the General Fund. Funds with operating appropriations and interfund transfers set by ordinance include the General Fund and Debt Service Fund. During the year, appropriations are adjusted as a result of re-estimates by the departments. For budgetary purposes, unencumbered appropriations lapse at fiscal year-end.

The Budgetary Comparison Statement, included in the basic financial statements presents a comparison of budgetary data to actual results of operations for the General Fund, for which an annual operating budget is legally adopted. This fund utilizes the same basis of accounting for both budgetary purposes and actual results, with the following exceptions:

The portion of ad valorem tax revenues in the General Fund from “rolled back” tax payments (those taxes, up to five years back, on properties previously taxed at special use exemption values and currently changed to full values) are excluded from the budgetary basis tax revenues and from the general governmental expenditures.

The General Fund encumbrances are added to the actual expenditures for budgetary comparison.

B. Fund Deficits and Budget Compliance:

The TIF Mall Discretely Presented Component Unit deficit of \$2,201,610 will be funded from future ad-valorem taxes received from the creation of reinvestment zones and the establishment of tax increment financing agreements with the City of Plano, Plano Independent School District, Collin County and Collin County Community College District.

**CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010**

IV. DETAILED NOTES ON ALL FUNDS

1. DEPOSITS AND INVESTMENTS:

Deposits

Pursuant to provisions of both the Texas Public Funds Investment Act and the Public Funds Investment Policy of the City of Plano, Texas (City), all deposits of the City that exceed the federal depository insurance coverage level are collateralized with an irrevocable letter of credit at 100% or by securities held by a third party custodian and pledged to the City in an amount not less than 102% (on a market value basis) of the City's deposit of public funds and any accrued interest.

At September 30, 2010 the carrying amount of the City's demand deposits was \$34,334,027, which includes component unit deposits of \$2,565,503. The bank balance was \$34,847,686. At September 30, 2010 the City's cash on hand totaled \$39,890. At September 30, 2010, the carrying value and the bank balance of the City's non-negotiable certificates of deposit (CD's) was \$34,932,754. At September 30, 2010 the carrying value of cash held in trust by a bank trust department for the City's Pension Trust Fund and Postemployment Benefit Trust Fund was \$4,045,062.

Investments

At September 30, 2010, the City's investment balances were as follows:

Investment type	Fair Value			Weighted Avg Maturity (Years) ^a
	Primary Government	Component Units	Total	
U.S. Agencies	\$182,313,257	\$14,756,755	\$197,070,012	1.51
Texas Local Government Investment Pools	59,718,323	4,822,621	64,540,944	.00053
Total	\$242,031,580	\$19,579,376	\$261,610,956	1.51053
Investment Trust Funds				
Retirement Security Plan:				
Government Agency Obligations			\$4,649,198	3.78
Corporate Bonds			14,613,657	5.41
Equities:				
Common Stocks			41,747,593	N/A
Foreign Equities			1,863,830	N/A
CTF/Mutual Funds			6,929,927	N/A
Real Estate Investment Trusts			501,860	N/A
Postemployment Benefit:				
Government Agency Obligations			4,389,602	1.51
Corporate Bonds			6,726,874	3.69
Equities:				
Common Stocks			8,610,504	N/A
Mutual Funds			13,108,842	N/A
Total Investment Trust Funds			103,141,887	
Total Investments			\$364,752,843	

^a Fair value basis

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

Investments in the Retirement Security Plan are held by a bank trust department. Investments in the Postemployment Benefit Trust Fund are held by a bank trust department.

Interest Rate Risk. As a means of limiting its exposure to fair value losses arising from increasing interest rates, the City's investment policy establishes the portfolio's maximum average dollar-weighted maturity of no more than two and a half years. By policy, the City will not directly invest in securities maturing more than five years from the date of purchase.

Credit Risk. The City's investment policy, in conjunction with state law, specifies the type of credit rating of all authorized investments. The City's investments in U.S. Agency securities (FHLB, FNMA, FHLMC, and FFCB) are rated AAA by Standard & Poor's and Aaa by Moody's Investors Service. The investments in the Texas Local Government Pools (TexPool and Texas Daily) carried a credit rating of AAAM by Standard & Poor's as of September 30, 2010.

Concentration of Credit Risk. With the exception of U.S. Treasury securities, the City's investment policy limits the amount that may be invested in any one issuer to 50% of the total investment portfolio. As of September 30, 2010, 5% or more of the City's total investments are in: Federal Home Loan Bank securities (28.56%), Home Loan Mortgage Corporation securities (26.40%), Investment Pools (20.96%), and Certificates of Deposits (10.58%) on a fair value basis.

2. PROPERTY TAXES:

The City's property tax is levied each October 1 on the assessed value listed as of the prior January 1 for all real and business personal property located in the City. The property taxes attach as an enforceable lien on property as of January 1. Appraised values are established by the Central Appraisal Districts of Collin and Denton Counties at 100% of estimated market value and certified by the Appraisal Review Boards. The assessed value for the tax roll of January 1, 2009 upon which the original 2010 levy was based, was \$24,908,294,383. Subsequent adjustments increased this value to \$25,221,347,927.

Taxes are due October 1 and become delinquent after the following January 31. Penalty and interest is charged at 7% on delinquent taxes beginning February 1, and increases each month to 18% on July 1.

Property taxes at the fund level are recorded as receivables and deferred revenues at the time the tax levy is billed. Current year revenues recognized are those ad valorem taxes collected within the current period or soon enough thereafter to pay current liabilities, generally thirty days after year-end. Current tax collections for the year ended September 30, 2010, were 99.4% of the tax levy.

The City is permitted by Article XI, Section 5, of the State of Texas Constitution to levy taxes up to \$2.50 per \$100 of assessed valuation for general governmental services including the payment of principal and interest on general obligation long-term debt. The tax rate to finance general governmental services, including debt service, for the year ended September 30, 2010, was \$0.4886 (\$0.3284 for general government and \$0.1602 for debt service) per \$100 of assessed valuation. Thus, the City has a tax margin of approximately \$2.0114 per \$100 and could have levied up to approximately \$507,302,192 in additional taxes from the present assessed valuation.

In Texas, countywide central appraisal districts are required to assess all property within the appraisal district on the basis of 100% of its appraised value and are prohibited from applying any assessment ratios. The value of property within the appraisal district must be reviewed every five years; however, the City, at its own expense, requires annual reviews of appraised values. The City may challenge appraised values established by the appraisal district through various appeals, and, if necessary, legal action. Under this system, the City sets tax rates on City property. However, if the effective tax rate, excluding tax rates for bonds and other contractual obligations, adjusted for new improvements, exceeds the rate for the previous year by more than 8%, qualified voters of the City may petition for an election to determine whether to limit the tax rate to no more than 8% above the tax rate of the previous year.

**CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010**

3. RECEIVABLES:

Receivables at September 30, 2010 for the government's individual major funds and non-major, internal service, and fiduciary funds in the aggregate, including the applicable allowances for uncollectible accounts, consist of the following:

	General	Debt Service	Capital Reserve	Municipal Facilities	Street Improvements	Water & Sewer	Environmental Waste	Municipal Drainage	Aggregate Remaining Funds	Total
Receivables:										
Property Taxes	\$ 1,930,760	981,694	-	-	-	-	-	-	-	2,912,454
Sales Taxes	10,427,798	-	-	-	-	-	-	-	-	10,427,798
Mixed Drink Taxes	290,727	-	-	-	-	-	-	-	-	290,727
Accounts	1,730,528	-	-	-	-	17,739,860	1,918,736	636,700	1,309,777	23,335,601
Accrued Interest	77,250	2,359	88,350	74,972	57,170	54,998	3,522	32,210	208,790	599,621
Assessments	-	-	-	-	1,450,071	-	-	-	-	1,450,071
115 Trust	-	-	-	-	-	-	-	-	16,500	16,500
Notes	2,201,610	-	-	-	-	-	-	-	-	2,201,610
Other	-	-	-	275	-	854	550,823	-	929,426	1,481,378
Gross Receivables	16,658,673	984,053	88,350	75,247	1,507,241	17,795,712	2,473,081	668,910	2,464,493	42,715,760
Less: Allowance for Uncollectibles	(812,824)	(436,342)	-	-	-	(181,935)	(16,715)	(8,703)	-	(1,456,519)
Net total Receivables	\$15,845,849	547,711	88,350	75,247	1,507,241	17,613,777	2,456,366	660,207	2,464,493	41,259,241

The Enterprise Fund accounts receivable includes unbilled charges for services of \$8,078,995 rendered at September 30, 2010.

**CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010**

4. CAPITAL ASSETS:

Capital asset activity for the year ended September 30, 2010 was as follows:

Primary Government

	Balance at Beginning Of Year	Additions And Transfers	Retirements And Transfers	Balance at End Of Year
Governmental activities:				
Capital assets, not being depreciated:				
Land	\$ 107,126,577	16,200,955	(627,808)	122,699,724
Construction in progress	175,665,557	62,862,508	(183,707,645)	54,820,420
Public art	1,696,740	2,000	-	1,698,740
Total capital assets, not being depreciated	284,488,874	79,065,463	(184,335,453)	179,218,884
Capital assets, being depreciated:				
Buildings	130,399,226	30,812,561	-	161,211,787
Improvements other than buildings	96,572,951	52,251,362	-	148,824,313
Equipment	184,806,949	13,827,953	(19,349,779)	179,285,123
Infrastructure	900,435,524	87,829,882	-	988,265,406
Total capital assets being depreciated	1,312,214,650	184,721,758	(19,349,779)	1,477,586,629
Less accumulated depreciation for:				
Buildings	(68,866,592)	(8,628,256)	-	(77,494,847)
Improvements other than buildings	(53,972,481)	(6,767,440)	-	(60,739,921)
Equipment	(139,227,510)	(13,350,702)	18,273,111	(134,305,101)
Infrastructure	(401,489,447)	(26,787,779)	-	(428,277,226)
Total accumulated depreciation	(663,556,030)	(55,534,177)	18,273,111	(700,817,095)
Total capital assets, being depreciated, net	648,658,620	129,187,581	(1,076,668)	776,769,533
Governmental activities capital assets, net	\$ 933,147,494	208,253,044	(185,412,121)	955,988,417

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

	Balance at Beginning Of Year	Additions And Transfers	Retirements And Transfers	Balance at End Of Year
Business-type activities:				
Capital assets, not being depreciated:				
Land	\$ 9,266,534	5,452	(8,000)	9,263,986
Construction in progress	42,481,179	12,149,142	(33,791,299)	20,839,022
Total capital assets, not being depreciated	51,747,713	12,154,594	(33,799,299)	30,103,008
Capital assets, being depreciated:				
Buildings	15,507,204	1,235,606	-	16,742,810
Improvements other than buildings	480,770,254	27,237,039	-	508,007,293
Drainage improvements	21,901,497	10,238,627	-	32,140,124
Furniture and fixtures	736,371	-	(116)	736,255
Equipment	22,676,372	98,515	(99,573)	22,675,314
Total capital assets being depreciated	541,591,698	38,809,787	(99,689)	580,301,796
Less accumulated depreciation for:				
Buildings	(13,332,790)	(545,366)	-	(13,878,156)
Improvements other than buildings	(173,526,327)	(12,602,181)	-	(186,128,508)
Drainage improvements	(3,408,012)	(728,973)	-	(4,136,985)
Furniture and fixtures	(514,284)	(10,315)	116	(524,483)
Equipment	(18,713,184)	(956,376)	83,475	(19,586,085)
Total accumulated depreciation	(209,494,597)	(14,843,211)	83,591	(224,254,217)
Total capital assets, being depreciated, net	332,097,101	23,966,576	(16,098)	356,047,579
Business-type activities capital assets, net	\$ 383,844,814	36,121,170	(33,815,397)	386,150,587

Depreciation expense was charged to functions/programs of the primary government as follows:

Governmental activities:	
General government	\$ 9,643,562
Administrative services	38,755
Police	977,490
Fire	473,673
Libraries	1,194,949
Development	159,327
Public services and operations	81,816
Parks and recreation	8,388,327
Public works	27,248,534
Other	111,959
Capital assets held by the government's internal service funds are charged to the various functions based on their usage of the assets	7,215,785
Total depreciation expense – governmental activities	<u>\$ 55,534,177</u>

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

Business-type activities:		
Water and sewer	\$	13,489,133
Environmental waste services		71,169
Municipal drainage		732,802
Nonmajor		550,107
Total depreciation expense – business-type activities	\$	<u>14,843,211</u>

Future expenditures for capital projects will be funded from federal and state grants as well as unexpended bond proceeds and additional general obligation or revenue bonds and operating revenues. In May 1998, \$80,351,000 of various purpose General Obligation Bonds were authorized and \$66,159,000 of the 1998 bonds have been issued. In May 2005, \$144,802,000 various purpose General Obligation Bonds were authorized and \$125,947,000 of the 2005 bonds have been issued. In May 2009, \$128,622,500 of various purpose General Obligation Bonds were authorized and \$1,490,000 of the 2009 bonds have been issued.

Discretely presented component units

	Balance at Beginning Of Year	Additions And Transfers	Retirements And Transfers	Balance at End Of Year
Economic development activities:				
Capital assets, being depreciated:				
Equipment	\$ 57,115	-	-	57,115
Total capital assets being depreciated	<u>57,115</u>	<u>-</u>	<u>-</u>	<u>57,115</u>
Less accumulated depreciation for:				
Equipment	(55,041)	(2,074)	-	(57,115)
Total accumulated depreciation	<u>(55,041)</u>	<u>(2,074)</u>	<u>-</u>	<u>(57,115)</u>
Economic development activities capital assets, net	<u>\$ 2,074</u>	<u>(2,074)</u>	<u>-</u>	<u>-</u>

**CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010**

	Balance at Beginning Of Year	Additions And Transfers	Retirements And Transfers	Balance at End Of Year
TIF East Side activities:				
Capital assets, not being depreciated:				
Land	\$ 110,629	-	-	110,629
Total capital assets, not being depreciated	110,629	-	-	110,629
Capital assets, being depreciated:				
Buildings	6,661,087	-	-	6,661,087
Improvements other than buildings	6,008	-	-	6,008
Equipment	25,809	-	-	25,809
Total capital assets being depreciated	6,692,904	-	-	6,692,904
Less accumulated depreciation for:				
Buildings	(2,773,347)	(1,295,913)	-	(4,069,260)
Improvements other than buildings	(2,590)	(1,054)	-	(3,644)
Equipment	(21,730)	(2,474)	-	(24,204)
Total accumulated depreciation	(2,797,667)	(1,299,441)	-	(4,097,108)
Total capital assets, being depreciated, net	3,895,237	(1,299,441)	-	2,595,796
TIF East Side activities capital assets, net	\$ 4,005,866	(1,299,441)	-	2,706,425

Component units:	
Economic development	\$ 2,074
TIF East Side	1,299,441
Total depreciation expense – component units	<u>\$ 1,301,515</u>

5. EMPLOYEE BENEFIT PLANS:

Texas Municipal Retirement System Plan

Plan Description-

The City provides pension benefits for all of its full-time employees through a nontraditional, joint contributory, hybrid defined benefit plan in the state-wide Texas Municipal Retirement System (TMRS), one of 833 currently administered by TMRS, an agent multiple-employer public employee retirement system. TMRS annually issues a stand-alone financial report. These reports are available from offices of TMRS.

Benefits depend upon the sum of the employee's contributions to the plan, with interest, and the City-financed monetary credits, with interest. At the date the plan began, the City granted monetary credits for service rendered before the plan began of a theoretical amount equal to two times what would have been contributed by the employee, with interest, prior to establishment of the plan. Monetary credits for service since the plan began are a percent (100%, 150% or 200%) of the employee's accumulated contributions. In addition, the City can grant, as often as annually, another type of monetary credit referred to as an updated service credit which is a theoretical amount which, when added to the employee's accumulated contributions

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

and the monetary credits for service since the plan began, would be the total monetary credits and employee contributions accumulated with interest if the current employee contribution rate and City matching percent had always been in existence and if the employee's salary had always been the average of his salary in the last three years that are one year before the effective date. At retirement, the benefit is calculated as if the sum of the employee's accumulated contributions with interest and the employer-financed monetary credits with interest were used to purchase an annuity.

The plan provisions are adopted by the governing body of the City, within the options available in the state statutes governing TMRS. Plan provisions for the City were as follows (as of December 2009):

Deposit Rate:	7%
Matching Ratio (City to Employee):	2 – 1
A member is vested after	5 years

Members can retire at certain ages, based on the years of service with the City. The Service Retirement Eligibilities for the City are: 5 years of service and age 60 or 20 years of service and any age.

Contributions and Funding Policy-

Under the state law governing TMRS, the actuary annually determines the City contribution rate. This rate consists of normal cost contribution rate and the prior service contribution rate, both of which are calculated to be a level percent of payroll from year to year. The normal cost contribution rate finances the currently accruing monetary credits due to the City matching percent, which are the obligation of the City as of an employee's retirement date, not at the time the employee's contributions are made. The normal cost contribution rate is the actuarially determined percent of payroll necessary to satisfy the obligation of the City to each employee at the time his/her retirement becomes effective. The prior service contribution rate amortizes the unfunded actuarial liability over the remainder of the plan's 30-year closed amortization period. The projected unit credit actuarial cost method is used for determining the City contribution rate. Both the employees and the City make contributions monthly. Since the City needs to know its contribution rate in advance for budgetary purposes, there is a one-year delay between the actuarial valuation that is the basis for the rate and the calendar year when the rate goes into effect. (i.e. December 31, 2008 valuation is effective for rates beginning January 2010)

Contributions by the City were \$19,272,054 or 15.2% of the covered payroll of \$126,199,628 as required by the actuarial valuation. The total fiscal year 2010 payroll was \$129,077,941. Annual City TMRS pension cost and related information for the last three fiscal years is as follows:

	2010	2009	2008
Annual pension cost	\$ 19,272,054	18,687,379	16,450,528
Contributions made	19,272,054	18,687,379	16,450,528
Contributions as % of			
Annual pension cost	100%	100%	100%
Net Pension Obligation (NPO)			
At end of year	-	-	-
Actuarial valuation date	12/31/09	12/31/08	12/31/07
Actuarial cost method	Projected Unit Credit	Projected Unit Credit	Projected Unit Credit
Amortization method	Level %	Level %	Level %
Asset valuation method	10-year Smoothed Market	Amortized Cost	Amortized Cost
Amortization period	28 years- Closed	29 years- Closed	30 years- Closed
Actuarial assumptions:			
Investment rate of return	7.5%	7.5%	7%
Inflation rate	3.0%	3.0%	3.0%
Projected salary increases	N/A	N/A	N/A
Cost of living adjustment	2.1%	2.1%	2.1%

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

The City's net pension obligation (NPO) for TMRS at December 31, 2009, 2008 and 2007 is calculated as follows:

	2009	2008	2007
Annual required contribution (ARC)	\$ 19,272,054	18,687,379	16,450,528
Annual pension cost	19,272,054	18,687,379	16,450,528
Contribution made	(19,272,054)	(18,687,379)	(16,450,528)
Change in NPO	-	-	-
NPO, beginning of year	-	-	-
NPO, end of year	\$ -	-	-

All annual required contributions have been paid; therefore there is no net pension obligation.

Funding Status and Funding Progress –

The funding status as of December 31, 2009, the most recent actuarial valuation date, is as follows:

Actuarial Valuation Date	Actuarial Value of Assets	Actuarial Accrued Liability (AAL)	Funded Ratio	Unfunded AAL (UAAL)	Covered Payroll	UAAL as a Percentage of Covered Payroll
12/31/07	\$311,729,835	\$447,870,971	69.6%	(\$136,141,136)	\$117,372,866	(115.99%)
12/31/08	330,874,531	478,126,778	69.2%	(147,252,247)	125,137,265	(117.67%)
12/31/09	346,665,548	498,304,233	69.6%	(151,638,685)	124,078,995	(122.21%)

The schedule of funding progress, presented as Required Supplementary Information following the notes to the financial statements, presents multi-year trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liability of benefits.

Retirement Security Plan

Plan Description-

On January 1, 1983, the City withdrew from the Federal Social Security system and created the Retirement Security Plan (RSP), a single-employer, defined benefit pension trust fund, to provide retirement benefits for all full-time employees of the City. The plan is created by City ordinance and administered by a committee of five, which meets four times a year. Professional investment management is used and a custodial bank retains the assets and provides for administration of benefit payments. The plan issues a separate publicly available financial report that includes financial statements and required supplementary information. The financial report may be obtained by request to the City's Human Resources Department, 1520 Avenue K, Suite 130, Plano, TX 75074. As of the December 31, 2009 biennial actuarial valuation, there were 2,010 active members of whom 1,362 were vested and 648 were non-vested. There are 416 terminated participants receiving benefits.

Retirement benefits become vested after 5 years of service. Members who terminate employment prior to completing 5 years of service are not eligible for any benefit and all contributions made on their behalf remain with the plan. Members are eligible to receive full retirement income benefits when they reach age 65 or full or reduced benefits when they reach a younger age and meet certain length-of-service requirements. Early retirement benefits are paid upon completion of 20 years of vesting service (TMRS credited service) or upon attaining age 60 with 5 years of vesting service. At least 5 years must be with the City. The RSP provides retirement income benefits, with annual cost-of-living adjustments, based on a

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

member's years of service, average compensation (highest 3 years of last 10), and choice of single or joint-life monthly payments or a lump sum payment as noted below.

For normal retirement the monthly benefit payment is calculated as follows:

.007 X City of Plano credited service since January 1, 1983 (not to exceed 25 years) X average compensation (highest 3 years of last 10).

Early retirement benefits paid upon completion of 20 years of vesting (TMRS credited service) or upon attaining age 60 with 5 years of vesting service with the City are calculated as follows:

.007 X City of Plano credited service since January 1, 1983 (not to exceed 25 years) X average compensation (highest 3 years of last 10) X a reduction factor based on the number of years which the benefit start date precedes the normal retirement date. The benefit amount is reduced by one-fifteenth (1/15) for each of the first five years and one-thirtieth (1/30) for each of the next five years (and on an Actuarial Equivalent basis thereafter) by which the starting date of payments precedes the employee's normal retirement date.

Benefits are paid as a monthly life annuity to the participant, with a guarantee that should the participant die prior to receiving 60 monthly payments, the payments will continue to a beneficiary for the balance of the 60 month period. There is no reduction factor if the participant waits until age 65 to begin drawing a monthly benefit.

A lump sum payment option is available to eligible employees. Lump sum payments follow these guidelines:

When lump sum value is less than \$5,000, the benefit must be in form of a single lump sum payment.

When lump sum value is \$5,000 - \$12,000, participant has choice of single lump sum payment or monthly annuity payments.

When lump sum value exceeds \$12,000, the participant must receive monthly annuity payments.

Joint and survivor options are available. Total and permanent disability retirement benefits are provided. Each April 1, retirement benefits which have been paid for at least 12 months are adjusted to reflect changes in the U.S. Consumer Price Index (not to exceed 4%). This adjustment is applied to only the participant's benefits; spouses or beneficiaries are excluded.

Summary of Significant Accounting Policies-

The plan is presented on the accrual basis of accounting. City contributions are recognized when due and benefits and refunds are recognized when due and payable in accordance with the terms of the plan.

Investments of the plan are reported at fair value. Short-term investments are reported at cost, which approximates fair value.

At September 30, 2010, there were no individual investments that constituted more than 5% of the plan net assets available for benefits. In addition, the plan did not have any investment transactions with related parties during the year.

Contributions and Funding Policy-

Contributions by the City are established as part of the City budget process and the actuarially determined percentage of each payroll. No employee contributions are required by the plan. The City contributed

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

\$3,549,068 or 3.23% of the covered payroll for the year ended September 30, 2010, as compared to the December 31, 2009 biennial actuarial requirement of 3.64%.

The covered payroll was \$110,025,108 and the City's total payroll was \$129,077,941 for the year ended September 30, 2010. The contribution amount is a 30-year level percentage of pay funding with a 4% payroll growth assumption. This funding approach produces a contribution pattern that is intended to increase in amount from year to year but remain relatively constant as a percent of payroll. Administrative costs, including investment, custodial trustee, and actuarial services are charged to the plan.

The City's annual pension cost and related information for the plan for the last three years is as follows:

	2010	2009	2008
Annual pension cost	\$ 3,539,064	3,429,700	3,427,360
Contributions made	3,549,068	3,479,512	3,420,947
Contributions as % of			
Annual pension cost	100%	101%	100%
Net Pension Asset (NPA)			
At end of year	(280,114)	(270,110)	(220,298)
Actuarial valuation date	12/31/09	12/31/07	12/31/07
Actuarial cost method	Entry Age	Entry Age	Entry Age
	Normal	Normal	Normal
Amortization method	Level %	Level %	Level %
Asset valuation method	5- Year	5- Year	5- Year
	Smoothed	Smoothed	Smoothed
	Market	Market	Market
Amortization period	30 years- Open	30 years- Open	30 years- Open
Actuarial assumptions:			
Investment rate or return	8%	8%	8%
Inflation rate	4%	4%	4%
Projected salary increases	4%-9.43%	4%-9.43%	4%-9.43%

The City's net pension asset (NPA) for the Retirement Security Plan (RSP) at September 30, 2010, 2009 and 2008 is calculated as follows:

	2010	2009	2008
Annual required contribution (ARC)	\$ 3,577,150	3,447,764	3,447,764
Interest on NPA	(21,609)	(17,623)	(18,137)
Adjustment to the ARC	(16,477)	(441)	(2,267)
Annual pension cost	3,539,064	3,429,700	3,427,360
Contribution made	(3,549,068)	(3,479,512)	(3,420,947)
Change in NPA	(10,004)	(49,812)	6,413
NPA, beginning of year	(270,110)	(220,298)	(226,711)
NPA, end of year	\$ (280,114)	(270,110)	(220,298)

In all years, the NPA has an asset (negative) balance and therefore the interest adjustment is deducted and the ARC adjustment is deducted to determine the annual pension cost. The net pension asset has been recorded in prepaid and other assets in the government-wide financial statements.

**CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010**

Funding Status and Funding Progress –

The funding status as of December 31, 2009, the most recent actuarial valuation date, is as follows:

Actuarial Valuation Date	Actuarial Value of Assets	Actuarial Accrued Liability (AAL)	Funded Ratio	Excess of Assets over (under) AAL	Covered Payroll	UAAL as a Percentage of Covered Payroll
12/31/07	\$69,211,789	\$68,647,366	100.8%	\$564,423	\$109,334,429	0.52%
12/31/07	69,211,789	68,647,366	100.8%	564,423	109,334,429	0.52%
12/31/09	75,217,522	82,733,359	90.9%	(7,515,837)	110,025,108	(6.83%)

The schedule of funding progress, presented as Required Supplementary Information following the notes to the financial statements, presents multi-year trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liability of benefits.

Deferred Compensation Plan

The City offers its employees a deferred compensation plan, which is a defined contribution benefit plan, created in accordance with Internal Revenue Code Section 457. The plan, available to all City employees, permits them to defer a portion of their salary until future years. The deferred compensation is not available to employees until termination, retirement, death or unforeseeable emergency.

All amounts of compensation deferred under the plan, all property and rights purchased with such amounts, and all income attributable to such amounts, property or rights are held in trust or under one or more annuity contracts described in Internal Revenue Code Section 401(f). Except as may otherwise be permitted or required by law, no assets or income of the Plan shall be used for, or diverted to, purposes other than for the exclusive purpose of providing benefits for Participants and their Beneficiaries or defraying reasonable expenses of administration of the Plan. Accordingly, the assets of the Plan are not reported in the City's basic financial statements.

Postemployment Benefits

The City offers its retired employees under age 65 health insurance coverage under the same plan as the active employees and Medicare supplementary insurance for retirees 65 and older. The number of retired participants receiving health insurance coverage for 2010 was 341 of which 201 were on the same plan as the active employees and 140 on Medicare supplementary insurance. Premiums are paid by the retired employees and claims are processed by the City's agent and paid through the Health Claims Fund. Expenditures for postretirement health care benefits are recognized as retirees report claims. Claims paid for retired employees for 2010 were \$2,043,310.

Postemployment Benefits Trust Fund - Section 115 Trust

Plan Description-

On March 1, 2008, the City established a Section 115 Trust (the Trust) to comply with the requirements of Governmental Accounting Standards Board Statement No. 45, Accounting and Financial Reporting by Employers for Postemployment Benefits other than Pensions (OPEB), for the purpose of funding and providing certain benefits to its eligible retirees and dependents. The single-employer defined benefit plan is created by City ordinance and administered by the Risk Pool Trustees who meet four times a year. The Risk Pool Trustees consist of three or more City employees who are appointed by the City pursuant to the Plano Welfare Benefit Plan. Professional investment management is used and a custodial bank retains the assets

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

of the Trust. The Trust issued a separate publicly available financial report that includes financial statements and required supplementary information at the Trust's fiscal year end which is December 31. Those financial reports may be obtained by request to the City's Human Resources Department, 1520 Avenue K, Suite 130, Plano, TX 75074.

Receipt of Contributions-

The City delivers to the Section 115 Trustee the amounts of money that are contributed to the Trust Fund by the City and, if applicable, by participants. Contributions by the City are established as part of the City budget process and are based on amounts determined in the actuarial study prepared biennially. For fiscal year ending September 30, 2010 the City contributed \$5.5 million to the Trust which represents approximately 135.6% of the annual required contribution of the employer (ARC). In addition, retirees contributed \$0.8 million to the Trust.

Annual OPEB Cost and Net OPEB Obligation-

The City's annual other postemployment benefit (OPEB) cost is calculated based on the City's ARC, an amount actuarially determined in accordance with the parameters of GASB Statement 45. The ARC represents a level of funding that, if paid on an ongoing basis, is projected to cover normal cost each year and amortize any unfunded actuarial liabilities (or funding excess) over a period not to exceed thirty years. The following table shows the components of the City's annual OPEB cost for the year, the amount annually contributed to the Trust, and the changes in the City's net OPEB asset to the Trust.

	2010	2009
Annual required contribution (ARC)	\$ 4,036,553	\$ 6,031,883
Interest on net OPEB asset	(1,307,028)	(1,253,187)
Adjustment to the ARC	1,115,395	982,562
Annual OPEB cost	3,844,920	5,761,258
Contributions made	(6,264,121)	(6,530,416)
Increase in net OPEB asset	(2,419,201)	(769,158)
Net OPEB asset beginning of year	(18,671,829)	(17,902,671)
Net OPEB asset end of year	<u>\$ (21,091,030)</u>	<u>\$(18,671,829)</u>

The net OPEB asset has been recorded in prepaid and other assets in the government-wide financial statements.

The following table shows the assumed annual OPEB cost and net OPEB asset for the prior three years (7% discount and level percent of pay amortization):

Fiscal Year Ended	Discount Rate	Annual OPEB Cost	Percentage of OPEB Cost Contributed	Net OPEB Asset
9/30/2008	7%	\$6,031,883	396.8%	\$(17,902,671)
9/30/2009	7%	5,761,258	113.4%	(18,671,829)
9/30/2010	7%	3,844,920	162.9%	(21,091,030)

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

Funding Status and Funding Progress –

The funding status as of October 1, 2009, the most recent actuarial valuation date, is as follows:

Actuarial Valuation Date	Actuarial Value of Assets	Actuarial Accrued Liability (AAL)	Funded Ratio	Unfunded AAL (UAAL)	Covered Payroll	UAAL as a Percentage of Covered Payroll
10/1/07	\$ -	\$55,831,704	0.0%	(\$55,831,704)	\$109,295,425	(51.08%)
10/1/07	21,356,792	55,831,704	38.3%	(23,401,016)	111,166,521	(31.01%)
10/01/09	27,256,812	50,657,828	53.8%	(23,401,016)	113,388,754	(20.64%)

The schedule of funding progress, presented as Required Supplementary Information following the notes to the financial statements, presents multi-year trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liability of benefits.

Actuarial valuations of an ongoing plan involve estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples include assumptions about future employment, mortality, and the healthcare cost trend. Amounts determined regarding the funded status of the Trust and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future.

Actuarial Methods and Assumptions –

In the October 1, 2009, actuarial valuation, the unprojected unit credit actuarial cost method was used. The actuarial assumptions included a 7.0% investment rate of return (net of administrative expenses), which is a blended rate of the expected long-term investment returns on the Trust assets and on the employer's own investments calculated based on the funded level of the Trust at the valuation date, and an annual healthcare trend rate of 6.6% initially, adjusted each year. The UAAL was amortized over the maximum permissible period of 30 years as a level percentage of projected payroll on a closed basis, where salaries are assumed to increase at 3% per annum. The effective remaining amortization period at October 1, 2009, was 25.8 years. The value of assets are equal to the market value of assets as of the valuation date.

**CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010**

6. LONG-TERM DEBT:

A summary of long-term debt transactions, including current portion, for the year ended September 30, 2010, is as follows (in thousands of dollars):

	Balance Beginning Of Year	Increase	Decrease	Balance End of Year	Due Within One Year
Governmental Activities:					
General obligation bonds & certificates of obligation	\$ 311,790	38,180	(38,675)	311,295	22,780
Tax anticipation notes	28,860	-	(4,870)	23,990	5,625
Deferred amounts:					
For issuance (discounts) / premiums / deferred charge on refunding	942	1,339	(1,090)	1,191	292
Total bonds and notes payable	341,592	39,519	(44,635)	336,476	28,697
Compensated absences	34,272	4,971	(4,944)	34,299	4,736
Liability for insurance claims	7,689	17,651	(19,835)	5,505	4,199
Governmental activity Long-term debt	<u>\$ 383,553</u>	<u>62,141</u>	<u>(69,414)</u>	<u>376,280</u>	<u>37,632</u>

The compensated absences liability attributable to the governmental activities will be liquidated by several of the City's governmental and internal service funds. Approximately 95.3% has been paid by the General Fund, 0.6% by Special Revenue Funds and 4.1% by Internal Service Funds.

The liability for insurance claims will be liquidated through a variety of funds. The General Fund bears approximately 85.5% of the claims and judgments liability. The Enterprise Funds bear approximately 10.9% of the claims and judgment liability, while the Internal Service and Special Revenue Funds bear approximately 3.3% and 0.3%, respectively.

	Balance Beginning Of Year	Increase	Decrease	Balance End of Year	Due Within One Year
Business Type Activities:					
Water & Sewer Revenue bonds	\$ 3,895	-	(1,940)	1,955	1,260
Municipal Drainage Revenue bonds	23,490	6,790	(4,630)	25,650	1,835
Deferred amounts:					
For issuance (discounts) / premiums/ (deferred charges) on refunding	(47)	-	(275)	(322)	47
Total bonds payable	27,338	6,790	(6,845)	27,283	3,142
Compensated absences	3,831	-	(275)	3,556	380
Business-type activity Long-term debt	<u>\$ 31,169</u>	<u>6,790</u>	<u>(7,120)</u>	<u>30,839</u>	<u>3,522</u>

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

	Balance Beginning Of Year	Increase	Decrease	Balance End of Year	Due Within One Year
Discretely Presented Component Unit:					
Economic Development compensated absences	\$ 146	-	(13)	133	1
TIF Mall note payable	6,397	-	(4,195)	2,202	2,202
	<u>\$ 6,543</u>	<u>-</u>	<u>(4,208)</u>	<u>2,335</u>	<u>2,203</u>

Long-term debt at September 30, 2010, includes the following individual issues (not including the unamortized premium of \$6,970, and the unamortized deferred charges of \$5,779 of the General Obligation Bonds, the unamortized premium of \$233 and deferred charges of \$106 of the Water & Sewer Revenue Bonds and the unamortized premium of \$411 and unamortized deferred charges of \$860 of the Municipal Drainage Revenue Bonds):

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

	Interest Rate (%)	Issue Date	Maturity Date	Original Issue	Net Retirement	Outstanding
General Obligation Bonds:						
2001-A Various purpose	4.00 – 5.00	9/15/2001	9/1/2021	18,195,000	17,345,000	850,000
2002 Refunding and Improvements	3.25 – 5.25	8/1/2002	9/1/2022	56,130,000	44,175,000	11,955,000
2003 Refunding and Improvements	2.00 – 5.00	5/1/2003	9/1/2023	41,370,000	20,335,000	21,035,000
2004 Refunding	2.00 – 5.00	10/15/2004	9/1/2017	30,690,000	9,885,000	20,805,000
2005 Refunding and Improvements	3.50 – 5.00	5/15/2005	9/1/2025	84,880,000	8,170,000	76,710,000
2006 Various purpose	4.00 – 5.00	2/1/2006	9/1/2026	40,925,000	5,715,000	35,210,000
2007 Various purpose	4.25 – 5.25	5/1/2007	9/1/2027	35,675,000	3,635,000	32,040,000
2008 Various purpose	3.50 – 5.00	1/15/2008	9/1/2028	41,295,000	2,760,000	38,535,000
2009 Refunding and Improvements	2.25 – 4.75	1/15/2009	9/1/2029	35,330,000	2,610,000	32,720,000
2010 Refunding and Improvements	2.00 - 4.00	1/15/2010	9/1/2030	28,520,000	-	28,520,000
				<u>413,010,000</u>	<u>114,630,000</u>	<u>298,380,000</u>
Tax Anticipation Notes:						
2007 Tax anticipation notes	4.00 – 4.00	5/1/2007	9/1/2013	11,000,000	5,195,000	5,805,000
2008 Tax anticipation notes	3.00 – 3.25	1/15/2008	9/1/2015	17,075,000	4,425,000	12,650,000
2009 Tax anticipation notes	2.25 – 3.00	1/15/2009	9/1/2016	6,355,000	820,000	5,535,000
				<u>34,430,000</u>	<u>10,440,000</u>	<u>23,990,000</u>
Certificates of Obligation:						
2006 Various purpose	4.25 – 4.50	2/1/2006	9/1/2026	3,765,000	510,000	3,255,000
2010 Various purpose	2.00 - 4.00	1/15/2010	9/1/2022	9,660,000	-	9,660,000
				<u>13,425,000</u>	<u>510,000</u>	<u>12,915,000</u>
Water & Sewer Revenue						
2003 General Obligation Refunding	2.00 – 5.00	5/1/2003	9/1/2013	16,825,000	14,870,000	1,955,000
Municipal Drainage Revenue						
Bonds:						
2005 Refunding and Improvements	3.00 – 5.00	5/15/2005	5/15/2025	11,610,000	2,090,000	9,520,000
2006 Improvements	4.00 – 5.00	2/1/2006	5/15/2026	1,455,000	175,000	1,280,000
2007 Improvements	4.00 – 5.50	5/1/2007	5/15/2027	2,000,000	195,000	1,805,000
2008 Improvements	4.00 – 4.50	1/15/2008	5/15/2028	2,085,000	110,000	1,975,000
2009 Refunding and Improvements	3.00 – 3.50	1/15/2009	5/15/2029	4,790,000	510,000	4,280,000
2010 Refunding and Improvements	2.00 - 4.25	1/15/2010	5/15/2030	6,790,000	-	6,790,000
				<u>\$ 28,730,000</u>	<u>3,080,000</u>	<u>25,650,000</u>

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

The annual requirements to amortize debt outstanding as of September 30, 2010, including interest payments of \$119,361 follow. Due to the nature of the obligation for compensated absences, annual requirements to amortize such obligations are not determinable and have not been included in the following summary (in thousands of dollars):

Year Ended September 30,	General Obligation, Tax Anticipation Notes & Certificates of Obligation		Proprietary Fund Types			
			Water and Sewer		Municipal Drainage	
	Principal	Interest	Principal	Interest	Principal	Interest
2011	\$ 28,405	13,692	1,260	38	1,835	1,077
2012	28,120	12,727	330	14	1,965	945
2013	28,515	11,728	365	7	2,035	878
2014	25,795	10,653	-	-	2,110	808
2015	24,805	9,700	-	-	1,875	723
2016-2020	101,875	34,271	-	-	7,965	2,538
2021-2025	70,340	15,466	-	-	5,355	1,189
2026-2030	27,430	2,627	-	-	2,510	280
Total	\$ 335,285	110,864	1,955	59	25,650	8,438

The City intends to retire all of its general long-term liabilities, plus interest, from ad valorem taxes and other current revenues. The proprietary fund type long-term debt will be repaid, plus interest, from the operating revenues of the Water and Sewer Fund and the Municipal Drainage Fund.

The discretely held component unit TIF Mall had notes payable as of September 30, 2010 of \$2,202. These notes are for amounts loaned by the City for projects and construction relating to the TIF Mall and will be repaid when funding is available from the TIF Mall. The interest rate on the note payable is 6.0%. Until repayment can be made on the note, interest is capitalized. The City made full repayment in Fiscal year 2009 to Taubman Realty Group Limited Partnership for construction of a parking garage, land and roadway improvements. Repayment from the TIF Mall to the City is estimated to be complete in fiscal year 2011.

A. General Obligation Bonds and Certificates

The City is required by ordinance to create from ad valorem tax revenues a sinking fund sufficient to pay the current interest and principal installments as they become due. The Debt Service Fund has \$1,175,155 available to service the general obligation debt after all debt due in the current fiscal year has been paid.

There are a number of limitations and restrictions contained in the various general obligation bond and certificate indentures. Management of the City believes it is in compliance with the significant limitations and restrictions at September 30, 2010.

Arbitrage provisions of the Internal Revenue Tax Act of 1986 require the City to rebate excess arbitrage earnings from bond proceeds to the federal government. Beginning in 1992, the City paid required five-year rebates. Future rebates are estimated to be \$962,072 at September 30, 2010. As provided for by the bond indentures, this amount has been recorded as "Due to other governments" in a special revenue fund (the Rebate Fund) for the benefit of the federal government and will be paid as required by applicable regulations.

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

In January of 2010, the City issued \$28,520,000 in General Obligation refunding and improvement bonds, with interest ranging from 2.0% to 4.0%. The portion of the debt that represents refunded bonds were Series 1999, 2000, and 2001 general obligation bonds totaling \$15,895,000 and carried interest rates ranging from 4.375% to 5.00% with maturity dates in 2011 through 2021. The aggregate difference between the refunding debt and the refunded debt resulted in savings of \$1,057,479. As a result of the refunding, the City obtained an economic gain (difference between present value of the debt service payments on the old and new debt) of \$896,597.

Also in January of 2010, the City issued \$9,660,000 of Certificates of Obligation, with interest ranging from 2.0% to 4.0% for the acquisition, implementation and installation of radio system infrastructure as well as for payment of professional services of attorneys, financial advisors and other professionals in connection with the project.

In prior years, the City defeased certain outstanding general obligation bonds by placing the proceeds of the new bonds in irrevocable trusts pledged to pay all future debt service payments of the refunded bonds. Accordingly, the trust accounts and the defeased bonds are not included in the City's financial statements. At September 30, 2010, \$24,595,000 of the defeased bonds are still outstanding.

B. Water and Sewer Revenue Bonds

The Water and Sewer Revenue Bonds are secured by the net revenues of the Water and Sewer Fund as defined in the respective bond indentures.

The City is required by the applicable revenue bond indentures to pledge the net revenues of the Water and Sewer Fund for the retirement of its outstanding revenue bonds, including interest thereon, and is required to maintain debt service funds and bond reserve funds for all such bonds outstanding.

The debt service funds, aggregating \$432,527 at September 30, 2010, are restricted within the Water and Sewer Fund. The respective bond indentures require the City to make equal monthly installments to the debt service funds which will accumulate to pay the annual principal and semiannual interest requirements as they become due.

Bond proceeds since 1988 are covered by the arbitrage provisions of the Internal Revenue Tax Act of 1986. Accordingly, there were no excess arbitrage earnings estimated at September 30, 2010. The City is in compliance with all requirements of the bond ordinances for the year ended September 30, 2010.

Restricted assets of the Water and Sewer Fund at September 30, 2010 are as follows:

Cash and cash equivalents	\$	7,522,204
Investments		17,649,052
Accrued interest receivable		<u>50,216</u>
	\$	<u><u>25,221,472</u></u>

C. Municipal Drainage Revenue Bonds

These bonds are secured by a first lien on and pledge of the revenues of the Municipal Drainage Fund in accordance with the provisions of the bond indenture.

The bond indenture requires the City to make equal monthly installments to a debt service fund to pay principal and interest requirement as they become due. At September 30, 2010 \$2,207,427 is restricted within the Municipal Drainage Fund for debt service requirements.

**CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010**

In addition, the bond indenture requires a reserve equal to the average annual debt services requirement be maintained in order to pay any bond principal and interest should the debt service funds be insufficient. At September 30, 2010 the reserve required and restricted within the Municipal Drainage Fund is \$1,565,563.

In January of 2010, the City issued \$6,790,000 in Municipal Drainage refunding and improvement bonds, with interest ranging from 2.00% to 4.25%. The portion of the debt that represents refunded bonds were 2001 and 2003 series municipal drainage revenue bonds totaling \$3,315,000 and carried interest rates ranging from 3.6% to 4.5% with maturity dates in 2010 through 2023. In order to achieve consistency of covenants, the aforementioned bond series were refunded. The aggregate difference between the refunding debt and the refunded debt resulted in additional debt service payments of \$118,306. As a result of the refunding, the City obtained an economic loss (difference between present value of the debt service payments on the old and new debt) of \$96,463.

In prior years, the City defeased certain outstanding Municipal Drainage Bonds by placing the proceeds of new bonds in an irrevocable trust to provide for all future debt service payments of refunded bonds. Accordingly, the trust account and the defeased bonds are not included in the City's financial statements. At September 30, 2010, \$5,040,000 of the defeased bonds are still outstanding.

Municipal Drainage revenue bonds are covered by the arbitrage provisions of the Internal Revenue Tax Act of 1986 and accordingly, excess arbitrage earnings of \$20,287 were estimated at September 30, 2010. This amount is included in the Special Revenue Rebate fund "Due to other governments." The City is in compliance with all requirements of the bond ordinance for the year ended September 30, 2010.

Restricted assets of the Municipal Drainage Fund at September 30, 2010 are as follows:

Cash and cash equivalents	\$	3,634,234
Investments		8,526,866
Accrued interest receivable		<u>24,262</u>
	\$	<u>12,185,362</u>

7. INTERFUND TRANSACTIONS:

A summary of interfund receivables and payables at September 30, 2010 is as follows:

	Due To							Total
	General Fund	Nonmajor Governmental Funds	Internal Service	Water & Sewer	Environ-Mental Waste Services	Municipal Drainage	Nonmajor Enterprise Funds	
Due From								
General Fund	\$ -	1,938,861	-	-	-	-	-	1,938,861
Nonmajor Governmental Funds	16,978	-	-	-	-	-	-	16,978
Internal Service	31,799	2,299	765	1,215	1,769	123	690	38,660
Total	<u>\$48,777</u>	<u>1,941,160</u>	<u>765</u>	<u>1,215</u>	<u>1,769</u>	<u>123</u>	<u>690</u>	<u>1,994,499</u>

Due to and due from entries are primarily used to account for cash owed between funds that are expected to be repaid within one year or less.

The Water and Sewer Fund has a interfund receivable to the Environmental Waste Service Fund. The long-term portion of the note is reflected as Advances to/from Other Funds.

**CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010**

The City performs a complex calculation to determine the value of the charges in lieu of taxes to be paid to the General Fund. This calculation is reasonably equivalent to the value of the services provided to the Water and Sewer and Environmental Waste Services funds and is therefore appropriately reported as an expense as opposed to a transfer. During fiscal year 2010, charges in lieu of taxes were \$8,211,958.

Transfers between funds during the year were as follows:

	Transfers In					Total
	General Fund	Capital Reserve	Internal Service	Nonmajor Governmental Funds	Environmental Waste Services	
Transfers Out						
General Fund	-	10,500,000	465,658	134,772	-	11,100,430
Nonmajor Governmental Funds	-	-	145,609	-	-	145,609
Internal Service	-	-	4,240,000	250,000	-	4,490,000
Water and Sewer	8,980,801	1,200,000	-	-	100,000	10,280,801
Municipal Drainage	359,636	-	-	-	-	359,636
Nonmajor Enterprise Funds	473,044	-	-	-	-	473,044
Total	9,813,481	11,700,000	4,851,267	384,772	100,000	26,849,520

The City performs a cost allocation to determine the portion of indirect expenses that will be reimbursed by the respective business-type activities to the General Fund. The City funds the Capital Reserve fund by transferring amounts from the General Fund and Water and Sewer fund each year based on a portion of depreciation.

Transfers are primarily used to move funds to finance various programs in accordance with budgetary authorizations.

8. REGIONAL SYSTEMS FOR WATER SUPPLY, WASTEWATER TREATMENT, AND SOLID WASTE DISPOSAL:

The City of Plano secures its water supply and sewer services from the North Texas Municipal Water District ("District"), a district authorized by the Texas Constitution, Article XVI, Section 59; created by the Texas Legislature, Article 8280-141; and authorized to act by the confirming vote of the majority of the qualified voters in each of the cities comprising the District. The District has police, taxation and eminent domain powers and is authorized to issue revenue and/or tax bonds upon approval by the Attorney General of the State of Texas and functions as a political subdivision of the State of Texas independent of the City. The District is governed by a 17-member board (the "Board"), the City of Plano being authorized by statute to appoint two of those members. The Board has full power and discretion to establish its budget and to set the rates for the services it provides by contracts with its member cities and customers. The Board is empowered by statute and contract, or otherwise permitted by law, to discontinue a facility or service in order to prevent an abuse or to enforce payment of an unpaid charge, fee or rental due to the District. Because of the factors mentioned above, the District is not included in the City's basic financial statements. A portion of the outstanding bonds of the District are contract revenue bonds based on contracts with certain member cities of the District. The City of Plano provides for the payment of its contractual obligations with the District from revenues generated by its waterworks and sewer systems. Such contractual payments provide for the payment of the principal and interest requirements, and the premium payment, if any, on specified indebtedness and associated operation and maintenance expenses of the District.

**CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010**

Water Supply

On December 12, 1953, the City entered into a contract with the District whereby the District agreed to provide water for the benefit of the City. In return for this service, the City agreed to pay the District at a rate per 1,000 gallon basis, subject to minimum annual payments. The City's annual payment for the year ended September 30, 2010, was \$31,084,974. The City has also contracted for water transmission facility improvements and pays the District for debt service for bonds issued to fund the improvements. For fiscal year 2010 this payment was \$861,487. Future years' payments to debt service are as follows:

2011	\$ 869,232
2012	869,898
2013	873,695
2014	880,325
2015	879,480
2016 – 2018	2,060,282

Wastewater Treatment

On October 1, 1975, the City entered into a contract for wastewater treatment services with the District. The District has been designated by the Texas Water Quality Board as the regional agency to provide and develop a Regional System for Wastewater Treatment in the general area of the East Fork of the Trinity River, which includes the City of Plano and other cities located in Collin, Dallas, Kaufman and Rockwall Counties, Texas. Relative thereto, the City of Plano and other cities have entered into wastewater system contracts with the District, which provide for the establishment, operation and maintenance of a Regional Wastewater System for the purpose of providing facilities to adequately receive, transport, treat and dispose of wastewater for the cities. In order to provide said services, the contract provides that (a) the District will acquire, design, construct and complete the system, repair, replace and/or extend the system to provide service to the cities; (b) in consideration of payments to be made under the contract, each of the cities shall have the right to discharge all its wastewater from its sewage system into the District's system, subject to certain quality requirements set forth in the contract; (c) the District will issue its bonds, in amounts and at times determined by the District, to provide for the wastewater treatment facilities; (d) each city agrees to pay its proportionate share of the annual requirement sufficient to pay or provide for the payment of an "Operation and Maintenance Component" and a "Bond Service Component;" (e) each city's proportionate share of the annual requirement shall be a percentage obtained by dividing such city's estimated contributing flow to the system by the total estimated contributing flow to the system by all cities during such fiscal year. No city will exercise oversight responsibility for the District and no city is liable for the District's debt. The City of Plano's payment for the year ended September 30, 2010 was \$23,304,804 net of payments to the City for facilities usage.

Solid Waste Disposal

On November 29, 1979, the City entered into a contract for services with the District, whereby the District agreed to provide a solid waste disposal system for the benefit of the City of Plano and other cities. Each city agreed to pay its share of an annual requirement for the operating expenses and debt service of the District to be calculated in the same manner as the wastewater contract. The City's annual payment for the year ended September 30, 2010 was \$7,291,338.

CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010

9. COMMITMENTS AND CONTINGENCIES:

The City has contractual commitments of \$27,838,459 in the Capital Projects Funds, \$4,539,306 in the Water and Sewer Fund, and \$2,189,223 in the Municipal Drainage Fund. These commitments are for construction of various projects and will be funded primarily from general obligation bond proceeds in the Capital Projects Funds, operating revenues in the Water and Sewer Fund and revenue bond proceeds in the Municipal Drainage Fund.

Various claims and lawsuits are pending in which the City is involved. Included among the various actions are those for which the discovery process is currently underway or which have yet to proceed to trial. It is the opinion of City management that the ultimate outcome of all other lawsuits will not have a material adverse effect on the City's financial position.

The City participates in a number of federal and state assisted grant programs. These programs are subject to program compliance audits by the grantors or their representatives. Any liability for reimbursement which may arise as the result of these audits is not believed to be material.

10. SELF INSURANCE:

The City is exposed to various risks of loss related to torts, theft of, damage to, and destruction of assets; errors and omissions; injuries to employees, and natural disasters. The City maintains a self-insurance program for general liability, public officials' errors and omission, police professional liability, property loss and workers' compensation. The Property/Liability Loss Internal Service Fund has been established to pay identified claims and judgments, maintain loss reserves and purchase insurance coverage as required. Claims for property loss over \$100,000 per occurrence and for workers' compensation over \$500,000 per occurrence are covered by private insurance companies. There were no significant reductions in coverage in the past fiscal year and there were no settlements exceeding insurance coverage in each of the past three fiscal years.

Group medical benefits are paid from the Health Claims Internal Service Fund, which has an annually negotiated stop loss provision. Revenues are recognized from payroll deductions for employee dependent coverage and from City contributions for employee coverage.

The liabilities for insurance claims reported in each of the funds are based on Governmental Accounting Standards Board Statement No. 10, which requires that a liability for claims be reported if information prior to the issuance of the financial statements indicates that it is probable that a liability has been incurred at the date of the financial statements and the amount of the loss can be reasonably estimated. These liabilities include an estimate for incurred but not reported claims. Change in each fund's claims liability amount in fiscal 2010 and 2009 were:

Fund	Liability Beginning Of Year	Current Year Claims And Changes in Estimates	Claim Payments	Liability End of Year
2010:				
Property/Liability Loss	\$ 3,712,974	2,297,686	(2,369,772)	3,640,888
Health Claims	3,976,062	15,353,157	(17,465,401)	1,863,818
Total	\$ 7,689,036	17,650,843	(19,835,173)	5,504,706
2009:				
Property/Liability Loss	\$ 3,464,051	2,820,016	(2,571,093)	3,712,974
Health Claims	4,078,422	17,795,454	(17,897,814)	3,976,062
Total	\$ 7,542,473	20,615,470	(20,468,907)	7,689,036

**CITY OF PLANO, TX
NOTES TO BASIC FINANCIAL STATEMENTS (continued)
SEPTEMBER 30, 2010**

11. NEW ACCOUNTING PRONOUNCEMENTS:

In March 2009, GASB issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, which establishes accounting and financial reporting requirements to improve the usefulness of information about fund balance by providing clearer, more structured fund balance classifications and clarifying the definitions of existing governmental fund types. Fund balance amounts will be reported in the following classifications: restricted, committed, assigned and unassigned. This statement is effective for financial statements for periods beginning after June 15, 2010. The City is in the process of reviewing and evaluating this statement and it's potential impact on the City's financial statements.

CITY OF PLANO, TEXAS
REQUIRED SUPPLEMENTARY INFORMATION

SCHEDULE OF PENSION TRUST - TMRS FUNDING PROGRESS AND CONTRIBUTIONS
LAST SIX FISCAL YEARS (Unaudited)

Fiscal Year	Actuarial Valuation Date	Actuarial Value of Assets	Actuarial Accrued Liability (AAL) -Unit Credit	Unfunded Actuarial Accrued Liability UAAL	Funded Percent	Covered Payroll	UAAL as Percent of		Annual Required Contributions	Actual Contributions	Percent Contributed
							Covered Payroll	Payroll			
2005	12/31/04	262,169,460	317,019,786	(54,850,326)	82.70%	101,569,594	-54.00%	13,144,945	13,144,945	100.00%	
2006	12/31/05	280,298,567	340,897,795	(60,599,228)	82.22%	102,734,170	-58.99%	14,892,443	14,892,443	100.00%	
2007	12/31/06	296,863,771	369,388,605	(72,524,834)	80.37%	111,407,362	-65.10%	15,387,911	15,387,911	100.00%	
2008	12/31/07	311,729,835	447,870,971	(136,141,136)	69.60%	117,372,866	-115.99%	16,450,528	16,450,528	100.00%	
2009	12/31/08	330,874,531	478,126,778	(147,252,247)	69.20%	125,137,265	-117.67%	18,687,379	18,687,379	100.00%	
2010	12/31/09	346,665,548	498,304,233	(151,638,685)	69.57%	124,078,995	-122.21%	19,272,054	19,272,054	100.00%	

SCHEDULE OF PENSION TRUST - RETIREMENT SECURITY PLAN FUNDING PROGRESS AND CONTRIBUTIONS
LAST SIX FISCAL YEARS (Unaudited)

Fiscal Year	Actuarial Valuation Date	Actuarial Value of Assets	Actuarial Accrued Liability (AAL) -Entry Age	Excess of Assets over/(under) AAL (UAAL)	Funded Percent	Covered Payroll	Excess as Percent of		Annual Required Contributions	Actual Contributions	Percent Contributed
							Covered Payroll	Payroll			
2005	12/31/03	48,894,642	44,115,875	4,778,767	110.83%	89,847,588	5.32%	2,589,895	2,570,626	99.26%	
2006	12/31/05	56,579,886	55,987,030	592,856	101.06%	97,020,196	0.61%	2,953,619	2,788,179	94.40%	
2007	12/31/05	56,579,886	55,987,030	592,856	101.06%	97,020,196	0.61%	2,953,619	3,121,295	105.68%	
2008	12/31/07	69,211,789	68,647,366	564,423	100.82%	109,334,429	0.52%	3,447,764	3,420,947	99.22%	
2009	12/31/07	69,211,789	68,647,366	564,423	100.82%	109,334,429	0.52%	3,447,764	3,479,512	100.92%	
2010	12/31/09	75,217,522	82,733,359	(7,515,837)	90.92%	110,025,108	-6.83%	3,577,150	3,549,068	99.21%	

SCHEDULE OF OPEB TRUST - POSTEMPLOYMENT BENEFITS 115 TRUST FUNDING PROGRESS AND CONTRIBUTIONS
LAST THREE FISCAL YEARS (Unaudited)

Fiscal Year	Actuarial Valuation Date	Actuarial Value of Assets	Actuarial Accrued Liability (AAL) -Unit Credit	Unfunded Actuarial Accrued Liability UAAL	Funded Percent	Covered Payroll	UAAL		Annual Required Contributions	Actual Contributions	Percent Contributed
							Covered Payroll	Payroll			
2008	10/1/07	-	55,831,704	(55,831,704)	0.00%	109,295,425	-51.08%	6,031,883	23,934,554	396.80%	
2009	10/1/07	21,356,792	55,831,704	(34,474,912)	38.25%	111,166,521	-31.01%	6,031,883	6,530,416	108.26%	
2010	10/1/09	27,256,812	50,657,828	(23,401,016)	53.81%	113,388,754	-20.64%	4,036,553	6,264,121	155.18%	

See accompanying independent auditors' report.



NONMAJOR GOVERNMENTAL FUNDS

SPECIAL REVENUE FUNDS

Special revenue funds are used to account for specific revenues that are legally restricted to expenditure for particular purposes.

CRIMINAL INVESTIGATION FUND- to account for any monies taken into police custody as a result of police investigation. These monies are to be spent only on law enforcement activities as provided by state statute.

GRANT FUND- to account for monies received from other governmental agencies.

CATV FUND- to account for monies received for local access programming, under conditions contained within the franchise agreement with AT&T Broadband.

INDUSTRIAL REVENUE BOND AUTHORITY- to account for the fees for issuance of Industrial Revenue Bonds.

PUBLIC SAFETY COMMUNICATIONS- to account for 9-1-1 reserve fund monies received from wireless communication fees to be used for related 9-1-1 services; and intergovernmental radio fund fees collected under an interlocal agreement for a joint communication system between the cities of Plano, Allen and Frisco, the fees are used to pay maintenance expenses of the system; and wireline fees and reporting for 9-1-1 expenditures.

MUNICIPAL COURT – to account for building security fund monies received from conviction of misdemeanor fees to be used to provide for the security and housing of municipal courts; teen court fees collected from teens requesting teen court, these monies are used to cover the costs of administering teen court; municipal court technology state fees collected with each citation that has resulted from a conviction; and judicial efficiency state fees collected for payment on any part of a judgment on or after the 31st date on which a judgment is entered where one-half is remitted to the state, four-tenths is retained locally with no restriction, while one-tenth is used for the purpose of improving judicial efficiency.

REBATE FUND- to account for excess arbitrage earnings of the City's bond proceeds.

MEMORIAL LIBRARY FUND- to account for monies received in support of the City's library.

SEIZED ASSETS FUND- to account for the seizure and disposition of assets confiscated by local law enforcement agencies.

LIBRARIES- to account for library training lab monies received from the Bill and Melinda Gates Foundation for the establishment of a library training lab; and Sproles library fund monies received in support of the City's library.

ANIMAL SHELTER DONATIONS- to account for donations to assist the animal shelter.

CAPITAL PROJECTS FUNDS

The Capital Projects Funds account for financial resources to be used for the acquisition or construction of major capital facilities (other than those financed by proprietary type funds).

The City's nonmajor Capital Projects Funds are as follows:

DART- to account for the financing and construction of street modifications necessary to accommodate the public transportation system. Funds are provided through the DART Local Assistance Program.

PARK IMPROVEMENTS – to account for the financing and construction of park construction projects.

SPRING CREEKWALK- to account for the financing and construction of the Spring Creekwalk project. Funds are provided primarily through contributions by participating citizens.

PARK SERVICES- to account for building permit fees exclusively for the acquisition and development of new neighborhood and parks.



CITY OF PLANO, TEXAS
 COMBINING BALANCE SHEET
 NONMAJOR GOVERNMENTAL FUNDS
 AS OF SEPTEMBER 30, 2010

Special Revenue

	Criminal Investigation	Grant	CATV	Industrial Revenue Bond Auth.
ASSETS				
Cash and cash equivalents	\$ 420,824	\$ 371,677	\$ 98,975	\$ 5,511
Investments	987,363	871,827	232,222	12,930
Receivables (net of allowance for uncollectible)				
Accounts	-	-	39,880	-
Accrued interest	2,809	2,481	661	37
Other	-	926,875	-	-
Due from other funds	-	16,978	-	-
Due from other governments	5,986	1,904,434	-	-
Total Assets	<u>1,416,982</u>	<u>4,094,272</u>	<u>371,738</u>	<u>18,478</u>
LIABILITIES AND FUND BALANCES				
Liabilities:				
Accounts payable	105	223,142	25,336	-
Accrued liabilities	31	3,197	7,020	-
Contracts payable	-	-	-	-
Deferred revenue	-	2,665,724	-	-
Due to other funds	-	1,576,280	115	-
Due to other governments	-	-	-	-
Retainage payable	-	-	-	-
Seized assets payable	-	-	-	-
Total Liabilities	<u>136</u>	<u>4,468,343</u>	<u>32,471</u>	<u>-</u>
Fund Balances:				
Reserved for encumbrances	-	-	-	-
Reserved for capital projects	-	-	-	-
Unreserved, designated for special revenue funds	-	-	-	-
Unreserved, undesignated (deficit)	1,416,846	(374,071)	339,267	18,478
Total fund balances (deficit)	<u>1,416,846</u>	<u>(374,071)</u>	<u>339,267</u>	<u>18,478</u>
Total Liabilities and Fund Balance	<u>\$ 1,416,982</u>	<u>\$ 4,094,272</u>	<u>\$ 371,738</u>	<u>\$ 18,478</u>

Public Safety Communications	Municipal Court	Rebate	Memorial Library	Seized Assets	Libraries	Animal Shelter Donations
\$ 3,355,697 7,873,342	\$ 2,230,432 5,233,175	\$ 434,964 1,020,538	\$ 119,670 280,779	\$ 44,652 104,765	\$ 146,435 1,938	\$ 78,841 184,983
-	556,181	-	-	-	-	-
22,402	14,890	2,904	799	298	5	526
-	-	-	-	-	-	-
-	-	-	-	-	-	-
98,628	93,792	-	-	-	-	-
<u>11,350,069</u>	<u>8,128,470</u>	<u>1,458,406</u>	<u>401,248</u>	<u>149,715</u>	<u>148,378</u>	<u>264,350</u>
3,016	94,261	-	5,209	-	-	-
-	826,420	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
86	260,509	-	-	-	104,170	-
216,215	-	962,072	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	149,715	-	-
<u>219,317</u>	<u>1,181,190</u>	<u>962,072</u>	<u>5,209</u>	<u>149,715</u>	<u>104,170</u>	<u>-</u>
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	496,334	396,039	-	-	-
11,130,752	6,947,280	-	-	-	44,208	264,350
<u>11,130,752</u>	<u>6,947,280</u>	<u>496,334</u>	<u>396,039</u>	<u>-</u>	<u>44,208</u>	<u>264,350</u>
<u>\$ 11,350,069</u>	<u>\$ 8,128,470</u>	<u>\$ 1,458,406</u>	<u>\$ 401,248</u>	<u>\$ 149,715</u>	<u>\$ 148,378</u>	<u>\$ 264,350</u>

(continued)

CITY OF PLANO, TEXAS
 COMBINING BALANCE SHEET
 NONMAJOR GOVERNMENTAL FUNDS
 AS OF SEPTEMBER 30, 2010
 (continued)

	<u>Capital Projects</u>				Total Nonmajor Governmental Funds
	<u>DART</u>	<u>Park Improvements</u>	<u>Spring Creekwalk</u>	<u>Park Services</u>	
ASSETS					
Cash and cash equivalents	\$ 78,678	\$ 6,927,728	\$ 7,172	\$ 1,376,930	\$ 15,698,186
Investments	184,598	16,254,260	16,828	3,230,637	36,490,185
Receivables (net of allowance for uncollectible)					
Accounts	-	-	-	-	596,061
Accrued interest	525	46,247	48	9,192	103,824
Other	-	-	-	-	926,875
Due from other funds	-	-	-	-	16,978
Due from other governments	-	-	-	-	2,102,840
Total Assets	<u>263,801</u>	<u>23,228,235</u>	<u>24,048</u>	<u>4,616,759</u>	<u>55,934,949</u>
LIABILITIES AND FUND BALANCES					
Liabilities:					
Accounts payable	-	-	-	-	351,069
Accrued liabilities	-	-	-	-	836,668
Contracts payable	-	260,657	-	-	260,657
Deferred revenue	-	-	-	-	2,665,724
Due to other funds	-	-	-	-	1,941,160
Due to other governments	-	-	-	-	1,178,287
Retainage payable	-	45,625	-	-	45,625
Seized assets payable	-	-	-	-	149,715
Total Liabilities	<u>-</u>	<u>306,282</u>	<u>-</u>	<u>-</u>	<u>7,428,905</u>
Fund Balances:					
Reserved for encumbrances	114,445	8,158,600	-	900	8,273,945
Reserved for capital projects	-	14,763,353	24,048	4,615,859	19,403,260
Unreserved, designated for special revenue funds	-	-	-	-	892,373
Unreserved, undesignated	149,356	-	-	-	19,936,466
Total fund balances	<u>263,801</u>	<u>22,921,953</u>	<u>24,048</u>	<u>4,616,759</u>	<u>48,506,044</u>
Total Liabilities and Fund Balance	<u>\$ 263,801</u>	<u>\$ 23,228,235</u>	<u>\$ 24,048</u>	<u>\$ 4,616,759</u>	<u>\$ 55,934,949</u>



**CITY OF PLANO, TEXAS
 COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
 NONMAJOR GOVERNMENTAL FUNDS
 FOR THE YEAR ENDED SEPTEMBER 30, 2010**

Special Revenue

	Criminal Investigation	Grant	CATV	Industrial Revenue Bond Auth.	Public Safety Communications
REVENUES					
Fines and forfeitures	\$ 126,161	\$ -	\$ -	\$ -	\$ -
Contributions	-	-	-	-	-
Intergovernmental	115,919	2,894,068	-	-	74,382
Fees for services	-	-	476,672	-	1,354,114
Investment income	14,722	14,313	3,575	205	120,035
Miscellaneous	34,955	54,595	15,560	-	-
Total revenues	<u>291,757</u>	<u>2,962,976</u>	<u>495,807</u>	<u>205</u>	<u>1,548,531</u>
EXPENDITURES					
General government	-	-	-	-	-
Police	219,313	949,821	-	-	359,991
Fire	-	153,866	-	-	29,610
Libraries	-	231,825	-	-	-
Development	-	2,898,095	-	-	-
Public services and operations	-	-	795,690	-	41,420
Sustainability & environmental services	-	88,202	-	-	-
Capital outlay	-	278,513	-	-	-
Total expenditures	<u>219,313</u>	<u>4,600,322</u>	<u>795,690</u>	<u>-</u>	<u>431,021</u>
Excess (deficiency) of revenues over (under) expenditures	<u>72,444</u>	<u>(1,637,346)</u>	<u>(299,883)</u>	<u>205</u>	<u>1,117,510</u>
OTHER FINANCING SOURCES (USES)					
Proceeds from sale of bonds	-	-	-	-	-
Premium on sale of bonds	-	-	-	-	-
Transfers in	-	-	384,772	-	-
Transfers out	-	-	-	-	-
Total other financing sources	<u>-</u>	<u>-</u>	<u>384,772</u>	<u>-</u>	<u>-</u>
Net change in fund balances	72,444	(1,637,346)	84,889	205	1,117,510
Fund balances-beginning	1,344,402	1,263,275	254,378	18,273	10,013,242
Fund balances (deficit) -ending	<u>\$ 1,416,846</u>	<u>\$ (374,071)</u>	<u>\$ 339,267</u>	<u>\$ 18,478</u>	<u>\$ 11,130,752</u>

Municipal Court	Rebate	Memorial Library	Libraries	Animal Shelter Donations
\$ 3,018,849	\$ -	\$ -	\$ -	\$ -
-	-	140,741	-	65,101
-	-	-	-	-
980,296	-	-	-	-
73,767	16,354	4,449	727	2,704
-	-	-	-	-
<u>4,072,912</u>	<u>16,354</u>	<u>145,190</u>	<u>727</u>	<u>67,805</u>
-	8,015	-	-	-
3,187,150	-	-	-	-
-	-	-	-	-
-	-	-	-	-
-	-	-	-	11,373
-	-	-	-	-
85,405	-	89,717	-	-
<u>3,272,555</u>	<u>8,015</u>	<u>89,717</u>	<u>-</u>	<u>11,373</u>
<u>800,357</u>	<u>8,339</u>	<u>55,473</u>	<u>727</u>	<u>56,432</u>
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-
-	-	-	(145,609)	-
-	-	-	(145,609)	-
800,357	8,339	55,473	(144,882)	56,432
6,146,923	487,995	340,566	189,090	207,918
<u>\$ 6,947,280</u>	<u>\$ 496,334</u>	<u>\$ 396,039</u>	<u>\$ 44,208</u>	<u>\$ 264,350</u>

(continued)

CITY OF PLANO, TEXAS
 COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
 NONMAJOR GOVERNMENTAL FUNDS
 FOR THE YEAR ENDED SEPTEMBER 30, 2010
 (continued)

	<u>Capital Projects</u>				<u>Total Nonmajor Governmental Funds</u>
	<u>DART</u>	<u>Park Improvements</u>	<u>Spring Creekwalk</u>	<u>Park Services</u>	
REVENUES					
Fines and forfeitures	\$ -	\$ -	\$ -	\$ -	\$ 3,145,010
Contributions	-	-	-	-	205,842
Intergovernmental	-	-	-	-	3,084,369
Fees for services	-	-	-	110,790	2,921,872
Investment income	7,347	302,788	267	55,050	616,303
Miscellaneous	-	-	-	-	105,110
Total revenues	<u>7,347</u>	<u>302,788</u>	<u>267</u>	<u>165,840</u>	<u>10,078,506</u>
EXPENDITURES					
General government	-	-	-	-	8,015
Police	-	-	-	-	4,716,275
Fire	-	-	-	-	183,476
Libraries	-	-	-	-	231,825
Development	-	-	-	-	2,898,095
Public services and operations	-	-	-	-	848,483
Environmental waste services	-	-	-	-	88,202
Capital outlay	516,108	16,998,267	-	1,170,912	19,138,922
Total expenditures	<u>516,108</u>	<u>16,998,267</u>	<u>-</u>	<u>1,170,912</u>	<u>28,113,293</u>
Excess (deficiency) of revenues over (under) expenditures	<u>(508,761)</u>	<u>(16,695,479)</u>	<u>267</u>	<u>(1,005,072)</u>	<u>(18,034,787)</u>
OTHER FINANCING SOURCES (USES)					
Proceeds from sale of bonds	-	5,505,000	-	-	5,505,000
Premium on sale of bonds	-	141,590	-	-	141,590
Transfers in	-	-	-	-	384,772
Transfers out	-	-	-	-	(145,609)
Total other financing sources (uses)	<u>-</u>	<u>5,646,590</u>	<u>-</u>	<u>-</u>	<u>5,885,753</u>
Net change in fund balances	<u>(508,761)</u>	<u>(11,048,889)</u>	<u>267</u>	<u>(1,005,072)</u>	<u>(12,149,034)</u>
Fund balances-beginning	772,562	33,970,842	23,781	5,621,831	60,655,078
Fund balances-ending	<u>\$ 263,801</u>	<u>\$ 22,921,953</u>	<u>\$ 24,048</u>	<u>\$ 4,616,759</u>	<u>\$ 48,506,044</u>





**CITY OF PLANO, TEXAS
 BUDGETARY COMPARISON SCHEDULE-GAAP BASIS
 DEBT SERVICE FUND
 FOR THE YEAR ENDED SEPTEMBER 30, 2010**

	Budgeted Amounts		Actual	Variance with Final Budget - Positive (Negative)
	Original	Final		
REVENUES:				
Property taxes	\$ 39,959,648	\$ 39,728,894	\$ 39,740,619	\$ 11,725
Investment income	550,000	222,348	284,605	62,257
Miscellaneous	246,554	246,554	246,554	-
Total Revenues	40,756,202	40,197,796	40,271,778	73,982
EXPENDITURES:				
Principal retirement	27,650,000	27,650,000	27,650,000	-
Interest and fiscal charges	14,908,520	14,755,175	14,553,158	202,017
Total Expenditures	42,558,520	42,405,175	42,203,158	202,017
Deficiency of Revenues Less Expenditures	(1,802,318)	(2,207,379)	(1,931,380)	275,999
OTHER FINANCING SOURCES:				
Bond proceeds-refunding	-	-	16,633,613	16,633,613
Escrow payment-refunding	-	-	(16,777,204)	(16,777,204)
Total Other Financing Uses:	-	-	(143,591)	(143,591)
Deficiency of Revenues And Other Sources Less Expenditures	(1,802,318)	(2,207,379)	(2,074,971)	132,408
FUND BALANCE, October 1	3,250,126	3,250,126	3,250,126	-
FUND BALANCE, September 30	\$ 1,447,808	\$ 1,042,747	\$ 1,175,155	\$ 132,408



NONMAJOR ENTERPRISE FUNDS

Following are the nonmajor Enterprise Funds:

CIVIC CENTER FUND- to account for the convention and tourism activities of the City's Civic Center.

MUNICIPAL GOLF COURSE FUND- to account for operation of the City's golf course, including administration, operation and maintenance. All costs are financed through fees charged to patrons.

PROPERTY MANAGEMENT FUND- to account for the rental properties of the Downtown Center projects.

DOWNTOWN CENTER DEVELOPMENT FUND- to account for the construction of a multi-use project in the City's downtown area.

RECREATION REVOLVING FUND- to account for recreational programs and activities which are offered to groups and individuals on a fee basis. Fees are adjusted periodically to cover the cost of providing each program.

CITY OF PLANO, TEXAS
COMBINING STATEMENT OF NET ASSETS
NONMAJOR ENTERPRISE FUNDS
AS OF SEPTEMBER 30, 2010

	Business-type Activities Enterprise Funds					Total Nonmajor Enterprise Funds
	Civic Center	Municipal Golf Course	Property Management	Downtown Center Development	Recreation Revolving	
ASSETS						
Cash and cash equivalents	\$ 599,109	\$ 30,744	\$ 123,391	\$ 48,664	\$ 429,731	\$ 1,231,639
Investments	1,399,076	72,133	289,509	114,177	1,007,439	2,882,334
Receivables -						
Accounts	553,422	2,478	-	-	6,368	562,268
Accrued Interest	3,981	205	824	325	2,866	8,201
Other	-	-	500	-	2,051	2,551
Prepaid expenses & other assets	21,508	-	-	-	13,719	35,227
Capital assets:						
Land	2,359,859	595,296	1,333,325	36,999	-	4,325,479
Buildings	11,354,841	2,427,383	171,766	-	-	13,953,990
Improvements other than buildings	790,021	1,247,352	15,875	-	-	2,053,248
Equipment	1,637,602	159,037	-	-	450,597	2,247,236
Furniture and fixtures	312,206	80,381	-	-	73,873	466,460
Less accumulated depreciation	(13,058,366)	(2,122,769)	(177,322)	-	(521,093)	(15,879,550)
Total capital assets (net of accumulated depreciation)	3,396,163	2,386,680	1,343,644	36,999	3,377	7,166,863
Total assets	5,973,259	2,492,240	1,757,868	200,165	1,465,551	11,889,083
LIABILITIES						
Current liabilities:						
Accounts payable	99,365	8,558	-	-	48,442	156,365
Accrued liabilities	33,033	4,481	-	-	15,107	52,621
Deferred revenue	124,256	-	-	-	557,010	681,266
Due to other funds	690	-	-	-	-	690
Customer deposits	-	9,112	10,467	-	166,331	185,910
Liability for compensated absences	65,301	26,634	-	-	50,256	142,191
Total current liabilities	322,645	48,785	10,467	-	837,146	1,219,043
Noncurrent liabilities:						
Liability for compensated absences	323,275	37,970	-	-	44,112	405,357
Total noncurrent liabilities	323,275	37,970	-	-	44,112	405,357
Total liabilities	645,920	86,755	10,467	-	881,258	1,624,400
NET ASSETS						
Invested in capital assets (net of related debt)	3,396,163	2,386,680	1,343,644	36,999	3,377	7,166,863
Unrestricted	1,931,176	18,805	403,757	163,166	580,916	3,097,820
Total Net Assets	\$ 5,327,339	\$ 2,405,485	\$ 1,747,401	\$ 200,165	\$ 584,293	\$ 10,264,683

CITY OF PLANO, TEXAS
 COMBINING STATEMENT OF REVENUES, EXPENSES AND CHANGES IN FUND NET ASSETS
 NONMAJOR ENTERPRISE FUNDS
 FOR THE YEAR ENDED SEPTEMBER 30, 2010

	Business-type Activities Enterprise Funds					Total Nonmajor Enterprise Funds
	Civic Center	Municipal Golf Course	Property Management	Downtown Center Development	Recreation Revolving	
Operating revenues:						
Charges for sales and services:						
Service charges	\$ 2,125,543	\$ 600,919	\$ 7,594	\$ 68,128	\$ 3,490,572	\$ 6,292,756
Miscellaneous charges	47,438	-	-	-	54,570	102,008
Total operating revenues	<u>2,172,981</u>	<u>600,919</u>	<u>7,594</u>	<u>68,128</u>	<u>3,545,142</u>	<u>6,394,764</u>
Operating expenses:						
Personal services	2,568,365	402,283	-	-	1,272,406	4,243,054
Contractual services	2,735,618	134,747	58,529	47,918	1,732,800	4,709,612
Supplies	770,050	49,589	355	-	198,360	1,018,354
Depreciation	385,499	159,707	794	-	4,107	550,107
Miscellaneous	64,341	754	-	-	24,532	89,627
Total operating expenses	<u>6,523,873</u>	<u>747,080</u>	<u>59,678</u>	<u>47,918</u>	<u>3,232,205</u>	<u>10,610,754</u>
Operating income (loss)	<u>(4,350,892)</u>	<u>(146,161)</u>	<u>(52,084)</u>	<u>20,210</u>	<u>312,937</u>	<u>(4,215,990)</u>
Nonoperating revenues (expenses):						
Investment income	23,429	138	4,869	1,616	15,669	45,721
Hotel/motel tax	4,098,810	-	-	-	-	4,098,810
Miscellaneous	7,539	-	-	-	-	7,539
Total nonoperating revenue	<u>4,129,778</u>	<u>138</u>	<u>4,869</u>	<u>1,616</u>	<u>15,669</u>	<u>4,152,070</u>
Income (loss) before transfers	<u>(221,114)</u>	<u>(146,023)</u>	<u>(47,215)</u>	<u>21,826</u>	<u>328,606</u>	<u>(63,920)</u>
Transfers out	<u>(301,735)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(171,309)</u>	<u>(473,044)</u>
Change in net assets	<u>(522,849)</u>	<u>(146,023)</u>	<u>(47,215)</u>	<u>21,826</u>	<u>157,297</u>	<u>(536,964)</u>
Total net assets-beginning	<u>5,850,188</u>	<u>2,551,508</u>	<u>1,794,616</u>	<u>178,339</u>	<u>426,996</u>	<u>10,801,647</u>
Total net assets-ending	<u>\$ 5,327,339</u>	<u>\$ 2,405,485</u>	<u>\$ 1,747,401</u>	<u>\$ 200,165</u>	<u>\$ 584,293</u>	<u>\$ 10,264,683</u>

CITY OF PLANO, TEXAS
 COMBINING STATEMENT OF CASH FLOWS
 NONMAJOR ENTERPRISE FUNDS
 FOR THE YEAR ENDED SEPTEMBER 30, 2010

	Business-type Activities Enterprise Funds					Total Nonmajor Enterprise Funds
	Civic Center	Municipal Golf Course	Property Management	Downtown Center Development	Recreation Revolving	
CASH FLOWS FROM OPERATING ACTIVITIES						
Cash received from customers	\$ 1,935,458	\$ 602,776	\$ 8,645	\$ 68,128	\$ 3,575,429	\$ 6,190,436
Cash payments to suppliers for goods and services	(3,705,672)	(185,703)	(69,874)	(47,918)	(1,961,025)	(5,970,192)
Cash payments to employees for services	(2,810,129)	(440,807)	-	-	(1,406,051)	(4,656,987)
Net cash provided (used) by operating activities	(4,580,343)	(23,734)	(61,229)	20,210	208,353	(4,436,743)
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES						
Hotel/motel tax	4,098,810	-	-	-	-	4,098,810
Transfers to other funds	(301,735)	-	-	-	(171,309)	(473,044)
Repayments to other funds	-	-	-	-	(209)	(209)
Net cash provided (used) by noncapital financing activities	3,797,075	-	-	-	(171,518)	3,625,557
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES						
Acquisition and construction of capital assets	(49,773)	-	-	-	-	(49,773)
Proceeds from insurance damages	7,539	-	-	-	-	7,539
Net cash used by capital and related financing activities	(42,234)	-	-	-	-	(42,234)
CASH FLOWS FROM INVESTING ACTIVITIES						
Purchase of investment securities	(1,399,076)	(72,133)	(289,510)	(114,177)	(1,007,439)	(2,882,335)
Proceeds from sale and maturities of investment securities	2,416,456	109,328	405,703	121,982	1,197,196	4,250,665
Interest on investments	32,645	505	6,103	1,831	18,431	59,515
Increase (decrease) in fair value of investments	(558)	-	64	98	634	238
Net cash used by investing activities	1,049,467	37,700	122,360	9,734	208,822	1,428,083
Net increase in cash and cash equivalents	223,965	13,966	61,131	29,944	245,657	574,663
Cash and cash equivalents, October 1	375,144	16,778	62,260	18,720	184,074	656,976
Cash and cash equivalents, September 30	\$ 599,109	\$ 30,744	\$ 123,391	\$ 48,664	\$ 429,731	\$ 1,231,639

Non-cash disclosure:

Increase (decrease) in fair value of investments	\$ (558)	\$ -	\$ 64	\$ 98	\$ 634	\$ 238
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CITY OF PLANO, TEXAS
 COMBINING STATEMENT OF CASH FLOWS
 NONMAJOR ENTERPRISE FUNDS
 FOR THE YEAR ENDED SEPTEMBER 30, 2010
 (continued)

	Business-type Activities Enterprise Funds					Total Nonmajor Enterprise Funds
	Civic Center	Municipal Golf Course	Property Management	Downtown Center Development	Recreation Revolving	
RECONCILIATION OF OPERATING INCOME (LOSS) TO NET CASH PROVIDED (USED) BY OPERATING ACTIVITIES						
Operating income (loss)	\$ (4,350,892)	\$ (146,161)	\$ (52,084)	\$ 20,210	\$ 312,937	\$ (4,215,990)
Adjustments to reconcile operating income to net cash provided by operating activities:						
Depreciation	385,499	159,707	794	-	4,107	550,107
Change in assets and liabilities:						
(Increase) decrease in-						
Accounts receivable	(178,356)	1,857	1,051	-	5,040	(170,408)
Other receivable	-	-	-	-	201	201
Prepaid expenses & other assets	11,060	-	-	-	2,388	13,448
Increase (decrease) in-						
Accounts payable	(146,723)	(613)	(10,990)	-	(7,922)	(166,248)
Accrued liabilities	(153,451)	(8,630)	-	-	(42,369)	(204,450)
Liability for compensated absences	(88,313)	(29,894)	-	-	(93,924)	(212,131)
Customer deposits	-	-	-	-	(24,364)	(24,364)
Due to other funds	(811)	-	-	-	-	(811)
Deferred revenue	(58,356)	-	-	-	52,259	(6,097)
Total adjustments	<u>(229,451)</u>	<u>122,427</u>	<u>(9,145)</u>	<u>-</u>	<u>(104,584)</u>	<u>(220,753)</u>
Net cash provided (used) by operating activities	<u>\$ (4,580,343)</u>	<u>\$ (23,734)</u>	<u>\$ (61,229)</u>	<u>\$ 20,210</u>	<u>\$ 208,353</u>	<u>\$ (4,436,743)</u>



INTERNAL SERVICE FUNDS

Internal Service Funds accounts for the financing of goods or services provided by one department for another.

The City has six Internal Service Funds as follows:

EQUIPMENT MAINTENANCE FUND- to account for the cost of operating and maintaining automotive and other equipment used by City departments. Service charges are billed to departments on a monthly basis to cover all expenses of the fund, including depreciation of furniture and fixtures, machinery and equipment necessary to provide maintenance services and for replacement of the fleet.

OFFICE SERVICES FUND-to account for the cost of operating a centralized print shop, which performs printing and copying services, as well as interoffice mail delivery and other services, for City departments. Monthly charges are billed to departments to cover costs, including depreciation of furniture and equipment necessary to provide services. The Office Services Fund was closed in fiscal year 2010.

MUNICIPAL WAREHOUSE FUND- to account for the operation of a central warehouse facility which provides the capability of storing and distributing in volume supplies and materials used by City departments. An overhead charge is applied to the purchase price of all materials handled to cover the operating costs, including the cost of goods sold.

TECHNOLOGY SERVICES FUND- to account for the data processing and information systems. Charges for software, hardware and maintenance of the systems are billed to the user funds.

PROPERTY/LIABILITY LOSS FUND- to account for the operation of a self-insurance program for general liability, public officials errors and omission, police professional liability, property loss and worker's compensation.

HEALTH CLAIMS FUND- to account for the self-insurance operation of group accident and health insurance coverage for all City employees. In addition to the basic insurance coverage provided, employees may purchase dependent coverage through payroll deductions. Coverage is financed by billings to the departments and through employee payroll deductions.

**CITY OF PLANO, TEXAS
COMBINING STATEMENT OF NET ASSETS
INTERNAL SERVICE FUNDS
AS OF SEPTEMBER 30, 2010**

	<u>Equipment Maintenance</u>	<u>Office Services</u>	<u>Municipal Warehouse</u>
ASSETS			
Cash & cash equivalents	\$ 4,404,238	\$ -	\$ 92,208
Investments	10,333,024	-	216,108
Receivables			
Accounts	1,099	-	136,984
115 trust	-	-	-
Accrued interest	29,400	-	615
Due from other funds	-	-	-
Inventories	116,825	-	793,571
Prepaid items	-	-	-
Restricted assets:			
Cash & cash equivalents	-	-	-
Investments	-	-	-
Accrued interest receivable	-	-	-
Capital assets:			
Land	51,515	-	-
Buildings	5,264,915	-	-
Equipment	9,478,402	-	114,160
Furniture & fixtures	42,662	-	11,200
Rolling equipment	50,545,544	-	-
Less accumulated depreciation	(41,895,087)	-	(121,435)
Total capital assets (net of accumulated depreciation)	<u>23,487,951</u>	<u>-</u>	<u>3,925</u>
Total Assets	<u>38,372,537</u>	<u>-</u>	<u>1,243,411</u>
LIABILITIES:			
CURRENT LIABILITIES:			
Accounts payable	726,392	-	285,592
Accrued liabilities	23,995	-	4,598
Due to other funds	324	-	22
Compensated absences	34,854	-	23,667
Liability for insurance claims	-	-	-
Total current liabilities	<u>785,565</u>	<u>-</u>	<u>313,879</u>
NONCURRENT LIABILITIES:			
Compensated absences	72,558	-	7,647
Liability for insurance claims	-	-	-
Total Liabilities	<u>858,123</u>	<u>-</u>	<u>321,526</u>
NET ASSETS			
Invested in capital assets	23,487,951	-	3,925
Unrestricted	14,026,463	-	917,960
Total net assets	<u>\$ 37,514,414</u>	<u>\$ -</u>	<u>\$ 921,885</u>

	Technology Services	Property/ Liability Loss	Health Claims	Total
\$	3,869,408	\$ 1,293,591	\$ 4,703,523	\$ 14,362,968
	9,389,697	3,035,102	11,035,692	34,009,623
	-	7,004	-	145,087
	-	-	16,500	16,500
	26,716	8,635	31,399	96,765
	38,660	-	-	38,660
	-	-	-	910,396
	18,083	989	203,078	222,150
	939,735	-	-	939,735
	2,235,440	-	-	2,235,440
	6,361	-	-	6,361
	11,007	-	-	62,522
	560,087	-	-	5,825,002
	29,548,450	532,340	-	39,673,352
	57,449	6,735	-	118,046
	-	-	-	50,545,544
	(19,763,183)	(539,075)	-	(62,318,780)
	10,413,810	-	-	33,905,686
	26,937,910	4,345,321	15,990,192	86,889,371
	198,264	51,811	65,252	1,327,311
	55,293	159,719	-	243,605
	-	419	-	765
	37,172	19,700	-	115,393
	-	2,335,632	1,863,818	4,199,450
	290,729	2,567,281	1,929,070	5,886,524
	758,286	4,555	-	843,046
	-	1,305,256	-	1,305,256
	1,049,015	3,877,092	1,929,070	8,034,826
	10,413,810	-	-	33,905,686
	15,475,085	468,229	14,061,122	44,948,859
\$	25,888,895	\$ 468,229	\$ 14,061,122	\$ 78,854,545

**CITY OF PLANO, TEXAS
COMBINING STATEMENT OF REVENUES, EXPENSES AND CHANGES IN FUND NET ASSETS
INTERNAL SERVICE FUNDS
FOR THE YEAR ENDED SEPTEMBER 30, 2010**

	Equipment Maintenance	Office Services	Municipal Warehouse
REVENUES:			
Charges for services	\$ 13,913,029	\$ 25,305	\$ 3,954,808
Miscellaneous	(42,798)	3,965	21,060
Total operating revenues	<u>13,870,231</u>	<u>29,270</u>	<u>3,975,868</u>
EXPENSES:			
Personal services	2,265,833	25,338	523,611
Contractual services	679,989	57,861	44,125
Supplies	3,064,693	14,015	3,427,740
Claims expense	-	-	-
Depreciation	5,813,482	46,285	605
Other post employment benefits	-	-	-
Miscellaneous	18,078	61	29,887
Total operating expenses	<u>11,842,075</u>	<u>143,560</u>	<u>4,025,968</u>
Operating income (loss)	<u>2,028,156</u>	<u>(114,290)</u>	<u>(50,100)</u>
NONOPERATING REVENUES (EXPENSES):			
Investment income	198,701	-	2,102
Gain (loss) on capital asset disposal	123,464	-	165,665
Intergovernmental revenues	2,559	-	-
Miscellaneous	25,515	-	6,657
Total nonoperating revenues	<u>350,239</u>	<u>-</u>	<u>174,424</u>
Income (loss) before transfers	2,378,395	(114,290)	124,324
Transfers in	4,458,610	247,048	-
Transfers out	-	-	-
Change in net assets	<u>6,837,005</u>	<u>132,758</u>	<u>124,324</u>
Total net assets (deficit)-beginning	30,677,409	(132,758)	797,561
Total net assets -ending	<u>\$ 37,514,414</u>	<u>\$ -</u>	<u>\$ 921,885</u>

Technology Services	Property/ Liability Loss	Health Claims	Total
\$ 13,961,177	\$ 3,970,249	\$ 30,365,117	\$ 66,189,685
12,000	197,637	-	191,864
<u>13,973,177</u>	<u>4,167,886</u>	<u>30,365,117</u>	<u>66,381,549</u>
5,058,104	430,044	-	8,302,930
6,779,111	1,472,168	2,591,671	11,624,925
613,444	10,777	-	7,130,669
-	2,297,686	15,353,157	17,650,843
1,357,300	-	-	7,217,672
-	-	5,890,210	5,890,210
2,828	3,635	100	54,589
<u>13,810,787</u>	<u>4,214,310</u>	<u>23,835,138</u>	<u>57,871,838</u>
<u>162,390</u>	<u>(46,424)</u>	<u>6,529,979</u>	<u>8,509,711</u>
183,218	49,374	156,160	589,555
(28,530)	-	-	260,599
-	-	-	2,559
-	-	-	32,172
<u>154,688</u>	<u>49,374</u>	<u>156,160</u>	<u>884,885</u>
317,078	2,950	6,686,139	9,394,596
145,609	-	-	4,851,267
(4,490,000)	-	-	(4,490,000)
<u>(4,027,313)</u>	<u>2,950</u>	<u>6,686,139</u>	<u>9,755,863</u>
29,916,208	465,279	7,374,983	69,098,682
<u>\$ 25,888,895</u>	<u>\$ 468,229</u>	<u>\$ 14,061,122</u>	<u>\$ 78,854,545</u>

**CITY OF PLANO, TEXAS
COMBINING STATEMENT OF CASH FLOWS
INTERNAL SERVICE FUNDS
FOR THE YEAR ENDED SEPTEMBER 30, 2010**

	Equipment Maintenance	Office Services	Municipal Warehouse
CASH FLOWS FROM OPERATING ACTIVITIES:			
Cash received from customers	\$ 13,869,064	\$ 86,379	\$ 3,974,788
Cash payments to suppliers for goods and services	(3,528,655)	(182,284)	(3,444,798)
Cash payments to employees for services	(2,320,796)	(46,092)	(539,808)
Net cash provided (used) by operating activities	<u>8,019,613</u>	<u>(141,997)</u>	<u>(9,818)</u>
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES:			
Due (to) from other funds	324	-	-
Repayments (to) from other funds	(4,740,000)	(105,051)	-
Transfers (to) from other funds	4,458,610	247,048	-
Grant receipts	2,559	-	-
Net cash provided (used) by noncapital financing activities	<u>(278,507)</u>	<u>141,997</u>	<u>-</u>
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:			
Acquisition and construction of capital assets	(10,102,587)	(125)	-
Proceeds on sale of equipment	201,575	-	165,665
Proceeds from insurance damages	25,515	-	6,657
Net cash provided (used) by capital and related financing activities	<u>(9,875,497)</u>	<u>(125)</u>	<u>172,322</u>
CASH FLOWS FROM INVESTING ACTIVITIES:			
Purchase of investment securities	(10,333,024)	-	(216,108)
Proceeds from sales and maturities of investment securities	14,387,150	-	124,860
Interest on investments	272,203	-	1,750
Net cash provided (used) by investing activities	<u>4,326,329</u>	<u>-</u>	<u>(89,498)</u>
Net increase (decrease) in cash and cash equivalents	2,191,938	(125)	73,006
Cash and cash equivalents, October 1	<u>2,212,300</u>	<u>125</u>	<u>19,202</u>
Cash and cash equivalents, September 30	<u><u>\$ 4,404,238</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 92,208</u></u>
Non-cash disclosure:			
Increase (decrease) in fair value of investments	\$ (27,508)	\$ -	\$ 388
Transfer in of capital assets	-	-	-

Technology Services	Property/ Liability Loss	Health Claims	Total
\$ 13,974,538	\$ 4,163,459	\$ 30,445,129	\$ 66,513,357
(7,628,686)	(3,854,169)	(25,980,587)	(44,619,179)
<u>(5,229,848)</u>	<u>(446,767)</u>	<u>-</u>	<u>(8,583,311)</u>
1,116,004	(137,477)	4,464,542	13,310,867
(38,661)	(9,369)	-	(47,706)
4,740,000	-	-	(105,051)
(4,344,391)	-	-	361,267
-	-	-	2,559
<u>356,948</u>	<u>(9,369)</u>	<u>-</u>	<u>211,069</u>
(833,101)	-	-	(10,935,813)
-	-	-	367,240
-	-	-	32,172
<u>(833,101)</u>	<u>-</u>	<u>-</u>	<u>(10,536,401)</u>
(11,625,139)	(3,035,103)	(11,035,692)	(36,245,066)
13,477,824	3,828,907	9,636,445	41,455,186
<u>244,615</u>	<u>59,270</u>	<u>161,489</u>	<u>739,327</u>
2,097,300	853,074	(1,237,758)	5,949,447
2,737,151	706,228	3,226,784	8,934,982
<u>2,071,992</u>	<u>587,363</u>	<u>1,476,739</u>	<u>6,367,721</u>
<u>\$ 4,809,143</u>	<u>\$ 1,293,591</u>	<u>\$ 4,703,523</u>	<u>\$ 15,302,703</u>
\$ (23,855)	\$ 1,488	\$ 13,603	\$ (35,884)
30,225	-	-	30,225

(continued)

**CITY OF PLANO, TEXAS
COMBINING STATEMENT OF CASH FLOWS
INTERNAL SERVICE FUNDS
FOR THE YEAR ENDED SEPTEMBER 30, 2010
(continued)**

	<u>Equipment Maintenance</u>	<u>Office Services</u>	<u>Municipal Warehouse</u>
RECONCILIATION OF OPERATING INCOME (LOSS) TO NET CASH PROVIDED (USED) BY OPERATING ACTIVITIES:			
Operating income (loss)	\$ 2,028,156	\$ (114,290)	\$ (50,100)
Adjustments to reconcile operating income to net cash provided (used) by operating activities:			
Depreciation expenses	5,813,482	46,285	605
Changes in assets and liabilities-			
(Increase) decrease in			
Accounts receivable	(1,099)	868	(662)
Due from other funds	(99)	-	-
Due from other governments	31	403	-
Prepaid items	1,477	-	-
Inventories	(16,966)	9,303	40,049
Increase (decrease) in			
Accounts payable	249,594	(119,650)	16,883
Accrued liabilities	(56,719)	(7,892)	(10,362)
Due to other funds	-	55,838	(396)
Compensated absences	1,756	(12,862)	(5,835)
Liability for insurance claims	-	-	-
Total adjustments	<u>5,991,457</u>	<u>(27,707)</u>	<u>40,282</u>
Net cash provided (used) by operating activities	<u>\$ 8,019,613</u>	<u>\$ (141,997)</u>	<u>\$ (9,818)</u>

<u>Technology Services</u>	<u>Property/ Liability Loss</u>	<u>Health Claims</u>	<u>Total</u>
<u>\$ 162,390</u>	<u>\$ (46,424)</u>	<u>\$ 6,529,979</u>	<u>\$ 8,509,711</u>
1,357,300	-	-	7,217,672
1,899	(4,024)	96,612	93,594
-	-	-	(99)
-	-	-	434
(5,817)	361	(2,579)	(6,558)
-	-	-	32,386
(227,486)	1,403	(30,726)	(109,982)
(131,223)	(10,801)	(2,112,244)	(2,329,241)
(538)	16	(16,500)	38,420
(40,521)	(5,922)	-	(63,384)
-	(72,086)	-	(72,086)
<u>953,614</u>	<u>(91,053)</u>	<u>(2,065,437)</u>	<u>4,801,156</u>
<u>\$ 1,116,004</u>	<u>\$ (137,477)</u>	<u>\$ 4,464,542</u>	<u>\$ 13,310,867</u>



FIDUCIARY FUNDS

PENSION AND OTHER EMPLOYEE BENEFIT TRUST FUNDS:

RETIREMENT SECURITY PLAN PENSION TRUST- to account for assets held for full-time employees as a substitute retirement plan to Social Security.

POSTEMPLOYMENT BENEFITS 115 TRUST- to account for assets held for the purpose of funding and providing certain benefits to its eligible retirees in accordance with the requirements of Governmental Accounting Standards Board Statement No. 45.

AGENCY FUNDS:

DEVELOPERS' ESCROW FUND- to account for escrow received from developers. The escrow will be used for construction of improvements to be made by the City.

UNCLAIMED PROPERTY FUND- to account for assets under \$100, which have been issued by the City but remain unclaimed. Disposition is made upon claim by rightful owners or escheatment to the State of Texas.

**CITY OF PLANO, TEXAS
 COMBINING STATEMENT OF PENSION AND OTHER POSTEMPLOYMENT BENEFITS TRUST FUNDS NET ASSETS
 FIDUCIARY FUNDS
 AS OF SEPTEMBER 30, 2010**

	<u>Pension Trust Fund</u>	<u>Postemployment Benefits Trust Fund</u>	<u>Total</u>
ASSETS			
Cash and cash equivalents	\$ 3,285,802	\$ 759,260	\$ 4,045,062
Investments			
Other U.S. government obligations	4,649,198	4,389,602	9,038,800
Corporate bonds	14,613,657	6,726,874	21,340,531
Common stocks	41,747,593	8,610,504	50,358,097
Foreign equities	1,863,830	-	1,863,830
Mutual funds	6,929,927	13,108,842	20,038,769
Real estate investment trusts	501,860	-	501,860
Accrued interest	280,886	105,565	386,451
Total Assets	<u>73,872,753</u>	<u>33,700,647</u>	<u>107,573,400</u>
LIABILITIES			
Accounts payable	-	15,315	15,315
Payable from pending trades	-	53,469	53,469
Payable to health claims fund	-	16,500	16,500
Total Liabilities	<u>-</u>	<u>85,284</u>	<u>85,284</u>
NET ASSETS			
Held in trust for pension benefits	73,872,753		73,872,753
Held in trust for other postemployment benefits		33,615,363	33,615,363
Total Net Assets	<u>\$ 73,872,753</u>	<u>\$ 33,615,363</u>	<u>\$ 107,488,116</u>

The notes to the financial statements are an integral part of this statement.

**CITY OF PLANO, TEXAS
 COMBINING STATEMENT OF CHANGES IN PENSION AND OTHER POSTEMPLOYMENT BENEFITS TRUST
 FUNDS NET ASSETS
 FIDUCIARY FUNDS
 FOR THE YEAR ENDED SEPTEMBER 30, 2010**

	<u>Pension Trust Fund</u>	<u>Postemployment Benefits Trust Fund</u>	<u>Total</u>
ADDITIONS			
Contributions:			
From employers	\$ 3,549,068	\$ 5,474,975	\$ 9,024,043
From retirees	-	789,146	789,146
Total contributions	<u>3,549,068</u>	<u>6,264,121</u>	<u>9,813,189</u>
Investment return:			
Net increase in fair value of investments	5,126,300	1,722,079	6,848,379
Interest	907,280	443,845	1,351,125
Dividends	977,876	265,900	1,243,776
Mutual funds	-	5,945	5,945
Miscellaneous	5,306	-	5,306
Total investment return	<u>7,016,762</u>	<u>2,437,769</u>	<u>9,454,531</u>
Less investment expenses:			
Trustee fees	35,234	58,137	93,371
Advisory fees	143,697	101,433	245,130
Audit fee	30,634	16,430	47,064
Actuary fee	33,850	16,500	50,350
Total investment expenses	<u>243,415</u>	<u>192,500</u>	<u>435,915</u>
Net investment income	<u>6,773,347</u>	<u>2,245,269</u>	<u>9,018,616</u>
Total additions, net	<u>10,322,415</u>	<u>8,509,390</u>	<u>18,831,805</u>
DEDUCTIONS			
Benefits	2,137,813	2,043,310	4,181,123
Miscellaneous expenses	14,813	219	15,032
Total deductions	<u>2,152,626</u>	<u>2,043,529</u>	<u>4,196,155</u>
Net increase	8,169,789	6,465,861	14,635,650
Net assets held in trust - beginning of year	<u>65,702,964</u>	<u>27,149,502</u>	<u>92,852,466</u>
Net assets held in trust - end of year	<u>\$ 73,872,753</u>	<u>\$ 33,615,363</u>	<u>\$ 107,488,116</u>

The notes to the financial statements are an integral part of this statement.

**CITY OF PLANO, TEXAS
 COMBINING STATEMENT OF AGENCY FUNDS ASSETS AND LIABILITIES
 FIDUCIARY FUNDS
 AS OF SEPTEMBER 30, 2010**

	<u>Agency Funds</u>		<u>Total Agency Funds</u>
	<u>Developers' Escrow</u>	<u>Unclaimed Property</u>	
ASSETS			
Cash and cash equivalents	\$ 693,473	\$ 18,903	\$ 712,376
Investments	1,627,069	44,353	1,671,422
Accrued interest	4,629	126	4,755
Total Assets	<u>2,325,171</u>	<u>63,382</u>	<u>2,388,553</u>
LIABILITIES			
Developers' escrow liability	2,325,171	-	2,325,171
Unclaimed property payable	-	63,382	63,382
Total Liabilities	<u>\$ 2,325,171</u>	<u>\$ 63,382</u>	<u>\$ 2,388,553</u>

CITY OF PLANO, TEXAS
 COMBINING STATEMENT OF CHANGES IN AGENCY FUNDS ASSETS AND LIABILITIES
 FIDUCIARY FUNDS
 FOR THE YEAR ENDED SEPTEMBER 30, 2010

	<u>Balance</u> <u>September 30, 2009</u>	<u>Additions</u>	<u>Deductions</u>	<u>Balance</u> <u>September 30, 2010</u>
Developers' Escrow Fund				
ASSETS				
Cash and cash equivalents	\$ 326,318	\$ 367,155	\$ -	\$ 693,473
Investments	2,126,378	-	(499,309)	1,627,069
Accrued interest receivable	11,122	-	(6,493)	4,629
Total assets	<u>\$ 2,463,818</u>	<u>\$ 367,155</u>	<u>\$ (505,802)</u>	<u>\$ 2,325,171</u>
LIABILITIES				
Developers' escrow liability	2,463,818	-	(138,647)	2,325,171
Total liabilities	<u>\$ 2,463,818</u>	<u>\$ -</u>	<u>\$ (138,647)</u>	<u>\$ 2,325,171</u>
Unclaimed Property Fund				
ASSETS				
Cash and cash equivalents	\$ 7,727	\$ 11,176	\$ -	\$ 18,903
Investments	50,353	-	(6,000)	44,353
Accrued interest receivable	263	-	(137)	126
Total assets	<u>\$ 58,343</u>	<u>\$ 11,176</u>	<u>\$ (6,137)</u>	<u>\$ 63,382</u>
LIABILITIES				
Unclaimed property payable	58,343	5,039	-	63,382
Total liabilities	<u>\$ 58,343</u>	<u>\$ 5,039</u>	<u>\$ -</u>	<u>\$ 63,382</u>
Total Fiduciary Funds				
ASSETS				
Cash and cash equivalents	\$ 334,045	\$ 378,331	\$ -	\$ 712,376
Investments	2,176,731	-	(505,309)	1,671,422
Accrued interest receivable	11,385	-	(6,630)	4,755
Total assets	<u>\$ 2,522,161</u>	<u>\$ 378,331</u>	<u>\$ (511,939)</u>	<u>\$ 2,388,553</u>
LIABILITIES				
Developers' escrow liability	2,463,818	-	(138,647)	2,325,171
Unclaimed property payable	58,343	5,039	-	63,382
Total liabilities	<u>\$ 2,522,161</u>	<u>\$ 5,039</u>	<u>\$ (138,647)</u>	<u>\$ 2,388,553</u>



COMPONENT UNITS

ECONOMIC DEVELOPMENT BOARD- organized to account for various financial and administrative services related to economic development of the City.

TIF MALL- organized to account for a tax increment financing unit for project improvements within the City. The City and Taubman Realty Group Limited Partnership entered into an agreement for the development of a regional mall.

TIF EAST SIDE- organized to account for a tax increment financing unit for improvements related to the future development of East Plano.

**CITY OF PLANO, TEXAS
 COMBINING STATEMENT OF FUND NET ASSETS
 DISCRETELY PRESENTED COMPONENT UNITS
 AS OF SEPTEMBER 30, 2010**

	<u>Economic Development</u>	<u>TIF Mall</u>	<u>TIF East Side</u>	<u>Total</u>
ASSETS				
Current:				
Cash and cash equivalents	\$ 4,952,215	\$ -	\$ 2,436,110	\$ 7,388,325
Investments	11,618,720	-	5,732,012	17,350,732
Receivables:				
Accrued interest	33,058	-	-	33,058
Prepaid expenses & other assets	3,176	-	-	3,176
Noncurrent:				
Capital assets, net	-	-	2,706,425	2,706,425
Total Assets	<u>16,607,169</u>	<u>-</u>	<u>10,874,547</u>	<u>27,481,716</u>
LIABILITIES				
Current:				
Accounts payable	6,016	-	-	6,016
Accrued liabilities	6,528	-	-	6,528
Compensated absences	828	-	-	828
Long-term:				
Notes payable	-	2,201,610	-	2,201,610
Compensated absences	132,420	-	-	132,420
Total Liabilities	<u>145,792</u>	<u>2,201,610</u>	<u>-</u>	<u>2,347,402</u>
NET ASSETS (DEFICIT)				
Invested in capital assets (net of related debt)	-	-	2,706,425	2,706,425
Unrestricted	16,461,377	(2,201,610)	8,168,122	22,427,889
Total Net Assets (Deficit)	<u>\$ 16,461,377</u>	<u>\$ (2,201,610)</u>	<u>\$ 10,874,547</u>	<u>\$ 25,134,314</u>

CITY OF PLANO, TEXAS
COMBINING STATEMENT OF REVENUES, EXPENSES AND CHANGES IN FUND NET ASSETS
DISCRETELY PRESENTED COMPONENT UNITS
FOR THE YEAR ENDED SEPTEMBER 30, 2010

	Economic Development	TIF Mall	TIF East Side	Total
REVENUES				
Operating grants and contributions	\$ 5,888,182	\$ -	\$ -	\$ 5,888,182
Total revenues	<u>5,888,182</u>	<u>-</u>	<u>-</u>	<u>5,888,182</u>
EXPENSES				
Personal services	564,861	-	-	564,861
Contractual services	2,731,188	10,000	1,121,122	3,862,310
Supplies	11,537	-	-	11,537
Depreciation	2,074	-	1,299,441	1,301,515
Miscellaneous	342,995	-	-	342,995
Total operating expenses	<u>3,652,655</u>	<u>10,000</u>	<u>2,420,563</u>	<u>6,083,218</u>
Operating income (loss)	2,235,527	(10,000)	(2,420,563)	(195,036)
NONOPERATING REVENUES (EXPENSES)				
Property taxes	-	4,526,893	3,523,375	8,050,268
Investment income	179,406	-	-	179,406
Interest expense	-	(321,027)	-	(321,027)
Total nonoperating revenues	<u>179,406</u>	<u>4,205,866</u>	<u>3,523,375</u>	<u>7,908,647</u>
Change in net assets	2,414,933	4,195,866	1,102,812	7,713,611
Total net assets (deficit)-beginning	14,046,444	(6,397,476)	9,771,735	17,420,703
Total net assets (deficit)-ending	<u>\$ 16,461,377</u>	<u>\$ (2,201,610)</u>	<u>\$ 10,874,547</u>	<u>\$ 25,134,314</u>

**CITY OF PLANO, TEXAS
COMBINING STATEMENT OF CASH FLOWS
DISCRETELY PRESENTED COMPONENT UNITS
FOR THE YEAR ENDED SEPTEMBER 30, 2010**

	<u>Economic Development</u>	<u>TIF Mall</u>	<u>TIF East Side</u>	<u>Total</u>
CASH FLOWS FROM OPERATING ACTIVITIES:				
Cash received from grants	\$ 5,888,182	\$ -	\$ -	\$ 5,888,182
Cash payments to suppliers for goods and services	(3,090,835)	(4,205,866)	(1,129,852)	(8,426,553)
Cash payments to employees for services	(591,983)	-	-	(591,983)
Net cash provided (used) by operating activities	<u>2,205,364</u>	<u>(4,205,866)</u>	<u>(1,129,852)</u>	<u>(3,130,354)</u>
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES:				
Property taxes	-	4,526,893	3,523,375	8,050,268
Net cash provided by noncapital financing activities	<u>-</u>	<u>4,526,893</u>	<u>3,523,375</u>	<u>8,050,268</u>
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:				
Interest expense	-	(321,027)	-	(321,027)
Net cash used for operating and related financing activities	<u>-</u>	<u>(321,027)</u>	<u>-</u>	<u>(321,027)</u>
CASH FLOWS FROM INVESTING ACTIVITIES:				
Purchase of investment securities	(11,618,720)	-	(5,732,012)	(17,350,732)
Proceeds from sales and maturities of investment securities	12,281,851	-	4,990,767	17,272,618
Interest on investments	200,296	-	19,021	219,317
Net cash provided (used) by investing activities	<u>863,427</u>	<u>-</u>	<u>(722,224)</u>	<u>141,203</u>
Net increase in cash and cash equivalents	3,068,791	-	1,671,299	4,740,090
Cash and cash equivalents, October 1	<u>1,883,424</u>	<u>-</u>	<u>764,811</u>	<u>2,648,235</u>
Cash and cash equivalents, September 30	<u>\$ 4,952,215</u>	<u>\$ -</u>	<u>\$ 2,436,110</u>	<u>\$ 7,388,325</u>
Non-cash disclosure:				
Capitalize interest on note payable	\$ -	\$ 321,027	\$ -	\$ 321,027

**CITY OF PLANO, TEXAS
COMBINING STATEMENT OF CASH FLOWS
DISCRETELY PRESENTED COMPONENT UNITS
FOR THE YEAR ENDED SEPTEMBER 30, 2010
(continued)**

	<u>Economic Development</u>	<u>TIF Mall</u>	<u>TIF East Side</u>	<u>Total</u>
RECONCILIATION OF OPERATING INCOME TO NET CASH PROVIDED (USED) BY OPERATING ACTIVITIES:				
Operating income (loss)	<u>\$ 2,235,527</u>	<u>\$ (10,000)</u>	<u>\$ (2,420,563)</u>	<u>\$ (195,036)</u>
Adjustments to reconcile operating income to net cash provided by operating activities:				
Depreciation expense	2,074	-	1,299,441	1,301,515
Changes in assets and liabilities-				
(Increase) decrease in				
Prepaid expenses	(3,176)	-	-	(3,176)
Increase (decrease) in				
Accounts payable	(1,536)	-	(8,730)	(10,266)
Notes payable		(4,195,866)	-	(4,195,866)
Accrued liabilities	(27,122)	-	-	(27,122)
Due to other governments	(403)	-	-	(403)
Total adjustments	<u>(30,163)</u>	<u>(4,195,866)</u>	<u>1,290,711</u>	<u>(2,935,318)</u>
Net cash provided (used) by operating activities	<u>\$ 2,205,364</u>	<u>\$ (4,205,866)</u>	<u>\$ (1,129,852)</u>	<u>\$ (3,130,354)</u>



**CITY OF PLANO, TEXAS
 CAPITAL ASSETS USED IN THE OPERATION OF GOVERNMENTAL FUNDS
 COMPARATIVE SCHEDULES BY SOURCE¹
 AS OF SEPTEMBER 30, 2010 (unaudited)**

Governmental funds capital assets:	2010	2009
Land	\$ 122,637,203	\$ 107,064,055
Construction in progress	54,820,418	175,665,557
Buildings	155,386,785	124,645,356
Improvements other than buildings	148,824,313	96,572,951
Equipment	88,948,181	87,634,414
Public art	1,698,740	1,696,740
Infrastructure	988,265,406	900,435,524
Total governmental funds capital assets	\$ 1,560,581,046	\$ 1,493,714,597
Investments in governmental activities capital assets by source:		
General fund	\$ 368,338,351	\$ 320,177,663
Park improvements fund	148,824,313	96,572,951
Special revenue fund	330,556	814,902
Capital projects fund	1,043,087,826	1,076,149,081
	\$ 1,560,581,046	\$ 1,493,714,597

¹This schedule presents only the capital asset balances related to governmental funds. Accordingly, the capital assets reported in internal service funds are excluded from the above amounts. Generally, the capital assets of internal service funds are included as governmental activities in the statement of net assets.

**CITY OF PLANO, TEXAS
CAPITAL ASSETS USED IN THE OPERATION OF GOVERNMENTAL FUNDS
SCHEDULE BY FUNCTION AND ACTIVITY¹
AS OF SEPTEMBER 30, 2010 (unaudited)**

Function and Activity	Land	Construction in Progress	Buildings	Improvements Other Than Buildings	Equipment	Public Art	Infrastructure	Total
Administrative Services:								
City Council	\$ -	\$ -	\$ -	\$ -	\$ 4,301	\$ -	\$ -	\$ 4,301
Administration	-	-	-	-	78,044	-	-	78,044
Legal	-	-	-	-	119,781	-	-	119,781
City Secretary	-	-	-	-	43,804	-	-	43,804
Internal Audit	-	-	-	-	11,944	-	-	11,944
Finance	-	-	-	-	26,238	-	-	26,238
Financial Systems Administration	-	-	-	-	10,148	-	-	10,148
Accounting	-	-	-	-	122,723	-	-	122,723
Budget	-	-	-	-	117,558	-	-	117,558
Administrative Services	-	-	-	-	12,636	-	-	12,636
Purchasing	-	-	-	-	50,998	-	-	50,998
Human Resources	-	-	-	-	115,894	-	-	115,894
	-	-	-	-	714,069	-	-	714,069
Police:								
Municipal Court Judge	2,780,979	-	6,178,741	-	43,209	-	-	9,002,929
Municipal Court Administration	-	-	32,737	-	512,842	-	-	545,579
Public Safety Administration	-	-	-	-	2,144,719	-	-	2,144,719
Community Response	-	-	-	-	17,446	-	-	17,446
Police	4,592,859	-	16,368,714	-	9,817,221	-	-	30,778,794
Emergency 911	-	-	358,255	-	5,315,345	-	-	5,673,600
	7,373,838	-	22,938,447	-	17,850,782	-	-	48,163,067
Fire:								
Fire	7,909,347	-	32,285,910	-	8,539,751	-	-	48,735,008
Fire-Civilian	-	-	-	-	24,254	-	-	24,254
Fire Marshal	-	-	-	-	76,262	-	-	76,262
	7,909,347	-	32,285,910	-	8,640,267	-	-	48,835,524
Libraries:								
Library Administration	-	-	23,041	-	3,040,211	-	-	3,063,252
Technical Services	-	-	-	-	16,077,988	-	-	16,077,988
Harrington Library	1,244,216	-	3,195,255	-	684,063	-	-	5,123,534
Schimepfenig Library	1,445,885	-	3,406,354	-	258,658	-	-	5,110,897
Haggard Library	1,551,303	-	7,874,652	-	1,638,541	-	-	11,064,496
Davis Library	2,046,883	-	4,562,760	-	128,486	-	-	6,738,129
Parr Library	1,757,104	-	3,886,389	-	-	-	-	5,643,493
	8,045,391	-	22,948,451	-	21,827,947	-	-	52,821,789
Development:								
Building Administration	79,989	-	152,453	-	-	-	-	232,442
Building Maintenance	-	-	-	-	46,009	-	-	46,009
Building Maintenance	-	-	446,556	-	676,665	-	-	1,123,221
Custodial Services	-	-	-	-	3,251	-	-	3,251
Engineering	-	-	-	-	146,865	-	-	146,865
Capital Projects Coordination	-	-	-	-	219,754	-	-	219,754
Development	-	-	-	-	28,898	-	-	28,898
Community Services Administration	-	-	-	-	37,915	-	-	37,915
Community Development Administration	-	-	-	-	283,760	-	-	283,760
Planning	60,961	-	-	-	989,656	-	-	1,050,617
Transportation Engineering	-	-	-	-	93,671	-	-	93,671
Building Inspection	-	-	-	-	401,422	-	-	401,422
	140,950	-	599,009	-	2,927,866	-	-	3,667,825
Public Services and Operations:								
Public Information	-	-	-	-	855,720	-	-	855,720
Records Management	-	-	-	-	60,470	-	-	60,470
Environmental Health	-	-	-	-	223,028	-	-	223,028
Animal Control	101,571	-	4,037,003	-	334,915	-	-	4,473,489
	101,571	-	4,037,003	-	1,474,133	-	-	5,612,707

¹This schedule presents only the capital asset balances related to governmental funds. Accordingly, the capital assets reported in internal service funds are excluded from the above amounts. Generally, the capital assets of internal service funds are included as governmental activities in the statement of net assets.

(continued)

CITY OF PLANO, TEXAS
CAPITAL ASSETS USED IN THE OPERATION OF GOVERNMENTAL FUNDS
SCHEDULE BY FUNCTION AND ACTIVITY¹
AS OF SEPTEMBER 30, 2010 (unaudited)
(continued)

Function and Activity	Improvements							Total
	Land	Construction in Progress	Buildings	Other Than Buildings	Equipment	Public Art	Infrastructure	
Parks and Recreation:	57,664,013	-	-	-	-	-	-	57,664,013
Parks and Recreation Administration	-	-	-	-	205,446	-	-	205,446
Park Administration	-	-	-	-	131,460	-	-	131,460
Park Planning	-	-	-	-	202,305	-	-	202,305
Park Development	2,059,268	-	11,700	-	188,223	-	-	2,259,191
Park Grounds Maintenance	-	-	233,008	-	837,063	-	-	1,070,071
Public Buildings Grounds Maintenance	-	-	-	-	116,158	-	-	116,158
Athletic Fields Grounds Maintenance	-	-	-	-	38,888	-	-	38,888
Championship Youth Ballpark	-	-	-	-	2,686	-	-	2,686
Median Maintenance	-	-	-	-	20,061	-	-	20,061
Creative Arts	25,797	-	656,946	-	40,532	-	-	723,275
Recreation Administration	-	-	-	-	362,775	-	-	362,775
Athletics	23,790	-	-	-	84,912	-	-	108,702
Special Activities	-	-	-	-	43,660	-	-	43,660
Aquatics	-	-	2,428,699	-	181,137	-	-	2,609,836
Tennis Center	-	-	87,995	-	7,835	-	-	95,830
Senior Services	1,861,895	-	4,227,547	-	156,123	-	-	6,245,565
Recreation Centers	784,700	-	35,310,320	-	1,658,457	-	-	37,753,477
Park Improvements	19,991,128	-	-	148,824,313	-	-	-	168,815,441
	<u>82,410,591</u>	<u>-</u>	<u>42,956,215</u>	<u>148,824,313</u>	<u>4,277,721</u>	<u>-</u>	<u>-</u>	<u>278,468,840</u>
General Government:	7,705,299	-	29,621,750	-	19,828,701	-	-	57,155,750
Enterprise Center	-	-	-	-	16,705	-	-	16,705
Productivity Bank	-	-	-	-	52,090	-	-	52,090
Downtown Advocacy	-	-	-	-	2,168	-	-	2,168
Volunteer Services	-	-	-	-	4,296	-	-	4,296
Tax Collections	-	-	-	-	302,069	-	-	302,069
Youth Advisory Committee	-	-	-	-	7,180	-	-	7,180
Telecommunications	-	-	-	-	425,506	-	-	425,506
	<u>7,705,299</u>	<u>-</u>	<u>29,621,750</u>	<u>-</u>	<u>20,638,715</u>	<u>-</u>	<u>-</u>	<u>57,965,764</u>
Public Works:	6,947,956	-	-	-	-	-	-	6,947,956
Public Works Administration	-	-	-	-	189,653	-	-	189,653
Streets and Traffic Administration	-	-	-	-	2,744,200	-	-	2,744,200
Streets	2,002,260	-	-	-	3,312,035	-	-	5,314,295
Signals	-	-	-	-	410,145	-	-	410,145
Signs and Markings	-	-	-	-	903,158	-	-	903,158
Sign Shop	-	-	-	-	186,012	-	-	186,012
Street and ROW Coordination	-	-	-	-	678,856	-	-	678,856
Infrastructure	-	-	-	-	-	-	988,265,406	988,265,406
	<u>8,950,216</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>8,424,059</u>	<u>-</u>	<u>988,265,406</u>	<u>1,005,639,681</u>
Construction in Progress	-	54,820,418	-	-	-	-	-	54,820,418
	<u>-</u>	<u>54,820,418</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>54,820,418</u>
Public Art	-	-	-	-	-	1,698,740	-	1,698,740
	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>1,698,740</u>	<u>-</u>	<u>1,698,740</u>
Other:	-	-	-	-	-	-	-	-
Non-departmental	-	-	-	-	2,172,622	-	-	2,172,622
	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>2,172,622</u>	<u>-</u>	<u>-</u>	<u>2,172,622</u>
Total governmental funds capital assets	<u>\$ 122,637,203</u>	<u>\$ 54,820,418</u>	<u>\$ 155,386,785</u>	<u>\$ 148,824,313</u>	<u>\$ 88,948,181</u>	<u>\$ 1,698,740</u>	<u>\$ 988,265,406</u>	<u>\$ 1,560,581,046</u>

¹This schedule presents only the capital asset balances related to governmental funds. Accordingly, the capital assets reported in internal service funds are excluded from the above amounts. Generally, the capital assets of internal service funds are included as governmental activities in the statement of net assets.

**CITY OF PLANO, TEXAS
CAPITAL ASSETS USED IN THE OPERATION OF GOVERNMENTAL FUNDS
SCHEDULE OF CHANGES BY FUNCTION AND ACTIVITY¹
FOR THE YEAR ENDED SEPTEMBER 30, 2010 (unaudited)**

Function and Activity	Governmental Funds Capital Assets			Governmental Funds Capital Assets		
	September 30, 2009	Additions	Deductions	September 30, 2010		
Administrative Services:						
City Council	\$ 4,301	\$ -	\$ -	\$ 4,301		
Administration	78,044	-	-	78,044		
Legal	119,781	-	-	119,781		
City Secretary	43,804	-	-	43,804		
Internal Audit	11,944	-	-	11,944		
Finance	26,238	-	-	26,238		
Financial Systems Administration	10,148	-	-	10,148		
Accounting	122,723	-	-	122,723		
Budget	117,558	-	-	117,558		
Administrative Services	12,636	-	-	12,636		
Purchasing	50,998	-	-	50,998		
Human Resources	119,789	-	3,895	115,894		
	<u>717,964</u>	<u>-</u>	<u>3,895</u>	<u>714,069</u>		
Police:						
Municipal Court Judge	9,002,928	-	-	9,002,928		
Municipal Court Administration	475,174	85,405	15,000	545,579		
Public Safety Administration	2,144,719	-	-	2,144,719		
Community Response	17,446	-	-	17,446		
Police	29,063,226	1,744,437	28,868	30,778,795		
Emergency 911	5,683,728	(10,128)	-	5,673,600		
	<u>46,387,221</u>	<u>1,819,714</u>	<u>43,868</u>	<u>48,163,067</u>		
Fire:						
Fire	33,867,617	15,685,535	818,144	48,735,008		
Fire-Civilian	24,254	-	-	24,254		
Fire Marshal	76,262	-	-	76,262		
	<u>33,968,133</u>	<u>15,685,535</u>	<u>818,144</u>	<u>48,835,524</u>		
Libraries:						
Library Administration	3,043,263	19,989	-	3,063,252		
Technical Services	15,119,037	993,551	34,600	16,077,988		
Harrington Library	4,687,911	435,623	-	5,123,534		
Schimelpfenig Library	4,893,224	217,673	-	5,110,897		
Haggard Library	6,613,892	4,450,604	-	11,064,496		
Davis Library	6,686,400	51,729	-	6,738,129		
Parr Library	5,624,459	19,034	-	5,643,493		
	<u>46,668,186</u>	<u>6,188,203</u>	<u>34,600</u>	<u>52,821,789</u>		
Development:						
Building Administration	131,771	100,671	-	232,442		
Building Maintenance	46,009	-	-	46,009		
Building Maintenance	963,969	159,252	-	1,123,221		
Custodial Services	3,251	-	-	3,251		
Engineering	146,865	-	-	146,865		
Capital Projects Coordination	219,754	-	-	219,754		
Development	28,898	-	-	28,898		
Community Services Administration	37,915	-	-	37,915		
Community Development Administration	283,760	-	-	283,760		
Planning	1,050,617	-	-	1,050,617		
Transportation Engineering	93,671	-	-	93,671		
Building Inspection	401,422	-	-	401,422		
	<u>3,407,902</u>	<u>259,923</u>	<u>-</u>	<u>3,667,825</u>		
Public Services and Operations:						
Public Information	887,227	-	31,507	855,720		
Records Management	60,470	7,690	7,690	60,470		
Environmental Health	223,028	-	-	223,028		
Animal Control	2,845,748	1,627,741	-	4,473,489		
	<u>4,016,473</u>	<u>1,635,431</u>	<u>39,197</u>	<u>5,612,707</u>		

¹This schedule presents only the capital asset balar (continued)

(continued)

Accordingly, the capital assets reported in internal service funds are excluded from the above amounts. Generally, the capital assets of internal service funds are included as governmental activities in the statement of net assets.

CITY OF PLANO, TEXAS
CAPITAL ASSETS USED IN THE OPERATION OF GOVERNMENTAL FUNDS
SCHEDULE OF CHANGES BY FUNCTION AND ACTIVITY¹
FOR THE YEAR ENDED SEPTEMBER 30, 2010 (unaudited)
(continued)

Function and Activity	Governmental Funds Capital Assets			Governmental Funds Capital Assets
	September 30, 2009	Additions	Deductions	September 30, 2010
Parks and Recreation:	62,405,480	15,249,661	-	77,655,141
Parks and Recreation Administration	219,937	-	14,491	205,446
Park Administration	131,460	1,799	1,799	131,460
Park Planning	202,305	-	-	202,305
Park Development	2,258,526	95,039	94,374	2,259,191
Park Grounds Maintenance	1,052,917	23,814	6,660	1,070,071
Public Buildings Grounds Maintenance	116,158	-	-	116,158
Athletic Fields Grounds Maintenance	38,888	-	-	38,888
Championship Youth Ballpark	2,686	-	-	2,686
Median Maintenance	20,061	-	-	20,061
Creative Arts	611,236	112,039	-	723,275
Recreation Administration	362,775	-	-	362,775
Athletics	109,000	(298)	-	108,702
Special Activities	43,660	-	-	43,660
Aquatics	1,638,820	971,016	-	2,609,836
Tennis Center	93,261	2,569	-	95,830
Senior Services	6,147,645	97,920	-	6,245,565
Recreation Centers	36,976,873	776,604	-	37,753,477
Park Improvements	96,572,951	52,251,362	-	148,824,313
	<u>209,004,639</u>	<u>69,581,525</u>	<u>117,324</u>	<u>278,468,840</u>
General Government:	52,563,267	5,804,195	1,211,712	57,155,750
Enterprise Center	16,705	-	-	16,705
Productivity Bank	52,090	-	-	52,090
Downtown Advocacy	2,168	-	-	2,168
Volunteer Services	4,296	-	-	4,296
Tax Collections	302,069	-	-	302,069
Youth Advisory Committee	7,180	-	-	7,180
Telecommunications	425,506	-	-	425,506
	<u>53,373,281</u>	<u>5,804,195</u>	<u>1,211,712</u>	<u>57,965,764</u>
Public Works:	6,947,956	-	-	6,947,956
Public Works Administration	191,548	-	1,895	189,653
Streets and Traffic Administration	2,744,200	-	-	2,744,200
Streets	4,263,438	1,050,857	-	5,314,295
Signals	410,145	-	-	410,145
Signs and Markings	903,158	-	-	903,158
Sign Shop	186,012	-	-	186,012
Street and ROW Coordination	678,856	-	-	678,856
Infrastructure	900,435,524	87,829,882	-	988,265,406
	<u>916,760,837</u>	<u>88,880,739</u>	<u>1,895</u>	<u>1,005,639,681</u>
Construction in progress	175,665,557	62,862,507	183,707,646	54,820,418
	<u>175,665,557</u>	<u>62,862,507</u>	<u>183,707,646</u>	<u>54,820,418</u>
Public Art	1,696,740	2,000	-	1,698,740
	<u>1,696,740</u>	<u>2,000</u>	<u>-</u>	<u>1,698,740</u>
Other:				
Non-departmental	2,172,622	-	-	2,172,622
	<u>2,172,622</u>	<u>-</u>	<u>-</u>	<u>2,172,622</u>
	<u>\$ 1,493,714,597</u>	<u>\$ 252,719,772</u>	<u>\$ 185,978,281</u>	<u>\$ 1,560,581,046</u>

¹This schedule presents only the capital asset balances related to governmental funds. Accordingly, the capital assets reported in internal service funds are excluded from the above amounts. Generally, the capital assets of internal service funds are included as governmental activities in the statement of net assets.



**STATISTICAL SECTION
(unaudited)**

Tables in the statistical section present detailed information as a context for understanding what the information in the financial statements, note disclosures, and required supplementary information says about the overall financial health of the City.

	<u>Pages</u>
<u>Financial Trends</u> - These schedules contain trend information to help the reader understand how the City's financial performance and well-being have changed over time.	109-114
<u>Revenue Capacity</u> - These schedules contain information to help the reader assess the City's most significant local revenue source, the property tax.	115-118
<u>Debt Capacity</u> - These schedules present information to help the reader assess the affordability of the City's current levels of outstanding debt and the City's ability to issue additional debt in the future.	119-124
<u>Demographic and Economic Information</u> - These schedules offer demographic and economic indicators to help the reader understand the environment within which the City's financial activities take place.	125-126
<u>Operating Information</u> - These schedules contain service and infrastructure data to help the reader understand how the information in the City's financial report relates to the services the City provides and the activities it performs.	127-131

Table 1

CITY OF PLANO, TEXAS
NET ASSETS
LAST TEN FISCAL YEARS
(accrual basis of accounting)
(unaudited)

	Fiscal Year									
	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Governmental activities										
Invested in capital assets, net of related debt	\$663,597,387	\$728,662,561	\$700,704,326	\$680,315,170	\$650,438,402	\$613,733,146	\$589,409,075	\$479,414,392	\$461,267,761	\$425,662,237
Restricted	4,364,095	3,270,626	5,473,218	4,647,374	2,149,959	1,922,052	216,903	87,341,705	97,815,890	68,789,774
Unrestricted	162,170,583	72,524,094	78,416,391	78,312,580	75,071,790	56,238,723	51,176,536	49,956,552	35,423,813	64,644,053
Total governmental activities net assets	\$830,132,065	\$804,457,281	\$784,593,935	\$763,275,124	\$727,660,151	\$671,893,921	\$640,802,514	\$616,712,649	\$594,507,464	\$559,096,064
Business-type activities										
Invested in capital assets, net of related debt	\$367,024,467	\$383,531,217	\$376,593,433	\$370,233,734	\$356,802,993	\$350,430,598	\$347,518,646	\$313,029,967	\$305,107,182	\$289,013,497
Restricted	40,588,370	3,911,737	6,588,596	4,735,897	6,532,464	5,306,823	6,766,092	28,039,557	26,786,728	33,293,518
Unrestricted	19,636,337	25,620,288	25,092,659	19,637,859	24,893,803	18,175,790	15,882,295	25,278,444	26,035,008	28,278,643
Total business-type activities net assets	\$427,249,174	\$413,063,242	\$408,274,688	\$394,607,490	\$388,229,260	\$373,913,211	\$370,167,033	\$366,347,968	\$357,928,918	\$350,585,658
Primary government										
Invested in capital assets, net of related debt	\$1,030,621,854	\$1,112,193,778	\$1,077,297,759	\$1,050,548,904	\$1,007,241,395	\$964,163,744	\$936,927,721	\$792,444,359	\$766,374,943	\$714,675,734
Restricted	44,952,465	7,182,363	12,061,814	9,383,271	8,682,423	7,228,875	6,982,995	115,381,262	124,602,618	102,083,292
Unrestricted	181,806,920	98,144,382	103,509,050	97,950,439	99,965,593	74,414,513	67,058,831	75,234,996	61,458,821	92,922,696
Total primary government net assets	\$1,257,381,239	\$1,217,520,523	\$1,192,868,623	\$1,157,882,614	\$1,115,889,411	\$1,045,807,132	\$1,010,969,547	\$983,060,617	\$952,436,382	\$909,681,722

Source: Comprehensive Annual Financial Report

CITY OF PLANO, TEXAS
 CHANGES IN NET ASSETS
 LAST TEN FISCAL YEARS
 (accrual basis of accounting)
 (unaudited)

	Fiscal Year									
	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Expenses										
Governmental activities:										
General government	\$18,468,819	\$14,360,212	\$9,052,498	\$12,820,474	\$12,869,160	\$9,610,588	\$12,512,878	\$17,438,330	\$20,985,117	\$18,355,535
Administrative services	7,799,815	8,294,111	8,423,416	7,814,137	7,249,106	6,793,122	5,768,394	6,528,175	6,828,203	6,592,633
Police	66,061,326	65,225,173	68,433,179	60,136,573	52,661,945	52,064,166	48,243,055	45,893,819	45,446,673	42,581,088
Fire	43,654,787	44,279,959	44,201,284	39,368,057	40,171,670	33,765,963	30,628,041	29,814,663	27,914,879	27,054,838
Libraries	10,295,418	11,104,945	11,765,263	10,560,624	9,616,271	8,921,361	9,061,682	9,350,720	10,410,463	9,284,824
Development	18,945,171	19,929,365	20,447,190	19,508,839	18,482,899	17,415,770	16,295,697	15,320,345	16,981,049	15,355,833
Public services and operations	5,662,869	5,645,771	5,402,333	5,213,097	5,069,129	4,760,409	4,879,335	4,607,610	5,019,854	4,703,802
Parks and recreation	27,219,522	26,170,315	26,134,622	22,645,606	20,491,397	19,220,854	17,705,076	18,614,020	21,945,020	20,092,645
Public works	34,002,485	28,025,006	27,944,393	26,677,227	25,864,753	25,047,789	24,743,556	25,157,249	15,572,746	15,286,957
Technology services	13,806,148	14,008,840	13,686,048	12,951,258	11,113,407	11,963,912	11,963,912	9,596,783	8,422,018	8,040,874
Other	1,963,496	5,480,962	7,401,221	6,577,443	858,379	633,447	752,988	752,748	92,178	2,736,606
Interest on Long-Term Debt	14,089,411	14,640,081	14,625,019	12,503,580	12,009,766	9,882,495	13,907,340	14,830,089	16,514,330	17,666,935
Unallocated depreciation	111,959	96,934	102,199	100,907	93,337	37,954	38,323	41,175	81,359	79,865
Total governmental activities expenses	262,081,226	257,261,674	257,618,665	236,877,822	216,551,219	200,473,028	196,500,277	197,945,716	196,213,879	187,832,435
Business-type activities:										
Water and sewer	97,546,366	96,352,987	83,264,179	78,413,719	79,400,088	74,996,817	71,292,512	69,729,462	63,207,453	59,070,751
Environmental waste services	21,163,351	21,354,795	21,863,854	19,298,289	18,346,330	17,775,614	15,856,929	15,640,696	15,078,559	14,906,908
Municipal drainage	4,051,080	3,843,011	3,530,079	3,429,488	3,118,453	3,012,858	2,895,673	2,586,813	2,257,100	2,035,853
Civic center	6,393,145	7,331,173	7,311,505	6,416,054	5,751,129	5,488,081	5,075,801	5,107,302	5,326,148	5,327,149
Municipal golf course	718,046	870,436	1,000,257	885,158	935,483	1,052,789	1,188,468	927,797	872,512	814,230
Property management	59,678	32,053	39,291	78,759	25,940	65,746	86,193	75,118	33,117	53,168
Recreation revolving	3,216,311	3,191,594	3,096,166	2,642,687	2,436,064	2,471,405	2,409,349	2,401,070	2,274,243	2,006,723
Downtown center development	47,918	47,917	46,176	46,784	43,356	42,668	42,668	42,668	34,412	63,484
Total business-type activities expenses	133,195,895	133,023,966	120,151,507	111,210,938	110,056,843	104,905,978	98,847,593	96,510,926	89,083,544	84,278,266
Total primary government expenses	\$395,277,121	\$390,285,640	\$377,770,172	\$348,088,760	\$326,608,062	\$305,379,006	\$295,347,870	\$294,456,642	\$285,297,423	\$272,110,701
Program Revenues										
Governmental activities:										
Charges for services:										
General government	\$1,394,826	\$894,964	\$1,634,183	\$1,009,164	\$1,056,168	\$1,123,970	\$896,238	\$622,533	\$498,562	\$417,460
Police	15,429,740	15,344,518	12,939,924	12,413,238	12,839,712	11,401,502	12,162,718	11,986,491	11,647,864	10,464,785
Fire	3,882,667	4,161,383	3,801,412	3,446,175	3,396,538	3,114,030	2,807,624	2,630,739	2,665,946	2,298,985
Libraries	500,514	545,755	453,572	496,697	478,457	415,128	413,414	384,080	359,232	262,828
Development	3,990,274	3,175,176	4,686,571	5,124,766	7,038,776	5,363,885	4,849,896	4,503,747	4,033,639	6,400,990
Public services and operations	1,333,016	1,277,357	1,150,449	1,016,193	1,005,080	900,055	882,984	803,013	700,666	582,456
Parks and recreation	4,058,923	3,952,244	3,685,465	2,357,306	2,629,899	2,088,269	2,269,333	2,234,251	2,271,951	2,527,506
Public works	247,408	40,592	104,028	84,217	93,534	670,985	115,206	830,286	395,593	1,906,780
Technology services	2,870,243	2,882,354	2,590,036	2,459,210	2,315,210	2,713,243	1,411,457	2,388,886	1,904,632	1,637,408
Operating grants and contributions	6,858,965	7,430,737	4,773,881	4,592,308	9,695,987	4,419,525	3,979,053	3,714,781	3,394,749	3,286,849
Capital grants and contributions	20,765,810	10,939,098	9,654,400	13,499,864	16,672,181	11,494,632	11,396,047	11,396,047	32,522,496	7,162,367
Total governmental activities program revenues	61,332,386	50,744,178	45,473,921	46,499,347	57,221,542	43,705,224	39,267,266	41,494,864	60,395,330	36,949,414

(continued)

**CITY OF PLANO, TEXAS
CHANGES IN NET ASSETS
LAST TEN FISCAL YEARS
(accrual basis of accounting)
(unaudited)**

**Table 2
(continued)**

	Fiscal Year									
	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Business-type activities:										
Charges for services:										
Water and sewer	\$116,516,442	\$108,076,125	\$100,049,904	\$83,598,039	\$90,197,835	\$80,490,282	\$75,116,766	\$78,836,837	\$63,374,773	\$56,000,539
Environmental waste services	15,616,880	15,101,758	14,772,782	14,196,523	12,784,020	12,239,098	11,926,172	10,099,001	9,694,467	9,367,676
Municipal drainage	5,161,087	5,050,406	4,995,106	4,986,648	4,918,531	4,653,546	4,684,635	4,651,887	4,250,933	3,579,115
Civic center	2,180,520	2,439,129	2,693,882	2,589,358	2,414,989	2,003,629	1,968,913	1,969,739	2,197,003	2,226,117
Municipal golf course	600,919	792,753	846,086	823,353	907,325	1,009,294	905,720	863,653	953,588	956,099
Property management	7,594	42,309	72,567	81,587	85,789	84,468	74,301	94,538	65,779	75,444
Recreation revolving	3,545,142	3,325,754	3,080,725	2,765,100	2,656,865	2,600,095	2,591,140	2,486,156	2,444,845	2,159,850
Downtown center development	68,128	68,127	68,127	68,127	68,127	67,679	67,879	84,596	736	-
Operating grants and contributions	60,194	339,804	60,609	289,052	22,828	259,951	15,107	260,702	-	2,850
Capital grants and contributions	3,721,845	5,128,295	7,354,169	7,991,489	10,048,819	7,762,146	6,746,298	6,612,238	12,293,848	11,176,751
Total business-type activities program revenues	147,478,751	140,364,460	133,993,967	117,389,276	124,105,128	111,370,188	104,096,931	105,959,347	95,275,972	85,544,441
Total primary government program revenues	\$208,811,137	\$191,108,638	\$179,467,888	\$163,888,623	\$181,326,670	\$155,075,412	\$143,384,217	\$147,454,211	\$155,671,302	\$122,493,855
Net (Expense) Revenue										
Governmental Activities	(200,748,840)	(206,517,496)	(212,144,744)	(190,378,475)	(159,329,677)	(156,767,804)	(157,232,991)	(156,450,852)	(135,818,549)	(150,883,021)
Business-type Activities	14,282,856	7,340,494	13,842,460	6,178,338	14,048,285	6,464,210	5,249,338	9,448,421	6,192,428	1,266,175
Total primary government net (expense)	(186,465,984)	(199,177,002)	(198,302,284)	(184,200,137)	(145,281,392)	(150,303,594)	(151,983,653)	(147,002,431)	(129,626,121)	(149,616,846)
General revenues and transfers										
Governmental activities:										
Property taxes	\$129,741,125	\$127,265,332	\$123,054,998	\$114,157,316	\$104,809,088	\$100,094,935	\$97,679,382	\$97,806,975	\$89,723,339	\$84,499,132
Sales taxes	58,652,787	56,064,538	62,122,119	61,573,210	65,320,897	52,251,009	49,602,196	45,591,342	45,569,128	47,569,128
Mixed drink taxes	1,103,815	997,051	1,003,932	983,663	814,346	680,135	613,182	548,213	508,009	475,118
Other taxes	77,968	118,580	360,115	225,445	215,439	135,574	129,814	92,480	146,765	143,061
Franchise fees	22,361,082	23,995,388	23,022,217	22,463,447	22,114,560	19,200,896	19,226,216	19,896,556	19,916,471	19,335,868
Investment income	3,473,366	4,632,949	10,683,028	13,985,970	9,914,048	3,558,018	3,797,449	4,546,042	7,205,315	11,227,523
Transfers	11,103,481	13,307,004	13,217,146	12,604,397	11,907,529	11,938,644	10,274,617	9,832,967	8,138,708	5,600,488
Total governmental activities	226,513,624	226,380,842	233,463,555	225,993,448	215,095,907	187,859,211	181,322,856	178,656,037	171,229,949	168,850,318
Business-type activities:										
Hotel/Motel tax	4,098,810	3,951,890	4,909,061	4,741,492	4,416,422	3,423,055	3,076,824	2,900,308	2,699,230	3,202,533
Franchise fees	6,286,201	6,198,973	6,721,464	6,259,512	5,876,771	5,254,809	5,021,716	4,979,213	4,739,942	4,703,106
Investment income	531,546	604,201	1,411,359	1,803,285	1,882,100	542,748	745,804	1,850,368	1,850,368	4,289,004
Transfers	(11,013,481)	(13,307,004)	(13,217,146)	(12,604,397)	(11,907,529)	(11,938,644)	(10,274,617)	(9,832,967)	(8,138,708)	(4,675,730)
Total business-type activities	(96,924)	(2,551,940)	(175,262)	199,892	267,764	(2,718,032)	(1,430,273)	(1,029,371)	1,150,832	7,518,913
Total primary government	\$226,416,700	\$223,828,902	\$233,288,293	\$226,193,340	\$215,383,671	\$185,141,179	\$179,892,583	\$177,626,666	\$172,380,781	\$176,369,231
Change in Net Assets	\$25,674,784	\$19,863,346	\$21,318,811	\$35,614,973	\$55,766,230	\$31,091,407	\$24,089,865	\$22,205,185	\$35,411,400	\$17,967,297
Governmental activities	14,185,932	4,788,554	13,667,198	6,378,230	14,316,049	3,746,178	3,819,065	8,419,050	7,343,260	8,785,088
Business-type activities	\$39,860,716	\$24,651,900	\$34,986,009	\$41,993,203	\$70,982,279	\$34,837,585	\$27,908,930	\$30,624,235	\$42,754,660	\$26,752,385

Source: Comprehensive Annual Financial Report

**CITY OF PLANO, TEXAS
FUND BALANCES, GOVERNMENTAL FUNDS
LAST TEN FISCAL YEARS
(modified accrual basis of accounting)
(unaudited)**

	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
General Fund										
Reserved for encumbrances	\$4,604,162	\$4,055,302	\$2,683,725	\$1,566,433	\$2,776,694	\$2,283,707	\$3,718,284	\$1,682,711	\$2,747,069	\$4,574,168
Reserved for prepaids	120,229	579,041	159,121	90,268	229,018	145,343	114,548	50,622	30,273	26,106
Reserved for long term loans	2,201,610	6,397,476	6,518,966	6,925,599	7,310,017	7,672,675	7,916,108	7,468,026	7,005,764	3,600,325
Unreserved	34,474,576	31,712,311	35,379,734	37,101,360	38,488,933	29,122,461	27,747,994	20,600,580	13,096,232	14,320,196
Total general fund	\$41,400,577	\$42,744,130	\$44,741,546	\$45,683,660	\$48,804,662	\$39,224,186	\$39,496,934	\$29,801,939	\$22,879,338	\$22,520,795
All Other Governmental Funds										
Reserved for:										
Encumbrances	\$27,838,459	\$21,812,502	\$39,404,227	\$23,855,483	\$39,234,962	\$19,366,204	\$19,541,095	\$8,417,242	\$15,661,184	\$20,202,444
Prepaids and other assets	-	2,680	6,195	2,702	4,490	205,108	6,415	325	150	2,286
Debt service	1,175,155	3,250,126	5,491,973	4,754,700	2,171,565	1,937,365	224,322	719,504	5,975,191	4,759,993
Long term loans and advances	-	-	-	-	-	775,299	951,845	-	-	-
Capital projects	83,275,442	101,167,295	88,689,616	72,879,121	54,451,744	52,861,830	21,211,416	68,944,146	64,648,100	60,803,970
Unreserved, reported in:										
Special Revenue funds	20,679,483	20,263,382	17,680,256	15,516,547	13,184,351	10,306,964	8,883,675	8,196,811	7,523,025	4,906,653
Capital Projects funds	149,356	142,009	130,154	731,846	705,600	666,097	18,482,081	(281,966)	(1,370,776)	(4,269,534)
Total all other governmental funds	\$133,117,895	\$146,637,994	\$151,402,421	\$117,740,399	\$109,752,712	\$86,118,867	\$69,300,849	\$85,996,062	\$92,436,874	\$86,405,812

Source: Comprehensive Annual Financial Report

CITY OF PLANO, TEXAS
 CHANGES IN FUND BALANCES, GOVERNMENTAL FUNDS
 LAST TEN FISCAL YEARS
 (modified accrual basis of accounting)
 (unaudited)

	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Revenues:										
Taxes-										
Property taxes	\$121,312,517	\$119,588,563	\$114,494,640	\$107,059,153	\$97,121,351	\$93,311,613	\$91,655,523	\$90,100,086	\$85,228,237	\$77,822,525
Other taxes	59,176,584	57,577,341	63,266,376	63,425,218	59,581,037	53,007,928	50,289,482	46,555,857	46,167,605	48,119,027
Franchise fees	21,886,667	23,586,443	22,628,847	22,039,441	21,720,865	19,200,896	19,226,216	19,698,926	19,700,523	19,090,181
Fines and forfeitures	10,912,913	10,982,616	9,167,406	9,822,913	10,125,683	8,961,337	9,806,522	9,738,545	8,809,121	7,845,797
Contributions	10,691,912	5,206,878	3,845,932	306,924	1,081,788	3,826,173	2,017,253	3,636,791	13,162,633	7,407,334
Rollback taxes	63,296	263,577	1,134,487	1,172,609	735,757	223,159	205,506	350,203	-	1,106,206
Licenses and permits	5,763,535	4,786,291	5,235,695	5,524,955	6,800,126	5,195,516	5,131,810	4,831,824	4,381,369	6,025,513
Intragovernmental	8,211,958	7,739,588	7,276,212	6,399,935	6,235,373	5,851,135	5,940,984	5,089,048	5,089,048	4,842,117
Intergovernmental	7,236,142	7,118,445	3,432,643	3,915,812	8,744,104	3,898,076	2,983,278	2,767,470	2,378,724	2,354,764
Fees for services	13,769,089	13,808,677	13,488,581	10,476,645	11,177,263	9,705,325	8,846,147	8,540,621	8,532,636	8,926,426
Assessments	88,375	10,094	25,465	99,741	443,672	202,427	197,763	542,131	44,445	567,590
Investment income	2,884,604	3,988,091	8,420,799	10,779,409	7,777,156	2,727,800	3,019,984	3,687,989	5,531,416	8,647,429
Proceeds from sale of capital assets	-	-	-	-	-	-	21,000	-	-	-
Miscellaneous	1,398,742	-	1,909,910	1,407,342	4,865,976	1,262,983	1,111,417	1,045,888	889,639	786,238
Total Revenues	263,396,334	257,093,223	254,326,993	242,430,097	236,767,451	207,758,606	200,363,036	197,437,315	199,915,396	193,541,147
Expenditures:										
Current-										
General government	392,129	613,652	878,675	1,255,206	1,309,980	577,990	2,764,025	2,912,453	3,194,862	2,722,284
Administrative services	7,901,744	8,239,334	8,208,019	7,916,611	7,282,215	6,892,456	6,312,095	6,509,715	6,581,342	6,344,653
Police	65,289,730	63,987,283	61,831,212	59,114,102	53,618,495	51,031,849	47,219,455	43,743,086	42,647,390	39,486,865
Fire	42,984,135	43,080,441	41,361,437	39,096,906	40,124,063	33,650,136	29,026,018	28,248,820	25,895,256	24,495,435
Libraries	9,926,819	10,314,568	10,467,040	10,139,905	9,238,861	8,705,346	8,564,913	8,702,926	8,619,718	7,874,877
Development	19,694,309	19,924,444	19,635,957	19,644,186	18,420,446	17,233,160	16,078,528	15,178,820	16,126,052	14,736,448
Public services and operations	5,634,193	5,757,144	5,377,281	5,403,953	5,063,124	4,786,528	4,548,593	4,363,610	4,632,868	4,323,585
Parks and recreation	19,909,716	21,407,832	20,681,818	18,785,397	16,709,740	15,891,574	13,961,744	13,602,042	13,384,235	12,318,857
Environmental waste services	88,202	300,339	53,576	258,275	19,845	215,025	14,194	249,778	-	-
Public works	5,592,600	5,840,246	5,820,027	5,764,590	5,273,610	5,395,278	4,948,866	5,038,706	4,843,160	4,849,468
Other	27,809,863	27,609,726	27,266,420	26,335,719	18,381,077	17,403,344	13,747,316	17,752,756	15,284,555	16,502,541
Capital outlay	64,827,368	60,362,017	54,679,984	68,000,143	49,933,401	44,443,506	35,349,894	41,042,654	40,704,962	46,091,229
Debt service-										
Principal retirement	27,650,000	25,645,000	23,510,000	21,020,000	20,510,000	19,407,991	18,187,142	17,688,449	16,681,306	15,802,440
Interest and fiscal charges	14,553,158	15,037,063	14,598,200	12,837,888	12,154,302	10,669,530	13,527,706	14,616,031	15,970,668	17,650,384
Escrow payment-refunding	-	-	-	-	-	-	-	-	1,216,610	-
Bond accretion	-	-	-	-	-	962,009	-	-	-	-
Total Expenditures	312,253,966	308,119,089	294,369,646	295,572,881	258,039,159	237,265,722	214,250,489	219,649,846	215,782,984	213,199,066
Deficiency Of Revenues	(48,857,632)	(51,025,866)	(40,042,653)	(53,142,784)	(21,271,708)	(29,507,116)	(13,887,453)	(22,212,531)	(15,867,588)	(19,657,919)
Under Expenditures										

CITY OF PLANO, TEXAS
 CHANGES IN FUND BALANCES, GOVERNMENTAL FUNDS
 LAST TEN FISCAL YEARS
 (modified accrual basis of accounting)
 (unaudited)

Table 4
 (continued)

	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Other Financing										
Sources (Uses):										
Proceeds from sale of bonds	22,615,000	29,315,000	58,370,000	46,675,000	44,690,000	37,190,000	-	20,314,000	15,630,000	38,510,000
Tax anticipation note and bond premiums	-	-	-	-	-	-	-	-	-	637,205
Bond proceeds-refunding	16,633,613	12,370,000	-	-	-	78,380,000	-	22,796,533	42,842,287	-
Premium on sale of bonds	444,228	250,350	925,415	1,162,822	1,615,017	5,866,266	-	-	-	-
Discount on sale of bonds	-	-	-	-	(350,017)	(200,473)	-	-	-	-
Escrow payment-refunding	(16,777,204)	(12,428,331)	-	-	-	(84,067,431)	-	(23,151,258)	(42,503,801)	-
Sale of land	426,129	-	-	-	-	336,536	-	-	-	-
Operating transfers in	21,898,253	25,390,773	24,276,733	23,414,508	23,687,190	22,349,005	21,611,533	17,910,089	16,538,678	19,562,088
Operating transfers out	(11,246,039)	(10,633,769)	(10,809,587)	(13,242,861)	(15,156,161)	(13,801,517)	(14,724,298)	(15,175,044)	(10,249,971)	(13,818,900)
Total Other Financing	33,993,980	44,264,023	72,762,561	58,009,469	54,486,029	46,052,386	6,887,235	22,694,320	22,257,193	44,890,393
Sources (Uses)	(14,863,652)	(6,761,843)	32,719,908	4,866,685	33,214,321	16,545,270	(7,000,218)	481,789	6,389,605	25,232,474
Net change in fund balances										
Debt service as a percentage of noncapital expenditures	17.1%	16.4%	15.9%	14.9%	15.7%	16.1%	17.7%	18.1%	15.7%	15.7%

**CITY OF PLANO, TEXAS
 ASSESSED VALUE AND ESTIMATED ACTUAL VALUE OF
 TAXABLE PROPERTY
 LAST TEN FISCAL YEARS
 (unaudited)**

Fiscal Year	Estimated Market Value			Less:		Total Taxable Assessed Value	Total Direct Tax Rate
	Real Property Residential	Real Property Non-Residential	Non-Real Property Personal	Tax-Exempt Property			
2000	11,545,972,673	4,310,895,509	1,928,110,972	2,814,264,430	14,970,714,724	0.4685	
2001	12,996,818,388	5,096,813,143	2,132,562,355	3,274,218,669	16,951,975,217	0.4585	
2002	14,142,191,479	5,949,271,808	2,733,219,210	3,901,586,146	18,923,096,351	0.4535	
2003	15,264,661,366	6,407,096,419	2,617,931,276	4,095,469,553	20,194,219,508	0.4535	
2004	15,881,648,854	6,294,650,068	2,266,621,779	4,044,250,374	20,398,670,327	0.4535	
2005	16,332,126,225	6,546,216,987	2,242,943,854	4,251,552,256	20,869,734,810	0.4535	
2006	16,979,745,491	6,758,241,962	2,255,993,450	4,344,715,518	21,649,265,385	0.4535	
2007	17,812,371,500	7,138,331,140	2,375,828,520	4,497,389,848	22,829,141,312	0.4735	
2008	18,778,466,676	7,916,064,395	2,475,080,029	4,658,110,425	24,511,500,675	0.4735	
2009	19,441,887,373	8,552,440,842	2,907,734,613	5,116,747,520	25,785,315,308	0.4735	
2010	19,469,820,194	8,372,599,454	2,838,415,401	5,173,616,893	25,507,218,156	0.4886	

Source: City of Plano Budget Department and Collin County Central Appraisal District based on original tax roll

Note: Real, Personal and Tax-Exempt breakout of Net Adjustments provided by Kenneth L. Maun, Tax Assessor/Collector, is unavailable.

**CITY OF PLANO, TEXAS
PROPERTY TAX RATES/ASSESSMENT RATIOS -
ALL DIRECT AND OVERLAPPING GOVERNMENTS
LAST TEN FISCAL YEARS
(unaudited)**

Fiscal Year (1)	City of Plano		Plano		Allen		Collin County		Frisco		Lewisville		Denton County		Collin College			
	General Fund	Debt Service Fund	Rate	Assessment Ratio	School District	Assessment Ratio												
2001	0.2614	0.1971	0.4585	100	1.5531	100	1.76	100	0.2500	100	1.420	100	1.610	100	0.232	100	0.094	100
2002	0.2690	0.1845	0.4535	100	1.6285	100	1.83	100	0.2500	100	1.440	100	1.670	100	0.252	100	0.093	100
2003	0.2864	0.1671	0.4535	100	1.7034	100	1.81	100	0.2500	100	1.498	100	1.770	100	0.249	100	0.092	100
2004	0.2908	0.1627	0.4535	100	1.7334	100	1.93	100	0.2500	100	1.558	100	1.770	100	0.247	100	0.092	100
2005	0.2810	0.1725	0.4535	100	1.7334	100	1.91	100	0.2500	100	1.630	100	1.770	100	0.255	100	0.091	100
2006	0.2888	0.1647	0.4535	100	1.7334	100	1.91	100	0.2500	100	1.580	100	1.770	100	0.246	100	0.089	100
2007	0.3080	0.1655	0.4735	100	1.5784	100	1.78	100	0.2450	100	1.580	100	1.640	100	0.232	100	0.088	100
2008	0.3210	0.1525	0.4735	100	1.268	100	1.47	100	0.2450	100	1.35	100	1.38	100	0.236	100	0.080	100
2009	0.3268	0.1467	0.4735	100	1.303	100	1.47	100	0.2425	100	1.37	100	1.38	100	0.236	100	0.086	100
2010	0.3284	0.1602	0.4886	100	1.3284	100	1.54	100	0.2425	100	1.39	100	1.4087	100	0.250	100	0.086	100

(1) For School Districts, fiscal years end on August 31, and, beginning in 1992, include the County Education District tax rate.

NOTE: Property tax rates are levied per \$100 assessed valuation.

Sources: Representatives of the various taxing jurisdictions.

**CITY OF PLANO, TEXAS
PRINCIPAL TAXPAYERS
CURRENT YEAR AND NINE YEARS AGO
(unaudited)**

Table 7

Name of Taxpayer	2010			2001		
	Taxable Assessed Valuation	Rank	Percentage of Total Taxable Assessed Valuation	Taxable Assessed Valuation	Rank	Percentage of Total Taxable Assessed Valuation
J.C. Penney, Inc.	\$161,877,423	1	0.64	130,207,386	4	0.76
Oncor Electric Delivery Company	160,712,118	2	0.64	-	-	-
Willow Bend Association	110,000,000	3	0.44	-	-	-
Electronic Data Systems Corporation	101,172,615	4	0.40	320,098,103	1	1.88
The Shops at Legacy	90,757,191	5	0.36	-	-	-
The Campus at Legacy	90,134,300	6	0.36	-	-	-
United Dominion Realty	83,736,600	7	0.33	-	-	-
Tollway/121 Partners LTD	82,024,204	8	0.33	-	-	-
Collin Creek Mall	79,335,993	9	0.31	87,684,915	5	0.51
HSP of Texas Incorporated	71,099,041	10	0.28	-	-	-
Alcatel USA Sourcing LP	-	-	-	163,166,001	2	0.96
TU Electric Delivery Company	-	-	-	153,994,472	3	0.90
Texas Instruments	-	-	-	75,000,000	6	0.44
Frito-Lay	-	-	-	67,734,164	7	0.40
Dallas Morning News	-	-	-	63,982,140	8	0.38
G.T.E	-	-	-	63,537,388	9	0.37
Countrywide Home Loans, Inc.	-	-	-	61,045,000	10	0.36
Total	1,030,849,485		4.09	1,186,449,569		6.96

Source: Collin County Appraisal District

Table 8

CITY OF PLANO, TEXAS
 PROPERTY TAX LEVIES AND COLLECTIONS
 LAST TEN FISCAL YEARS
 (unaudited)

Fiscal Year	Total Tax Levy	Collection Current Year's Taxes During Period	Collections Transferred to TIF Component Units	Total Current Year Collections	Percent of Levy Collected During Fiscal Period		Collections in Subsequent Years	Total Tax Collections	Accumulated Delinquent Taxes	Ratio of Total Tax Collections to Current Levy
					Total Current Year Collections	Fiscal Period				
2001	78,095,849	76,907,817	370,402	77,278,219	99.0	784,808	78,063,027	32,822	99.96	
2002	85,697,627	84,108,496	729,535	84,838,031	99.0	826,782	85,664,813	32,814	99.96	
2003	91,504,269	89,097,226	1,491,645	90,588,871	99.0	821,327	91,410,198	94,071	99.90	
2004	92,724,955	90,573,604	1,349,783	91,923,387	99.1	696,688	92,620,075	104,880	99.89	
2005	94,735,250	92,286,096	1,455,736	93,741,832	99.0	853,685	94,595,517	139,733	99.85	
2006	98,580,157	95,754,030	1,588,800	97,342,830	98.7	1,068,696	98,411,526	168,631	99.83	
2007	108,186,053	105,461,839	1,870,213	107,332,052	99.2	690,084	108,022,136	163,917	99.85	
2008	116,214,292	113,215,333	2,127,954	115,343,287	99.3	715,366	116,058,653	155,639	99.87	
2009	121,434,014	118,459,942	2,205,306	120,665,248	99.4	429,137	121,094,385	339,629	99.72	
2010	123,231,506	120,537,005	1,976,550	122,513,555	99.4	-	122,513,555	717,951	99.42	

Table 9

CITY OF PLANO, TEXAS
 RATIO OF OUTSTANDING DEBT BY TYPE
 LAST TEN FISCAL YEARS
 (unaudited)

Fiscal Year	Governmental Activities		Business-Type Activities			Total Primary Government	Percentage of Personal Income	Per Capita
	General Obligation Bonds	Tax Anticipation Notes	Water and Sewer Revenue Bonds	Drainage Revenue Bonds	Municipal Bonds			
2001	253,904,888	17,670,000	27,078,407	18,180,000	18,180,000	316,833,295	4.61	1,375
2002	251,053,582	15,155,000	23,668,407	17,365,000	17,365,000	307,241,989	3.67	1,302
2003	252,765,133	12,200,000	18,187,939	20,255,000	20,255,000	303,408,072	3.50	1,261
2004	234,577,991	9,115,000	15,555,143	19,325,000	19,325,000	278,573,134	3.34	1,132
2005	252,290,000	5,900,000	12,988,168	21,445,000	21,445,000	292,623,168	3.43	1,176
2006	276,470,000	2,555,000	10,472,042	21,730,000	21,730,000	311,227,042	3.28	1,225
2007	291,125,000	11,000,000	8,030,000	22,475,000	22,475,000	332,630,000	3.24	1,291
2008	310,580,000	26,405,000	5,750,000	23,170,000	23,170,000	365,905,000	3.37	1,399
2009	311,790,000	28,860,000	3,895,000	23,490,000	23,490,000	368,035,000	3.40	1,393
2010	311,295,000	23,990,000	1,955,000	25,650,000	25,650,000	362,890,000	3.70	1,369

Note: See Table 15 for personal income and population data.

Table 10

CITY OF PLANO, TEXAS
 RATIO OF GENERAL BONDED DEBT OUTSTANDING
 LAST TEN FISCAL YEARS
 (unaudited)

	Governmental Activities			Percentage of Actual Taxable Value	Per Capita
	General Obligation Bonds	Tax Anticipation Notes	Total Primary Government		
2001	253,904,888	17,670,000	271,574,888	1.59	1,179
2002	251,053,582	15,155,000	266,208,582	1.41	1,128
2003	252,765,133	12,200,000	264,965,133	1.31	1,102
2004	234,577,991	9,115,000	243,692,991	1.19	990
2005	252,290,000	5,900,000	258,190,000	1.24	1,037
2006	276,470,000	2,555,000	279,025,000	1.28	1,098
2007	291,125,000	11,000,000	302,125,000	1.32	1,173
2008	310,580,000	26,405,000	336,985,000	1.37	1,289
2009	311,790,000	28,860,000	340,650,000	1.33	1,289
2010	311,295,000	23,990,000	335,285,000	1.31	1,265

See Table 5 for property value data.
 See Table for 15 for population data.

**CITY OF PLANO, TEXAS
COMPUTATION OF DIRECT AND OVERLAPPING DEBT
SEPTEMBER 30, 2010
(unaudited)**

Table 11

Taxing Body	Net General Bonded Debt	Percentage of Debt Applicable to Area	City of Plano Share of Debt
City of Plano	\$ 334,109,845	100.00%	\$ 334,109,845
Total direct debt	334,109,845		334,109,845
Plano Independent School District	1,007,770,000	74.93%	755,122,061
Collin County	383,805,000	47.42%	182,000,331
Denton County	496,900,000	0.53%	2,633,570
Frisco Independent School District	1,257,309,013	3.21%	40,359,619
Allen Independent School District	422,814,830	0.69%	2,917,422
Lewisville Independent School District	972,386,237	1.24%	12,057,589
Collin College	43,099,423	47.42%	20,437,746
Total overlapping debt	4,584,084,503		1,015,528,339
Total direct and overlapping bonded debt	\$ 4,918,194,348		\$ 1,349,638,184
Ratio of overlapping bonded debt to taxable assessed valuation (valued at 100% of market value)			6.21%
Per capita overlapping bonded debt			\$ 5,312

Sources: For net bonded debt, representatives (business manager or finance officer) of the taxing jurisdictions. For percentage of debt applicable to City, the Municipal Advisory Council of Texas.

**CITY OF PLANO, TEXAS
COMPUTATION OF LEGAL DEBT MARGIN
SEPTEMBER 30, 2010
(unaudited)**

Table 12

As a home rule city, the City of Plano is not limited by the law in the amount of debt it may issue. The City's Charter (Section 9.18) states

The City Council shall have the power under the provisions of the state law to levy, assess and collect an annual tax upon real and personal property within the City to the maximum provided by the Constitution and the general laws of the State of Texas. The City Council shall also have the power to levy occupation taxes on such occupations as consistent with the general laws of the State of Texas.

Article II, Section 5 of the State of Texas Constitution states in part:

...but no tax for any purpose shall ever be lawful for any one year, which shall exceed two and one-half percent of the taxable property of such city.

The tax rate at October 1, 2009, is \$0.4886 per \$100.00 with assessed valuation at 100% of market value.

Table 13

CITY OF PLANO, TEXAS
 SCHEDULE OF REVENUE BOND COVERAGE - WATER AND SEWER BONDS
 LAST TEN FISCAL YEARS
 (unaudited)

Fiscal Year	Total Operating Revenue	Direct Operating Expense	Net Revenue Available for Debt Service	Average Annual Debt Service Requirements		Coverage	
				Principal	Interest		
2001	55,670,700	44,854,515	10,816,185	2,337,704	890,986	3,228,690	3.35
2002	63,036,735	47,308,016	15,728,719	2,236,385	848,490	3,084,875	5.10
2003	78,194,671	52,483,907	25,710,764	1,666,071	473,851	2,139,922	12.01
2004	74,706,630	54,579,731	20,126,899	1,568,586	414,900	1,983,486	10.15
2005	80,074,804	58,161,700	21,913,104	1,456,617	318,752	1,775,369	12.34
2006	89,735,898	61,879,529	27,856,369	1,322,784	218,834	1,541,618	18.07
2007	83,223,811	61,514,435	21,709,376	1,357,183	143,305	1,500,488	14.47
2008	99,931,712	64,224,159	35,707,553	1,169,492	107,551	1,277,043	27.96
2009	107,388,857	77,222,182	30,166,675	994,468	73,915	1,068,383	28.24
2010	116,274,847	77,198,970	39,075,877	670,286	40,269	710,555	54.99

Note: Direct operating expense excludes depreciation and charges in lieu of taxes.

Table 14

CITY OF PLANO, TEXAS
 SCHEDULE OF REVENUE BOND COVERAGE - MUNICIPAL DRAINAGE BONDS
 LAST TEN FISCAL YEARS
 (unaudited)

Fiscal Year	Gross Revenue	Operating and Maintenance Expense	Gross Revenues Times Expense	Average Annual Debt Service Requirement			
				Principal	Interest	Total	
2001	3,885,818	1,381,379	2.81	909,000	516,680	1,425,680	1.76
2002	4,529,784	1,660,378	2.73	913,947	427,026	1,340,973	2.14
2003	4,813,110	1,576,324	3.05	1,012,750	452,982	1,465,732	2.21
2004	4,856,102	1,619,998	3.00	1,017,105	426,202	1,443,307	2.24
2005	4,787,315	1,938,716	2.47	1,072,250	398,113	1,470,363	1.94
2006	5,620,198	2,062,502	2.72	1,086,500	392,652	1,479,152	2.41
2007	5,590,039	2,099,427	2.66	1,123,750	397,823	1,521,573	2.29
2008	5,490,072	2,248,948	2.44	1,158,500	403,715	1,562,215	2.07
2009	5,250,108	2,444,101	2.15	1,250,250	436,656	1,686,906	1.66
2010	5,331,169	2,475,433	N/A	1,282,500	421,898	1,704,398	1.68

NOTE: 1995 is the first Fiscal Year of coverage for the bonds. Bond ordinance requires that revenues are at least 1.25 times the average annual debt service for all outstanding bonds.

CITY OF PLANO, TEXAS
 DEMOGRAPHIC AND ECONOMIC STATISTICS
 LAST TEN FISCAL YEARS
 (unaudited)

Table 15

Fiscal Year	DEMOGRAPHICS				Unemployment Rate (%)
	Population	Personal Income (thousands of dollars)	Per Capita Personal Income	PISD School Enrollment	
2001	230,409	6,873,745	29,833	47,364	4.3
2002	235,949	8,360,561	35,434	50,632	5.6
2003	240,545	8,663,388	36,016	51,800	5.9
2004	246,098	8,337,833	33,880	51,244	3.8
2005	248,912	8,535,705	34,292	51,446	4.4
2006	254,082	9,491,143	37,355	53,181	4.0
2007	257,600	10,250,853	39,794	52,997	3.9
2008	261,500	10,861,901	41,537	53,683	4.8
2009	264,250	10,813,110	40,920	54,203	7.6
2010	265,000	9,813,480	37,032	54,939	7.0

Sources: Population estimates were prepared by the City of Plano. Personal income estimates were obtained from the U. S. Census Bureau for the year 2008. School enrollment figures were provided by the Plano Independent School District (PISD). Unemployment rates were provided by the Texas Workforce Commission.

Table 16

CITY OF PLANO, TEXAS
 PRINCIPAL EMPLOYERS
 CURRENT YEAR AND NINE YEARS AGO
 (unaudited)

	2010			2001		
Employer	Employees	Percentage of Total City Employment	Employer	Employees	Percentage of Total City Employment	
HP Enterprise Services	6,000	4.37	Electronic Data Systems	10,530	8.48	
Bank of America Home Loans	5,400	3.93	Alcatel	5,560	4.48	
JCPenney	5,000	3.64	J.C. Penney, Inc.	3,700	2.98	
Dell	3,000	2.19	Countrywide Home Loans	3,000	2.42	
Alcatel - Lucent	2,400	1.75	Frito-Lay	2,400	1.93	
Frito-Lay	2,400	1.75	Perot Systems	1,500	1.21	
Ericsson	2,200	1.60	J.C. Penney Direct Marketing Plans	1,200	0.97	
Capital One	1,800	1.31	Medical Center of Plano	1,200	0.97	
Medical Center of Plano	1,300	0.95	Raytheon	1,200	0.97	
Dr. Pepper Snapple Group	1,250	0.91	Dr. Pepper/SevenUp Corporation	1,100	0.89	
Total	30,750	22.40	Total	31,390	25.30	

Sources: Plano Economic Development Board

**CITY OF PLANO, TEXAS
 FULL-TIME EQUIVALENT CITY GOVERNMENT EMPLOYEES BY FUNCTION
 LAST TEN FISCAL YEARS
 (unaudited)**

Table 17

	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
General government	54.5	64.5	63.5	65.0	67.0	62.5	63.0	64.0	64.0	63.0
Administrative services	79.5	79.5	86.0	79.0	74.5	77.5	73.0	75.0	82.0	80.5
Police	620.0	651.5	661.0	661.5	622.0	630.5	607.0	613.5	612.5	587.0
Fire	335.0	334.0	335.5	333.0	322.0	298.5	300.5	293.5	292.5	288.0
Libraries	157.0	156.0	172.0	170.0	167.0	161.0	161.5	173.0	174.5	170.5
Development	149.5	159.5	164.0	164.0	174.0	170.0	167.0	174.5	178.0	178.5
Public services and operations	60.5	66.0	64.0	66.5	64.0	71.0	66.5	68.5	66.5	68.0
Parks and recreation	387.5	378.0	376.5	311.5	303.5	299.5	301.5	293.0	300.0	263.5
Public works	64.0	61.5	65.5	61.0	63.0	64.0	62.5	61.0	65.0	62.5
Technology services	49.0	50.0	50.0	47.0	46.0	46.0	41.0	40.0	40.0	36.0
Water and sewer	152.0	153.0	146.5	147.5	139.5	144.5	148.5	139.0	143.0	137.0
Environmental waste services	95.0	93.0	90.5	89.5	85.0	86.5	86.0	83.5	85.0	84.0
Municipal drainage	22.0	19.0	18.0	18.0	18.0	18.5	18.0	18.0	15.0	15.5
Civic center	48.5	50.0	47.5	49.0	46.0	48.0	47.0	40.5	40.5	39.0
Municipal golf course	6.0	7.0	8.0	9.0	9.0	10.0	10.0	9.0	10.0	10.0
Recreation revolving	160.5	169.0	148.0	107.0	111.5	131.0	135.5	143.0	142.0	124.0
Total	2440.5	2491.5	2496.5	2378.5	2312.0	2,319.0	2,288.5	2,289.0	2,310.5	2,207.0

Table 18

CITY OF PLANO, TEXAS
 OPERATING INDICATORS BY FUNCTION/PROGRAM
 LAST TEN FISCAL YEARS
 (unaudited)

Function/Program	Fiscal Year									
	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Administrative Services										
Legal										
Ordinance/resolution review/preparation	266	552	658	677	605	525	500	700	600	600
Human Resources										
Full-time employees	1,349	1,387	1,422	2,050	1,991	1,952	1,840	1,856	1,890	1,875
Accounting										
Payment requests processed	70,850	81,677	86,869	82,630	84,642	76,872	70,000	84,000	58,000	70,000
Police										
Employees (uniformed)	340	341	344	343	335	329	323	315	322	315
Citations	68,598	92,133	87,801	79,224	101,199	93,502	101,804	109,422	102,345	88,204
Public Safety Communications										
911 calls*	157,277	234,876	228,214	165,194	169,559	168,560	161,332	178,410	177,398	182,848
911 dispatches*	240,175	229,669	222,252	146,277	150,904	142,993	146,592	137,212	141,008	134,670
Fire										
Employees (uniformed)	313	323	317	319	308	287	282	276	274	269
Fire runs	19,893	20,235	19,665	18,964	18,178	17,085	16,011	17,214	16,936	16,640
EMS runs	12,782	13,693	12,297	11,734	10,786	10,214	9,362	9,022	8,968	8,946
Libraries										
Volumes in collection	757,837	793,073	804,410	761,236	738,939	730,837	686,861	648,998	642,692	605,735
Registered borrowers	200,386	196,093	192,578	173,341	174,970	184,980	176,355	167,370	144,386	140,161
Development										
Building Inspections										
Inspections (all construction)	50,790	52,805	80,600	80,732	91,166	91,401	90,459	89,356	78,597	98,598
New construction permits issued	1,010	825	1,718	1,578	1,957	1,608	1,633	1,652	1,615	2,381
Engineering										
New Streets/Alleys paved (miles)	2	2	9	16	9	8	7	6	23	17
New Water lines installed (miles)	10	14	16	18	21	21	20	18	42	56
Public Services and Operations										
Environmental Health										
Inspections	4,554	3,931	3,961	3,909	3,445	3,593	3,476	3,292	2,984	2,602
Animal Control										
Animals impounded	9,616	8,728	8,307	6,241	5,464	6,848	5,413	5,546	5,723	3,544

(continued)

Table 18
continued

**CITY OF PLANO, TEXAS
OPERATING INDICATORS BY FUNCTION/PROGRAM
LAST TEN FISCAL YEARS
(unaudited)**

Function/Program	Fiscal Year									
	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Parks and Recreation										
Recreation attendance	2,361,390	2,377,182	2,341,119	1,691,348	1,675,541	1,864,361	1,874,506	1,849,450	1,874,666	1,750,812
Recreation center members	22,246	22,083	38,341	16,371	15,849	16,412	14,815	15,498	20,274	19,795
Public Works										
Streets										
Street Excavate/Replace (Sq Ft)	1,377,388	863,190	857,592	1,005,678	828,864	469,602	752,382	779,175	835,587	409,014
Water and Sewer										
Water Customers	79,243	77,082	77,440	77,961	77,400	76,305	75,307	74,014	73,109	71,920
Average Daily Water Consumption (gal)	63,893,260	62,645,000	61,657,000	52,211,000	66,758,838	53,531,312	57,239,000	53,580,000	41,400,000	53,623,000
Maximum Storage Capacity (gal)	257,000,000	88,000,000	88,000,000	88,000,000	88,000,000	88,000,000	88,000,000	88,000,000	88,000,000	88,000,000
Environmental Waste Services (residential)										
Refuse collected (tons)	59,530	60,670	62,982	63,154	61,095	66,048	67,187	65,573	65,954	66,419
Bulky waste pickups (tons)	5,142	5,264	5,650	5,240	4,717	4,786	3,118	5,132	4,858	4,382
Recyclables collected (tons)	19,435	19,632	20,867	20,469	20,667	20,449	20,721	20,435	20,056	18,743
Yard trimmings collected (tons)	21,704	21,465	26,836	24,541	19,021	20,649	19,636	20,211	19,417	21,069
Municipal Drainage										
Environmental assessment requests	65	54	82	120	128	99	90	95	70	102
Storm sewer inlets maintained	10,483	10,483	4,139	10,483	10,200	9,800	9,500	9,050	9,078	8,972
Civic Center										
Event days booked and serviced	834	1,145	1,200	1,256	1,205	861	803	1,000	1,370	853
Municipal Golf Course										
Rounds of golf played	41,592	54,109	55,004	51,254	55,670	58,917	61,188	54,654	61,428	66,183
Recreation Revolving										
Courses completed	7,046	6,822	6,896	6,504	6,220	6,514	6,005	5,270	5,670	5,551

Source: City Departments

Notes: N/A - Data not available.

*911 calls and 911 dispatches include all calls to 911 which represents both police and fire

Operating indicators are not available for the general government, technology services, property management or downtown center development functions.

Table 19

**CITY OF PLANO, TEXAS
CAPITAL ASSET STATISTICS BY FUNCTION/PROGRAM
LAST TEN FISCAL YEARS
(unaudited)**

Function/Program	Fiscal Year									
	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Police										
Number of stations	3	3	3	3	1	1	1	1	1	1
Number of patrol units	143	166	189	135	140	115	109	113	103	113
Number of motorcycle units	6	6	6	8	9	8	9	9	9	10
Fire										
Number of stations	12	11	11	11	10	10	10	10	10	10
Number of fire engines/trucks	22	22	22	21	21	20	19	NA	NA	NA
Number of EMS trucks	10	7	7	8	9	8	8	NA	NA	NA
Libraries										
Number of libraries	5	5	5	5	5	5	5	5	5	5
Development										
Planning										
Streets- Paved (miles)	1016	1014	1012	1004	990	980	973	966	961	944
Alleys- Paved (miles)	518	517	517	516	515	513	512	512	512	506
Public Services and Operations										
Animal Services										
Animal control trucks	8	8	15	14	11	7	7	7	NA	NA
Parks and Recreation										
Parks* (acres)	3936	3858	3858	3858	3,827	3,820	3,809	3,658	3,657	3,638
Athletic fields	179	179	179	175	175	175	175	175	187	187
Playgrounds	71	71	71	68	67	60	68	63	59	59
Recreation centers	4	5	5	5	4	4	3	3	3	3
Tennis centers	1	1	1	1	1	1	1	1	1	1
Senior centers	1	1	1	1	1	1	1	1	1	1
Aquatic/Natorium	9	9	9	4	3	3	3	3	3	3
Public Works										
Traffic signals	215	212	211	207	205	203	197	193	186	180

(continued)

**CITY OF PLANO, TEXAS
CAPITAL ASSET STATISTICS BY FUNCTION/PROGRAM
LAST TEN FISCAL YEARS**

Table 19
(continued)

Function/Program	Fiscal Year									
	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Water and Sewer										
Water mains (miles)	1362	1351	1335	1317	1,295	1,268	1,248	1,226	1,207	1,164
Sanitary sewers (miles)	1007	1001	999	992	981	968	959	952	923	923
Fire hydrants	14516	14,369	14,109	13,840	13,555	13,224	12,906	12,646	12,356	11,774
Environmental Waste Services										
Collection trucks	45	45	45	42	38	37	NA	NA	NA	NA
Municipal Drainage										
Storm sewers (miles)	662	656	646	635	622	467	600	590	466	466
Civic Center										
Civic Centers	1	1	1	1	1	1	1	1	1	1

Source: City Departments

Notes: N/A - Data not available.

*Includes Golf Course

Capital asset indicators are not available for the general government, administrative services, property management, recreation revolving or downtown center development functions



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		01/10/2011		
Department:		City Secretary		
Department Head		Diane Zucco		
Agenda Coordinator (include phone #): Sharon Kotwitz X7120				
CAPTION				
An Ordinance of the City of Plano, Texas adopting and enacting Supplement Number 92 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS: this item has no fiscal impact.				
SUMMARY OF ITEM				
Adoption of this ordinance enables this supplement to be admissible in court.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

An Ordinance of the City of Plano, Texas adopting and enacting Supplement Number 92 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date.

WHEREAS, the City Council of the City of Plano, Texas adopted a new Code of Ordinances upon adoption of Ordinance No. 87-3-14, on March 9, 1987; and

WHEREAS, Sections V and VI of Ordinance No. 87-3-14 provide for amendment to said Code of Ordinances; and

WHEREAS, the Code of Ordinances of the City of Plano, Texas has been revised by previous amendments duly passed as individual ordinances by the City Council and such amendments are reflected on Supplement Number 92; and

WHEREAS, the City Council wishes to adopt the ordinance codification version appearing in Supplement Number 92 of the Plano Code of Ordinances in order for the printed Code form to be considered identical to the original ordinance and to eliminate any confusion or differences in the format of the original ordinance.

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

Section I. The City Council hereby adopts the printed Code form of the ordinances contained in Supplement Number 92 as prepared by the codifier.

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

DULY PASSED AND APPROVED this the 10th day of January, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/10/11		
Department:		Public Works & Engineering		
Department Head:		Alan L. Upchurch		
Agenda Coordinator (include phone #):		Irene Pegues (7198)		
CAPTION				
An Ordinance of the City of Plano, Texas, amending Article IX, Railroads, of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas, by amending Section 12-258, Subsection (c)(i), Quiet Zones, and to add Park Vista Road to the list of Quiet Zones at railroad crossings, and providing a penalty clause, a severability clause, a publication clause, and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget				
Encumbered/Expended Amount				
This Item				
BALANCE				
FUND(S):				
COMMENTS: This item has no fiscal impact.				
SUMMARY OF ITEM				
The KCS Railroad has completed the installation of crossing signals and arms at Park Vista Road. The KCS, DART and TxDOT have been notified of the City's intent to create a quiet zone at Park Vista and no objections have been received. The attached Ordinance establishes a quiet zone at Park Vista Drive. The effective date will be January 12, 2011.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Map		N/A		

Park Vista Quiet Zone



Project Location



Location Map

An Ordinance of the City of Plano, Texas, amending Article IX, Railroads, of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas, by amending Section 12-258, Subsection (c)(i), Quiet Zones, and to add Park Vista Road to the list of Quiet Zones at railroad crossings, and providing a penalty clause, a severability clause, a publication clause, and providing an effective date.

WHEREAS, Section 471.006 of the Texas Transportation Code permits the governing body of a municipality having a population of at least 5,000 to regulate by ordinance the ringing of bells and blowing of whistles and sirens within its limits; and

WHEREAS, federal law requires that the lead locomotive of a train sound its horn repeatedly when approaching a public highway-rail grade crossing until the train occupies the crossing; and

WHEREAS, the Federal Railroad Administration has established a process for municipalities and other public authorities to follow to create Quiet Zones at designated railroad crossings within corporate city limits; and

WHEREAS, once a Quiet Zone has been created in accordance with this process, supplementary safety measures have been installed at the crossing and the railroad has been notified of the Quiet Zone implementation, the railroad shall cease routine use of the locomotive horn at all public highway-rail grade crossings within the Quiet Zone; and

WHEREAS, the City Council of the City of Plano, Texas, desires to create Quiet Zones at Park Vista Road located in the City limits and hereby finds and determines that the establishment of this Quiet Zone is in the best interest of the City of Plano and its citizens.

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

Section I. Article IX, Railroads, Section 12-258 (c)(i) of Chapter 12, Motor Vehicles and Traffic of the City Code of Ordinances is hereby amended by adding Park Vista Road to the list of Quiet Zones at railroad crossings.

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 court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section III. 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(b)

of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section IV. This Ordinance shall become effective upon publication as required by law.

DULY PASSED AND APPROVED the 10th day of January, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/10/11		
Department:		Finance		
Department Head		Denise Tacke		
Agenda Coordinator (include phone #): Katherine Crumbley - x7479				
CAPTION				
An Ordinance of the City of Plano, Texas, amending the project and finance plan for Tax Increment Financing Reinvestment Zone Number Two to amend the project and financial plan within the zone; ordain other matters relating thereto; and provide a severability clause, a savings clause, and an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: This item has no fiscal impact for the City of Plano				
SUMMARY OF ITEM				
This amends the project and finance plan for TIF Reinvestment Zone #2.				
List of Supporting Documents: Ordinance			Other Departments, Boards, Commissions or Agencies	

An Ordinance of the City of Plano, Texas, amending the project and finance plan for Tax Increment Financing Reinvestment Zone Number Two to amend the project and financial plan within the zone; ordain other matters relating thereto; and provide a severability clause, a savings clause, and an effective date.

WHEREAS, on April 26, 1999, by Ordinance Number 99-4-23, the City Council of The City of Plano established Tax Increment Financing Reinvestment Zone Number Two (“TIF#2”); and

WHEREAS, on August 23, 1999, by Ordinance Number 99-8-28, the City Council of the City of Plano adopted the Project and Financial Plan (“Plan”) for TIF #2; and

WHEREAS, on February 23, 2004, by Ordinance Number 2004-2-15, the City Council of the City of Plano amended the Project and Financial Plan to increase the funding for the Cox Administration Building renovation program as well as reimbursement to the City and Plano Independent School District for renovation of the Courtyard Theater; and

WHEREAS, on November 10, 2008 by Ordinance Number 2008-11-19, the City Council of the City of Plano amended the Project and Financial plan to include additional property and fund improvements within TIF #2

WHEREAS, the City Council wishes to further amend the TIF #2 Project and Financial Plan to include additional funding for various projects, land acquisition, public infrastructure improvements, demolition and abatement, maintenance costs, and administrative costs; and

WHEREAS, the Tax Increment Financing Zone #2 Board met on November 29, 2010, and unanimously approved a recommendation to the City Council to amend TIF #2 to approve the proposed amendments to the Project and Financing Plan; and

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

Section I. The City of Plano Ordinance No. 99-8-28 as previously amended is hereby further amended to revise the TIF #2 Project and Financing Plan as follows:

“REVISED PROGRAM”

Facilities/Programs

- **15th Street and Ave I redevelopment project**– This includes additional demolition, engineering and architectural fees for the proposed redevelopment project
- **15th Street Reconstruction from Ave G to US 75** – This is additional funding to pay for placing the existing overhead utilities underground.
- **Mendenhall School** – Proposed funding for the construction of a completely new Mendenhall Elementary School. The old building would be torn down.

Land Acquisition

The category of funding provides for the acquisition of sites and other real property, including right-of-way and easements as may be required for redevelopment, open space, transportation, parking and the development of public facilities. Land acquisition may also include the purchase of public properties as may be required to facilitate reinvestment objectives.

Public Infrastructure

- ***Streets, Alleys and Bike/Pedestrian Ways*** – Includes projects to construct, reconstruct and modify streets, alleys, bike and pedestrian ways within the district. Expenditures may include providing funds in support of projects constructed by other public agencies or the reimbursement of funds to private developers making improvements to be dedicated for public use.
- ***Water, Sewer and Drainage*** - Includes projects to construct, reconstruct and modify water, sewer, drainage utilities and other improvements within the district. Expenditures may include providing funds in support of projects constructed by other public agencies or the reimbursement of funds to private developers making improvements to be dedicated for public use.
- ***Parking*** – Includes projects to build, reconstruct and modify parking facilities, including public, restricted use and shared parking within the district. Expenditures may include providing funds in support of projects constructed by other public agencies or the reimbursement of funds to private developers making improvements to be dedicated for public use.
- ***Streetscaping, Landscaping and Open Space*** - Includes projects to construct, reconstruct and modify public streetscaping, landscaping and open space within the district. Expenditures may include providing funds in support of projects constructed by other public agencies or the reimbursement of funds to private developers making improvements to be dedicated for public use.

Demolition and Abatement

This category includes projects and expenditures related to the demolition and clearance of buildings and other improvements, environmental remediation, and site grading and stabilization as required for its reuse.

Studies, plans and engineering for TIF II projects – This includes funding for advance planning for proposed projects in the TIF area

Maintenance Costs

This category includes expenditures required to maintain public facilities and assets developed with tax increment finance funds.

Administrative Costs

This category includes expenditures necessary to administer the program and activities of the TIF program, including expenses related to finance, accounting and legal services.

See Attached Exhibit "A"

Section III. Any subsequent changes to state law that may reduce or limit the use of tax increment revenue shall necessitate reconsideration and revision of the finance plan herein and suspend any obligations hereunder accordingly.

Section IV. 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 V. 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 VI. This Ordinance shall become effective immediately upon its passage as provided by law.

DULY PASSED AND APPROVED this the 10th day of January, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Exhibit "A"

	EXPENDITURES REIMBURSED BY THE TIF FUND AS OF SEPT. 30, 2009	APPROVED, BUT UNMET OBLIGATIONS OF THE TIF FUND AS OF SEPT. 30, 2009	TOTAL EXPENDITURES AND UNMET OBLIGATIONS OF THE TIF FUND AS OF SEPT. 30, 2009	EXPENDITURES PLANNED FOR APPROVAL AFTER SEPT. 30, 2010	TOTAL EXPENDITURES, UNMET OBLIGATIONS and Planned COMMITMENTS
Project					
Public infrastructure					
Courtyard Theater (1)	\$6,848,408	\$0	\$6,848,408	\$0	\$6,848,408
Cox Building	\$6,721,690	\$0	\$6,721,690	\$0	\$6,721,690
Bird Education Center	\$1,500,000	\$0	\$1,500,000	\$0	\$1,500,000
Public improvements at 10th Street warehouse	\$549,999	\$0	\$549,999	\$0	\$549,999
Demolition and environmental remediation	\$250,000	\$0	\$250,000	\$1,000,000	\$1,250,000
Public improvements at 15th Street Village	\$92,579	\$0	\$92,579	\$0	\$92,579
Administrative expenses (TIF program management)	\$100,000	\$0	\$109,990	\$100,010	\$210,000
PISD parking and lighting improvements	\$0	\$1,500,000	\$1,500,000	\$0	\$1,500,000
15th Street reconstruction (Ave. I to Ave. G)	\$1,109,862	\$202,924	\$1,312,786	\$0	\$1,312,786
15th and Ave I redevelopment project	\$0	\$1,000,000	\$1,000,000	\$700,000	\$1,700,000
15th Street reconstruction (Ave. G to U.S. 75)	\$0	\$500,000	\$500,000	\$500,000	\$1,000,000
Police parking garage finish-out	\$0	\$260,000	\$260,000	\$0	\$260,000
15th Street redevelopment	\$0	\$131,421	\$131,421	\$0	\$131,421
18th Street improvements (west of Ave. G)	\$0	\$200,000	\$200,000	\$0	\$200,000
Land acquisition for public purposes	\$0	\$0	\$0	\$6,000,000	\$6,000,000
Streets/utilities/landscape	\$0	\$0	\$0	\$5,000,000	\$5,000,000
Studies, plans and engineering for TIF projects	\$0	\$0	\$0	\$100,000	\$100,000
Mendenhall School and ancillary improvements	\$0	\$0	\$0	\$11,500,000	\$11,500,000
Maintenance expenses (facilities developed by TIF)	\$0	\$0	\$0	\$712,013	\$712,013
Parking improvements	\$0	\$0	\$0	\$1,000,000	\$1,000,000
Total	\$17,172,537	\$3,794,345	\$20,976,872	\$26,612,023	\$47,588,895
<p>(1) Reimbursements for the Courtyard Theater include interest paid on cash advanced by the City of Plano for the TIF fund's Theater obligation and \$98,798 of private contributions to the TIF fund for expenses of the Courtyard Theater.</p> <p>(2) If actual revenue is less than projected revenue as a result of declining taxable property value, funding budgeted for new projects will be proportionately reduced.</p> <p>(3) If actual revenue exceeds projected revenue, excess funds will be held in reserve and upon termination of the TIF distributed to the participating entities proportionate to their actual taxing jurisdiction contribution of revenue.</p> <p>(4) Funds allocated to non-site specific categories may be directed to site specific projects within the district as determined by the Plano City Council.</p>					



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		January 10, 2011		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady #5993				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, repealing in its entirety, City of Plano Ordinance No. 2008-4-35 codified as Article II, Building Code, of Chapter 6 of the Code of Ordinances; and adopting the 2009 Edition of the International Building Code, with certain additions, deletions, and amendments, as the Building Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS: This item has no fiscal impact				
SUMMARY OF ITEM				
<p>This ordinance will adopt the most recent version of the International Building Code published by the International Code Council and includes the regional amendments which have been developed by the North Central Texas Council of Governments. Public review of all construction related codes was addressed at work sessions held by the Building Standards Commission in September and November of 2010. Formal action was taken by the Building Standards Commission at its September 21, 2010 meeting. At that time, the Commission voted unanimously to forward this Code and amendments to the City Council for adoption as the Building Code for the City of Plano</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies Building Standards Commission	



Building Inspections
P.O. Box 860358
Plano, Texas 75086-0358
O: 972-941-7140 F: 972-941-7177
www.buildinginspections.org



MEMORANDUM

December 22, 2010

To: Tom Muehlenbeck, City Manager
From: Selso Mata, Chief Building Official
Subject: 2009 Code adoption
CC: Frank Turner, Deputy City Manager

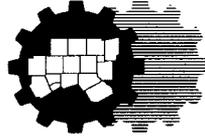
In mid 2009 and throughout 2010 the regional code committees in our North Texas area reviewed the International Code Council's 2009 construction codes and the National Fire Prevention Association's 2011 National Electrical Code (NEC). The culmination of these efforts is summarized in the attached memo from The North Central Texas Council of Governments (NCTCOG) with their recommendation for code adoption. Plano's Building Standards Commission (BSC) subsequently held four meetings this year to further review code amendments and receive stakeholder input. Meeting minutes are attached from each BSC hearing. As a result, the BSC unanimously recommends the 2009 International codes and the 2011 NEC with code amendments to the City Council for the January 10, 2011 meeting with an effective enforcement date of March 1, 2011.

The recommended codes with amendments are:

- 2009 – International Building Code
- 2009 – International Residential Code
- 2009 – International Plumbing Code
- 2009 – International Mechanical Code
- 2009 – International Fuel and Gas Code
- 2009 – International Energy Conservation Code
- 2011 – National Electrical Code

Please let me know if you have any questions or need additional information.

XC: Hugo Esparza, Fire Chief
David Kerr, Fire Marshal



North Central Texas Council Of Governments

TO: Jurisdictions throughout the North Central Texas Region **DATE:** November 23, 2010

SUBJECT: Model Construction Code Recommendations for North Central Texas

The North Central Texas Council of Governments (NCTCOG) has actively promoted the standardization of model construction codes since 1967 in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs.

In mid 2009, NCTCOG's Regional Codes Coordinating Committee (RCCC) directed its Code Advisory Boards to review the International Code Council's 2009 family of model construction codes and the National Fire Prevention Association's 2011 National Electrical Code. The Advisory Boards, comprised of 101 code professionals representing local jurisdictions and professional associations, held open meetings to consider the codes and achieve consensus on any needed regional amendments. Many national and regional subject matter experts also gave testimony and participated in the process.

As a result, the NCTCOG Executive Board, upon the recommendation of the RCCC and its Advisory Boards, encourages your jurisdiction to adopt the following model construction codes along with their respective regional amendments:

- ◆ **International Building Code – 2009 Edition**
- ◆ **International Residential Code – 2009 Edition**
- ◆ **International Fire Code – 2009 Edition**
- ◆ **International Plumbing Code – 2009 Edition**
- ◆ **International Mechanical Code – 2009 Edition**
- ◆ **International Fuel Gas Code – 2009 Edition**
- ◆ **International Energy Conservation Code - 2009 Edition**
- ◆ **National Electrical Code – 2011 Edition**

NCTCOG recommends adopting these codes with no local amendments other than the regional amendments with an effective date of **January 31, 2011** or as soon as possible thereafter. The ultimate goal is regional uniformity in the model construction codes for the North Central Texas region. NCTCOG feels strongly that municipalities, contractors, architects, builders, and manufacturers will benefit from the positive economic results coming from achievement of that goal.

As a follow-up measure, the RCCC intends to submit some of the regional amendments as proposed changes during the next international code change cycle. In the past, several NCTCOG regional amendments have been incorporated into the codes when those amendments were proposed as code changes to the main documents.

PLEASE NOTE:

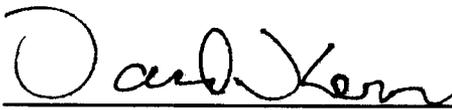
- 1) The Energy Efficiency amendments have been reviewed by the Energy Systems Laboratory (ESL) at Texas A&M to ensure equivalency with the current Energy Code adopted by the State of Texas (the 2003 International Energy Conservation Code).
- 2) The Energy Efficiency amendments have been reviewed by the Energy Systems Laboratory (ESL) at Texas A&M to ensure equivalency with the future Energy Code adopted by the State of Texas (the 2009 International Energy Conservation Code and Chapter 11 of the 2009 International Residential Code).
- 3) An International Code Compliance Calculator (ICCC) has been created by the ESL to demonstrate compliance with the State's Energy Conservation Requirements. The ICCC is "live" and can be accessed at <http://ecalc.tamu.edu>
- 4) There is a wide range in the fire fighting philosophies/capabilities of cities across the region; the consensus of the RCCC has been to include both an OPTION "A" and an OPTION "B" in the fire and building code amendments. Jurisdictions should choose one or the other based on their fire fighting philosophies/capabilities when adopting code amendments.

You may access our website at www.dfwcodes.com to obtain a copy of the recommended regional amendments. For more information regarding regional codes, contact Michael King, Environment & Development Planner, by email at mking@nctcog.org or by phone at (817) 695-9277.

We appreciate your support of our continued efforts toward regional code uniformity. Please send a copy of your adopting ordinance(s) to NCTCOG including amendments. Your ordinance will help us to document the effectiveness of the codes coordinating effort in our region and may be used to provide a model to other jurisdictions.


Mike Eastland, Executive Director
North Central Texas Council of Governments


John Promise, Director
Department of Environment and Development


David Kerr, Chairman
Regional Codes Coordinating Committee

MK/ez

Building Standards Commission
September 21, 2010

Present

Rich Prusha, Chairman
Art Stone
Mo Khoshkar
Gary Johnston
James Craft,
Kevan Benkowitz, Present, not seated
Mark Greer, Present, not seated.
Sylvia Reid, Present, not seated

Staff

Selso Mata, Building Official
John Gilliam, Assistant City Attorney
Cliff Bormann, Assistant Building Official
Gary Miles, Assistant Building Official
Tony Han, Plan Review Services Supervisor
Diana Casady, Sr. Administrative Assistant

1. Public comments: **No Public Comment**
2. Approval of Minutes from March 16, 2010 meeting.
Quorum was not present to pass the minutes from the March 16th meeting.
3. Approval of Minutes from April 20, 2010 meeting
Quorum was not present to pass the minutes from the April 20th meeting
4. Approval of Minutes from August 17, 2010 meeting
Mr. Johnston made the motion to approve the minutes of the August 17, 2010 meeting as written, Mr. Khoshkar seconded the motion. The Commission voted 5/0 in favor of approving the minutes from August 17, 2010.
5. Discussion and consideration of recommendation to City Council for the adoption of the 2009 International Plumbing Code, the 2009 International Mechanical Code, the 2009 International Fuel Gas Code, and the 2009 International Building Code
Building Official, Selso Mata, opened the presentation of the I Codes to the Commission and introduced Gary Miles, Assistant Building Official to present the International Plumbing Code, Mr. Miles presented the IPC and let the Commission know that the Amendments have not changed since the last code cycle and went over the Local Amendments with the Commission.

Mr. Miles presented the International Mechanical Code and answered questions from the Commission.

Mr. Miles presented the International Fuel Gas Code and answered questions from the Commission, the Fuel Gas Code has not changed since the last code cycle.

Cliff Bormann, Assistant Building Official, presented the 2009 International Building Code to the Commission, and answered questions from the Commission.

After hearing the Presentation, Commission Member Art Stone made the motion to Recommend approval for the 2009 International Plumbing Code amendments, 2009 International Mechanical Code amendments, 2009 International Fuel Gas Code amendments and the 2009 International Building Code Amendments as reviewed at this meeting, recognizing there is subject to changes made in future discussions. Commission member Gary Johnston seconded the motion. The Commission voted 5/0 in favor of this recommendation.

6. Items for future agendas

Code Review for the 2009 International Residential and 2009 Energy Conservation Codes on October 19, 2010

2200 Treehouse Lane, tabled from the August 17, 2010 meeting.

The Public Hearing adjourned at 5: 03 P.M.


Rich Prusha, Chairman

An Ordinance of the City of Plano, Texas, repealing in its entirety, City of Plano Ordinance No. 2008-4-35 codified as Article II, Building Code, of Chapter 6 of the Code of Ordinances; and adopting the 2009 Edition of the International Building Code, with certain additions, deletions, and amendments, as the Building Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on April 28, 2008, by Ordinance No. 2008-4-35 the City Council of the City of Plano established a Building Code and provided regulations thereunder, and such Ordinances were codified as Article II, Building Code, of Chapter 6 of the Code of Ordinances of the City of Plano (“City”); and

WHEREAS, on September 21, 2010, and November 16, 2010 the Building Standards Commission held public hearings to discuss the adoption of the 2009 Edition of the International Building Code, a publication of the International Code Council (I.C.C.), and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2009 Edition of the International Building Code, and the local amendments thereto, should be approved and adopted as the Building Code of the City.

Now, therefore, be it ordained by the City Council of the City of Plano, Texas that:

Section I. The following ordinances or sections thereof, all of which are codified as Article II, Building Code, of Chapter 6 of the Code of Ordinances of the City of Plano, are hereby repealed in their entirety:

Ordinance No. 2008-4-35, duly passed and approved by the City Council of the City of Plano on April 28, 2008.

Section II. A new Article II, Building Code, of Chapter 6 of the Code of Ordinances is hereby adopted and shall read in its entirety as follows:

ARTICLE II. BUILDING CODE

DIVISION 1. GENERALLY

Sec. 6-16. Penalty.

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..

Sec. 6-17. Adopted.

The 2009 Edition of the International Building Code, a publication of the International Code Council (I.C.C.), is hereby adopted and designated as the Building Code of the City of Plano to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the 2009 Edition of the International Building Code is on file in the office of the City Secretary.

Secs. 6-20 through 6-35. Reserved.

DIVISION 2. AMENDMENTS

.Sec. 6-37. Deletions, Additions, Amendments.

The following deletions, additions, and amendments to the International Building Code adopted herein are hereby approved and adopted:

101.4; change to read as follows:

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.6 and referenced elsewhere in this code, when specifically adopted, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.

Section 101.4.7; add the following:

101.4.7 Electrical. The provisions of the Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

103 and 103.1 amend to insert the Department Name

Building Inspections Department, Plano, Texas

SECTION 103

Building Inspections Department, Plano, Texas

103.1 Creation of a code enforcement agency. The Building Inspections Department, Plano, Texas, is hereby created and the official in charge thereof shall be known as the building official.

Section 105.1.1. Annual permit and 105.1.2. Annual permit records; are deleted in their entirety.

Section 105.1.1. is changed to read as follows:

Section 105.1.1 Toilet Facilities. Every construction project requiring a building permit within the City limits of the City of Plano shall have adequate toilet facilities for workers associated with the project.

At least one permanent or temporary toilet facility shall be maintained at every site where a building permit has been issued, as long as a building permit is active for the project.

Permanent toilet facility is defined as a room in an existing building or in the building being constructed with a water closet installed in such a room that conforms to the Plumbing Code and is continuously available to all workers involved in a construction project.

Temporary toilet facility is defined as a portable, fully enclosed, chemically sanitized toilet, which is serviced and cleaned at least once each week.

In addition to the justifications in the Building Code and in addition to other remedies, the building official may issue a Stop Work Order as described in the Building Code for any work done on a project not in compliance with this section.

Section 105.2. Work exempt from permit

Building:

Item Number 2 deleted.

Item Number 6 changed to read: Sidewalks and driveways not more than 30 inches (762mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route and not in the city right-of-way.

Section 105.3. Application for permit. is amended by the addition of the following paragraphs:

8. Be issued to a registered contractor.

General: To obtain a permit, the applicant shall be registered as a contractor. Contractor may register by making application on forms provided by the Building Official

Exception:

1. Homeowners may obtain permits for their private residence without being registered, however a contractor working under the homeowners permit must meet state requirements for license registration.
2. State exempt contractors, must show proof of state license.

Revocation/Suspension: A contractor's registration may be suspended for the following causes:

1. The contractor fails to finalize permits by obtaining the required approved inspections.
2. The contractor allows use or occupancy of a structure for which a permit was obtained without first obtaining the required authorization.
3. The contractor has been found by the Building Standards Commission to have been grossly negligent in the performance of his/her work. For purposes of this Section, a contractor may be found to have acted in a grossly negligent manner if such contractor has received six (6) municipal court convictions for city code violations and if such violations occurred in the twelve (12) month period preceding the revocation/suspension action before the Commission
4. Expiration, suspension or revocation of required license, bond or insurance.

Section 105.3.1 Action on application. is amended by the addition of the following paragraph:

A demolition permit may be withheld for any building or structure within the Plano Historic Building and Site Survey as designated in the Preservation Plan for a period not exceeding thirty (30) days pending review by the Heritage Commission.

Section 105.8 added:

105.8. Withdrawn Permits. Permits may be withdrawn by the applicant if no work has commenced on the project. Permit fees exceeding \$50.00 may be partially refunded. Where applicable, fees will be refunded at 80 percent of their original value, excluding the plan review and fire protection plan review deposits.

1. Permits for which work has commenced may not be withdrawn unless a subsequent permittee has obtained a permit to complete the work, or when work has started unless an inspection has been made and the Building Official has determined that the existing work has created no violation of any code or ordinance.
2. Expired permits may be withdrawn if determined by the Building Official that no work has commenced.

3. Withdrawn permits with fees of less than fifty (\$50) dollars are nonrefundable.

Section 107.3.1. Approval of construction documents. amended to read as follows:
When the building official issues a permit, the construction documents shall be approved, in writing, or by a stamp which states, "APPROVED AND APPROVED AS NOTED BY THE BUILDING OFFICIAL" { The remainder of the section is unchanged }

Section 109.7; add Section 109.7 to read as follows:

109.7 Re-inspection Fee. A fee as established by city council resolution may be charged when:

- The inspection called for is not ready when the inspector arrives;
- No building address or permit card is clearly posted;
- City approved plans are not on the job site available to the inspector;
- The building is locked or work otherwise not available for inspection when called;
- The job site is red-tagged twice for the same item;
- The original red tag has been removed from the job site.
- Failure to maintain erosion control, trash control or tree protection.

Any re-inspection fees assessed shall be paid before any more inspections are made on that job site.

Sections 109.8 and 109.9; add Section 109.8, 109.8.1, 109.8.2 and 109.9 to read as follows:

109.8 Investigation Fee. Work without a permit.

109.8.1 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

109.8.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law.

109.9 Unauthorized cover up fee.

109.9.1 Any work concealed without first obtaining the required inspection in violation of section 110 shall be assessed a fee as established by the city fee schedule.

Section 110.3.5. Lath and gypsum board inspection. Delete Exception.

Section 113. Board of Appeal., changed Section title to "Building Standards Commission."

Added Section 115.4. Construction debris.

a. Whenever work is being done that is authorized by a permit, and construction debris from that work is not confined to a container or to a site on the property approved by the Building Official or his designee, and such construction debris poses a threat to public health, safety and comfort so that it constitutes a nuisance, the Building Official or his designee may order the work stopped and the Contractor shall clean up the construction debris within thirty-six (36) hours of receiving written notice of the violation. After the expiration of the thirty-six (36) hour period, Contractor shall pay City a reinspection fee to offset costs incurred by City due to the necessary reinspection before the stop work order is lifted.

b. As used herein, the term “Construction Debris” shall include all materials utilized in the construction process, including all litter and debris deposited and left remaining upon the premises of a job site by a Contractor, Subcontractor, and their employees, agents, and assigns.

c. As used herein “Costs” shall mean all expense incurred by City for the cleaning of the job site and the amount of any unpaid municipal court fine.

Section 202; amend definition of Ambulatory Health Care Facility and Fire Watch as follows:

Ambulatory Health Care Facility {add to existing definition – matches Fire Advisory Board definition}

This group may include but not be limited to the following:

- Dialysis centers
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

Section 202; amend definition to read as follows:
Option B

HIGH-RISE BUILDING. A building with an occupied floor located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

Section 304.1; add the following to the list of occupancies:

- Fire stations
- Police stations with detention facilities for 5 or less

Section 307.1; add the following to Exception 4:

4. Cleaning establishments... {language unchanged}. See also IFC chapter 12, Dry Cleaning Plant provisions.

Section 310.1; amend second paragraph under R-3 as follows:

Adult care and child care facilities with 5 or fewer unrelated persons that are within a single-family home are permitted to comply with the International Residential Code.

(Reason: To clarify this provision which could allow unsprinklered care facilities only applies to listed under R-3)

Section 403.1, exception #3; change to read as follows:

3. Open air portions of building with a Group A-5 occupancy in accordance with Section 303.1.

Section 403.3, exception #2; delete the exception.

Section 404.1.1; change definition of “Atrium” as follows:

ATRIUM. An opening connecting three or more stories . . . {Balance remains unchanged}

Section 404.5; delete exception.

Section 406.1.2; add item #3 to read as follows:

3. A separation is not required between a Group R-2 and U carport provided that the carport is entirely open on all sides and that the distance between the two is at least 10 feet (3048 mm)

Section 406.1.4; add item #4, #5, and #6 to read as follows:

4. A separation is not required between a Group R-2 and U carport provided that the carport is entirely open on all sides, non-combustible construction, and that the distance between the two is at least 10 feet (3048 mm) eave to eave horizontally.

5. A separation is not required between any occupancy and an accessory U carport provided the carport is entirely open on all sides, the eave to eave or eave to property line (assumed or real) horizontal separation is at least 5 feet, non-combustible construction, non-sprinklered and for the storage of automobiles.

6. Shade structures used for commercial playgrounds do not require fire separations provided shading materials have flame-retardant certificates and framing members are of non-combustible construction.

Section 406.6.1; add a second paragraph to read as follows:

This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such minor repairs.

Section 501.2, Premises identification; is changed to read as follows:

Approved numerals of minimum six (6) inches height and of a color contrasting with the background designating address shall be placed on all new and existing buildings or structures in such a position as to be plainly visible and legible from the street or road fronting the property and from all rear alleyways where said alleyways exist. Where buildings do not immediately front a street, approved six (6) inch height building numerals or address and three (3) inch height suite/apartment numerals of a color contrasting with the background of the building shall be placed on all new and existing buildings or structures. Numerals or addresses shall be posted on a minimum twenty (20) inch by thirty (30) inch background or border.

Section 506.2.2; add a sentence to read as follows:

In order to be considered as accessible, if not in direct contact with a street or fire lane, a minimum 10-foot wide pathway meeting fire department access from the street or approved fire lane shall be provided.)

Section 507.3, Sprinklered, one-story, amended by the addition of exception number 3 as follows:

3. Single story Type II buildings containing only Group M and Group B occupancies, and provided with an automatic sprinkler system throughout in accordance with Section 903.3.1.1, may be of unlimited area without sixty foot clearance required above.

Section 508.2.5, add a sentence at the end of paragraph:

508.2.5 Separation of Incidental accessory occupancies. (Sentence remains unchanged.)
An incidental accessory occupancy shall be classified in accordance with the occupancy of that portion of the building in which it is located.

Section 706.3, Materials. Add:

FIRE WALL: DO NOT PENETRATE OR DAMAGE.

No penetrar o dañar esta pared resistente al fuego.

Such labels shall be placed not more than ten (10) lineal feet along the wall and shall be placed in such a manner as to be obvious to workers in the attic or concealed space.

Section 708.2, Exception 7; amend subsection 7.3 and delete subsections 7.4 and 7.5 and renumber as follows:

- 7.1. Does not connect more than two stories.
- 7.2. Is not part of the required means of egress system except as permitted in Section 1022.1.
- 7.3. Is not concealed within the building construction of a wall or a floor/ceiling assemble.
- 7.4 Is separated from floor openings and air transfer openings serving other floors by construction conforming to required shaft enclosures.
- 7.5 Is limited to the same smoke compartment.

Section 1004.1.1; delete exception:

1004.1.1 Areas without fixed seating. The number of occupants shall be computed at the rate of one occupant per unit of area as prescribed in Table 1004.1.1. For areas without fixed seating, the occupant load shall not be less than that number determined by dividing the floor area under consideration by the occupant per unit of area factor assigned to the occupancy as set forth in Table 1004.1.1. Where an intended use is not listed in Table 1004.1.1, the building official shall establish a use based on a listed use that most nearly resembles the intended use.

Section 1007.1; add the following exception #4:

Exceptions:

- 4. Buildings regulated under State Law and built in accordance with State registered plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1007.

Section 1008.1.9.3; Locks and Latches; add section as follows:

1008.1.9.3, Locks and latches.

(3.1) Where egress doors are used in pairs and positive latching is required, approved automatic flush bolts shall be permitted to be used, provided that both leaves achieve positive latching regardless of the closing sequence and the door leaf having the automatic flush bolts has no doorknobs or surface mounted hardware.

Section 1008.1.9.4; amend exceptions #3 and #4 as follows:

Exceptions: *{Text of Exceptions 1 and 2 unchanged}*

- 1. Where a pair of doors serves an *occupant load* of less than 50 persons in a Group B, F, M or S occupancy, *[remaining text unchanged]*
- 2. Where a pair of doors serves a Group B, F, M or S occupancy, *[remaining text unchanged]*

Section 1008.1.9.8; change to read as follows:

1008.1.9.8. Electromagnetically locked egress doors. Doors in the means of egress that are not otherwise required to have panic hardware in buildings with an occupancy in Group A, B, E, I-1, I-2, M, R-1 or R-2 and doors to tenant spaces in Group A, B, E, I-1, I-2, M, R-1 or R-2 shall be permitted to be electromagnetically locked if equipped with listed hardware that incorporates a built-in switch and meet the requirements below: [remaining text unchanged]

Section 1015.7; add new section 1015.7 to read as follows:

1015.7 Electrical Rooms. For electrical rooms, special exiting requirements may apply. Reference the electrical code as adopted.

Section 1016.3; add new section 1016.3 to read as follows:

1016.3. Roof Vent Increase. In buildings that are one story in height, equipped with automatic heat and smoke roof vents complying with Section 910 and equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, the maximum exit access travel distance shall be 400 feet for occupancies in Group F-1 or S-1.

Section 1018.1; add exception #5 to read as follows:

(5.) In Group B office buildings, corridor walls and ceilings need not be of fire-resistive construction within office spaces of a single tenant when the space is equipped with an approved automatic fire alarm system within the corridor. The actuation of any detector shall activate alarms audible in all areas served by the corridor.

Section 1018.6; amend to read as follows:

1018.6, Corridor Continuity. All corridors shall be continuous from the point of entry to an exit, and shall not be interrupted by intervening rooms.
{Exception unchanged}

Section 1022.1; add exceptions #8 and #9 to read as follows:

8. In other than occupancy Groups H and I, a maximum of 50 percent of egress stairways serving one adjacent floor are not required to be enclosed, provided at least two means of egress are provided from both floors served by the unenclosed stairways. Any two such interconnected floors shall not be open to other floors.

9. In other than occupancy Groups H and I, interior egress stairways serving only the first and second stories of a building equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 are not required to be enclosed, provided at least

two means of egress are provided from both floors served by the unenclosed stairways. Such interconnected stories shall not be open to other stories.

Section 1022.9; amend section to read as follows:

1022.9. Smokeproof enclosures and pressurized stairways. In buildings required to comply with Section 403 or 405, each of the exit enclosures serving a story with a floor service not more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9 144 mm) below... {remaining language unchanged}

Section 1024.1; change to read as follows:

1024.1; General. Approved luminous egress path markings delineating the exit path shall be provided in buildings of Groups A, B, E, I, M and R-1 having occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access in accordance with... {Remaining language unchanged}

Section 1026.6; amend exception #4 to read as follows:

Exceptions: {Exceptions 1 – 3 unchanged}

3. Separation from the open-ended corridors of the building... {remaining language unchanged}

Exception:

1. Buildings regulated under State Law and built in accordance with State registered plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of this Chapter.

2. A space used primarily for religious rituals, as determined by the owner or occupant. To facilitate plan review, the owner, or occupant shall include a clear designation of such areas with submitted plans. This exemption does not apply to common areas. Common areas include but are not limited to: parking facilities, accessible routes, walkways, hallways, toilet facilities, entrances, public telephones, drinking fountains, and exits.

Section 1106; Parking and Passenger Loading Facilities, is deleted in its entirety.

Section 1109.2.1; added at end of paragraph to read as follows: or as approved by the Building Official.

Chapter 14, Exterior Walls - Subsection 1404.1 General; is amended by the addition of a second paragraph to read as follows:

Materials used for the construction of exterior walls shall comply with the provisions of this section. Metal exterior walls are prohibited in any district but may be permitted in

- (1) Light Industrial –1 and Light Industrial –2 districts with prior approval of a site plan in accordance with the provisions of the comprehensive zoning ordinance; and
- (2) Accessory buildings not exceeding 120 square feet floor area in SF, PH, and 2F residential districts.

All other exterior wall materials and construction shall comply with the International Building Code unless an alternative has been approved by the Building Official.

Table 1505.1; replace footnotes b and c with the following:

b. Non-classified roof coverings shall be permitted on buildings of U occupancies having not more than 120 sq.ft. of projected roof area. When exceeding 120 sq.ft of projected roof area, buildings of U occupancies may use non-rated non-combustible roof coverings.

Section 1505.7; delete the section.

Section 1704, *SPECIAL INSPECTIONS*. is amended by amending Section 1704.1 seconded paragraph.

The special inspector shall not be employed by the contractor and shall be a qualified person, *approved agency or firm* who shall demonstrate competence, to the satisfaction of the *registered design professional in responsible charge*, for the inspection of the particular type of construction or operation requiring *special inspection*. The *registered design professional in responsible charge* and engineers of record involved in the design of the project are permitted to act as the *approved agency* and their personnel are permitted to act as the special inspector for the work designed by them, provided those personnel meet the qualification requirements of this section to the satisfaction of the *registered design professional in responsible charge*. Upon request the special inspector shall provide written documentation to the *building official* demonstrating to the *building official* his or her competence and relevant experience or training.....(remainder unchanged)

Section 1704.1.2. Report requirement, is amended to read as follows:

1704.1.2. Report requirement. Special inspectors shall keep records of inspections. The special inspector shall furnish inspection reports to the *building official* upon request and to the registered design professional in responsible charge. Individual inspections reports shall indicate that work inspected was or was not completed in conformance to approved construction documents. Discrepancies shall be brought to the immediate attention of the contractor for correction. If they are not corrected, the discrepancies shall be brought to the attention of the building official and to the registered design professional in responsible charge prior to completion of that phase of the work. A final report written by the registered design professional in responsible charge documenting all of the required special inspections, the special inspectors, and the corrective action taken for any discrepancies noted in the inspections shall be submitted by the applicant to the building official prior to issuing the certificate of occupancy or temporary certificate of occupancy.

Section 1704.2.2 Fabricator approval, is amended to read as follows:

1704.2.2 Fabricator approval. *Special inspections* required by Section 1704 are not required where the work is done on the premises of a fabricator that is enrolled in a nationally accepted inspections program acceptable to the registered design professional in responsible charge. At completion of fabrication, *the approved fabricator* shall submit a *certificate of compliance to the building official* upon request. A certificate of compliance shall also be submitted to the registered design professional in responsible charge stating that the work was performed in accordance with the approved construction documents.

Section 2308.4.3; add Section 2308.4.3 to read as follows:

2308.4.3 Application to engineered design. When accepted by the Building Official, any portion of this section is permitted to apply to buildings that are otherwise outside the limitations of this section provided that:

1. The resulting design will comply with the requirements specified in Chapter 16;
2. The load limitations of various elements of this section are not exceeded; and
3. The portions of this section which will apply are identified by an engineer in the construction documents.

Section 2901.1; add a sentence to read as follows:

The provisions of this Chapter are meant to work in coordination with the provisions of Chapter 4 of the International Plumbing Code. Should any conflicts arise between the two chapters, the Building Official shall determine which provision applies.

Section 2902.1; Add:

Where circumstances dictate that a different ratio is needed, the adjustment shall be approved by the Building Official.

1. B, M, and Assembly Occupancies: At least one drinking fountain shall be provided at each floor level in an approved location.
Exception: A drinking fountain need not be provided in a drinking or dining establishment
and B occupancies less than 2500 sq.ft. or M occupancies less than 3000 sq.ft.

Section 2902.2; change Exception 2 &3 as follows:

2. Remainder unchanged.....of 25 or less. Unless otherwise required by City of Plano Health Department.

3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 or less.

Section 3006.1; add Section 3006.1 to read as follows and renumber remaining sections:

3006.1, General. Elevator machine rooms shall be provided.”
{Renumber remaining sections.}

Section [F] 3006.4 {[F] 3006.5 if previous amendment adopted}; add a sentence to read as follows and delete exceptions #1 and #2.:

[F] 3006.4. Machine Rooms: {language unchanged}... Storage shall not be allowed within the elevator machine room. Provide approved signage at each entry door to the elevator machine room stating “Elevator Machinery – No Storage Allowed.”

Section 3109.1; change to read as follows:

3109.1 General. Swimming pools shall comply with the requirements of this section and other applicable sections of this code as well as also complying with applicable state laws.

Section 3109.5 Entrapment avoidance; is changed to read in its entirety as follows:

Entrapment avoidance see Texas Department of Health Section 265.190.

Section III. All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, 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. 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 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. This Ordinance shall become effective March 1, 2011, and after its passage and publication as required by law.

DULY PASSED AND APPROVED this, the 10th day of January, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		January 10, 2011		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady #5993				
CAPTION				
<p>An Ordinance of the City of Plano, Texas repealing in its entirety, City of Plano Ordinance No. 2008-4-38 codified as Division 2 Plumbing Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances; and adopting the 2009 Edition of the International Plumbing Code, with certain additions, deletions and amendments, as the Plumbing Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2010-11	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: This item has no fiscal impact.				
SUMMARY OF ITEM				
<p>This ordinance will adopt the most recent version of the International Plumbing Code published by the International Code Council and includes the regional amendments which have been developed by the North Central Texas Council of Governments. Public review of all construction related codes was addressed at work sessions held by the Building Standards Commission in September of 2010. Formal action was taken by the Building Standards Commission at its September 21, 2010 meeting. At that time, the Commission voted unanimously to forward this Code and amendments to the City Council for adoption as the Plumbing Code for the City of Plano</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Supporting letter from Council of Governments			Building Standards Commission	
Minutes from BSC 09/21/10				



Building Inspections
P.O. Box 860358
Plano, Texas 75086-0358
O: 972-941-7140 F: 972-941-7177
www.buildinginspections.org



MEMORANDUM

December 22, 2010

To: Tom Muehlenbeck, City Manager
From: Selso Mata, Chief Building Official
Subject: 2009 Code adoption
CC: Frank Turner, Deputy City Manager

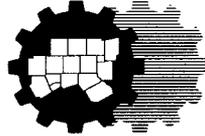
In mid 2009 and throughout 2010 the regional code committees in our North Texas area reviewed the International Code Council's 2009 construction codes and the National Fire Prevention Association's 2011 National Electrical Code (NEC). The culmination of these efforts is summarized in the attached memo from The North Central Texas Council of Governments (NCTCOG) with their recommendation for code adoption. Plano's Building Standards Commission (BSC) subsequently held four meetings this year to further review code amendments and receive stakeholder input. Meeting minutes are attached from each BSC hearing. As a result, the BSC unanimously recommends the 2009 International codes and the 2011 NEC with code amendments to the City Council for the January 10, 2011 meeting with an effective enforcement date of March 1, 2011.

The recommended codes with amendments are:

- 2009 – International Building Code
- 2009 – International Residential Code
- 2009 – International Plumbing Code
- 2009 – International Mechanical Code
- 2009 – International Fuel and Gas Code
- 2009 – International Energy Conservation Code
- 2011 – National Electrical Code

Please let me know if you have any questions or need additional information.

XC: Hugo Esparza, Fire Chief
David Kerr, Fire Marshal



North Central Texas Council Of Governments

TO: Jurisdictions throughout the North Central Texas Region **DATE:** November 23, 2010

SUBJECT: Model Construction Code Recommendations for North Central Texas

The North Central Texas Council of Governments (NCTCOG) has actively promoted the standardization of model construction codes since 1967 in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs.

In mid 2009, NCTCOG's Regional Codes Coordinating Committee (RCCC) directed its Code Advisory Boards to review the International Code Council's 2009 family of model construction codes and the National Fire Prevention Association's 2011 National Electrical Code. The Advisory Boards, comprised of 101 code professionals representing local jurisdictions and professional associations, held open meetings to consider the codes and achieve consensus on any needed regional amendments. Many national and regional subject matter experts also gave testimony and participated in the process.

As a result, the NCTCOG Executive Board, upon the recommendation of the RCCC and its Advisory Boards, encourages your jurisdiction to adopt the following model construction codes along with their respective regional amendments:

- ◆ **International Building Code – 2009 Edition**
- ◆ **International Residential Code – 2009 Edition**
- ◆ **International Fire Code – 2009 Edition**
- ◆ **International Plumbing Code – 2009 Edition**
- ◆ **International Mechanical Code – 2009 Edition**
- ◆ **International Fuel Gas Code – 2009 Edition**
- ◆ **International Energy Conservation Code - 2009 Edition**
- ◆ **National Electrical Code – 2011 Edition**

NCTCOG recommends adopting these codes with no local amendments other than the regional amendments with an effective date of **January 31, 2011** or as soon as possible thereafter. The ultimate goal is regional uniformity in the model construction codes for the North Central Texas region. NCTCOG feels strongly that municipalities, contractors, architects, builders, and manufacturers will benefit from the positive economic results coming from achievement of that goal.

As a follow-up measure, the RCCC intends to submit some of the regional amendments as proposed changes during the next international code change cycle. In the past, several NCTCOG regional amendments have been incorporated into the codes when those amendments were proposed as code changes to the main documents.

PLEASE NOTE:

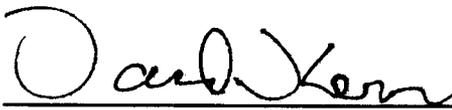
- 1) The Energy Efficiency amendments have been reviewed by the Energy Systems Laboratory (ESL) at Texas A&M to ensure equivalency with the current Energy Code adopted by the State of Texas (the 2003 International Energy Conservation Code).
- 2) The Energy Efficiency amendments have been reviewed by the Energy Systems Laboratory (ESL) at Texas A&M to ensure equivalency with the future Energy Code adopted by the State of Texas (the 2009 International Energy Conservation Code and Chapter 11 of the 2009 International Residential Code).
- 3) An International Code Compliance Calculator (ICCC) has been created by the ESL to demonstrate compliance with the State's Energy Conservation Requirements. The ICCC is "live" and can be accessed at <http://ecalc.tamu.edu>
- 4) There is a wide range in the fire fighting philosophies/capabilities of cities across the region; the consensus of the RCCC has been to include both an OPTION "A" and an OPTION "B" in the fire and building code amendments. Jurisdictions should choose one or the other based on their fire fighting philosophies/capabilities when adopting code amendments.

You may access our website at www.dfwcodes.com to obtain a copy of the recommended regional amendments. For more information regarding regional codes, contact Michael King, Environment & Development Planner, by email at mking@nctcog.org or by phone at (817) 695-9277.

We appreciate your support of our continued efforts toward regional code uniformity. Please send a copy of your adopting ordinance(s) to NCTCOG including amendments. Your ordinance will help us to document the effectiveness of the codes coordinating effort in our region and may be used to provide a model to other jurisdictions.


Mike Eastland, Executive Director
North Central Texas Council of Governments


John Promise, Director
Department of Environment and Development


David Kerr, Chairman
Regional Codes Coordinating Committee

MK/ez

Building Standards Commission
September 21, 2010

Present

Rich Prusha, Chairman
Art Stone
Mo Khoshkar
Gary Johnston
James Craft,
Kevan Benkowitz, Present, not seated
Mark Greer, Present, not seated.
Sylvia Reid, Present, not seated

Staff

Selso Mata, Building Official
John Gilliam, Assistant City Attorney
Cliff Bormann, Assistant Building Official
Gary Miles, Assistant Building Official
Tony Han, Plan Review Services Supervisor
Diana Casady, Sr. Administrative Assistant

1. Public comments: **No Public Comment**
2. Approval of Minutes from March 16, 2010 meeting.
Quorum was not present to pass the minutes from the March 16th meeting.
3. Approval of Minutes from April 20, 2010 meeting
Quorum was not present to pass the minutes from the April 20th meeting
4. Approval of Minutes from August 17, 2010 meeting
Mr. Johnston made the motion to approve the minutes of the August 17, 2010 meeting as written, Mr. Khoshkar seconded the motion. The Commission voted 5/0 in favor of approving the minutes from August 17, 2010.
5. Discussion and consideration of recommendation to City Council for the adoption of the 2009 International Plumbing Code, the 2009 International Mechanical Code, the 2009 International Fuel Gas Code, and the 2009 International Building Code
Building Official, Selso Mata, opened the presentation of the I Codes to the Commission and introduced Gary Miles, Assistant Building Official to present the International Plumbing Code, Mr. Miles presented the IPC and let the Commission know that the Amendments have not changed since the last code cycle and went over the Local Amendments with the Commission.
Mr. Miles presented the International Mechanical Code and answered questions from the Commission.

Mr. Miles presented the International Fuel Gas Code and answered questions from the Commission, the Fuel Gas Code has not changed since the last code cycle.

Cliff Bormann, Assistant Building Official, presented the 2009 International Building Code to the Commission, and answered questions from the Commission.

After hearing the Presentation, Commission Member Art Stone made the motion to Recommend approval for the 2009 International Plumbing Code amendments, 2009 International Mechanical Code amendments, 2009 International Fuel Gas Code amendments and the 2009 International Building Code Amendments as reviewed at this meeting, recognizing there is subject to changes made in future discussions. Commission member Gary Johnston seconded the motion. The Commission voted 5/0 in favor of this recommendation.

6. Items for future agendas

Code Review for the 2009 International Residential and 2009 Energy Conservation Codes on October 19, 2010

2200 Treehouse Lane, tabled from the August 17, 2010 meeting.

The Public Hearing adjourned at 5: 03 P.M.


Rich Prusha, Chairman

An Ordinance of the City of Plano, Texas repealing in its entirety, City of Plano Ordinance No. 2008-4-38 codified as Division 2 Plumbing Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances; and adopting the 2009 Edition of the International Plumbing Code, with certain additions, deletions and amendments, as the Plumbing Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on April 28, 2008, by Ordinance No. 2008-4-38, the City Council of the City of Plano established a Plumbing Code and provided regulations thereunder, and such Ordinances were codified as Division 2, Plumbing Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances of the City of Plano, (“City”); and

WHEREAS, on September 21, 2010, the Building Standards Commission held a public hearing to discuss the adoption of the 2009 Edition of the International Plumbing Code, a publication of the International Code Council (I.C.C.), along with the Appendices of such Code, and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, Upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2009 Edition of the International Plumbing Code, along with the Appendices of such Code and the local amendments thereto, should be approved and adopted as the Plumbing Code of the City.

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

Section I. Ordinance No. 2008-4-38, duly passed and approved by the city Council of the City of Plano on April 28, 2008 is hereby repealed in its entirety.

Section II. A new Division 2, Plumbing Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances is hereby adopted and shall read in its entirety as follows:

DIVISION 2 PLUMBING CODE

Sec. 6-236. Penalty.

- (a) 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.

- (b) Civil. The City may file a civil action for enforcement of this Division with civil penalties up to \$1,000.00 per day for each offense as authorized by Subchapter B of Chapter 54 of the Texas Local Government Code, as amended.

Sec. 6-237. Adopted.

The 2009 Edition of the International Plumbing Code a publication of the International Code Council (I.C.C.) along with the appendices of such Code is hereby adopted and designated as the Plumbing Code of the City, to the same extent as if such code were copied verbatim in this Section, subject to the deletions, additions and amendments prescribed in this Division. A copy of the 2009 Edition of the International Plumbing Code is on file in the office of the City Secretary.

Sec. 6-238. Administrative authority.

For purposes of this Division and interpreting the Code adopted in this Division, the term “Administrative Authority” shall mean the Building Official of the City, his agents and employees who are hereby empowered with the authority to administer and enforce the provisions of this Division and the Plumbing Code.

Sec. 6-239. Deletions, Additions, Amendments.

The following deletions, additions, and amendments to the International Plumbing Code adopted in this Division are hereby approved and adopted:

Table of Contents, Chapter 7, Section 714; change to read as follows:

Section 714 Engineered_Drainage Design 67

Section 102.8; change to read as follows:

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 13 and such codes, when specifically adopted, and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC *Electrical Code* shall mean the Electrical Code as adopted.

Sections 106.6.2 and 106.6.3; change to read as follows:

106.6.2 Fee schedule. The fees for all plumbing work shall be as adopted by resolution of

the governing body of the jurisdiction.

106.6.3 Fee Refunds. The code official shall establish a policy for authorizing the refunding of fees

109.1 Application for appeal. Any person shall have the right to appeal a decision of the code official to the board of appeals established by ordinance. The board shall be governed by the enabling ordinance.

Section 305.6.1; change to read as follows:

305.6.1 Sewer depth. Building sewers shall be a minimum of 12 inches (304 mm) below grade.

Section 305.9; change to read as follows:

305.9 Protection of components of plumbing system. Components of a plumbing system installed within 3 feet along alleyways, driveways, parking garages or other locations in a manner in which they would be exposed to damage shall be recessed into the wall or otherwise protected in an *approved* manner.

Section 310.4; delete.

Section 310.5; delete.

Sections 312.10.1 and 312.10.2; change to read as follows:

312.10.1 Inspections. Annual inspections shall be made of all backflow prevention assemblies and air gaps to determine whether they are operable. In the absence of local provisions, the owner is responsible to ensure that testing is performed.

312.10.2 Testing. Reduced pressure principle backflow preventer assemblies, double check-valve assemblies, pressure vacuum breaker assemblies, reduced pressure detector fire protection backflow prevention assemblies, double check detector fire protection backflow prevention assemblies, hose connection backflow preventers, and spill-proof vacuum breakers shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with applicable local provisions. In the absence of local provisions, the owner is responsible to ensure that testing is done in accordance with one of the following standards: *{list of standards unchanged}*

Section 314.2.1; change to read as follows:

314.2.1 Condensate disposal. Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to an *approved* place of disposal. ... {language

unchanged} ... Condensate shall not discharge into a street, alley, sidewalk, rooftop, or other areas so as to cause a nuisance.

Section 314.2.2; change to read as follows:

314.2.2 Drain pipe materials and sizes. Components of the condensate disposal system shall be cast iron, galvanized steel, copper, cross-linked polyethylene, polyethylene, ABS, CPVC, or schedule 80 PVC pipe or tubing when exposed to ultra violet light. All components shall be selected for the pressure, temperature and exposure rating of the installation. Joints and connections shall be made in accordance with the applicable provisions of Chapter 7 relative to the material type. Condensate waste and drain line size shall not be less than ¾-inch (19 mm) internal diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with Table 314.2.2. All horizontal sections of drain piping shall be installed in uniform alignment at a uniform slope.

Section 401.1; add a sentence to read as follows:

The provisions of this Chapter are meant to work in coordination with the provisions of the Building Code. Should any conflicts arise between the two chapters, the Code Official shall determine which provision applies.

Section 403.1; Add

403.1 Minimum number of fixtures. Where circumstances dictate that a different ratio is needed, the adjustment shall be approved by the Building Official.

1. B,M, and Assembly Occupancies: At least one drinking fountain shall be provided at each floor level in an *approved* location.

Exception: A drinking fountain need not be provided in a drinking or dining establishment and B Occupancies less than 2500 sq.ft. or M Occupancies less than 3000 sq. ft.

Section 403.1.2; add Section 403.1.2 to read as follows:

403.1.2 Finish material. Finish materials shall comply with Section 1209 of the *International Building Code*.

Section 405.6; delete.

Section 409.2; change to read as follows:

409.2 Water connection. The water supply to a commercial dishwashing machine shall be protected against backflow by an air gap or backflow preventer in accordance with Section 608.

Section 410.1; change to read as follows:

410.1 Approval. Drinking fountains shall conform to ASME A112.19.1M, ASME A112.19.2M or ASME A112.19.9M, and water coolers shall conform to ARI 1010. Drinking fountains and water coolers shall conform to NSF 61, Section 9.

Exception: A drinking fountain need not be provided in a drinking or dining establishment.

Section 412.4; change to read as follows:

412.4 Required location. Floor drains shall be installed in the following areas.

1. In public coin-operated laundries and in the central washing facilities of multiple family dwellings, the rooms containing automatic clothes washers shall be provided with floor drains located to readily drain the entire floor area. Such drains shall have a minimum outlet of not less than 3 inches (76 mm) in diameter.
2. Commercial kitchens. In lieu of floor drains in commercial kitchens, the code official may accept floor sinks.

Section 417.5; change to read as follows:

417.5 Shower floors or receptors. Floor surfaces shall be constructed of impervious, noncorrosive, nonabsorbent and waterproof materials.

Thresholds shall be a minimum of 2 inches (51 mm) and a maximum of 9 inches (229 mm), measured from top of the drain to top of threshold or dam. Thresholds shall be of sufficient width to accommodate a minimum twenty-two (22) inch (559 mm) door.

Exception: Showers designed to comply with ICC/ANSI A117.1.

Section 417.5.2; change to read as follows:

417.5.2 Shower lining. Floors under shower compartments, except where prefabricated receptors have been provided, shall be lined and made water tight utilizing material complying with Sections 417.5.2.1 through 417.5.2.5. Such liners shall turn up on all sides at least 2 3 inches (54 76 mm) above the finished threshold level and shall extend outward over the threshold and fastened to the outside of the threshold jamb. Liners shall be recessed and fastened to an *approved* backing so as not to occupy the space required for wall covering, and shall not be nailed or perforated at any point less than 1 inch (25 mm) above the finished threshold. Liners shall be pitched one-fourth unit vertical in 12

units horizontal (2-percent slope) and shall be sloped toward the fixture drains and be securely fastened to the waste outlet at the seepage entrance, making a water-tight joint between the liner and the outlet. The completed liner shall be tested in accordance with Section 312.9 and Section 417.7.

Section 417.7; add Section 417.7 to read as follows:

417.7 Test for shower receptors. Shower receptors shall be tested for water tightness by filling with water to the level of the rough threshold. The drain shall be plugged in a manner so that both sides of pans shall be subjected to the test at the point where it is clamped to the drain.

Section 419.3; change to read as follows:

419.3 Surrounding material. Wall and floor space to a point 2 feet (610 mm) in front of a urinal lip and 4 feet (1219 mm) above the floor and at least 2 feet (610 mm) to each side of the urinal shall be waterproofed with a smooth, readily cleanable, hard, nonabsorbent material.

Section 502.3; change to read as follows:

502.3 Water heaters installed in attics.

Attics containing a water heater shall be provided with an opening and unobstructed passageway large enough to allow removal of the water heater. The passageway shall not be less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length when measured along the centerline of the passageway from the opening to the water heater. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) wide. A level service space at least 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the water heater. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm) , or larger where such dimensions are not large enough to allow removal of the water heater.

Section 502.6; Add Section 502.6 to read as follows:

502.6 Water heaters above ground or floor. When the attic, roof, mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A max 10 gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and a water heater is installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

502.6.1 Illumination and convenience outlet. Whenever the mezzanine or platform is not adequately lighted or access to a receptacle outlet is not obtainable from the main level, lighting and a receptacle outlet shall be provided in accordance with Section 502.1.

Section 504.6; change to read as follows:

504.6 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.

Exception: Multiple relief devices may be installed to a single T & P discharge piping system when *approved* by the administrative authority and permitted by the manufactures installation instructions and installed with those instruction..

5. Discharge to a an indirect waste receptor or to the outdoors. Where discharging to the outdoors in areas subject to freezing, discharge piping shall be first piped to an indirect waste receptor through an air gap located in a conditioned area.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed so as to flow by gravity.
10. Not terminate less than 6 inches or more than 24 inches (152 mm) above grade nor more than 6 inches above the waste receptor.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 605.4 or materials tested, rated and *approved* for such use in accordance with ASME A112.4.1.

Section 604.4; add Section 604.4.1 to read as follows:

604.4.1 State maximum flow rate. Where the State mandated maximum flow rate is more restrictive than those of this section, the State flow rate shall take precedence.

Table 605.3; Water Service Pipe. Delete Polyvinyl Chloride (PVC) Plastic Pipe from table.

Section 606.1; delete items #4 and #5.

Section 606.2; change to read as follows:

606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:

1. On the fixture supply to each plumbing fixture other than bathtubs and showers in one- and two-family residential occupancies, and other than in individual sleeping units that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.
2. On the water supply pipe to each appliance or mechanical equipment.

Section 608.1; change to read as follows:

608.1 General. A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from nonpotable liquids, solids or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system. Backflow preventer applications shall conform to applicable local regulations, Table 608.1 and as specifically stated in Sections 608.2 through 608.16.10.

Section 608.16.5; change to read as follows:

608.16.5 Connections to lawn irrigation systems.

The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double-check assembly or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

Section 608.17; change to read as follows:

608.17 Protection of individual water supplies. An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with applicable local regulations. In the absence of other local regulations, installation shall be in accordance with Sections 608.17.1 through 608.17.8.

Section 610.1; add exception to read as follows:

610.1 General. New or repaired potable water systems shall be purged of deleterious matter and disinfected prior to utilization. The method to be followed shall be that prescribed by the health authority or water purveyor having jurisdiction or, in the absence of a prescribed method, the procedure described in either AWWA C651 or AWWA C652, or as described in this section. This requirement shall apply to “on-site” or “inplant” fabrication of a system or to a modular portion of a system.

1. The pipe system shall be flushed with clean, potable water until dirty water does not appear at the points of outlet.
2. The system or part thereof shall be filled with a water/chlorine solution containing at least 50 parts per million (50 mg/L) of chlorine, and the system or part thereof shall be valved off and allowed to stand for 24 hours; or the system or part thereof shall be filled with a water/chlorine solution containing at least 200 parts per million (200 mg/L) of chlorine and allowed to stand for 3 hours.
3. Following the required standing time, the system shall be flushed with clean potable water until the chlorine is purged from the system.
4. The procedure shall be repeated where shown by a bacteriological examination that contamination remains present in the system.

Exception: With prior approval the Code Official may wave this requirement when deemed un-necessary by the Code Official.

Section 712.5; add Section 712.5 to read as follows:

712.5 Dual Pump System. All sumps shall be automatically discharged and, when in any “public use” occupancy where the sump serves more than 10 fixture units, shall be provided with dual pumps or ejectors arranged to function independently in case of overload or mechanical failure. For storm drainage sumps and pumping systems, see Section 1113.

Section 714, 714.1; change to read as follows:

714.1 Design of drainage system. The sizing, design and layout of the drainage system shall be permitted to be designed by *approved* design methods.

Section 802.1.6; change to read as follows:

802.1.6 Domestic dishwashing machines. Domestic dishwashing machines shall discharge indirectly through an air gap or air break into a standpipe or waste receptor in accordance with Section 802.2, or discharge into a wye-branch fitting on the tailpiece of the kitchen sink or the dishwasher connection of a food waste grinder. The waste line of a domestic dishwashing machine discharging into a kitchen sink tailpiece or food waste grinder shall connect to a deck-mounted air gap.

Section 802.4; add a sentence to the end of the paragraph to read as follows:

No standpipe shall be installed below the ground.

Section 904.1; change to read as follows:

904.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least six (6) inches (152 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

Section 906.1; change to read as follows:

906.1 Distance of trap from vent. Each fixture trap shall have a protecting vent located so that the slope and the developed length in the fixture drain from the trap weir to the vent fitting are within the requirements set forth in Table 906.1.

Section 912.1; change to read as follows:

912.1 Type of fixture. A combination drain and vent system shall not serve fixtures other than floor drains, standpipes, and indirect waste receptors. Combination drain and vent systems shall not receive the discharge from a food waste grinder or clinical sink.

Section 1002.10; delete.

**Section 1101.8; change to read as follows:*

1101.8 Cleanouts required. Cleanouts shall be installed in the building storm drainage system and shall comply with the provisions of this code for sanitary drainage pipe cleanouts.

Exception: Subsurface drainage system

Section 1106.1; change to read as follows:

1106.1 General. The size of the vertical conductors and leaders, building storm drains, building storm sewers, and any horizontal branches of such drains or sewers shall be based on six (6) inches per hour rainfall rate

Section 1107.3; change to read as follows:

1107.3 Sizing of secondary drains. Secondary (emergency) roof drain systems shall be sized in accordance with Section 1106 Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by Section 1101.7. Scuppers shall not have an opening dimension of less than 4 inches (102

mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

Section 1202.1; delete Exception 2.

Section III. All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, 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. 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 provision of any Ordinances 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. This Ordinance shall become effective March 1, 2011, and after its passage and publication as required by law.

DULY PASSED AND APPROVED this 10th day of January, 2011

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		January 10, 2011		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady #5993				
CAPTION				
<p>An Ordinance of the City of Plano Texas, repealing in its entirety, City of Plano Ordinance No. 2008-4-37 codified as Division 3, Mechanical Code, or Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances of the City; and adopting the 2009 Edition of the International Mechanical Code, with certain additions, deletions, and amendments, as the Mechanical Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2010-11	Prior Year (CIP Only)	Current Year	Future Years
		0	0	0
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S):				
COMMENTS: This item has no fical impact.				
SUMMARY OF ITEM				
<p>This ordinance will adopt the most recent version of the International Mechanical Code published by the International Code Council and includes the regional amendments which have been developed by the North Central Texas Council of Governments. Public review of all construction related codes was addressed at work sessions held by the Building Standards Commission in September of 2010. Formal action was taken by the Building Standards Commission at its September 21, 2010 meeting. At that time, the Commission voted unanimously to forward this Code and amendments to the City Council for adoption as the Mechanical Code for the City of Plano</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Supporting letter from Council of Governments			Building Standards Commission	
Minutes from BSC 09/21/10				



Building Inspections
P.O. Box 860358
Plano, Texas 75086-0358
O: 972-941-7140 F: 972-941-7177
www.buildinginspections.org



MEMORANDUM

December 22, 2010

To: Tom Muehlenbeck, City Manager
From: Selso Mata, Chief Building Official
Subject: 2009 Code adoption
CC: Frank Turner, Deputy City Manager

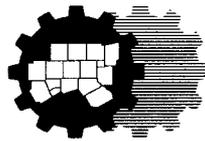
In mid 2009 and throughout 2010 the regional code committees in our North Texas area reviewed the International Code Council's 2009 construction codes and the National Fire Prevention Association's 2011 National Electrical Code (NEC). The culmination of these efforts is summarized in the attached memo from The North Central Texas Council of Governments (NCTCOG) with their recommendation for code adoption. Plano's Building Standards Commission (BSC) subsequently held four meetings this year to further review code amendments and receive stakeholder input. Meeting minutes are attached from each BSC hearing. As a result, the BSC unanimously recommends the 2009 International codes and the 2011 NEC with code amendments to the City Council for the January 10, 2011 meeting with an effective enforcement date of March 1, 2011.

The recommended codes with amendments are:

- 2009 – International Building Code
- 2009 – International Residential Code
- 2009 – International Plumbing Code
- 2009 – International Mechanical Code
- 2009 – International Fuel and Gas Code
- 2009 – International Energy Conservation Code
- 2011 – National Electrical Code

Please let me know if you have any questions or need additional information.

XC: Hugo Esparza, Fire Chief
David Kerr, Fire Marshal



North Central Texas Council Of Governments

TO: Jurisdictions throughout the North Central Texas Region **DATE:** November 23, 2010

SUBJECT: Model Construction Code Recommendations for North Central Texas

The North Central Texas Council of Governments (NCTCOG) has actively promoted the standardization of model construction codes since 1967 in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs.

In mid 2009, NCTCOG's Regional Codes Coordinating Committee (RCCC) directed its Code Advisory Boards to review the International Code Council's 2009 family of model construction codes and the National Fire Prevention Association's 2011 National Electrical Code. The Advisory Boards, comprised of 101 code professionals representing local jurisdictions and professional associations, held open meetings to consider the codes and achieve consensus on any needed regional amendments. Many national and regional subject matter experts also gave testimony and participated in the process.

As a result, the NCTCOG Executive Board, upon the recommendation of the RCCC and its Advisory Boards, encourages your jurisdiction to adopt the following model construction codes along with their respective regional amendments:

- ◆ **International Building Code – 2009 Edition**
- ◆ **International Residential Code – 2009 Edition**
- ◆ **International Fire Code – 2009 Edition**
- ◆ **International Plumbing Code – 2009 Edition**
- ◆ **International Mechanical Code – 2009 Edition**
- ◆ **International Fuel Gas Code – 2009 Edition**
- ◆ **International Energy Conservation Code - 2009 Edition**
- ◆ **National Electrical Code – 2011 Edition**

NCTCOG recommends adopting these codes with no local amendments other than the regional amendments with an effective date of **January 31, 2011** or as soon as possible thereafter. The ultimate goal is regional uniformity in the model construction codes for the North Central Texas region. NCTCOG feels strongly that municipalities, contractors, architects, builders, and manufacturers will benefit from the positive economic results coming from achievement of that goal.

As a follow-up measure, the RCCC intends to submit some of the regional amendments as proposed changes during the next international code change cycle. In the past, several NCTCOG regional amendments have been incorporated into the codes when those amendments were proposed as code changes to the main documents.

PLEASE NOTE:

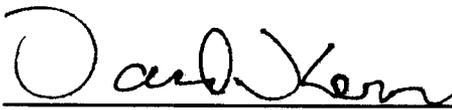
- 1) The Energy Efficiency amendments have been reviewed by the Energy Systems Laboratory (ESL) at Texas A&M to ensure equivalency with the current Energy Code adopted by the State of Texas (the 2003 International Energy Conservation Code).
- 2) The Energy Efficiency amendments have been reviewed by the Energy Systems Laboratory (ESL) at Texas A&M to ensure equivalency with the future Energy Code adopted by the State of Texas (the 2009 International Energy Conservation Code and Chapter 11 of the 2009 International Residential Code).
- 3) An International Code Compliance Calculator (ICCC) has been created by the ESL to demonstrate compliance with the State's Energy Conservation Requirements. The ICCC is "live" and can be accessed at <http://ecalc.tamu.edu>
- 4) There is a wide range in the fire fighting philosophies/capabilities of cities across the region; the consensus of the RCCC has been to include both an OPTION "A" and an OPTION "B" in the fire and building code amendments. Jurisdictions should choose one or the other based on their fire fighting philosophies/capabilities when adopting code amendments.

You may access our website at www.dfwcodes.com to obtain a copy of the recommended regional amendments. For more information regarding regional codes, contact Michael King, Environment & Development Planner, by email at mking@nctcog.org or by phone at (817) 695-9277.

We appreciate your support of our continued efforts toward regional code uniformity. Please send a copy of your adopting ordinance(s) to NCTCOG including amendments. Your ordinance will help us to document the effectiveness of the codes coordinating effort in our region and may be used to provide a model to other jurisdictions.


Mike Eastland, Executive Director
North Central Texas Council of Governments


John Promise, Director
Department of Environment and Development


David Kerr, Chairman
Regional Codes Coordinating Committee

MK/ez

Building Standards Commission
September 21, 2010

Present

Rich Prusha, Chairman
Art Stone
Mo Khoshkar
Gary Johnston
James Craft,
Kevan Benkowitz, Present, not seated
Mark Greer, Present, not seated.
Sylvia Reid, Present, not seated

Staff

Selso Mata, Building Official
John Gilliam, Assistant City Attorney
Cliff Bormann, Assistant Building Official
Gary Miles, Assistant Building Official
Tony Han, Plan Review Services Supervisor
Diana Casady, Sr. Administrative Assistant

1. Public comments: **No Public Comment**
2. Approval of Minutes from March 16, 2010 meeting.
Quorum was not present to pass the minutes from the March 16th meeting.
3. Approval of Minutes from April 20, 2010 meeting
Quorum was not present to pass the minutes from the April 20th meeting
4. Approval of Minutes from August 17, 2010 meeting
Mr. Johnston made the motion to approve the minutes of the August 17, 2010 meeting as written, Mr. Khoshkar seconded the motion. The Commission voted 5/0 in favor of approving the minutes from August 17, 2010.
5. Discussion and consideration of recommendation to City Council for the adoption of the 2009 International Plumbing Code, the 2009 International Mechanical Code, the 2009 International Fuel Gas Code, and the 2009 International Building Code
Building Official, Selso Mata, opened the presentation of the I Codes to the Commission and introduced Gary Miles, Assistant Building Official to present the International Plumbing Code, Mr. Miles presented the IPC and let the Commission know that the Amendments have not changed since the last code cycle and went over the Local Amendments with the Commission.

Mr. Miles presented the International Mechanical Code and answered questions from the Commission.

Mr. Miles presented the International Fuel Gas Code and answered questions from the Commission, the Fuel Gas Code has not changed since the last code cycle.

Cliff Bormann, Assistant Building Official, presented the 2009 International Building Code to the Commission, and answered questions from the Commission.

After hearing the Presentation, Commission Member Art Stone made the motion to Recommend approval for the 2009 International Plumbing Code amendments, 2009 International Mechanical Code amendments, 2009 International Fuel Gas Code amendments and the 2009 International Building Code Amendments as reviewed at this meeting, recognizing there is subject to changes made in future discussions. Commission member Gary Johnston seconded the motion. The Commission voted 5/0 in favor of this recommendation.

6. Items for future agendas

Code Review for the 2009 International Residential and 2009 Energy Conservation Codes on October 19, 2010

2200 Treehouse Lane, tabled from the August 17, 2010 meeting.

The Public Hearing adjourned at 5: 03 P.M.


Rich Prusha, Chairman

An Ordinance of the City of Plano Texas, repealing in its entirety, City of Plano Ordinance No. 2008-4-37 codified as Division 3, Mechanical Code, or Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances of the City; and adopting the 2009 Edition of the International Mechanical Code, with certain additions, deletions, and amendments, as the Mechanical Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on April 28, 2008, by Ordinance No. 2008-4-37, the City Council of the City of Plano established a Mechanical Code and regulations thereunder, and such Ordinance was codified as Division 3, Mechanical Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances of the City of Plano (“City”); and

WHEREAS, on September 21, 2010, the Building Standards Commission held a public hearing to discuss the adoption of the 2009 Edition of the International Mechanical Code, a publication of the International Code Council (I.C.C.), along with the appendices of such Code, and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2009 Edition of the International Mechanical Code and the local amendments thereto, should be approved and adopted as the Mechanical Code of the City.

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

Section I. Ordinance No. 2008-4-37 duly passed and approved by the City Council of the City of Plano on April 28, 2008, and codified as Division 3, Mechanical Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances, is hereby repealed in its entirety.

Section II. A new Division 3, Mechanical Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances is hereby adopted and shall read in its entirety as follows:

“DIVISION 3. MECHANICAL CODE

Sec. 6-251. Penalty.

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.

Sec. 6-252. Adopted.

The 2009 Edition of the International Mechanical Code, a publication of the International Code Council (I.C.C.), along with the Appendices of such Code, are hereby adopted and designated as the Mechanical Code of the City, to the same extent as if such Code were copied verbatim in this section, subject to the deletions, amendments, and additions prescribed in this Division. A copy of the 2009 Edition of the International Mechanical Code is on file in the office of the City Secretary.

Sec. 6-253. Administrative Authority.

For purposes of this Division and interpreting the Code adopted in this Division, the term “Administrative Authority” shall mean the Building Official of the City, his agents, and employees who are hereby empowered with the authority to administer and enforce the provisions of this Division and the Mechanical Code.

Sec. 6-254. Deletions, Additions, Amendments.

The following deletions, additions, and amendments to the International Mechanical Code adopted in this Division are hereby approved and adopted:

Chapter 1 Administration

Section 102.8 Referenced codes and standards; change to read as follows:

The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC *Electrical Code* shall mean the Electrical Code as adopted.

Chapter 3 General Regulations

Section 304.6 Private Garages; this section is deleted.

Section 304.9; change to read as follows:

304.9 Clearances from grade. Equipment and appliances installed at grade level shall be supported on a level concrete slab or other approved material extending above adjoining

grade a minimum of 3 inches (76 mm) or shall be suspended a minimum of 6 inches (152 mm) above adjoining grade.

Section 306.3; change to read as follows:

306.3 Appliances in attics. Attics containing appliances requiring access shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest appliance. The passageway shall not be less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous unobstructed solid flooring not less than 22 inches (559 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest appliance. As a minimum, access to the attic space shall be provided by one of the following:

1. A permanent stair.
2. A pull down stair.
3. An access door from an upper floor level.
4. Access Panel may be used in lieu items 1,2,and 3 with prior approval of the code official due to structural conditions.

Exception: The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening.

Section 306.5 Equipment and appliances on roofs or elevated structures; is changed to read as follows:

Where equipment and appliances requiring access are installed on roofs or elevated structures at an aggregate height exceeding 16 feet (4877 mm), such access shall be provided by a permanent approved means of access. Permanent exterior ladders providing roof access need not extend closer than 12 feet (3038 mm) to the finish grade or floor level below and shall extend to the equipment and appliance's level service space. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) high or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope).

A receptacle outlet shall be provided at or near the equipment and appliance location in accordance with the Electrical Code.

Add Section 306.5.1 Sloped roofs.; to read as follows:

Where appliances, equipment, fans or other components that require service are installed on roofs having slopes greater than 4 units vertical in 12 units horizontal and having an edge more than 30 inches (762mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which access is required for service, repair or maintenance. The platform shall be not less than 30 inches (762mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533mm) sphere and shall comply with the loading requirements for guards specified in the International Building Code.

Add Section 306.6 Water heaters above ground or floor; to read as follows:

When the mezzanine or platform in which a water heater is installed is more than eight 8 feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A max 10 gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and a water heater is installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

306.6.1 Whenever the mezzanine or platform is not adequately lighted or access to a receptacle outlet is not obtainable from the main level, lighting and a receptacle outlet shall be provided in accordance with Section 306.3.1.

Section 307.2.1 Condensate disposal; is changed to read as follows:

Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to an approved place of disposal. Condensate shall not discharge in a publicly exposed area such as into a street, alley, sidewalk, rooftop or other areas so as to cause a nuisance.

Section 307.2.2; change to read as follows:

307.2.2 Drain pipe materials and sizes. Components of the condensate disposal system shall be cast iron, galvanized steel, copper, cross-linked polyethylene, polybutylene, polyethylene, ABS, CPVC or schedule 80 PVC pipe or tubing when exposed to ultra violet light. All components shall be selected for the pressure, temperature, and exposure rating of the installation. Condensate waste and drain line size shall be not less than $\frac{3}{4}$ - inch (19 mm) internal diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than

one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with an approved method. All horizontal sections of drain piping shall be installed in uniform alignment at a uniform slope.

Section 307.2.3 Auxiliary and secondary drain systems; amend item #2 to read as follows:

2. A separate overflow drain line shall be connected to the drain pan provided with the equipment. Such overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection. However, the conspicuous point shall not create a hazard such as dripping over a walking surface or other areas so as to create a nuisance.

Chapter 4 Ventilation

Section 403.2.1 Recirculation of air; add an item #5 to read as follows:

5. Toilet rooms within private dwellings that contain only a water closet, lavatory or combination thereof may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

Table 403.3 Ventilation rate; footnote g: changed to read as follows:

- g. Transfer air permitted in accordance with Section 403.2.2. Toilet rooms within private dwellings that contain only a water closet, lavatory or combination thereof may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

Section 501.2; add a third exception to read as follows:

Exceptions:

1. *{existing exception unchanged}*
2. *{existing exception unchanged}*
3. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.

Section 504.6 Domestic Clothes Dryer Ducts; add a sentence to read as follows:

The size of duct shall not be reduced along its developed length nor at the point of termination.

Section 607.5.1 Fire Walls; is changed to read as follows:

Ducts and air transfer openings permitted in fire walls in accordance with Section 705.11 of the *International Building Code* shall be protected with listed fire dampers installed in accordance with their listing. For hazardous exhaust systems see Section 510.1-510.9 IMC

Section III. All provisions of the Code of Ordinances of the city of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code or Ordinances of the City of Plano, 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. 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 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. This Ordinance shall become effective March 1, 2011, and after its passage and publication as required by law.

DULY PASSED AND APPROVED this the 10th day of January, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		January 10, 2011		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady #5993				
CAPTION				
<p>An Ordinance of the City of Plano, Texas; repealing in its entirety, City of Plano Ordinance 2008-4-38 codified as Article XIX, Fuel Gas Code, of Chapter 6 of the Code of Ordinances; and adopting the 2009 Edition of the International Fuel Gas Code, with certain additions, deletions, and amendments, as the Fuel Gas Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2010-11	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: This item has no fiscal impact.				
SUMMARY OF ITEM				
<p>This ordinance will adopt the most recent version of the International Fuel Gas Code, published by the International Code Council and includes the regional amendments which have been developed by the North Central Texas Council of Governments. Public review of all construction related codes was addressed at work sessions held by the Building Standards Commission in September and November of 2010. Formal action was taken by the Building Standards Commission at its September 21, 2010 meeting. At that time, the Commission voted unanimously to forward this Code and amendments to the City Council for adoption as the Fuel Gas Code for the City of Plano</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Supporting letter from Council of Governments			Building Standards Commission	
Minutes from BSC 09/21/10				



Building Inspections
P.O. Box 860358
Plano, Texas 75086-0358
O: 972-941-7140 F: 972-941-7177
www.buildinginspections.org



MEMORANDUM

December 22, 2010

To: Tom Muehlenbeck, City Manager
From: Selso Mata, Chief Building Official
Subject: 2009 Code adoption
CC: Frank Turner, Deputy City Manager

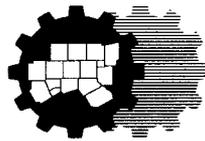
In mid 2009 and throughout 2010 the regional code committees in our North Texas area reviewed the International Code Council's 2009 construction codes and the National Fire Prevention Association's 2011 National Electrical Code (NEC). The culmination of these efforts is summarized in the attached memo from The North Central Texas Council of Governments (NCTCOG) with their recommendation for code adoption. Plano's Building Standards Commission (BSC) subsequently held four meetings this year to further review code amendments and receive stakeholder input. Meeting minutes are attached from each BSC hearing. As a result, the BSC unanimously recommends the 2009 International codes and the 2011 NEC with code amendments to the City Council for the January 10, 2011 meeting with an effective enforcement date of March 1, 2011.

The recommended codes with amendments are:

- 2009 – International Building Code
- 2009 – International Residential Code
- 2009 – International Plumbing Code
- 2009 – International Mechanical Code
- 2009 – International Fuel and Gas Code
- 2009 – International Energy Conservation Code
- 2011 – National Electrical Code

Please let me know if you have any questions or need additional information.

XC: Hugo Esparza, Fire Chief
David Kerr, Fire Marshal



North Central Texas Council Of Governments

TO: Jurisdictions throughout the North Central Texas Region **DATE:** November 23, 2010

SUBJECT: Model Construction Code Recommendations for North Central Texas

The North Central Texas Council of Governments (NCTCOG) has actively promoted the standardization of model construction codes since 1967 in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs.

In mid 2009, NCTCOG's Regional Codes Coordinating Committee (RCCC) directed its Code Advisory Boards to review the International Code Council's 2009 family of model construction codes and the National Fire Prevention Association's 2011 National Electrical Code. The Advisory Boards, comprised of 101 code professionals representing local jurisdictions and professional associations, held open meetings to consider the codes and achieve consensus on any needed regional amendments. Many national and regional subject matter experts also gave testimony and participated in the process.

As a result, the NCTCOG Executive Board, upon the recommendation of the RCCC and its Advisory Boards, encourages your jurisdiction to adopt the following model construction codes along with their respective regional amendments:

- ◆ **International Building Code – 2009 Edition**
- ◆ **International Residential Code – 2009 Edition**
- ◆ **International Fire Code – 2009 Edition**
- ◆ **International Plumbing Code – 2009 Edition**
- ◆ **International Mechanical Code – 2009 Edition**
- ◆ **International Fuel Gas Code – 2009 Edition**
- ◆ **International Energy Conservation Code - 2009 Edition**
- ◆ **National Electrical Code – 2011 Edition**

NCTCOG recommends adopting these codes with no local amendments other than the regional amendments with an effective date of **January 31, 2011** or as soon as possible thereafter. The ultimate goal is regional uniformity in the model construction codes for the North Central Texas region. NCTCOG feels strongly that municipalities, contractors, architects, builders, and manufacturers will benefit from the positive economic results coming from achievement of that goal.

As a follow-up measure, the RCCC intends to submit some of the regional amendments as proposed changes during the next international code change cycle. In the past, several NCTCOG regional amendments have been incorporated into the codes when those amendments were proposed as code changes to the main documents.

PLEASE NOTE:

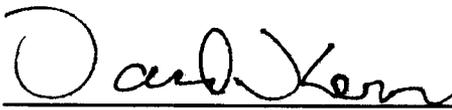
- 1) The Energy Efficiency amendments have been reviewed by the Energy Systems Laboratory (ESL) at Texas A&M to ensure equivalency with the current Energy Code adopted by the State of Texas (the 2003 International Energy Conservation Code).
- 2) The Energy Efficiency amendments have been reviewed by the Energy Systems Laboratory (ESL) at Texas A&M to ensure equivalency with the future Energy Code adopted by the State of Texas (the 2009 International Energy Conservation Code and Chapter 11 of the 2009 International Residential Code).
- 3) An International Code Compliance Calculator (ICCC) has been created by the ESL to demonstrate compliance with the State's Energy Conservation Requirements. The ICCC is "live" and can be accessed at <http://ecalc.tamu.edu>
- 4) There is a wide range in the fire fighting philosophies/capabilities of cities across the region; the consensus of the RCCC has been to include both an OPTION "A" and an OPTION "B" in the fire and building code amendments. Jurisdictions should choose one or the other based on their fire fighting philosophies/capabilities when adopting code amendments.

You may access our website at www.dfwcodes.com to obtain a copy of the recommended regional amendments. For more information regarding regional codes, contact Michael King, Environment & Development Planner, by email at mking@nctcog.org or by phone at (817) 695-9277.

We appreciate your support of our continued efforts toward regional code uniformity. Please send a copy of your adopting ordinance(s) to NCTCOG including amendments. Your ordinance will help us to document the effectiveness of the codes coordinating effort in our region and may be used to provide a model to other jurisdictions.


Mike Eastland, Executive Director
North Central Texas Council of Governments


John Promise, Director
Department of Environment and Development


David Kerr, Chairman
Regional Codes Coordinating Committee

MK/ez

Building Standards Commission
September 21, 2010

Present

Rich Prusha, Chairman
Art Stone
Mo Khoshkar
Gary Johnston
James Craft,
Kevan Benkowitz, Present, not seated
Mark Greer, Present, not seated.
Sylvia Reid, Present, not seated

Staff

Selso Mata, Building Official
John Gilliam, Assistant City Attorney
Cliff Bormann, Assistant Building Official
Gary Miles, Assistant Building Official
Tony Han, Plan Review Services Supervisor
Diana Casady, Sr. Administrative Assistant

1. Public comments: **No Public Comment**
2. Approval of Minutes from March 16, 2010 meeting.
Quorum was not present to pass the minutes from the March 16th meeting.
3. Approval of Minutes from April 20, 2010 meeting
Quorum was not present to pass the minutes from the April 20th meeting
4. Approval of Minutes from August 17, 2010 meeting
Mr. Johnston made the motion to approve the minutes of the August 17, 2010 meeting as written, Mr. Khoshkar seconded the motion. The Commission voted 5/0 in favor of approving the minutes from August 17, 2010.
5. Discussion and consideration of recommendation to City Council for the adoption of the 2009 International Plumbing Code, the 2009 International Mechanical Code, the 2009 International Fuel Gas Code, and the 2009 International Building Code
Building Official, Selso Mata, opened the presentation of the I Codes to the Commission and introduced Gary Miles, Assistant Building Official to present the International Plumbing Code, Mr. Miles presented the IPC and let the Commission know that the Amendments have not changed since the last code cycle and went over the Local Amendments with the Commission.
Mr. Miles presented the International Mechanical Code and answered questions from the Commission.

Mr. Miles presented the International Fuel Gas Code and answered questions from the Commission, the Fuel Gas Code has not changed since the last code cycle.

Cliff Bormann, Assistant Building Official, presented the 2009 International Building Code to the Commission, and answered questions from the Commission.

After hearing the Presentation, Commission Member Art Stone made the motion to Recommend approval for the 2009 International Plumbing Code amendments, 2009 International Mechanical Code amendments, 2009 International Fuel Gas Code amendments and the 2009 International Building Code Amendments as reviewed at this meeting, recognizing there is subject to changes made in future discussions. Commission member Gary Johnston seconded the motion. The Commission voted 5/0 in favor of this recommendation.

6. Items for future agendas

Code Review for the 2009 International Residential and 2009 Energy Conservation Codes on October 19, 2010

2200 Treehouse Lane, tabled from the August 17, 2010 meeting.

The Public Hearing adjourned at 5: 03 P.M.


Rich Prusha, Chairman

An Ordinance of the City of Plano, Texas; repealing in its entirety, City of Plano Ordinance 2008-4-38 codified as Article XIX, Fuel Gas Code, of Chapter 6 of the Code of Ordinances; and adopting the 2009 Edition of the International Fuel Gas Code, with certain additions, deletions, and amendments, as the Fuel Gas Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on April 28, 2008, by Ordinance No. 2008-4-36, the City Council of the city of Plano established a Fuel Gas Code and provided regulations thereunder, and such Ordinances were codified as Article XIX, Fuel Gas Code, of Chapter 6 of the Code of Ordinances of the City of Plano, (“City”); and

WHEREAS, on September 21, 2010, the Building Standards Commission held a public hearing to discuss the adoption of the 2009 Edition of the International Fuel Gas Code, a publication of the International Code Council (I.C.C.), along with the Appendices of such Code, and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2009 Edition of the International Fuel Gas Code, along with the Appendices of such Code and the local amendments thereto, should be approved and adopted as the Fuel Gas Code of the City of Plano.

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

Section I. Ordinance No. 2008-4-36, duly passed and approved by the City Council of the City of Plano on April 28, 2008 is hereby repealed in its entirety.

Section II. A new Article XIX, Fuel Gas Code, of Chapter 6 of the Code of Ordinances is hereby adopted and shall read in its entirety as follows:

Sec. 6-696 Penalty.

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.

Sec. 6-697 Adopted.

The 2009 Edition of the International Fuel Gas Code, a publication of the International Code Council (I.C.C.), along with the Appendices of such Code, is hereby adopted and designated as the Fuel Gas Code of the City of Plano to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and

amendments prescribed in this Article. A copy of the 2009 Edition of the International Fuel Gas Code is on file in the office of the City Secretary.

DIVISION 2. AMENDMENTS

Sec. 6-698. Deletions, additions, amendments.

Chapter 1, Scope and Administration

Section 102.2; add an exception to read as follows:

Exception: Existing dwelling units shall comply with Section 621.2.

Section 102.8; change to read as follows:

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC *Electrical Code* shall mean the Electrical Code as adopted.

Chapter 3; General Regulations.

Section 304.10; change to read as follows:

304.10 Louvers and grilles. The required size of openings for combustion, ventilation and dilution air shall be based on the net free area of each opening. Where the free area through a design of louver, grille or screen is known, it shall be used in calculating the size opening required to provide the free area specified. Where the design and free area of louvers and grilles are not known, it shall be assumed that wood louvers will have 25-percent free area and metal louvers and grilles will have 50-percent free area. Screens shall have a mesh size not smaller than ¼ inch (6.4 mm). Nonmotorized louvers and grilles shall be fixed in the open position. Motorized louvers shall be interlocked with the appliance so that they are proven to be in the full open position prior to main burner ignition and during main burner operation. Means shall be provided to prevent the main burner from igniting if the louvers fail to open during burner start-up and to shut down the main burner if the louvers close during operation.

Section 304.11; change #8 to read as follows:

304.11 Combustion air ducts.

Combustion air ducts shall comply with all of the following:

1. Ducts shall be constructed of galvanized steel complying with Chapter 6 of the International Mechanical Code or of a material having equivalent corrosion resistance, strength and rigidity.

Exception: Within dwellings units, unobstructed stud and joist spaces shall not be prohibited from conveying combustion air, provided that not more than one required fireblock is removed.

2. Ducts shall terminate in an unobstructed space allowing free movement of combustion air to the appliances.
3. Ducts shall serve a single enclosure.
4. Ducts shall not serve both upper and lower combustion air openings where both such openings are used. The separation between ducts serving upper and lower combustion air openings shall be maintained to the source of combustion air.
5. Ducts shall not be screened where terminating in an attic space.
6. Horizontal upper combustion air ducts shall not slope downward toward the source of combustion air.
7. The remaining space surrounding a chimney liner, gas vent, special gas vent or plastic piping installed within a masonry, metal or factory-built chimney shall not be used to supply combustion air.

Exception: Direct-vent gas-fired appliances designed for installation in a solid fuel-burning fireplace where installed in accordance with the manufacturer's instructions.

8. Combustion air intake openings located on the exterior of a building shall have the lowest side of such openings located not less than 12 inches (305 mm) vertically from the adjoining ground level or the manufacturer's recommendation, whichever is more restrictive.

Section 305.5 Private garages; delete.

Section 306.3; change to read as follows:

[M] 306.3 Appliances in attics. Attics containing appliances requiring *access* shall be provided . . . *{bulk of paragraph unchanged}* . . . side of the *appliance*. The clear *access* opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest *appliance*. As a minimum, for *access* to the attic space, provide one of the following:

1. A permanent stair.
2. A pull down stair.
3. An *access* door from an upper floor level.
4. *Access Panel* may be used in lieu of items 1, 2, and 3 with prior approval of the code official due to building conditions.

Exceptions:

1. The passageway and level service space are not required where the *appliance* is capable of being serviced and removed through the required opening.
2. Where the passageway is not less than . . . *{bulk of section to read the same}*.

Section 306.5; change to read as follows:

[M] 306.5 Equipment and appliances on roofs or elevated structures. Where *equipment* requiring *access* and appliances are installed on roofs or elevated structures at an aggregate height exceeding 16 feet (4877 mm), such *access* shall be provided by a permanent *approved* means of *access*. Permanent exterior ladders providing roof *access* need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the *equipment* and appliances' level service space. Such *access* shall . . . *{bulk of section to read the same}*. . . on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). . . *{bulk of section to read the same}*.

Section 306.5.1; change to read as follows:

[M] 306.5.1 Sloped roofs. Where appliances, *equipment*, fans or other components that require service are installed on roofs having slopes greater than 4 units vertical in 12 units horizontal and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof *access* to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which *access* is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*.

Add Section 306.7 to read as follows:

306.7 Water heaters above ground or floor. When the attic, roof, mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A max 10 gallon water heater (or larger when approved by the *code official*) is capable of being accessed through a lay-in ceiling and a water heater is installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

306.7.1. Illumination and convenience outlet. Whenever the mezzanine or platform is not adequately lighted or *access* to a receptacle outlet is not obtainable from the main level, lighting and a receptacle outlet shall be provided in accordance with Section 306.3.1.

Chapter 4; Gas Piping Installations

Section 401.5; add a second paragraph to read as follows:

Both ends of each section of medium pressure corrugated stainless steel tubing (CSST) shall identify its operating gas pressure with an *approved* tag. The tags are to be

composed of aluminum or stainless steel and the following wording shall be stamped into the tag:

"WARNING
1/2 to 5 psi gas pressure
Do Not Remove"

Section 402.3; add an exception to read as follows:

Exception: Corrugated stainless steel tubing (CSST) shall be a minimum of 1/2" (18 EHD).

Section 404.10; change to read as follows:

404.10 Minimum burial depth. Underground piping systems shall be installed a minimum depth of 18 inches (458 mm) top of pipe below grade.

Section 404.10.1; delete.

Section 406.1; change to read as follows:

406.1 General. Prior to acceptance and initial operation, all piping installations shall be inspected and pressure tested to determine that the materials, design, fabrication, and installation practices comply with the requirements of this code. The permit holder shall make the applicable tests prescribed in Sections 406.1.1 through 406.1.5 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the piping system is ready for testing. The equipment, material, power and labor necessary for the inspections and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests.

Section 406.4; change to read as follows:

406.4 Test pressure measurement. Test pressure shall be measured with a monometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made

Section 406.4.1; change to read as follows:

406.4.1 Test pressure. The test pressure to be used shall be no less than 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge. For tests requiring a pressure of 3 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one half inches (3 1/2"), a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a

minimum diameter of three and one-half inches (3 ½”), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 20 psi. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure.

Section 406.4.2; change to read as follows:

406.4.2 Test duration. Test duration shall be held for a length of time satisfactory to the Code Official, but in no case for less than fifteen (15) minutes. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the Code Official, but in no case for less than thirty (30) minutes. *(Delete remainder of section.)*

Add Section 409.1.4 to read as follows:

409.1.4 Valves in CSST installations. Shutoff valves installed with corrugated stainless steel (CSST) piping systems shall be supported with an *approved* termination fitting, or equivalent support, suitable for the size of the valves, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration but in no case greater than 12-inches from the center of the valve. Supports shall be installed so as not to interfere with the free expansion and contraction of the system's piping, fittings, and valves between anchors. All valves and supports shall be designed and installed so they will not be disengaged by movement of the supporting piping.

Section 410.1; add a second paragraph and exception to read as follows:

Access to regulators shall comply with the requirements for *access* to appliances as specified in Section 306.

Exception: A passageway or level service space is not required when the regulator is capable of being serviced and removed through the required attic opening.

Chapter 6; Specific appliances

Section 614.6; add a sentence to read as follows:

The size of duct shall not be reduced along its developed length nor at the point of termination.

Section 621.2; add exception as follows:

621.2 Prohibited use. One or more unvented room heaters shall not be used as the sole source of comfort heating in a dwelling unit.

Exception: Existing *approved* unvented heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when *approved* by the Code Official unless an unsafe condition is determined to exist as described in Section 108.7.

Section 624.1.1; change to read as follows:

624.1.1 Installation requirements. The requirements for water heaters relative to *access*, sizing, relief valves, drain pans and scald protection shall be in accordance with the *International Plumbing Code*.

Section III. All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, 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. 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 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. This Ordinance shall become effective March 1, 2011, and after its passage and publication as required by law.

DULY PASSED AND APPROVED this, the 10th day of January, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		January 10, 2011		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady #5993				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, repealing in its entirety, City of Plano Ordinance No. 2004-8-10, codified as Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances; and adopting the 2009 Edition of the International Energy Conservation Code, with certain additions, deletions and amendments, as the Energy Conservation Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: This item has no fiscal impact.				
SUMMARY OF ITEM				
<p>This ordinance will adopt the most recent version of the International Energy Conservation Code published by the International Code Council and includes the regional amendments which have been developed by the North Central Texas Council of Governments. Public review of all construction related codes was addressed at work sessions held by the Building Standards Commission in October of 2010. Formal action was taken by the Building Standards Commission at its October 19, 2010 meeting. At that time, the Commission voted unanimously to forward this Code and amendments to the City Council for adoption as the Energy Code for the City of Plano</p>				
List of Supporting Documents: Supporting letters from Council of Governments and Energy System Laboratory Minutes from BSC 10/19/10			Other Departments, Boards, Commissions or Agencies Building Standards Commission	



Building Inspections
P.O. Box 860358
Plano, Texas 75086-0358
O: 972-941-7140 F: 972-941-7177
www.buildinginspections.org



MEMORANDUM

December 22, 2010

To: Tom Muehlenbeck, City Manager
From: Selso Mata, Chief Building Official
Subject: 2009 Code adoption
CC: Frank Turner, Deputy City Manager

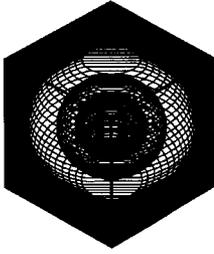
In mid 2009 and throughout 2010 the regional code committees in our North Texas area reviewed the International Code Council's 2009 construction codes and the National Fire Prevention Association's 2011 National Electrical Code (NEC). The culmination of these efforts is summarized in the attached memo from The North Central Texas Council of Governments (NCTCOG) with their recommendation for code adoption. Plano's Building Standards Commission (BSC) subsequently held four meetings this year to further review code amendments and receive stakeholder input. Meeting minutes are attached from each BSC hearing. As a result, the BSC unanimously recommends the 2009 International codes and the 2011 NEC with code amendments to the City Council for the January 10, 2011 meeting with an effective enforcement date of March 1, 2011.

The recommended codes with amendments are:

- 2009 – International Building Code
- 2009 – International Residential Code
- 2009 – International Plumbing Code
- 2009 – International Mechanical Code
- 2009 – International Fuel and Gas Code
- 2009 – International Energy Conservation Code
- 2011 – National Electrical Code

Please let me know if you have any questions or need additional information.

XC: Hugo Esparza, Fire Chief
David Kerr, Fire Marshal



ENERGY SYSTEMS LABORATORY

Texas Engineering Experiment Station
Texas A&M University System
3581 TAMU
College Station, Texas 77843-3581

Mr. Selso Mata, A.I.A., C.B.O.
Building Official
City of Plano
1520 Avenue K
Plano, Texas

Aug. 31, 2010

Re: NCTCOG Amendments

Dear Mr. Mata,

The Energy Systems Laboratory has completed a detailed technical analysis of the proposed set of amendments you have presented on behalf of the NCTCOG's Regional Code Coordinating Committee. The ESL has determined that both the residential and commercial energy efficiency provisions of the proposed amendments are as stringent as the newly adopted TBEPS' energy efficiency provisions, based on 2009 IECC and the 2009 IRC.

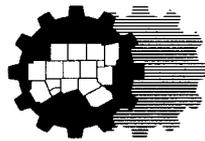
Thank you for your inquiry.

Sincerely,

Bahman Yazdani, P.E.
Associate Director

Jeff S. Haberl, Ph.D. P.E.
Associate Director

Cc: David Claridge, P.E., Ph.D., Director



North Central Texas Council Of Governments

TO: Jurisdictions throughout the North Central Texas Region **DATE:** November 23, 2010

SUBJECT: Model Construction Code Recommendations for North Central Texas

The North Central Texas Council of Governments (NCTCOG) has actively promoted the standardization of model construction codes since 1967 in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs.

In mid 2009, NCTCOG's Regional Codes Coordinating Committee (RCCC) directed its Code Advisory Boards to review the International Code Council's 2009 family of model construction codes and the National Fire Prevention Association's 2011 National Electrical Code. The Advisory Boards, comprised of 101 code professionals representing local jurisdictions and professional associations, held open meetings to consider the codes and achieve consensus on any needed regional amendments. Many national and regional subject matter experts also gave testimony and participated in the process.

As a result, the NCTCOG Executive Board, upon the recommendation of the RCCC and its Advisory Boards, encourages your jurisdiction to adopt the following model construction codes along with their respective regional amendments:

- ◆ **International Building Code – 2009 Edition**
- ◆ **International Residential Code – 2009 Edition**
- ◆ **International Fire Code – 2009 Edition**
- ◆ **International Plumbing Code – 2009 Edition**
- ◆ **International Mechanical Code – 2009 Edition**
- ◆ **International Fuel Gas Code – 2009 Edition**
- ◆ **International Energy Conservation Code - 2009 Edition**
- ◆ **National Electrical Code – 2011 Edition**

NCTCOG recommends adopting these codes with no local amendments other than the regional amendments with an effective date of **January 31, 2011** or as soon as possible thereafter. The ultimate goal is regional uniformity in the model construction codes for the North Central Texas region. NCTCOG feels strongly that municipalities, contractors, architects, builders, and manufacturers will benefit from the positive economic results coming from achievement of that goal.

As a follow-up measure, the RCCC intends to submit some of the regional amendments as proposed changes during the next international code change cycle. In the past, several NCTCOG regional amendments have been incorporated into the codes when those amendments were proposed as code changes to the main documents.

PLEASE NOTE:

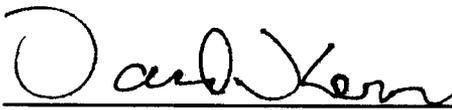
- 1) The Energy Efficiency amendments have been reviewed by the Energy Systems Laboratory (ESL) at Texas A&M to ensure equivalency with the current Energy Code adopted by the State of Texas (the 2003 International Energy Conservation Code).
- 2) The Energy Efficiency amendments have been reviewed by the Energy Systems Laboratory (ESL) at Texas A&M to ensure equivalency with the future Energy Code adopted by the State of Texas (the 2009 International Energy Conservation Code and Chapter 11 of the 2009 International Residential Code).
- 3) An International Code Compliance Calculator (ICCC) has been created by the ESL to demonstrate compliance with the State's Energy Conservation Requirements. The ICCC is "live" and can be accessed at <http://ecalc.tamu.edu>
- 4) There is a wide range in the fire fighting philosophies/capabilities of cities across the region; the consensus of the RCCC has been to include both an OPTION "A" and an OPTION "B" in the fire and building code amendments. Jurisdictions should choose one or the other based on their fire fighting philosophies/capabilities when adopting code amendments.

You may access our website at www.dfwcodes.com to obtain a copy of the recommended regional amendments. For more information regarding regional codes, contact Michael King, Environment & Development Planner, by email at mking@nctcog.org or by phone at (817) 695-9277.

We appreciate your support of our continued efforts toward regional code uniformity. Please send a copy of your adopting ordinance(s) to NCTCOG including amendments. Your ordinance will help us to document the effectiveness of the codes coordinating effort in our region and may be used to provide a model to other jurisdictions.


Mike Eastland, Executive Director
North Central Texas Council of Governments


John Promise, Director
Department of Environment and Development


David Kerr, Chairman
Regional Codes Coordinating Committee

MK/ez

Building Standards Commission
October 19, 2010

Present

Rich Prusha, Chairman
Jim Kesterson
Art Stone
Gary Johnston
Mark Greer,
James Craft, Present, not seated

Staff

Selso Mata, Building Official
John Gilliam, Assistant City Attorney
Cynthia O'Banner, Director Property Standards
Gary Miles, Assistant Building Official
Tony Han, Plan Review Services Supervisor
Diana Casady, Sr. Administrative Assistant

1. Public comments: **No Public Comment**
2. Approval of Minutes from March 16, 2010 meeting.
Commission Member Jim Kesterson made the motion to approve the minutes from March 16, 2010 meeting. Member Gary Johnston seconded the motion. The Commission voted 5/0 in favor of the motion.
3. Approval of Minutes from April 20, 2010 meeting
Quorum was not present to pass the minutes from the April 20th meeting.
4. Approval of Minutes from September 21, 2010 meeting
Commission Member Gary Johnston made the motion to approve the minutes of the September 21, 2010 meeting as written, Member Art Stone Seconded the motion. The Commission voted 5/0 in favor of approving the minutes from September 21, 2010.
5. Discussion and consideration of request for approval of alternate material of construction of fence. Ordinance No. 97-4-12 Chapter 6, Article 7, Division 1 Sec 6-186, Building and Building Regulation, of the Code of Ordinances of the City of Plano, Texas. This item is requested by John Grinnell, 2200 Tree house Lane, Plano, Texas, and tabled at the August 17, 2010 meeting.

Commission Member Art Stone made the motion to remove Agenda item 5 from the table for discussion. Commission Member Gary Johnston seconded the motion. The Commission voted 5/0 in favor of the motion.

Cynthia O'Banner, Property Standards Director, testified that the Property Standards Department made contact with the previous owner and she said she only lived there a few months even though she owned the house for several years and could not recall the material used, however she did provide pictures

for the Department. Property Owner, Mr. Grinnell met with Ms. O'Banner and a Council Member and consented to an interior inspection of the fence to confirm the material used during the interior inspection, T-1 11 siding used during the alteration the material was the same. Property Standard decided there is no further action since a permit was pulled and approved in 1984.

6. Discussion and consideration of recommendation to City Council for the adoption of the 2009 International Residential Code, and the 2009 International Energy Conservation Code.

Building Official, Selso Mata, opened the presentation of the I Codes to the Commission and introduced Tony Han, Plan Review Services Supervisor, to present the 2009 International Residential Code Amendments to the Commission and answered questions from the Commission. Selso Mata presented Chapter 11 of the IRC to the Commission explaining that Chapter 11 of the IRC and Chapter 4 of the International Energy Code are the same. Gary Miles, Assistant Building Official presented the Mechanical and Plumbing sections of the International Residential Code. Selso Mata presented Appendix R, Residential Green Building Standards to the Commission.

After hearing the Presentation, Commission Chairman Rich Prusha made the motion to recommend approval for the 2009 International Residential Code amendments, and the 2009 International Energy Conservation Code with Amendments as reviewed at this meeting with any changes or additional language brought back to the Commission. Commission member Gary Johnston seconded the motion. The Commission voted 5/0 in favor of this recommendation.

7. Items for future agendas

Code Review for the 2009 International Fire Code.

Selso took a moment to Thank Mr. Prusha for his service on the Commission.

The Public Hearing adjourned at 5:08 P.M.

FOC


Rich Prusha, Chairman

An Ordinance of the City of Plano, Texas, repealing in its entirety, City of Plano Ordinance No. 2004-8-10, codified as Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances; and adopting the 2009 Edition of the International Energy Conservation Code, with certain additions, deletions and amendments, as the Energy Conservation Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, On August 9, 2004, by Ordinance No. 2004-8-10, the City Council of the City of Plano established an Energy Conservation Code and provided regulations thereunder, and such Ordinances were codified as Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances of the City of Plano; and

WHEREAS, October 19, 2010 the Building Standards Commission held public hearings to discuss the adoption of the 2009 Edition of the International Energy Conservation Code, a publication of the International Code Council (I.C.C.), along with the Appendices of such Code, and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2009 Edition of the International Energy Conservation Code, along with the Appendices of such Code and the local amendments thereto, should be approved and adopted as the Energy Conservation Code of the City of Plano.

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

Section I. The following ordinances or sections thereof, all of which are codified as Article XVIII, Energy Conservation Code, of Chapter 6 of the Code or Ordinances of the City of Plano, are hereby repealed in their entirety:

Ordinance No. 2004-8-10, duly passed and approved by the City Council of the City of Plano on August 9, 2004

Section II. A new Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances of City of Plano is hereby adopted and shall read in its entirety as follows:

ARTICLE XVIII. ENERGY CONSERVATION CODE

DIVISION 1. GENERALLY

Sec. 6-684. Penalty.

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.

Sec. 6-685 Adopted.

The 2009 Edition of the International Energy Conservation Code, a publication of the International Code Council (I.C.C.), along with the Appendices of such Code, is hereby adopted and designated as the Energy Conservation Code of the City to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the 2009 Edition of the International Energy Conservation Code is on file in the office of the City Secretary.

DIVISION 2. AMENDMENTS

.Sec. 6-686. Deletions, Additions, Amendments.

The following deletions, additions, and amendments to the International Energy Conservation Code adopted herein are hereby approved and adopted:

Chapter 1, Administration

Amend Section 101.4.2 Historic Buildings to read as follows:

101.4.2 Historic Buildings. Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource with a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer of the Keeper of the National Register of Historic Places, shall comply with all of the provisions of this code.

Exception: Whenever a provision or provisions shall invalidate or jeopardize the historical designation or listing, that provision or provisions may be exempted.

Section 103.1.1; add Section 103.1.1 to read as follows:

103.1.1 Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.

Section 202; add the following definition:

GLAZING AREA. Total area of the glazed fenestration measured using the rough opening and including sash, curbing or other framing elements that enclose conditioned space. Glazing area includes the area

of glazed fenestration assemblies in walls bounding conditioned basements. For doors where the daylight opening area is less than 50 percent of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the rough opening area for the door including the door and the frame.

Section 401 GENERAL; change to read as follows:

401.1 Scope. This chapter and Appendix R, The Residential Green Building Standard, applies to Single Family residential buildings.

Section 401.2, Item #1; change to read as follows:

1. Sections 402.1 through 402.3, 403.2.1 and 404.1 (prescriptive) and the use of Tables 402.1.1 and 402.1.3 are limited to a maximum *glazing area* of 15% window area to floor area ratio; or
2. *{language unchanged}*

Section 402.2.12; Add Section 402.2.12 to read as follows:

Section 402.2.12 Insulation installed in walls. Insulation batts installed in walls shall be totally surrounded by an enclosure on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing or other equivalent material approved by the building official.

**Section 405.4.1; add the following sentence to the end of paragraph:*

RemRateTM, Energy GaugeTM, and IC3 are deemed acceptable performance simulation programs.

Section 505.6 is amended by the addition of the following:

Exterior lighting shall also comply with the current City of Plano Outdoor Lighting Ordinance.

Add Appendix R, Residential Green Building to read as follows:

APPENDIX R

Residential Green Building Standard

GENERAL

Section R101. Purpose. The purpose of this appendix is to regulate the design, construction and selection of effective conservation of energy efficiency, conservation of water, and indoor air quality for new single family residential buildings by establishing a green building standard 15% above energy code requirement.

DEFINITIONS

Section R102. Definitions. For the purposes of this appendix, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

A/C CONDENSER – The outside fan unit of the air conditioning system designed to liquefy refrigerant vapor by removal of heat from freon gas, turning gas back to liquid and pumping the liquid back to the coil in a furnace.

AFUE - Annual Fuel Utilization Efficiency. The AFUE number represents how efficiently a furnace converts fuel to energy. The higher the AFUE, the greater the efficiency. The U.S. government’s established minimum AFUE rating for a furnace is 78 percent.

DUCT – A tube or conduit utilized for conveying air. Air passages of self-contained systems are not to be construed as air ducts.

ENERGY SYSTEMS LABORATORY - (ESL) is a division of the Texas Engineering Experiment Station and a member of the Texas A&M University System. Senate Bill 5, in 2001, assigned ESL an important role in the implementation of state energy standards and assistance with calculation of emissions reduction benefits from energy efficiency and renewable energy initiative.

GREEN BUILDING - Structures and their surrounding landscapes designed, constructed and maintained to decrease energy and water usage and costs, to improve the efficiency and longevity of building systems and to decrease the burdens imposed on the environment and public health.

GREEN BUILT NORTH TEXAS - An initiative of the Homebuilders Association of Greater Dallas that provides climate-specific guidelines and verification systems for residential and multifamily green buildings which can be found at www.greenbuiltinorthtexas.com.

GREEN BUILT NORTH TEXAS-CERTIFIABLE - A proposed project that is not required to be registered with the Home Builders Association of Greater Dallas, but is planned, designed and constructed to meet or exceed a certified rating using version 2.0 of the Green Built North Texas rating system.

HERS – Home Energy Rating System. A home energy rating is an analysis of a home's projected energy efficiency in comparison to a 'reference home' based on the 2006 International Energy Conservation Code. A home energy rating involves both an analysis of a home’s construction plans, as well as onsite inspections and testing by a certified Home Energy Rater. This analysis yields a projected, pre-construction HERS Index.

HERS® Index – Energy use index. A HERS Index of 100 represents energy use of the “American Standard Building” and an Index of 0 (zero) indicates a building using no net purchased energy (a Zero Energy Building). The lower a home’s HERS Index, the more energy efficient.

HOME ENERGY RATER- Contractor who performs a standardized evaluation of the energy efficiency of a home. The rater conducts onsite inspections, including a blower door test (to test the leakiness of the house) and a duct test (to test the leakiness of the ducts). Results of tests with data from the software analysis are used to generate a final HERS Index score for a home.

HEATING SEASONAL PERFORMANCE FACTOR (HSPF) – Measurement used to gauge the efficiency of the heating mode of heat pumps. The higher the number, the greater the efficiency. (i.e. 6.8 HSPF.)

LEED - Leadership in Energy and Environmental Design green building rating systems nationally accepted standards for green building developed by the USGBC.

NFRC LABEL – National Fenestration Rating Council label appears on windows, doors, and skylights. The label gives ratings for the U-Factor, the Solar Heat Gain Coefficient (SHGC), Visible Light Transmittance (VT), Air Leakage (AL), and Condensation Resistance (CR).

RADIANT BARRIERS - Materials that are installed in buildings to reduce summer heat gain and winter heat loss, and hence to reduce building heating and cooling energy usage. A thin sheet or coating of a highly reflective material, usually aluminum, applied to one or both sides of a number of substrate materials.

RESNET - RESIDENTIAL ENERGY SERVICES NETWORK - An industry not-for-profit membership corporation which created the national standards for building.

R VALUE - A measure of a material's resistance to the passage of heat. A higher R value indicates more insulating "power". Inverse of U factor.

SEASONAL ENERGY EFFICIENCY RATIO (SEER) – Measure of efficiency by which the cooling process of air conditioners and heat pumps is rated. The higher the SEER, the greater the efficiency. (i.e. 13 SEER)

SOLAR HEAT GAIN COEFFICIENT (SHGC) - The fraction of solar radiation admitted through a window, patio door or skylight. The lower an SHGC, the less solar heat it transmits.

THERMOSTAT – An automatic control device used to maintain temperature at a fixed or adjustable set point.

U-FACTOR - Measures heat transfer through a material such as a window, door, or skylight. The lower the U-Factor, the greater resistance to heat flow. Inverse of R value.

USGBC - The U.S. Green Building Council, a nonprofit organization comprised of leaders from the building industry formed to encourage sustainability by promoting buildings that are environmentally responsible, profitable and healthy places to live and work.

Section R103. Requirements.

In order to meet 15% above minimum energy Code provisions for energy efficiency, all new single-family residential homes must:

1. Submit an International Code Compliance Calculator (IC3) Energy Certificate to the building official which describes NOx emissions savings.
2. Provide a post construction HERS certificate documenting an 85 HERS Index or less.

3. Provide a landscape (turf and trees) that will survive stage 3 drought restrictions and a 2” deep mulch required in all beds.
4. Provide a water heater within 30 ft. of fixtures or on demand system or recirculating system or parallel piping system from a central manifold (PEX)

Section R104. Compliance.

Single family residential homes can demonstrate compliance by:

1. Use of the International Code Compliance Calculator (IC3) software with a 15% above code result
Or
2. Prescriptive options outlined in City approved Energy Code Review Sheet.
Or
3. Registration and completion of the Green Built North Texas (GBNT) program as it exists or may be amended.
Or
4. Registration and completion of the Environmental Protection Agency’s most current edition of the ENERGY STAR® program.

Section R105. Indoor Air Quality.

The minimum standard for indoor air quality of single-family residential structures shall meet the following requirements:

1. The main HVAC trunk line plenum in direct contact with heating or cooling equipment on the supply or return side must be constructed of sheet metal (no duct board), or equivalent material approved by the Building Official.
2. Heating and cooling equipment shall only be used during construction after manufacturer specified filter is installed. Used filters must be replaced with a new manufacturer recommended filter prior to the homeowner occupying the structure.
3. Every home must be tested (no batch testing allowed) by a Residential Energy Services Network (RESNET) HERS inspector/rater who is accredited through a RESNET approved HERS provider. The HERS provider must register with the City on an annual basis.
4. A Minimum of one programmable thermostat is required on every story.
5. A return air path shall be provided for any room that can be closed off by a door (except for baths, kitchens, closets, pantries, mechanical rooms, and laundry rooms).
6. All Joints in the air distribution system including ducts, plenums, and equipment shall be sealed with duct mastic.
7. Central vacuums, where provided, shall be vented outdoors.

Section R106. Exterior and Wet Walls.

Vinyl wallpaper is not allowed on the inside of exterior wall or either side of wet walls such as bathrooms, kitchen, or laundry rooms.

Section R107. Roofing.

Provide metal drip edge at all exposed roof decking.

Section R108. Water Conservation.

In addition to the City's Landscape Ordinance and other applicable regulations as they stand or may be amended, the following must be accomplished:

1. Bedding must be mulched to a depth of 2-4 inches using recycled content mulch, which includes wood construction waste.
2. A portable drip irrigation bag or zoned bubbler system must be installed for each installed tree.

Section III. All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, 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. 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 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 Ordinance for each offense. Every day a violation continues shall constitute a separate offense.

Section VII. This Ordinance shall become effective March 1, 2011, and after its passage and publication as required by law.

DULY PASSED AND APPROVED this the 10th day of January, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		January 10, 2011		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady #5993				
CAPTION				
An Ordinance of the City of Plano, Texas repealing Ordinance No. 2008-9-8, codified as Article IX, Electrical Code, of Chapter 6 of the Code of Ordinances of the City of Plano; adopting the 2011 National Electrical Code; with certain additions, deletions, and amendments, as the Electrical Code for the City of Plano; and providing a repealer clause, a severability clause, a penalty clause, a savings clause, a publication clause and an effective date				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: This item has no fiscal impact.				
SUMMARY OF ITEM				
This ordinance will adopt the most recent version of the National Electrical Code published by the NFPA (National Fire Protection Association) and includes the regional amendments which have been developed by the North Central Texas Council of Governments. Public review of all construction related codes was addressed at work sessions held by the Building Standards Commission in November of 2010. Formal action was taken by the Building Standards Commission at its November 16, 2010 meeting. At that time, the Commission voted unanimously to forward this Code and amendments to the City Council for adoption as the Electrical Code for the City of Plano				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Supporting letter from Council of Governments		Building Standards Commission		
Minutes from BSC 11/16/10				



Building Inspections
P.O. Box 860358
Plano, Texas 75086-0358
O: 972-941-7140 F: 972-941-7177
www.buildinginspections.org



MEMORANDUM

December 22, 2010

To: Tom Muehlenbeck, City Manager
From: Selso Mata, Chief Building Official
Subject: 2009 Code adoption
CC: Frank Turner, Deputy City Manager

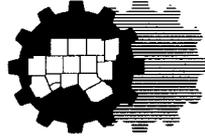
In mid 2009 and throughout 2010 the regional code committees in our North Texas area reviewed the International Code Council's 2009 construction codes and the National Fire Prevention Association's 2011 National Electrical Code (NEC). The culmination of these efforts is summarized in the attached memo from The North Central Texas Council of Governments (NCTCOG) with their recommendation for code adoption. Plano's Building Standards Commission (BSC) subsequently held four meetings this year to further review code amendments and receive stakeholder input. Meeting minutes are attached from each BSC hearing. As a result, the BSC unanimously recommends the 2009 International codes and the 2011 NEC with code amendments to the City Council for the January 10, 2011 meeting with an effective enforcement date of March 1, 2011.

The recommended codes with amendments are:

- 2009 – International Building Code
- 2009 – International Residential Code
- 2009 – International Plumbing Code
- 2009 – International Mechanical Code
- 2009 – International Fuel and Gas Code
- 2009 – International Energy Conservation Code
- 2011 – National Electrical Code

Please let me know if you have any questions or need additional information.

XC: Hugo Esparza, Fire Chief
David Kerr, Fire Marshal



North Central Texas Council Of Governments

TO: Jurisdictions throughout the North Central Texas Region **DATE:** November 23, 2010

SUBJECT: Model Construction Code Recommendations for North Central Texas

The North Central Texas Council of Governments (NCTCOG) has actively promoted the standardization of model construction codes since 1967 in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs.

In mid 2009, NCTCOG's Regional Codes Coordinating Committee (RCCC) directed its Code Advisory Boards to review the International Code Council's 2009 family of model construction codes and the National Fire Prevention Association's 2011 National Electrical Code. The Advisory Boards, comprised of 101 code professionals representing local jurisdictions and professional associations, held open meetings to consider the codes and achieve consensus on any needed regional amendments. Many national and regional subject matter experts also gave testimony and participated in the process.

As a result, the NCTCOG Executive Board, upon the recommendation of the RCCC and its Advisory Boards, encourages your jurisdiction to adopt the following model construction codes along with their respective regional amendments:

- ◆ **International Building Code – 2009 Edition**
- ◆ **International Residential Code – 2009 Edition**
- ◆ **International Fire Code – 2009 Edition**
- ◆ **International Plumbing Code – 2009 Edition**
- ◆ **International Mechanical Code – 2009 Edition**
- ◆ **International Fuel Gas Code – 2009 Edition**
- ◆ **International Energy Conservation Code - 2009 Edition**
- ◆ **National Electrical Code – 2011 Edition**

NCTCOG recommends adopting these codes with no local amendments other than the regional amendments with an effective date of **January 31, 2011** or as soon as possible thereafter. The ultimate goal is regional uniformity in the model construction codes for the North Central Texas region. NCTCOG feels strongly that municipalities, contractors, architects, builders, and manufacturers will benefit from the positive economic results coming from achievement of that goal.

As a follow-up measure, the RCCC intends to submit some of the regional amendments as proposed changes during the next international code change cycle. In the past, several NCTCOG regional amendments have been incorporated into the codes when those amendments were proposed as code changes to the main documents.

PLEASE NOTE:

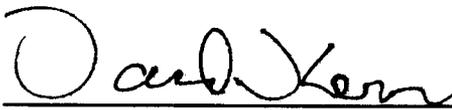
- 1) The Energy Efficiency amendments have been reviewed by the Energy Systems Laboratory (ESL) at Texas A&M to ensure equivalency with the current Energy Code adopted by the State of Texas (the 2003 International Energy Conservation Code).
- 2) The Energy Efficiency amendments have been reviewed by the Energy Systems Laboratory (ESL) at Texas A&M to ensure equivalency with the future Energy Code adopted by the State of Texas (the 2009 International Energy Conservation Code and Chapter 11 of the 2009 International Residential Code).
- 3) An International Code Compliance Calculator (ICCC) has been created by the ESL to demonstrate compliance with the State's Energy Conservation Requirements. The ICCC is "live" and can be accessed at <http://ecalc.tamu.edu>
- 4) There is a wide range in the fire fighting philosophies/capabilities of cities across the region; the consensus of the RCCC has been to include both an OPTION "A" and an OPTION "B" in the fire and building code amendments. Jurisdictions should choose one or the other based on their fire fighting philosophies/capabilities when adopting code amendments.

You may access our website at www.dfwcodes.com to obtain a copy of the recommended regional amendments. For more information regarding regional codes, contact Michael King, Environment & Development Planner, by email at mking@nctcog.org or by phone at (817) 695-9277.

We appreciate your support of our continued efforts toward regional code uniformity. Please send a copy of your adopting ordinance(s) to NCTCOG including amendments. Your ordinance will help us to document the effectiveness of the codes coordinating effort in our region and may be used to provide a model to other jurisdictions.


Mike Eastland, Executive Director
North Central Texas Council of Governments


John Promise, Director
Department of Environment and Development


David Kerr, Chairman
Regional Codes Coordinating Committee

MK/ez

Building Standards Commission
November 16, 2010

Present

Art Stone, Chairman
Jim Kesterson
Gary Johnston
James Craft
Mo Khoshkar, Not seated

Staff

Selso Mata, Building Official
Victoria Huynh, Assistant City Attorney III
David Kerr, Fire Marshall
Scott Neumeyer, Property Standards Manager
Tony Aspen, Fire Department
Gary Church, Property Standards Specialist
Gary Miles, Assistant Building Official
Bill McGovern, Electrical Inspections Supervisor
Diana Casady, Sr. Administrative Assistant

1. Public comments: **No Public Comment**
2. Approval of Minutes from April 20, 2010 meeting.

Chairman Stone asked if anyone had any corrections or comments about the minutes from April 20, 2010. Commission Member Jim Kesterson made the motion approve the minutes as written. Commission Member Gary Johnston seconded the motion. The Commission voted 4/0 in favor of the motion to approve the minutes from April 20, 2010.

3. Approval of Minutes from October 19, 2010 meeting

Chairman Stone asked if anyone had any corrections or comments about the minutes from October 19, 2010. Commission member Gary Johnston made the motion to approve the minutes from the meeting as written. Commission Member James Craft seconded the motion. The Commission voted 4/0 in favor of the motion to approval of the minutes from October 19, 2010.

4. Discussion and possible action regarding the following property's continued non-compliance with the minimum standards required by Chapter 6, Building and Building Regulations, of the City of Plano Code of Ordinances, and consideration of whether to provide further opportunity for the property to come into compliance or to execute final orders for the property at 4124 Merriman Dr., Plano, Texas - Owner- Rolland Brent Shipe

Gary Church, Property Standards Specialist, gave a presentation and testified to the Commission the condition of the property at 4124 Merriman. Mr. Church recommended the property owner be given no more than thirty (30)

days to bring the property into compliance, the property remain vacant until all unsanitary conditions are abated and verified by staff, and if the property owner fails to comply that staff request City of Plano be authorized to abate the unsanitary conditions, secure the structure and recover expenses by filing liens against the property. In addition if the violation are not corrected as ordered by Building Standards Commission, Staff recommends that civil penalties be assessed against the property owner of not less than one-hundred (\$100) dollars per day for each day the property remains in violation for a period of up to one-hundred and eighty (180) days .

Mr. Church answered questions from the Commission.

Ms. Felicia Novell, attorney for property owner Rolland Shipe, testified the property owner has been working diligently to have the property cleaned up. She testified that is not fair for the City to go back to a 2001 incident that occurred there and say that time has anything to do with this. She said this is a new situation and it is not realistic for this to be resolved in the next thirty (30) days. She said her client is requesting ninety (90) days to complete the work and remove the unsanitary conditions. Her client does not have the financial resources to hire someone to do this work for him. Ms. Novell is asking for more time for her client to complete this work, with inspections along the way.

Ms. Novell answered questions from the Commission

The Commission asked Mr. Shipe, property owner, questions concerning the utilities to the home. Mr. Shipe testified that there is still gas on in the home, and the bill is current. The electric is still turned on, but has been turned off at the breaker.

Jeff Matzek, property owner at 4125 Carrizo Dr. testified this is the property directly behind this property. He said he was glad the City was finally doing something about this property. He said this has been going on for many years. He is concerned about the health of his family He said the smell is absolutely disgusting and there needs to be consideration for the neighbors around this property. He does not see any fix to this and he feels this is a repeat pattern. He said giving Mr. Shipe sixty (60) days or ninety (90) days for the clean-up will not change the condition of the property and felt the appropriate remedy is to demolish the structure.

Meeting was closed to public comment and discussion was confined to staff and the commission.

After discussion, Mr. Stone opened the floor to the public and asked Mr. Shipe if he could get the unsanitary conditions completed in thirty (30) days. Mr. Shipe said he could have it done in forty five (45) days. Mr. Stone asked if he could get the dumpster emptied in the next few days and Mr. Shipe stated he could.

Mr. Stone again closed the floor to the public comment.

After discussion Commission Member James Craft made the motion that the owner of this property, Rolland Brent Shipe, be given forty five (45) days from the date of this order, or by December 31, 2010, to correct all interior unsanitary conditions, i.e. removal of all remaining debris, contaminated and/or damaged sheetrock, insulation and baseboards; apply a sanitizer and/or odor eliminator treatment; secure the structure from unauthorized entry until such time the structure is made habitable to bring the property into compliance with all applicable City Codes and Ordinances.

The Commission orders that if the owner does not comply with the terms of this order in its entirety by December 31, 2010, the City of Plano is authorized to take action to abate the above described conditions, and recover all incurred expenses by filing a lien against the property.

The Commission further orders the property remain vacant until a Certificate of Occupancy is issued by the City of Plano and that if the owner does not comply with the terms of this order by December 31, 2010, the City of Plano is authorized to assess a civil penalty against the property owner of \$100.00 per day for each day that the property remains in violation up to one hundred and eighty (180) days.

Commission member Gary Johnston seconded the motion. The Commission voted 4/0 in favor of the motion.

5. Discussion and consideration of recommendation to City Council for the adoption of the 2011 National Electric Code, with amendments.

Bill McGovern, Electrical Inspections Supervisor, presented the amendments for the 2011 National Electrical Code.

After discussion, Commission Member Gary Johnston made the motion to recommend adoption of the 2011 National Electric Code with amendments as presented to the City Council. Commission Member James Craft seconded the motion. The commission voted 4/0 in favor of recommendation.

6. Discussion and consideration of recommendation to City Council for the adoption of the 2009 International Fire Code, with amendments.

David Kerr, Fire Marshall, presented the 2009 International Fire Code with amendments to the Commission.

After presentation and discussion, Chairman Art Stone made motion to recommend adoption of the 2009 International Fire Code with amendments to the City Council. Commission Member Gary Johnston seconded. The Commission voted 4/0 in favor of recommendation.

7. Discussion and opportunity for Public Comment on the recently recommended 2009 International Codes for Building, Residential, Plumbing, Mechanical, Energy and Fuel Gas. These Codes have been recommended for adoption by the Building Standards Commission.

There was no public comment.

8. Items for future agendas

An update on the condition of 4124 Merriman Drive.

The Public Hearing adjourned at 5:50 P.M.



Art Stone, Chairman

An Ordinance of the City of Plano, Texas repealing Ordinance No. 2008-9-8, codified as Article IX, Electrical Code, of Chapter 6 of the Code of Ordinances of the City of Plano; adopting the 2011 National Electrical Code; with certain additions, deletions, and amendments, as the Electrical Code for the City of Plano; and providing a repealer clause, a severability clause, a penalty clause, a savings clause, a publication clause and an effective date.

WHEREAS, on September 8, 2008, by Ordinance No. 2008-9-8, the City Council of the City of Plano adopted the 2008 Edition of National Electrical Code as the Electrical Code of the City, and such Ordinance was codified as Section 6-275 of Article IX, Electrical Code, of Chapter 6 of the Code of Ordinances of the City of Plano; and

WHEREAS, on November 16, 2010 the Building Standards Commission held public hearings to discuss the adoption of the 2011 National Electrical Code, a publication of the National Fire Protections Association, along with the appendices of such Code, and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, upon the recommendation of the Building Standards Commission and upon full consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2011 Edition of the National Electrical Code, and the local amendments thereto, should be approved and adopted as the Electrical Code of the City.

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

Section I. The following ordinances or sections thereof, all of which are codified as Article IX, Electrical Code, of Chapter 6 of the Code of Ordinances of the City of Plano, are hereby repealed:

Ordinance No. 2008-9-8, duly passed and approved by the City Council of the City of Plano on September 8, 2008.

Section II. Article IX of Chapter 6 of the Code of Ordinances of the City of Plano, Texas, is hereby replaced to read as follows:

Article IX. ELECTRICAL CODE

DIVISION 1. GENERALLY

Sec. 6-271. Penalty.

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.

Sec. 6-272 Adopted.

The 2011 edition of the National Electrical Code, as published by the National Fire Protection Association, a copy of which is on file in the office of the City Secretary, is hereby

adopted and designated as the Electrical Code of the City to the same extent as if such code were copied verbatim in this Article.

Sec. 6-273. Short title.

The title of this Article shall be the “Electrical Code of the City of Plano,” and it may be cited as such.

Sec. 6-274. Definitions.

For the purposes of this Article certain terms, phrases, works and their derivatives shall be defined and meanings construed as set out in this section.

Authorized person means an individual or authorized representative of a firm or corporation who is currently licensed under the provisions of this Article to do the work as permitted under the specific provisions of this Article.

Board means the Building Standards Commission as constituted in this Article.

Electrical construction means and includes all work and material used in installing, maintaining and extending a system of electrical wiring and all appurtenances, apparatus, and equipment used in connection therewith, inside of or attached to any building or structure, lot or premises.

Electrical contractor means any person engaged in the business of installing, maintaining or altering, by contract, electrical conductors or equipment.

Electrician means a person who is engaged in the work of electrical construction, maintenance, or repair and who is qualified under the terms and provisions of this Article.

Inspector means an individual who has been designated by the City as an Electrical Inspector.

Intersystem Bonding Termination. A device that provides a means for connecting bonding conductors for communication systems and other systems such as metallic gas piping systems to the grounding electrode system.

Kitchen means an area with a sink and permanent facilities for food preparation and cooking.

Maintenance means the act of keeping in a state of safe operating condition any conductor or piece of equipment used inside or outside, attached or connected to any building electrical system by replacement of units or elements thereof, but shall not include extensions of, or additions or alterations to an existing system or branch thereof.

Owner means any person, firm, partnership, or corporation holding legal title to or in any real property, building, or premises within the City limits.

Plans Examiner means an individual who has been designated by the City of Plano to perform code review on plans submitted to the Building Inspections Department for permitting.

Registered (Licensed) means that the person has made application to the Building Inspections Department and has satisfied the department that the person is qualified to do the work stated in the application, the necessary registration fees to date have been paid, and that the person's name is carried in the records of the Electrical Inspector as a person authorized to do electrical work as defined in this Article.

Repair means the act of restoring to a safe and sound condition as an operating unit or element any conductor or piece of equipment used either inside or outside, attached or connected to a building electrical system, but shall not include extensions of or additions to an existing system or branch thereof.

Special permission means the written consent of the Electrical Inspector. Such permission shall be based upon a reasonable interpretation of this Article with respect to a specific problem where a strict interpretation would create an injustice.

Texas Department of Licensing and Regulation (TDLR) is the umbrella licensing agency for the State of Texas that is responsible for regulating the Texas Electrical Safety and Licensing Act.

Division 2. AMENDMENTS

Sec. 6-275.

Article 110.2; change the following to read as follows:

110.2 Approval. The conductors and equipment required or permitted by this *Code* shall be acceptable only if approved. Approval of equipment may be evident by listing and labeling of equipment by a Nationally Recognized Testing Lab (NRTL) with a certification mark of that laboratory or a qualified third party inspection agency approved by the AHJ.

Exception: Unlisted equipment that is relocated to another location within a jurisdiction or is field modified is subject to the approval by the AHJ. This approval may be by a field evaluation by a NRTL or qualified third party inspection agency approved by the AHJ.

Manufacturer's self-certification of any equipment shall not be used as a basis for approval by the AHJ.

Informational Note: See 90.7, Examination of Equipment for Safety, and 110.3, Examination, Identification, Installation, and Use of Equipment. See definitions of *Approved*, *Identified*, *Labeled*, and *Listed*.

230.71 Maximum Number of Disconnects.

(A) General. The service disconnecting means for each service permitted by 230.2, or for each set of service-entrance conductors permitted by 230.40, Exception Nos. 1, 3, 4, or 5, shall consist of not more than six switches or sets of circuit breakers, mounted in a single enclosure, in a group of separate enclosures, or in or on a switchboard. There shall be no more than six sets of disconnects per service grouped in any one location. For the purpose...{text unchanged}...shall not be considered a service disconnecting means.

Exception: Multiple-occupancy buildings. Individual service disconnecting means is limited to six for each occupant. The number of individual disconnects at one location may exceed six.

250.30 (A)(4)(2); is amended with the addition of the following sentence; The connection of the grounding electrode conductor to metal water piping shall be ahead of any water shut off valve located within the building or structure.

250.50; is amended with the addition of the following sentence; Any building or structure supplied by a service or feeder with a foundation, footing or piers shall have either a concrete encased electrode, ground ring, 2/0 AWG grounding electrode conductor connecting two eight (8) foot driven ground rods spaced a minimum of twenty (20) feet apart connected by a 2/0 AWG bonding conductor buried in a trench at least 30 inches deep, or chemical electrode installed.

250.64 (B); is amended with the following sentence; Grounding electrode conductors installed on the exterior of a building or structure shall be protected by a non-flexible raceway.

Section 300.11 add an exception.

300.11 Securing and Supporting.

(A) Secured in Place. Raceways, cable assemblies, boxes, cabinets, and fittings shall be securely fastened in place. Support wires that do not provide secure support shall not be permitted as the sole support. Support wires and associated fittings that provide secure support and that are installed in addition to the ceiling grid support wires shall be permitted as the sole support. Where independent support wires are used, they shall be secured at both ends. Cables and raceways shall not be supported by ceiling grids.

Exception: Ceiling grid support wires may be used for structural supports when the associated wiring is located in that area, not more than two raceways or cables supported per wire, with a maximum nominal metric designation 16 (trade size ½”).

Article 310.15(B)(7); change to read as follows:

(7) 120/240-Volt, 3-Wire, Single-Phase Dwelling Services and Feeders. For dwelling units, conductors, as listed in Table 310.15(B)(7), shall be...*{text unchanged}*...provided the requirements of 215.2, 220.61, and 230.42 are met. This Article shall not be used in conjunction with 220.82.

Section 500.8 change to read as follows:

500.8 Equipment.

Articles 500 through 504 require equipment construction and installation that ensure safe performance under conditions of proper use and maintenance.

Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to installation and maintenance.

Informational Note No. 2: Since there is no consistent relationship between explosion properties and ignition temperature, the two are independent requirements.

Informational Note No. 3: Low ambient conditions require special consideration. Explosion proof or dust-ignition proof equipment may not be suitable for use at temperatures lower than -25°C (-13°F) unless they are identified for low-temperature service. However, at low

ambient temperatures, flammable concentrations of vapors may not exist in a location classified as Class I, Division 1 at normal ambient temperature.

(A) Suitability. Suitability of identified equipment shall be determined by one of the following:

- (1) Equipment listing or labeling
- (2) Evidence of equipment evaluation from a qualified testing laboratory or inspection agency concerned with product evaluation
- (3) Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation or an engineering judgment signed and sealed by a qualified Licensed Professional Engineer.

Informational Note: Additional documentation for equipment may include certificates demonstrating compliance with applicable equipment standards, indicating special conditions of use, and other pertinent information. Guidelines for certificates may be found in ANSI/ISA 12.00.02, Certificate Standard for AEx Equipment for Hazardous (Classified) Locations.

Section 505.7(A) changed to read as follows:

505.7 Special Precaution.

Article 505 requires equipment construction and installation that ensures safe performance under conditions of proper use and maintenance.

Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to the installation and maintenance of electrical equipment in hazardous (classified) locations.

Informational Note No. 2: Low ambient conditions require special consideration. Electrical equipment depending on the protection techniques described by 505.8(A) may not be suitable for use at temperatures lower than -20°C (-4°F) unless they are identified for use at lower temperatures. However, at low ambient temperatures, flammable concentrations of vapors may not exist in a location classified Class I, Zones 0, 1, or 2 at normal ambient temperature.

(A) Implementation of Zone Classification System. Classification of areas, engineering and design, selection of equipment and wiring methods, installation, and inspection shall be performed by qualified Licensed Professional Engineer.

Section 680.25(A) changed to read as follows:

680.25 Feeders.

These provisions shall apply to any feeder on the supply side of panelboards supplying branch circuits for pool equipment covered in Part II of this article and on the load side of the service equipment or the source of a separately derived system.

(A) Wiring Methods.

(1) Feeders. Feeders shall be installed in rigid metal conduit or intermediate metal conduit. The following wiring methods shall be permitted if not subject to physical damage:

- (1) Liquidtight flexible nonmetallic conduit

- (2) Rigid polyvinyl chloride conduit
- (3) Reinforced thermosetting resin conduit
- (4) Electrical metallic tubing where installed on or within a building
- (5) Electrical nonmetallic tubing where installed within a building
- (6) Type MC cable where installed within a building and if not subject to corrosive environment
- (7) Nonmetallic-sheathed cable
- (8) Type SE cable

Exception: An existing feeder between existing remote panel board and service equipment shall be permitted to run in flexible metal conduit or an approved cable assembly that includes an equipment grounding conductor within its outer sheath. The equipment grounding conductor shall comply with 250.24(A)(5).

Sec. 6-276-6-279 Reserved.

Sec. 6-280. Electrical signs.

All electrical display signs shall meet the requirements of other sections of this Article and any rule or regulation of any other ordinance or code issued by authority of the governing body of the City and the National Electrical Code, and shall be constructed and installed in accordance with the special regulations set forth in this section. Permits for installation of signs shall be obtained from the Building Inspections Department before any signs are installed. Permit fees shall be obtained and paid for in the manner and in the amount set forth in the fee schedule as adopted by the City Council.

Sec. 6-281. Supervision of work; limitation on employment of apprentices.

(a) In the actual work of installing, maintaining, altering or repairing any electric conductors or equipment for which this Article or other ordinance requires a permit, there shall be present and in direct supervision a qualified electrician of the proper classification. An electrical contractor or master electrician shall be liable and responsible for layout and technical supervision of any work which requires a permit and a journeyman or higher classified grade electrician shall be in direct "on the job" supervision of work carried on specified in this Article. Should it come to the attention of the Electrical Inspector or his assistants that such supervision and control are not being maintained, the Inspector may order the work to be discontinued and the person to whom the permit has been issued shall discontinue further work until proper supervision has been employed or supplied. Nothing in this section shall be construed as prohibiting the employment of apprentices assisting a person duly registered and qualified under the provisions of this Article. It shall be unlawful to have more than four (4) apprentice electricians working under the supervision of a duly registered person on any one job.

(b) A homeowner may personally install electrical conductors or equipment within his place of residence if the owner applies for and receives a permit, pays required fees, does work in accordance with this code, and applies for an inspection. Work performed by a homeowner, under the provisions of this section must be done by himself on homestead premises owned and occupied by him without compensation. The homeowner shall not employ another person to assist him in any way on work done under the provisions of this section.

Sec. 6-282. Inspection and approval or rejection of rough work.

(a) When the rough wiring or installation work authorized by a permit issued under this Article is complete on any permit issued under this Article, the person responsible therefore shall notify the Electrical Inspector that the job is ready for inspection giving proper identification of the work and address. The Electrical Inspector shall then make an inspection of the electrical installation within twenty-four (24) hours from the time of notification (exclusive of Saturdays, Sundays and legal holidays).

(b) If such wiring or installation work has been installed in accordance with the terms or provisions of this Article, the Electrical Inspector shall sign an Inspection Notice noting thereon the date of approval of the work. More than one (1) rough inspection may be made without charge when the progress of construction requires such inspection.

(c) If the electric wiring or installation of fixtures or equipment inspected under this section is found to be faulty or incorrectly or defectively installed, the Electrical Inspector shall attach an Inspection Notice showing rejection of the work and make available to the responsible person who installed such work information as to the changes necessary to be made in order that the work may conform to this Article. The person responsible for such work shall, within twenty-four (24) hours from the time of notification; make or start to make changes ordered and shall proceed with the work until the same is completed. Upon completion thereof, he shall notify the Electrical Inspector to the effect that the defective work has been corrected. The latter then shall cause a reinspection to be made, and if the work is found to comply with this Article he shall sign the inspection card noting thereon the date of approval of the work. If the Electrical Inspector shall again find the work incorrectly installed, they shall notify the responsible person of the necessary changes and shall again reinspect the work. If the responsible electrician does not make the required changes before the permit expires, Contractor Registration shall be cancelled and the inspector shall refuse to issue to any such person any further permits until the work in question is corrected and approved.

Sec. 6-283. Final Inspection and approval or rejection of new work.

Upon completion of all electrical wiring or installations of fixtures or equipment in any building or on any premises for which a permit has been issued under this Article, the permittee shall notify the Electrical Inspector that the work is ready for final inspection, giving the permit number and street address. The Electrical Inspector shall then cause inspection to be made within twenty-four (24) hours from time of notification (exclusive of Sundays and legal holidays). If any faulty wiring or equipment is found, the electrician in charge shall be notified of the changes to be made in order that such work shall conform to this Article. If such work is found to be correctly installed, replaced or repaired, the Electrical Inspector shall endorse his approval upon the inspection certificate stating that the wiring and installation work has been installed in accordance with the provisions of this Article.

Sec. 6-284. Work not to be covered until approved.

It shall be unlawful for any person to cover or cause to be covered any part of a wiring installation with flooring, lath, wallboard, or other material until the Electrical Inspector has approved the wiring installation, in part or as a whole, as required by this Article.

Sec. 6-285. Connection prior to issuance of certificate of approval.

(a) It shall be unlawful for any person to make connections from a source of electrical energy to any electrical wiring, devices or equipment on an installation for which a permit is required by this Article, until a certificate of approval has been issued by the Electrical Inspector authorizing such connection, and the use of such wiring, devices or equipment.

(b) It shall be unlawful for any person to make connections from a source of electrical energy to any electrical wiring, devices or equipment which has been disconnected by order of the Electrical Inspector or the use of which has been prohibited for reasons set forth in this Article until a certificate of approval has been issued by the inspector authorizing the reconnection and use of such wiring, devices or equipment.

Sec. 6-286. Removal of abandoned wire and unused poles and apparatus.

It shall be the duty of the Electrical Inspector to cause all abandoned wire, unused poles or electrical apparatus on the outside of the building or in streets or alleys to be removed at the expense of the owners thereof by giving such owners written notice.

Sec. 6-287. Inspections of existing installation – complaint driven.

Upon receipt of a complaint of suspected violations of this Article, the Electrical Inspector shall inspect/reinspect electric wiring, electric devices and electric equipment previously installed, or that may be installed in any building of the City and within the scope of this Article. If the installation of any such wiring, devices or equipment is found to be defective, dangerous or in an unsafe condition, the Electrical Inspector shall notify the owner in writing of such condition. The person owning, using or operating the same shall make the necessary repairs or changes required to place such wiring, devices or equipment in a safe condition, within five (5) days or any longer period specified by the Electrical Inspector. The Electrical Inspector shall immediately order the disconnection or discontinuance of electrical service to such wiring, device or equipment until the same has been made safe as directed.

Sec. 6-288. Unauthorized alternation of conductors or equipment.

It shall be unlawful for any unauthorized person to, in any manner, change or alter electrical conductors or equipment in or on any building. If, in the course of erecting a building or structure, electrical conductors or equipment have previously been installed in such a position as to interfere with the erection or completion of the structure, notice shall immediately be given the authorized person or firm using the electrical conductors or equipment, and shall be required to accomplish this needed change in accordance with this Article.

Sec. 6-289. Service of notices or orders.

If the person to whom any order or notice issued pursuant to the provisions of this Article is directed, cannot be found after reasonable search has been made, such order or notice may be served by posting the same in a conspicuous place upon the premises occupied by him or where the defects recited in the order or notice are alleged to exist, or on the premises which may be deemed unsafe or dangerous. Such service shall be equivalent to personal service of such order or notice. Any order to

comply with the terms of such order or notice may be sent by mail in a sealed envelope with postage prepaid and directed to the address of the electrician, owner, lessee or occupant of the premises where the defects recited in the order are alleged to exist, and shall be equivalent to personal service of such order.

Sec. 6-290. Modification or waiver.

The electrical regulations of this Article may be modified or waived in writing by the Electrical Inspector pursuant to Section 90-4 of the Electrical Code as amended when such modification or waiver is reasonable and does not differ from the intent of this Article and does not create an injustice. In all cases such waiver shall be obtained from Electrical Inspector prior to starting the work, and a copy of the waiver shall be filed in the office of the Electrical Inspector. A denial of such a waiver may be appealed to the Building Standards Commission.

Sec. 6-291. Liability of City and owner of property for damages.

The regulations of this Article shall not be construed to relieve from or lessen the responsibility or liability of any person owning, operating or installing electrical conductors, devices, appliances, fixtures, apparatus, motors, or equipment for damages to persons or buildings caused by any defect therein by reason of the inspection authorized in this Division or the certificate of approved inspection issued by the electrical inspection section as provided in this Division. The City shall not be held liable for any damages by reason of the enforcement of this Article.

Sec. 6-292. Liability of Electrical Inspectors.

Where action is taken by the Electrical Inspectors to enforce the provisions of this Article, such acts shall be done in the name of and on behalf of the City, and the inspectors, in so acting for the City, shall not render themselves personally liable for any damage which may accrue to person or property as a result of any act committed in the discharge of their duties.

Secs. 6-293 – 6-300. Reserved.

DIVISION 3. APPLICATION

Sec. 6-301. Compliance generally.

(a) The provisions of this Article shall apply to all installations of and work done on electrical conductors, fittings, devices, motors, controls, appliances, fixtures, electronic devices, signs and gaseous tubing, within or on public and private buildings and premises, with exceptions as provided in this Article.

(b) All installations of electrical conductors or equipment and all existing installations which are altered shall conform to the requirements for a sufficient and safe electrical structure and system under this Article.

(c) Repair and maintenance work shall be such that if any electrical conductor or equipment is removed and later replaced, the same shall be replaced in accordance with the provision of this Article

Sec. 6-302. Radio and television transmitting equipment.

The provisions of this Article shall apply to electrical equipment used for supplying electrical power for radio transmission in amateur radio transmitting stations and shall apply to all electrical equipment used for power supply to radio and television transmitting equipment, but shall not apply to other electrical equipment used for radio transmission.

Sec. 6-303. City, county and school districts departments and buildings.

The various departments and buildings of the City, the County, and of the Plano Independent School District shall be subject to the provisions of this Article, but shall be exempt from the requirements of fees.

Sec. 6-304. Low voltage conductors and equipment.

This Article shall not apply to low voltage, electrical conductors or equipment when served from a source of supply which is limited by design or construction, other than fuses, so that the voltage shall never exceed fifty (50) volts, and so that current in excess of ten (10) amperes on short circuit would not be possible.

Secs. 6-305 – 6-317. Reserved.

DIVISION 4. ELECTRICAL INSPECTOR

Sec. 6-318. Powers generally.

The Electrical Inspector shall have the following powers:

- (1) To enforce the provisions of this Article and issue citation to any person who violates any of such provisions.
- (2) To enter any house by due process of law, if necessary, during reasonable hours, to examine any electrical wiring or installation of electrical wiring, fixtures or equipment therein, in the performance of his official duties.
- (3) To order the electric disconnection of service where improper or defective wiring exists or where electrical construction or equipment has been installed without a permit as required in this Article.
- (4) To order compliance with provisions of this Article where a change of occupancy occurs in a building which requires changes or alterations to existing wiring.
- (5) To disconnect electrical service or services in cases of emergency where necessary, for safety of persons or property or where electrical equipment may interfere with the work of the fire department.
- (6) To attach to electrical equipment or electrical meters any official notice or seal which might be necessary to prevent the use of electricity. It shall be unlawful for any person to use

any such seal or break, change, destroy, tear, mutilate, cover or otherwise deface or injure any such notice or seal posted by an Electrical Inspector.

Sec. 6-319. Special rulings

If a special ruling by the Electrical Inspector is necessary to govern electrical construction of some particular occupancy or building not covered by this chapter or by the National Electrical Code, as approved by the National Fire Protection Association and adopted in this Article, whereby all wiring for similar types of occupancy or building will be changed in the future, a copy of such ruling shall be filed in the office of the Electrical Inspector, and such special ruling shall be approved by the Board before it becomes effective.

Sec. 6-320 Conflicts of Interest

It shall be unlawful for City Electrical Inspectors to engage in the business of the sale, installation or maintenance of electrical conductors, devices, appliances, fixtures, or other electrical equipment, either directly or indirectly, and they shall have no financial interest in any concern engaged in such business at any time while in the employ of the City as an Electrical Inspector without prior approval by the Department Head.

Secs. 6-321 – 6-326. Reserved.

DIVISION 5. REGISTRATION (LICENSING) OF ELECTRICIANS

Sec. 6-327. Required.

(a) It shall be unlawful for any person to engage in the business of installing, maintaining, altering or repairing any wiring, fixtures, or equipment used for conducting electricity for which a permit is required by this Article, or for any person to in any manner undertake to execute such work, unless such person is licensed in accord with the Texas Department of Licensing and Regulation (TDLR) and has a current certificate of registration per Sec. 6-328.

(b) Only persons who are employed by a registered electrical contractor or a registered electrical sign contractor with the appropriate license category may perform electrical work under the supervision of the master electrician, or master sign electrician whichever is applicable.

(c) Persons who are not licensed electricians may carry out the following classes of work:

(1) The replacement of lamps, fuses and connection of portable devices to suitable receptacles, which have been permanently installed;

(2) The installation, alteration or repairing of any wiring, devices or equipment for the operation of a signal or the transmission of intelligence, where such wiring, devices, appliances, or equipment are operated at a voltage not exceeding fifty (50) volts between conductors and do not include generating equipment;

(3) The installation, alteration or repair of electrical wiring, devices, appliances and equipment by or for an electrical public service corporation operating under a franchise from the City when for the use of such corporation in the generation, transmission, distribution or

metering of electrical energy or for the use of such a corporation in the operation of street railways, signals or transmission of intelligences as specified in Sec. 6-302.

Sec. 6-328. Classifications

There shall be two (2) classes of local electrical registration as follows:

- (1) Electrical Contractor Registration;
- (2) Electrical Sign Contractor Registration;

Sec. 6-329. Application.

(a) *Generally.* To secure a certificate of registration, as a qualified and competent electrician in either of the classes set out in this Division, an application shall be made in writing and addressed to the Building Inspections Department. The application shall show the applicant's name and address, and such other information as may be prescribed by the Building Inspections Department and shall be made out on forms available in the office of the Electrical Inspector.

(b) *Electrical Contractor.* An applicant for a certificate of registration as an electrical contractor shall file with the application an affidavit setting forth the name of the person who is the owner of the business, his address and that of the place of business; or if the business is a firm, partnership or corporation, the names of officers who own or operate the business and their addresses, the address of the business, and the name and address of the person who shall be responsible for the conduct and in charge of the business for all work done under this Article. The applicant shall further state the method of supervision of work to be contracted by the firm and the name of the registered Master Electrician who is legally proficient as specified in this Article, and shall be responsible for the actual installation, repair and/or maintenance of the electrical conductors and equipment which is to be carried on by the person, firm or corporation

(c) *Electrical Sign Contractor.* An applicant for a certificate of registration as an electrical sign contractor shall file with the application an affidavit setting forth the name of the person who is the owner of the business, his address and that of the place of business; or if the business is a firm, partnership or corporation, the names of officers who own or operate the business and their addresses, the address of the business, and the name and address of the person who shall be responsible for the conduct and in charge of the business for all work done under this Article. The applicant shall further state the method of supervision of work to be contracted by the firm and the name of the registered Master Sign Electrician who is legally proficient as specified in this Article, and shall be responsible for the actual installation, repair and/or maintenance of the electrical conductors and equipment which is to be carried on by the person, firm or corporation.

Sec. 6-330. Fees.

The fees for registration of qualified contractors of both classes shall be payable to the City at the Building Inspections Department as set out in the fee schedule as adopted by the City Council.

Sec. 6-331. Reserved

Sec. 6-332. Expiration and renewal of certificates.

(a) A certificate of registration issued under this Division shall expire one (1) year after the date of issue.

(b) Renewal of a certificate of registration shall be accomplished by payment of the fee prescribed by this Division and issuance of a receipt signed by the City Secretary extending the validity of the corresponding numbered certificate for one (1) year only. A new application shall be required for reinstatement of a certificate of registration if the required renewal fee is not paid within six (6) months from the expiration date.

Sec. 6-333. Reserved

Sec. 6-334. Certificates of registration not transferable.

A certificate of registration issued under this Division shall not be transferable. It shall be unlawful for any person to lend, rent or transfer his certificate of registration or any rights there under to any other person, or for any person to make use of any such rights which are not actually his own.

Sec. 6-335. Reserved

Sec. 6-336. Altering certificate or card.

It shall be unlawful for any person other than the Electrical Inspector at the direction of the Building Inspections Department to alter or amend in any manner any registration certificate issued under this Division.

Sec. 6-337. Cards to be carried on person and exhibited upon request.

Every holder of a license issued by the Texas Department of Licensing and Regulation (TDLR) shall carry the license on their person at all times while doing electrical work and shall produce and exhibit it when requested by an Electrical Inspector or proper official of the City.

Sec. 6-338. False representations as to registration.

It shall be unlawful for any person to falsely represent themselves as a registered electrician of any class set forth in this Division or to use the words "electrical contractor," "electrical sign contractor", or words of similar import or meaning on signs, cards, stationery, or by any other manner whatsoever, unless such person is properly registered within the meaning of the words used as provided in this Article.

Sec. 6-339. Record of certificates

The Building Inspections Department shall keep a record of the name and place of business of all persons to whom registration certificates have been issued under this Division, provided that the Department shall not be responsible for the record of any person whose registration has not been renewed or has lapsed for a period in excess of twenty-four (24) months.

Sec. 6-340. License not transferable.

It shall be unlawful for any licensed master electrician, or master sign electrician to allow their license to be used by another electrician to permit any job of electrical wiring in the City.

Sec. 6-341. Suspension or revocation of certificate.

(a) The Chief Building Official or his designee shall have the power to temporarily suspend the certificate of registration of any electrical contractor, or electrical sign contractor who:

(1) Obtains a certificate by fraud or deceit;

(2) Takes out electrical permits in the name of some person, firm, or corporation authorized by law to do electrical work and thereafter permits an unauthorized person to do the work;

(3) Engages in any gross negligence, incompetence, or misconduct in the performance of electrical work within the jurisdiction of the City;

(4) Fails to obtain a permit for electrical work that is performed within the jurisdiction of the City;

(5) Fails to obtain all necessary inspection approval required to complete the work as described in the permit.

(b) The Building Inspections Department shall inform the Board in writing of any temporary suspensions and the basis thereof within two (2) business days of issuing the temporary suspension. A hearing will be scheduled before the Board not later than ten (10) business days from the date the temporary suspension was issued. The alleged violator shall be notified in writing via certified mail of the date, time and location of the hearing. The alleged violator may appear in person or thru counsel or both, at the time and place named in the notice and make defense to the same.

(c) The Board shall have the power, through its chairman or secretary to administer oaths and to compel the attendance of witnesses before it by subpoena issued over the signature of the secretary of the Board. The City Attorney shall provide counsel for the Board.

(d) If the accused admits liability or if upon a hearing the Board, by vote of three (3) or more of its members, shall find them to be true, it shall enter a finding suspending or revoking the certificate of registration of such Electrical Contractor or Electrical Sign Contractor. The Board shall render a decision within forty-eight (48) hours of the hearing.

(e) The Board shall in reciting its decision after a hearing under this section, make provisions for reinstatement. Such reinstatement provisions shall be filed as a part of the record and a copy shall be made and given or mailed within twenty-four (24) hours to the Electrical Contractor or Electrical Sign Contractor. Once the requirements have been fulfilled the Electrical Contractor or Electrical Sign Contractor may notify the Chief Building Official in writing of compliance. If the Chief Building Official determines that all requirements have been fulfilled, the registration shall be reinstated. If the Chief Building Official determines that all requirements have not been fulfilled, the registration shall not be reinstated. Failure to reinstate can be appealed to the Board.

(f) The Building Inspections Department shall inform the board in writing of any failure to reinstate within two (2) business days of issuing the denial. A hearing will be scheduled before the Board not later than ten (10) business days from the date of the denial of reinstatement. The violator shall be notified in writing via certified mail of the date, time and location of the hearing. The violator may appear in person or by counsel or both, at the time and place named in the notice and make defense to the same.

(g) The Board shall render a decision not later than forty-eight (48) hours after a hearing and a copy shall be made and given to the Electrical Contractor or Electrical Sign Contractor within twenty-four (24) hours of the rendering of the decision.

(h) An Electrical Contractor or Electrical Sign Contractor adversely affected by a decision of the Board shall have the right to appeal the decision to the District Court.

(i) It shall be unlawful for any person whose rights under a certificate have been suspended or revoked to engage in or do electrical work for which this Article requires a permit.

Sec. 6-342. Termination of registration.

Each registration certificate, when issued under this Division, shall be issued to a person, firm or corporation to be known as the holder of the registration, and should such firm or corporation dissolve or surrender its charter; such registration shall become null and void. No refund shall ever be made for the un-expired portion of the registration.

Secs. 6-343 – 6-350. Reserved.

DIVISION 6. WORK PERMITS

Sec. 6-351. Required.

(a) It shall be unlawful for any person to install or cause to be installed, or to permit any person to install, any electrical wiring, fixtures or equipment, or to make any alterations, additions, changes or repairs, within the scope of this Article, without first having procured a permit therefore issued by the Electrical Inspector. One (1) permit shall be allowed for each building for which rough work for electrical conductors or electrical equipment is installed.

(b) Notwithstanding the provisions of subsection (a), no permit shall be required for the making of a minor repair or for maintenance work, the replacement of lamps, or the connection of portable electrical equipment to suitable permanently installed receptacles. No permit shall be required of an appropriately registered person for the replacing of a refrigeration motor by another motor of the same horsepower and ampere rating, solenoid valves, low pressure controls, or other controls that are a part of the refrigeration system when the electrical supply to same is or has been properly installed by a registered electrician.

Sec. 6-352. Application.

Application for a permit required by this Division shall be made in writing upon forms provided by the electrical inspection section for that purpose. With such application there shall be filed, when requested by the Electrical Inspector, a diagram or plan showing clearly the character and kind of

wiring or installation of fixtures or equipment to be done. The plan or diagram shall show the manner in which the electrical installation is to be made, or the character of any repairs to any existing electric installation. Such application shall include the following information; street and house number, name of addition where the work is to be done, name of the owner, kind of building, number of stories in the building, and a list of electrical fixtures and appliances to be installed.

Sec. 6-353. Fee.

Prior to issuance of a permit required by this Division, the applicant therefore shall pay a permit fee in accordance with the schedule as adopted by the City Council.

Sec. 6-354. To whom issued.

Permits may be issued to registered Electrical Contractors or Electrical Sign Contractors qualified to secure permits as set forth in this Article, or their duly authorized agents, and to owners to personally perform repair, maintenance or electrical construction work upon premises owned by them. Qualified registered electricians shall certify their duly authorized agents to the Electrical Inspector in the form of an affidavit stating that such registered electrician assumes all and full responsibility for any permit taken out or applied for by such agents. The certification shall be kept in the files of the Building Inspections Department.

Sec. 6-355. Issuance or refusal.

When the Plans Examiner finds the application for a permit under this Division to be correct and the diagram or plan and specifications, when requested are approved and all fees have been paid, he shall cause the permit to be issued. Upon receipt of such permit, the permit tee may start or cause to start the proposed job and make the installation described in his application, requesting inspection by the City inspectors in the proper sequence as the work progresses. If the plans relating to electrical wiring or installation of fixtures or equipment and the permit application are found to be incorrect or faulty, they shall be disapproved and the permit refused, and the Electrical Inspector shall notify the applicant, listing the corrections necessary to comply with this Article and rules and regulations of the inspection section.

Sec. 6-356. Permits for part jobs.

When one (1) Electrical Contractor completes the rough work, in whole or in part, on any electrical wiring or installation of fixtures or equipment and a second Electrical Contractor is called upon to complete the work, regular fees prescribed by this Division shall be paid for the work to be done. Each Electrical Contractor shall be held responsible only for the work installed by the Contractor. Before the second Electrical Contractor is issued a permit for the completion of electrical wiring or installation of fixtures or equipment, the Electrical Inspector shall first notify the electrician holding the original or first permit, if the Electrician can be found that the second permit is to be issued. The issuance of the second permit shall cancel the first permit and no refund of fees shall be made.

Sec. 6-357. Revocation of permit.

The Electrical Inspector shall have the right to revoke a permit issued under this Division if there has been misrepresentation of facts or any violation of the provisions of this Article.

Sec. 6-358 – 6-435. Reserved.

Section III. All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, 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 of 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. 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 VI. Any person, firm or corporation violating any of the provisions or terms 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. This Ordinance shall become effective March 1, 2011, and after its passage and publication as required by law.

DULY PASSED AND APPROVED on this the 10th day of January, 2011.

Phil Dyer, MAYOR

ATTEST

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		January 10, 2011		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady #5993				
CAPTION				
<p>An Ordinance of the City of Plano, Texas partially repealing City of Plano Ordinance 2008-4-39 as further amended by Ordinance No. 2008-6-16 and Ordinance No. 2009-4-17 and codified as Article XX, Residential Code, of Chapter 6 of the Code of Ordinances; and adopting the 2009 Edition of the International Residential Code with certain additions, deletions, and amendments, as the Residential Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2010-11	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: This item has no fiscal impact.				
SUMMARY OF ITEM				
<p>This ordinance will adopt the most recent version of the International Residential Code published by the International Code Council while retaining the sprinkler provisions of the 2006 Residential Code and includes the regional amendments which have been developed by the North Central Texas Council of Governments. Public review of all construction related codes was addressed at work sessions held by the Building Standards Commission in October of 2010. Formal action was taken by the Building Standards Commission at its October 19, 2010 meeting. At that time, the Commission voted unanimously to forward this Code and amendments to the City Council for adoption as the Residential Code for the City of Plano</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Minutes from BSC 10/16/10			Building Standards Commission	
Supporting Letters from Council of Governments and Energy System Laboratory				



Building Inspections
P.O. Box 860358
Plano, Texas 75086-0358
O: 972-941-7140 F: 972-941-7177
www.buildinginspections.org



MEMORANDUM

December 22, 2010

To: Tom Muehlenbeck, City Manager
From: Selso Mata, Chief Building Official
Subject: 2009 Code adoption
CC: Frank Turner, Deputy City Manager

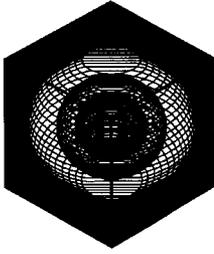
In mid 2009 and throughout 2010 the regional code committees in our North Texas area reviewed the International Code Council's 2009 construction codes and the National Fire Prevention Association's 2011 National Electrical Code (NEC). The culmination of these efforts is summarized in the attached memo from The North Central Texas Council of Governments (NCTCOG) with their recommendation for code adoption. Plano's Building Standards Commission (BSC) subsequently held four meetings this year to further review code amendments and receive stakeholder input. Meeting minutes are attached from each BSC hearing. As a result, the BSC unanimously recommends the 2009 International codes and the 2011 NEC with code amendments to the City Council for the January 10, 2011 meeting with an effective enforcement date of March 1, 2011.

The recommended codes with amendments are:

- 2009 – International Building Code
- 2009 – International Residential Code
- 2009 – International Plumbing Code
- 2009 – International Mechanical Code
- 2009 – International Fuel and Gas Code
- 2009 – International Energy Conservation Code
- 2011 – National Electrical Code

Please let me know if you have any questions or need additional information.

XC: Hugo Esparza, Fire Chief
David Kerr, Fire Marshal



ENERGY SYSTEMS LABORATORY

Texas Engineering Experiment Station
Texas A&M University System
3581 TAMU
College Station, Texas 77843-3581

Mr. Selso Mata, A.I.A., C.B.O.
Building Official
City of Plano
1520 Avenue K
Plano, Texas

Aug. 31, 2010

Re: NCTCOG Amendments

Dear Mr. Mata,

The Energy Systems Laboratory has completed a detailed technical analysis of the proposed set of amendments you have presented on behalf of the NCTCOG's Regional Code Coordinating Committee. The ESL has determined that both the residential and commercial energy efficiency provisions of the proposed amendments are as stringent as the newly adopted TBEPS' energy efficiency provisions, based on 2009 IECC and the 2009 IRC.

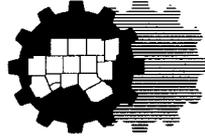
Thank you for your inquiry.

Sincerely,

Bahman Yazdani, P.E.
Associate Director

Jeff S. Haberl, Ph.D. P.E.
Associate Director

Cc: David Claridge, P.E., Ph.D., Director



North Central Texas Council Of Governments

TO: Jurisdictions throughout the North Central Texas Region **DATE:** November 23, 2010

SUBJECT: Model Construction Code Recommendations for North Central Texas

The North Central Texas Council of Governments (NCTCOG) has actively promoted the standardization of model construction codes since 1967 in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs.

In mid 2009, NCTCOG's Regional Codes Coordinating Committee (RCCC) directed its Code Advisory Boards to review the International Code Council's 2009 family of model construction codes and the National Fire Prevention Association's 2011 National Electrical Code. The Advisory Boards, comprised of 101 code professionals representing local jurisdictions and professional associations, held open meetings to consider the codes and achieve consensus on any needed regional amendments. Many national and regional subject matter experts also gave testimony and participated in the process.

As a result, the NCTCOG Executive Board, upon the recommendation of the RCCC and its Advisory Boards, encourages your jurisdiction to adopt the following model construction codes along with their respective regional amendments:

- ◆ **International Building Code – 2009 Edition**
- ◆ **International Residential Code – 2009 Edition**
- ◆ **International Fire Code – 2009 Edition**
- ◆ **International Plumbing Code – 2009 Edition**
- ◆ **International Mechanical Code – 2009 Edition**
- ◆ **International Fuel Gas Code – 2009 Edition**
- ◆ **International Energy Conservation Code - 2009 Edition**
- ◆ **National Electrical Code – 2011 Edition**

NCTCOG recommends adopting these codes with no local amendments other than the regional amendments with an effective date of **January 31, 2011** or as soon as possible thereafter. The ultimate goal is regional uniformity in the model construction codes for the North Central Texas region. NCTCOG feels strongly that municipalities, contractors, architects, builders, and manufacturers will benefit from the positive economic results coming from achievement of that goal.

As a follow-up measure, the RCCC intends to submit some of the regional amendments as proposed changes during the next international code change cycle. In the past, several NCTCOG regional amendments have been incorporated into the codes when those amendments were proposed as code changes to the main documents.

PLEASE NOTE:

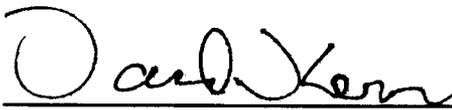
- 1) The Energy Efficiency amendments have been reviewed by the Energy Systems Laboratory (ESL) at Texas A&M to ensure equivalency with the current Energy Code adopted by the State of Texas (the 2003 International Energy Conservation Code).
- 2) The Energy Efficiency amendments have been reviewed by the Energy Systems Laboratory (ESL) at Texas A&M to ensure equivalency with the future Energy Code adopted by the State of Texas (the 2009 International Energy Conservation Code and Chapter 11 of the 2009 International Residential Code).
- 3) An International Code Compliance Calculator (ICCC) has been created by the ESL to demonstrate compliance with the State's Energy Conservation Requirements. The ICCC is "live" and can be accessed at <http://ecalc.tamu.edu>
- 4) There is a wide range in the fire fighting philosophies/capabilities of cities across the region; the consensus of the RCCC has been to include both an OPTION "A" and an OPTION "B" in the fire and building code amendments. Jurisdictions should choose one or the other based on their fire fighting philosophies/capabilities when adopting code amendments.

You may access our website at www.dfwcodes.com to obtain a copy of the recommended regional amendments. For more information regarding regional codes, contact Michael King, Environment & Development Planner, by email at mking@nctcog.org or by phone at (817) 695-9277.

We appreciate your support of our continued efforts toward regional code uniformity. Please send a copy of your adopting ordinance(s) to NCTCOG including amendments. Your ordinance will help us to document the effectiveness of the codes coordinating effort in our region and may be used to provide a model to other jurisdictions.


Mike Eastland, Executive Director
North Central Texas Council of Governments


John Promise, Director
Department of Environment and Development


David Kerr, Chairman
Regional Codes Coordinating Committee

MK/ez

Building Standards Commission
October 19, 2010

Present

Rich Prusha, Chairman
Jim Kesterson
Art Stone
Gary Johnston
Mark Greer,
James Craft, Present, not seated

Staff

Selso Mata, Building Official
John Gilliam, Assistant City Attorney
Cynthia O'Banner, Director Property Standards
Gary Miles, Assistant Building Official
Tony Han, Plan Review Services Supervisor
Diana Casady, Sr. Administrative Assistant

1. Public comments: **No Public Comment**
2. Approval of Minutes from March 16, 2010 meeting.
Commission Member Jim Kesterson made the motion to approve the minutes from March 16, 2010 meeting. Member Gary Johnston seconded the motion. The Commission voted 5/0 in favor of the motion.
3. Approval of Minutes from April 20, 2010 meeting
Quorum was not present to pass the minutes from the April 20th meeting.
4. Approval of Minutes from September 21, 2010 meeting
Commission Member Gary Johnston made the motion to approve the minutes of the September 21, 2010 meeting as written, Member Art Stone Seconded the motion. The Commission voted 5/0 in favor of approving the minutes from September 21, 2010.
5. Discussion and consideration of request for approval of alternate material of construction of fence. Ordinance No. 97-4-12 Chapter 6, Article 7, Division 1 Sec 6-186, Building and Building Regulation, of the Code of Ordinances of the City of Plano, Texas. This item is requested by John Grinnell, 2200 Tree house Lane, Plano, Texas, and tabled at the August 17, 2010 meeting.

Commission Member Art Stone made the motion to remove Agenda item 5 from the table for discussion. Commission Member Gary Johnston seconded the motion. The Commission voted 5/0 in favor of the motion.

Cynthia O'Banner, Property Standards Director, testified that the Property Standards Department made contact with the previous owner and she said she only lived there a few months even though she owned the house for several years and could not recall the material used, however she did provide pictures

for the Department. Property Owner, Mr. Grinnell met with Ms. O'Banner and a Council Member and consented to an interior inspection of the fence to confirm the material used during the interior inspection, T-1 11 siding used during the alteration the material was the same. Property Standard decided there is no further action since a permit was pulled and approved in 1984.

6. Discussion and consideration of recommendation to City Council for the adoption of the 2009 International Residential Code, and the 2009 International Energy Conservation Code.

Building Official, Selso Mata, opened the presentation of the I Codes to the Commission and introduced Tony Han, Plan Review Services Supervisor, to present the 2009 International Residential Code Amendments to the Commission and answered questions from the Commission. Selso Mata presented Chapter 11 of the IRC to the Commission explaining that Chapter 11 of the IRC and Chapter 4 of the International Energy Code are the same. Gary Miles, Assistant Building Official presented the Mechanical and Plumbing sections of the International Residential Code. Selso Mata presented Appendix R, Residential Green Building Standards to the Commission.

After hearing the Presentation, Commission Chairman Rich Prusha made the motion to recommend approval for the 2009 International Residential Code amendments, and the 2009 International Energy Conservation Code with Amendments as reviewed at this meeting with any changes or additional language brought back to the Commission. Commission member Gary Johnston seconded the motion. The Commission voted 5/0 in favor of this recommendation.

7. Items for future agendas

Code Review for the 2009 International Fire Code.

Selso took a moment to Thank Mr. Prusha for his service on the Commission.

The Public Hearing adjourned at 5:08 P.M.

FOC


Rich Prusha, Chairman

An Ordinance of the City of Plano, Texas partially repealing City of Plano Ordinance 2008-4-39 as further amended by Ordinance No. 2008-6-16 and Ordinance No. 2009-4-17 and codified as Article XX, Residential Code, of Chapter 6 of the Code of Ordinances; and adopting the 2009 Edition of the International Residential Code with certain additions, deletions, and amendments, as the Residential Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on April 28, 2008, by Ordinance No. 2008-4-39 the City Council of the City of Plano established a Residential Code and provided regulations thereunder, and such Ordinances were codified as Article XX, Residential Code, of Chapter 6 of the Code or Ordinances of the City of Plano (“City”) as further amended by Ordinance No. 2008-6-16 and Ordinance No. 2009-4-17; and

WHEREAS, on October 19, 2010, the Building Standards Commission held a public hearing to discuss the adoption of the 2009 Edition of the International Residential Code, a publication of the International Code Council (I.C.C.), along with the Appendices of such Code, and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, for regulatory purposes due to changes in state law, the City Council is of the opinion that Section 6-710, Chapter 3, Section R325 of Article XX of Chapter 6 of the City Code of Ordinances established by Ordinance No. 2008-4-39 regarding Automatic Sprinkler Systems should be retained as codified in the City Code of Ordinances and that all remaining provisions of Ordinance No. 2008-4-39 as further amended by Ordinance No. 2008-6-16 and Ordinance No. 2009-4-17 should be repealed; and

WHEREAS, Upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2009 Edition of the International Residential Code, along with the Appendices of such Code and the local amendments thereto, should be approved and adopted as the Residential Code of the City.

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

Section I. All provisions of Ordinance No. 2008-4-39, duly passed and approved by the City Council of the City of Plano on April 28, 2008 and as further amended by Ordinance No. 2008-6-16 and Ordinance No. 2009-4-17, codified as Chapter 6, Article XX of the City of Plano Code of Ordinances are repealed with the exception of the below referenced section which is hereby explicitly retained and shall remain codified in its entirety:

Section 6-710, Chapter 3, Section R325 of Article XX of Chapter 6 of the City of Plano Code of Ordinances established by Ordinance No. 2008-4-39 regarding Automatic Sprinkler Systems as follows:

“Section R325, Automatic Sprinkler Systems. An automatic sprinkler system shall be installed in all new buildings 6,000 square feet and greater, and in all existing buildings that are enlarged to be 6,000 square feet or greater, and in building greater than 6,000 square feet which are enlarged. Only gross floor area within the exterior walls shall be used to calculate the building area.

Exception:

a. The floor areas of covered patios and porches open entirely on at least one side, except for guardrails, need not be included in the calculation of the area of the building. “

Section II.

A new Article XX, Residential Code, of Chapter 6 of the Code of Ordinances is hereby adopted and shall read in its entirety as follows:

ARTICLE XX. RESIDENTIAL CODE

DIVISION 1. GENERALLY

Sec. 6-708. Penalty.

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.

Sec. 6-709. Adopted.

The 2009 Edition of the International Residential Code, a publication of the International Code Council (ICC), along with the Appendices of such Code, is hereby adopted and designated as the Residential Code of the City of Plano to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the 2009 Edition of the International Residential Code is on file in the office of the City Secretary.

DIVISION 2. AMENDMENTS

Sec. 6-710. Deletions, Additions, Amendments.

The following deletions, additions, and amendments to the International Residential Code adopted herein are hereby approved and adopted:

Chapter 1, Administration

Section R101.1; Insert jurisdiction name as follows:

R101.1 Title. These regulations shall be known as the *Residential Code for One- and Two-family Dwellings* of City of Plano, Texas hereinafter referred to as "this code."

Section R102.4; change to read as follows:

R102.4 Referenced codes and standards. The *codes*, when specifically adopted, and standards referenced in this *code* shall be considered part of the requirements of this *code* to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced *codes* and standards, each reference to said *code* and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the *Electrical Code* shall mean the *Electrical Code* as adopted.

Where differences occur between provisions of this *code* and referenced *codes* and standards, the provisions of this *code* shall apply.

Exception: Where enforcement . . . *{remainder of language unchanged}*. . . .

Subsection R104.2, Applications and permits; is amended by the addition of *Subsection R104.2.1*.

Subsection R104.2.1, Adequate toilet facilities.

Every construction project requiring a building permit within the City limits of the City of Plano shall have adequate toilet facilities for workers associated with the project.

In partially completed phased subdivisions or projects, more than one permanent or temporary toilet may be required, but not less than one shall be provided and at least one permanent or temporary toilet facility shall be maintained in each subdivision or project for the employees or subcontractors of each builder holding a permit for a building in that subdivision or project. A toilet facility must be provided by each builder as long as the builder holds an active building permit in the subdivision or project.

Permanent toilet facility is defined as a room in an existing building or in the building being constructed with a water closet installed in such a room, which conforms to the *Plumbing Code* and is continuously available to all workers involved in a construction project.

Temporary toilet facility is defined as a portable, fully enclosed, chemically sanitized toilet, which is serviced and cleaned at least once each week.

In addition to the justifications in the *Building Code* and in addition to other remedies, the building official may issue a Stop Work Order as described in the *Building Code* for any work done on a project not in compliance with this section.

Subsection R105.2, Work exempt from permit.

Building:

1. One-story... *{item unchanged}* does not exceed 120 square feet. items number
2. Item Deleted
5. Item Deleted

Subsection R105.3, Application for permit; is amended by the addition of the following paragraphs:

Registration:

To obtain a permit the applicant shall be registered as a contractor.

Exception: Homeowners may obtain permits to do work at their residence without being registered.

- a. Registration Requirements: Contractor may register by making application on forms provided by the Building Official. Electrical, irrigation, mechanical, and plumbing contractors shall provide proof of required licenses.

Licensing:

1. Electrical license is a license issued by the State of Texas under provisions of title 8, Occupations Code, Chapter 1305, Administered by the Texas Department of Licensing and Regulation,

2. Mechanical license is authorization issued by the State of Texas allowing an individual to install air conditioning, heating and ventilating systems or their components.

3. Plumbing license is a license issued by the State of Texas under the provisions of Article 6243.101, Vernon's Texas Civil Statutes, as amended, (known as "The Plumbing License Law of 1974").

b. Revocation/Suspension: A contractor's registration may be suspended for the following causes:

1. The contractor fails to finalize permits by obtaining the required, approved inspections.

2. The contractor allows use or occupancy of a structure for which a permit was obtained without first obtaining the required authorization.

3. The contractor has been found by the Building Standards Commission to have been grossly negligent in the performance of his/her work. For purposes of this Section, a contractor may be found to have acted in a grossly negligent manner if such contractor has received six (6) municipal court convictions for city code violations and if such violations occurred in the twelve (12) month period preceding the revocation/suspension action before the Commission.

4. Expiration, suspension or revocation of required license, bond or insurance.

Subsection R105.3.1, Action on application; is amended by the addition of the following paragraph:

A demolition permit may be withheld for any building or structure within the Plano Historic Building and Site Survey as designated in the Preservation Plan for a period not exceeding thirty (30) days pending review by the Heritage Commission.

Section R105, is amended by the addition of ***Subsection R105.9*** to read as follows:

Subsection R105.9, Withdrawn Permits. Permits may be withdrawn by the applicant if no work has commenced on the project. Permit fees exceeding \$50.00 may be partially refunded. Where applicable, fees will be refunded at 80 percent of their original value, excluding the plan review and fire protection plan review deposits.

Permits for which work has commenced may not be withdrawn unless a subsequent permittee has obtained a permit to complete the work, or when work has started unless an inspection has been made and the Building Official has determined that the existing work has created no violation of any code or ordinance.

Expired permits may be withdrawn if determined by the Building Official that no work has commenced.

Withdrawn permits with fees of less than fifty (\$50) dollars are nonrefundable.

Subsection R106.1, Submittal documents; is amended by the addition of the following paragraph:

Foundation plans shall be submitted with each application. These plans shall be designed by an engineer licensed by the State of Texas and shall bear that engineer's seal, signature, and date.

Exception: These plans shall not be required for Group U Occupancies when not attached to another occupancy, other than those which are required by separate ordinance.

All structural plans, include framing and foundation, for residential buildings in excess of 6,000 square feet in area (under roof) shall be designed by an engineer licensed by the State of Texas and shall bear that engineer's seal, signature, and date.

Subsection R106.3.1, Approval of construction documents; is changed to read as follows:

When the building official issues a permit, the construction documents shall be approved, in writing, or by a stamp which states "APPROVED and APPROVED AS NOTED BY THE BUILDING OFFICIAL" {the remainder of the section is unchanged}

Section 108.7; add Section 108.7 to read as follows:

108.7 Re-inspection Fee. A reinspection fee may be charged but not be limited to the following:

- 1.The inspection called for is not ready when the inspector arrives;
- 2.No building address or permit card is clearly posted;
- 3.Approved plans are not on the job site available to the inspector;
- 4.The building is locked or work otherwise not available for inspection when called;
- 5.The job site is red-tagged twice for the same item;
- 6.The original red tag has been removed from the job site and/or,
- 7.Violations exist on the property including failure to maintain erosion control, trash control or tree protection.

Subsection R109.1.3, Floodplain inspections; is changed to read as follows:

For construction permitted in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official may require submission of documentation, prepared and sealed by a registered design professional of the elevation of the lowest floor, including basement, required in Section R322.

Subsection R110 (R110.1 through R110.5); are deleted in its entirety.

Section R112, Board of Appeals; is changed so that the Section title shall read “*Building Standards Commission.*”

Subsection R112.2.1, Determination of substantial improvement in areas prone to flooding; is deleted in its entirety.

Subsection R112.2.2, Criteria for issuance of a variance of areas prone to flooding; is deleted in its entirety.

Subsection R112.3, Qualifications; deleted in its entirety

Subsection R114, Stop Work Order; is amended by the addition of Subsection R114.3, to read as follows:

Subsection R114.3, Construction debris

a. Whenever work is being done that is authorized by a permit, and construction debris from that work is not confined to a container or to a site on the property approved by the Building Official or his designee, and such construction debris poses a threat to public health, safety and comfort so that it constitutes a nuisance, the Building Official or his designee may order the worked stopped and the Contractor shall clean up the construction debris within thirty-six (36) hours of receiving written notice of the violation. After the expiration of the thirty-six (36) hour period, Contractor shall pay City a reinspection fee to offset costs incurred by City due to the necessary reinspection before the stop work order is lifted.

b. As used herein, the term “Construction Debris” shall include all materials utilized in the construction process, including all litter and debris deposited and left remaining upon the premises of a job site by a Contractor, Subcontractor, and their employees, agents, and assigns.

c. As used herein “Costs” shall mean all expense incurred by City for the cleaning of the job site and the amount of any unpaid municipal court fine.

Chapter 2, Definitions

Section R202, definition of “Townhouse”; is changed to read as follows:

A single-family dwelling unit constructed in a group of three or more attached units separated by property lines in which each unit extends from foundation to roof and with open space on at least two sides.

Section R202, add definition of “Floor Area, Gross” as follows;

The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns, or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts

Section R202; add definition of “Recreation Room” as follows;

A room in a dwelling unit, which is intended for such uses as viewing television or films, listening to recordings, or participating in video or similar games. The area of this room is not to exceed one-tenth of the floor area of the habitable space of the dwelling unit.

Chapter 3, Building Planning

Table R301.2(1); fill in as follows:

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ^f
	SPEED ^d (mph)	Topographic Effects ^k	
<u>5 lb/ft²</u>	<u>90 (3-sec-gust)/76 fastest mile</u>	<u>No</u>	<u>A</u>

SUBJECT TO DAMAGE FROM		
Weathering ^a	Frost line depth ^b	Termite ^c
<u>moderate</u>	<u>6”</u>	<u>very heavy</u>

WINTER DESIGN TEMP ^e	ICE BARRIER UNDER-LAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
<u>22°F</u>	<u>No</u>	<u>01/02/80</u>	<u>69°F</u>	<u>64.9°F</u>

{No change to footnotes}

Section R302.1; add exceptions to read as follows:

Exceptions: *{previous exceptions unchanged}*

6. Open metal carport structures may be constructed when also approved within adopted ordinances.
7. *Encroachments: In town homes and patio homes, roof overhangs not exceeding two feet in width, and brick ledges, which support exterior veneer walls not exceeding six inches in width, may project onto an adjoining property where an easement is provided for this specific purpose.*

Section R302.2, Exception; change to read as follows:

Exception: A common two-hour fire-resistance-rated wall assembly, or one-hour fire-resistance-rated wall assembly when equipped with a sprinkler system... *{remainder unchanged}*

Section R302.2.4, Exception 5; change to read as follows:

Exception:

5. Townhouses separated by a common two-hour fire-resistance-rated wall, or one-hour fire resistant rated wall when equipped with an automatic sprinkler system, *{remainder unchanged}*

Section R302.3; add Exception #3 to read as follows:

Exceptions:

1. *{existing language unchanged}*
2. *{existing language unchanged}*
3. Two-family dwelling units that are also divided by a property line through the structure shall be separated as required for townhouses.

Section R302.7 Stair protection. *Enclosed accessible space under stairs shall have walls, under stair surface and any soffits protected on the enclosed side with 5/8-inch (15.8 mm) fire-rated gypsum board or one-hour fire-resistive construction.*

Subsection R303.3, Bathrooms; exception; is changed to read as follows:

Exception: The glazed areas shall not be required where artificial light and a mechanical ventilation system, complying with one of the following, are provided;

1. The minimum ventilation rates shall be 50 cfm (24 L/s) for intermittent ventilation or 20 cfm (10 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside.
2. Bathrooms that contain only a water closet, lavatory or combination thereof may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

Subsection R311.2 Egress Door; addition to read as follows:

All main or front entry doors to dwelling units shall be arranged so that the occupant has a view of the area immediately outside the door without opening the door. Such view may be provided by a door viewer having a field of view of not less than 180 degrees through windows or through view ports.

Security block strike plate in wood frame construction an open space between trimmers and wood door jambs shall be solid shimmed by a single piece extending not less than 12 inches above and below the strike plate. In wood construction, an open space between trimmers and wood doorjamb shall be solid shimmed extending not less than 6 inches above and below the plate.

Section R313 Automatic Fire Sprinkler Systems; is deleted in its entirety.

Subsection R314.3 Location; is amended with the addition of the following:

4. Recreation/Media Rooms
5. Top flights of stairs

R314.3.1, Alterations, Repairs and additions, exception amended with the addition of the following;

2. Installation, alteration or repairs of plumbing, mechanical, electrical service changes, and simple alterations/remodels are exempt from the requirements of this section.

Section R314.4 Power Source; *exception* is amended with the addition of the following;

Exceptions:

1. Smoke alarms/carbon monoxide alarms { remainder unchanged }
2. Interconnection and hard-wiring of smoke alarms/carbon monoxide alarms { remainder unchanged }
3. Projects that may require review by the building official.

Section R319.1 Address Numbers; is amended with the addition of the following;

Buildings shall...*{bulk of section unchanged}*...street or road fronting the property and from rear alleyways adjacent to the property. { remainder unchanged }

Section R324 is omitted

{Section R325, initially adopted by Ordinance No. 2008-4-39 prior to January 1, 2009 and retained by the herein Ordinance as follows:}

Section R325, Automatic Sprinkler Systems. An automatic sprinkler system shall be installed in all new buildings 6,000 square feet and greater, and in all existing buildings that are enlarged to be 6,000 square feet or greater, and in building greater than 6,000 square feet which are enlarged. Only gross floor area within the exterior walls shall be used to calculate the building area.

Exception:

- a. The floor areas of covered patios and porches open entirely on a at least one side, except for guardrails, need not be included in the calculation of the area of the building.

Chapter 6, Wall Construction

Subsection R602.6, Drilling and notching – studs; is amended by the addition of a sentence to read as follows:

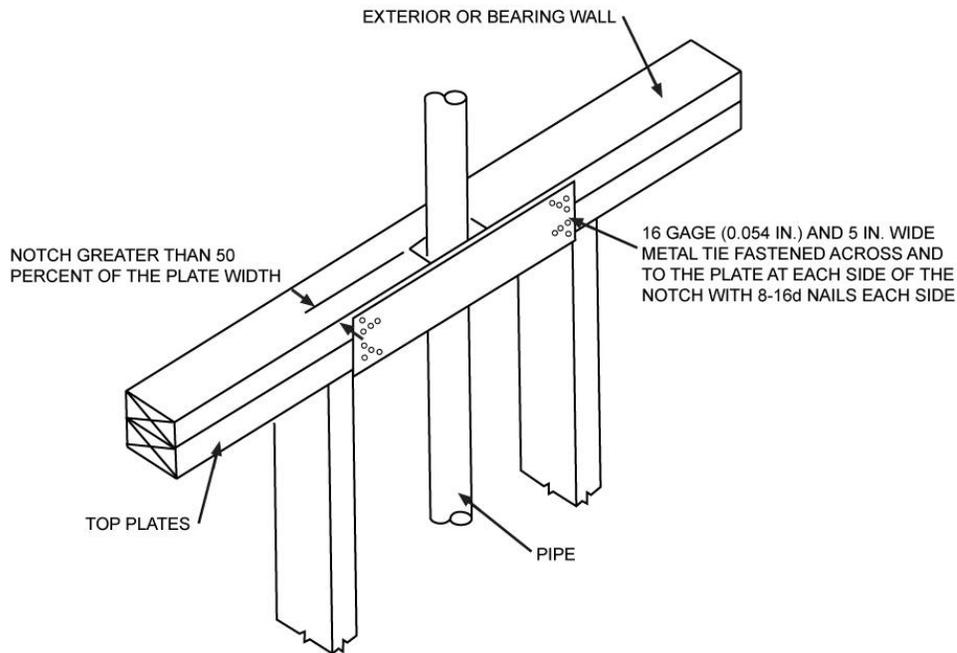
Studs that are drilled or notched for plumbing pipes shall be a minimum of 2x6 studs.

Section 602.6.1; amend the following:

R602.6.1 Drilling and notching of top plate. When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (1.37 mm) (16 Ga) and 5 inches (127 mm) wide shall be fastened across and to the plate at each side of the opening with not less than eight 10d (0.148 inch diameter) having a minimum length of 1 ½ inches (38 mm) at each side or equivalent. Fasteners will be offset to prevent splitting of the top plate material. The metal tie must extend a minimum of 6 inches past the opening. See figure R602.6.1.

Figure R602.6.1; delete the figure and insert the following figure:

WALL CONSTRUCTION



For SI: 1 inch = 25.4 mm

FIGURE R602.6.1
TOP PLATE FRAMING TO ACCOMMODATE PIPING

Chapter 7, Wall Covering

Section R703.7.4.1; add a second paragraph to read as follows:

In stud framed exterior walls, all ties shall be anchored to studs as follows:

1. When studs are 16 in (407 mm) o.c. stud ties shall be spaced no further apart than 24 in (737 mm) vertically starting approximately 12 in (381 mm) from the foundation; or
2. When studs are 24 in (610 mm) o.c. stud ties shall be spaced no further apart than 16 in (483 mm) vertically starting approximately 8 in (254 mm) from the foundation.

Section R703.13; Metal Exterior Walls. is an added section to read as follows:

Metal exterior walls are prohibited on residential buildings.

Exception: Accessory Buildings that do not exceed 120 square feet in floor area in SF, PH, and 2F residential zoning districts.

Chapter 9, Roof Assemblies

Section R902.1; Amend and add exception #3 to read as follows:

R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. Class A, B, or C roofing shall be installed *{remainder unchanged}*

Exceptions:

1. {unchanged}
2. {unchanged}
3. Non-classified roof coverings shall be permitted on one-story detached *accessory structures* used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.

Subsection R905.1, Roof covering applications; is amended by the addition of the following paragraphs:

Roof systems in place prior to January 18, 1988, may be repaired with roof coverings of the same type as the original roof when all the following conditions are met:

1. The repair does not exceed twenty-five (25) percent of the roof.
2. The repair does not result in an increase in the total surface area of the roof.
3. Repairs shall not exceed (twenty-five) (25) percent of the roof surface area within any twelve month period unless Class C or better roof covering is provided.

Shingles and shakes shall be applied to roofs with solid sheathing. Existing roofs may be replaced over spaced sheathing. When spaced sheathing is used, sheathing boards shall not be less than 1-inch by 4-inches (25 mm by 102 mm) nominal dimensions and shall be spaced on centers equal to the weather exposure to coincide with the placement of fasteners. When 1-inch by 4-inch (25 mm by 102 mm) spaced sheathing is installed at 10 inches (254 mm) on center, additional 1-inch by 4-inch (25 mm by 102 mm) boards must be installed between the sheathing boards.

Subsection R905.7.1 Deck Requirements; paragraph deleted and amended to read as follows:

Wood shingles shall only be installed on solid sheathing except as allowed for existing roofs in subsection R905.1.

Subsection R905.8.1 Deck Requirements; paragraph deleted and amended to read as follows:

Wood shakes shall only be installed on solid sheathing except as allowed for existing roofs in subsection R905.1.

Subsection R907.1, General; is amended by the addition of a second paragraph to read as follows:

All individual replacement shingles or shakes shall comply with Section R902.1. Repairs exceeding twenty-five (25) percent of the roof surface area within any twelve month period require a building permit.

Chapter 11, Energy Efficiency

N1101.1 Scope. This chapter and Appendix R, The Residential Green Building Standard, regulates the energy efficiency for the design and construction of buildings regulated by this code.

Section N1101.2; add Section N1101.2.2 to read as follows:

N1101.2.2 Compliance software tools. Software tools used to demonstrate energy code compliance utilizing the UA alternative approach shall be approved by the building official. The PNL program **REScheck™** is not acceptable for residential compliance.

Exception: When **REScheck™** “UA Trade-off” compliance approach or the UA Alternate compliance approach method is used, the compliance certificate must demonstrate that the maximum glazed area does not exceed 15% of the conditioned floor area.

Section N1102.1; change to read as follows:

N1102.1 Insulation and fenestration criteria. The building thermal envelope shall meet the requirements of Table N1102.1 based on the climate zone specified in Table N1101.2. The use of Tables N1102.1 and N1102.1.2 are limited to a maximum glazing area of 15% window area to floor area ratio.

Section N1102.2.12; add Section N1102.2.12 to read as follows:

N1102.2.12. Insulation installed in walls. Insulation batts installed in walls shall be totally surrounded by an enclosure on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing or other equivalent material approved by the *building official*.

Chapter 13, General Mechanical System Requirements

Section M1305.1.3; change to read as follows:

M1305.1.3 Appliances in attics. *Attics containing appliances requiring access shall be provided . . . {bulk of paragraph unchanged} . . . sides of the appliance where access is required. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger and large enough to allow removal of the largest appliance. As a minimum, access to the attic space, provide one of the following:*

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An access door from an upper floor level.
4. Access Panel may be used in lieu items 1, 2, and 3 with prior approval of the *building official* due to building conditions.

Exceptions:

1. The passageway and level service space are not required where the *appliance* can be serviced and removed through the required opening.
2. Where the passageway is unobstructed...*{remainder unchanged}*

Section M1305.1.3.1; add text to read as follows:

M1305.1.3.1 Electrical requirements. A luminaire controlled by a switch located at the required passage-way opening and a receptacle outlet shall be installed at or near the *appliance* location in accordance with Chapter 39. Low voltage wiring of 50 Volts or less shall be installed in a manner to prevent physical damage.

Subsection M1307.3.1, Protection from impact; is deleted in its entirety.

Chapter 14, Heating and Cooling Equipment

Section M1411.3; change to read as follows:

M1411.3 Condensate disposal. Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to an approved place of disposal a sanitary sewer through a trap, by means of a direct or indirect drain. {remainder unchanged}

Section M1411.3.1, Items 3 and 4; add text to read as follows:

M1411.3.1 Auxiliary and secondary drain systems. {bulk of paragraph unchanged}

1. {text unchanged}
2. {text unchanged}
3. An auxiliary drain pan... {bulk of text unchanged}... with Item 1 of this section. A water level detection device may be installed only with prior approval of the *building official*.
4. A water level detection device... {bulk of text unchanged}... overflow rim of such pan. A water level detection device may be installed only with prior approval of the *building official*.

Chapter 15, Exhaust Systems

Section M1501; add new Section M1501.2 to read as follows:

M1501.2 Material and size. Exhaust ducts shall have a smooth interior finish and shall be constructed of metal a minimum 0.016-inch (0.4mm) thick. The exhaust duct size shall be 4 inches (102 mm) nominal in diameter. Duct size shall not be reduced along its developed length or at termination.

Section M1501; add new Section M1501.3 to read as follows:

M1501.3 Specified length. The maximum length of the **exhaust duct shall be 35 feet** (10668 mm) from the connection to the transition duct from the *appliance* to the outlet terminal. Where fittings are used, the maximum length of the exhaust duct shall be reduced in accordance with Table M1502.4.4.1.

Chapter 20, Boilers/Water Heaters

Subsection M2005.2, Prohibited locations; is changed to read as follows:

Fuel-fired water heaters shall not be installed in a room used as a storage closet. Water heaters located in a bedroom or bathroom shall be installed in a sealed enclosure so that combustion air will not be taken from the living space. Access to such enclosure may be from the bedroom or bathroom when through a solid door, weather-stripped in accordance with the exterior door air leakage requirements of the *International Energy Conservation Code* and equipped with an approved self-closing device. Direct-vent water heaters are not required to be installed within an enclosure.

Subsection G2408.3, Private garages; is deleted in its entirety.

Subsection G2412.5, Identification; is amended by the addition of a second paragraph to read as follows:

Both ends of each section of medium pressure gas piping shall identify its operating gas pressure with an approved tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag:
"WARNING 1/2 to 5 psi gas pressure Do Not Remove"

Subsection G2413.3, Sizing; is amended by the addition of an exception to read as follows:

Exception: Corrugated stainless steel tubing (CSST) shall be a minimum of 1/2".

Subsection G2415.10, Minimum burial depth; is changed to read as follows:

Underground piping systems shall be installed a minimum depth of 18 inches (458 mm) below grade.

Subsection G2417.1, General; is changed to read as follows:

Prior to acceptance and initial operation, all piping installations shall be inspected and pressure tested to determine that the materials, design, fabrication, and installation practices comply with the requirements of this code. The permit holder shall make the applicable tests prescribed in Sections 2417.1.1 through 2417.1.5 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the piping system is ready for testing. The equipment, material, power and labor necessary for the inspections and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests.

Subsection G2417.4, Test pressure measurement; is changed to read as follows:

Test pressure shall be measured with a monometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made.

Subsection G2417.4.1, Test pressure; is changed to read as follows:

The test pressure to be used shall be not less than 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge. For tests requiring a pressure of 3 psig, gauges shall utilize a dial with a minimum diameter of three and one half inches (3 ½”), a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 ½”), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 20 psi. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure.

Subsection G2417.4.2, Test duration; is changed to read as follows:

Test duration shall be held for a length of time satisfactory to the Code Official, but in no case for less than fifteen (15) minutes. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the Code Official, but in no case for less than thirty (30) minutes.

Subsection G2420.1, General; is amended by the addition of *Subsection G2420.1.4* to read as follows:

Subsection G2420.1.4, Valves in CSST installations. Shutoff valves installed with corrugated stainless steel (CSST) piping systems shall be supported with an approved termination fitting, or equivalent support, suitable for the size of the valves, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration but in no case greater than 12-inches from the center of the valve. Supports shall be installed so as not to interfere with the free expansion and contraction of the system's piping, fittings, and valves between anchors. All valves and supports shall be designed and installed so they will not be disengaged by movement of the supporting piping.

Section G2420.5.1 (409.5.1); add text to read as follows:

G2420.5.1 (409.5.1) Located within the same room. The shutoff valve... *{bulk of paragraph unchanged}*... in accordance with the appliance manufacturer's instructions. A secondary shutoff valve must be installed within 3 feet (914 mm) of the firebox if appliance shutoff is located in the firebox.

Subsection G2421.1, Pressure regulators; is amended by the addition of a second paragraph and exception to read as follows:

Access to regulators shall comply with the requirements for access to appliances as specified in Section M1305.

Exception: A passageway or level service space is not required when the regulator is capable of being serviced and removed through the required attic opening.

Section G2422.1.2.3; delete Exception 1

Subsection G2439.5, Clothes dryer ducts; is amended by the addition of a sentence to read as follows:

The size of duct shall not be reduced along its developed length nor at the point of termination.

Subsection G2445.2, Prohibited use; is changed to read as follows:

One or more unvented room heaters shall not be used as the sole source of comfort heating in a dwelling unit.

Exception: Existing approved unvented heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when approved by the Code Official unless an unsafe condition is determined to exist as described in *International Fuel Gas Code*, Section 108.7.

Subsection G2448.1.1, Installation requirements; is changed to read as follows:

The requirements for water heaters relative to access, relief valves, drain pans and scald protection shall be in accordance with this Code.

Chapter 27, Plumbing Fixtures

Section P2709.2; add Exception to read as follows:

Exception: Showers designed to comply with ICC/ANSI A117.1.

Section P2717.2; change text to read as follows:

P2717.2 Sink and dishwasher. A sink and dishwasher are permitted ... *{bulk of text unchanged}* ... wye fitting to the sink tailpiece. The waste line of a domestic dishwashing machine discharging into a kitchen sink tailpiece shall connect to a deck mounted *air break*.

Section P2717.3; change text to read as follows:

P2717.3 Sink, dishwasher and food grinder. The combined discharge ... *{bulk of text unchanged}* ... head of the food grinder. The waste line of a domestic dishwashing machine discharging into a kitchen sink tailpiece or food waste grinder shall connect to a deck mounted *air break*.

Chapter 28, Water Heaters

Subsection P2801.5, Required Pan; is amended by the addition of the following;

The pan drain pipe material shall comply with Table 2905.4

Exception: Water heaters in garages or ground floor of dwellings.

Subsection P2801.6, Water heaters installed in garages; is amended by the addition of exceptions to read as follows:

Exception:

1. Elevation of the ignition source is not required for water heaters that are listed as flammable vapor resistant for installation without elevation. and
2. Electric Water Heater.

Chapter 29, Water Supply and Distribution

Section P2902.5.3; change to read as follows:

P2902.5.3 Lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double-check assembly or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

Table P2905.4, Water Service Pipe, and Table P2905.5 Water Distribution Pipe; are amended by the deletion of the following:

Polybutylene (PB) plastic pipe
Polybutylene (PB) plastic tubing
PVC plastic pipe

Subsections P2904.5.1 and 2904.15; is amended by deleting all references to “PB” plastic pipe.

Chapter 30, Sanitary Drainage

Subsection P3005.2.6, Base of Stacks; is changed to read as follows:

Each horizontal drain shall be provided with a cleanout at its upper terminal.

Chapter 31, Vents

Subsection P3111; is deleted in its entirety

Subsection P3112.2; delete and replace with the following:

P3112.2 Installation. Traps for island sinks and similar equipment shall be roughed in above the floor and may be vented by extending the vent as high as possible, but not less than the drainboard height and then returning it downward and connecting it to the horizontal sink drain immediately downstream from the vertical fixture drain. The return vent shall be connected to the horizontal drain through a wye-branch fitting and shall, in addition, be provided with a foot vent taken off the vertical fixture vent by

means of a wye-branch immediately below the floor and extending to the nearest partition and then through the roof to the open air or may be connected to other vents at a point not less than six (6) inches (152 mm) above the flood level rim of the fixtures served. Drainage fittings shall be used on all parts of the vent below the floor level and a minimum slope of one-quarter (1/4) inch per foot (20.9 mm/m) back to the drain shall be maintained. The return bend used under the drainboard shall be a one (1) piece fitting or an assembly of a forty-five (45) degree (0.79 radius), a ninety (90) degree (1.6 radius) and a forty-five (45) degree (0.79 radius) elbow in the order named. Pipe sizing shall be as elsewhere required in this Code. The island sink drain, upstream of the return vent, shall serve no other fixtures. An accessible cleanout shall be installed in the vertical portion of the foot vent.

Chapters 33-42, Deleted in their entirety. Replace with the 2011 National Electrical Code

Appendix G is adopted; Swimming Pools, Spas and Hot Tubs

Appendix M, "Home Day Care – R3 Occupancy" is amended to read as follows:

**REQUIREMENTS FOR GROUP R; DIVISION 3.1 OCCUPANCIES
"In Home Daycare"**

Subsection AM101.1 General, changed in its entirety to read as follow: Building or parts of buildings classified as R3.1 shall comply the provisions noted below along with any non-amended provisions located in Appendix M.

Subsection AM101.2 Special Provisions is added, All rooms or spaces used for the purpose of providing daycare shall be located on the ground floor. All stairways or ramps providing access to areas above or below the ground floor shall be made inaccessible to children by means of an approved permanent barrier located at the ground floor.

Subsection AM101.3. Certificate of Occupancy is added, A Certificate of Occupancy is required for all buildings containing R-3.1 occupancy. Such Certificate of Occupancy must be renewed annually in conjunction with the State mandated inspections conducted by the Fire Department. The Certificate of Occupancy will only be renewed when it is determined by the Fire Marshall that the building complies with all the provisions of this Chapter. Application for the Certificate of Occupancy shall be made in the Office of the Building Official and a fee shall be collected as prescribed in the approved fee schedule.

Section AM102 – Definitions added the following:

In home daycare or Day Care Center (in home) – An operation providing care in the caretaker's residence for less than 24 hours a day for up to 12 children under the age of 14, provided that the total number of children, including the caretaker's own children, is no more than 12 at any time. (ZC 2008-74; Ordinance No. 2009-6-7). If required by the State of Texas, the daycare must be licensed or registered. Care provided to eight or fewer children is allowed by right. Care provided to nine or more children is allowed with approval of a Specific Use Permit (SUP).

All group day care homes which were licensed by the State of Texas or had a license application pending on or before October 25, 1993, are considered to be a legal use in residential districts and will not require SUP approval as long as a valid license is maintained for the operation in its original location and it provides care for less than 24 hours a day for no more than 12 children (including the caretaker's and staff's children) under the age of 14.

Habitable rooms – Rooms use for living, sleeping, eating, and cooking.

Subsection AM103.1.2 Basements is deleted in its entirety.

Subsection AM103.3 – Type of lock and latches for exits, adds the following: An approved emergency plan shall be posted and maintained in the dwelling.

Section AM104 Smoke Detection is changed in its entirety and replacing AM104.1, AM104.2, and AM104.3 with the following subsections:

Subsection AM104.1 General, changed to read as follow: Every habitable room in buildings housing R3.1 Occupancies shall be equipped with an approved smoke detector. All such smoke detectors shall be interconnected in such a manner that if smoke is detected by a detector, all of the detectors will alarm.

Exceptions: An approved heat detector may be substituted for the required smoke detector located in the kitchen in R3.1 Occupancies. All other requirements for smoke detection equipment for R3.1 Occupancies must be met.

Subsection AM104.2 Kitchens is added, Kitchens in buildings housing R3.1 Occupancies shall be equipped with an approved 2A:10-B:C fire extinguisher. An additional approved 2A:10-B:C fire extinguisher shall be located in the area of the building used for daycare purposes.

Appendix R, Residential Green Building to read as follows:

APPENDIX R; Residential Green Building Standard

GENERAL

Section R101. Purpose. The purpose of this appendix is to regulate the design, construction and selection of effective conservation of energy efficiency, conservation of water, and indoor air quality for new single family residential buildings by establishing a green building standard 15% above energy code requirement.

DEFINITIONS

Section R102. Definitions. For the purposes of this appendix, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

A/C CONDENSER – The outside fan unit of the air conditioning system designed to liquefy refrigerant vapor by removal of heat from freon gas, turning gas back to liquid and pumping the liquid back to the coil in a furnace.

AFUE - Annual Fuel Utilization Efficiency. The AFUE number represents how efficiently a furnace converts fuel to energy. The higher the AFUE, the greater the efficiency. The U.S. government's established minimum AFUE rating for a furnace is 78 percent.

DUCT – A tube or conduit utilized for conveying air. Air passages of self-contained systems are not to be construed as air ducts.

ENERGY SYSTEMS LABORATORY - (ESL) is a division of the Texas Engineering Experiment Station and a member of the Texas A&M University System. Senate Bill 5, in 2001, assigned ESL an important role in the implementation of state energy standards and assistance with calculation of emissions reduction benefits from energy efficiency and renewable energy initiative.

GREEN BUILDING - Structures and their surrounding landscapes designed, constructed and maintained to decrease energy and water usage and costs, to improve the efficiency and longevity of building systems and to decrease the burdens imposed on the environment and public health.

GREEN BUILT NORTH TEXAS - An initiative of the Homebuilders Association of Greater Dallas that provides climate-specific guidelines and verification systems for residential and multifamily green buildings which can be found at www.greenbuiltnorthtexas.com.

GREEN BUILT NORTH TEXAS-CERTIFIABLE - A proposed project that is not required to be registered with the Home Builders Association of Greater Dallas, but is planned, designed and constructed to meet or exceed a certified rating using version 2.0 of the Green Built North Texas rating system.

HERS – Home Energy Rating System. A home energy rating is an analysis of a home's projected energy efficiency in comparison to a 'reference home' based on the 2006 International Energy Conservation Code. A home energy rating involves both an analysis of a home's construction plans, as well as onsite inspections and testing by a certified Home Energy Rater. This analysis yields a projected, pre-construction HERS Index.

HERS® Index – Energy use index. A HERS Index of 100 represents energy use of the “American Standard Building” and an Index of 0 (zero) indicates a building using no net purchased energy (a Zero Energy Building). The lower a home's HERS Index, the more energy efficient.

HOME ENERGY RATER- Contractor who performs a standardized evaluation of the energy efficiency of a home. The rater conducts onsite inspections, including a blower door test (to test the leakiness of the house) and a duct test (to test the leakiness of the ducts). Results of tests with data from the software analysis are used to generate a final HERS Index score for a home.

HEATING SEASONAL PERFORMANCE FACTOR (HSPF) – Measurement used to gauge the efficiency of the heating mode of heat pumps. The higher the number, the greater the efficiency. (i.e. 6.8 HSPF.)

LEED - Leadership in Energy and Environmental Design green building rating systems nationally accepted standards for green building developed by the USGBC.

NFRC LABEL – National Fenestration Rating Council label appears on windows, doors, and skylights. The label gives ratings for the U-Factor, the Solar Heat Gain Coefficient (SHGC), Visible Light Transmittance (VT), Air Leakage (AL), and Condensation Resistance (CR).

RADIANT BARRIERS - Materials that are installed in buildings to reduce summer heat gain and winter heat loss, and hence to reduce building heating and cooling energy usage. A thin sheet or coating of a highly reflective material, usually aluminum, applied to one or both sides of a number of substrate materials.

RESNET - RESIDENTIAL ENERGY SERVICES NETWORK - An industry not-for-profit membership corporation which created the national standards for building.

R VALUE - A measure of a material's resistance to the passage of heat. A higher R value indicates more insulating "power". Inverse of U factor.

SEASONAL ENERGY EFFICIENCY RATIO (SEER) – Measure of efficiency by which the cooling process of air conditioners and heat pumps is rated. The higher the SEER, the greater the efficiency. (i.e. 13 SEER)

SOLAR HEAT GAIN COEFFICIENT (SHGC) - The fraction of solar radiation admitted through a window, patio door or skylight. The lower an SHGC, the less solar heat it transmits.

THERMOSTAT – An automatic control device used to maintain temperature at a fixed or adjustable set point.

U-FACTOR - Measures heat transfer through a material such as a window, door, or skylight. The lower the U-Factor, the greater resistance to heat flow. Inverse of R value.

USGBC - The U.S. Green Building Council, a nonprofit organization comprised of leaders from the building industry formed to encourage sustainability by promoting buildings that are environmentally responsible, profitable and healthy places to live and work.

Section R103. Requirements.

In order to meet 15% above minimum energy Code provisions for energy efficiency, all new single-family residential homes must:

1. Submit an International Code Compliance Calculator (IC3) Energy Certificate to the building official which describes NOx emissions savings.
2. Provide a post construction HERS certificate documenting an 85 HERS Index or less.
3. Provide a landscape (turf and trees) that will survive stage 3 drought restrictions and a 2” deep mulch required in all beds.
4. Provide a water heater within 30 ft. of fixtures or on demand system or recirculating system or parallel piping system from a central manifold (PEX)

Section R104. Compliance.

Single family residential homes can demonstrate compliance by:

1. Use of the International Code Compliance Calculator (IC3) software with a 15% above code result
Or
2. Prescriptive options outlined in City approved Energy Code Review Sheet.
Or
3. Registration and completion of the Green Built North Texas (GBNT) program as it exists or may be amended.

Or

4. Registration and completion of the Environmental Protection Agency's most current edition of the ENERGY STAR® program.

Section R105. Indoor Air Quality.

The minimum standard for indoor air quality of single-family residential structures shall meet the following requirements:

1. The main trunkline HVAC plenum in direct contact with heating and cooling equipment on the supply side and return must be constructed of sheet metal (no duct board), or equivalent material approved by the Building Official.
2. Heating and cooling equipment shall only be used during construction after manufacturer specified filter is installed. Used filters must be replaced with a new manufacturer recommended filter prior to the homeowner occupying the structure.
3. Every home must be tested (no batch testing allowed) by a Residential Energy Services Network (RESNET) HERS inspector/rater who is accredited through a RESNET approved HERS provider. The HERS provider must register with the City on an annual basis.
4. A Minimum of one programmable thermostat is required on every story.
5. A return air path shall be provided for any room that can be closed off by a door (except for baths, kitchens, closets, pantries, mechanical rooms, and laundry rooms).
6. All Joints in the air distribution system including ducts, plenums, and equipment shall be sealed duct mastic.
7. Central vacuums, where provided, shall be vented outdoors.

Section R106. Exterior and Wet Walls.

Vinyl wallpaper is not allowed on the inside of exterior wall or either side of wet walls such as bathrooms, kitchen, or laundry rooms.

Section R107. Roofing.

Provide metal drip edge at all exposed roof decking.

Section R108. Water Conservation.

In addition to the City's Landscape Ordinance and other applicable regulations as they stand or may be amended, the following must be accomplished:

1. Bedding must be mulched to a depth of 2-4 inches using recycled content mulch, which includes wood construction waste.
2. A portable drip irrigation bag or zoned bubbler system must be installed for each installed tree.

Section III. All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, 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. 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 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. This Ordinance shall become effective March 1, 2011, and after its passage and publication as required by law.

DULY PASSED AND APPROVED this the 10th day of January, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		January 10, 2011		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady #5993				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, amending Section 6-3(b)(4) of Division 2, Building Standards Commission of Article I, In General, and Subsection 304.3, Premises Identification of Section 6-52, Deletions, additions, and amendments to Chapter 3 of the International Property Maintenance Code of Division 2, Amendments, of Article III, Property Maintenance Code to Chapter 6, Building and Building Regulations of the Code of Ordinances to change the manner in which approval occurs from a supermajority to a simple majority vote of commission members and to provide the correct chapter reference regarding premises identification; providing a penalty clause; a severability clause; a repealer clause; a savings clause; a publication clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: This item has no fiscal impact.				
SUMMARY OF ITEM				
<p>This Ordinance changes the manner in which approval occurs from a supermajority to a simple majority vote of Building Standard Commission members and to provide the correct chapter reference regarding premises identification</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies Building Standards Commission	



**CITY OF PLANO
COUNCIL AGENDA ITEM**

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An Ordinance of the City of Plano, Texas, amending Section 6-3(b)(4) of Division 2, Building Standards Commission of Article I, In General, and Subsection 304.3, Premises Identification of Section 6-52, Deletions, additions, and amendments to Chapter 3 of the International Property Maintenance Code of Division 2, Amendments, of Article III, Property Maintenance Code to Chapter 6, Building and Building Regulations of the Code of Ordinances to change the manner in which approval occurs from a supermajority to a simple majority vote of commission members and to provide the correct chapter reference regarding premises identification; providing a penalty clause; a severability clause; a repealer clause; a savings clause; a publication clause and an effective date.

WHEREAS, on September 24, 2004 the City Council of the City of Plano, Texas passed Ordinance No. 2004-9-30 adopting the International Property Maintenance Code along with the appendices of such Code; and

WHEREAS, on October 11, 2004 the City Council of the City of Plano, Texas passed Ordinance No. 2004-10-7 setting forth regulations and enforcement authority for regulating building standards for the City of Plano, including establishing the power and duties of the building standards commission; and

WHEREAS, the City Council of the City of Plano, Texas hereby recognizes the existence of state law as provided in Chapter 54.038 of the Texas Local Government Code and the authority of the International Property Maintenance Code; and

WHEREAS, the City Council of the City of Plano, Texas after consideration of the recommendation of staff and upon full review and consideration of all matters attended and related thereto, is of the opinion that the recommended changes are necessary and in the best interest of the City of Plano and its citizens.

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

Section I. Section 6-3(b)(4) of Division 2, Building Standards Commission of Article I, In General, and Subsection 304.3, Premises Identification of Section 6-52, Deletions, additions, and amendments to Chapter 3 of the International Property Maintenance Code of Division 2, Amendments, of Article III, Property Maintenance Code to Chapter 6, Building and Building Regulations, of the Code of Ordinances are hereby amended to read as follows:

“Section 6-3. Building standards commission organization and authority.

(b) *Proceedings of commission.*

(4) Any action taken by the commission requires a majority vote of the commission members as authorized by Subchapter C, Chapter 54, Texas Local Government Code, as amended.

Section 6-52. Deletions, additions, and amendments to Chapter 3 of the International Property Maintenance Code.

Subsection 304.3, Premises Identification, is changed to read as follows:

Building shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property and rear alleyway where such alleyway exists in accordance to City Code of Ordinance Chapter 8, Section 8-17. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters.”

Section II. 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 (b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section III. The repeal of any ordinance or part of ordinances 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 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 portion of this Ordinance.

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

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

DULY PASSED AND APPROVED this the 10th day of January, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		01/10/11		
Department:		Finance		
Department Head		Denise Tacke		
Agenda Coordinator (include phone #): Katherine Crumbley - 7479				
CAPTION				
A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas, and Hyundai Capital America, a California corporation; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2011	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	12,179,503	0	12,179,503
Encumbered/Expended Amount	0	-359,500	-4,943,200	-5,302,700
This Item	0	-207,000	-136,800	-343,800
BALANCE	0	11,613,003	-5,080,000	6,533,003
FUND(s): ECONOMIC DEVELOPMENT FUND				
COMMENTS: Strategic Plan Goal: Providing economic development incentives relates to the City's goal of strong local economy				
SUMMARY OF ITEM				
A request from Hyundai Capital America for an Economic Development Incentive to relocate its business and commercial activities to the City, thereby generating additional local sales tax revenues and increasing ad valorem tax values to the City. Hyundai Capital agrees to occupy not less than 45,000 sq. ft of commercial office space and transfer or create 230 jobs on or before the commencement date. Hyundai Capital also has the option to add up to an additional 152 jobs on or before 12/31/13.				
List of Supporting Documents: Economic Development Incentive Agreement			Other Departments, Boards, Commissions or Agencies	

A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas, and Hyundai Capital America, a California corporation; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.

WHEREAS, the City Council has been presented a proposed Economic Development Incentive Agreement by and between the City of Plano, Texas and Hyundai Capital America, a California corporation, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

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

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

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

Section II. The City Manager or his authorized designee is hereby authorized to execute the 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 10th day of January, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

This Economic Development Incentive Agreement (“Agreement”) is made by and between the City of Plano, Texas (the “City”), and Hyundai Capital America, a California corporation (hereinafter referred to as the (“Company”)), acting by and through its respective authorized officers and representatives.

WITNESSETH:

WHEREAS, the Company is engaged in the business of automobile sales financing and plans to open an office in Plano, Texas and invest approximately \$3,000,000 in real property taxable value improvements and approximately \$1,000,000 in business personal property taxable value improvements in Plano, Texas; and

WHEREAS, the Company has advised the City that a contributing factor that would induce the Company to open an office and maintain its business and commercial activities in the City, thereby generating additional local sales tax revenues and increasing ad valorem tax values for the City, would be an agreement by the City to provide an economic development grant to the Company; and

WHEREAS, the Company intends to occupy approximately 45,000 rentable square feet of office space located at International Business Park, 6100 Plano Parkway, Plano, Texas, 75093 (the “Property”) on or before the Commencement Date as defined below, and to maintain or create at least 230 full time job equivalent positions and potentially as many as 382 full time job equivalent positions on the Property; and

WHEREAS, the occupancy of 45,000 rentable square feet of office space and the creation and maintenance of between 230 and 382 full time jobs on the Property will promote economic development, stimulate commercial activity and enhance the tax base and economic vitality of the City; and

WHEREAS, the City has adopted programs for promoting economic development; and

WHEREAS, the City is authorized by TEX. LOC. GOV’T CODE §380.001 *et seq.* to provide economic development grants to promote local economic development and to stimulate business and commercial activity in the City; and

WHEREAS, the City has determined that making an economic development grant to the Company in accordance with the terms and conditions set forth in this Agreement will further the objectives of the City, will benefit the City and the City’s inhabitants and will promote local economic development and stimulate business and commercial activity in the City;

NOW THEREFORE, in consideration of the foregoing and the premises, mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt

and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, hereby covenant and agree as follows:

Article I Definitions

For purposes of this Agreement, each of the following terms shall have the meaning set forth herein unless the context clearly indicates otherwise:

“Commencement Date” shall mean December 31, 2011.

“Effective Date” shall mean the last date on which all of the parties hereto have executed this Agreement.

“Event of Force Majeure” shall mean any contingency or cause beyond the reasonable control of a party including, without limitation, acts of God or the public enemy, war, riot, civil commotion, insurrection, government or de facto governmental action (unless caused by the intentionally wrongful acts or omissions of the party), fires, explosions or floods, strikes, slowdowns or work stoppages any of which event(s) directly impact the Company’s operations in Plano. A downturn in the economy is not a qualifying event.

“Job Equivalent” shall mean one or more Company job positions located at the Property which individually or when combined total 2080 hours annually.

“Rentable square feet” shall mean the leased square feet by Company and a percentage of the common areas, i.e. restrooms, main lobby, and hallways.

Article II Term

The term of this Agreement shall be for a period of ten (10) years to run from the Commencement Date, unless sooner terminated as provided herein.

Article III Obligations of Company

3.01. In consideration for the grant of public funds as set forth in Section 4.01 below, the Company agrees to the following:

(a) Occupy not less than 45,000 rentable square feet of office space on the Property on or before the Commencement Date;

(b) Create or transfer 230 Job Equivalents on the Property on or before the Commencement Date;

(c) At the Company's option, add up to an additional 152 new Job Equivalents at the Property on or before December 31, 2013;

(d) Maintain all Job Equivalents for which a grant payment was received under this Agreement on the Property for the remainder of the term of this Agreement; and

(e) Use reasonable efforts to place all Company managed hotel room nights, to the extent related to the Company's business activities in the City of Plano, at facilities located in the City of Plano.

Article IV Economic Development Grant

4.01. **Grant.** In consideration of the Company successfully fulfilling the obligations as set forth in Article III (a) and (b) above, the City agrees to provide the Company a cash grant of Two Hundred Seven Thousand Dollars (\$207,000.00). If the Company adds additional jobs above the initial 230 Job Equivalents, the City agrees to provide the Company a cash grant of Nine Hundred Dollars (\$900.00) for each additional Job Equivalent added to the Property up to a maximum additional grant payment of One Hundred Thirty Six Thousand Eight Hundred Dollars (\$136,800.00). The Company agrees to maintain on the Property the transferred or created Job Equivalents for which a cash grant has been paid by the City to the Company throughout the term of this Agreement as provided in Section 4.03 below.

4.02. **Payment Schedule.**

(a) The Company shall be entitled to a payment of Two Hundred Seven Thousand Dollars (\$207,000.00) from the City under this Agreement within thirty (30) days after the Company verifies to the City, using the Initial Certification form attached hereto as Exhibit "A", that the Company has met its obligations as set forth in Article III (a) and (b) above (such payment referred to as the "Initial Grant Payment"). IN ORDER TO RECEIVE PAYMENT UNDER THIS AGREEMENT, COMPANY'S INITIAL CERTIFICATION VERIFYING COMPLIANCE WITH ARTICLE III (a) AND (b) ABOVE MUST BE FILED WITH THE CITY ON OR BEFORE MARCH 31, 2012 OTHERWISE THE RIGHT TO ANY AND ALL PAYMENTS IS FORFEITED.

(b) The Company shall be entitled to a second payment of Nine Hundred Dollars (\$900.00) for each additional Job Equivalent created by the Company on the Property (above the existing 230 Job Equivalents which shall be continuously maintained during the term of this Agreement) before December 31, 2013 up to a maximum total of One Hundred Thirty Six Thousand Eight Hundred Dollars (\$136,800.00) within thirty (30) days after the Company verifies to the City, using the Certification form attached hereto as Exhibit "A". IN ORDER TO RECEIVE THE SECOND PAYMENT OF UP TO ONE HUNDRED THIRTY SIX THOUSAND EIGHT HUNDRED DOLLARS (\$136,800.00), COMPANY'S CERTIFICATION VERIFYING COMPLIANCE WITH ARTICLE III (C) MUST BE FILED WITH THE CITY ON OR BEFORE MARCH 31, 2014 OTHERWISE THE RIGHT TO THE SECOND PAYMENT IS FORFEITED.

4.03. **Refunds.** In the event the Company allows Job Equivalents at the Property to fall below the number of Job Equivalents for which it has received any grant payment for more than one hundred eighty (180) consecutive days during the term of this Agreement, not the result of an Event of Force Majeure, the Company shall refund to the City an amount equal to Nine Hundred Dollars (\$900.00) for each lost Job Equivalent. The Company understands and agrees that if there is a loss of Job Equivalents, the refund is for the full amount of the Job Equivalent lost and there is **no** pro-ration of the refund based upon any years where compliance occurred. For purposes of determining whether the City is due a refund under this section, the Company's President or Chief Financial Officer shall certify to the City by January 31, 2013, and by January 31st of each year thereafter during the term of this Agreement the actual number of Job Equivalents at the Property for the preceding calendar year, using the Certification form attached as Exhibit "B". All refunds under this Agreement shall be due within thirty (30) days of written demand for payment. Notwithstanding the foregoing, the sole and exclusive remedy of the City for any failure by the Company to maintain the Job Equivalents on the Property pursuant to Section 3.01 above, shall be to receive a refund of the applicable portion of the Grant as determined in accordance with the terms of this Section 4.03 including any costs, expenses and reasonable attorney fees incurred in obtaining a refund if the Company fails to make a refund when due.

In the event the Company, at any time during the term of this Agreement, is convicted of a violation under 8 U.S.C. Section 1324a(f) regarding the unlawful employment of undocumented workers, it shall reimburse the City all grant funds paid pursuant to this Agreement together with interest charged from the date of payment of the funds at the statutory rate for delinquent taxes as determined by V.T.C.A., Tax Code § 33.01 but without the addition of penalty. Repayment of grant funds and interest shall be due not later than one hundred twenty (120) days after the date the City notifies the Company of the conviction.

Article V Termination

- 5.01. This Agreement terminates upon any one or more of the following:
- (a) By mutual written agreement of the parties;
 - (b) Upon expiration of the term of this Agreement;
 - (c) By either party, if the other party defaults or breaches any of the terms or conditions of this Agreement and such default or breach is not cured within thirty (30) days after written notice thereof (provided that such 30 day period shall be extended if the default of a nature that cannot reasonably be cured within such 30 day period and further provided that the remedy is being diligently pursued); and
 - (d) By either party if any subsequent federal or state legislation or any decision of a court of competent jurisdiction declares or renders this Agreement invalid, illegal or

unenforceable, provided, that such termination notice shall set forth an explanation of the terminating party's basis for termination under this subsection (d).

5.02. **Effect of Termination.** The rights, responsibilities and liabilities of the Parties under this Agreement shall be extinguished upon the applicable effective date of termination of this Agreement, except for any obligations that accrue prior to such termination or as otherwise provided herein. All rights and obligations set forth above shall survive the termination of this Agreement.

Article VI Miscellaneous

6.01. **Binding Agreement.** The terms and conditions of this Agreement are binding upon the successors and permitted assigns of the parties hereto. This Agreement may not be assigned without the express written consent of the non-assigning party, except that the Company may assign this Agreement without obtaining the City's consent (a) to one of its affiliates, or (b) to any person or entity that directly or indirectly acquires, through merger, sale of stock, purchase or otherwise, all or substantially all of the assets of the Company.

6.02. **No Joint Venture.** It is acknowledged and agreed by the parties that the terms hereof are not intended to and shall not be deemed to create a partnership or joint venture among the parties. Neither party shall have any authority to act on behalf of the other party under any circumstances by virtue of this Agreement.

6.03. **Authorization.** Each party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement.

6.04. **Notice.** Any notice required or permitted to be delivered hereunder shall be deemed received three (3) days thereafter sent by United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the party at the address set forth below (or such other address as such party may subsequently designate in writing) or on the day actually received if sent by courier or otherwise hand delivered.

If intended for the City:
City of Plano, Texas
Attention: Thomas H. Muehlenbeck
City Manager
1520 Avenue K
P.O. Box 860358
Plano, Texas 75086-0358

With a copy to:
City of Plano, Texas
Attention: Diane Wetherbee
City Attorney
1520 Avenue K
Plano, Texas 75086-0358

If intended for the Company:
Hyundai Capital America
Attention: Karen Marchak
Director, Human Resources & Administration
3161 Michelson Drive, Suite 1900
Irvine, California 92612

With a copy to:
Hyundai Capital America
Attention: Director of Legal & Compliance
3161 Michelson Drive, Suite 1900
Irvine, CA 92612

6.05. **Entire Agreement.** This Agreement is the entire Agreement between the parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written agreement between the parties that in any manner relates to the subject matter of this Agreement.

6.06. **Governing Law.** This Agreement shall be governed and construed in accordance with the laws of the State of Texas, without giving effect to any conflicts of law rule or principle that might result in the application of the laws of another jurisdiction. Venue for any action concerning this Agreement, the transactions contemplated hereby or the liabilities or obligations imposed hereunder shall be in the State District Court of Collin County, Texas.

6.07. **Amendment.** This Agreement may only be amended by the mutual written agreement of the parties.

6.08. **Legal Construction.** In the event 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 other provisions, and it is the intention of the parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

6.09. **Recitals.** The recitals to this Agreement are incorporated herein.

6.10. **Counterparts.** This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

6.11. **Survival of Covenants.** Any of the representations, warranties, covenants, and obligations of the parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

EXECUTED on this _____ day of _____, 2011.

ATTEST:

CITY OF PLANO, TEXAS, a home rule
municipal corporation

Diane Zucco, CITY SECRETARY

By: _____
Thomas H. Muehlenbeck,
CITY MANAGER

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ATTEST:

HYUNDAI CAPITAL AMERICA, a California
corporation

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

EXHIBIT "A"

CERTIFICATE OF COMPLIANCE*

I hereby certify that as of _____, 20____ Hyundai Capital America, has hired/transferred/retained _____ Job Equivalents and is in compliance with each applicable term as set forth in Article III [(a) and (b)] / [(c)] of the Economic Development Incentive Agreement approved by the City Council on _____ (the "Agreement") as of _____(date), and is entitled to receive payment under the terms of the Agreement.

ATTEST:

HYUNDAI CAPITAL AMERICA,
a California corporation

By: _____
Name:
Title:

By: _____
Name:
Title:

Date

NOTE:

This Certificate of Compliance should be mailed to:

City of Plano
Finance Department
P.O. Box 860358
Plano, Texas 75086-0358

* Note: Company may modify this form as necessary and appropriate to provide the correct information.

EXHIBIT "B"

ANNUAL CERTIFICATE OF COMPLIANCE

I hereby certify that Hyundai Capital America is in compliance with each applicable term as set forth in the Economic Development Incentive Agreement dated _____ (the "Agreement"). The term of this Agreement is _____ through _____. The number of new or retained Job Equivalents maintained pursuant to the Agreement for the previous twelve month period ending _____, 201_ is _____. If (i) the number herein reported is below the number required to be maintained pursuant to the Agreement, and (ii) such shortfall has continued for more than 180 consecutive days for reasons other than an Event of Force Majeure (as defined in the Agreement), I certify that the City of Plano has been refunded the appropriate amount as required by Section 4.03 of the Agreement. This form is due on January 31st of each year the Agreement is in force.

ATTEST:

HYUNDAI CAPITAL AMERICA,
a California corporation

By: _____
Name:
Title

By: _____
Name:
Title:

Date

NOTE:

This Certificate of Compliance should be mailed to:
City of Plano
Finance Department
P.O. Box 860358
Plano, Texas 75086-03586