

## PLANO CITY COUNCIL

**WILL CONVENE INTO EXECUTIVE SESSION AT 5:00 P.M., FEBRUARY 22, 2005 AND PRELIMINARY OPEN MEETING IMMEDIATELY THEREAFTER, IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:**

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

### **EXECUTIVE SESSION**

- |     |   |           |        |
|-----|---|-----------|--------|
| I.  | Legal Advice  | Wetherbee | 10 min |
| A.  | Respond to questions and receive legal advice on agenda items |           |        |
| II. | Personnel Appointment   | Council   | 5 min  |
| A.  | Building Standards Commission                                 |           |        |

### **PRELIMINARY OPEN MEETING**

- |       |   |             |         |
|-------|---|-------------|---------|
| I.    | Consideration and action resulting from Executive Session discussion: Personnel Appointment – Building Standards Commission | Council     | 5 min.  |
| II.   | DART Status Report  | Pope        | 10 min. |
| III.  | Mobility Report   | Neal        | 10 min. |
| IV.   | Board and Commission Policies and Procedures Alignment with Council   | Muehlenbeck | 10 min. |
| V.    | Comprehensive Monthly Financial Report  | McGrane     | 10 min. |
| VI.   | Personnel Appointment   | Council     | 5 min.  |
| A.    | Public Arts Committee   |             |         |
| VII.  | Council items for discussion/action on future agendas   | Council     | 5 min.  |
| VIII. | Consent and Regular Agenda  | Council     | 5 min.  |

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

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

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



# CITY COUNCIL

1520 AVENUE K

DATE: February 22, 2005

CALL TO ORDER: 7:00 p.m.

INVOCATION:

PLEDGE OF ALLEGIANCE: Cadet Girl Scout Troop 2232

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>THE MISSION OF THE CITY OF PLANO IS TO PROVIDE OUTSTANDING SERVICES AND FACILITIES, THROUGH COOPERATIVE EFFORTS WITH OUR CITIZENS THAT CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p><b><u>PROCLAMATIONS AND SPECIAL RECOGNITION</u></b></p> <p>Special Recognition – Co-Families of the Year: The Chip and Jacque Johnston Family and the Carven and Debbie Holcombe Family</p> <p><b><u>PRESENTATION</u></b></p> <p>Presentation: Certification by the National Weather Service as a StormReady Community</p> <p><b><u>GENERAL DISCUSSION</u></b></p> <p><b>In accordance with the Open Meeting Act, the City Council will hear comments of public interest, but any discussion shall be limited to placing the item on a future agenda for further consideration.</b></p> <p><b>Remarks are limited to five (5) minutes per speaker, with a maximum of 30 total minutes of testimony. Other time restraints may be directed by the Mayor.</b></p> <p><b>Specific factual information or an explanation of current policy may be made in response to an inquiry; but any discussion or decision must be limited to a proposal to place the item on a future agenda.</b></p> <p><b>Speakers will be notified when speaking time has expired. The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</b></p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><b>CONSENT AGENDA</b></p> <p><b><u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial.</u></b></p> <p><b><u>Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. The Council will then take action on the remainder of the Consent Agenda items. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></b></p> <p>(a) <b>Approval of Minutes</b></p> <p>February 10, 2005 February 14, 2005</p> <p><b><u>Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following:</u></b></p> <p>(b) <b>Bid No. C057-05</b> to establish an annual fixed price contract with two optional one-year renewals for Nitrile Emergency Medical Gloves in the estimated annual amount of \$31,329.</p> <p>(c) <b>Bid No. B069-05</b> for construction of Legacy Business District Water Line along the Dallas North Tollway Service Road and Headquarters Drive in the amount of \$538,337.</p> <p>(d) <b>Bid No. B063-05</b> for the installation of underground infrastructure for the Street Light Project 2004 within the City of Plano in the amount of \$168,508. This project involves the installation of underground infrastructure including conduit and street light bases on Shiloh Road from 14<sup>th</sup> Street to Renner Road, Plano Parkway from Shiloh Road to Los Rios Boulevard, Alma Road from Highway 190 to 15<sup>th</sup> Street and on Ohio Drive from Highway 190 to Plano Parkway.</p> <p><b><u>Adoption of Resolutions</u></b></p> <p>(e) To approve and authorize refunds of property tax overpayments; and providing an effective date.</p> <p>(f) To appoint James P. Reid and William J. Roberts to serve for two year terms as investigators as required by Section 2-104 of the Code of Conduct of the City of Plano; and providing an effective date.</p> <p>(g) To authorize the purchase of an annual maintenance agreement for the meter reading system and Firefly maintenance services in an amount not to exceed \$88,158 from Datamatic, Ltd., as the sole source of the equipment required by reason of product compatibility. Authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein and providing an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(h)	<p>To authorize the purchase of meter reading equipment and services such as transponders, receivers and supporting equipment and in an amount not to exceed \$630,093 from Datamatic, Ltd., a Catalogue Information Systems vendor (CISV). Authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein and providing an effective date.</p>	
<p><b><u>Adoption of Ordinances</u></b></p>		
(i)	<p>To repeal Ordinance No. 96-3-20, currently codified under Chapter 12, Motor Vehicles and Traffic, Article IV, Speed, Section 12-74(b), Subsection “Jupiter Road” of the City of Plano Code of Ordinances, and adopting a new subsection entitled “Jupiter Road” that establishes the prima facie speed limit for motor vehicles operating along Jupiter Road within the corporate limits of the City of Plano; authorizing and directing the Traffic Engineer to cause placement of traffic control devices indicating the speed limit; and providing a repealer clause, a severability clause, a savings clause, a penalty clause and an effective date.</p>	
(j)	<p>To amend Section 12-98.1, No Parking on Thoroughfares, of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, by adding an exemption to Section 12-98.1(b) to allow parking on Quincy Lane between Ohio Drive and Family Farm Lane; providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p>	
(k)	<p>To abandon all right, title and interest of the City, in and to a portion of that certain sanitary sewer easement recorded in Volume 3070 at Page 214 of the Collin County Deed Records and being situated in the Collin County School Land Survey, Abstract No. 151, and the John Martin Survey, Abstract No. 603, located approximately 630 feet south of Parker Road and 300 feet east of Midway Road, 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, Midway/Parker Medical Center, L.P. to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date.</p>	
(l)	<p>To abandon all right, title and interest of the City, in and to a portion of that certain sanitary sewer easement recorded in Volume 2610 at Page 787 of the Collin County Deed Records and being situated in the Collin County School Land Survey, Abstract No. 151, and the John Martin Survey, Abstract No. 603, located approximately 875 feet south of Parker Road and east of Midway Road 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, Midway/Parker Medical Center, L.P. to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(m)	<p>To abandon all right, title and interest of the City, in and to that certain water line easement and a portion of that certain fire lane, access and utility easement shown on Lots 1 and 2, Block A of Hunters Glen V Addition, as recorded in Cabinet I, Page 595 and Cabinet J, Page 864 of the Land Records of Collin County, Texas and being located in the northwest corner of Custer Road and Spring Creek Parkway in the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the abutting property owners, Custer Texaco Partners and Elahi's, Inc., to the extent of their interests; authorizing the City Manager, to execute any documents deemed necessary; and providing an effective date.</p> <p><b><u>Approval of Agreement</u></b></p>	
(n)	<p>To approve a first amendment of professional consultant services agreement in the amount of \$10,500 with Tony Picchioni to provide additional professional consulting services during the second year of a three (3) year agreement with the option to extend the term for two (2) additional two (2) year periods.</p> <p><b><u>Purchase off Existing Contract</u></b></p>	
(o)	<p>To authorize the purchase of twenty-nine (29) Ford Crown Victoria Police Pursuit Vehicles in the total amount of \$617,015 from Philpott Ford, pursuant to the City's participation in the Tarrant County Joint Venture/Purchasing Cooperative Bid No. I008-02 authorizing the City Manager to execute any and all documents necessary to effectuate this purchase.</p> <p><b><u>Reimbursement of Oversize Participation</u></b></p>	
(p)	<p>To approve and authorize reimbursement to Pasquinelli Portrait Homes, L.P. for oversize participation for paving improvements for Ridgeview Drive and drainage improvements associated with the construction of Pasquinelli's Westbrook Phase III in the amount of \$62,562.</p> <p><b><u>Approval of Expenditure</u></b></p>	
(q)	<p>To approve an expenditure in the amount of \$476,220 to Paradigm Traffic Systems, Inc. for Digital Vehicle Detection Equipment from an existing contract C104-04, and authorizing the City Manager to execute all documents necessary to effectuate the purchase.</p>	
(r)	<p>To approve an expenditure in the amount of \$90,703 to Consolidated Traffic Controls, Inc. for L.E.D. Signal Lamps from an existing contract C042-03, and authorizing the City Manager to execute all documents necessary to effectuate the purchase.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(s)	<p>To approve an additional expenditure for the purchase of two (2) additional Mobile Surveillance Towers in the amount of \$89,726 (Bid 162-04) for the 2004 UASI Grant.</p> <p><b><u>Approval of Change Order</u></b></p>	
(t)	<p>To approve Change Order No. 3 for the Cassidy Drive Drainage Improvements and Landershire Lane Water Rehabilitation Project, increasing the contract by \$69,848 for water line replacement in Santiago Drive due to leaks discovered on the old cast iron main necessary to complete the project. (Bid No. B057-04)</p>	
	<p><b><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></b></p> <p><b><u>The purpose of a Public Hearing is to receive input and information with the clarification that the focus of the City Council is on the singularly presented position, and not on repetition. To more effectively consider all presentations, applicants will limit their presentations to 15 minutes with a five (5) minute rebuttal time, if needed. All other speakers will be limited to a maximum of 30 total minutes of testimony, and three minutes per individual on any single issue. Other time restraints may be imposed at the discretion of the Mayor.</u></b></p>	
(1)	<p><b>Public Hearing and an ordinance</b> to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 85 for a tax abatement consisting of a 2.3840 acre tract of land located at 1500 Precision Drive in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date.</p>	
(2)	<p><b>A Resolution</b> to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, Tenth Street Investments, LP, a Texas Limited Partnership and Data Flow Media Systems, L.P., a Texas Limited Partnership and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date.</p>	
(3)	<p><b>Public Hearing and an ordinance as requested in Zoning Case 2004-57</b> – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone a portion of Planned Development-350-Retail/General Office (1.8± acres) and a portion of Planned Development-402-Retail/General Office (7.6± acres) located on the south side of Plano Parkway, west of Ohio Drive, east of Allied Drive, and north and south of Alliance Boulevard in the City of Plano, Collin County, Texas, so as to expand Planned Development-138-Retail/General Office from 21.1± acres to 30.5± acres; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #55. Applicant: Healthcare Realty Trust, Inc.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(4)	<p><b>Public Hearing and an ordinance as requested in Zoning Case 2004-58</b> – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 33.0± acres located on the north side of Windhaven Parkway, 2,900± feet east of Dallas North Tollway and 3,300± feet west of Spring Creek Parkway in the City of Plano, Collin County, Texas, from Multifamily Residence-3 (17.7± acres), Planned Development-242-Multifamily Residence-2 (13.1± acres) and Planned Development-243-Retail/General Office (2.2± acres) to Planned Development-Single-Family Residence-6; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #27. Applicant: Acres of Sunshine, Ltd.</p>	
(5)	<p><b>Public Hearing and an ordinance as requested in Zoning Case 2004-59</b> – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 558 so as to allow the additional use of Private Club on 0.1± acre of land located 130± feet south of West Park Boulevard and 45± feet west of Preston Park Boulevard in the City of Plano, Collin County, Texas, presently zoned Planned Development-189-Retail/General Office; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #55. Applicant: Regency Centers</p>	
(6)	<p><b>Public Hearing and an ordinance as requested in Zoning Case 2004-54</b> – To amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses), and Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance regarding superstore use. Applicant: City of Plano Tabled 01-24-05</p>	
(7)	<p><b>Public Hearing and consideration of an appeal of the Planning and Zoning Commission’s denial of Zoning Case 2004-52</b> – Request for a Specific Use Permit (SUP) for an Arcade on 0.1± acre located 400± feet south of Parker Road and 963± feet west of Independence Parkway. Zoned Retail. Neighborhood #44.</p>	
(8)	<p><b>Council Discussion and direction</b> regarding order of propositions for the May election.</p> <p><b><u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Training Room A is located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</u></b></p>	



February 16, 2005

**Pat Evans**  
Mayor

**Shep Stahel**  
Mayor Pro Tem

**Ken Lambert**  
Deputy Mayor Pro Tem

**Scott Johnson**  
Place 2

**Phil Dyer**  
Place 3

**Sally Magnuson**  
Place 4

**Steve Stovall**  
Place 5

**Jean Callison**  
Place 7

**Thomas H. Muehlenbeck**  
City Manager

**Mayor Pat Evans**  
**City Council Members**  
City of Plano  
Plano, Texas 75074

Honorable Mayor and City Council:

We will begin our meeting Tuesday, February 22 at 5:00 p.m.

The Preliminary Open Meeting agenda consists of the Comprehensive Monthly Financial Report, a report on Board and Commission Policies and Procedures, and a Personnel Appointment for the Building Standards Commission.

I look forward to seeing you Tuesday evening.

Sincerely yours,

**Thomas H. Muehlenbeck**  
City Manager

THM/sw

Preliminary Open Meeting Item II.

Dart Status Report  
Robert Pope

*APMIIA*



## Transportation Mobility / Safety Report

January 2005

- Traffic Signals:
  - ✓ **Began testing a new version of traffic signal software**
  - Continued testing of count-down pedestrian signals
  - Completed vehicle loop detector field survey for 2005.
  
- 1) **New Signal Construction/Design -**
  - Design traffic signal at Custer and Ridgeview (5% complete)
  - Design traffic signal at Ohio and McDermott (75% complete)
  - Design traffic signal at Dublin and 14th Street (100% complete)
  - Construct traffic signal at Plano Parkway and Parkwood Blvd. (**On hold until new Wal-Mart is under construction**)
  - Design traffic signal for Independence @ Glenclyff (70% complete)
  - Construct traffic signal for Plano Parkway @ Marsh Lane (Turn-on by 2/2005)
  - Construct traffic signal at Coit @ Ridgeview (Turn-on by 2/2005)
  - Continuing optimization of Zone 1 (central portion of the city) traffic signals (90% completed)
  
- Traffic Safety:
  - ✓ **Reviewed Plano Trail and Bikeway Crossing Study (draft report) and provided comments to Parks Department.**
  - ✓ **Fostered city council resolution to suspend on-street parking enforcement on Quincy Drive for 30 days while engineering study is completed.**
  - ✓ **Discussed (with developer) solutions to perceived speeding problem on Bishop Road**
  - ✓ **Tulane Drive (Millington to west of Ohio Drive) - coordinated conversion to 4-lane undivided operation east of Ohio, and 4-lane divided operation west of Ohio**
  - ✓ **Marsh Lane (north & south of Plano Parkway) - coordinated conversion to 4-lane divided operation**
  - ✓ **Attended National Committee meeting on Uniform Traffic Control Devices**
  - ✓ **Implemented on-street parking restrictions (Allied Drive and Alliance Blvd) at the request of Baylor Hospital**
  - ✓ **Removed school zone on Jupiter Road @ Winona Drive**
  - ✓ **Create 2004 Top 20 traffic collision locations 2004 (75% completed)**
  - ✓ **Create 2004 Traffic Safety Report (10% completed)**
  - ✓ **Added TAC Agendas and Minutes to Division web page (100% completed)**
  - ✓ **Developing "On line Service Request" form for Division web page (70% completed)**
  - ✓ **Attended neighborhood meeting at Sigler Elementary to discuss the Janwood Drive construction project.**
    - Continued working with EDS on a traffic sign replacement program in the Legacy Area
    - Develop 2005 HAL/HARS Program (25% complete)
    - Attended monthly DRMC, TAC, STTC, and ITE meetings
  
- Dallas Area Rapid Transit (DART):
  - ✓ **Announced DART bus route changes**
  - Attended monthly DART Board meeting

POM III - a

- Safe Streets Program (SSP)
  - ✓ Completed study on the long term performance of existing traffic management devices
  - ✓ TAC recommends changes to the Safe Streets Program. Proposed revisions go to City Council for consideration late February.
  - ✓ Cross Bend Road (from Alma Drive to Rainier Road) - Neighborhood survey fails due to low response (46%). No further action is being taken.
  - ✓ Staff preparing to remove traffic circle at Silver Creek and Charles Place
    - Develop a Share the Road Program (TAC approves preliminary concepts).

#### Participating Neighborhoods

- Royal Oaks Drive (heavy enforcement continues through 4/2005)
  - Mission Ridge from Parker to Matterhorn (**Begin heavy enforcement phase**)
  - Blue Ridge Trail north of Spring Creek (**Heavy enforcement phase begins 2/2005**)
  - Parkhaven Drive (**heavy enforcement ends 12/2004**)
  - Winding Hollow Lane (new participating neighborhood)
  - Russell Creek Drive (Temporary devices to be installed)
  - Hawkhurst Drive (Temporary Plan installed. Devices are being damaged by vehicles hitting them. Will continue monitoring)
  - Ranier Road (north of Spring Creek Parkway) (**Permanent plan sent for resident approval – responses due by 3/2005**)
  - Seabrook (Temporary devices to be installed)
  - Cumberland Trail (Temporary devices to be installed)
  - Crossbend from Tumbri Lane to Coit (Temporary devices to be installed)
  - Ranier Road south of Spring Creek Parkway (Temporary devices to be installed)
  - Sailmaker Drive (Temporary *substitution* devices to be installed)
  - Travis Drive (Temporary devices to be installed)
  - Crossbend Drive from Alma to Ranier (**Survey failed due to low response rate (46%)**)
  - Lexington Drive (Temporary plan being developed)
  - Country Place Drive north of Park Boulevard (Temporary plan being developed)
  - Peachtree Lane (Temporary Plan being developed)
  - Parkhaven Drive (**Heavy enforcement ended in January, follow-up study being conducted**)
  - Silverstone Drive (Temporary traffic plan being developed)
  - Mission Ridge North of Spring Creek (**Heavy enforcement phase continues**)
- Long Range Planning:
    - US-75 Ramp Reversal project. (Working with TxDOT (Austin) on Environmental Assessment document approval)
    - Revise Plano Thoroughfare Standards (95% completed)
    - Continued work on revisions to the Transportation Planning Model
    - Attended DRMC, RTC, STTC meetings

TH-6

**MEMORANDUM**

TO: Staff Liaisons to Boards and Commissions  
FROM: Thomas H. Muehlenbeck, City Manager  
DATE: December 28, 2004

During the Council meeting of December 13, 2004, Council requested input from Board and Commission appointees regarding policies and operations of the committees.

Staff is requested to solicit responses from each board and commission, tabulate the response and return to Barbara Newell no later than February 11, 2005. An item will be on the February 28, 2005, Council Preliminary Open agenda to discuss the results of the survey and any additional topics the Board and Commission chairs wish to discuss. Council also welcomes other members of the Boards and Commissions to attend, if they so wish.

Attach.

C: Barbara Newell

*POM IV-a*

## BOARD AND COMMISSION POLICIES

### Terms

1. Input regarding existing terms for service.
2. Suggestions for limiting terms to three-two year terms.
3. Suggestions for being one-year off prior to being eligible for a board/commission appointment.

### Agenda

1. Suggestions for having public comment item on each board/commission agenda.

### Application

1. Ways we can improve process.
  - a. Changes to application.
  - b. Announcement for applicants.
  - c. Reception for applicants.
  - d. Follow-up regarding selection.

Other Policy/Operation Issues

Other Topics to be Discussed

1rb

## Barbara Newell

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**From:** Tom Muehlenbeck  
**Sent:** Friday, January 21, 2005 10:53 AM  
**To:** Barbara Newell  
**Subject:** Fw: Board/Commission Policies

Tom Muehlenbeck

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

**From:** Frank Turner <Frankt@plano.gov>  
**To:** Tom Muehlenbeck <Tommm@plano.gov>; Rod Hogan <Rodh@plano.gov>; Bruce Glasscock <Bruceg@plano.gov>  
**Sent:** Fri Jan 21 10:50:31 2005  
**Subject:** FW: Board/Commission Policies



Board and  
ommission policies..

**From:** Lloyd Neal  
**Sent:** Friday, January 21, 2005 10:48 AM  
**To:** Barbara Newell  
**Cc:** Alan Upchurch; Frank Turner; Ronnie Bell; Tracy Nyholm; 'nat.cohen@comcast.net'  
**Subject:** FW: Board/Commission Policies

TAC provided the following suggestions:

- \* Committee liaison (Council members) should attend more of their assigned committee meetings to meet members and answer any questions they may have
- \* Foster increased use of the Citizens Academy, utility bill inserts, and personal contact by staff to advertise committee activities
- \* Schedule meet/greet receptions so that they do not conflict with standing committee meetings
- \* Promptly send follow-up letters to applicants who are not selected to serve
- \* At meet/greet events Council members should monitor their time with individuals so that other interested parties have the opportunity to meet them and ask questions
- \* Hold the annual boards and commission luncheon during the evening hours so committee members can attend after work

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

**From:** Barbara Newell  
**Sent:** Wed 12/29/2004 9:11 AM  
**To:** Executive Team  
**Cc:**  
**Subject:**

Please solicit responses from your respective board and commissions and return them to me by February 11, 2005.

IV-C

Thank you!

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Barbara Newell Executive Administrative Assistant Phone: (972)941-7121  
Barbaran@plano.gov <mailto:Barbaran@plano.gov>

IV-d

**Barbara Newell**

**From:** Cindy Potrykus  
**Sent:** Tuesday, January 11, 2005 4:03 PM  
**To:** Barbara Newell  
**Subject:** FW: Survey re Plano Boards and Commissions

Hi Barbara –

Attached is the only response I received regarding the Boards/Commissions survey. We do not expect to receive any further responses.

**From:** GJELKING@aol.com [mailto:GJELKING@aol.com]  
**Sent:** Wednesday, December 29, 2004 2:40 PM  
**To:** Cindy Potrykus  
**Cc:** Bruce Glasscock  
**Subject:** Re: Survey re Plano Boards and Commissions

Hello Cindy:

I've printed the adobe file but don't know how to respond. Note my answers to the questions:

Term of Office:

I favor limiting terms to three two year terms. Especially if the committee only meets monthly. If it meets weekly then two two year terms would be adequate.

I don't favor having a one year period off. If the person is qualified and can serve they should be able to move from one Committee to another with out sitting out 1year.

Agenda:

I tried with Sister Cities to secure Public Comment and I think it is important to have a method of offering that avenue to our Citizens.

Application:

My only suggested change might be to have an applicant secure the signature of one of his City Council representatives. He can have either his geographical or elected at large representative sign his application form.

Other Policy Changes:

None

Other Topics to be discussed:

None

George Elking  
2813 St. Charles Dr.  
Plano, TX 75074

1/12/2005

IV-e

972 424 1485

Dear Plano International Relations Advisory Commission (IRAC) Members:

City Council would like to offer you the opportunity to respond to the attached survey questions regarding Boards and Commissions policies. To assist you in your responses, you may go to <http://www.planotx.org/boardcom.html> to view current policies and additional information.

It is at your discretion to respond to none, one, several or all of the questions. Please send your input, if any, to me prior to February 4, 2005.

Thank you and hope you have a Happy New Year!

*Cindy Potrykus*

*Admin Asst to Exec Dir Bruce Glasscock*

*Public Safety Services and Technology*

*City of Plano*

*P. O. Box 860358*

*Plano, TX 75086*

*(972) 941-7747*

*(972) 423-9587-fax*

1V-6

1/12/2005

## Barbara Newell

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**From:** Rita Keys  
**Sent:** Thursday, February 03, 2005 10:26 AM  
**To:** Barbara Newell  
**Cc:** Robert Smouse  
**Subject:** Board & Commission Policies

Barbara:

I have attached the Keep Plano Beautiful Commission responses to the Board & Commission Policies questionnaire.

Please let me know if you have any questions.

Thank you.



B&C POLICIES  
Questionnaire.doc...

**Rita Keys**  
**City of Plano**  
**Environmental Waste Services**  
**972.769.4130**  
**ritak@plano.gov**

**BOARD AND COMMISSION POLICIES**  
**Keep Plano Beautiful Commission**

Terms

1. Input regarding existing terms for service.
  - Existing terms are fine.
  - 2 years are good – one to learn, one to help.
  - 2 years is fine.
  - 2 – 3 year terms.
  - Include.
  
2. Suggestions for limiting terms to three-two year terms.
  - That is fine.
  - At most, 2 terms may be enough. We need to use the second term to grow and work. 3<sup>rd</sup> year may be overkill.
  - Perhaps two 2 year terms, 1 year off and then eligible for another 2 terms.
  - No.
  
3. Suggestions for being one-year off prior to being eligible for a board/commission appointment.
  - This could encourage other citizens to get involved.
  - I think if someone can benefit the board/commission, let them help!
  - For the same board, yes; no for an appointment to a new board.

Agenda

1. Suggestions for having public comment item on each board/commission agenda.
  - Good idea, suggest they either come in person or contact a member to discuss idea/comment.
  - I don't see much benefit but won't take up any time.
  - Seems like a good idea.
  - OK – If citizen sends an email copy would be attached to agenda.
  - Public comments should be included at close of each meeting – comments to be sent to commission/board by email/mail, etc.

Application

1. Ways we can improve process.
  - a. Changes to application.
    - None.
    - The application was easy to understand and fill out.
    - For top 2 choices -- each person write out reason why they have interest in joining a board.
    - Have prospective person attend commission/board meeting prior to selection.

11-11

- b. Announcement for applicants.
  - None.
  - If someone is interested they will look for announcements.
  - Water bill, Plano Star Courier, Dallas Metro.
  - Most people are not aware of commission/board openings – should be posted in newspaper/Web site and council meeting agenda.
  
- c. Reception for applicants.
  - More commission/board members present to answer questions.
  - I felt it was a bit too crowded, would have liked 1-2 representatives per committee present to discuss their committees.
  - OK.
  - City Hall – large room, 6:00pm week day.
  - Should be open to more commission/board members – should be held in larger facility.
  
- d. Follow-up regarding selection.
  - None.
  - Good.
  - Prior to official appointment must attend a monthly meeting and have current members vote yes or no.

#### Other Policy/Operation Issues

#### Other Topics to be Discussed

- How can we self-promote? We do so much good as a city and volunteers. How can we let the citizens know and promote involvement? Wouldn't it be nice to have a thousand people at the receptions?
- Previous boards in Plano or other cities.

11-1

**Barbara Newell**

---

**From:** Colette Hall  
**Sent:** Thursday, February 03, 2005 1:55 PM  
**To:** Barbara Newell  
**Subject:** FW: Senior Advisory Board

Comments to the survey for a member of the Senior Citizen Advisor Board.

**Colette Hall**  
Recreation Superintendent  
City of Plano  
972-941-7274, coletteh@plano.gov

---

**From:** Jd50501063@aol.com [mailto:Jd50501063@aol.com]  
**Sent:** Thursday, February 03, 2005 11:32 AM  
**To:** Colette Hall  
**Subject:** Re: Senior Advisory Board

Collette,

Following are my comments on the Board and Commission Policies:

1. Terms

- A. Leave the terms as is, that is, three two year terms.
- B. A member of any board should not be eligible for appointment to another board until one year after service on the original board has elapsed.

2. Agenda

Definitely need time at the beginning of the meeting for public comment on items to be added to future agendas. Also allow public comment on any items discussed during any meeting.

3. Application

Application is acceptable. Announcement seems to be very open and publicized. Reception is good. All applicants should be notified of their acceptance/rejection.

Regards,

J.D. Williams

IV-J  
2/3/2005

**Barbara Newell**

---

**From:** Tom Muehlenbeck  
**Sent:** Monday, January 24, 2005 6:21 AM  
**To:** Barbara Newell  
**Subject:** FW: Board/Commission Policies

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

**From:** Frank Turner  
**Sent:** Friday, January 21, 2005 10:51 AM  
**To:** Tom Muehlenbeck; Rod Hogan; Bruce Glasscock  
**Subject:** FW: Board/Commission Policies

---

**From:** Lloyd Neal  
**Sent:** Friday, January 21, 2005 10:48 AM  
**To:** Barbara Newell  
**Cc:** Alan Upchurch; Frank Turner; Ronnie Bell; Tracy Nyholm; 'nat.cohen@comcast.net'  
**Subject:** FW: Board/Commission Policies

TAC provided the following suggestions:

- Committee liaison (Council members) should attend more of their assigned committee meetings to meet members and answer any questions they may have
- Foster increased use of the Citizens Academy, utility bill inserts, and personal contact by staff to advertise committee activities
- Schedule meet/greet receptions so that they do not conflict with standing committee meetings
- Promptly send follow-up letters to applicants who are not selected to serve
- At meet/greet events Council members should monitor their time with individuals so that other interested parties have the opportunity to meet them and ask questions
- Hold the annual boards and commission luncheon during the evening hours so committee members can attend after work

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

**From:** Barbara Newell  
**Sent:** Wed 12/29/2004 9:11 AM  
**To:** Executive Team  
**Cc:**  
**Subject:**

Please solicit responses from your respective board and commissions and return them to me by February 11, 2005.

Thank you!

---

2/4/2005

IV-K



January 31, 2005

Honorable Mayor and City Council  
City of Plano  
PO Box 860358  
Plano, TX 75086-0358

RE: Board and Commission Policies

Dear Mayor Evans and City Council:

As requested, the Heritage Commission has reviewed and discussed policies and procedures related to various aspects of the operations of boards and commissions. I submit the following summary of the Commission's thoughts on these matters:

Terms of Service

- It was agreed that three two-year terms for the Heritage Commission would be appropriate given the level of knowledge and experience needed to serve effectively on this board with its responsibilities. The members felt that for the Heritage Commission, specifically, the learning curve for building one's knowledge and experience in order to fully understand historic preservation and its regulations supports a longer tenure. Experienced members are also needed to mentor new members as they join the commission. The shorter number of years per term (as opposed three-year terms), however, gives a member the opportunity to leave after four years, if necessary. Other factors influencing the Commission's opinions included the credentials required by ordinance for the Heritage Commission, and the fact that the applicant pool for all boards and commissions, especially the Heritage Commission, is limited.
- The Commission expressed reservations with the concept of a one year "time out" before serving on another board or commission. On the contrary, they felt that the knowledge, experience, and enthusiasm for public service generated by serving on the Heritage Commission would be transferable to their involvement on another Board or Commission. Members also expressed concern that good commission and board volunteers might not return if forced to take a year off.

Pat Evans  
Mayor

Shep Stahel  
Mayor Pro Tem

Ken Lambert  
Deputy Mayor Pro Tem

Scott Johnson  
Place 2

Phil Dyer  
Place 3

Sally Magnuson  
Place 4

Steve Stovall  
Place 5

Jean Callison  
Place 7

Thomas H. Muehlenbeck  
City Manager

P.O. Box 860358  
Plano, Texas 75086-0358  
972-941-7000  
www.plano.gov

January 31, 2005  
Honorable Mayor & City Council

Application and Appointment Process

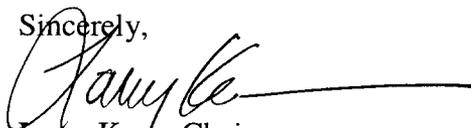
- Those present felt that the current process is generally effective. It was suggested that other methods of announcement should be explored for those citizens who do not receive a water bill or subscribe to the paper. One such method is, of course, the City's website. It was suggested that during the application and selection period of each year, the front page of the website should feature a prominent link to appointment opportunities and the application itself.
- The Commission also recommends a return to the "booth", or "job fair," arrangement at the receptions, noting that it might be less intimidating to applicants than the current format. Members emphasized the importance of clearly identifying the representatives of each Commission to attendees and that those representatives must be proactive in helping potential applicants understand and navigate their way through the selection process.
- Applications should better tie qualifications and reasons for serving to the applicant's top three choices for appointment, rather than a general statement at the end. The applicant should state a specific reason he/she wants to be on each particular board.

Agendas

- The members did not recommend a standard policy on time limits for speakers during the "General Discussion" segment of meetings. They felt that the chair for each Board and Commission should determine the arrangement that works best for the commission's specific circumstances.

The Heritage Commission appreciates the opportunity to comment on these matters. If you need additional information, please contact me or Marcus Watson, Heritage Preservation Officer.

Sincerely,

  
Larry Keen, Chair  
Plano Heritage Commission

IV-M



January 31, 2005

Honorable Mayor and City Council  
City of Plano  
PO Box 860358  
Plano, TX 75086-0358

RE: Board and Commission Policies

Dear Mayor Evans and City Council:

As requested, the Transition and Revitalization Commission has reviewed and discussed policies and procedures related to various aspects of the operations of boards and commissions. I submit the following summary of the Commission's thoughts on these matters:

- Terms of Service - It was agreed that the existing provisions for two, three-year terms for the Planning and Zoning Commission were appropriate given the level of knowledge and experience needed to serve effectively on a board with its responsibilities. The members felt that the current standard of two, two-year terms for other boards and commissions is appropriate. They did not agree with the concept of a one year "time out" before serving on another board or commission. Instead, they felt that the knowledge, experience, and enthusiasm for public service, generated by serving on one board, would be invaluable to the next board on which one might serve.
- Application and Appointment Process - Those present felt that the current process is generally effective. It was suggested that the application forms be available at each of the Roundtables as another way of reaching interested citizens. They recommended returning to the "booth" arrangement at the receptions, noting that it might be less "intimidating" than the current format.
- Agendas - The members did not recommend a standard policy on time limits for speakers during the "General Discussion" segment of meetings. They felt that each board and commission should determine the arrangement that works best for its specific circumstances.
- Other Policy or Operational Issues - There were no further comments on these matters.

The Transition and Revitalization Commission appreciates the opportunity to comment on these matters. If you need additional information, please contact me.

Sincerely,

  
Russ Kissick, Vice Chairman  
Plano Transition and Revitalization Commission

Pat Evans  
Mayor

Shep Stahel  
Mayor Pro Tem

Ken Lambert  
Deputy Mayor Pro Tem

Scott Johnson  
Place 2

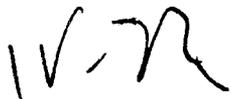
Phil Dyer  
Place 3

Sally Magnuson  
Place 4

Steve Stovall  
Place 5

Jean Callison  
Place 7

Thomas H. Muehlenbeck  
City Manager



P.O. Box 860358  
Plano, Texas 75086-0358  
972-941-7000  
www.plano.gov



City of Plano  
P.O. Box 860358  
Plano, Texas 75086-0358  
972-769-4360  
972-769-4359 FAX

**MEMORANDUM**

*Animal Services Department*

**DATE:** February 1, 2005  
**TO:** Thomas H. Muehlenbeck, City Manager  
**FROM:** Animal Shelter Advisory Committee *WLL*  
Keith E. Clark, ASAC Secretary  
**SUBJECT:** Board and Commission Policies

The Animal Shelter Advisory Committee (ASAC) discussed the Board and Commission Policies on January 12, 2005.

The ASAC reviewed the issue of limiting terms to three-two year terms. The ASAC supports this recommendation.

The ASAC reviewed the issue of requiring one year off a committee prior to being eligible for another board/commission appointment. The ASAC requested clarification on the length of time between appointments. In particular, can a candidate be appointed to another Board or Commission before the one year time limit?

The ASAC supports the public comment recommendation for Committee meetings and has had this incorporated as an agenda item for several years.

The ASAC felt the application did not require any changes. However, posting of the announcements in water bill mailer and local cable T.V. channel may better inform the public for the need of committee members.

FEB 03 2005

*1V-0*

Six of the eight Community Relations Commissioners responded to the questions. Their comments are listed below.

1. Should the term of service be changed to three two-year terms?

- No, two two-year terms is enough. We need fresh minds.
- Term of service for Community Relations should be changed to three two-year terms. I cannot comment on the other commissions.
- Yes
- No
- **I agree with the extended length of time of service for the Planning and Zoning Commissioners considering the complexity of the “learning curve” that they face. As for all other Boards and Commissions, I think they should be looked at individually in terms of the “learning curve” and complexity of the issues to be addressed. In some instances, the two, two-year term limit seems appropriate in order to allow more citizens to volunteer for their community. If all Boards and Commissions were two, three-year terms, I believe we would lose interest from some citizens who might be very interested and qualified to serve on a particular board. I think that the head of each of the respective boards should make their recommendation as to the length of the term to the City Council based on their understanding of the complexity of the issues to go before their individual board members.**

2. Should there be a mandatory one-year “time-out”?

- No, not necessary.
- No.
- Yes. I feel the present system could show “favoritism “ to current members as seen by the citizens who want to apply.
- Yes
- I do not believe that there should be a mandatory one-year “time-out” instituted before a commissioner can be appointed to another board or commission. I think if a person is interested and dedicated enough to want to volunteer more than four years consecutively, I think that they should be allowed to without penalty of a one-year waiting period.

3. Recommendations for improvements to the application and appointment process?

- None
- Council should grant priority to recommendations of prospective members made by current commission and board members.
- I feel existing system is good. I would suggest that the local newspaper and billboards could also increase coverage.
- None

1V-P

- **I would add two items to the criteria. The first being a letter (s) of reference and/or recommendation from someone within the community who can vouch for the character and/or background and experience of the applicant. The second item would be a letter from the applicant themselves explaining why they are seeking appointment and what specifically they feel they have to contribute.**

4. Changes to the application form and information provided to prospective appointees?

- Seemed OK to me.
- None
- Current application is somewhat vague on duties and responsibilities. Could applicants be directed to a web site or City Hall to pick up additional information.
- The application form is sufficient. It provides basic information about the individual applying for an appointment and provides some information about the positions.
- No

5. Do the receptions adequately serve the intended purpose?

- Maybe should consider appearing at job fairs or Plano Chamber or something to solicit people.
- They are adequate. I have no other forums to suggest.
- I feel that interested citizens should visit a scheduled meeting in a Q&A setting with current members.
- I do not think the receptions serve the intended purpose. Many people who might have much to offer but are too reserved to introduce themselves around are being "lost."
- Information forums might be advantageous. It is difficult to get all the information about board and commissions in a crowded room with many people waiting to talk to staff. Interested citizens might be more willing to participate in a general meeting. Each liaison, board and commission chairs, and staff could present their open appointments, describe the boards, etc., and what they do and the responsibilities asked of appointees.
- To me the reception was very informative.
- **I believe that the receptions adequately serve their intended purpose, however I also believe that there should be one at the beginning of the summer as opposed to just in August. I think that interested citizens should be allowed (or even invited) to attend a meeting of the board (or boards) that they are interested in after having been to a reception. Perhaps the reception could be in June with a schedule of the summer meetings for all the different boards and commissions. There could be an "open meeting time", perhaps July and August where interested citizens could attend and ask questions at a meeting (or meetings) of those boards and commissions that they believe they are interested in serving on.**

1V-Q

6. Are there needed improvements to the notification process for reappointments and new appointments?

- None
- Reminders should be sent in writing to those members whose terms are expiring and advise whether or not they are eligible for reappointment and the procedure required for reappointment.
- I feel notification process is adequate. I feel that one swearing in and taking the oath is enough.
- None
- No
- **The only improvement I would make to the notification procedure for appointments and reappointments would be to send out a formal/official letter signed by the mayor and the head of the respective commission on the city letterhead. This letter would congratulate them on their appointment and perhaps thank them in advance for volunteering their service and time to their community.**

7. Other Comments?

- Apointees to the Community Relations Commission should be advised to attend one CRC public hearing prior to becoming a member.
- New members should be required to attend a brief training and Q&A session prior to the public hearings. The training session should be conducted by the CRC chair, one current CRC member, and city staff.
- At least one meeting a member of City Council should attend and brief commission/board as to what Council issues are being discussed and how they see the commission/board in the overall goals and objectives of the citizens.
- I would like to have a more thorough orientation before taking my seat on a commission.
- I think that discussion time on agenda items would be an excellent idea.
- **I agree with the City Council's recommendation that we add the opportunity for public comment to each agenda. However, I believe that each person should have a three-minute limit with a total of five people equaling 15 minutes per meeting.**

1V-12



February 7, 2005

- Pat Evans  
Mayor
- Steph Stahl  
Mayor Pro Tem
- Ken Lambert  
Deputy Mayor Pro Tem
- Scott Johnson  
Place 2
- Phil Dyer  
Place 3
- Sally Magnuson  
Place 4
- Steve Stovall  
Place 5
- Jan Callison  
Place 7

Honorable Mayor and City Council  
City of Plano  
P.O. Box 860358  
Plano, TX 75086-0358

RE: Board and Commission Policies

Dear Mayor Evans and City Council:

As requested, the Planning & Zoning Commission has reviewed and discussed policies related to several aspects of the operations of boards and commissions. I would like to offer the following summary of the Commission's thoughts on these matters.

**Terms of Service** - Most commissioners, having served on other boards and commissions, believed that the present two two-year terms were sufficient for most groups. They thought the exception for the Planning & Zoning Commission to serve three terms was appropriate. The Commission unanimously opposed a one-year hiatus after completing a term on one board and being appointed to another group. They believed that volunteers who were still willing to devote the time and energy to serve on additional boards should be given that opportunity.

**Appointment Process** - The commissioners indicated that the advertising and solicitation of new board and commission members was generally appropriate. They believed that the city makes it easy for people to find out information on the various opportunities for service and to then be appointed to a board or commission. Some suggested changes included more information for volunteers on the expected time commitment and more questions on the application form along the lines of "Why Do You Want to Serve" and "What Interests You About the Commission"? Several commissioners thought that the job fair style of reception was better than the free-form receptions now held, which can be intimidating for some applicants.

Thomas H. Muehlenbeck  
City Manager

IV-S

Honorable Mayor and City Council  
February 7, 2005  
Page 2.

General Discussion Agenda Item - The Commission believed that standardized time limits should be imposed for all boards and commissions for general discussion items. Most commissioners felt that the time limits that Council uses are appropriate.

Other Policy Issues - The Commission mentioned enforcement of the attendance requirements.

On behalf of the Planning & Zoning Commission, I would like to thank the City Council for allowing us this opportunity to comment. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,



Laura Williamson, Chairman  
Planning & Zoning Commission

xc: Planning & Zoning Commission  
Thomas H. Muehlenbeck, City Manager  
Frank F. Turner, Executive Director  
Phyllis M. Jarrell, Director of Planning

PJ/slc

11-1

**Sharon Wright**

---

**From:** Maryann Dunnavant  
**Sent:** Tuesday, February 08, 2005 9:30 AM  
**To:** Barbara Newell; Sharon Wright  
**Subject:** Board and Commission Policies

The attached document reflects comments from 4 of 7 Library Advisory Board members regarding the request for responses to the Board and Commission Policies. Comments from each of the 4 Library Advisory Board members have been noted in a different font and font color.

Please note: 2 Library Advisory Board members had no comments and/or suggestions.

We had no response one way or the other from 1 Library Advisory Board member.

Please let us know if anything further is needed.

Mary Ann Dunnavant - Library Administration  
Ext. 4208

2/8/2005

W-U

## BOARD AND COMMISSION POLICIES

### Terms

1. **Input regarding existing terms for service.**

**I believe the present two-year terms are optimum for service. That gives you time to become familiar with the Board/Commission and it's responsibilities to the City and still make a contribution even the first year of service. I concur with the present policy that allows an individual to request to be re-appointed for a second term.**

Appointments to a maximum of two terms of two years each should be the standard limitation. However, under special needs, the City Council should be able to request a person to serve a third term.

No changes needed.

2. **Suggestions for limiting terms to three-two year terms.**

**Term limits should satisfy citizens who wish to find fault with the selection process. I suggest that an individual may be reappointed after a one-year absence to a Board previously served on.**

Only when there is a special need should the City Council consider the appointment of a board/commission member to a third term. That process should be initiated by the member's application or intent of interest to further serve.

No changes needed.

That is good, no more than 3 two-year terms. Encourage more people to take turns to serve.

3. **Suggestions for being one-year off prior to being eligible for a board/commission appointment.**

**If an individual is qualified I see no reason to deny the City of their experience if they wish to move from one Board to another immediately after retirement from a Board/Commission.**

11-11-11

I see no reason a member should be restricted from application to another board/commission. When this situation occurs, it is advisable that the department director request a referral from the previous board/commission served. Without any special benefit, the member should have all the same considerations of other applicants.

No changes needed.

Good.

### Agenda

1. **Suggestions for having public comment item on each board/commission agenda.**

I prefer a simple, organized process by which citizens can make suggestions regarding agenda items. While every citizen's request should be considered, communication with the Board/Commission Chairman may streamline the process. In my opinion, it would be counterproductive to have citizens attend a meeting and expect to inject an agenda item at that time.

No changes needed.

This is a great idea. But how do we get inputs? By using the suggestion box?

### Application

1. **Ways we can improve process.**

- a. **Changes to application.**

The current application works very well. Keep it simple and to a single page.

No need for the format change.

- b. **Announcement for applicants.**

Consider using announcements with the public broadcast TV station used for city purpose. Those viewers may be good candidates for public service.

The current way of through the utility bills is good. Posting in the library as well.

**c. Reception for applicants.**

Consider using an indoor facility of the Parks and Recs to allow more room for candidates to circulate from table to table and have a better opportunity speak with board/commission members.

Good.

**d. Follow-up regarding selection.**

**My only suggestion relates to item (d). Unfortunately we don't always get what we want. For those not being appointed, there should be some opportunity for them to understand why they were not selected and encouraged to continue the process in the future. I don't have a lot of suggestions but it seems that we should not give unsuccessful candidates an opportunity to say "closed selection process". Finding alternative opportunities to volunteer may be one way to help this dilemma.**

Consider a personal phone contact by the Chairperson of the board/commission to welcome the new member.

I never understood why I was selected, since so little information was requested on the application and no one on the city council knew me. Either it's a very lucky process or some poor decisions are frequently made. I would suggest sponsoring council members or the primary city resource for the board call applicants that look favorable and talk with them.

Great.

**Other Policy/Operation Issues**

Suggest sponsoring council member(s) attend board meetings on a quarterly basis.

**Other Topics to be Discussed**

How to limit the list of boards/commissions to a meaningful level:

How do we keep the list from growing too large (is it already?) and ensure that the boards/commissions have significant impact. It can be a challenge to encourage

multi focus without crating overlap of interest between boards/commissions.

IV-y

**City of Plano**  
**COMPREHENSIVE**  
**MONTHLY**  
**FINANCE**  
**REPORT**

**January, 2005**



# ABOUT THIS REPORT

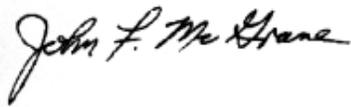
The City of Plano Finance Department is dedicated to excellence in local government, comprehensive fiscal management, compliance and reporting. The Comprehensive Monthly Finance Report (CMFR) is a unique document, directed at providing our audience (internal and external users), with the general awareness of the City's financial positions and economic activity.

This report is comprised of five sections:

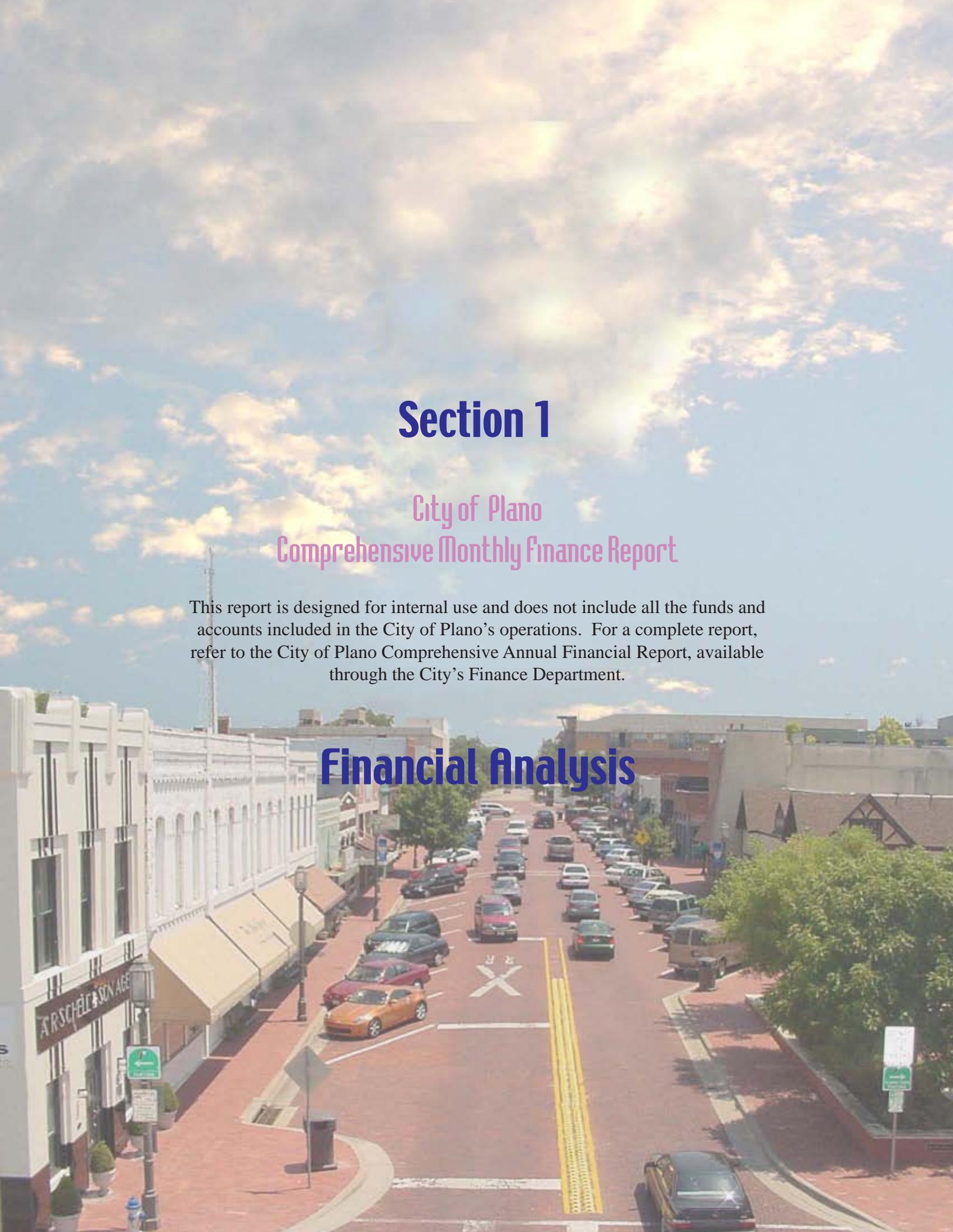
- I. The **Financial Analysis** reports the performance of the major operating funds of the City. Narrative disclosures are used to highlight any significant changes or fluctuations.
- 1A. The **Financial Summary** provides comparative data for major revenue sources and expenditure items.
2. The **Economic Analysis** section contains a summary of the key economic indicators and an in-depth review with graphic illustrations.
3. The **Investment Report** provides a description of investment activity during the month and a summary of interest earnings.
4. The **Quarterly Hotel/Motel Report** provides a summary of Hotel/Motel tax collections during the previous fiscal quarter, as well as comparisons and analyses of tax receipts and occupancy data from the two fiscal years preceding.

We would like to acknowledge those responsible for this report: Allison Friloux for the Financial Summary, Brent Yowell for the Economic Analysis Report, Quarterly Hotel/Motel Report and the Investment Report.

The CMFR is intended to provide our audience with a timely, unique and informative document. Please provide us with any comments or suggestions you may have and should you desire additional information, feel free to contact my office.



John F. McGrane  
Director of Finance  
P.O. Box 860358  
Plano, TX 75006-0358  
972-941-7135

An aerial photograph of a city street, likely in Plano, Texas. The street is paved with red bricks and has a double yellow line down the center. There are several cars parked along the sides and driving in the lanes. On the left, there are white buildings with awnings, one of which has a sign that says "ARSCHELL BOOKS". On the right, there are more modern buildings and trees. The sky is blue with scattered white clouds.

# Section 1

## City of Plano Comprehensive Monthly Finance Report

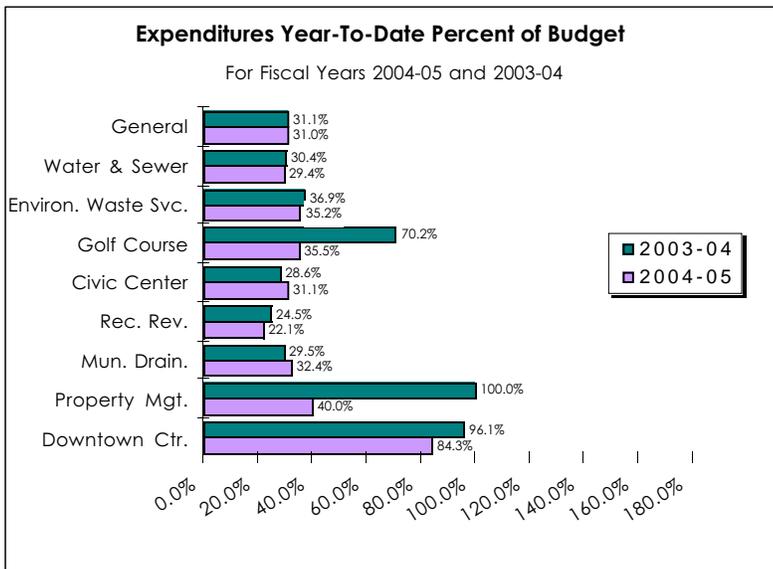
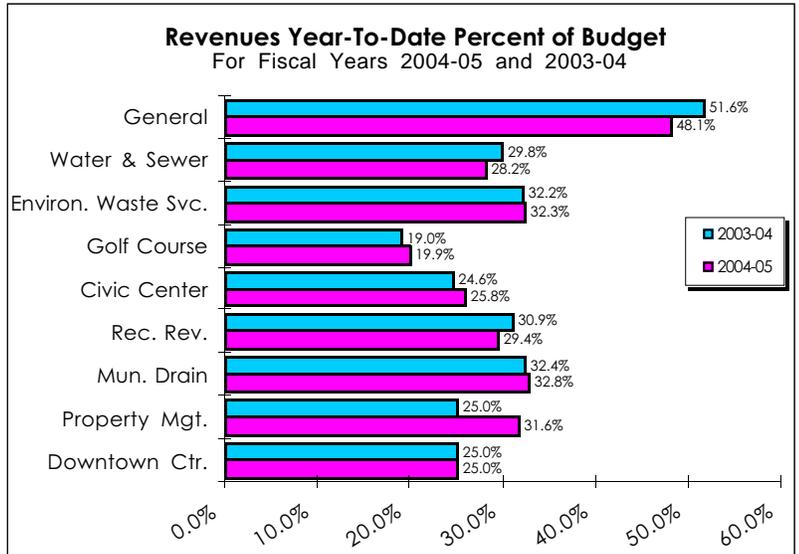
This report is designed for internal use and does not include all the funds and accounts included in the City of Plano's operations. For a complete report, refer to the City of Plano Comprehensive Annual Financial Report, available through the City's Finance Department.

### Financial Analysis

# REPORT NOTES JANUARY, 2005

The beginning fund balances in all funds are subject to final audit adjustments.

The graph right compares revenue received to date as a percent of budget for this year and last. Funds showing increases as a percent of budget are the Property Management Fund, 6.6%; Civic Center Fund, 1.2%; Golf Course Fund, 0.9%; Municipal Drainage Fund, 0.4% and the Environmental Waste Services Fund, 0.1%. Funds showing decreases as a percent of budget are the General Fund, 3.5%; Water & Sewer Fund, 1.6% and the Recreation Revolving Fund, 1.5%. The Downtown Center Development Fund remained constant as the prior year.



The graph left compares expenditures and encumbrances to date as a percent of budget for this year and last.

The funds representing increases in expenditures as a percent of budget are the Municipal Drainage Fund, 2.9% and the Civic Center Fund, 2.5%. Funds showing decreases as a percent of budget are the Property Management Fund, 60.0%; Golf Course Fund, 34.7%; Downtown Center Development Fund, 11.8%; Recreation Revolving Fund, 2.4%; Environmental Waste Services Fund, 1.7%; Water & Sewer Fund, 1.0% and the General Fund, 0.1%.

## General Fund

### Revenues

General Fund total revenues were \$2,287,000 less than the same period in the prior year. As a percent of budget, revenues decreased 3.5%. The decline in revenue over prior year is due to a decrease in Ad valorem tax revenues. Ad valorem tax revenue decreased \$2,462,000, as compared to the previous year due to timing and processing of current year payments. Court fines and forfeitures declined \$629,000 as compared to prior year due to a decrease of citations issued in the current year. Fees and service charge revenues increased \$401,000 as compared to prior year. Emergency 9-1-1 telephone surcharge revenues increased \$184,000 over prior year due to timing of payments received from Verizon. In addition, engineering inspection fee revenues increased \$71,000 attributed to a larger volume of inspections for roadway and residential projects performed in the current fiscal year. Telephone franchise fee revenue increased \$101,000 due to an increase in line counts in the current fiscal year. Miscellaneous revenue increased \$154,000 over prior year primarily due to an increase in interest income.

### Expenditures

Expenditures and encumbrances increased \$3,876,000 as compared to prior year. Personal services increased over prior year by \$2,759,000 primarily due to salary increases, as well as an increase in health insurance costs. Contractual / professional services increased \$1,319,000 due to payments for electric utilities increasing \$560,000 because of higher rates in the current year. Replacement charges for police and fire equipment increased \$212,000 over prior year due to budgeted amounts to repay the replacement fund for equipment purchased in prior years. Additional increases over prior year of \$870,000 occurred in technology services charges. Sundry expenditures increased \$112,000 over prior year because of payment made for the Legacy Town Center 2004 Holiday Lighting Festival in the current year increasing expenditures by \$39,000. The City also experienced an increase in expenditures of \$19,000 for the Blackland Prairie Festival in the current year. Capital outlay decreased \$326,000 as compared to the same period in the prior year. A citywide radio purchase in the amount of \$425,000 occurred in the prior year. Of this purchase, \$13,000 was for fire department radios and the remaining \$412,000 was for various departments and funded by the equipment replacement fund.

### Water and Sewer Fund

Water and Sewer revenues have decreased by \$1,393,000 when compared to prior fiscal year. Water revenues increased \$125,000 while sewer revenues decreased \$1,486,000 over prior year. The result of the decrease in sewer revenues is attributed to winter quarter average billing. As a percent of budget, revenues decreased 1.6%.

Total expenses decreased \$436,000 as compared to prior year. Capital outlay decreased over prior year by \$1,493,000 due to purchase of equipment for the automated meter reading project in the prior fiscal year. Personal services, however, increased \$238,000 over prior fiscal year due to increased salary and health insurance costs. Contractual / professional services increased as well primarily due to increased payments to North Texas Municipal Water District in the current fiscal year. In addition, the increase is attributed to encumbered funds of \$113,000 to provide services for printing and mailing utility bills. Expenses and encumbrances decreased 1.0% as a percent of budget.

### Environmental Waste Services Fund

Revenues in the Environmental Waste Services Fund increased \$334,000 over the prior year. Commercial franchise fee revenues increased \$169,000 over last year due to an increase in commercial business operations. An increase in the percentage the City receives from Trinity Waste's gross commercial billings will become effective in February 2005. In addition, residential and recycling revenues increased \$61,000 and \$52,000, respectively, as compared to last fiscal year. As a percent of budget, revenues increased 0.1%.

Total expenses and encumbrances increased \$106,000 over the prior year. The variance is primarily attributed to salary and health insurance cost increases in the current year. As a percent of budget, expenses and encumbrances decreased 1.7%.

## **Golf Course Fund**

Revenues in the Golf Course Fund increased \$4,000 as compared to prior year. Golf fee revenues increased due to a raise in fees ranging from \$1.00-\$4.00 per round in the current year. Although in the current year more rainfall has occurred, participation has increased on playable days. As a percent of budget, revenues increased 0.9%.

Total expenses and encumbrances decreased \$1,339,000 as compared to prior year. Capital outlay decreased \$1,387,000 over prior year due to completion of the clubhouse. The certificate of occupancy for the clubhouse was issued in March 2004. As a percent of budget, expenses and encumbrances decreased 34.7%.

## **Civic Center Fund**

Revenues in the Civic Center Fund increased \$78,000 as compared to the prior year. Concession revenues increased \$21,000 due to the opening of the clubhouse at Pecan Hollow. In addition, inside catering and lease fees increased \$17,000 and \$9,000, respectively. As a percent of budget, revenues increased 1.2%.

Total expenses and encumbrances increased \$149,000 as compared to prior fiscal year. The rise in expenses is primarily attributed to increased salary and health insurance costs in the current year. Expenses and encumbrances increased 2.5% as a percent of budget.

## **Recreation Revolving Fund**

Total revenues are \$45,000 less than prior fiscal year. Fall recreation classes decreased, as well as participation for the fall aquatics and flag football programs. However, revenues for the Liberty Recreation Center have increased over prior year due to this facility opening in June 2004. As a percent of budget, revenues decreased 1.5%.

Total expenses and encumbrances decreased \$48,000 over prior year. Due to a decrease in participation for recreation programs, contractual labor has declined in the current year. However, since the opening of Liberty Recreation Center in June 2004, services for contract labor at that facility have increased. As a percent of budget, expenses and encumbrances decreased 2.4%.

## **Municipal Drainage Fund**

Municipal Drainage Fund revenues increased \$29,000 over prior year. As a percent of budget, revenues increased 0.4%.

Expenses and encumbrances increased \$88,000 over the prior year. Personal services increased over prior year due to an increase in salary and health insurance costs. In addition, increased encumbrances for street sweeping services have occurred in the current year. As a percent of budget, expenses and encumbrances increased 2.9%.

## **Property Management Fund**

Rental revenues increased \$6,000 over prior year. As a percent of budget, revenues increased 6.6%.

Expenses and encumbrances decreased \$28,000 due to funds in the prior year used to resurface Downtown Center South's parking lot. As a percent of budget, expenses and encumbrances decreased 60.0%.

## **Downtown Center Development Fund**

Rental revenues remained the same as compared to prior year. As a percent of budget, revenues also remained unchanged.

Expenses and encumbrances decreased \$6,000 as compared to prior year. As a percent of budget, expenses and encumbrances decreased 11.8%.

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# Section 1A

City of Plano  
Comprehensive Monthly Finance Report

## Financial Summary

**MONTHLY FINANCIAL SUMMARY REPORT  
THROUGH JANUARY 31 OF FISCAL YEARS 2005, 2004 AND 2003  
GENERAL FUND**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>4 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
<b>REVENUES:</b>					
<b>Ad valorem tax</b>	2005	\$ 58,007,000	45,370,000	78.2%	234.64
	2004	58,761,000	47,832,000	81.4%	244.20
	2003	57,432,000	47,088,000	82.0%	245.97
<b>Sales tax</b>	2005	48,668,000	18,390,000	37.8%	113.36
	2004	44,279,000	18,313,000	41.4%	124.07
	2003	45,129,000	16,261,000	36.0%	108.10
<b>Other taxes</b>	2005	688,000	175,000	25.4%	76.31
	2004	631,000	171,000	27.1%	81.30
	2003	589,000	20,000	3.4%	10.19
<b>Franchise fees</b>	2005	19,973,000	1,779,000	8.9%	26.72
	2004	19,001,000	1,666,000	8.8%	26.30
	2003	18,565,000	2,694,000	14.5%	43.53
<b>Fines and forfeitures</b>	2005	9,858,000	2,427,000	24.6%	73.86
	2004	9,216,000	3,012,000	32.7%	98.05
	2003	8,749,000	2,884,000	33.0%	98.89
<b>Licenses and permits</b>	2005	4,483,000	1,537,000	34.3%	102.86
	2004	3,820,000	1,541,000	40.3%	121.02
	2003	3,955,000	1,357,000	34.3%	102.93
<b>Fees and service charges</b>	2005	7,098,000	2,373,000	33.4%	100.30
	2004	7,254,000	1,972,000	27.2%	81.56
	2003	7,613,000	2,070,000	27.2%	81.57
<b>Intergovernmental revenue</b>	2005	566,000	187,000	33.0%	99.12
	2004	562,000	172,000	30.6%	91.81
	2003	558,000	254,000	45.5%	136.56
<b>Miscellaneous revenue</b>	2005	1,669,000	402,000	24.1%	72.26
	2004	1,607,000	248,000	15.4%	46.30
	2003	1,889,000	428,000	22.7%	67.97
<b>TOTAL REVENUE</b>	2005	151,010,000	72,640,000	48.1%	144.31
	2004	145,131,000	74,927,000	51.6%	154.88
	2003	144,479,000	73,056,000	50.6%	151.70

**MONTHLY FINANCIAL SUMMARY REPORT  
THROUGH JANUARY 31 OF FISCAL YEARS 2005, 2004 AND 2003  
GENERAL FUND, continued**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>4 Months Actual</u>	<u>Actual/Budget</u>	<u>Performance Index</u>
<b>EXPENDITURES &amp; ENCUMBRANCES:</b>					
<b>Personal services</b>	2005	\$ 127,026,000	38,390,000	30.2%	N/A
	2004	117,516,000	35,631,000	30.3%	N/A
	2003	109,062,000	35,320,000	32.4%	N/A
<b>Materials and supplies</b>	2005	5,482,000	1,796,000	32.8%	98.29
	2004	5,000,000	1,745,000	34.9%	104.70
	2003	5,338,000	1,683,000	31.5%	94.59
<b>Contractual / professional</b>	2005	33,375,000	10,541,000	31.6%	94.75
	2004	30,663,000	9,222,000	30.1%	90.23
	2003	28,806,000	9,585,000	33.3%	99.82
<b>Sundry</b>	2005	981,000	385,000	39.2%	117.74
	2004	838,000	273,000	32.6%	97.73
	2003	873,000	296,000	33.9%	101.72
<b>Reimbursements</b>	2005	(1,432,000)	(448,000)	31.3%	93.85
	2004	(1,419,000)	(409,000)	28.8%	86.47
	2003	(1,176,000)	(350,000)	29.8%	89.29
<b>Capital outlay</b>	2005	1,458,000	1,012,000	69.4%	208.23
	2004	1,100,000	1,338,000	121.6%	364.91
	2003	<u>1,287,000</u>	<u>2,190,000</u>	170.2%	510.49
<b>Total Expenditures and Encumbrances</b>	2005	166,890,000	51,676,000	31.0%	92.89
	2004	153,698,000	47,800,000	31.1%	93.30
	2003	<u>144,190,000</u>	<u>48,724,000</u>	33.8%	101.37
<b>Excess (Deficiency) of Revenues Over Expenditures</b>	2005	(15,880,000)	20,964,000	-	-
	2004	(8,567,000)	27,127,000	-	-
	2003	289,000	24,332,000	-	-
<b>TRANSFERS IN (OUT):</b>					
<b>Operating transfers in</b>	2005	13,789,000	4,596,000	33.3%	99.99
	2004	13,158,000	4,386,000	33.3%	100.00
	2003	11,598,000	3,866,000	33.3%	100.00
<b>Operating transfers out</b>	2005	(13,339,000)	(4,587,000)	34.4%	103.16
	2004	(12,879,000)	(4,313,000)	33.5%	100.47
	2003	<u>(13,508,000)</u>	<u>(4,531,000)</u>	33.5%	100.63
<b>Excess (Deficiency) of Revenues and Transfers In Over Expenditures and Transfers Out</b>	2005	(15,430,000)	20,973,000		
	2004	(8,288,000)	27,200,000		
	2003	(1,621,000)	23,667,000		
<b>OPERATING FUND BALANCE OCTOBER 1</b>	2005		39,497,000		
	2004		29,802,000		
	2003		<u>22,879,000</u>		
<b>OPERATING FUND BALANCE JANUARY 31</b>	2005		60,470,000		
	2004		57,002,000		
	2003		<u>46,546,000</u>		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.  
Encumbrances in current year equal \$2,086,000

**MONTHLY FINANCIAL SUMMARY REPORT  
THROUGH JANUARY 31 OF FISCAL YEARS 2005, 2004 AND 2003  
WATER AND SEWER FUND**

	<b>Fiscal Year</b>	<b>Annual Budget</b>	<b>4 Months Actual</b>	<b>Actual/ Budget</b>	<b>Performance Index</b>
<b>REVENUES:</b>					
<b>Water and sewer revenue</b>	2005	\$ 80,656,000	22,719,000	28.2%	84.50
	2004	80,768,000	24,072,000	29.8%	89.41
	2003	75,086,000	22,480,000	29.9%	89.82
<b>Other fees and service charges</b>	2005	2,188,000	670,000	30.6%	91.86
	2004	2,382,000	710,000	29.8%	89.42
	2003	<u>2,742,000</u>	<u>820,000</u>	29.9%	89.72
<b>TOTAL REVENUE</b>	2005	82,844,000	23,389,000	28.2%	84.70
	2004	83,150,000	24,782,000	29.8%	89.41
	2003	<u>77,828,000</u>	<u>23,300,000</u>	29.9%	89.81
<b>EXPENSES &amp; ENCUMBRANCES:</b>					
<b>Personal services</b>	2005	8,215,000	2,593,000	31.6%	N/A
	2004	7,819,000	2,355,000	30.1%	N/A
	2003	7,464,000	2,417,000	32.4%	N/A
<b>Materials and supplies</b>	2005	1,672,000	564,000	33.7%	101.20
	2004	1,585,000	600,000	37.9%	113.56
	2003	1,304,000	574,000	44.0%	132.06
<b>Contractual / professional and other</b>	2005	47,595,000	13,646,000	28.7%	86.01
	2004	46,754,000	12,800,000	27.4%	82.13
	2003	44,104,000	12,858,000	29.2%	87.46
<b>Reimbursements</b>	2005	148,000	49,000	33.1%	99.32
	2004	177,000	40,000	22.6%	67.80
	2003	(71,000)	(24,000)	33.8%	101.41
<b>Capital outlay</b>	2005	1,064,000	424,000	39.8%	119.55
	2004	2,020,000	1,917,000	94.9%	284.70
	2003	<u>1,994,000</u>	<u>3,678,000</u>	184.5%	553.36
<b>Total Expenses and Encumbrances</b>	2005	58,694,000	17,276,000	29.4%	88.30
	2004	58,355,000	17,712,000	30.4%	91.06
	2003	<u>54,795,000</u>	<u>19,503,000</u>	35.6%	106.78
<b>Excess (Deficiency) of Revenues Over Expenses</b>	2005	24,150,000	6,113,000	-	-
	2004	24,795,000	7,070,000	-	-
	2003	23,033,000	3,797,000	-	-
<b>TRANSFERS IN (OUT):</b>					
<b>Operating transfers in</b>	2005	469,000	156,000	33.3%	99.79
	2004	469,000	156,000	33.3%	99.79
	2003	469,000	-	-	-
<b>Operating transfers out</b>	2005	(28,413,000)	(9,471,000)	33.3%	100.00
	2004	(27,782,000)	(9,261,000)	33.3%	100.00
	2003	<u>(26,122,000)</u>	<u>(8,707,000)</u>	33.3%	100.00

**MONTHLY FINANCIAL SUMMARY REPORT  
THROUGH JANUARY 31 OF FISCAL YEARS 2005, 2004 AND 2003  
WATER AND SEWER FUND, continued**

	<u>Fiscal Year</u>		<u>Annual Budget</u>	<u>4 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
<b>Excess (Deficiency) of Revenues and Transfers In Over Expenses and Transfers Out</b>	2005	\$	(3,794,000)	(3,202,000)		
	2004		(2,518,000)	(2,035,000)		
	2003		(2,620,000)	(4,910,000)		
<b>OPERATING FUND BALANCE OCTOBER 1</b>	2005			319,626,000		
	2004			324,442,000		
	2003			<u>326,581,000</u>		
<b>OPERATING FUND BALANCE JANUARY 31</b>	2005			316,424,000		
	2004			322,407,000		
	2003			<u><u>321,671,000</u></u>		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.  
Encumbrances in current year equal \$547,000

**MONTHLY FINANCIAL SUMMARY REPORT  
THROUGH JANUARY 31 OF FISCAL YEARS 2005, 2004 AND 2003  
ENVIRONMENTAL WASTE SERVICES FUND**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>4 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
<b>REVENUES:</b>					
<b>Commerical solid waste franchise</b>	2005	\$ 5,161,000	1,724,000	33.4%	100.21
	2004	4,963,000	1,555,000	31.3%	94.00
	2003	4,806,000	1,526,000	31.8%	95.26
<b>Refuse collection revenue</b>	2005	11,035,000	3,652,000	33.1%	99.28
	2004	10,444,000	3,540,000	33.9%	101.69
	2003	9,273,000	3,008,000	32.4%	97.31
<b>Other fees and service charges</b>	2005	1,113,000	208,000	18.7%	56.06
	2004	913,000	155,000	17.0%	50.93
	2003	932,000	141,000	15.1%	45.39
<b>TOTAL REVENUE</b>	2005	17,309,000	5,584,000	32.3%	96.78
	2004	16,320,000	5,250,000	32.2%	96.51
	2003	15,011,000	4,675,000	31.1%	93.43
<b>EXPENSES &amp; ENCUMBRANCES:</b>					
<b>Personal services</b>	2005	4,938,000	1,510,000	30.6%	N/A
	2004	4,673,000	1,328,000	28.4%	N/A
	2003	4,384,000	1,332,000	30.4%	N/A
<b>Materials and supplies</b>	2005	265,000	56,000	21.1%	63.40
	2004	266,000	59,000	22.2%	66.54
	2003	352,000	76,000	21.6%	64.77
<b>Contractual / professional</b>	2005	10,361,000	4,065,000	39.2%	117.70
	2004	9,979,000	4,107,000	41.2%	123.47
	2003	9,302,000	3,777,000	40.6%	121.81
<b>Sundry</b>	2005	80,000	20,000	25.0%	75.00
	2004	77,000	10,000	13.0%	38.96
	2003	121,000	12,000	9.9%	29.75
<b>Reimbursements</b>	2005	39,000	15,000	38.5%	115.38
	2004	49,000	13,000	26.5%	79.59
	2003	48,000	13,000	27.1%	81.25
<b>Capital outlay</b>	2005	436,000	2,000	0.5%	1.38
	2004	14,000	45,000	321.4%	964.29
	2003	21,000	23,000	109.5%	328.57
<b>Total Expenses and Encumbrances</b>	2005	16,119,000	5,668,000	35.2%	105.49
	2004	15,058,000	5,562,000	36.9%	110.81
	2003	14,228,000	5,233,000	36.8%	110.34
<b>Excess (Deficiency) of Revenues Over Expenses</b>	2005	1,190,000	(84,000)	-	-
	2004	1,262,000	(312,000)	-	-
	2003	783,000	(558,000)	-	-
<b>TRANSFERS OUT:</b>					
<b>Operating transfers out</b>	2005	(1,160,000)	(387,000)	33.4%	100.09
	2004	(1,282,000)	(427,000)	33.3%	99.92
	2003	(1,130,000)	(377,000)	33.4%	100.09

**MONTHLY FINANCIAL SUMMARY REPORT  
THROUGH JANUARY 31 OF FISCAL YEARS 2005, 2004 AND 2003  
ENVIRONMENTAL WASTE SERVICES FUND, continued**

	<u>Fiscal Year</u>		<u>Annual Budget</u>	<u>4 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
<b>Excess (Deficiency) of Revenues Over Expenses and Transfers Out</b>	2005	\$	30,000	(471,000)		
	2004		(20,000)	(739,000)		
	2003		(347,000)	(935,000)		
<b>OPERATING FUND BALANCE OCTOBER 1</b>	2005			2,902,000		
	2004			2,305,000		
	2003			<u>2,824,000</u>		
<b>OPERATING FUND BALANCE JANUARY 31</b>	2005			2,431,000		
	2004			1,566,000		
	2003			<u><u>1,889,000</u></u>		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.  
Encumbrances in current year equal \$860,000

**MONTHLY FINANCIAL SUMMARY REPORT  
THROUGH JANUARY 31 OF FISCAL YEARS 2005, 2004 AND 2003  
MUNICIPAL GOLF COURSE FUND**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>4 Months Actual</u>	<u>Actual/Budget</u>	<u>Performance Index</u>
<b>REVENUES:</b>					
<b>Fees and service charges</b>	2005	\$ 1,011,000	213,000	21.1%	63.20
	2004	1,025,000	202,000	19.7%	59.12
	2003	1,072,000	198,000	18.5%	55.41
<b>Miscellaneous revenue</b>	2005	61,000	-	-	-
	2004	74,000	7,000	9.5%	28.38
	2003	48,000	25,000	52.1%	156.25
<b>TOTAL REVENUE</b>	2005	1,072,000	213,000	19.9%	59.61
	2004	1,099,000	209,000	19.0%	57.05
	2003	1,120,000	223,000	19.9%	59.73
<b>EXPENSES &amp; ENCUMBRANCES:</b>					
<b>Personal services</b>	2005	614,000	205,000	33.4%	N/A
	2004	550,000	173,000	31.5%	N/A
	2003	532,000	173,000	32.5%	N/A
<b>Materials and supplies</b>	2005	151,000	60,000	39.7%	119.21
	2004	157,000	56,000	35.7%	107.01
	2003	157,000	21,000	13.4%	40.13
<b>Contractual / professional and other</b>	2005	171,000	54,000	31.6%	94.74
	2004	234,000	42,000	17.9%	53.85
	2003	216,000	49,000	22.7%	68.06
<b>Capital outlay</b>	2005	-	13,000	-	-
	2004	1,440,000	1,400,000	97.2%	291.67
	2003	1,695,000	1,615,000	95.3%	285.84
<b>Total Expenses and Encumbrances</b>	2005	936,000	332,000	35.5%	106.41
	2004	2,381,000	1,671,000	70.2%	210.54
	2003	2,600,000	1,858,000	71.5%	214.38
<b>Excess (Deficiency) of Revenues Over Expenses</b>	2005	136,000	(119,000)	-	-
	2004	(1,282,000)	(1,462,000)	-	-
	2003	(1,480,000)	(1,635,000)	-	-
<b>TRANSFERS OUT:</b>					
<b>Operating transfers out</b>	2005	(54,000)	(18,000)	33.3%	100.00
	2004	(55,000)	(18,000)	32.7%	98.18
	2003	(56,000)	(19,000)	33.9%	101.79
<b>Excess (Deficiency) of Revenues Over Expenses and Transfers Out</b>	2005	82,000	(137,000)		
	2004	(1,337,000)	(1,480,000)		
	2003	(1,536,000)	(1,654,000)		
<b>OPERATING FUND BALANCE OCTOBER 1</b>	2005		2,333,000		
	2004		2,663,000		
	2003		2,717,000		
<b>OPERATING FUND BALANCE JANUARY 31</b>	2005		2,196,000		
	2004		1,183,000		
	2003		1,063,000		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.  
Encumbrances in current year equal \$42,000

**MONTHLY FINANCIAL SUMMARY REPORT  
THROUGH JANUARY 31 OF FISCAL YEARS 2005, 2004 AND 2003  
CIVIC CENTER FUND**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>4 Months Actual</u>	<u>Actual/Budget</u>	<u>Performance Index</u>
<b>REVENUES:</b>					
Hotel occupancy tax	2005	\$ 2,936,000	741,000	25.2%	75.72
	2004	2,805,000	737,000	26.3%	78.82
	2003	3,124,000	782,000	25.0%	75.10
Fees and service charges	2005	2,467,000	653,000	26.5%	79.41
	2004	2,535,000	579,000	22.8%	68.52
	2003	<u>2,812,000</u>	<u>639,000</u>	22.7%	68.17
<b>TOTAL REVENUE</b>	2005	5,403,000	1,394,000	25.8%	77.40
	2004	5,340,000	1,316,000	24.6%	73.93
	2003	<u>5,936,000</u>	<u>1,421,000</u>	23.9%	71.82
<b>EXPENSES &amp; ENCUMBRANCES:</b>					
Personal services	2005	2,477,000	725,000	29.3%	N/A
	2004	2,219,000	599,000	27.0%	N/A
	2003	2,250,000	599,000	26.6%	N/A
Materials and supplies	2005	753,000	157,000	20.8%	62.55
	2004	803,000	160,000	19.9%	59.78
	2003	939,000	189,000	20.1%	60.38
Contractual / professional and other	2005	2,408,000	868,000	36.0%	108.14
	2004	2,492,000	841,000	33.7%	101.24
	2003	2,595,000	935,000	36.0%	108.09
Capital outlay	2005	-	2,000	-	
	2004	99,000	3,000	3.0%	9.09
	2003	<u>119,000</u>	<u>5,000</u>	4.2%	12.61
<b>Total Expenses and Encumbrances</b>	2005	5,638,000	1,752,000	31.1%	93.22
	2004	5,613,000	1,603,000	28.6%	85.68
	2003	<u>5,903,000</u>	<u>1,728,000</u>	29.3%	87.82
<b>Excess (Deficiency) of Revenues Over Expenses</b>	2005	(235,000)	(358,000)	-	-
	2004	(273,000)	(287,000)	-	-
	2003	33,000	(307,000)	-	-
<b>TRANSFERS OUT :</b>					
Operating transfers out	2005	(437,000)	(146,000)	33.4%	100.23
	2004	(267,000)	(89,000)	33.3%	100.00
	2003	<u>(544,000)</u>	<u>(181,000)</u>	33.3%	99.82
<b>Excess (Deficiency) of Revenues Over Expenses and Transfers Out</b>	2005	(672,000)	(504,000)		
	2004	(540,000)	(376,000)		
	2003	(511,000)	(488,000)		
<b>OPERATING FUND BALANCE OCTOBER 1</b>	2005		7,504,000		
	2004		7,756,000		
	2003		<u>8,526,000</u>		
<b>OPERATING FUND BALANCE JANUARY 31</b>	2005		7,000,000		
	2004		7,380,000		
	2003		<u>8,038,000</u>		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.  
Encumbrances in current year equal \$84,000

**MONTHLY FINANCIAL SUMMARY REPORT  
THROUGH JANUARY 31 OF FISCAL YEARS 2005, 2004 AND 2003  
RECREATION REVOLVING FUND**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>4 Months Actual</u>	<u>Actual/Budget</u>	<u>Performance Index</u>
<b>REVENUES:</b>					
<b>Fees and service charges</b>	2005	\$ 2,522,000	739,000	29.3%	87.91
	2004	2,543,000	787,000	30.9%	92.84
	2003	2,551,000	817,000	32.0%	96.08
<b>Miscellaneous revenue</b>	2005	35,000	12,000	34.3%	102.86
	2004	29,000	9,000	31.0%	93.10
	2003	26,000	7,000	26.9%	80.77
<b>TOTAL REVENUE</b>	2005	2,557,000	751,000	29.4%	88.11
	2004	2,572,000	796,000	30.9%	92.85
	2003	2,577,000	824,000	32.0%	95.93
<b>EXPENSES &amp; ENCUMBRANCES:</b>					
<b>Personal services</b>	2005	1,004,000	220,000	21.9%	N/A
	2004	987,000	206,000	20.9%	N/A
	2003	891,000	199,000	22.3%	N/A
<b>Materials and supplies</b>	2005	174,000	46,000	26.4%	79.31
	2004	203,000	67,000	33.0%	99.01
	2003	212,000	94,000	44.3%	133.02
<b>Contractual / professional</b>	2005	1,220,000	266,000	21.8%	65.41
	2004	1,179,000	308,000	26.1%	78.37
	2003	1,116,000	398,000	35.7%	106.99
<b>Sundry</b>	2005	32,000	6,000	18.8%	56.25
	2004	21,000	5,000	23.8%	71.43
	2003	36,000	5,000	13.9%	41.67
<b>Capital outlay</b>	2005	-	-	-	-
	2004	-	-	-	-
	2003	-	6,000	-	-
<b>Total Expenses and Encumbrances</b>	2005	2,430,000	538,000	22.1%	66.42
	2004	2,390,000	586,000	24.5%	73.56
	2003	2,255,000	702,000	31.1%	93.39
<b>Excess (Deficiency) of Revenues Over Expenses</b>	2005	127,000	213,000	-	-
	2004	182,000	210,000	-	-
	2003	322,000	122,000	-	-
<b>TRANSFERS OUT:</b>					
<b>Operating transfers out</b>	2005	(128,000)	(43,000)	33.6%	100.78
	2004	(129,000)	(43,000)	33.3%	100.00
	2003	(129,000)	(43,000)	33.3%	100.00
<b>Excess (Deficiency) of Revenues Over Expenses and Transfers Out</b>	2005	(1,000)	170,000		
	2004	53,000	167,000		
	2003	193,000	79,000		
<b>OPERATING FUND BALANCE OCTOBER 1</b>	2005		123,000		
	2004		7,000		
	2003		11,000		
<b>OPERATING FUND BALANCE JANUARY 31</b>	2005		293,000		
	2004		174,000		
	2003		90,000		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.  
Encumbrances in current year equal \$10,000

**MONTHLY FINANCIAL SUMMARY REPORT  
THROUGH JANUARY 31 OF FISCAL YEARS 2005, 2004 AND 2003  
MUNICIPAL DRAINAGE FUND**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>4 Months Actual</u>	<u>Actual/Budget</u>	<u>Performance Index</u>
<b>REVENUES:</b>					
<b>Fees and service charges</b>	2005	\$ 4,788,000	1,571,000	32.8%	98.43
	2004	4,782,000	1,550,000	32.4%	97.24
	2003	4,415,000	1,529,000	34.6%	103.90
<b>Miscellaneous revenue</b>	2005	35,000	13,000	37.1%	111.43
	2004	20,000	5,000	25.0%	75.00
	2003	<u>5,000</u>	<u>8,000</u>	160.0%	480.00
<b>TOTAL REVENUE</b>	2005	4,823,000	1,584,000	32.8%	98.53
	2004	4,802,000	1,555,000	32.4%	97.15
	2003	<u>4,420,000</u>	<u>1,537,000</u>	34.8%	104.32
<b>EXPENSES &amp; ENCUMBRANCES:</b>					
<b>Personal services</b>	2005	1,005,000	286,000	28.5%	N/A
	2004	912,000	264,000	28.9%	N/A
	2003	864,000	229,000	26.5%	N/A
<b>Materials and supplies</b>	2005	120,000	54,000	45.0%	135.00
	2004	119,000	30,000	25.2%	75.63
	2003	124,000	37,000	29.8%	89.52
<b>Contractual / professional and other</b>	2005	844,000	297,000	35.2%	105.57
	2004	828,000	255,000	30.8%	92.39
	2003	798,000	279,000	35.0%	104.89
<b>Capital outlay</b>	2005	-	-	-	-
	2004	-	-	-	-
	2003	<u>-</u>	<u>-</u>	-	-
<b>Total Expenses and Encumbrances</b>	2005	1,969,000	637,000	32.4%	97.05
	2004	1,859,000	549,000	29.5%	88.60
	2003	<u>1,786,000</u>	<u>545,000</u>	30.5%	91.55
<b>Excess (Deficiency) of Revenues Over Expenses</b>	2005	2,854,000	947,000	-	-
	2004	2,943,000	1,006,000	-	-
	2003	2,634,000	992,000	-	-
<b>TRANSFERS OUT:</b>					
<b>Operating transfers out</b>	2005	(2,514,000)	(838,000)	33.3%	100.00
	2004	(2,493,000)	(831,000)	33.3%	100.00
	2003	<u>(2,614,000)</u>	<u>(871,000)</u>	33.3%	99.96
<b>Excess (Deficiency) of Revenues Over Expenses and Transfers Out</b>	2005	340,000	109,000		
	2004	450,000	175,000		
	2003	20,000	121,000		
<b>OPERATING FUND BALANCE OCTOBER 1</b>	2005		14,995,000		
	2004		13,749,000		
	2003		<u>13,068,000</u>		
<b>OPERATING FUND BALANCE JANUARY 31</b>	2005		15,104,000		
	2004		13,924,000		
	2003		<u>13,189,000</u>		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end. Encumbrances in current year equal \$88,000

**MONTHLY FINANCIAL SUMMARY REPORT  
THROUGH JANUARY 31 OF FISCAL YEARS 2005, 2004 AND 2003  
PROPERTY MANAGEMENT FUND**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>4 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
<b>REVENUES:</b>					
Rental and other revenue	2005	\$ 79,000	25,000	31.6%	94.94
	2004	76,000	19,000	25.0%	75.00
	2003	<u>76,000</u>	<u>20,000</u>	26.3%	78.95
<b>EXPENSES &amp; ENCUMBRANCES</b>					
Materials and supplies	2005	1,000	2,000	200.0%	600.00
	2004	1,000	1,000	100.0%	300.00
	2003	-	-	-	-
Contractual / professional	2005	19,000	6,000	31.6%	94.74
	2004	19,000	19,000	100.0%	300.00
	2003	47,000	5,000	10.6%	31.91
Capital Outlay	2005	-	-	-	-
	2004	16,000	16,000	100.0%	300.00
	2003	<u>-</u>	<u>-</u>	-	-
<b>Total Expenses and Encumbrances</b>	2005	20,000	8,000	40.0%	120.00
	2004	36,000	36,000	100.0%	300.00
	2003	<u>47,000</u>	<u>5,000</u>	10.6%	31.91
<b>Excess (Deficiency) of Revenues Over Expenses</b>	2005	59,000	17,000	-	-
	2004	40,000	(17,000)	-	-
	2003	29,000	15,000	-	-
<b>OPERATING FUND BALANCE OCTOBER 1</b>	2005		1,607,000		
	2004		1,615,000		
	2003		<u>1,591,000</u>		
<b>OPERATING FUND BALANCE JANUARY 31</b>	2005		1,624,000		
	2004		1,598,000		
	2003		<u>1,606,000</u>		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.

**MONTHLY FINANCIAL SUMMARY REPORT  
THROUGH JANUARY 31 OF FISCAL YEARS 2005, 2004 AND 2003  
DOWNTOWN CENTER DEVELOPMENT FUND**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>4 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
<b>REVENUES:</b>					
Rental and other revenue	2005	\$ 68,000	17,000	25.0%	75.00
	2004	68,000	17,000	25.0%	75.00
	2003	<u>68,000</u>	<u>28,000</u>	41.2%	123.53
<b>EXPENSES &amp; ENCUMBRANCES</b>					
Contractual / professional	2005	45,000	43,000	95.6%	286.67
	2004	45,000	43,000	95.6%	286.67
	2003	53,000	55,000	103.8%	311.32
Capital outlay	2005	6,000	-	-	-
	2004	6,000	6,000	100.0%	300.00
	2003	<u>3,000</u>	<u>11,000</u>	366.7%	1,100.00
<b>Total Expenses and Encumbrances</b>	2005	51,000	43,000	84.3%	252.94
	2004	51,000	49,000	96.1%	288.24
	2003	<u>56,000</u>	<u>66,000</u>	117.9%	353.57
<b>Excess (Deficiency) of Revenues Over Expenses</b>	2005	17,000	(26,000)	-	-
	2004	17,000	(32,000)	-	-
	2003	12,000	(38,000)	-	-
<b>OPERATING FUND BALANCE OCTOBER 1</b>	2005		53,000		
	2004		28,000		
	2003		<u>(14,000)</u>		
<b>OPERATING FUND BALANCE JANUARY 31</b>	2005		27,000		
	2004		(4,000)		
	2003		<u>(52,000)</u>		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.

# EQUITY IN TREASURY POOL

## JANUARY, 2005

FUND NO.	FUND NAME	CASH	EQUITY IN TREASURY POOL	TOTAL 1/31/05	TOTAL 10/01/04	TOTAL 1/31/04
<b>GENERAL FUND:</b>						
01	General	\$ 71,000	51,059,000	51,130,000	31,510,000	46,274,000
77	Payroll	-	1,750,000	1,750,000	1,547,000	2,825,000
24	City Store	-	6,000	6,000	5,000	5,000
		71,000	52,815,000	52,886,000	33,062,000	49,104,000
<b>DEBT SERVICE FUND:</b>						
03	G.O. Debt Service	-	27,230,000	27,230,000	218,000	27,395,000
		-	27,230,000	27,230,000	218,000	27,395,000
<b>CAPITAL PROJECTS:</b>						
22	Recreation Center Facilities	-	754,000	754,000	750,000	716,000
23	Street Enhancement	-	1,176,000	1,176,000	1,170,000	1,102,000
25	1991 Police & Courts Facility	-	873,000	873,000	869,000	809,000
27	1991 Library Facility	-	373,000	373,000	371,000	298,000
28	1991 Fire Facility	-	1,033,000	1,033,000	1,027,000	988,000
31	Municipal Facilities	-	344,000	344,000	342,000	320,000
32	Park Improvements	-	3,462,000	3,462,000	3,446,000	3,023,000
33	Street & Drainage Improvement	-	4,177,000	4,177,000	7,837,000	13,845,000
35	Capital Reserve	-	27,309,000	27,309,000	26,370,000	24,582,000
38	DART L.A.P.	-	794,000	794,000	-	1,131,000
39	Spring Creekwalk	-	20,000	20,000	20,000	20,000
52	Park Service Areas	-	3,910,000	3,910,000	3,910,000	3,499,000
53	Creative & Performing Arts	-	1,393,000	1,393,000	1,386,000	1,274,000
54	Animal Control Facilities	-	202,000	202,000	236,000	244,000
60	Joint Use Facilities	-	484,000	484,000	482,000	126,000
110	G.O. Bond Clearing - 1999	-	2,969,000	2,969,000	3,009,000	3,091,000
190	G.O. Bond Clearing - 2000	-	3,660,000	3,660,000	3,642,000	3,725,000
220	G.O. Bond Clearing - 2001	-	-	-	-	198,000
230	G.O. Bond Clearing - 2001	-	2,746,000	2,746,000	2,765,000	3,230,000
240	G.O. Bond Clearing - 2001-A	-	199,000	199,000	210,000	325,000
250	Tax Notes Clearing - 2001-A	-	400,000	400,000	548,000	604,000
92	G.O. Bond Refund/Clearing - 2002	-	457,000	457,000	592,000	320,000
270	G.O. Bond Refund/Clearing - 2003	-	6,684,000	6,684,000	8,736,000	13,523,000
		-	63,419,000	63,419,000	67,718,000	76,993,000
<b>ENTERPRISE FUNDS:</b>						
26	Municipal Drainage CIP	-	1,007,000	1,007,000	1,661,000	2,239,000
34	Sewer CIP	-	7,291,000	7,291,000	6,581,000	6,122,000
36	Water CIP	-	7,535,000	7,535,000	7,973,000	8,610,000
37	Downtown Center Development	-	19,000	19,000	16,000	-
41	Water & Sewer - Operating	264,000	872,000	1,136,000	5,423,000	9,668,000
42	Water & Sewer - Debt Service	-	2,825,000	2,825,000	1,514,000	2,850,000
43	Municipal Drainage - Debt Service	-	4,588,000	4,588,000	4,278,000	3,534,000
44	W & S Impact Fees Clearing	-	186,000	186,000	428,000	934,000
45	Environmental Waste Services	-	326,000	326,000	903,000	(780,000)
46	Convention & Tourism	5,000	1,298,000	1,303,000	1,587,000	1,172,000
47	Municipal Drainage	-	1,737,000	1,737,000	1,575,000	1,236,000
48	Municipal Golf Course	-	5,000	5,000	122,000	1,218,000
49	Property Management	-	279,000	279,000	257,000	217,000
51	Recreation Revolving	-	555,000	555,000	621,000	320,000
95	W & S Bond Clearing - 1990	-	174,000	174,000	174,000	171,000
96	W & S Bond Clearing - 1991	-	97,000	97,000	96,000	95,000
101	W & S Bond Clearing - 1993A	-	260,000	260,000	259,000	255,000
103	Municipal Bond Drain Clearing-1995	-	247,000	247,000	246,000	243,000
104	Municipal Drain Bond Clearing-1996	-	155,000	155,000	154,000	152,000
107	Municipal Drain Bond Clearing-1997	-	220,000	220,000	219,000	216,000
108	Municipal Drain Bond Clearing-1998	-	74,000	74,000	73,000	92,000
210	Municipal Drain Bond Clearing-1999	-	138,000	138,000	137,000	234,000
260	Municipal Drain Rev Bond Clearing - 2001	-	114,000	114,000	114,000	394,000
280	Municipal Drain Rev Bond Clearing - 2002	-	30,000	30,000	30,000	1,765,000
		269,000	30,032,000	30,301,000	34,441,000	40,957,000

# EQUITY IN TREASURY POOL

## JANUARY, 2005

FUND NO.	FUND NAME	CASH	EQUITY IN TREASURY POOL	TOTAL 1/31/05	TOTAL 10/01/04	TOTAL 1/31/04
<b>SPECIAL REVENUE FUNDS:</b>						
2	Sproles Library	-	254,000	254,000	252,000	250,000
4	TIF-Mall	-	20,000	20,000	20,000	10,000
5	TIF-East Side	-	3,326,000	3,326,000	3,326,000	846,000
11	LLEBG-Police Grant	-	125,000	125,000	142,000	246,000
12	Criminal Investigation	-	738,000	738,000	737,000	618,000
13	Grant	-	(38,000)	(38,000)	-	(243,000)
14	Wireline Fees	-	225,000	225,000	220,000	174,000
15	Judicial Efficiency	-	70,000	70,000	73,000	57,000
16	Industrial	-	16,000	16,000	15,000	15,000
17	Intergovernmental	-	264,000	264,000	175,000	367,000
18	Government Access/CATV	-	305,000	305,000	436,000	674,000
19	Teen Court Program	-	17,000	17,000	15,000	10,000
20	Municipal Courts Technology	-	957,000	957,000	899,000	775,000
55	Municipal Court-Building Security Fees	-	905,000	905,000	871,000	784,000
56	911 Reserve Fund	-	4,539,000	4,539,000	4,281,000	3,794,000
57	State Library Grants	-	-	-	-	(1,000)
			<b>11,723,000</b>	<b>11,723,000</b>	<b>11,462,000</b>	<b>8,376,000</b>
<b>INTERNAL SERVICE FUNDS:</b>						
6	Public Safety Technology	-	2,184,000	2,184,000	1,271,000	1,170,000
9	Technology Infrastructure	-	3,918,000	3,918,000	3,589,000	3,513,000
58	PC Replacement	-	795,000	795,000	603,000	942,000
59	Service Center	-	113,000	113,000	113,000	111,000
61	Equipment Maintenance	-	(366,000)	(366,000)	-	(224,000)
62	Information Technology	-	3,290,000	3,290,000	2,806,000	3,596,000
63	Office Services	-	(131,000)	(131,000)	-	(85,000)
64	Warehouse	-	33,000	33,000	210,000	9,000
65	Property/Liability Loss	-	5,317,000	5,317,000	5,793,000	5,371,000
66	Technology Services	-	7,812,000	7,812,000	7,558,000	6,719,000
71	Equipment Replacement	-	5,581,000	5,581,000	7,663,000	7,728,000
78	Health Claims	-	9,217,000	9,217,000	6,242,000	4,271,000
79	Parkway Service Ctr. Expansion	-	3,803,000	3,803,000	3,795,000	3,774,000
			<b>41,566,000</b>	<b>41,566,000</b>	<b>39,643,000</b>	<b>36,895,000</b>
<b>FIDUCIARY FUNDS:</b>						
7	Unclaimed Property	-	35,000	35,000	29,000	28,000
8	Library Training Lab	-	6,000	6,000	7,000	4,000
69	Collin County Seized Assets	-	131,000	131,000	292,000	271,000
73	Memorial Library	-	158,000	158,000	160,000	186,000
74	Developers' Escrow	-	6,918,000	6,918,000	6,888,000	6,785,000
75	Plano Sister Cities	-	-	-	-	9,000
76	Economic Development	-	944,000	944,000	885,000	880,000
81	Friends of Plano Centre	-	3,000	3,000	3,000	3,000
84	Rebate	-	852,000	852,000	847,000	880,000
			<b>9,047,000</b>	<b>9,047,000</b>	<b>9,111,000</b>	<b>9,046,000</b>
<b>TOTAL</b>		<b>\$ 340,000</b>	<b>235,832,000</b>	<b>236,172,000</b>	<b>195,655,000</b>	<b>248,766,000</b>
<b>TRUST FUNDS</b>						
		<b>CASH</b>	<b>TRUST INVESTMENTS</b>	<b>TOTAL 1/31/05</b>	<b>TOTAL 10/01/04</b>	<b>TOTAL 1/31/04</b>
42	Water & Sewer Reserve	\$ -	914,000	914,000	913,000	998,000
72	Retirement Security Plan	-	46,976,000	46,976,000	42,016,000	42,016,000
<b>TOTAL TRUST FUNDS</b>		<b>\$ -</b>	<b>47,890,000</b>	<b>47,890,000</b>	<b>42,929,000</b>	<b>43,014,000</b>

A Treasury Pool fund has been created for the purpose of consolidating cash and investments. All City funds not restricted or held in trust are included in this consolidated fund. Each fund's "Equity in Treasury Pool" represents the fund's proportionate share of the Treasury Pool Fund. At January 31, 2005 the Treasury Pool, including an adjustment to Fair Value as required by GASB 31, consisted of the following:

Cash	(1,487,000)
Local Government Investment Pool	37,981,000
Federal Securities	200,876,000
Municipal Bonds	-
Fair Value Adjustment	(2,113,000)
Interest Receivable	575,000
	<u>235,832,000</u>

## ANALYSIS OF CLAIMS PAYMENTS

### HEALTH CLAIMS FUND THROUGH JANUARY 31 OF FISCAL YEARS 2005 AND 2004

Health Claims Fund	FY 04-05	FY 03-04	Quarterly	FY 04-05	FY 03-04	1 month	FY 04-05	FY 03-04	Year to Date
	1st Quarter	1st Quarter	Variance Favorable (Unfavorable)	Jan	Jan	Variance Favorable (Unfavorable)	Total	Total	Variance Favorable (Unfavorable)
<b>Revenues</b>									
Employees Health Ins. Contributions	\$ 512,000	\$ 524,000	(12,000)	\$ 171,000	\$ 165,000	6,000	\$ 683,000	\$ 689,000	(6,000)
Employers Health Ins. Contributions	5,051,000	3,137,000	1,914,000	1,425,000	983,000	442,000	6,476,000	4,120,000	2,356,000
Contributions for Retirees	105,000	103,000	2,000	35,000	31,000	4,000	140,000	134,000	6,000
Cobra Insurance Receipts	13,000	20,000	(7,000)	3,000	5,000	(2,000)	16,000	25,000	(9,000)
Retiree Insurance Receipts	79,000	84,000	(5,000)	22,000	25,000	(3,000)	101,000	109,000	(8,000)
City Council Receipts	3,000	-	3,000	-	-	-	3,000	-	3,000
Plano Housing Authority	18,000	9,000	9,000	4,000	3,000	1,000	22,000	12,000	10,000
Interest	20,000	8,000	12,000	19,000	11,000	8,000	39,000	19,000	20,000
<b>Total Revenues</b>	<b>5,801,000</b>	<b>3,885,000</b>	<b>1,916,000</b>	<b>1,679,000</b>	<b>1,223,000</b>	<b>456,000</b>	<b>7,480,000</b>	<b>5,108,000</b>	<b>2,372,000</b>
<b>Expenses</b>									
Insurance	270,000	87,000	(183,000)	84,000	87,000	3,000	354,000	174,000	(180,000)
Contracts- Professional Svc.	80,000	161,000	81,000	7,000	6,000	(1,000)	87,000	167,000	80,000
Contracts- Other	214,000	170,000	(44,000)	81,000	96,000	15,000	295,000	266,000	(29,000)
Health Claims Paid	(130,000)	(125,000)	5,000	4,000	(14,000)	(18,000)	(126,000)	(139,000)	(13,000)
Health Claims-Prescription	-	-	-	84,000	-	(84,000)	84,000	-	(84,000)
Health Claims Paid -UHC	2,834,000	111,000	(2,723,000)	1,055,000	(51,000)	(1,106,000)	3,889,000	60,000	(3,829,000)
Health Claims Paid-EBS	28,000	3,314,000	3,286,000	7,000	1,502,000	1,495,000	35,000	4,816,000	4,781,000
Cobra Insurance Paid	1,000	1,000	-	-	1,000	1,000	1,000	2,000	1,000
Retiree Insurance Paid	18,000	22,000	4,000	6,000	6,000	-	24,000	28,000	4,000
Plano Housing Authority	1,000	1,000	-	1,000	-	(1,000)	2,000	1,000	(1,000)
<b>Total Expenses</b>	<b>3,316,000</b>	<b>3,742,000</b>	<b>426,000</b>	<b>1,329,000</b>	<b>1,633,000</b>	<b>304,000</b>	<b>4,645,000</b>	<b>5,375,000</b>	<b>730,000</b>
<b>Net increase (decrease)</b>	<b>\$ 2,485,000</b>	<b>\$ 143,000</b>	<b>2,342,000</b>	<b>\$ 350,000</b>	<b>\$ (410,000)</b>	<b>760,000</b>	<b>\$ 2,835,000</b>	<b>\$ (267,000)</b>	<b>3,102,000</b>
<b>Health Claims Fund Balance - Cumulative</b>	<b>\$ 6,232,000</b>	<b>\$ 1,342,000</b>	<b>4,890,000</b>	<b>\$ 6,581,000</b>	<b>\$ 931,000</b>	<b>5,650,000</b>			

### PROPERTY LIABILITY LOSS FUND THROUGH JANUARY 31 OF FISCAL YEARS 2005, 2004 AND 2003

	Fiscal Year 2005	Fiscal Year 2004	Fiscal Year 2003
<b>PROPERTY LIABILITY LOSS FUND</b>			
Claims Paid per General Ledger	\$ 537,000	460,000	448,000
Net Judgments/Damages/Attorney Fees	172,000	168,000	386,000
<b>Total Expenses</b>	<b>\$ 709,000</b>	<b>628,000</b>	<b>834,000</b>
<b>Fund Balance</b>	<b>\$ 2,166,000</b>	<b>2,285,000</b>	<b>1,584,000</b>

**CAPITAL IMPROVEMENTS  
PROJECTS  
AS OF JANUARY 31, 2005**

	<b>2004-05 BUDGET</b>	<b>LIFETIME ALLOTMENT PROJECTION</b>	<b>INCEPTION TO DATE EXPENDITURES</b>	<b>ENCUMBRANCES</b>	<b>AVAILABLE</b>
<b>00022 Recreation Center Facilities</b>					
23403 Oak Point Recreation Center	-	5,821,000	-	-	5,821,000
23405 Recreation Center 3	3,000,000	10,500,000	277,877	1,401,121	8,821,002
<b>00022 Recreation Center Facilities</b>	<b>3,000,000</b>	<b>16,321,000</b>	<b>277,877</b>	<b>1,401,121</b>	<b>14,642,002</b>
<b>00023 Street Enhancements</b>					
58 Enhancements					
58001 Landscape Entryways	-	750,000	579,442	88	170,470
58002 Downtown Enhancements	122,000	500,000	378,420	-	121,580
58004 Tollroad Landscaping	-	1,412,000	247,649	3,785	1,160,566
58 Enhancements	122,000	2,662,000	1,205,511	3,873	1,452,616
<b>00023 Street Enhancements</b>	<b>122,000</b>	<b>2,662,000</b>	<b>1,205,511</b>	<b>3,873</b>	<b>1,452,616</b>
<b>00025 1991 Police &amp; Courts Facility</b>					
93 Police & Court Facilities					
93105 CJ Exp-II/Police Bldg	-	3,915,000	3,906,796	1,500	6,704
93107 Tri-City Academy Expansion	1,210,000	3,599,000	8,510	-	3,590,490
93 Police & Court Facilities	1,210,000	7,514,000	3,915,306	1,500	3,597,194
<b>00025 1991 Police &amp; Courts Facility</b>	<b>1,210,000</b>	<b>7,514,000</b>	<b>3,915,306</b>	<b>1,500</b>	<b>3,597,194</b>
<b>00026 Municipal Drainage CIP</b>					
94 Erosion Control					
70101 Erosion Control	500,000	14,515,000	6,009,946	4,682	8,500,372
70103 Riverbend Lakes	200,000	1,000,000	478,464	-	521,536
70104 Creek Erosion Projects	650,000	5,824,000	1,982,722	316,555	3,524,723
70105 Erosion Control-Oakwood Glen	-	517,000	468,463	8,101	40,436
70106 Erosion Control-Jasmine Lane	-	14,000	12,697	-	1,303
70107 Erosion Control-Carmel	-	273,000	224,361	2,951	45,688
26-P01 Oak Grove Drainage Improvements	50,000	50,000	-	-	50,000
94 Erosion Control	1,400,000	22,193,000	9,176,653	332,289	12,684,058
95 Drainage					
71111 Miscellaneous Drainage Improv	500,000	5,075,000	73,650	69,820	4,931,530
71116 Bronze Leaf / Citadel	-	1,333,000	1,252,242	2,270	78,488
71121 Cassidy Drainage Improvements	542,000	1,312,000	613,082	763,891	(64,973)
71123 Teakwood Drainage	-	243,000	249,718	-	(6,718)
95 Drainage	1,042,000	7,963,000	2,188,692	835,981	4,938,327
96 Channelization					
72118 Rice Field Storm Sewer	190,000	500,000	38,110	5,490	456,400
72119 Colling Creek Mall Triple Arches	50,000	100,000	-	29,000	71,000
96 Channelization	240,000	600,000	38,110	34,490	527,400
<b>00026 Municipal Drainage CIP</b>	<b>2,682,000</b>	<b>30,756,000</b>	<b>11,403,455</b>	<b>1,202,760</b>	<b>18,149,785</b>
<b>00027 1991 Library Facilities</b>					
17 Library Facilities					
17107 Haggard Library Expansion	3,500,000	4,143,000	1,509,826	2,390,332	242,842
27-P01 Library Improvements	100,000	2,750,000	-	-	2,750,000
	3,600,000	6,893,000	1,509,826	2,390,332	2,992,842
<b>00027 1991 Library Facilities</b>	<b>3,600,000</b>	<b>6,893,000</b>	<b>1,509,826</b>	<b>2,390,332</b>	<b>2,992,842</b>

**CAPITAL IMPROVEMENTS  
PROJECTS  
AS OF JANUARY 31, 2005**

	<b>2004-05 BUDGET</b>	<b>LIFETIME ALLOTMENT PROJECTION</b>	<b>INCEPTION TO DATE EXPENDITURES</b>	<b>ENCUMBRANCES</b>	<b>AVAILABLE</b>
<b>00028 1991 Fire Facilities</b>					
10 Fire Facilities					
10105 Station Reconfiguration	-	4,941,000	1,922,197	-	3,018,803
10211 Fire Station #12	2,300,000	5,727,000	25,588	1,073	5,700,339
10212 Fire Station #11	3,100,000	3,337,000	117,344	2,334,469	885,187
10213 Fire Station #13	-	4,256,000	655,952	-	3,600,048
<b>10 Fire Facilities</b>	<b>5,400,000</b>	<b>18,261,000</b>	<b>2,721,081</b>	<b>2,335,542</b>	<b>13,204,377</b>
<b>00028 1991 Fire Facilities</b>	<b>5,400,000</b>	<b>18,261,000</b>	<b>2,721,081</b>	<b>2,335,542</b>	<b>13,204,377</b>
<b>00031 Municipal Facilities</b>					
19001 Municipal Center Parking	91,000	850,000	725,726	-	124,274
19002 Downtown Parking	51,000	800,000	719,513	15,386	65,101
<b>00031 Municipal Facilities</b>	<b>142,000</b>	<b>1,650,000</b>	<b>1,445,239</b>	<b>15,386</b>	<b>189,375</b>
<b>00032 Park Improvements</b>					
21 Acquisitions					
21188 White Rock Crk Greenbelt	150,000	7,565,000	209,621	-	7,355,379
21189 16th Steet Land Acquisition	-	365,000	361,818	-	3,182
21192 Oak Point Acquisition	-	6,900,000	6,913,368	-	(13,368)
21195 Douglas Area Land	-	135,000	25	-	134,975
21196 Rec Center/ Pool Land	3,000,000	3,000,000	-	-	3,000,000
<b>21 Acquisitions</b>	<b>3,150,000</b>	<b>17,965,000</b>	<b>7,484,832</b>	<b>-</b>	<b>10,480,168</b>
22 Development					
22327 Arbor Hills Nature Preserve	-	5,545,000	4,434,063	132,132	978,805
22328 Neighborhood Park Improvements	100,000	4,998,000	1,742,443	11,662	3,243,895
22334 Park Improvements	100,000	10,635,000	2,913,962	2,066	7,718,972
22336 Tennyson/Archgate Athletic	1,963,000	8,400,000	579,338	74,060	7,746,602
22337 Preston Meadow Atheletic Site	1,000,000	2,870,000	1,385,966	1,277,077	206,957
22338 Haggard Park	70,000	1,750,000	1,154,156	-	595,844
22339 Indoor Swimming Pool	1,800,000	7,500,000	-	-	7,500,000
22340 Oak Point Park Development	4,297,000	18,850,000	1,830,292	2,377,252	14,642,456
22341 Pool Renovations	555,000	3,200,000	1,549,169	530,712	1,120,119
22342 Trail Connections	1,196,000	9,950,000	569,250	211,126	9,169,624
<b>22 Development</b>	<b>11,081,000</b>	<b>73,698,000</b>	<b>16,158,639</b>	<b>4,616,087</b>	<b>52,923,274</b>
28 Miscellaneous					
28822 Bikeway System	-	853,000	28,349	-	824,651
28824 Maintenance Facility	-	2,955,000	1,014,936	-	1,940,064
28825 Liberty Park Center	-	3,400,000	3,393,662	5,341	997
<b>28 Miscellaneous</b>	<b>-</b>	<b>7,208,000</b>	<b>4,436,947</b>	<b>5,341</b>	<b>2,765,712</b>
<b>00032 Park Improvements</b>	<b>14,231,000</b>	<b>98,871,000</b>	<b>28,080,418</b>	<b>4,621,428</b>	<b>66,169,154</b>
<b>00033 Street &amp; Drainage Improvement</b>					
31 Streets					
31193 Plano Pkwy (Park-International)	1,696,000	2,628,000	969,240	70,523	1,588,237
31277 Park Streets	200,000	3,295,000	2,492,140	-	802,860
31341 Miscellaneous ROW	20,000	5,565,000	5,445,960	-	119,040
31342 Misc Oversize Participation	600,000	17,482,000	11,915,258	2,779	5,563,963
31363 Custer Widn-Spring Ck	-	1,008,000	995,144	12,862	(6)
31364 Hedgcoxe-Custer East&West	-	877,000	864,928	11,913	159
31378 LosRios-Jupiter to Parker	3,750,000	5,652,000	3,766,684	969,209	916,107

**CAPITAL IMPROVEMENTS  
PROJECTS  
AS OF JANUARY 31, 2005**

	<b>2004-05 BUDGET</b>	<b>LIFETIME ALLOTMENT PROJECTION</b>	<b>INCEPTION TO DATE EXPENDITURES</b>	<b>ENCUMBRANCES</b>	<b>AVAILABLE</b>
31387 Hedgecoxe-Custer to Alma	1,150,000	1,300,000	108,220	15,480	1,176,300
31388 Hedgecoxe Preston to Custer	-	3,215,000	3,133,198	-	81,802
31392 Intersection Improvement	100,000	5,400,000	531,966	94,382	4,773,652
31393 Janwood - Alma to Westwood	985,000	1,105,000	97,593	1,265,324	(257,917)
31394 Jupiter-Spring Creek/Chaparra	-	2,592,000	2,600,400	-	(8,400)
31397 McDermott Widen Coit/Custer	100,000	815,000	51,053	308,638	455,309
31398 McDermott - Coit to Custer	180,000	2,709,000	-	207,400	2,501,600
31399 Midway - Parker to Spring Creek	200,000	1,900,000	-	-	1,900,000
31402 P Avenue - Park to 18th Street	150,000	1,450,000	37,347	91,153	1,321,500
31403 P Ave-Park to Parker	-	1,293,000	1,079,714	10,050	203,236
31405 Parker - K Avenue to P Avenue	292,000	2,942,000	-	288,057	2,653,943
31409 Premier-Ruisseau to Heritage	1,100,000	1,993,000	1,229,111	504,958	258,931
31410 Preston/Plano Pkwy Intersection	75,000	400,000	-	-	400,000
31411 Rasor-Ohio to SH 121	500,000	2,600,000	88,844	-	2,511,156
31412 Ridgeview, Custer-W to E of Independence	1,800,000	2,000,000	156,578	40,708	1,802,714
31413 Marsh Ln-Park Blvd North	-	644,000	623,316	2,631	18,053
31418 Spring Creek-Midway to Tollway	-	3,045,000	3,019,204	-	25,796
31424 Tollway Serv Roads-Parker	-	922,000	892,033	10,948	19,019
31425 Traffic Analysis Grade	-	95,000	86,258	-	8,742
31427 Tollway Svc Road-Spring Creek	812,000	1,750,000	175,432	1,131,383	443,185
31429 McDermott-Ohio to Robinson	1,031,000	1,944,000	1,350,384	462,856	130,760
31432 Plano Pkwy-E of Los Rios	2,420,000	3,177,000	203,265	17,458	2,956,277
31433 H Ave-13th to 14th	-	131,000	129,288	-	1,712
31436 Executive/190 Connector	-	-	82,585	6,942	(89,527)
31437 Willowbend South of Windhaven	250,000	390,000	135,541	203,477	50,982
31438 Spring Creek at Coit Intersection Improv.	50,000	400,000	-	-	400,000
31439 Jupiter/Plano Pkwy Intersection Improv.	100,000	150,000	8,000	-	142,000
31440 Parker Road at US 75	200,000	6,250,000	58,842	176,014	6,015,144
31441 Preston/Legacy Intersection Improvmt	50,000	500,000	-	-	500,000
31442 2004 Intersection Improvements	791,000	1,036,000	50,675	55,745	929,580
31443 Shiloh-Royal Oaks to Parker	540,000	1,430,000	112,470	56,030	1,261,500
31444 Briarcreek Paving, Phase II	550,000	600,000	27,604	475,407	96,989
31445 View Place - Horizon to Mission Ridg.	176,000	176,000	-	-	176,000
31446 Ravenglass - Park to Faringdon	340,000	340,000	36,065	23,435	280,500
31447 Parkwood - North of Spring Creek Par	475,000	775,000	4,177	22,351	748,472
31448 Intersection Improvements 20	-	-	3,365	85,961	(89,326)
33-P01 12th Street - K Avenue to Municipal D	138,000	138,000	-	-	138,000
33-P140 Communications - Fall Hill North to P	80,000	780,000	-	-	780,000
33-P11 Legacy - East of K Avenue to Des Moi	500,000	1,500,000	-	-	1,500,000
33-P15 S.H. 121 Traffic Signals	82,000	165,000	-	-	165,000
33-P16 Redevelopment Street Improvements	1,000,000	5,000,000	-	-	5,000,000
<b>31 Streets</b>	<b>22,483,000</b>	<b>99,559,000</b>	<b>42,561,882</b>	<b>6,624,074</b>	<b>50,373,044</b>
<b>32 Mass Transit &amp; Downtown Improvmt</b>					
32492 Downtown Cons-Phase II	-	542,000	539,755	1,848	397
32493 Downtown Street Improvements	-	1,659,000	1,641,445	2,346	15,209
32494 K Avenue Streetscape	200,000	725,000	16,010	14,820	694,170
<b>32 Mass Transit &amp; Downtown Improvmt</b>	<b>200,000</b>	<b>2,926,000</b>	<b>2,197,210</b>	<b>19,014</b>	<b>709,776</b>
<b>34 Sidewalks</b>					
34555 Sidewalks	-	25,000	294,656	-	(269,656)
34556 Barrier Free Ramps	100,000	3,292,000	2,746,817	-	545,183
<b>34 Sidewalks</b>	<b>100,000</b>	<b>3,317,000</b>	<b>3,041,473</b>	<b>-</b>	<b>275,527</b>
<b>36 Traffic Signalization</b>					
36726 Signalization Upgrade	280,000	3,107,000	1,712,375	67,135	1,327,490
36727 Traffic Signalization	500,000	12,670,000	7,588,763	98,483	4,982,754
36742 Computerized Signal System	500,000	3,515,000	272,596	895,039	2,347,365

**CAPITAL IMPROVEMENTS  
PROJECTS  
AS OF JANUARY 31, 2005**

	<u>2004-05 BUDGET</u>	<u>LIFETIME ALLOTMENT PROJECTION</u>	<u>INCEPTION TO DATE EXPENDITURES</u>	<u>ENCUMBRANCES</u>	<u>AVAILABLE</u>
36 Traffic Signalization	1,280,000	19,292,000	9,573,734	1,060,657	8,657,609
37 Misc. Street Improvements					
37752 Roadway Median Landscaping	300,000	3,213,000	1,880,860	24,213	1,307,927
37753 Railroad Crossings	600,000	1,058,000	368,319	10,076	679,605
37760 Street Lighting	400,000	5,417,000	1,875,816	2,230	3,538,954
37766 Alley Reconstruction	50,000	5,775,000	3,525,207	-	2,249,793
37786 New Concrete Alleys	87,000	2,124,000	1,513,196	119,784	491,020
37812 East Side Entryway	30,000	524,000	79,518	1,343	443,139
37818 15th Street Reconstruction	50,000	215,000	98,987	98,944	17,069
37823 J Avenue/12th Street Reconstruction	710,000	710,000	-	48,176	661,824
37826 Ramp Reconstruction US 75	300,000	1,457,000	513,796	546,455	396,749
37830 Spring Creek-White Rock to Tollway	-	3,201,000	3,009,167	13,599	178,234
37831 Landscaping Street Enhancements	330,000	980,000	24,110	410	955,480
37832 Douglas Sidewalks	-	200,000	130,195	-	69,805
37833 Fulgham Street Reconstruction	-	320,000	296,282	231	23,487
37834 Pecan Lane Reconstruction	232,000	550,000	59,188	378,562	112,250
37835 Tollroad/Chapel Hill Ramps	-	5,050,000	12,900	-	5,037,100
37836 Armstrong Alley Reconstruction	-	459,000	335,932	1,372	121,696
37837 Alley Reconstruction-Dallas North 12	349,000	384,000	30,450	223,352	130,198
37838 Screening Wall Reconstruction	1,000,000	3,600,000	-	53,682	3,546,318
37839 Alma Road Whitetopping	1,400,000	1,520,000	-	118,282	1,401,718
37 Misc. Street Improvements	5,838,000	35,237,000	13,753,923	1,640,711	16,414,330
<b>00033 Street &amp; Drainage Improvement</b>	<b>29,901,000</b>	<b>160,331,000</b>	<b>71,128,222</b>	<b>9,344,456</b>	<b>76,430,286</b>
<b>00034 Sewer CIP</b>					
41 Water Main Projects					
41197 Premier-Ruisseau to Heritage	-	35,000	32,368	2,479	153
41 Water Main Projects	-	35,000	32,368	2,479	153
44 Sewer Reserve Projects					
44401 White Rock Sewer Valve Installation	-	31,000	30,114	-	886
44 Sewer Reserve Projects	-	31,000	30,114	-	886
46 Wastewater Mains					
46651 9001-Misc Oversize Participation	25,000	736,000	498,710	-	237,290
46666 Alcatel DSC Infrastructure	50,000	350,000	220,860	-	129,140
46685 Briarcreek San. Swr. Cap. Phll	400,000	1,389,000	402,982	888,555	97,463
46686 Pecan Lane	84,000	185,000	31,860	87,632	65,508
34-P04 Redevelopment Capacity Improvement	1,000,000	6,000,000	-	-	6,000,000
46 Wastewater Mains	1,559,000	8,660,000	1,154,412	976,187	6,529,401
48 Miscellaneous-Wastewater					
48802 Infrastructure Renovation	500,000	7,670,000	572,505	-	7,097,495
48838 Aerial Cross Eros Control	200,000	1,610,000	504,650	-	1,105,350
48847 Inflow/Infiltration Program	550,000	7,551,000	2,257,899	38,765	5,254,336
48861 I & I Repairs-Contracts	3,500,000	30,161,000	10,444,277	2,359,331	17,357,392
48874 Janwood	210,000	240,000	25,570	225,388	(10,958)
48875 P Avenue - Park to 18th	20,000	220,000	872	2,128	217,000
48876 P Ave-Park to Parker Rehab	-	175,000	167,249	-	7,751
48877 Manhole Sealing	300,000	2,639,000	637,538	-	2,001,462
48880 RT Zoning Sanitary Sewer Line	-	188,000	43,990	1,000	143,010
48885 Plano Pkwy East I/I Investigation	30,000	177,000	147,816	28,668	516
48888 Ridgeview Dr/SH 121 Sanitary Sewer	300,000	700,000	36,439	37,921	625,640
48889 Wastewater System Analysis	-	54,000	49,504	-	4,496
48890 Parker Rd. Estates Sewer	350,000	630,000	47,767	13,903	568,330

**CAPITAL IMPROVEMENTS  
PROJECTS  
AS OF JANUARY 31, 2005**

	<u>2004-05 BUDGET</u>	<u>LIFETIME ALLOTMENT PROJECTION</u>	<u>INCEPTION TO DATE EXPENDITURES</u>	<u>ENCUMBRANCES</u>	<u>AVAILABLE</u>
48 Miscellaneous-Wastewater	5,960,000	52,015,000	14,936,076	2,707,104	34,371,820
49 Administration					
49892 Administration	314,293	5,847,966	3,526,695	-	2,321,271
49 Administration	314,293	5,847,966	3,526,695	-	2,321,271
<b>00034 Sewer CIP</b>	7,833,293	66,588,966	19,679,665	3,685,770	43,223,531
<b>00035 Capital Reserve</b>					
51 Streets & Drainage					
51118 Res. St & Alley Replacement	3,000,000	44,755,000	15,720,155	2,270,930	26,763,915
51120 Screening Wall Repairs	500,000	6,320,000	2,400,238	337,899	3,581,863
51128 Sidewalk Repairs	250,000	16,655,000	9,990,458	388,778	6,275,764
51131 Arterial Concrete Repairs	1,600,000	20,379,000	7,683,540	1,381,406	11,314,054
51134 Undersealing Program	2,300,000	16,990,000	3,350,745	997,397	12,641,858
51136 Curb Median Repairs	75,000	925,000	288,815	-	636,185
51138 Traffic Signal Improvement	500,000	3,076,000	759,782	69,226	2,246,992
35-P01 Coit Road Landscaping	38,000	228,000	-	-	228,000
51141 Street Name Sign Replacement	90,000	720,000	28,478	24,121	667,401
51 Streets & Drainage	8,353,000	110,048,000	40,222,211	5,469,757	64,356,032
53 Park Improvements					
53307 Athletic Fields	600,000	7,170,000	2,722,291	426,480	4,021,229
53321 Bob Woodruff Park	-	1,847,000	1,321,938	494,310	30,752
53337 Low Water Corssing Replacement	15,000	1,035,000	829,661	-	205,339
53338 Municipal Golf Course	175,000	2,279,000	1,852,021	13,713	413,266
53341 Park Signage Replacement	15,000	143,000	26,029	-	116,971
53345 Accessible Drinking Fountains	-	-	22,193	-	(22,193)
53346 Maintenance Shop Renovations	-	231,000	93,672	-	137,328
53347 Highpoint Tennis Center	95,000	752,000	351,291	20,000	380,709
53351 Restroom Fix Replacement	25,000	296,000	87,520	15,792	192,688
53353 Irrigation Renovations	175,000	6,700,000	628,345	1,859	6,069,796
53354 Parking Lot Replace	-	1,458,000	1,329,893	10,857	117,250
53356 Playground Replacements	200,000	4,221,000	1,508,884	266,483	2,445,633
53357 Trail Repairs	500,000	7,280,000	641,828	38,691	6,599,481
53362 Park Shelter Replacements	100,000	1,180,000	102,488	200,022	877,490
53363 Park Structures & Equipment	175,000	2,298,000	587,274	34,072	1,676,654
53365 Park Restoration & Cleanup	20,000	79,000	19,450	-	59,550
53366 Preston Meadow Park	-	250,000	122,400	127,600	-
53367 Shawnee Park Renovation	-	244,000	237,529	-	6,471
53368 Silt Removal	35,000	350,000	-	-	350,000
53369 Interurban Building	15,000	25,000	3,825	-	21,175
53370 Recreation Center Equipment	210,000	855,000	98,605	2,157	754,238
53371 Big Lake Park	75,000	650,000	-	-	650,000
53372 Jack Carter Pool Renovation	625,000	625,000	108,661	628,355	(112,016)
53373 Median Renovations	50,000	400,000	7,071	1,657	391,272
35-P04 Public Building Landscape Renovations	25,000	550,000	-	-	550,000
53 Park Improvements	3,130,000	40,918,000	12,702,869	2,282,048	25,933,083

**CAPITAL IMPROVEMENTS  
PROJECTS  
AS OF JANUARY 31, 2005**

	<u>2004-05 BUDGET</u>	<u>LIFETIME ALLOTMENT PROJECTION</u>	<u>INCEPTION TO DATE EXPENDITURES</u>	<u>ENCUMBRANCES</u>	<u>AVAILABLE</u>
54 Municipal Facilities					
54422 Carpenter Park Rec Ctr Renovation	275,000	1,078,000	336,377	-	741,623
54423 Plano Centre Renovation	222,000	1,249,000	527,929	13,810	707,261
54424 Municipal Center Renovations	26,000	1,293,000	807,367	82,347	403,286
54425 Animal Shelter Modifications	-	57,000	60,774	-	(3,774)
54426 Aquatic Ctr Renovation	35,000	323,000	287,387	-	35,613
54432 Schim Brick Sealing	-	285,000	19,230	-	265,770
54436 Douglass Recreation Center	-	211,000	131,742	250	79,008
54440 Harrington Library	10,000	267,000	123,751	-	143,249
5442 Municipal Annex	-	-	12,867	-	(12,867)
54443 Municipal Center South	-	204,000	28,843	-	175,157
54447 Fire Station #5	-	127,000	1,190	-	125,810
54448 Fire Station #6 Modification	19,000	227,000	16,929	38,424	171,647
54449 Roof Replacements	-	33,000	31,468	1,000	532
54460 Council Chambers Digital	-	1,600,000	1,538,053	8,270	53,677
54462 Neighborhood Revitalization	100,000	1,300,000	-	-	1,300,000
54465 Stadium Pump Station	-	7,000	-	-	7,000
54466 Asbestos Testing & Removal	40,000	218,000	3,132	-	214,868
54467 Fire Station #7 - Bldg #59	94,000	175,000	2,040	-	172,960
54467-P Parkway Operations - Bldg #74	33,000	108,000	-	-	108,000
54468 Property House - Bldg #87	122,000	130,000	8,426	1,950	119,624
54468-P Douglass Annex	15,000	16,000	-	-	16,000
54474 Mold Testing & Removal	47,000	250,000	-	-	250,000
54475 Dozier Radio Tower	-	20,000	10,740	-	9,260
54476 EOC Radio Tower	-	-	-	10,388	(10,388)
54479 Liberty Recreation Center	35,000	291,000	97,033	1,942	192,025
54481 Fire Station #10	6,000	7,000	7,567	-	(567)
54482 Senior Center	-	81,000	30,768	4,337	45,895
54484 Parkway Operations	-	-	4,584	24,802	(29,386)
54484-P Energy Reduction	25,000	625,000	-	-	625,000
54485 Tri-City Gun Range-Bldg #86	-	-	1,290	-	(1,290)
54486 Police Assembly 2-Bldg #58	-	-	3,873	-	(3,873)
54487-P Haggard Library - Bldg #60	175,000	270,000	17,651	20,511	231,838
54488 Oak Point Rec Center-Bldg #92	-	-	350	-	(350)
54488-P Fire Station No.04 - Bldg #18	12,000	27,000	-	-	27,000
54489-P Oak Point Recreation Center - Bldg #92	18,000	48,000	1,450	-	46,550
54490 Parkway Park Maint.-Bldg #6	-	-	350	-	(350)
54490-P Fire Station No. 08 - Bldg #79	32,000	44,000	-	-	44,000
54491-P Fire Station No. 09 - Bldg #90	6,000	6,000	4,450	-	1,550
54492 Robinson Justice Center	-	-	-	893	(893)
54493 Davis Library-Bldg #89	-	-	990	-	(990)
54494 Municipal Annex Bldg #3	-	-	3,530	-	(3,530)
54 Municipal Facilities	<u>1,347,000</u>	<u>10,577,000</u>	<u>4,122,131</u>	<u>208,924</u>	<u>6,245,945</u>
55 Miscellaneous					
55501 Ligustrum Replacement	5,000	185,000	125,107	-	59,893
55 Miscellaneous	<u>5,000</u>	<u>185,000</u>	<u>125,107</u>	<u>-</u>	<u>59,893</u>
<b>00035 Capital Reserve</b>	<b>12,835,000</b>	<b>161,728,000</b>	<b>57,172,318</b>	<b>7,960,729</b>	<b>96,594,953</b>
<b>00036 Water CIP</b>					
67 Special Projects					
67892 Administration- Water	314,293	6,123,966	3,005,924	-	3,118,042

**CAPITAL IMPROVEMENTS  
PROJECTS  
AS OF JANUARY 31, 2005**

	<b>2004-05 BUDGET</b>	<b>LIFETIME ALLOTMENT PROJECTION</b>	<b>INCEPTION TO DATE EXPENDITURES</b>	<b>ENCUMBRANCES</b>	<b>AVAILABLE</b>
67 Special Projects	314,293	6,123,966	3,005,924	-	3,118,042
68 Water Projects					
68164 Fire Hydrants	325,000	2,243,000	921,311	68,924	1,252,765
68176 Hedgcoxe Main-East of Custer	-	444,000	389,335	53,410	1,255
68178 Independence Square	-	1,045,000	1,010,787	14,210	20,003
68187 Shiloh - Park to Parker	80,000	235,000	125,877	3,000	106,123
68313 Monitoring & Control/Ridgeview	-	585,000	74,411	-	510,589
68456 Oversize Participation	100,000	2,563,000	1,380,624	-	1,182,376
68896 Ridgeview Transmission Line East	-	2,857,000	2,840,326	-	16,674
68899 Chaparral - Jupiter to E. City Limits	20,000	170,000	-	-	170,000
68905 Janwood - Alma to Westwood	548,000	605,000	52,707	367,970	184,323
68907 Legacy Business District Area	820,000	840,000	58,491	30,155	751,354
68911 McDermott/Rasor-TXU Easement	-	1,746,000	1,690,414	18,666	36,920
68913 P Ave-Park to 18th	40,000	440,000	10,303	12,769	416,928
68914 P Ave-Park to Parker Rehab	-	275,000	257,088	-	17,912
68920 Stewart Main - Capital to Plano Pkwy	30,000	330,000	-	32,500	297,500
68935 Parkwood Tnk Line-TXU/Tnk Sp	680,000	720,000	53,336	6,180	660,484
68942 Jupiter-Parker to Royal	-	510,000	429,109	59,837	21,054
68943 Kimberlea Water Rehab	-	1,421,000	1,411,824	4,878	4,298
68944 Los Rios-Jupiter to Park	350,000	549,000	488,529	73,728	(13,257)
68949 Waterline Crossing No.1	200,000	615,000	62,730	24,690	527,580
68950 McDermott/Rasor-Ohio to Robinson	75,000	159,000	106,314	43,506	9,180
68951 Plano Pkwy-Los Rios-14th	120,000	172,000	10,733	1,067	160,200
68952 Downtown Fire Protection	23,000	114,000	52,948	35,939	25,113
68953 15th St.-G to I	150,000	170,000	-	17,323	152,677
68956 Dallas N15 Waterline Rehab	1,500,000	1,650,000	346,376	1,113,956	189,668
68957 Briarcreek Waterline	50,000	90,000	57,011	95,651	(62,662)
68959 Landershire Drive Water Rehab	8,000	202,000	158,791	27,578	15,631
68960 Premier-Ruisseau to Heritage	-	175,000	124,085	32,791	18,124
68961 SH 121 Utility Adjustments	50,000	125,000	48,842	16,410	59,748
68962 Water Remodeling Extended	10,000	20,000	16,971	854	2,175
68963 Water Distribution Analysis	10,000	70,000	2,379	7,621	60,000
68964 White Rock Crk Tank Modification	50,000	60,000	94,576	6,289	(40,865)
68965 View Place - Horizon to Mission Ridg	19,000	19,000	-	-	19,000
68966 Dallas North Tollway - N of Spring Cr	-	100,000	-	5,200	94,800
68967 Parker - K Avenue to P Avenue	30,000	270,000	-	8,263	261,737
36-P03 12th Street - K Avenue to Municipal D	32,000	32,000	-	-	32,000
36-P14 Pump Station Improvements	100,000	110,000	-	-	110,000
68968 Whiffletree Water Rehab	150,000	1,600,000	12,100	155,025	1,432,875
36-P422 Automated Meter Reading Program	160,000	1,130,000	-	-	1,130,000
<b>68 Water Projects</b>	<b>5,730,000</b>	<b>24,461,000</b>	<b>12,288,328</b>	<b>2,338,390</b>	<b>9,834,282</b>
<b>00036 Water CIP</b>	<b>6,044,293</b>	<b>30,584,966</b>	<b>15,294,252</b>	<b>2,338,390</b>	<b>12,952,324</b>
<b>00038 DART Local Assistance</b>					
83 CMS-Technical Support					
83301 CMS Cap Support	-	17,000	16,970	-	30
83302 CMS Trans Staff	-	1,284,000	1,322,719	-	(38,719)
83 CMS-Technical Support	-	1,301,000	1,339,689	-	(38,689)

**CAPITAL IMPROVEMENTS  
PROJECTS  
AS OF JANUARY 31, 2005**

	<u>2004-05 BUDGET</u>	<u>LIFETIME ALLOTMENT PROJECTION</u>	<u>INCEPTION TO DATE EXPENDITURES</u>	<u>ENCUMBRANCES</u>	<u>AVAILABLE</u>
84 CMS-Capital					
84409 14th st G to K Ave	-	769,000	737,728	10,520	20,752
84413 Westside Intersection Improvements	120,000	1,036,000	679,149	2,600	354,251
84417 W. Intersection-Pkwy/Ohio	-	130,000	95,094	18,755	16,151
84418 W. Intersection-SC/Tollway Rtrun	-	60,000	57,764	-	2,236
84 CMS-Capital	120,000	1,995,000	1,569,735	31,875	393,390
<b>00038 DART Local Assistance</b>	120,000	3,296,000	2,909,424	31,875	354,701
<b>00052 Park Service Area Fees</b>					
A01 AREA 01					
01002 Cottonwood Creek Greenbelt	120,000	940,000	469,195	-	470,805
A01 AREA 01	120,000	940,000	469,195	-	470,805
A03 AREA 03					
03033 Jupiter Road Site	-	703,000	626,071	107	76,822
52-P03-1 Rowlett Creek Greenbelt	100,000	100,000	-	-	100,000
A03 AREA 03	100,000	803,000	626,071	107	176,822
A04 AREA 04					
04044 Hoblitzelle Trail	100,000	339,000	238,021	-	100,979
A04 AREA 04	100,000	339,000	238,021	-	100,979
A05 AREA 05					
05051 Chisholm Trail	50,000	248,000	47,993	-	200,007
A05 AREA 05	50,000	248,000	47,993	-	200,007
A06 AREA 06					
06062 Evans Park	-	120,000	109,912	-	10,088
A06 AREA 06	-	120,000	109,912	-	10,088
A09 AREA 09					
09095 Russell Creek Park	50,000	50,000	150,000	-	(100,000)
A09 AREA 09	50,000	50,000	150,000	-	(100,000)
A10 AREA 10					
10004 Preston Ridge Trail	25,000	821,000	639,180	-	181,820
10005 Legacy Trail	200,000	1,796,000	819,599	3,100	973,301
10007 Bluebonnet Trail	275,000	425,000	-	-	425,000
A10 AREA 10	500,000	3,042,000	1,458,779	3,100	1,580,121

**CAPITAL IMPROVEMENTS  
PROJECTS  
AS OF JANUARY 31, 2005**

	<u>2004-05 BUDGET</u>	<u>LIFETIME ALLOTMENT PROJECTION</u>	<u>INCEPTION TO DATE EXPENDITURES</u>	<u>ENCUMBRANCES</u>	<u>AVAILABLE</u>
A11 AREA 11					
11114 Preston Ridge Trail	25,000	391,000	140,878	-	250,122
A11 AREA 11	25,000	391,000	140,878	-	250,122
A13 AREA 13					
13133 Marsh Lane Site	-	250,000	200,000	-	50,000
13134 Northwest Greenbelt	75,000	910,000	722,020	-	187,980
A13 AREA 13	75,000	1,160,000	922,020	-	237,980
<b>00052 Park Service Area Fees</b>	1,020,000	7,093,000	4,162,869	3,207	2,926,924
<b>00053 Creative &amp; Perf Arts Facility</b>					
56531 Creative & Perf Arts Facility	-	19,402,000	25,278	-	19,376,722
56532 Collin County Cultural Arts District	-	766,000	100,581	-	665,419
<b>00053 Creative &amp; Perf Arts Facility</b>	-	20,168,000	125,859	-	20,042,141
<b>00054 Animal Control Facility</b>					
57541 Animal Shelter	-	3,754,967	2,280,356	4,589	1,470,022
<b>00054 Animal Control Facility</b>	-	3,754,967	2,280,356	4,589	1,470,022
<b>00059 Service Center Facility</b>					
59592 Parkway Svc Ctr Expansion	-	4,000,000	81	-	3,999,919
<b>00059 Service Center Facility</b>	-	4,000,000	81	-	3,999,919
<b>00060 Joint Use Facilities</b>					
61110 Joint Use Facility	-	4,000,000	3,742,995	111,739	145,266
<b>00060 Joint Use Facilities</b>	-	4,000,000	3,742,995	111,739	145,266

An aerial photograph of a city street, likely in Plano, Texas. The street is paved with red bricks and has a double yellow line down the center. There are several cars parked along the sides and driving in the lanes. On the left, there are white buildings with awnings, one of which has a sign that says "ARSCHELL BOOKS". On the right, there are more modern buildings and trees. The sky is blue with scattered white clouds. The text "Section 2" is overlaid in the center of the image.

## Section 2

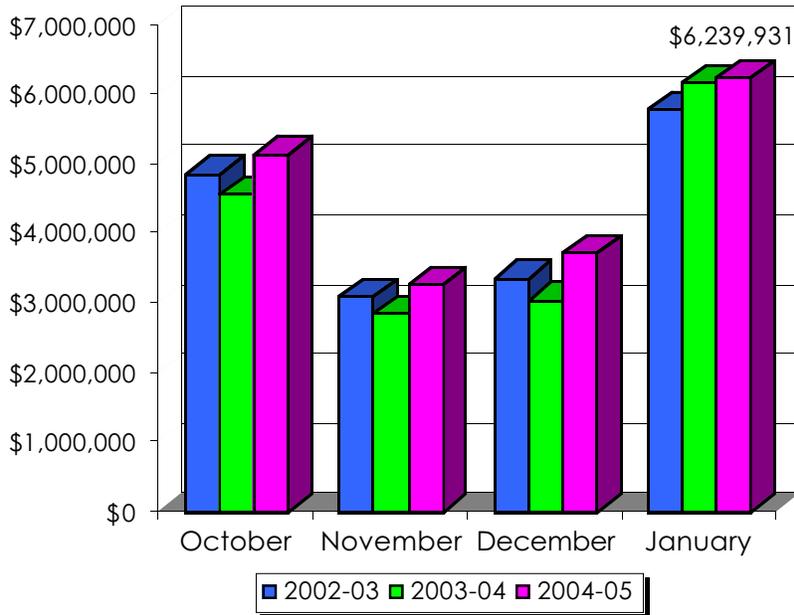
City of Plano  
Comprehensive Monthly Finance Report

## Economic Analysis

## Economic Analysis

Sales tax of \$6,239,931 was reported in January for the City of Plano. This amount represents an increase of 1.20% over the amount reported in January 2004.

**Sales Tax**  
Actual Monthly Revenue  
Figure I



Sales tax revenue is generated from the 1% tax on applicable business activity within the City. These taxes were collected in December by businesses filing monthly returns, reported in January to the State, and received in February by the City of Plano.

Figure I represents actual sales and use tax receipts for the months of October through January for fiscal years 2002-03, 2003-04, and 2004-2005.

**Annualized Sales Tax Index**  
Compared to Dallas Consumer Price Index  
Figure II

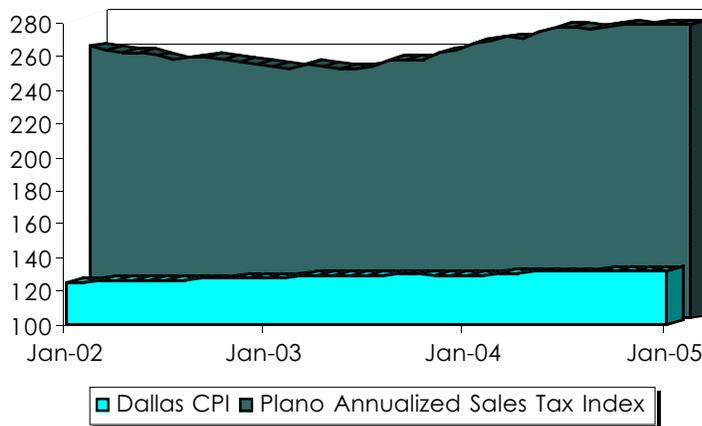


Figure II, left, tracks the percentage change in annualized sales tax revenues compared to the percentage change in the Dallas-area CPI, using 1982-84 as the base period. For January 2005, the adjusted CPI was 132.18 and the Sales Tax Index was 275.64.

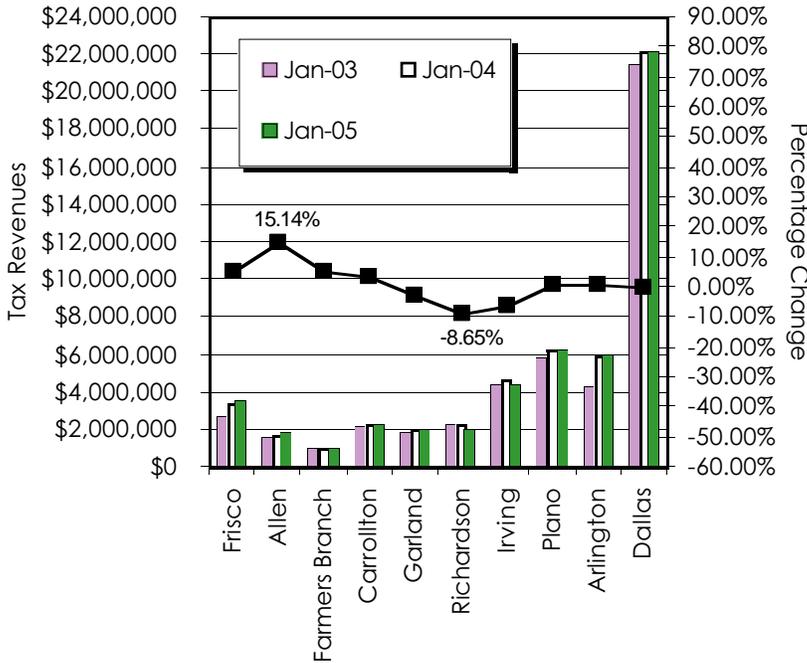
Since January 1998, the BLS has moved the Dallas-Area pricing cycle for CPI computation to odd-numbered months.

## Economic Analysis

Figure III shows sales tax receipts from January 2003 – January 2005 for the City of Plano and nine area cities. Each of the cities shown has a sales tax rate of 1%, except for the cities of Allen and Frisco, which have a 2% rate, but distribute half of the amount shown in the graph to 4A and 4B development corporations within their respective cities, and the City of Arlington which has a 1.25% sales tax rate with .25% dedicated to road maintenance. For the January reporting month, the City of Plano received \$6,239,931 from this 1% tax.

### Sales Tax Comparisons City of Plano and Area Cities

Figure III



The percentage change in sales tax collections for the area cities from January 2003 to January 2005 ranged from 15.14% for the City of Allen to -8.65% for the City of Richardson.

In January 2005, a total of 53 actual single-family housing permits, representing a value of \$13,367,765, were issued. This value represents a 47.28% increase from the same period a year ago. Annualized single-family housing starts of 727 represent a value of \$145,554,996.

### Single Family Housing Starts

Figure IV

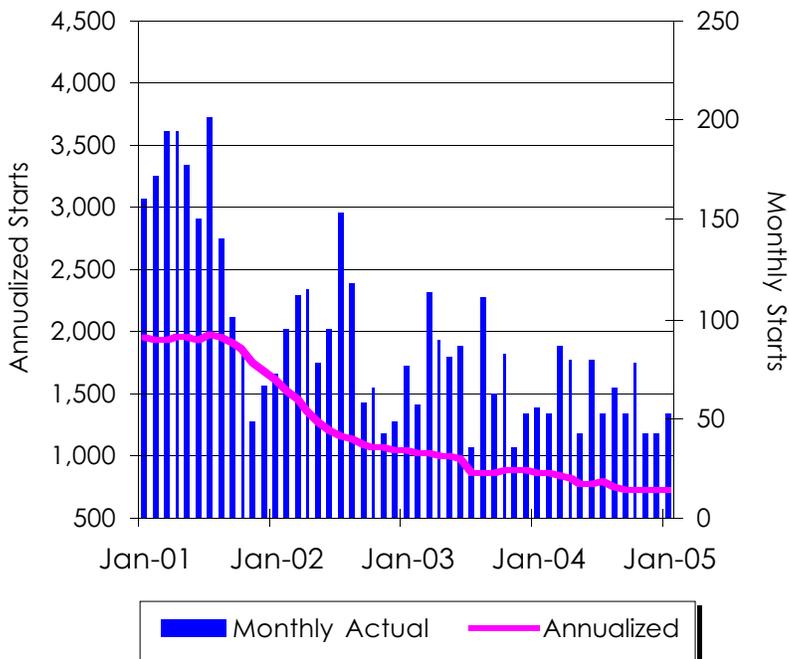


Figure IV left shows actual single-family housing starts versus annualized housing starts for January 2001 through January 2005.

Figure IV left shows actual single-family housing starts versus annualized housing starts for January 2001 through January 2005.

# Economic Analysis

**Yield Curve**  
Figure V

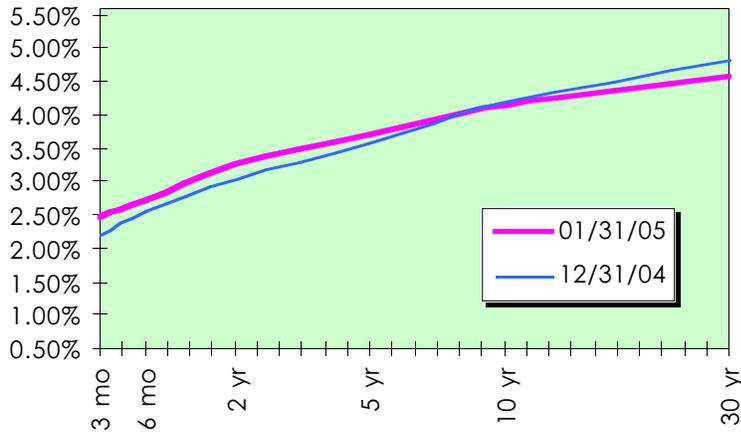


Figure V, left, shows the U.S. Treasury yield curve for January 31, 2005 in comparison to December 31, 2004. A majority of reported treasury yields increased in the month of January, with the greatest increase in reported rates occurring in the 3-month sector at +22 basis points, and the greatest decrease in rates occurring in the 30-year sector at -23 basis points.

**Unemployment Rates**  
Unadjusted Rate Comparison  
Figure VI

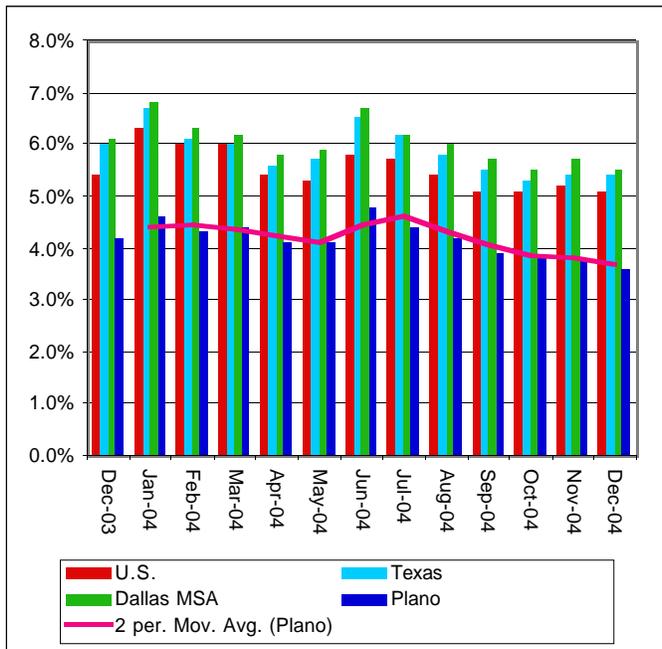


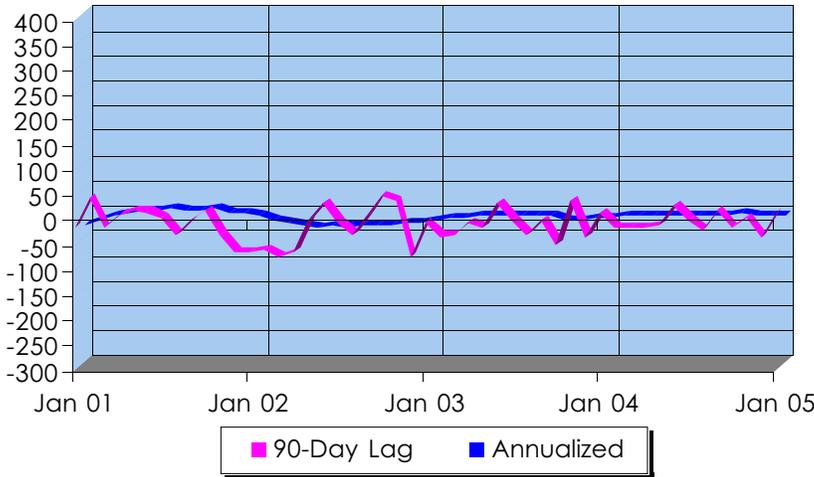
Figure VI shows unadjusted unemployment rates based on the BLS U.S. City Average, and LAUS estimates for the State of Texas, the Dallas Metropolitan Statistical Area (MSA) and the City of Plano from December 2003 to December 2004.

\*Due to recent changes in labor force estimates by the BLS, unemployment data from 1990 to present has been revised, and the changes will be reflected in this chart.

# Economic Analysis

Figure VII shows the net difference between the number of housing starts three months ago and new refuse customers in the current month (90-day lag) as well as the average difference between these measures for the past four years (annualized).

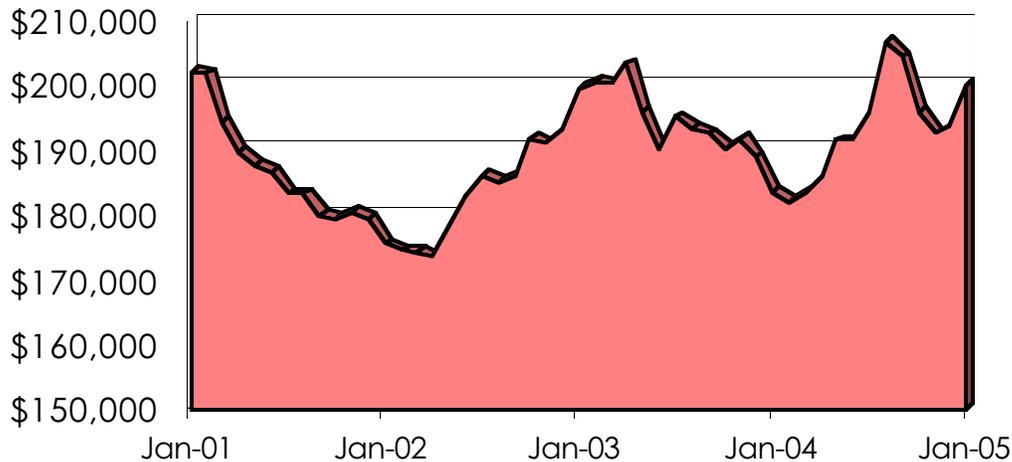
### Housing Absorption 90-Day Lag From Permit Date Figure VII



For the current month, the 90-day lag is 15 homes, meaning that in October 2004 there were 15 more housing starts than new refuse customers in January 2005. The annualized rate is -6 which means there was an average of 6 less housing starts than new garbage customers per month over the past year.

The annualized average declared construction value of new homes increased 9.12% to \$200,213 when compared to January 2004.

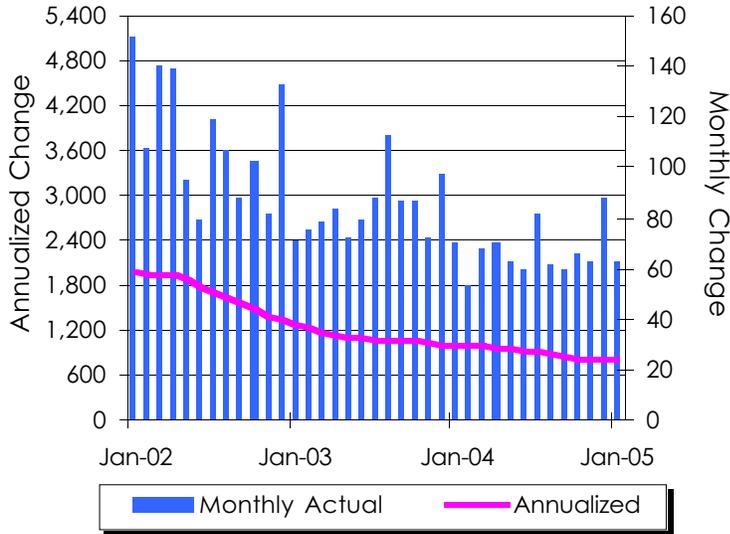
### Single-Family New Home Value Figure VIII



# Economic Analysis

## Refuse Collections Accounts Net Gains/Losses

Figure IX

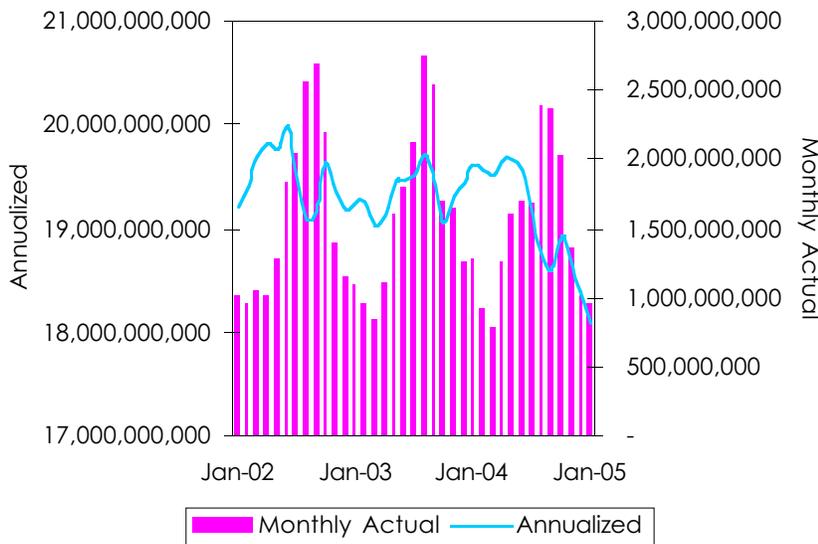


In January, net new refuse collection accounts totaled 63, in comparison to 70 new accounts in January of 2004. This change represents a decrease of 10.00% year-to-year. Annualized new refuse accounts totaled 798, showing a decrease of 205, or a -20.44% change when compared to the same time last year.

Figure IX shows actual versus annualized new refuse collection accounts.

## Local Water Consumption (Gallons)

Figure X



In January, the City of Plano pumped 1,126,432,000 gallons of water from the North Texas Municipal Water District (NTMWD). Consumption was 960,947,000 gallons among 75,190 billed water accounts while billed sewer accounts numbered 71,787. The minimum daily water pumpage was 33,257,000 gallons, which occurred on Friday, January 7th. Maximum daily pumpage was 40,945,000 gallons and occurred on Wednesday, January 26th. This month's average daily pumpage was 36,337,000 gallons.

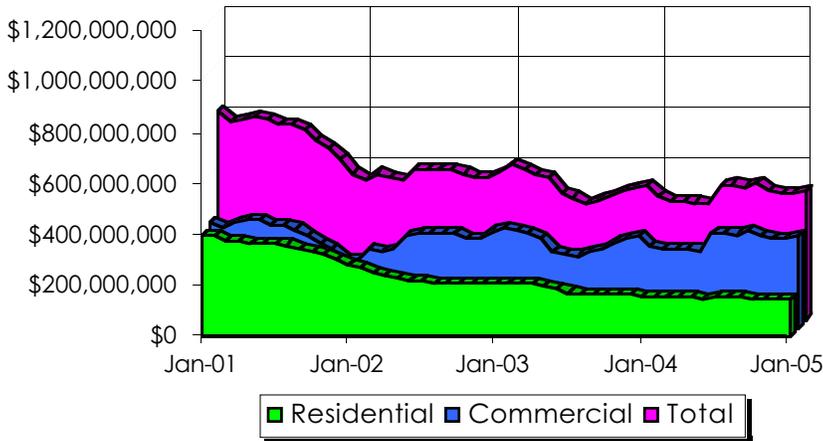
Figure X shows the monthly actual and annualized average for local water consumption.

## Economic Analysis

In January, a total of 113 new construction permits were issued, valued at \$29,979,605. This includes 53 single-family residences, 1 amusement building, 4 office/bank buildings, 2 retail/restaurant/other, 8 other, 17 commercial additions/alterations, and 28 interior finish-outs. There were 21 permits issued for pools/spas.

### Annualized Building Permit Values

Figure XI



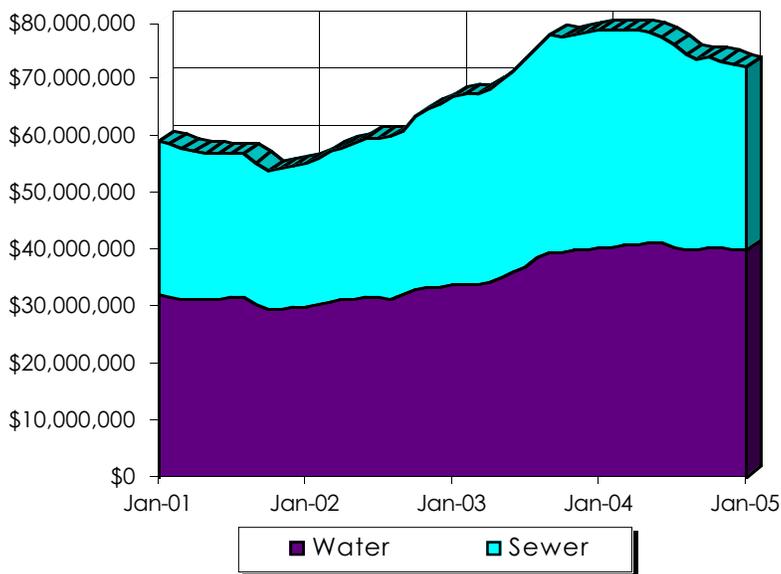
The overall annualized value was \$502,477,860, up 4.30% from the same period a year ago. The annualized value of new residential construction decreased to a value of \$145,554,996, down 7.97% from a year ago. The annualized value of new commercial construction increased 10.30% to \$356,922,864.\*

\* As of January 2002, data on commercial construction value is based on both the building shell and interior finish work, per the Building Inspection Department.

The actual water and sewer customer billing revenues in January were \$2,297,886 and \$2,738,697, a decrease of 12.73% and 8.45% respectively, compared to January 2004 revenues. The aggregate water and sewer accounts netted \$5,036,583 for a decrease of 10.45%.

### Annualized Water & Sewer Billings

Figure XII



January consumption brought annualized revenue of \$39,865,439 for water and \$32,482,582 for sewer, totaling \$72,348,021. This total represents a decrease of 8.32% compared to last year's annualized revenue.

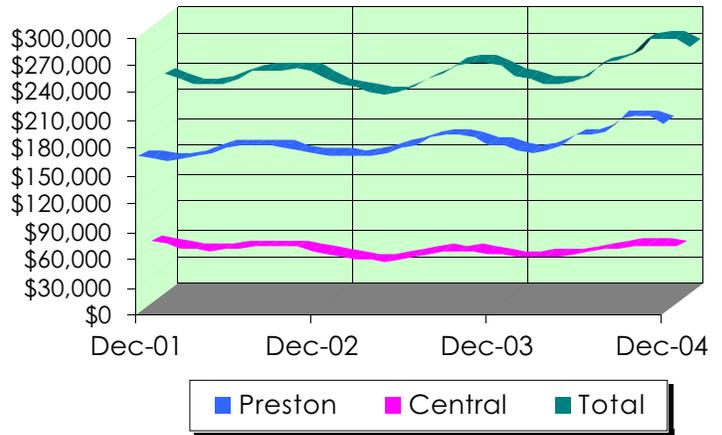
Figure XII presents the annualized billing history of water and sewer revenues for January 2001 through January 2005.

## Economic Analysis

December revenue from hotel/motel tax was \$217,327. This represents an increase of \$19,862 or 10.06% compared to December 2003. The average monthly revenue for the past six months (see graph) was \$266,849, an increase of 13.54% from the previous year's average. The six-month average for the Central area increased to \$61,246 and the Preston area average increased to \$205,603 from the prior year.

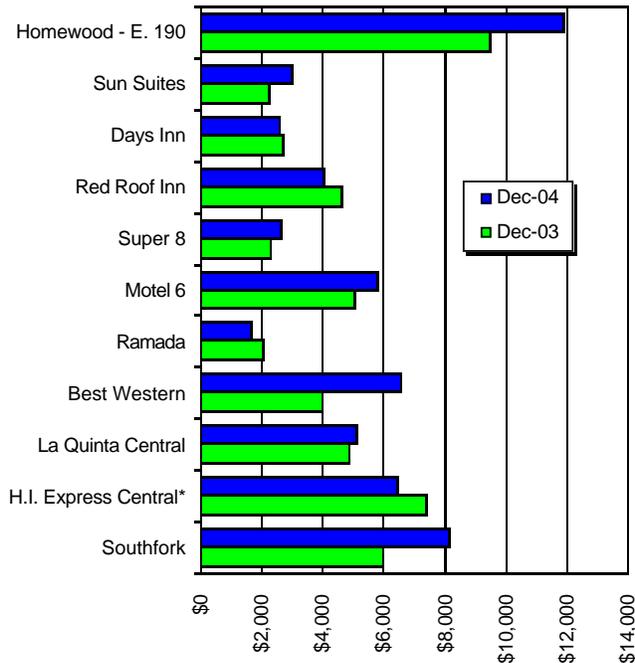
<sup>1</sup>This amount will not always equal the hotel/motel taxes reported in the financial section. The economic report is based on the amount of taxes earned during a month, while the financial report indicates when the City received the tax.

### Hotel/Motel Occupancy Tax Six Month Trend Figure XIII



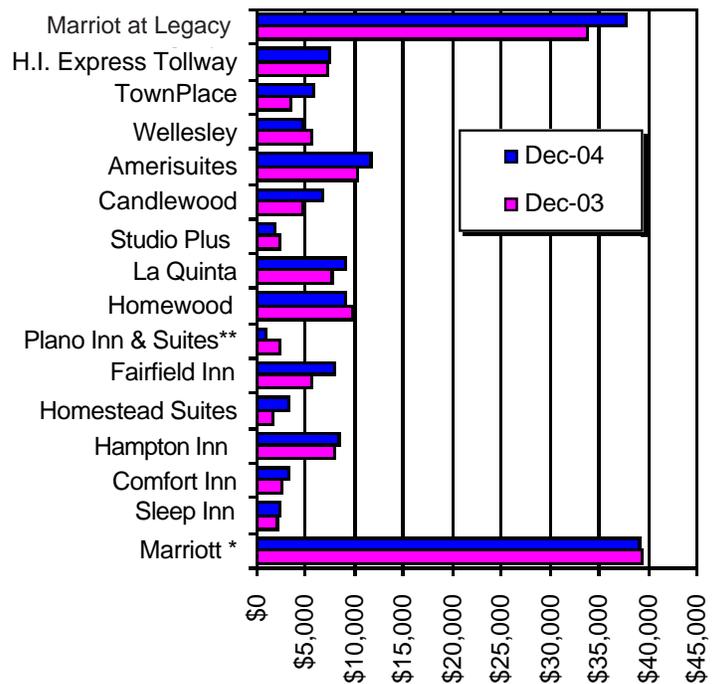
Figures XIV and XV show the actual occupancy tax revenue from each hotel/motel in Plano for December 2004 compared to the revenue received in December 2003.

### Hotel/Motel Occupancy Tax Monthly Comparison by Hotel - Central Figure XIV

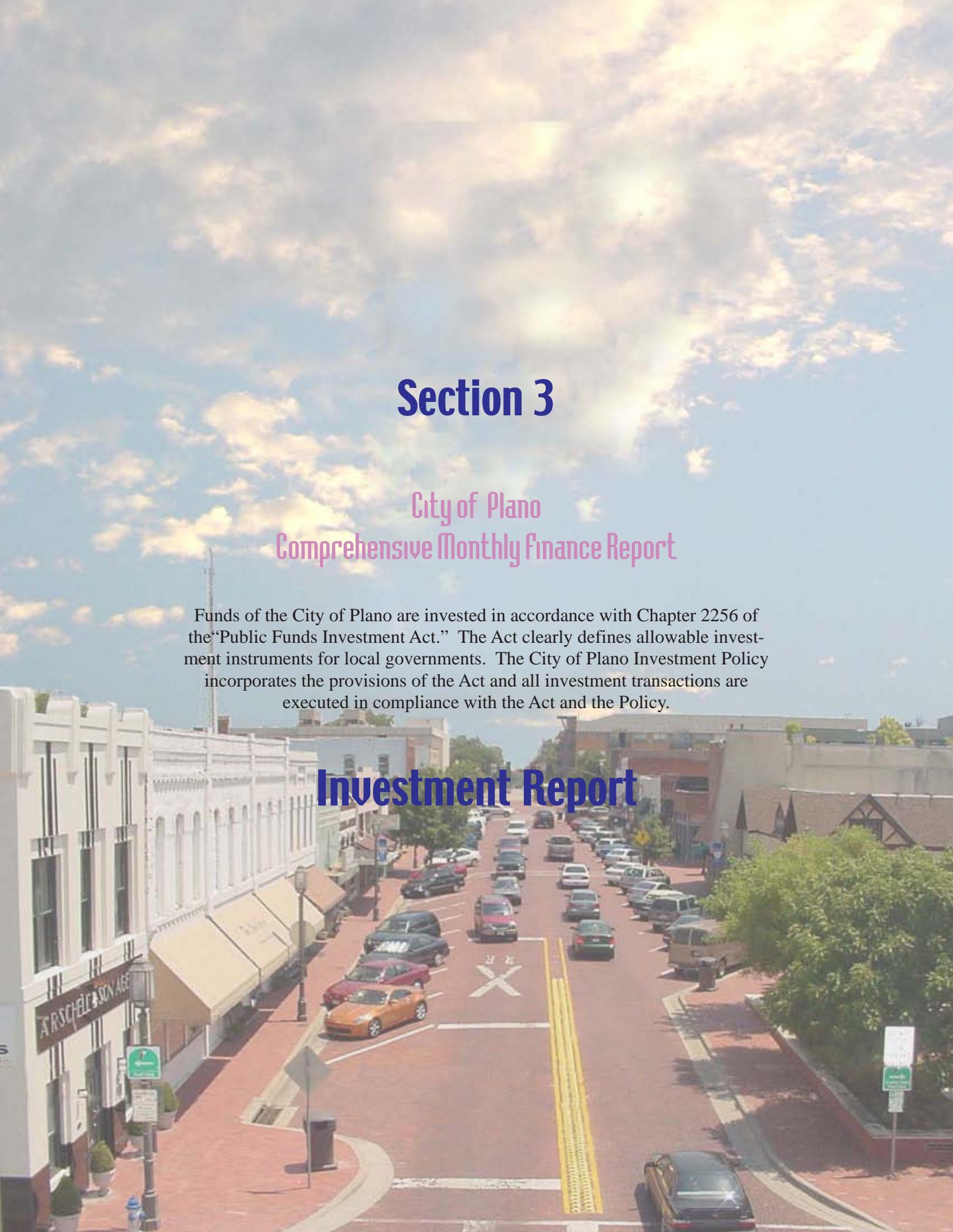


\*The Holiday Inn has reopened as a Holiday Inn Express.

### Hotel/Motel Occupancy Tax Monthly Comparison by Hotel - Preston Figure XV



\* Since December 1998, Marriott International Tax Revenue Numbers On This Graph Represent Three (3) Marriott-Owned Hotels (Courtyard By Marriott 1N4, 1ND, and Residence Inn #323)

An aerial photograph of a city street, likely in Plano, Texas. The street is paved with red bricks and has a double yellow line down the center. There are several cars parked along the sides and a few cars driving. On the left, there are white buildings with awnings, one of which has a sign that says "ARSCHELL BOOKS". On the right, there are more buildings and trees. The sky is blue with scattered white clouds.

## Section 3

### City of Plano Comprehensive Monthly Finance Report

Funds of the City of Plano are invested in accordance with Chapter 2256 of the “Public Funds Investment Act.” The Act clearly defines allowable investment instruments for local governments. The City of Plano Investment Policy incorporates the provisions of the Act and all investment transactions are executed in compliance with the Act and the Policy.

## Investment Report

# INVESTMENT REPORT

## JANUARY, 2005

Interest received during January totaled \$456,833 and represents interest paid on maturing investments and coupon payments on investments. Interest allocation is based on average balances within each fund during the month.

During January, the two-year Treasury note yield increased steadily throughout the month, starting at 3.07 and ending at 3.27.

As of January 31, a total of \$230.3 million was invested in the Treasury Fund. Of this amount, \$27.3 million was General Obligation Bond Funds, \$.5 million was Water & Sewer Revenue Bond Funds, and \$202.5 million was in the remaining funds.

Investments	Current Month Actual	Fiscal Y-T-D	Prior Fiscal Y-T-D	Prior Fiscal Year Total
(1) Funds Invested	\$30,000,000	\$58,552,000	\$70,645,000	\$133,145,000
(2) Interest Received	\$456,833	\$1,745,482*	\$1,915,046	\$5,735,635
(3) Earnings Potential Factor	118.9%	111.3%	161.2%	193.4%
(4) Investment Potential	119.7%	106.5%	100.2%	100.4 %
(5) Actual Aggressive Dividend	\$59,178	\$216,647	\$112,724	\$239,104
(6) Average 2 Year T-Note Yield	3.27		1.73	

\* See interest allocation footnote on Page C-3.

- (1) Does not include funds on deposit earning an "earnings credit" rate and/or moneys in investment pools.
- (2) Cash basis.
- (3) Comparison of actual yield of investments to average yield of 2 year Treasury notes for current month.
- (4) Measures the percent of funds invested at month end compared to total available investable funds.
- (5) Difference between amount of interest earned due to aggressive investing of funds, when compared to passive use of funds earning an "earnings credit" rate, during current month.
- (6) Compares 2005 to 2004.

### *Month-to-Month Comparison*

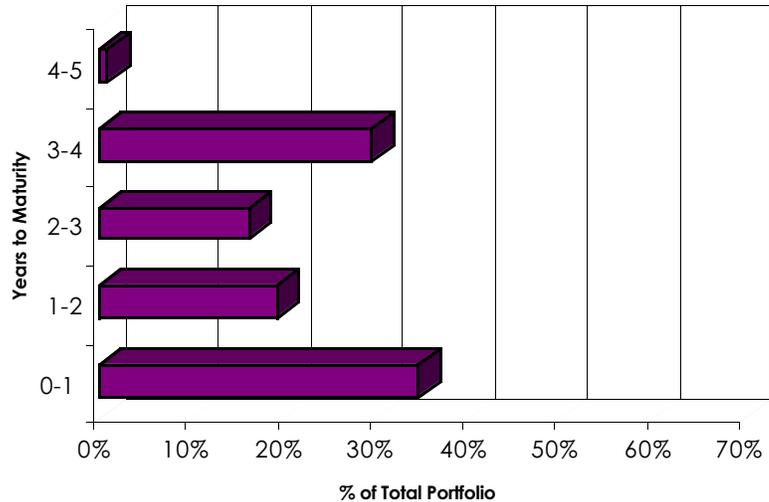
	Dec 04	Jan 05	Difference
Portfolio Holding Period Yield	2.77	2.75	-.02 (-2 basis points)
Avg. 2-Year T-Note Yield	3.07	3.27	.20 (20 basis points)

# INVESTMENT REPORT

## Portfolio Maturity Schedule Figure I

Years to Maturity*	Face Value	% Total
0-1	\$ 82,533,039	34.51%
1-2	45,710,000	19.11%
2-3	38,540,000	16.11%
3-4	70,390,000	29.43%
4-5	2,000,000	0.84%
<b>Total</b>	<b><u>\$ 239,173,039</u></b>	<b>100.00%</b>

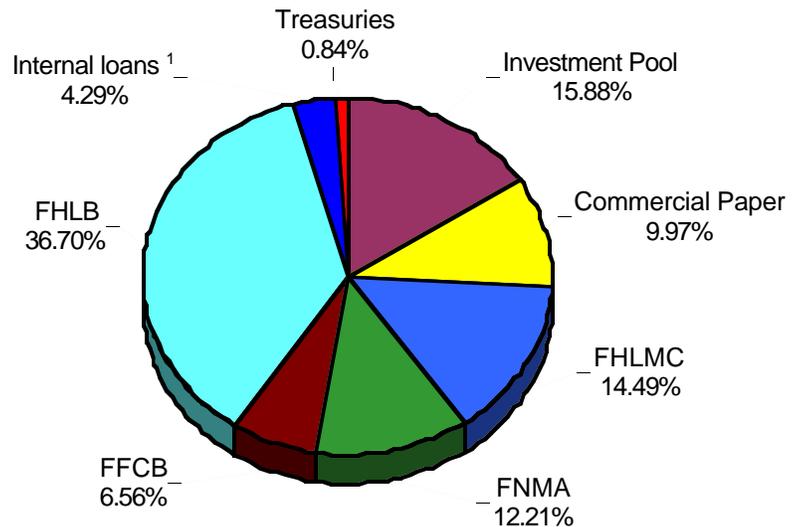
\*Does not take into consideration callable issues that can, if called, significantly shorten the Weighted Average Maturity.



## Portfolio Diversification Figure II

Type	Face Value	% Total
Investment Pool	\$ 37,981,039	15.88%
Commercial Paper	23,852,000	9.97%
FHLMC	34,665,000	14.49%
FNMA	29,200,000	12.21%
FFCB	15,695,000	6.56%
FHLB	87,780,000	36.70%
Internal loans <sup>1</sup>	8,000,000	3.34%
Treasuries	2,000,000	0.84%
<b>Total</b>	<b><u>\$ 239,173,039</u></b>	<b>100.00%</b>

<sup>1</sup> Internal loans on annual basis as percent of portfolio



# INVESTMENT REPORT

## *Allocated Interest/Fund Balances January, 2005* *Figure III*

Fund	Allocated Interest		Fund Balance	
	Current Month	Fiscal Y-T-D	End of Month	% of Total
General	89,198.90	158,992.31	\$50,969,468.58	22.13%
G.O. Debt Service	42,167.00	32,871.84	27,187,334.19	11.81%
Street & Drainage Improvements	8,751.05	39,337.00	4,168,400.76	1.81%
Sewer CIP	15,234.20	33,719.15	7,275,681.02	3.16%
Capital Reserve	57,041.42	129,818.60	27,251,505.59	11.83%
Water & Sewer Operating	4,251.02	29,779.27	868,088.84	0.38%
Water & Sewer Debt Service	5,603.88	10,077.75	2,819,077.00	1.22%
W & S Impact Fees Clearing	473.24	2,719.78	185,911.19	0.08%
Park Service Area Fees	8,220.76	19,208.30	3,901,556.01	1.69%
Property / Liability Loss	11,141.07	27,825.84	5,305,640.66	2.30%
Information Services	16,218.87	36,803.02	7,796,038.66	3.39%
Equipment Replacement	11,321.83	27,040.12	5,569,859.34	2.42%
Developers' Escrow	14,863.82	34,536.14	6,903,233.15	3.00%
G.O. Bond Funds	58,389.77	153,251.33	27,265,891.51	11.84%
Municipal Drainage Bond Clearing	2,059.58	7,238.61	976,346.42	0.42%
Other	110,622.03	253,269.53	51,742,817.25	22.47%
<b>Total</b>	<b>\$453,118.52</b>	<b>\$986,728.91</b>	<b>\$230,283,994.27</b>	<b>100.00%</b>

Footnote: All City funds not restricted or held in trust are included in the Treasury Pool. As of January 31, 2005, allocated interest to these funds may include an adjustment to fair value as required by GASB 31.

### *Portfolio Statistics*

Month	Total Invested (End of Month)	Portfolio Yield	# Securities		Weighted Avg Maturity (Days)	# Securities
			Purchased*	Matured/ Sold/Called		
Aug-03	233,893,309	2.62%	0	21	1115	142
Sep-03	206,521,434	2.63%	0	14	1143	128
Oct-03	199,718,592	2.73%	4	4	1191	128
Nov-03	195,617,660	2.92%	14	4	1282	138
Dec-03	210,495,739	2.88%	18	8	1222	148
Jan-04	250,043,966	2.59%	21	12	1023	157
Feb-04	258,925,214	2.69%	12	11	1087	158
Mar-04	253,572,319	2.30%	9	28	841	139
Apr-04	245,726,182	2.30%	8	11	835	136
May-04	234,169,952	2.41%	6	3	871	142
Jun-04	229,806,945	2.49%	2	3	861	141
Jul-04	222,498,884	2.49%	2	4	857	139
Aug-04	228,040,422	2.46%	2	5	808	135
Sep-04	193,870,437	2.71%	1	10	911	127
Oct-04	186,405,776	2.74%	4	4	925	127
Nov-04	184,228,731	2.80%	7	8	921	125
Dec-04	206,210,169	2.77%	5	2	801	128
Jan-05	239,173,039	2.75%	13	2	672	139

\* Does not include investment pool purchases.

# INVESTMENT REPORT

*Equity in Treasury Pool  
By Major Category  
Figure IV*

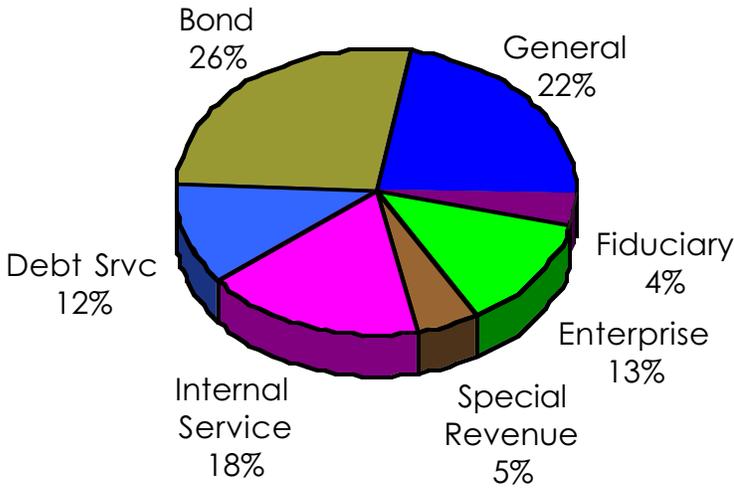
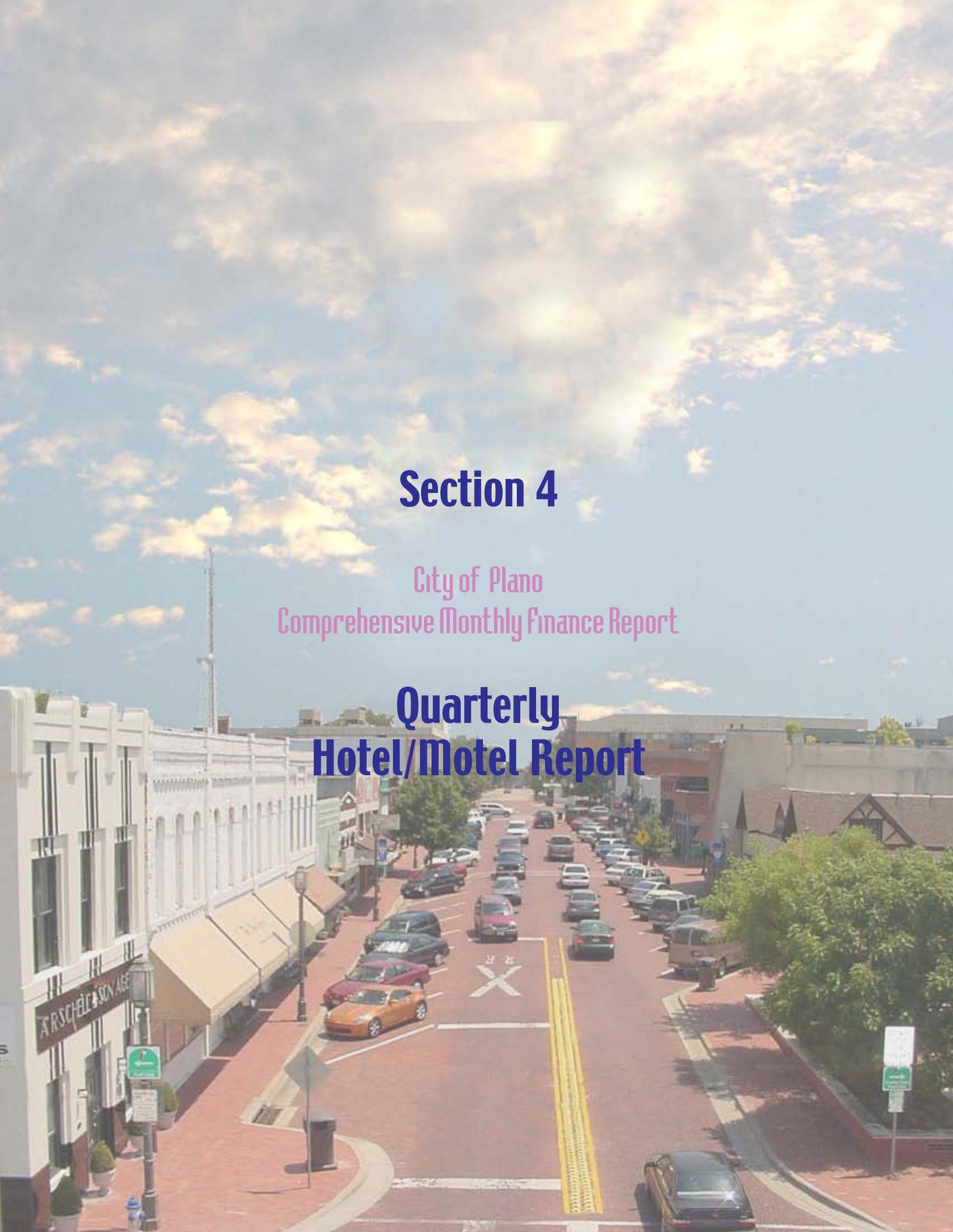


Figure IV shows a breakdown of the various sources of funds for the City's Treasury Pool as of January 31, 2005. The largest category is comprised of bond funds in the amount of \$63.4 million. Closest behind is the General Fund with a total of \$52.8 million, and the Internal Service Fund with \$41.6 million.

*Annualized Average Portfolio  
Figure V*

The annualized average portfolio for January 31, 2005 was 223,552,339. This is a decrease of \$880,507 when compared to the January 2004 average of \$224,432,847.



An aerial photograph of a city street, likely in Plano, Texas. The street is paved with red bricks and has a double yellow line down the center. There are several cars parked along the sides and driving in the lanes. On the left, there are white buildings with awnings, one of which has a sign that says "ARSCHELL BOOKS". On the right, there are more modern buildings and green trees. The sky is blue with scattered white clouds.

# Section 4

City of Plano  
Comprehensive Monthly Finance Report

## Quarterly Hotel/Motel Report

# Hotel / Motel Occupancy Tax Revenue Report

## Comparative Quarterly Statistics Quarter Ending 12/31/04 Table I

	2002-03 Second	2002-03 Third	2002-03 Fourth	2003-04 First	2003-04 Second	2003-04 Third	2003-04 Fourth	2004-05 First
Quarterly Total (Actual)*	\$646,348	\$741,758	\$752,059	\$658,187	\$697,317	\$789,712	\$854,389	\$746,703
Number of Rooms	3,624	3,624	3,732	3,732	3,569	3,569	3,706	3,706
Average Daily Occupancy	2,184	2,597	2,474	2,207	2,215	2,388	2,479	2,343
Actual Revenue per Room	\$178	\$205	\$202	\$176	\$195	\$221	\$231	\$201
Annualized Revenue	\$2,746,537	\$2,741,718	\$2,788,615	\$2,798,351	\$2,849,321	\$2,897,275	\$2,999,606	\$3,088,122
Average Room Rate	\$65	\$63	\$64	\$63	\$65	\$67	\$71	\$67
Average Occupancy Rate	52.22%	61.43%	58.06%	52.06%	54.41%	59.56%	59.63%	55.67%

## Quarterly Hotel / Motel Tax Revenue

Total tax receipts of \$746,703 were received in the quarter ending December 31, 2004. The number of rooms available in Plano remained the same in the fourth quarter of fiscal 2003-04. Occupancy tax revenues increased by 13.45% when compared to the first quarter of fiscal year 2003-2004.

Table I contains the actual quarterly hotel occupancy revenue for the second quarter of fiscal year 2002-03 through the first quarter of fiscal year 2004-05.

\* Quarterly totals may be adjusted at a later date for exemption audit payments.

**City of Plano**  
**Hotel Occupancy Revenues**  
**Table II**

**First Quarter**

	First Quarter						Second Quarter*					
	2002-03	Percent Change	2003-04	Percent Change	2004-05	Percent Change	2002-03	Percent Change	2003-04	Percent Change	2004-05	Percent Change
Ramada	\$ 8,581	-32.59%	\$ 6,390	-25.53%	\$ 5,552	-13.12%	\$ 8,144	-13.34%	\$ 7,276	-10.65%	\$ -	n/a
Harvey House	\$ 37,436	-12.45%	\$ 20,033	-46.49%	\$ 31,387	56.68%	\$ 32,114	-22.14%	\$ 27,874	-13.20%	\$ -	n/a
H. I. Express Central	\$ 18,556	-33.10%	\$ 23,930	28.96%	\$ 21,627	-9.62%	\$ 14,914	-41.59%	\$ 1,458	-90.22%	\$ -	n/a
La Quinta Central	\$ 14,475	-20.54%	\$ 16,724	15.54%	\$ 15,804	-5.50%	\$ 12,730	-35.52%	\$ 16,383	28.69%	\$ -	n/a
Marriott	\$ 116,054	-3.58%	\$ 118,635	2.22%	\$ 116,556	-1.75%	\$ 117,552	-1.90%	\$ 115,052	-2.13%	\$ -	n/a
Motel 6	\$ 15,690	-21.35%	\$ 15,904	1.37%	\$ 16,759	5.38%	\$ 15,314	-16.09%	\$ 15,538	1.46%	\$ -	n/a
Sleep Inn	\$ 8,678	-12.25%	\$ 6,644	-23.44%	\$ 7,371	10.95%	\$ 8,138	-14.76%	\$ 7,513	-7.68%	\$ -	n/a
H.I Express	\$ 9,449	-11.95%	\$ 7,754	-17.94%	\$ 9,346	20.53%	\$ 8,741	-14.24%	\$ 7,964	-8.89%	\$ -	n/a
Best Western	\$ 14,200	-21.41%	\$ 16,411	15.57%	\$ 18,578	13.20%	\$ 14,918	-14.76%	\$ 19,427	30.23%	\$ -	n/a
Super 8	\$ 9,171	-15.90%	\$ 6,426	-29.93%	\$ 7,362	14.56%	\$ 8,176	-13.03%	\$ 5,653	-30.85%	\$ -	n/a
Hampton Inn	\$ 26,831	5.11%	\$ 27,229	1.48%	\$ 29,652	8.90%	\$ 25,869	-5.76%	\$ 28,181	8.94%	\$ -	n/a
Mainstay Suites	\$ 8,698	6.40%	\$ 6,940	-20.21%	\$ 11,393	64.15%	\$ 11,497	2.07%	\$ 7,307	-36.45%	\$ -	n/a
Red Roof Inn	\$ 12,470	-11.48%	\$ 12,943	3.79%	\$ 12,602	-2.63%	\$ 11,274	-7.86%	\$ 11,726	4.00%	\$ -	n/a
Days Inn	\$ 8,434	-11.22%	\$ 8,230	-2.42%	\$ 8,257	0.32%	\$ 6,015	-28.96%	\$ 6,870	14.23%	\$ -	n/a
Fairfield Inn	\$ 16,877	-3.78%	\$ 18,580	10.09%	\$ 24,529	32.02%	\$ 17,041	-5.98%	\$ 19,183	12.57%	\$ -	n/a
Plano Inn & Suites	\$ 6,942	-47.70%	\$ 7,041	1.43%	\$ 3,090	-56.11%	\$ 4,734	-30.63%	\$ 4,796	1.32%	\$ -	n/a
Homewood	\$ 33,733	-0.58%	\$ 29,872	-11.44%	\$ 30,469	2.00%	\$ 31,661	-10.70%	\$ 34,609	9.31%	\$ -	n/a
La Quinta	\$ 25,188	-1.80%	\$ 26,530	5.33%	\$ 30,766	15.97%	\$ 22,502	-24.14%	\$ 27,531	22.33%	\$ -	n/a
Studio Plus	\$ 6,531	-11.66%	\$ 5,515	-15.55%	\$ 7,779	41.04%	\$ 7,387	19.20%	\$ 6,871	-6.99%	\$ -	n/a
Amerisuites	\$ 25,249	-21.29%	\$ 33,303	31.90%	\$ 36,515	9.64%	\$ 25,082	-20.81%	\$ 34,210	36.39%	\$ -	n/a
Candlewood	\$ 15,448	-6.67%	\$ 17,412	12.71%	\$ 22,462	29.00%	\$ 17,034	-9.44%	\$ 19,989	17.35%	\$ -	n/a
Sun Suites	\$ 7,079	2.90%	\$ 7,538	6.49%	\$ 9,246	22.67%	\$ 6,738	-9.43%	\$ 6,895	2.33%	\$ -	n/a
Wellesley Inn	\$ 14,670	-7.27%	\$ 18,108	23.44%	\$ 18,154	0.25%	\$ 15,576	-20.08%	\$ 17,909	14.98%	\$ -	n/a
Town Place Suites	\$ 13,847	30.87%	\$ 12,412	-10.37%	\$ 20,475	64.97%	\$ 13,219	24.02%	\$ 14,392	8.87%	\$ -	n/a
H.I Express Tollway	\$ 22,647	45.95%	\$ 23,024	1.66%	\$ 24,257	5.36%	\$ 20,695	10.47%	\$ 24,363	17.73%	\$ -	n/a
Marriott at Legacy	\$ 151,519	34.51%	\$ 143,290	-5.43%	\$ 180,538	25.99%	\$ 169,284	14.48%	\$ 175,883	3.90%	\$ -	n/a
Homewood - E. 190	\$ -	n/a	\$ 21,367	n/a	\$ 26,176	22.51%	\$ -	n/a	\$ 32,465	n/a	\$ -	n/a
Quarter Total	\$ 648,451	-1.23%	\$ 658,187	1.50%	\$ 746,703	13.45%	\$ 646,348	-6.46%	\$ 697,317	7.89%	\$ -	n/a
Y-T-D Revenues	\$ 648,451	-1.23%	\$ 658,187	1.50%	\$ 746,703	13.45%	\$ 1,294,799	-3.91%	\$ 1,355,504	4.69%	\$ 746,703	n/a

**Third Quarter\***

	Third Quarter*						Fourth Quarter*					
	2002-03	Percent Change	2003-04	Percent Change	2004-05	Percent Change	2002-03	Percent Change	2003-04	Percent Change	2004-05	Percent Change
Ramada	\$ 10,571	7.28%	\$ 8,349	-21.02%	\$ -	n/a	\$ 9,428	-12.36%	\$ 8,479	-10.06%	\$ -	n/a
Southfork	\$ 42,254	-18.80%	\$ 33,105	-21.65%	\$ -	n/a	\$ 29,023	-32.49%	\$ 31,618	8.94%	\$ -	n/a
H. I. Express Central	\$ 22,974	-11.22%	\$ -	-100.00%	\$ -	n/a	\$ 23,037	0.90%	\$ 10,057	-56.34%	\$ -	n/a
La Quinta Central	\$ 16,748	-25.79%	\$ 19,985	19.33%	\$ -	n/a	\$ 18,680	-5.93%	\$ 19,562	4.72%	\$ -	n/a
Marriott	\$ 125,323	-8.36%	\$ 130,065	3.78%	\$ -	n/a	\$ 125,685	5.45%	\$ 136,091	8.28%	\$ -	n/a
Motel 6	\$ 19,097	1.71%	\$ 17,628	-7.69%	\$ -	n/a	\$ 19,128	0.51%	\$ 18,147	-5.13%	\$ -	n/a
Sleep Inn	\$ 10,748	-10.66%	\$ 7,489	-30.32%	\$ -	n/a	\$ 10,388	-16.75%	\$ 8,049	-22.51%	\$ -	n/a
Comfort Inn	\$ 8,567	-30.79%	\$ 9,882	15.35%	\$ -	n/a	\$ 6,659	-30.06%	\$ 10,141	52.30%	\$ -	n/a
Best Western	\$ 18,712	3.34%	\$ 21,883	16.95%	\$ -	n/a	\$ 18,551	7.31%	\$ 20,866	12.48%	\$ -	n/a
Super 8	\$ 8,857	-26.75%	\$ 6,129	-30.80%	\$ -	n/a	\$ 8,329	-23.91%	\$ 6,929	-16.81%	\$ -	n/a
Hampton Inn	\$ 25,279	-11.06%	\$ 30,767	21.71%	\$ -	n/a	\$ 28,436	0.43%	\$ 33,500	17.81%	\$ -	n/a
Homestead Suites	\$ 12,275	1.11%	\$ 10,225	-16.70%	\$ -	n/a	\$ 9,216	-35.08%	\$ 10,484	13.76%	\$ -	n/a
Red Roof Inn	\$ 16,496	17.00%	\$ 14,436	-12.49%	\$ -	n/a	\$ 13,951	8.91%	\$ 14,098	1.06%	\$ -	n/a
Days Inn	\$ 10,435	-7.37%	\$ 9,361	-10.29%	\$ -	n/a	\$ 9,515	-12.69%	\$ 9,430	-0.89%	\$ -	n/a
Fairfield Inn	\$ 16,909	-5.44%	\$ 22,253	31.60%	\$ -	n/a	\$ 16,919	1.68%	\$ 22,923	35.48%	\$ -	n/a
Plano Inn & Suites	\$ 7,590	-0.50%	\$ 4,928	-35.08%	\$ -	n/a	\$ 6,481	-22.06%	\$ 4,603	-28.97%	\$ -	n/a
Homewood Suites	\$ 37,566	8.70%	\$ 35,314	-5.99%	\$ -	n/a	\$ 38,294	5.81%	\$ 37,484	-2.12%	\$ -	n/a
La Quinta	\$ 29,830	-12.06%	\$ 33,750	13.14%	\$ -	n/a	\$ 31,654	0.91%	\$ 31,282	-1.18%	\$ -	n/a
Studio Plus	\$ 9,461	18.48%	\$ 8,516	-9.98%	\$ -	n/a	\$ 8,809	-17.59%	\$ 8,543	-3.02%	\$ -	n/a
Amerisuites	\$ 33,516	11.06%	\$ 38,825	15.84%	\$ -	n/a	\$ 37,064	31.62%	\$ 35,869	-3.22%	\$ -	n/a
Candlewood	\$ 15,027	-17.79%	\$ 27,776	84.85%	\$ -	n/a	\$ 16,877	0.95%	\$ 20,484	21.37%	\$ -	n/a
Sun Suites	\$ 9,616	30.58%	\$ 9,279	-3.50%	\$ -	n/a	\$ 8,028	-7.10%	\$ 10,720	33.53%	\$ -	n/a
Wellesley Inn	\$ 19,010	1.22%	\$ 20,810	9.47%	\$ -	n/a	\$ 20,559	9.19%	\$ 20,566	0.03%	\$ -	n/a
Town Place Suites	\$ 13,846	-8.07%	\$ 19,258	39.09%	\$ -	n/a	\$ 21,458	24.36%	\$ 25,764	20.07%	\$ -	n/a
H.I Express Tollway	\$ 23,432	-7.68%	\$ 27,082	15.58%	\$ -	n/a	\$ 24,776	8.57%	\$ 25,324	2.21%	\$ -	n/a
Marriott at Legacy	\$ 177,620	24.08%	\$ 181,839	2.38%	\$ -	n/a	\$ 189,988	37.25%	\$ 229,161	20.62%	\$ -	n/a
Homewood - E. 190	\$ -	n/a	\$ 40,776	n/a	\$ -	n/a	\$ 1,126	100.00%	\$ 44,218	100.00%	\$ -	n/a
Quarter Total	\$ 741,758	-0.65%	\$ 789,712	6.47%	\$ -	n/a	\$ 752,059	6.65%	\$ 854,389	13.61%	\$ -	n/a
Y-T-D Revenues	\$ 2,036,557	-2.75%	\$ 2,145,217	5.34%	\$ 746,703	n/a	\$ 2,788,615	-0.38%	\$ 2,999,606	7.57%	\$ 746,703	n/a

\*Closure of the Holiday Inn (now Holiday Inn Express) for remodeling during the second and third fiscal quarters, and one month of the fourth fiscal quarter (FY 2003-04), caused the greater than average differentiation in year-to-year revenues for that hotel.

# MEMO

**DATE:** February 15, 2005

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

**FROM:** Di Zucco, Assistant City Secretary 

**RE:** Personnel Appointment - Executive and Worksession Meetings

The following appointments will be considered on February 22, 2005.

<u>Executive Session</u>	<u>Worksession Meeting</u>
<u>Building Standards Commission</u> Resignation of Byron Betler (Alternate – Term Exp. 10/06)	<u>Public Arts Committee</u> Resignation of Peggy Jernigan (Term Expires 10/05)

**Discussion/Action Items for Future Council Agendas  
(as of February 15, 2005)**

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

***March 7 – 11 – PISD Spring Break***

***March 11 – 15 – NLC – Washington, DC***

**March 16 (rescheduled from 3/14) (NLC)**

***March 24 – Dedication of Steinway Piano – Courtyard Theater – Reception and Concert – 7:00 p.m.***

**March 28**

DART Status Report  
Mobility Report  
Comprehensive Monthly Financial Report

***April 9 – Police Banquet – Perot Systems – 6 – 10 p.m.***

**April 11**

**April 25**

DART Status Report  
Mobility Report  
Comprehensive Monthly Financial Report

***April 28 – District 3 Roundtable – 7 p.m. – City Joint Use Facility – Building A***

**May 9**

***May 17 – Special Called Meeting to Canvass Election***

**May 23**

DART Status Report  
Mobility Report  
Comprehensive Monthly Financial Report

***May 30 – Memorial Day Holiday***

***June 10 – 13 – TCMA - Galveston***

VII-a

**June 13**

**June 27**

DART Status Report  
Mobility Report  
Comprehensive Monthly Financial Report

*July 4 – Independence Day Holiday*

**July 25**

DART Status Report  
Mobility Report  
Comprehensive Monthly Financial Report

**July 27**

Budget

**August 8**

*August 18 - District 4 Roundtable - 7. p.m. – Vines High School Cafeteria*

**August 22**

DART Status Report  
Mobility Report  
Comprehensive Monthly Financial Report

*September 5 – Labor Day Holiday*

**September 12**

*September 25 – 28 – ICMA - Minneapolis*

**September 26**

DART Status Report  
Mobility Report  
Comprehensive Monthly Financial Report

*October 3 – 7 – PISD Fall Break*

**October 10**

**October 24**

VII-b

DART Status Report  
Mobility Report  
Comprehensive Monthly Financial Report

*October 26 – 29 – TML – Gaylord Texan, Grapevine*

*November 10 – District 2 Roundtable – Plano Sports Authority – 2<sup>nd</sup> floor*

**November 14**

*November 24 – 25 – Thanksgiving Holidays*

**November 28 (Thanksgiving)**

DART Status Report  
Mobility Report  
Comprehensive Monthly Financial Report

*December 6 – 10 – NLC – Charlotte, NC*

**December 12**

*December 23 – 26 – Christmas/ Winter Holidays*

**December 28 (rescheduled from 12/26) (Winter Holiday)**

DART Status Report  
Mobility Report  
Comprehensive Monthly Financial Report

*January 2, 2006 – New Year Holiday*

VII-C



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: <b>2/22/05</b>		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager's Office		Initials	Date
Department Head	Tom Muehlenbeck		Executive Director	
Dept Signature:		City Manager	<i>[Signature]</i>	2/4/05
Agenda Coordinator (include phone #): <b>Sharon Wright ext. 7107</b>				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER				
<b>CAPTION</b>				
Special Recognition - Co-Families of the Year: The Chip and Jacque Johnston Family and The Carven and Debbie Holcombe Family				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
<b>BALANCE</b>	0	0	0	0
FUND(s):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	2/22/05		Reviewed by Legal	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Department:	Public Safety Communications		Initials	Date
Department Head	Ronald Timmons		Executive Director	
Dept Signature:	<i>R. Timmons</i>		City Manager	<i>[Signature]</i> 2/16/05
Agenda Coordinator (include phone #): <b>Susan Carr 972-941-7934</b>				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER				
<b>CAPTION</b>				
"Presentation: Certification by the National Weather Service as a StormReady Community"				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

**PLANO CITY COUNCIL  
NEIGHBORHOOD ROUNDTABLE  
DISTRICT ONE  
February 10, 2005**

**COUNCIL MEMBERS:**

Pat Evans, Mayor  
Shep Stahel, Mayor Pro Tem  
Ken Lambert, Deputy Mayor Pro Tem  
Scott Johnson  
Phil Dyer  
Sally Magnuson  
Steve Stovall  
Jean Callison

**STAFF:**

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

The Plano City Council met informally at 7:02 p.m., Thursday, February 10, 2005, at Plano Centre – Windhaven Room, 2000 E. Spring Creek Parkway, Plano, Texas. All Council Members were present with the exception of Council Members Johnson and Magnuson. Mayor Evans welcomed those in attendance, introduced members of the Council and identified the Council districts. She spoke regarding Council Members being elected and serving the City at large and the benefits provided. Mayor Evans advised regarding the discussion questions for the meeting.

Director of Budget and Research Rhodes made a brief presentation regarding Plano's 2005 proposed bond referendum propositions with Staff member response provided regarding various issues relating to the propositions.

At the request of Mayor Evans, those in attendance broke into groups to discuss questions given them after which time they reconvened to report the following findings:

**Do you agree that traffic, crime, development and property standards enforcement are still the most important issues? What other issues should be included or replace these?**

Under the basic issues of traffic, crime development, and property standards enforcement identified on the list of discussion questions, citizens spoke to issues of multiple occupants in single family homes, and to the impact of town-homes on schools.

Citizens spoke to vacant retail, problems with absentee landlords, illegal immigrants, maintaining the original character of the neighborhoods, conducting of bingo games and businesses on the street, and problems with run-down neighborhoods with code violations. They stated that enforcement in the area of property standards is working. Citizens spoke to issues regarding parks not being well lit and needing more parks, problems with on-street parking, unsupervised animals, and day labor center problems. They spoke to additional traffic issues including red-light runners, school zone traffic problems/various Parker Road issues, traffic signal synchronization, and the need for double turn-lane clarification. They spoke to problems with gangs on Parker Road, petty crime, and the need for a low income health care clinic. A citizen spoke to improvements with sewer plant aromas, and to problems with trash collecting in creeks.

**Can you suggest other ways to improve the existing communication options?**

Citizens spoke to the importance of Roundtable meetings, City Web, Press Releases, additional Crime Watch signs, Water Bill inserts, and Plano Television Network. Citizens further spoke to a lack of communication from Verizon regarding work currently being done in the City. Citizens felt that the City was doing a good job overall in communicating and spoke regarding adding e-mail communication.

**Do you feel you are getting a fair return on your tax investment? Where would you like to see additional services? Are you willing to pay for increased property taxes to pay for additional services? If not, would you want services reduced and if so, which services?**

Citizens spoke to the issue of taxes paid providing a good return.

Mayor Evans thanked those in attendance for their feedback and spoke regarding the opportunities for opening up a dialogue between the community and Council Members. Director of Public Information Beckley-Holt advised regarding list serves on the City web site and signing up to receive the e-newsletter. Nothing further was discussed. The meeting was adjourned at 9:00 p.m.

---

Pat Evans, **Mayor**

Attest

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Elaine Bealke, City Secretary

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
February 14, 2005**

**COUNCIL MEMBERS**

Pat Evans, Mayor  
Shep Stahel, Mayor Pro Tem  
Ken Lambert, Deputy Mayor Pro Tem  
Scott Johnson  
Phil Dyer  
Sally Magnuson  
Steve Stovall  
Jean Callison

**STAFF**

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

Mayor Evans called the meeting to order at 5:08 p.m., Monday, February 14, 2005, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Mayor Evans then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071, discuss matters of Personnel, Section 551.074, and to discuss matters of Real Estate, Section 551.072 for which a certified agenda is required.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting at 6:10 p.m. in the Council Chambers for which the following matters were discussed:

**Consideration and Action Resulting From Executive Session Discussion:  
Personnel Appointments: Building Standards Commission**

Mayor Evans advised that this item is delayed until the next Council meeting.

**Presentation Regarding Employee Benefit Programs**

Al DiCristofaro, retirement consultant, spoke to the City's 457 deferred compensation program and advised that this is the governmental version of a 401 K plan. He reviewed the investment options, requirements and procedures for the plan and spoke to the requirement for setting up a trust.

Mr. DiCristofaro reviewed the current plan providers and applicable criteria, and recommended that the City go through a competitive bid process and use a request for proposal in order to obtain the best possible program for employees who are participating in the plan. He spoke to the benefits of utilizing the bid process and responded to City Manager Muehlenbeck that the employee committee is being asked to provide direction. Mr. DiCristofaro spoke to changing the focus from employees working with competing companies. He spoke to other cities who have a single provider environment and high employee participation rates, and further spoke to removal of exit fees and back-end charges in the new process. Mr. DiCristofaro stated that studies have shown that too many investment options in a core menu is too much to comprehend, and spoke to the City performing due diligence by establishing a process in going to the market place and leveraging plan assets for the benefit of the employees.

City Manager Muehlenbeck advised that the program is 100% employee participation. Council Member Johnson spoke to the City's use of insurance products for the providers and recommended that this be opened up to mutual funds products. He stated that he feels insurance products are expensive and under-performing. Mayor Pro Tem Stahel spoke to this being the beginning of the review process, spoke to talking to the employee committee, and stated that further discussion will be brought forward in the future. The City Manager responded to the Council that he and the Human Resources Department Staff will address all of the recommendations. Mr. DiCristofaro responded to the Council that early on insurance companies were instrumental in enacting the 457 legislation at the Federal level placing them in a unique position for participation in the business. Mr. Stahel spoke to new opportunities and looking for changes that might be made. The City Manager spoke to bringing back recommendations to the Council and stated that before bringing new members into the process the City would not be "open" for this business for a long period of time until the review process has been completed. City Attorney Wetherbee spoke to having an exclusivity contract if the City goes with a single provider.

### **Discussion Regarding Council Travel Outside the Country**

Mayor Evans recommended that Council Members rotate their participation in City related travel outside the country. She stated that this system would not need to be rigid but that doing it this way would serve Council Members in knowing whose turn is next. Deputy Mayor Pro Tem Lambert spoke to the Mayor looking at each trip individually to determine the appropriate number of Council Members needed to travel. The Council concurred regarding Council rotation when traveling outside the country.

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

No items were brought forward.

## **Consent Agenda**

Deputy Mayor Pro Tem Lambert advised that he would be stepping down from Consent Item "I," resolution to grant a water line easement, due to a possible conflict of interest and asked that this item be removed from the Consent Agenda for individual consideration. He further requested that Consent Item "J," ordinance to order a Special Election to amend the City Charter, be removed for individual consideration.

Mayor Pro Tem Stahel requested that Consent Item "K," ordinance to call a Bond Election, be removed for individual consideration.

Mayor Pro Tem Stahel and Council Member Stovall advised that they would be stepping down from Consent Items "P," to approve a service agreement with IBM; "Q," to approve a service agreement with Internetwork Experts; "R," to approve an expenditure to purchase infrastructure equipment from IBM; and "T," to approve an expenditure for a Microsoft Enterprise Agreement renewal and true-up, due to possible conflicts of interest and asked that these items be removed from the Consent Agenda for individual consideration.

## **Council Reports**

Mayor Pro Tem Stahel advised that he and City Manager Muehlenbeck attended the Texas Municipal League Legislative Conference, and spoke to discussion of proposed limit of 3% city property appraisal increases.

Nothing further was discussed. The Mayor adjourned the meeting at 6:44 p.m.

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Pat Evans, **MAYOR**

ATTEST:

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Elaine Bealke, City Secretary

**PLANO CITY COUNCIL**  
**February 14, 2005**

**COUNCIL MEMBERS**

Pat Evans, Mayor  
Shep Stahel, Mayor Pro Tem  
Ken Lambert, Deputy Mayor Pro Tem  
Steve Stovall  
Phil Dyer  
Scott Johnson  
Sally Magnuson  
Jean Callison

**STAFF**

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

Mayor Evans convened the meeting into open session on Monday, February 14, 2005, at 7:05 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Father Charles Latour of John Paul II High School.

The Pledge of Allegiance was led by representatives of the Boys & Girls Clubs of Collin County – Plano.

Mayor Evans administered oaths of office to new Transportation Advisory Committee members Charles C. Gillett and Candace Noble.

**CONSENT AGENDA**

Deputy Mayor Pro Tem Lambert advised that he would be stepping down on Consent Agenda Item “I” due to a possible conflict of interest and further requested that Consent Agenda Item “J” be removed for individual consideration.

Mayor Pro Tem Stahel requested Consent Agenda Item “K” be removed for individual consideration.

Mayor Pro Tem Stahel and Council Member Stovall advised that they would be stepping down on Consent Agenda Items “P,” “Q,” “R” and “T” due to possible conflicts of interest.

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Mayor Pro Tem Stahel, the Council voted 8-0 to approve and adopt all remaining items as recommended and as follows:

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

January 24, 2005  
January 26, 2005  
January 28, 2005  
January 31, 2005

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

**Bid No. C044-05** to establish an annual fixed price contract for EMS Medical Supplies in the estimated annual amount of \$91,684. This will establish an annual fixed price contract with two optional one-year renewals. [Consent Agenda (B)] (See Exhibit “A”)

**Bid No. B043-05** for the purchase of six (6) Certified Law Enforcement Motorcycles in the amount of \$95,628. [Consent Agenda (C)] (See Exhibit “B”)

**Adoption of Resolutions**

**Resolution No. 2005-2-1(R):** To approve the terms and conditions of an Inter-Jurisdictional Mutual Aid agreement by and between the City of Plano and Collin County, Texas, providing terms and conditions for mutual aid in the event of a disaster and/or civil emergency; authorizing its execution by the Mayor; and providing an effective date. [Consent Agenda (D)]

**Resolution No. 2005-2-2(R):** To approve the terms and conditions of a modification to an agreement by and between the Plano Economic Development Board, Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda (E)]

**Resolution No. 2005-2-3(R):** To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda (F)]

**Resolution No. 2005-2-4(R):** To approve an Interlocal Cooperation Agreement by and between the City of Plano and the Plano Independent School District providing terms and conditions for the construction of a multi-purpose court at Bob Woodruff Park adjacent to Dooley Elementary School; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda (G)]

**Resolution No. 2005-2-5(R):** To approve the terms and conditions of a service agreement by and between TXU Electric Delivery Company and the City of Plano, Texas for the installation of switchgear at the southeast corner of 15<sup>th</sup> Street and Avenue G to facilitate the future relocation of overhead electrical lines; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda (H)]

### **Adoption of Ordinances**

**Ordinance No. 2005-2-6:** To order an election to be held on May 7, 2005 for the purpose of electing four (4) members of Council, Place No. 1 (District 1), Place No. 3 (District 3), Place No. 5 and Place No. 7, to the City Council to hold office for a period of two years (three years if the Charter Amendment regarding terms of office passes); designating locations of polling places; ordering notices of election to be given as prescribed by law in connection with such election; and providing an effective date. [Consent Agenda (L)]

**Ordinance No. 2005-2-7:** To adopt and enact Supplement Number 67 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date. [Consent Agenda (M)]

**Ordinance No. 2005-2-8:** To repeal Ordinance No. 2005-1-21; establishing the number of certain classifications within the Police and Fire Departments for Fiscal Year 2004-2005; establishing the authorized number and effective dates of such positions for each classification effective October 4, 2004 and February 14, 2005 and April 1, 2005 and July 1, 2005 respectively; establishing a salary plan for the Police and Fire Departments effective October 4, 2004; and providing a repealer clause, a severability clause and an effective date. [Consent Agenda (N)]

### **Award of Contract**

To award a contract for cleaning and repair of firefighting turnout gear to Solutions Safety Services, Inc., through an interlocal agreement with City of Dallas pursuant to Chapter 271, Section 271.102 of the Local Government Code, and authorizing the City Manager to execute all documents necessary to effectuate the purchase. A \$45,000 expenditure will take place each year for three fiscal years under this contract. [Consent Agenda (O)]

### **Approval of Expenditure**

To approve an expenditure to purchase hip-length winter jackets in the amount of \$50,000 over multiple fiscal years utilizing City of Mesquite contract (Contract #2004-022), pursuant to Chapter 271, Section 271.102 of the Local Government Code, and authorizing the City Manager to execute all documents necessary to effectuate the purchase. [Consent Agenda (S)]

### **END OF CONSENT**

Due to a possible conflict of interest, Deputy Mayor Pro Tem Lambert stepped down from the bench on the following item.

**Resolution No. 2005-2-9(R):** To approve and grant a 2,872 square foot water line easement on City property at the southwest corner of 15<sup>th</sup> Street and H Avenue, Plano, Collin County, Texas, authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda (I)]

Upon a motion made by Council Member Stovall and seconded by Council Member Magnuson, the Council voted 7-0 to approve and grant a 2,872 square foot water line easement on City property at the southwest corner of 15<sup>th</sup> Street and H Avenue, Plano, Collin County, Texas, authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2005-2-9(R).

Deputy Mayor Pro Tem Lambert resumed his place on the bench.

**Ordinance No. 2005-2-10:** To order a Special Election to be held in conjunction with the General Election in and throughout the City of Plano, Texas, on Saturday May 7, 2005 for the purpose of submitting propositions to the qualified voters of the City for amendment of the City Charter as follows: provide for the powers of the City to be amended to delete the reference that the City may be sued; provide that Council Members shall hold office for two years be amended to make the term of office three years effective May 7, 2005; provide that the qualifications of Council Members for the City of Plano be amended to delete the requirement of owning taxable property within the City; provide that the qualifications of appointees to City boards and commissions be amended to delete the requirement of owning taxable property within the City; provide that the publication in the newspaper of the ordinance granting a franchise be published once each week for four weeks be amended to limit publication to the ordinance caption; provide that the time period for filing a suit against the City be revised to be limited to the time period allowed by law, but in no event, not later than two years, whichever period is shorter; designating locations of polling places for such Special Election; ordering notices of election to be given as prescribed by law in connection with such election; and providing an effective date. [Consent Agenda (J)]

**Ordinance No. 2005-2-10 (cont'd)**

Deputy Mayor Pro Tem Lambert spoke to the charter being one of the most important part of legislation in the City, to taking a hard look before proceeding and stated that if the amendments go forward on the ballot the charter may not then be considered for two years. He recommended removing the charter amendments from the ballot and appointing a task force for review. Mr. Lambert spoke to possible future election dates, the low number of prior amendments, stated concern that all aspects of Proposition No. 2 making terms of office three years have not been considered and spoke to providing information to the public regarding the City's form of government.

City Attorney Wetherbee advised regarding Council workshop discussions which lead to the current list of proposals. Council Member Magnuson spoke regarding the requirement for board/commission members to own taxable property and to bringing this in line with the requirement for Council Members wherein they are not obliged. Ms Wetherbee advised that while case law is clear with regard to Council candidates, the same cannot be said for appointees. She spoke to Proposition No. 1 providing for the powers of the City to be amended to delete the reference that the City may be sued and stated that there have been a series of different cases that have extended governmental immunity.

Council Member Stovall spoke to the Council's consideration of items for placement on the ballot, to using the next year and a half and coming back to consider other areas that might need review and to leaving the item as is.

City Attorney Wetherbee advised the Council should all ballot items fail with regard to Proposition No. 1 providing for the powers of the City to be amended to delete the reference that the City may be sued that there are a number of cases that have found this language to be a sort of approval of suing the City where normally you have to have the consent of the City to be sued; Proposition No. 3 providing for the qualifications of Council Members to be amended to delete the requirement of owning taxable property within the City that it has been determined unconstitutional; Proposition No. 4 deleting the requirement of owning taxable property within the City for board and commission appointees would remain in place and Council would be bound to existing charter language; Proposition No. 5 proposing limiting the publishing of franchise ordinances to the caption is a housekeeping issue; and Proposition No. 6 regarding the time period for filing a suit against the City would be taking the benefit of the statute of limitations.

Ms. Wetherbee responded to Deputy Mayor Pro Tem Lambert that extending Council terms to three years would result in skipping an election and a cost savings and further stated that the proposal would affect those elected on or after May 7, 2005. Mr. Lambert spoke to the possible increased costs to the school district when elections are not shared and Council Member Johnson spoke to the school district not participating should they have no contested races. Mr. Johnson spoke to addressing housekeeping issues at this time and to the possibility of a committee to consider items for a future date.

**Ordinance No. 2005-2-10 (cont'd)**

Richard Simmons, citizen of the City, spoke in support of taking a closer look and putting issues before the voters so they may decide the pros and cons of the various forms of government available.

A motion was made by Council Member Stovall and seconded by Council Member Magnuson to order a Special Election to be held in conjunction with the General Election in and throughout the City of Plano, Texas, on Saturday May 7, 2005 for the purpose of submitting propositions to the qualified voters of the City for amendment of the City Charter as follows: provide for the powers of the City to be amended to delete the reference that the City may be sued; provide that Council Members shall hold office for two years be amended to make the term of office three years effective May 7, 2005; provide that the qualifications of Council Members for the City of Plano be amended to delete the requirement of owning taxable property within the City; provide that the qualifications of appointees to City boards and commissions be amended to delete the requirement of owning taxable property within the City; provide that the publication in the newspaper of the ordinance granting a franchise be published once each week for four weeks be amended to limit publication to the ordinance caption; provide that the time period for filing a suit against the City be revised to be limited to the time period allowed by law, but in no event, not later than two years, whichever period is shorter; designating locations of polling places for such Special Election; ordering notices of election to be given as prescribed by law in connection with such election; and providing an effective date; and further to adopt Ordinance No. 2005-2-10. The Council voted five in favor and three in opposition with Mayor Pro Tem Stahel, Deputy Mayor Pro Tem Lambert and Council Member Dyer voting in opposition. The motion carried.

**Ordinance No. 2005-2-11:** To call a Bond Election to be held within the City on May 7, 2005, for the purpose of authorizing General Obligation Bonds; making provisions for the conduct of the election and other provisions incident and related to the purpose of this ordinance; and providing an effective date. [Consent Agenda (K)]

Mayor Pro Tem Stahel proposed adding the language “within the City of Plano” to Proposition No. 1 (Fire Fighting, Logistics Facility and Emergency Operations Facilities and Equipment) and Proposition No. 4 (Parks and Recreation Facilities) to eliminate any doubt that such facilities would be located in the City. He spoke to not including such verbiage in the case of streets as some are extended into other cities.

Council Member Stovall spoke to the language resulting in restrictions should there be a case such as an emergency operations facility that would serve multiple cities. Ms. Wetherbee advised that funds from this proposition could not then be used outside the City and should a regional project come forward a separate bond proposition or different funding mechanism could then be taken back to the voters

**Ordinance No. 2005-2-11 (cont'd)**

Mayor Pro Tem Stahel spoke to committing to the voters that fire stations and parks will be located in the City.

A motion was made by Mayor Pro Tem Stahel and seconded by Deputy Mayor Pro Tem Lambert to call a Bond Election to be held within the City on May 7, 2005, for the purpose of authorizing General Obligation Bonds; making provisions for the conduct of the election and other provisions incident and related to the purpose of this ordinance; *adding the language "within the City of Plano" to Proposition No. 1 (Fire Fighting, Logistics Facility and Emergency Operations Facilities and Equipment) and Proposition No. 4 (Parks and Recreation Facilities);* and providing an effective date; and further to adopt Ordinance No. 2005-2-11.

Due to possible conflicts of interest, Mayor Pro Tem Stahel and Council Member Stovall stepped down from the bench on the following four items which were considered concurrently.

**State Contract** - To approve entering into a Service Agreement through the Department of Information Resources (DIR) with IBM in an amount of \$36,627; and authorizing the City Manager to execute all necessary documents to effectuate the purchase. (DIR# SDD-190) [Consent Agenda (P)]

**State Contract** - To approve entering into a Service Agreement through the Department of Information Resources (DIR) with Internetwork Experts in an amount of \$126,743; and authorizing the City Manager to execute all necessary documents to effectuate the purchase. (DIR-BUSOP-012) [Consent Agenda (Q)]

**State Contract** - To approve an expenditure in an amount of \$61,274 for the purchase of network infrastructure equipment to IBM through the Department of Information Resources (DIR); and authorizing the City Manager to execute all necessary documents to effectuate the purchase. (DIR# SDD-190) [Consent Agenda (R)]

**Approval of an expenditure** - To approve an expenditure in the amount of \$552,208 to SHI-GS for a Microsoft Enterprise Agreement renewal and true-up for server and desktop licenses through the Department of Information Resources (DIR); and authorizing the City Manager to execute all necessary documents to effectuate the purchase. (DIR#313-001A). [Consent Agenda (T)]

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Council Member Johnson, the Council voted 6-0 to approve entering into a Service Agreement through the Department of Information Resources (DIR) with IBM in an amount of \$36,627; and authorizing the City Manager to execute all necessary documents to effectuate the purchase; to approve entering into a Service Agreement through the Department of Information Resources (DIR) with Internetwork Experts in an amount of \$126,743; and authorizing the City Manager to execute all necessary documents to effectuate the purchase; to approve an expenditure in an amount of \$61,274 for the purchase of network infrastructure equipment to IBM through the Department of Information Resources (DIR); and authorizing the City Manager to execute all necessary documents to effectuate the purchase; and to approve an expenditure in the amount of \$552,208 to SHI-GS for a Microsoft Enterprise Agreement renewal and true-up for server and desktop licenses through the Department of Information Resources (DIR); and authorizing the City Manager to execute all necessary documents to effectuate the purchase.

Mayor Pro Tem Stahel and Council Member Stovall resumed their places on the bench.

### **GENERAL DISCUSSION**

James Kubota, citizen of the City, stated concern that cable/satellite dish companies are telling customers that they need to have a “box” in every room and requested the City consider running a cable company. Council Member Stovall spoke to state law preventing the City from providing those services.

**Public Hearing and adoption of Ordinance No. 2005-2-12 as requested in Zoning Case 2004-53** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Heritage Resource Designation H-33 to a 0.4± acre property, located on the southeast corner of 13th Street and H Avenue, presently zoned General Residential, and retaining this zoning classification; directing a change accordingly in the official zoning map of the City; and providing a repealer clause, a savings clause, a penalty clause, a severability clause and an effective date. Neighborhood #59 Applicant: Plano African American Museum, Inc. [Regular Agenda (1)]

Heritage Preservation Officer Watson provided background on the Thornton House and advised that the request has been reviewed by the Heritage Commission and that the Planning and Zoning Commission recommends approval subject to:

**Ordinance No. 2005-2-12 (cont'd)**

1. The following additional uses shall be permitted by right: Museum, periodic fund raising activities, related charitable and/or educational activities, Office-Professional/General Administrative, and Retail/Service (Incidental).
2. Office-Professional/General use shall be incidental to the primary use as a museum.
3. No off-street parking is required.

Mr. Watson responded to the Council regarding parking should no agreement be made with the Shiloh Road Baptist Church and advised regarding additional property. Director of Planning Jarrell spoke to the area being residential in nature, concerns regarding additional surface parking, and to trying to work with the church on a parking agreement. She stated that if additional parking is needed for office uses, the Council could then review the heritage designation.

Mayor Evans opened the Public Hearing. T. J. Johnson, citizen of the City, regarding support received for the project, introduced Drs. Hightower and expressed their appreciation. She provided an update to the Council regarding restoration of the Thornton House. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Stovall and seconded by Mayor Pro Tem Stahel, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Heritage Resource Designation H-33 to a 0.4± acre property, located on the southeast corner of 13th Street and H Avenue, presently zoned General Residential, and retaining this zoning classification as requested in Zoning Case 2004-53 and as recommended by the Planning and Zoning Commission; directing a change accordingly in the official zoning map of the City; and providing a repealer clause, a savings clause, a penalty clause, a severability clause and an effective date; and further to adopt Ordinance No. 2005-2-12.

**Public Hearing and adoption of Ordinance No. 2005-2-13 as requested in Zoning Case 2004-56** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 1.8± acres located on the east side of Industrial Boulevard, 715± feet south of 14th Street in the City of Plano, Collin County, Texas, from Retail to Light Industrial-1; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #67 Applicant: Mark H. Hickman [Regular Agenda (2)]

**Ordinance No. 2005-2-13 (cont'd)**

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted and stated that the property lacks access, traffic counts and visibility typically needed to support successful retail development. She stated that when zoning along 14<sup>th</sup> Street was addressed, those properties facing the street were zoned Retail primarily because single family homes were located across the street. Ms. Jarrell spoke to the uses in the vicinity.

Mayor Evans opened the Public Hearing. Dale Martin, real estate agent, responded to the Council regarding the property's current ownership and stated that no inquiries regarding the property were for retail development. Vern Alred, representing the developer, spoke to the development of a center with minimal office space with some outside storage and stated that they would not need retail exposure. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Dyer, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 1.8± acres located on the east side of Industrial Boulevard, 715± feet south of 14th Street in the City of Plano, Collin County, Texas, from Retail to Light Industrial-1 as requested in Zoning Case 2004-56 and as recommended by the Planning and Zoning Commission; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2005-2-13.

**Public Hearing and adoption of Ordinance No. 2005-2-14 as requested in Zoning Case 2004-55** – To amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, to permit animal exhibition and/or stable uses in the agricultural district with approval of a specific use permit; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano [Regular Agenda (3)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as follows: Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to permit Animal Exhibition and Stable uses with approval of an SUP in the A district. She spoke to the discussion being initiated by owners of Agricultural-zoned property on east Parker Road but advised that they are no longer seeking such zoning. Mayor Pro Tem Stahel spoke to the initial property considered staying Agricultural for a long time.

**Ordinance No. 2005-2-14 (cont'd)**

The Council discussed the restrictions included in the definition of “stables” and City Attorney Wetherbee advised that the request is primarily to consider specific use permits. Ms. Jarrell stated that Fairview Farms currently has a Specific Use Permit for Animal Exhibition.

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

Upon a motion made by Council Member Stovall and seconded by Council Member Johnson, the Council voted 8-0 to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, to permit animal exhibition and/or stable uses in the agricultural district with approval of a specific use permit as requested in Zoning Case 2004-55 and as recommended by the Planning and Zoning Commission; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2005-2-14.

There being no further discussion, Mayor Evans adjourned the meeting at 8:21 p.m.

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**Pat Evans, MAYOR**

ATTEST:

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**Elaine Bealke, City Secretary**



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date:	<b>2/22/05</b>	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Purchasing	Initials	Date		
Department Head	Mike Ryan	Executive Director			
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	4/9/05	
Agenda Coordinator (include phone #): <b>Lauren Roberts Ext. 7248</b>					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
<b>CAPTION</b>					
Award, rejection of Bids/Proposals, Conditional acceptance of lowest responsible Bid/Proposal to establish an annual fixed price contract Nitrile Emergency Medical Gloves in the estimated annual amount of \$31,329.00 (C057-05).					
<b>FINANCIAL SUMMARY</b>					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>04/05, 05/06, 06/07</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
<b>FUND(S): WAREHOUSE</b>					
<b>COMMENTS:</b> This item approves price quotes for a one year contract with two optional renewals. Expenditures will be made in the Warehouse Department within the annual approved budget appropriations. The estimated annual amount in \$31,329.					
<b>STRATEGIC PLAN GOAL:</b> Medical Examination Gloves relates to the City's Goal of "Service Excellence".					
<b>SUMMARY OF ITEM</b>					
<b>ANNUAL CONTRACT WITH RENEWALS</b>					
Staff recommends bid of Supreme Medical Fulfillment Systems, Inc. be accepted as lowest responsible bidder conditioned upon timely execution of any necessary contract documents. This will establish an annual fixed price contract with two optional one-year renewals in the total estimated annual amount of \$31,329.00 The contract will be for the purchase of Nitrile medical examination gloves.					
List of Supporting Documents: Bid Summary		Other Departments, Boards, Commissions or Agencies			

**CITY OF PLANO**  
**BID NO. C057-05**  
**NITRILE EMERGENCY MEDICAL GLOVES**

**BID RECAP**

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**Bid opening Date/Time:** 1/24/05 @ 3:30PM  
**Number of Vendors Notified:** 375  
**Number of Vendor No Bids:** 3

**Vendors Non-Responsive to Specification:**

Bushra Investment & Consultant: Blank  
Econ Disposable Supplies, Inc  
Interboro Packaging Corporation  
Laboratory Supply Company  
Select Medical Supply, Inc.

**Responsive Bidders:**

	<b><u>Total Bid</u></b>
<b>Supreme Medical Fulfillment Systems, Inc.</b>	<b>\$31,329.00</b>
Waltco Medical Equipment and Supplies	\$32,656.50
Mico Industrial Corporation	\$34,992.90
Ace Office Supplies	\$36,904.50
Safety Supply South	\$38,019.60
Dantack Corporation	\$38,125.80
Lone Star Safety & Supply	\$38,178.90*
PMI Progressive Medical International	\$39,028.50
Belmex Medical Supply	\$41,683.50
Saf-T-Gard International, Inc.	\$41,949.00
Henry Schein, Inc.	\$42,002.10
MedWaste Solutions, Inc.	\$44,019.90
Tri-anim Health Services, Inc.	\$48,181.60*

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FirstLine, LLC	\$49,250.25*
United Distributors	\$50,445.00*
Atlas Medical Supply, Inc.	\$71,897.40
MMS A Medical Supply Company	\$24,353.80*
Medistat Medical – Hallmark Sales	\$32,875.00
Safeguard Technologies LLC/NAFECO	\$73,640.00*

\* Vendor did not bid on all line items.

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*Lauren Roberts*

Lauren Roberts, Buyer

*2/9/05*

Date

*B-3*



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Council Meeting Date: <b>02/22/05</b>		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Engineering		Initials	Date
Department Head	Alan L. Upchurch	Executive Director	<i>[Signature]</i>	2/14/05
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	2/14/05
Agenda Coordinator (include phone #):		Irene Pegues (7198)	Project No. 5491	
<b>ACTION REQUESTED:</b> <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
<b>CAPTION</b>				
Award, rejection of Bids/Proposals, Conditional Acceptance of lowest responsible Bid/Proposal of the Primary Vendor and an Alternate Vendor for construction of Legacy Business District Water Line (Bid No. B069-05).				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	2004-05	Prior Year (CIP Only)	Current Year	Future Years
Budget		19,428	820,572	0
Encumbered/Expended Amount		-19,428	-69,938	0
This Item		0	-538,337	0
BALANCE		0	212,297	0
FUND(S):    WATER CIP				
<b>COMMENTS:</b> Funds are included in the 2004-05 Water CIP. This item, in the amount of \$538,337, will leave a current year balance of \$212,297 for the Legacy Business District Area project. <b>STRATEGIC PLAN GOAL:</b> Construction of water lines relates to the City's Goals of Safe, Livable Neighborhoods.				
<b>SUMMARY OF ITEM</b>				
Staff recommends the base bid of Mario Sinacola & Sons Excavating, Inc., in the amount of \$538,337.05, be accepted as lowest responsible bid conditioned upon timely execution of any necessary contract documents. The second vendor being recommended is Moss Construction Co., Inc., in the amount of \$545,554.00. Engineers' estimate was \$770,000. The project consists of the installation of approximately 3,400 feet of 24-inch water line along the Dallas North Tollway Service Road and Headquarters Drive.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Bid Summary			N/A	
Location Map				

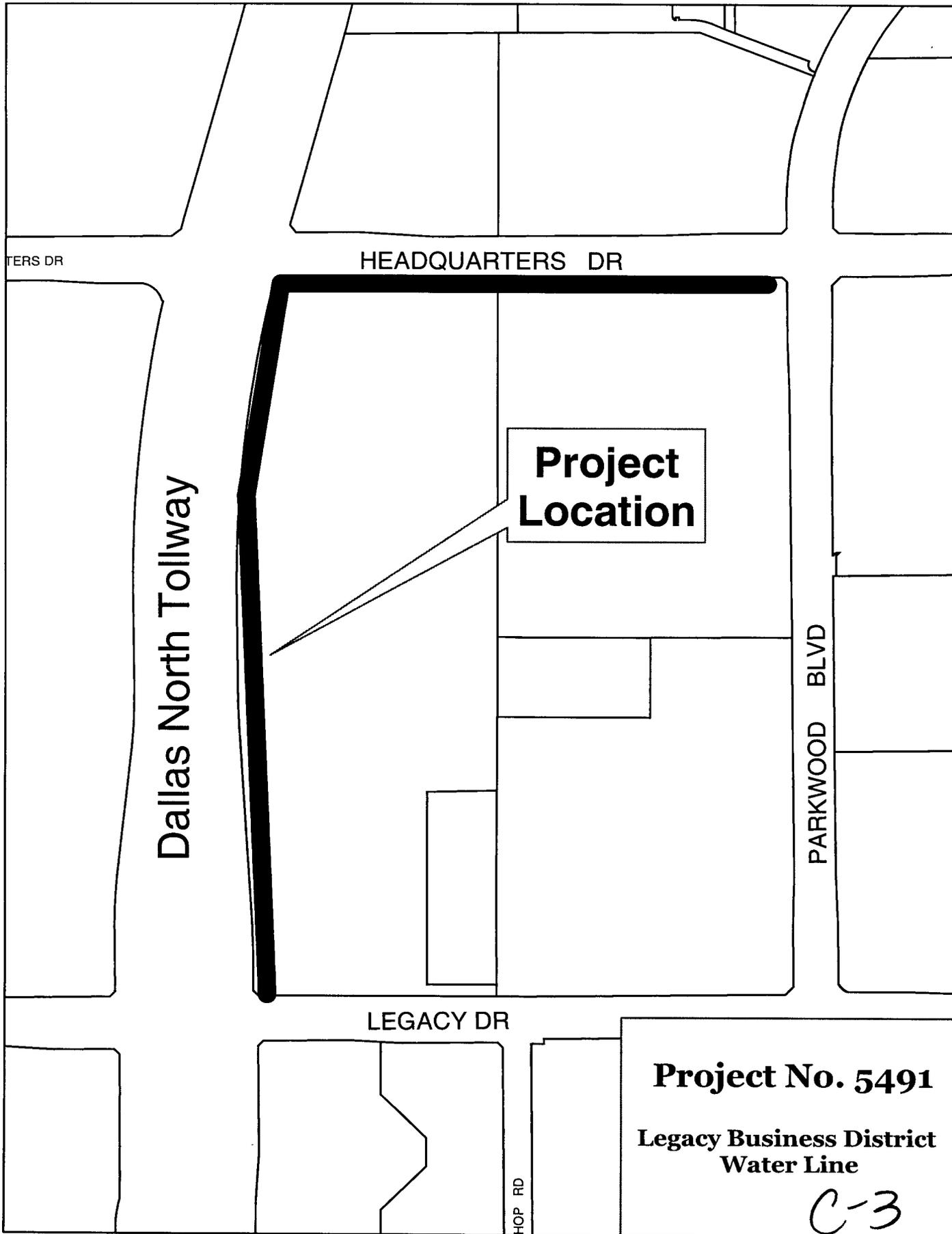
# LEGACY BUSINESS DISTRICT WATER LINE

PROJECT NO. 5491

## BIDS

<u>CONTRACTOR</u>		<u>BID</u> <u>AMOUNT</u>	<u>ALTERNATE</u> <u>BID</u> <u>AMOUNT</u>
1 Mario Sinacola & Sons Excavating, Inc.	\$	538,337.05	\$ 530,737.05
2 Moss Construction Co. Inc.	\$	545,554.00	\$ 537,004.00
3 John Burns Construction Company of Texas, Inc.	\$	558,914.50	\$ 557,318.50
4 Joe Bland Construction L.P.	\$	590,132.00	\$ 586,332.00

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TERS DR

HEADQUARTERS DR

Dallas North Tollway

**Project  
Location**

PARKWOOD BLVD

LEGACY DR

HOP RD

**Project No. 5491**

**Legacy Business District  
Water Line**

C-3



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>2/22/05</b>		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Public Works Administration / Mike Rapplear		Initials	Date	
Department Head	Jimmy Foster	Executive Director	<i>[Signature]</i>	<b>2/15/05</b>	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	<b>2/15/05</b>	
Agenda Coordinator (include phone #): <b>Margie Stephens (X4104)</b>					

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

**CAPTION**

Award, Rejection of Bids/Proposals, Conditional Acceptance of the lowest responsible Bids/ Proposals of the Primary Vendor and an Alternate Vendor for the installation of underground infrastructure for the Street Light Project 2004 within the City of Plano. Bid No. B063-05.

**FINANCIAL SUMMARY**

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

FISCAL YEAR: <b>2004-05</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	32,886	767,114	800,000	<b>1,600,000</b>
Encumbered/Expended Amount	-32,886	-2,230	0	<b>-35,116</b>
This Item	0	-168,508	0	<b>-168,508</b>
<b>BALANCE</b>	0	596,376	800,000	<b>1,396,376</b>

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

**COMMENTS:** Funds are included in the 2004-05 Street Improvement CIP. This item, in the amount of \$168,508, will leave a current year balance of \$596,376 for the Street Lighting project.

**STRATEGIC PLAN GOAL:** This item relates to the City's Goal of Safe and Efficient Travel.

**SUMMARY OF ITEM**

Staff recommends the bid of Mel's Electric, L.P. in the amount of \$168,508.20 be accepted as the lowest responsible bid for the project conditioned upon timely execution of all necessary documents.

This project involves the installation of underground infrastructure including conduit and street light bases on Shiloh Road from 14th Street to Renner Road, Plano Parkway from Shiloh Road to Los Rios Blvd, Alma Road from Hwy 190 to 15th Street and on Ohio Drive from Hwy 190 to Plano Parkway.

The secondary vendor being recommended is Roadway Solutions, Inc. in the amount of \$187,445.00.

Engineer's estimate for this project is \$220,000.00.

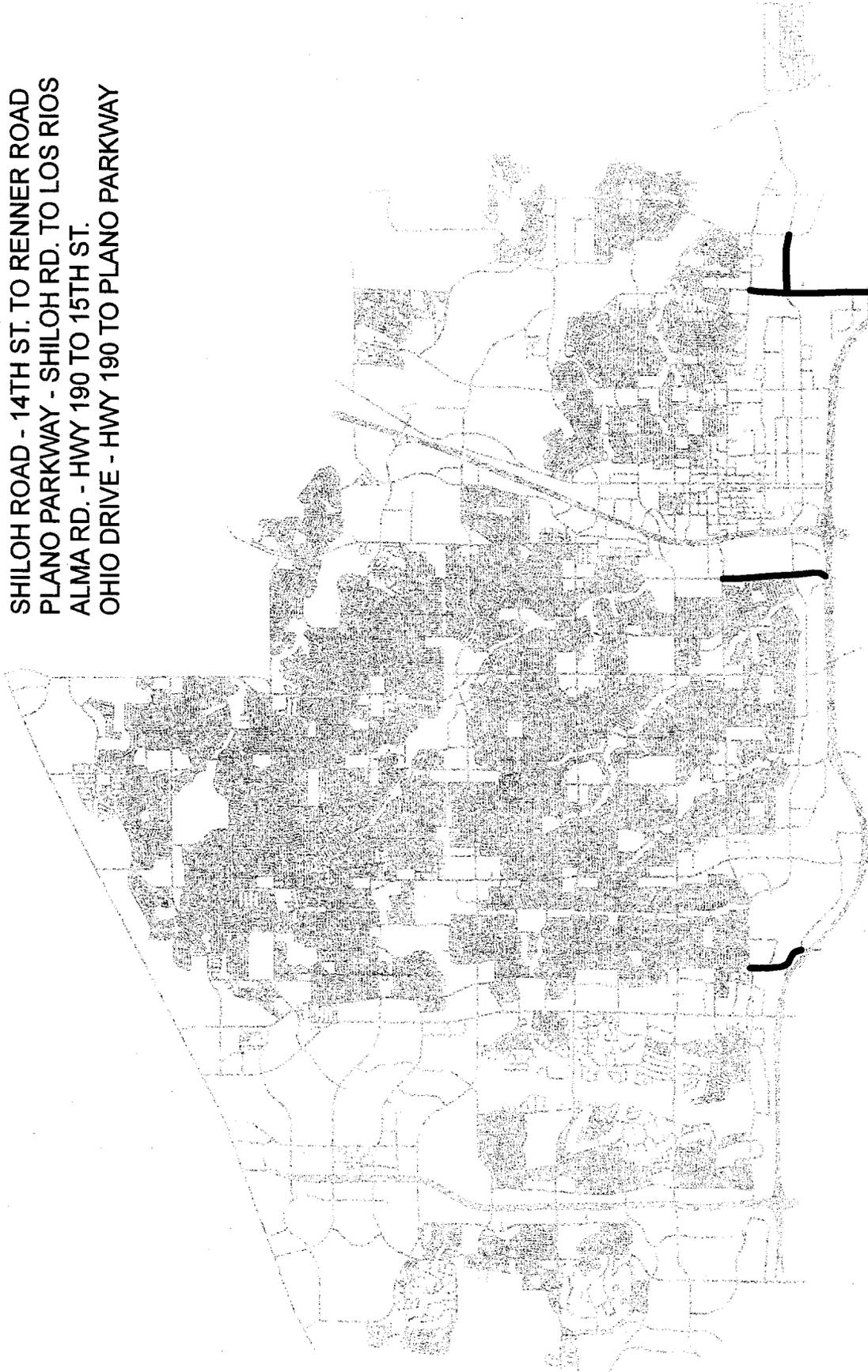
List of Supporting Documents:

**Bid Tabulation  
Location Map**

Other Departments, Boards, Commissions or Agencies

# STREET LIGHT PROJECT 2004

SHILOH ROAD - 14TH ST. TO RENNER ROAD  
PLANO PARKWAY - SHILOH RD. TO LOS RIOS  
ALMA RD. - HWY 190 TO 15TH ST.  
OHIO DRIVE - HWY 190 TO PLANO PARKWAY



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**CITY OF PLANO**  
**BID TABULATION**  
**B063-05**  
**STREET LIGHT PROJECT 2004 - SHILOH ROAD, PLANO**  
**PARKWAY, ALMA ROAD AND OHIO DRIVE**  
**Project No. 5428**  
**February 3, 2005 @ 3:00 PM**

CONTRACTOR	BID BOND	TOTAL BID
Mel's Electric, L.P.	Yes	\$168,508.20
Roadway Solutions, Inc.	Yes	\$187,445.00
BCS Elec., Inc.	Yes	\$193,435.00
Llano Utility Services	Yes	\$249,914.50
Dal-Ec Const.	Yes	\$286,935.47
MacTec	Yes	\$293,109.50
Haros Bros. Const. Co.	Yes	\$506,417.00

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

*Sharron Mason*

February 4, 2005

Sharron Mason, Buyer

Date

**“BID TABULATION STATEMENT”**

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

PURCHASING DIVISION  
CITY OF PLANO TEXAS

*d-3*



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>02/22/05</b>	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Customer & Utility Services/Tax Administration	Initials	Date	
Department Head	Linda Keyton	Asst City Manager	<i>[Signature]</i>	2-11-05
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	2/11/05
Agenda Coordinator (include phone #):	<b>Angela Gurley x-7352</b>			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
<b>CAPTION</b>				
Approving and authorizing refunds of property tax overpayments.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
<b>FUND(s):</b>				
<b>COMMENTS:</b> Funds are disbursed by the Collin County Tax Office.				
<b>SUMMARY OF ITEM</b>				
Attached for your approval are property tax refunds totalling \$2,678.86				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Refund request listing provided by Collin County Tax Office				

e-1

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

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

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

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

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

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

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

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

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

0-2

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

DULY PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_,  
2005.

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

ATTEST:

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

APPROVED AS TO FORM:

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

e-3

FIDO	Account Number	Year	GF / Loan
100001	P-9000-200-0435-A DALLAS INDUSTRIES % NIKI ARMSTRONG/ROBERT P MAYER 1609 PRECISION DR STE 1000 PLANO, TX 75074-8672 23 City of Plano	2003	\$9.79
100001	P-9000-201-5651-A BANKERS FINANCIAL GROUP ATTN OFFICE MGR 4949 HEDGCOXE RD STE 201 PLANO, TX 75024-3927 23 City of Plano	2003	\$10.67
100001	P-9000-201-5875-A MONTGOMERY WILLIAM MD ATTN OFFICE MANAGER 6200 W PARKER RD STE 200 PLANO, TX 75093-8108 23 City of Plano	2003	\$5.26
100001	P-9000-201-5929-A STYLING HUTCH 3948 LEGACY DR STE 105 PLANO, TX 75023-8300 23 City of Plano	2003	\$1.74
100001	P-9000-201-9264-A BRAIN TRAINING PROPERTY TAX DEPT 2305 CHOCTAW DR PLANO, TX 75093-3936 23 City of Plano	2003	\$5.01
100001	P-9000-203-1107-A ROGER LIGHT STUDIO RE PROPERTY TAX 8344 BARBER OAK DR PLANO, TX 75025-4743 23 City of Plano	2003	\$8.35
100001	P-9000-203-5035-A EXPRESS COLOR RE PROPERTY TAX 1301 W PARKER RD STE 108 PLANO, TX 75023-7342 23 City of Plano	2003	\$5.11
100001	P-9001-203-1068-A CURRY HELEN M RE PROPERTY TAX 3621 HILLTOP LN PLANO, TX 75023-8042	2003	

28.53

e-4



23 City of Plano \$28.53

FIDO	Account Number	Year	GF / Loan
100001	P-9001-203-5125-A LOVING CONSTRUCTION CO 2005 GREENBRIAR LN PLANO, TX 75074-4654 23 City of Plano	2003	\$6.26
100001	P-9001-203-5348-A BETOS CONSTRUCTION CO 1917 PARK BLVD E PLANO, TX 75074-5125 23 City of Plano	2003	\$84.91
100001	P-9001-203-5495-A PORSCHE FINANCIAL SERVICES 4343 COMMERCE CT LISLE, IL 60532-1099 23 City of Plano	2003	\$1,072.76
100001	P-9001-203-7035-A WATERSIDE PROPERTIES INC 1900 PRESTON RD STE 267-289 PLANO, TX 75093-5175 23 City of Plano	2003	\$11.57
100001	P-9001-203-8042-A SUNVEST INC 2129 SUTTON PL PLANO, TX 75093-4323 23 City of Plano	2003	\$34.83
100001	P-9001-203-8048-A SHARRON ELLIOTT % EBBY HALLIDAY REALTORS 6401 W PLANO PKWY STE 112 PLANO, TX 75093-6279 23 City of Plano	2003	\$9.86
100001	P-9001-203-8086-A KIMBERLY WOODARD 4593 HALLMARK DR PLANO, TX 75024-2171 23 City of Plano	2003	\$5.22
100001	P-9001-203-8094-A JONES & FARMER PC 5201 W PARK BLVD STE 100 PLANO, TX 75093-2542 23 City of Plano	2003-	\$16.39

e-5



FIDO	Account Number	Year	GF / Loan
327190	P-9001-203-8025-A	2003	
	TEXAS HEALTH SYSTEM 611 RYAN PLAZA DR STE 660 ARLINGTON, TX 76011 23 City of Plano		\$18.35
FIDO	Account Number	Year	GF / Loan
336671	P-9000-202-0511-A	2003	
	R L JORDAN OIL CO OF NC PO BOX 2527 SPARTANBURG, SC 29304 23 City of Plano		\$61.66
FIDO	Account Number	Year	GF / Loan
336671	P-9000-203-3290-A	2003	
	R L JORDAN OIL CO OF NC PO BOX 2527 SPARTANBURG, SC 29304 23 City of Plano		\$66.30
FIDO	Account Number	Year	GF / Loan
342020	P-9000-200-4389-A	2003	
	CALIBER COLLISION CENTERS 17771 COWAN AVE STE 100 IRVINE, CA 92614 23 City of Plano		\$62.24
FIDO	Account Number	Year	GF / Loan
345342	P-9001-203-8038-A	2003	
	TLC SCHOOLS LTD 1911 N LAMAR STE 300 DALLAS, TX 75202-1714 23 City of Plano		\$63.49
FIDO	Account Number	Year	GF / Loan
345590	P-9001-203-1074-A	2003	
	LOU'S SALES INC 2016 BILOXI CIR PLANO, TX 75075 23 City of Plano		\$110.11
FIDO	Account Number	Year	GF / Loan
346007	P-9001-203-0500-A	2003	
	JAHNKE WILLIS H OR CAROLYN 2203 PROMONTORY PT PLANO, TX 75075 23 City of Plano		\$25.48
Batch Total:			<u><u>\$1,723.89</u></u>

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**TO CITY OF PLANO FUNDS**

FIDO	Account Number	Year	GF / Loan
100001	P-9000-204-1314-A	2003	
	CYREX INC VIC SIDDIQI 4421 CEDAR VALLEY DR PLANO, TX 75024-3863		
	23 City of Plano		\$61.85

FIDO	Account Number	Year	GF / Loan
100001	P-9000-270-1881-A	2003	
	PETZOLD CAROL J MD PA 4100 W 15TH ST STE 110 PLANO, TX 75093-5826		
	23 City of Plano		\$1.17

FIDO	Account Number	Year	GF / Loan
100001	P-9000-295-0322-A	2003	
	KELLAR PATRICIA DDS 5509 PLEASANT VALLEY DR STE 400 PLANO, TX 75023-5248		
	23 City of Plano		\$40.74

FIDO	Account Number	Year	GF / Loan
100001	P-9000-295-0784-A	2003	
	LOWE BILLY AUTOMOTIVE 3333 K AVE PLANO, TX 75074-2305		
	23 City of Plano		\$3.49

FIDO	Account Number	Year	GF / Loan
100001	P-9000-296-0068-A	2003	
	LEGACY FAMILY DENTAL MCCONNELL TODD DDS 3105 LEGACY DR STE B PLANO, TX 75023-8330		
	23 City of Plano		\$165.07

FIDO	Account Number	Year	GF / Loan
100001	P-9000-296-0170-A	2003	
	MAIL BOXES ETC ERIC FLOOD 3308 PRESTON RD STE 350 PLANO, TX 75093-7471		
	23 City of Plano		\$4.83

FIDO	Account Number	Year	GF / Loan
100001	P-9000-297-0768-A	2003	
	TINSELTOWN % CINEMARK USA INC 3900 DALLAS PKWY STE 500 PLANO, TX 75093-7871		
	23 City of Plano		\$46.45

FIDO	Account Number	Year	GF / Loan
100001	P-9000-297-0774-A	2003	
	HAWLEY PHIL EWING ELECTRONICS 8 PRESTIGE CIR STE 120 ALLEN, TX 75002-3426		
	23 City of Plano		\$72.37

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FIDO	Account Number	Year	GF / Loan
100001	P-9000-299-1446-A PRESTONWOOD COUNTRY CLUB PRESTONWOOD GOLF CLUB CORP PO BOX 796607 DALLAS, TX 75379-6607 23 City of Plano	2003	\$46.63
100001	P-9000-299-1908-A SIMPSON LANDSCAPE MAINTENANCE % JOE SIMPSON 906 W MCDERMOTT DR STE 116-311 ALLEN, TX 75013-6510 23 City of Plano	2003	\$23.07
100001	P-9000-299-2212-A SHAPIRO & CO 7160 BISHOP RD STE 220 PLANO, TX 75024 23 City of Plano	2003	\$31.87
100001	P-9001-203-8100-A METROPLEX HYPNOSIS LLC 1213 VILLAGE CREEK DR STE 800 PLANO, TX 75093-4448 23 City of Plano	2003	\$11.73
100001	P-9001-203-8145-A SUZANNE BURNS REALTOR 3428 TERRY DR PLANO, TX 75023-1129 23 City of Plano	2003	\$1.00
100001	P-9001-203-8968-A A TEXAS TABLE INC MARILYN WESSEL 1900 PRESTON RD 267-233 PLANO, TX 75093-5175 23 City of Plano	2003	\$5.73
345638	P-9001-203-8098-A CENTILLION REALTY LLC 4011 W PLANO PKWY STE 104 PLANO, TX 75093 23 City of Plano	2003	\$4.18
345688	P-9000-299-1807-A BAKER DISTRIBUTING CO PO BOX 2954 JACKSONVILLE, FL 32203 23 City of Plano	2003	\$72.24

e-8

**PLANO CITY DEAR REFUNDS**

FIDO	Account Number	Year	GF / Loan
345720	P-9000-297-0675-A	2003	
	DAI FA ENTERPRISES 3304 COIT RD #500 PLANO, TX 75023 23 City of Plano		\$21.36
FIDO	Account Number	Year	GF / Loan
347078	P-9001-203-9082-A	2003	
	PASCUZZI LOUIS D & KELLY R 3016 CLAYBROOK DR WYLIE, TX 75098 23 City of Plano		\$23.07
FIDO	Account Number	Year	GF / Loan
349150	P-9000-285-0205-A	2003	
	BERNINA OF PLANO INC JACQUE S WENZEL PRES 2400 K AVE STE C PLANO, TX 75074-5965 23 City of Plano		\$20.20

Batch Total: \$657.05

e-9



FIDO	Account Number	Year	GF / Loan
340827	R-8044-00E-0420-2	2003	OPTION ONE MTG 10350221

FNIS REAL ESTATE TAX SERVICE  
3100 NEW YORK DR  
PASADENA, CA 91107

23 City of Plano

\$297.92

Batch Total: \$297.92

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**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	<b>2/22/05</b>		Reviewed by Legal <i>Duffy</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Department:	Legal		Initials	Date
Department Head	Diane C. Wetherbee		Executive Director	
Dept Signature:	<i>Diane C. Wetherbee</i>		City Manager	<i>DW</i> <i>2/21/05</i>
Agenda Coordinator (include phone #): <b>Lynne Jones -7109</b>				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
<b>CAPTION</b>				
A Resolution of the City Council of the City of Plano, Texas, appointing James P. Reid and William J. Roberts to serve for two year terms as investigators as required by Section 2-104 of the Code of Conduct of the City of Plano; and providing an effective date.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
<b>BALANCE</b>	0	0	0	0
FUND(s):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
This Resolution provides for the appointment of two attorneys to potentially serve as investigators in determining violations of the Code of Conduct of the City of Plano as required by Section 2-104 of the Code of Ordinances. The City Code of Conduct requires 4 independent attorneys be appointed to potentially serve as investigators when required for code of conduct violations. Two attorneys are appointed for a two year term every other year. These attorneys have previously served in this capacity and this resolution will reappoint them for an additional two year term.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
n/a		n/a		

*J-1*

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPOINTING JAMES P. REID AND WILLIAM J. ROBERTS TO SERVE FOR TWO YEAR TERMS AS INVESTIGATORS AS REQUIRED BY SECTION 2-104 OF THE CODE OF CONDUCT OF THE CITY OF PLANO; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, James P. Reid and William J. Roberts were contacted and agreed to serve as investigators for a two year period from February, 2005 to February, 2007.

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

**Section I.** James P. Reid and William J. Roberts are hereby appointed by the City Council to serve as investigators in determining violations of the Code of Conduct of the City of Plano by a Councilmember.

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

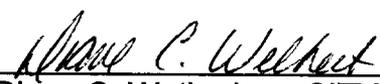
**DULY PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2005.

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

ATTEST:

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

APPROVED AS TO FORM:

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



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable		
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory		
Reviewed by Budget <i>OK</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable				
Council Meeting Date: <b>02/22/05</b>	Reviewed by Legal <i>any</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable			
Department: Customer & Utility Services	Initials	Date		
Department Head: Linda Keylon	Executive Director: <i>[Signature]</i>	Date: <b>2-11-05</b>		
Dept Signature: <i>[Signature]</i>	City Manager: <i>[Signature]</i>	Date: <b>2/11/05</b>		
Agenda Coordinator (include phone #): <b>Angela Gurley - X7352</b>				
<b>ACTION REQUESTED:</b> <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
<b>CAPTION</b>				
Authorizing the purchase of an annual maintenance contract in the amount of \$88,158.13 for the meter reading system and all related automated hardware and software from Datamatic, Ltd. As this type of equipment is not interchangeable between vendors, Datamatic, Ltd. is the only provider of maintenance to our system. Authorizing the City Manager or his designee to take such action and execute such documents as necessary to effectuate the purchase approved herein and providing an effective date.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>04-05</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	\$99,769	0	\$99,769
Encumbered/Expended Amount	0	0	0	0
This Item	0	-\$88,158	0	-\$88,158
<b>BALANCE</b>	0	\$11,611	0	\$11,611
FUND(s): <b>WATER &amp; SEWER FUND</b>				
<b>COMMENTS:</b> Funds are included in the 2004-05 approved budget for the continuation of the Automated Meter Reading project and the related expenses. The balance of funds will be used for other expenditures related to the AMR project.				
<b>STRATEGIC PLAN GOAL:</b> Annual maintenance contracts for the AMR project relate to the City's Goal of "Service Excellence."				
<b>SUMMARY OF ITEM</b>				
Datamatic, Ltd. is our meter reading system vendor and the provider of all meter reading hardware and software acquired and installed to date. These systems are proprietary and maintenance is available only from the vendor. Therefore, the purchase of a maintenance agreement from Datamatic, Ltd., in the amount of \$88,158.13 constitutes a sole source purchase based on the issue of compatibility.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Memo from Linda Keylon dated 2/10/05 Sole Source letter from vendor Affidavit of no prohibited interest Approval from Executive Director Price List from Vendor				

8-1

**MEMORANDUM**

**DATE:** February 10, 2005  
**TO:** Tom Muehlenbeck, City Manager  
**FROM:** Linda Keylon, Director of Customer and Utility Services  
**SUBJECT:** **Annual Maintenance for Meter Reading System and Automated Meter Reading Component**

I recommend that the City enter into an ongoing, annually renewable maintenance agreement for the Meter Reading System and the automated hardware and software, both products of Datamatic, Ltd. Funding is available in the Customer and Utility Services budget. These systems are proprietary and maintenance is available only from the vendor.

Annual Meter Reading System maintenance	\$16,158.13
Annual maintenance of automated meter reading component	<u>\$72,000.00</u>
Total	\$88,158.13

Upon approval of this expenditure, a contract will be developed with the vendor.



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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS,** authorizing the purchase of an annual maintenance agreement for the meter reading system and Firefly maintenance services in an amount not to exceed \$88,158.13 from Datamatic, Ltd., as the sole source of the equipment required by reason of product compatibility. Authorizing the City Manager or his designee to take such action and execute such documents as necessary to effectuate the purchase approved herein and providing an effective date.

**WHEREAS,** the City has a substantial investment in Datamatic meter reading equipment, and this equipment is not interchangeable between vendors; and

**WHEREAS,** Datamatic.Com LTD., is the sole source of maintenance on the equipment it provides by reason of compatibility; and

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

**Section I.** The Plano City Council hereby authorizes the City of Plano, to purchase a meter reading maintenance contract from Datamatic, Ltd.

**Section II.** The Plano City Council further authorizes the City Manager or his designee to take such action and execute such documents as necessary to effectuate the purchase of the meter reading equipment, services and maintenance in an amount not to exceed \$88,158.13 from Datamatic, Ltd.

g-3

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

Page 2

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

**DULY PASSED AND APPROVED** this \_\_\_\_\_ day  
of \_\_\_\_\_ 2005.

\_\_\_\_\_  
Pat Evans, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

g-4



RECEIVED  
SEP 21 2004  
UTILITY SERVICES

September 15, 2004

Johnny Kemp  
City of Plano  
1520 Avenue K  
Plano, Texas 75074

Dear Johnny:

Johnny, as requested, I am confirming that Datamatic is your sole source provider for the maintenance and supply of the ROADRUNNER and FIREFLY Systems. These maintenance elements include:

- Route STAR MVP Route Management Software
- ROADRUNNER Handheld Reading Software and Hardware
- ROADRUNNER Mobile Reading Software and Hardware
- Profile PLUS Consumption Graphing Software
- FIREFLY Hardware and Firmware

Further, we have patents for the FIREFLY as follows:

- U.S. Patent Number 6,710,721, "Radio Frequency Automated Meter Reading Device"
- U.S. Patent Number 6,422,148, "Dual Magnetic Register For a Utility Meter"
- U.S. Patent Number 6,798,352, "Optical Sensor for Utility Meter"

I hope that this meets your requirements.

Regards,

Philip J. Masters  
Chief Financial Officer

g.5

**AFFIDAVIT OF NO PROHIBITED INTEREST**

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

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

**Name of Contractor**

DATA MATIC, LTD

By:

*[Signature]*  
(Signature)

PHILIP J. MASTERS  
(Print Name)

CHIEF FINANCIAL OFFICER  
(Title)

Date: 1/21/05

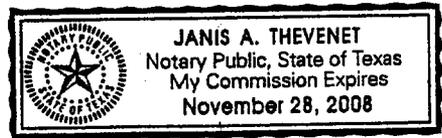
STATE OF TEXAS

§

COUNTY OF COLLIN

§

§



SUBSCRIBED AND SWORN TO before me this 21<sup>st</sup> day of JANUARY, 2005.

*[Signature]*  
Janis A. Thevenet

Please fax completed form back to the Purchasing Division at 972-461-6839.

g-6

RECEIVED

JAN 07 2005

UTILITY SERVICES DEPT.

MEMORANDUM

1-05-05  
Request Approved  
Rod Hogan

James R. Hogan  
Executive Director

**DATE:** January 4, 2005  
**TO:** Rod Hogan, Executive Director  
**FROM:** Linda Keylon, Director of Customer and Utility Services  
**SUBJECT:** Approval of Datamatic as Sole Source Vendor for Meter Reading and AMR Related Expenditures

*We need your approval to proceed with agreements and purchases from Datamatic, Inc., as a sole-source provider of meter reading equipment and software and our AMR system. While there are other vendors of this type of equipment, the hardware/software are not interchangeable between vendors. Since all hardware/software to date has been provided by Datamatic, we can't change vendors. In addition, Datamatic is registered as a CISV vendor. Upon approval of Datamatic as our vendor, and approval of the expenditures by Council, contracts will be developed with the vendor. Funds are budgeted for all purposes requested*

**Automated Meter Reading Project**

I recommend the purchase and installation of automated meter reading (AMR) related equipment at a cost not to exceed \$630,000 from Datamatic, Inc., a vendor on the State Purchasing and General Services Commission Catalogue Information Systems Vendor (CISV) listing and the sole source of the equipment required. Funding is available in the Customer and Utility Services budget.

The funds requested are for three purposes:

- (1) Retrofitting new water meters added to the system since the project began. Funds for this purpose have been collected from developers who purchased water meters over the past three years.
- (2) Replacing equipment that may be damaged and is beyond the scope of the maintenance agreement and adding new meter reading equipment as required.
- (3) Quality control services that may be required to ensure the output of the AMR devices is consistent with the meter reading.

**Meter Reading Maintenance Agreements**

I recommend that the City enter into an ongoing, annually renewable maintenance agreement for the Meter Reading System and the automated meter reading system, both products of Datamatic, Inc.

The cost of the Meter Reading System maintenance for the current year is \$16,000. The cost of the Automated Meter Reading System maintenance for the current year is \$72,000

*Attachments: Sole source letter  
Price list*

g-7

# QUOTATION

## City of Plano - Annual Contract

Item #	Cost Category or Item	Specification / Configuration	Vendor Initials	# of Units	Unit Cost	Total Install \$	02/09/05	Comments
--------	-----------------------	-------------------------------	-----------------	------------	-----------	------------------	----------	----------

Total Price \$ 630,093.00 US \$

Contract Type Fixed

<b>TOTAL COSTS</b>						<b>\$630,093</b>	<b>\$ 2,799</b>
--------------------	--	--	--	--	--	------------------	-----------------

<b>1</b>	<b>System Engineering</b>					<b>\$0</b>	<b>\$ -</b>
----------	---------------------------	--	--	--	--	------------	-------------

Spec Section	Description	Hours	Rate				
	Custom Software Development	-	\$ 125.00	\$ -			

<b>2</b>	<b>Handheld Systems/AMR Hardware</b>					<b>\$476,157</b>	<b>\$ 2,799</b>
----------	--------------------------------------	--	--	--	--	------------------	-----------------

	2.1.1 ROADRUNNER X7 Handheld with RF	4	\$ 4,930	\$ 19,720	\$ 2,366		
	2.1.2 ROADRUNNER X7 Handheld - RF Upgrade to Existing Unit	-	\$ 1,800	\$ -	\$ -		
	2.1.2 ROADRUNNER X7 Handheld - Non RF	-	\$ 3,130	\$ -	\$ -		
	2.2 Charging/Communications Cradle	4	\$ 585	\$ 2,340	\$ 281		
	2.2.1 Charging/Communications Cradle Controller	1	\$ 585	\$ 585	\$ 70		
	2.3.1 FIREFLY PPU with Cable - Water	1	\$ 680	\$ 680	\$ 82		
	2.3.2 FIREFLY Configuration Tester - Water	-	\$ 680	\$ -	\$ -		
	2.4 ROADRUNNER Mobile System Includes ROADRUNNER Mobile Software	-	\$ 19,995	\$ -	\$ -		
	2.5.1 FIREFLY MIU - Sensor, Logic Switch or Wire End	5,088	\$ 89.00	\$ 452,832			
	2.5.1.1 FIREFLY MIU - Lid Locks	-	\$ 3.50	\$ -			
	2.5.2.1 Wire End Connectors	-	\$ 3.50	\$ -			
	2.5.3 FF Logic Switch Register Interface	-	\$ 11.00	\$ -			

<b>3</b>	<b>Application Software</b>					<b>\$0</b>	<b>\$ -</b>
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	3.1 RouteSTAR MVP - AMR	-	\$ 6,995	\$ -	\$ -		
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<b>4</b>	<b>Installation Services</b>					<b>\$111,936</b>	<b>\$ -</b>
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	4.1 Project Management Services per Hour		\$ 125.00	\$ -			
	4.2.1 FF Install - Sensor or Logic Switch, Residential Pit	5,088	\$ 22.00	\$ 111,936			
	4.2.2 FF Install - Wire End (Excludes Connectors), Residential Pit		\$ 25.00	\$ -			
	4.3 Meter Installation - Residential up to 1" *		\$ 27.50	\$ -			

<b>5</b>	<b>Expenses</b>					<b>\$42,000</b>	<b>\$ -</b>
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	Other: Monthly Reading and FF Maintenance Services	-	\$ 6,000	\$ -			
	Other: Read and Verify 70,000 Meters	70,000	\$ 0.60	\$ 42,000			

<b>6</b>	<b>Terms/Conditions</b>					<b>\$0</b>	<b>\$ -</b>
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1. Pricing based on Datamatic standard terms and conditions.
2. Read and Verify includes all hardware, software, vehicle costs, etc. including rendered reports.

### Quotation Notes

End of Worksheet

g-8



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing <i>OK</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget <i>OK</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: <b>02/22/05</b>		Reviewed by Legal <i>OK</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Customer & Utility Services			Initials	Date
Department Head	Linda Keylon			Executive Director	<i>OK</i> 2-11-05
Dept Signature:	<i>Linda Keylon</i>			City Manager	<i>AGU</i> 2/11/05
Agenda Coordinator (include phone #): <b>Angela Gurley - X7352</b>					

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

### CAPTION

Authorizing the purchase of meter reading equipment and services such as transponders, receivers and supporting equipment in an amount not to exceed \$630,093 from Datamatic, Ltd., a CISV vendor. Authorizing the City Manager or his designee to take such action and execute such documents as necessary to effectuate the purchase approved herein and providing an effective date.

### FINANCIAL SUMMARY

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

FISCAL YEAR: <b>04-05</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	\$681,000	0	\$681,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-\$630,093	0	-\$630,093
<b>BALANCE</b>	0	\$50,907	0	\$50,907

**FUND(s):**    **WATER & SEWER FUND**

**COMMENTS:** Funds are included in the 2004-05 approved budget for the continuation of the Automated Meter Reading project and the related expenses. The balance of funds will be used for other expenditures related to the AMR project.

**STRATEGIC PLAN GOAL:** Continuation of the AMR project relates to the City's Goal of "Service Excellence."

### SUMMARY OF ITEM

Datamatic, Ltd. is a vendor on the State Purchasing and General Services Commission Catalogue Information Systems Vendor (CISV) list. The hardware/software of this type already acquired and installed has been purchased from Datamatic, and this type of equipment is not interchangeable between vendors. Therefore, the purchase from Datamatic, Ltd., not to exceed \$630,093, satisfies the law relating to bid as well as internal Purchasing procedures. The CU&S staff recommends purchase of these various items from Datamatic, Ltd.

<p>List of Supporting Documents:</p> <ul style="list-style-type: none"> <li>Memo from Linda Keylon dated 2/10/05</li> <li>Sole Source letter from vendor</li> <li>Affidavit of no prohibited interest</li> <li>Approval from Executive Director</li> <li>Price List from Vendor</li> </ul>	<p>Other Departments, Boards, Commissions or Agencies</p>
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h-1

**MEMORANDUM**

**DATE:** February 10, 2005  
**TO:** Tom Muehlenbeck, City Manager  
**FROM:** Linda Keylon, Director of Customer and Utility Services  
**SUBJECT:** Request for Funds for Meter Reading Project

I recommend the purchase and installation of meter reading related equipment at a cost not to exceed \$630,093 from Datamatic, Ltd., a vendor on the State Purchasing and General Services Commission Catalogue Information Systems Vendor (CISV). Equipment of this type is not interchangeable between vendors and all supporting equipment and software of this type purchased to date has been from Datamatic, Ltd. Funding is available in the Customer and Utility Services budget.

The funds requested are for three purposes:

- (1) Retrofitting new water meters added to the system since the project began. Funds for this purpose have been collected from developers who purchased water meters over the past three years. \$500,000
- (2) Replacing equipment that may be damaged and is beyond the scope of the maintenance agreement and adding new meter reading equipment as required. \$88,093
- (3) Quality control services that may be required to ensure the output of transponders on the water meters are consistent with the meter reading. \$42,000

Upon approval of this expenditure, a contract will be developed with the vendor.



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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS,** authorizing the purchase of meter reading equipment and services such as transponders, receivers and supporting equipment and services in an amount not to exceed \$630,093 from Datamatic, Ltd., a Catalogue Information Systems Vendor (CISV). Authorizing the City Manager or his designee to take such action and execute such documents as necessary to effectuate the purchase approved herein and providing an effective date.

**WHEREAS,** Datamatic.Com LTD., is a vendor on the State Purchasing and General Services Commission CISV list; and

**WHEREAS,** local governments may purchase from a vendor on this list as if it were a competitive bid; and

**WHEREAS,** the City has a substantial investment in Datamatic meter reading equipment, and this equipment is not interchangeable between vendors; and

**WHEREAS,** The City Council of the City of Plano finds that purchasing meter reading related equipment, software and services from Datamatic, Ltd. as a CISV vendor complies with the State's competitive bid requirements.

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

**Section I.** The Plano City Council hereby authorizes the City of Plano, to purchase meter reading equipment and services from Datamatic, Ltd.

**Section II.** The Plano City Council further authorizes the City Manager or his designee to take such action and execute such documents as necessary to effectuate the purchase of the meter reading equipment and services in an amount not to exceed \$630,093 from Datamatic, Ltd.

h-3

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

Page 2

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

**DULY PASSED AND APPROVED** this \_\_\_\_\_ day  
of \_\_\_\_\_ 2005.

\_\_\_\_\_  
Pat Evans, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

h-4



RECEIVED  
SEP 21 2004  
UTILITY SERVICES

September 15, 2004

Johnny Kemp  
City of Plano  
1520 Avenue K  
Plano, Texas 75074

Dear Johnny:

Johnny, as requested, I am confirming that Datamatic is your sole source provider for the maintenance and supply of the ROADRUNNER and FIREFLY Systems. These maintenance elements include:

- Route STAR MVP Route Management Software
- ROADRUNNER Handheld Reading Software and Hardware
- ROADRUNNER Mobile Reading Software and Hardware
- Profile PLUS Consumption Graphing Software
- FIREFLY Hardware and Firmware

Further, we have patents for the FIREFLY as follows:

- U.S. Patent Number 6,710,721, "Radio Frequency Automated Meter Reading Device"
- U.S. Patent Number 6,422,148, "Dual Magnetic Register For a Utility Meter"
- U.S. Patent Number 6,798,352, "Optical Sensor for Utility Meter"

I hope that this meets your requirements.

Regards,

Philip J. Masters  
Chief Financial Officer

*h-5*

Case Contract No. 0402

**AFFIDAVIT OF NO PROHIBITED INTEREST**

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

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

**Name of Contractor**

DATA MATIC, LTD

By:

*[Signature]*  
(Signature)

PHILIP J. MASTERS  
(Print Name)

CHIEF FINANCIAL OFFICER  
(Title)

Date: 1/21/05

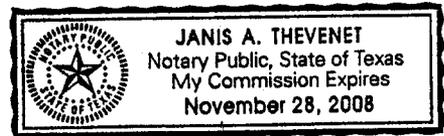
STATE OF TEXAS

§

COUNTY OF COLLIN

§

§



SUBSCRIBED AND SWORN TO before me this 21<sup>st</sup> day of JANUARY, 2005.

*[Signature]*

Please fax completed form back to the Purchasing Division at 972-461-6839.

*h-6*

RECEIVED

JAN 07 2005

UTILITY SERVICES DEPT.

MEMORANDUM

1-05-05  
Request Approved  
Rod Hogan

James R. Hogan  
Executive Director

**DATE:** January 4, 2005  
**TO:** Rod Hogan, Executive Director  
**FROM:** Linda Keylon, Director of Customer and Utility Services  
**SUBJECT:** Approval of Datamatic as Sole Source Vendor for Meter Reading and AMR Related Expenditures

*We need your approval to proceed with agreements and purchases from Datamatic, Inc., as a sole-source provider of meter reading equipment and software and our AMR system. While there are other vendors of this type of equipment, the hardware/software are not interchangeable between vendors. Since all hardware/software to date has been provided by Datamatic, we can't change vendors. In addition, Datamatic is registered as a CISV vendor. Upon approval of Datamatic as our vendor, and approval of the expenditures by Council, contracts will be developed with the vendor. Funds are budgeted for all purposes requested*

**Automated Meter Reading Project**

I recommend the purchase and installation of automated meter reading (AMR) related equipment at a cost not to exceed \$630,000 from Datamatic, Inc., a vendor on the State Purchasing and General Services Commission Catalogue Information Systems Vendor (CISV) listing and the sole source of the equipment required. Funding is available in the Customer and Utility Services budget.

The funds requested are for three purposes:

- (1) Retrofitting new water meters added to the system since the project began. Funds for this purpose have been collected from developers who purchased water meters over the past three years.
- (2) Replacing equipment that may be damaged and is beyond the scope of the maintenance agreement and adding new meter reading equipment as required.
- (3) Quality control services that may be required to ensure the output of the AMR devices is consistent with the meter reading.

**Meter Reading Maintenance Agreements**

I recommend that the City enter into an ongoing, annually renewable maintenance agreement for the Meter Reading System and the automated meter reading system, both products of Datamatic, Inc.

The cost of the Meter Reading System maintenance for the current year is \$16,000. The cost of the Automated Meter Reading System maintenance for the current year is \$72,000

*Attachments: Sole source letter  
Price list*

h-7

# QUOTATION

## City of Plano - Annual Maintenance Contract

Item #	Cost Category or Item	Specification / Configuration	Vendor Initials	# of Units	Unit Cost	Total Install \$	02/09/05	Comments
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Total Price \$ 88,158.13 US \$

Contract Type Fixed

### TOTAL COSTS

\$88,158.13 \$ -

<b>1</b>	<b>System Engineering</b>						\$0 \$		
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Spec Section	Description	Hours	Rate					
	Custom Software Development	-	\$ 125.00	\$ -	\$ -	\$ -	\$ -	

<b>2</b>	<b>Handheld Systems/AMR Hardware</b>						\$0 \$		
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	2.1.1 ROADRUNNER X7 Handheld with RF	-	\$ 4,930	\$ -	\$ -	\$ -	\$ -	
	2.1.2 ROADRUNNER X7 Handheld - RF Upgrade to Existing Unit	-	\$ 1,800	\$ -	\$ -	\$ -	\$ -	
	2.1.2 ROADRUNNER X7 Handheld - Non RF	-	\$ 3,130	\$ -	\$ -	\$ -	\$ -	
	2.2 Charging/Communications Cradle	-	\$ 585	\$ -	\$ -	\$ -	\$ -	
	2.2.1 Charging/Communications Cradle Controller	-	\$ 585	\$ -	\$ -	\$ -	\$ -	
	2.3.1 FIREFLY PPU with Cable - Water	-	\$ 680	\$ -	\$ -	\$ -	\$ -	
	2.3.2 FIREFLY Configuration Tester - Water	-	\$ 680	\$ -	\$ -	\$ -	\$ -	
	2.4 ROADRUNNER Mobile System Includes ROADRUNNER Mobile Software	-	\$ 19,995	\$ -	\$ -	\$ -	\$ -	
	2.5.1 FIREFLY MIU - Sensor, Logic Switch or Wire End	-	\$ 89.00	\$ -	\$ -	\$ -	\$ -	
	2.5.1.1 FIREFLY MIU - Lid Locks	-	\$ 3.50	\$ -	\$ -	\$ -	\$ -	
	2.5.2.1 Wire End Connectors	-	\$ 3.50	\$ -	\$ -	\$ -	\$ -	
	2.5.3 FF Logic Switch Register Interface	-	\$ 11.00	\$ -	\$ -	\$ -	\$ -	

<b>3</b>	<b>Application Software</b>						\$0 \$		
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	3.1 RouteSTAR MVP - AMR	-	\$ 6,995	\$ -	\$ -	\$ -	\$ -	
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<b>4</b>	<b>Installation Services</b>						\$0 \$		
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	4.1 Project Management Services per Hour	-	\$ 125.00	\$ -	\$ -	\$ -	\$ -	
	4.2.1 FF Install - Sensor or Logic Switch, Residential Pit	-	\$ 22.00	\$ -	\$ -	\$ -	\$ -	
	4.2.2 FF Install - Wire End (Excludes Connectors), Residential Pit	-	\$ 25.00	\$ -	\$ -	\$ -	\$ -	
	4.3 Meter Installation - Residential up to 1" *	-	\$ 27.50	\$ -	\$ -	\$ -	\$ -	

<b>5</b>	<b>Expenses</b>						\$88,158.13 \$		
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	Other: Monthly Reading and FF Maintenance Services	12	\$ 6,000.00	\$ 72,000.00	\$ 72,000.00	\$ 72,000.00	\$ 72,000.00	
	Other: Meter Reading System Maintenance Services	1	\$ 16,158.13	\$ 16,158.13	\$ 16,158.13	\$ 16,158.13	\$ 16,158.13	

<b>6</b>	<b>Terms/Conditions</b>						\$0 \$		
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1. Pricing based on Datamatic standard terms and conditions.
2. Monthly Reading and FIREFLY Maintenance Services include one Field Technician, Project Management support, database administration and all reading equipment necessary for same. FIREFLY Maintenance shall include the trouble-shooting and/or replacement of troublesome units as indicated by your Readers' RV data, your Work Orders as issued by your Customer Service, and the handling of Return Material Authorizations (RMAs for warranty replacement). This fee includes all vehicle and gasoline costs, all insurance, labor and benefits, etc.
3. Meter Reading System Maintenance Services subject to increase due to the addition of maintainable items and subject to annual increase per terms of the RouteSTAR Purchase License and Maintenance Agreement.

### Quotation Notes

End of Worksheet

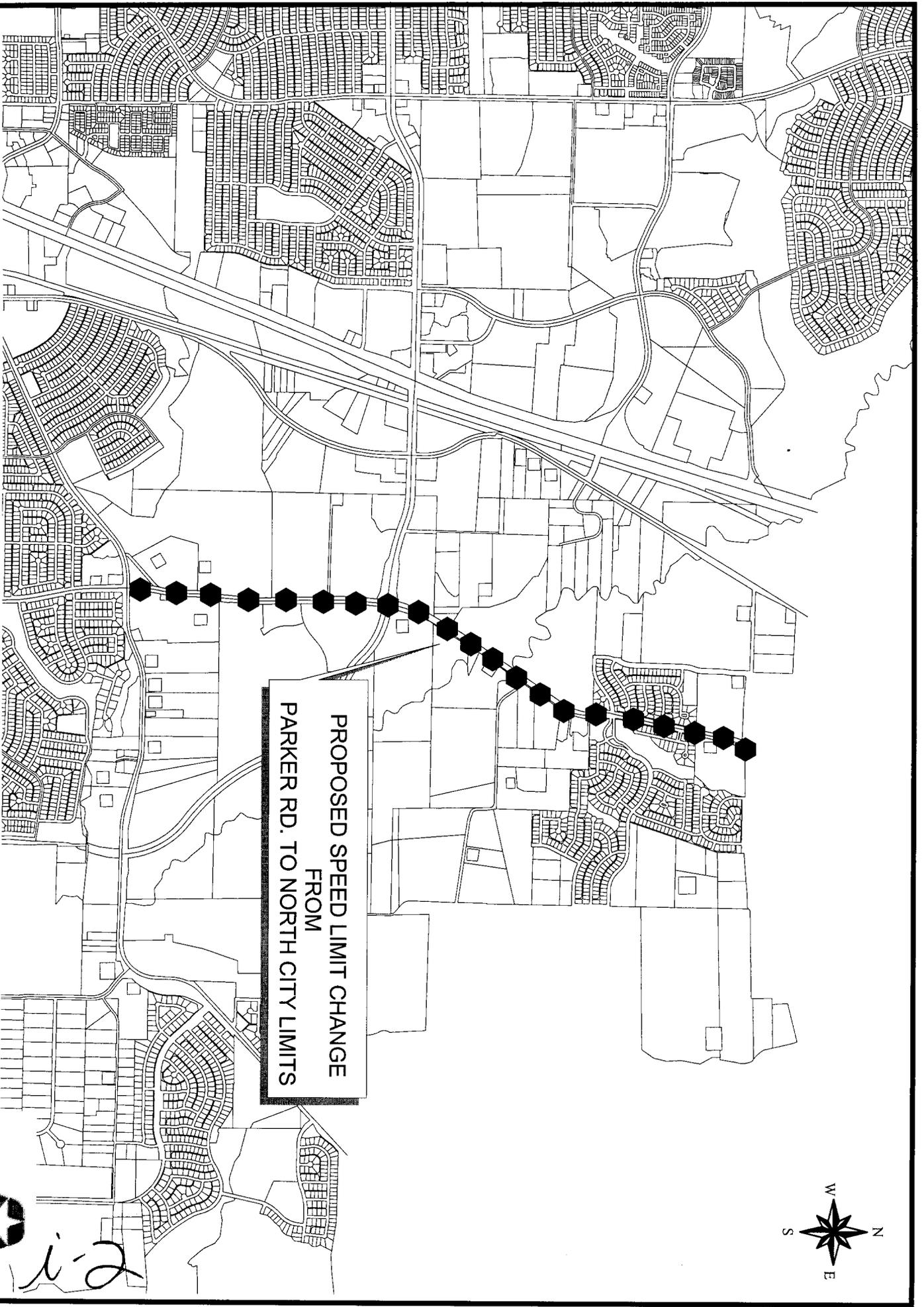
A-8



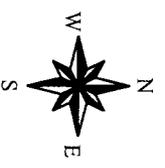
**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	<b>02/22/05</b>	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering	Initials	Date	
Department Head:	Alan Upchurch	Executive Director	<i>[Signature]</i>	2/19/05
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	2/14/05
Agenda Coordinator (include phone #):		I. Pegues 7198		
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
<b>CAPTION</b>				
<p>An ordinance of the City of Plano, Texas, repealing Ordinance No. 96-3-20, currently codified under Chapter 12, Motor Vehicles and Traffic, Article IV, Speed, Section 12-74(b), Subsection "Jupiter Road" of the City of Plano Code of Ordinances, and adopting a new subsection entitled "Jupiter Road" that establishes the prima facie speed limit for motor vehicles operating along Jupiter Road within the corporate limits of the City of Plano; authorizing and directing the traffic engineer to cause placement of traffic control devices indicating the speed limit; and providing a repealer clause, a severability clause, a savings clause, a penalty clause and an effective date.</p>				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
<p>By completing a recent roadway widening project, Jupiter Road is now a divided thoroughfare from northern city limits to Spring Creek Parkway. The Transportation Division has reviewed traffic operations along Jupiter Road and recommends approval of an ordinance establishing a forty (40) mile per hour speed along the entire length of the divided section from north city limits to Parker Road.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Map				

*i-1*



PROPOSED SPEED LIMIT CHANGE  
FROM  
PARKER RD. TO NORTH CITY LIMITS



PROPOSED SPEED LIMIT CHANGE  
FROM  
PARKER RD. TO NORTH CITY LIMITS



2-11-05

*i-2*

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

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING ORDINANCE NO. 96-3-20, CURRENTLY CODIFIED UNDER CHAPTER 12, MOTOR VEHICLES AND TRAFFIC, ARTICLE IV, SPEED, SECTION 12-74(b), SUBSECTION "JUPITER ROAD" OF THE CITY OF PLANO CODE OF ORDINANCES, AND ADOPTING A NEW SUBSECTION ENTITLED "JUPITER ROAD" THAT ESTABLISHES THE PRIMA FACIE SPEED LIMIT FOR MOTOR VEHICLES OPERATING ALONG JUPITER ROAD WITHIN THE CORPORATE LIMITS OF THE CITY OF PLANO; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO CAUSE PLACEMENT OF TRAFFIC CONTROL DEVICES INDICATING THE SPEED LIMIT; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE AND AN EFFECTIVE DATE.**

**WHEREAS**, Section 545.356 of the Texas Transportation Code, as amended, grants a municipality the authority to alter by ordinance *prima facie* speed limits from the results of an engineering and traffic investigation on streets or highways located in the municipality's corporate limits; and

**WHEREAS**, the City of Plano City Council on March 20, 1996, based upon existing road conditions, established *prima facie* maximum speed limits for different sections of Jupiter Road located within the corporate limits of the City of Plano; and

**WHEREAS**, the expansion of portions of Jupiter Road have resulted in additional lanes of travel, which prompted a traffic and engineering study along Jupiter Road; and,

**WHEREAS**, a recent traffic and engineering study indicates that portions of Jupiter Road from the northern city limits to Parker Road recommends differing *prima facie* speed limits; and,

**WHEREAS**, based upon the traffic and engineering studies conducted by the City of Plano Transportation Division, the City Council finds that the *prima facie* speed limits along portions of Jupiter Road should be revised as set forth in the ordinance below.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, ORDAINS THAT:**

**Section I.** The City Council hereby repeals the portion of Ordinance No. 96-3-20 (Mar. 20, 1996) currently codified as Chapter 12, *Motor Vehicles and Traffic*, Article IV, *Speed*, Section 12-74(b), Subsection "*Jupiter Road*." Further, all or any portion of the provisions of the City of Plano Ordinances, whether codified or not, that conflict with the provisions of this Ordinance are repealed.

**Section II.** The City Council, based upon the traffic and engineering study completed by the City of Plano Transportation Division, finds and declares that the *prima facie* speed limit of 40 miles per hour for motor vehicles traveling on Jupiter Road between the northern city limits and Parker Road is reasonable and safe. The City Council hereby fixes the maximum rate of speed on Jupiter from the northern city limits to Parker Road, a highway located in the corporate limits of the City of Plano, at 40 miles per hour.

**Section III.** Section 12-74(b), Subsection "Jupiter Road" of Chapter 12, *Motor Vehicles and Traffic*, Article IV, *Speed*, of the Plano Code of Ordinances, is hereby repealed, and is replaced verbatim with the following language:

- "(1) Jupiter Road forty (40) miles per hour along Jupiter Road from the northern city limits to Parker Road.
- (2) Thirty-five (35) miles per hour along Jupiter Road from Parker Road to FM 544 14th Street.
- (3) Forty (40) miles per hour along Jupiter Road from FM 544 14th Street to south city limit."

**Section IV.** The City Council authorizes and directs the Traffic Engineer for the City of Plano to cause placement of traffic control devices indicating such speed limit.

**Section V.** The City Council intends that this Ordinance, and every provision hereof, is severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance will not affect the validity or constitutionality of any other portion of this Ordinance.

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

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

**Section VIII.** This Ordinance becomes effective from and after its passage and publication as required by law.

**DULY PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2005.

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

ATTEST:

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

APPROVED AS TO FORM:

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

Z:\ORD\TRAFFIC\JUPITER (SN)

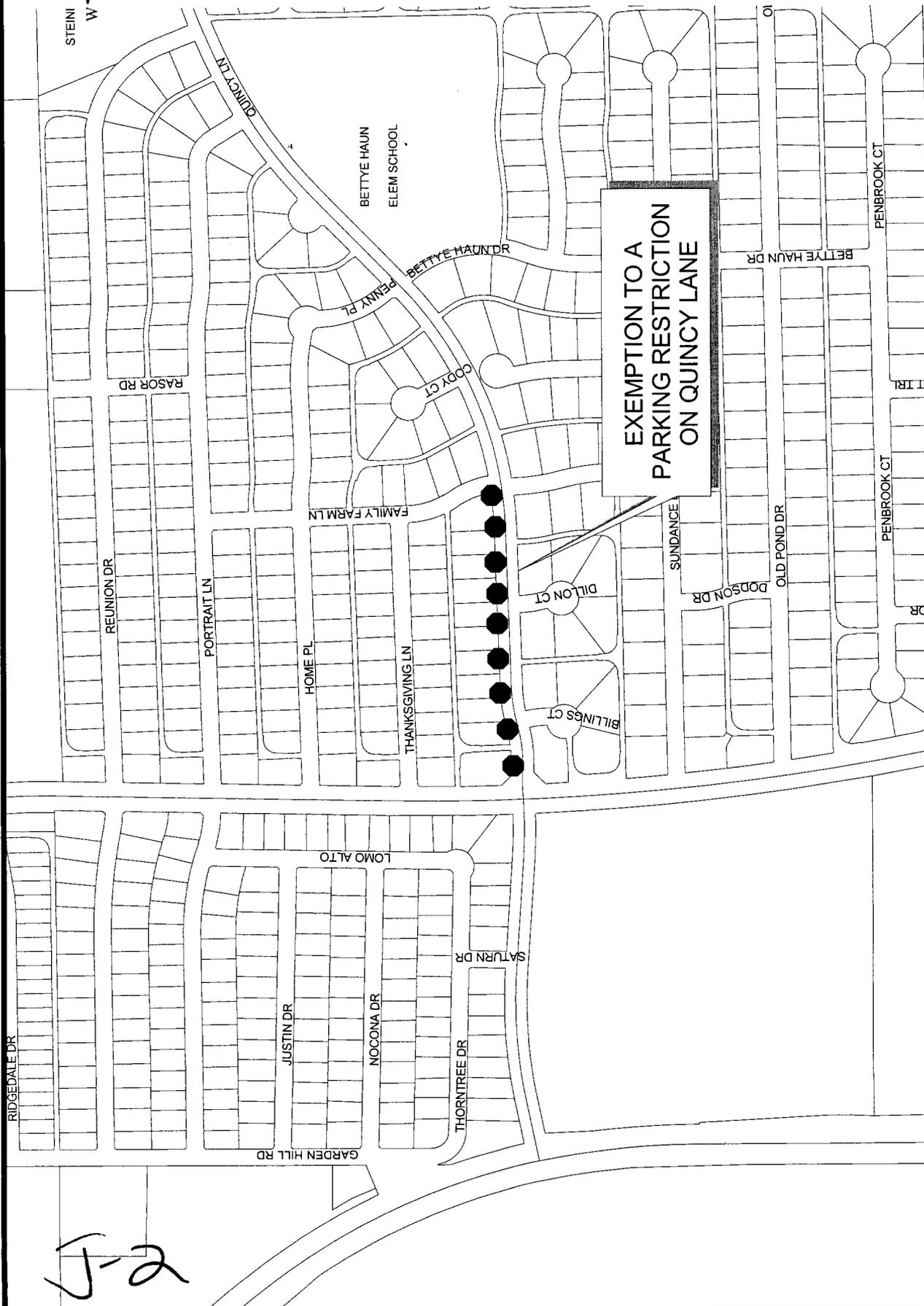
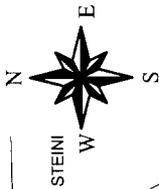
*i-4*



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	<b>02/22/05</b>	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering		Initials	Date
Department Head:	Alan Upchurch	Executive Director	<i>[Signature]</i>	2/14/05
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	2/14/05
Agenda Coordinator (include phone #):		I. Pegues 7198		
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
<b>CAPTION</b>				
<b>An Ordinance of the City of Plano, Texas, amending Section 12-98.1, No Parking on Thoroughfares, of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, by adding an exemption to Section 12-98.1(b) to allow parking on Quincy Lane between Ohio Drive and Family Farm Lane; providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</b>				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
After study of traffic safety, mobility, and enforcement criteria staff recommends that an exception to Ordinance No. 93-11-20 be adopted to allow parking in front of homes that face Quincy Lane between Family Farm Lane and Ohio Drive.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Map				

*J-1*



# EXEMPTION TO A PARKING RESTRICTION ON QUINCY LANE



J-2

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

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING SECTION 12-98.1, NO PARKING ON THOROUGHFARES, OF CHAPTER 12, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF ORDINANCES OF THE CITY OF PLANO, BY ADDING AN EXEMPTION TO SECTION 12-98.1(B) TO ALLOW PARKING ON QUINCY LANE BETWEEN OHIO DRIVE AND FAMILY FARM LANE; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE, A PUBLICATION CLAUSE AND AN EFFECTIVE DATE.**

**WHEREAS**, on November 8, 1993, the City Council of the City of Plano passed Ordinance No. 93-11-20 to prohibit the parking of motor vehicles within any portion of the right lane of the main traveled portion of a roadway on a street within the incorporated city limits, which street consists of four or more lanes and is a two-way street; or within any portion of the right lane or of the left lane of the main traveled portion of a roadway on a street within the incorporated city limits, which street consists of two or more lanes for vehicular travel and is a one-way street; said ordinance being codified in the Plano Code of Ordinances as Section 12-98.1, No Parking on Thoroughfares, Chapter 12, Motor Vehicles and Traffic; and

**WHEREAS**, pursuant to Ordinance No. 93-11-20, the City Council of the City of Plano created several exemptions to the parking restrictions, permitting parking on designated streets or portions thereof, said exemptions being codified as Section 12-98.1(b) of City Code of Ordinances; and

**WHEREAS**, the exemptions set out in Section 12-98.1 have been modified and amended over the years as the City Council has deemed appropriate; and

**WHEREAS**, the City's Transportation Engineering Division has conducted a traffic study on Quincy Lane between Ohio Drive and Family Farm Lane and determined that parking along the north side of this street will not adversely affect traffic flow and should be allowed; and

**WHEREAS**, the City Council, having reviewed the recommendations of staff is of the opinion that these changes are 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 12-98.1(b), No Parking on Thoroughfares, of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano is hereby amended by adding exemption No. 9 to Subsection (b) which shall read as follows:

J-3

“(b) There shall be exemptions to the restrictions placed in subsection (a) above, that parking shall be permitted on the following designated streets or portions thereof:

(9) Along the north side of Quincy Lane from its intersection with Ohio Drive to its intersection with Family Farm Lane.”

**Section II.** 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 not affect the validity or unconstitutionality of any other portion of this Ordinance.

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

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

**Section V.** Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction therefore, shall be punished by a fine not exceeding two hundred dollars (\$200.00).

**Section VI.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**DULY PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2005.

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

ATTEST:

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

APPROVED AS TO FORM:

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

J-4



2/11/05

## Request to Allow Parking In Front of Homes Facing Quincy Lane (Between Family Farm Lane and Ohio Drive)

Quincy Lane is a Type E Secondary Undivided Thoroughfare that has an ultimate vehicle capacity of 20,000 vehicles per day. The current vehicle usage is less than 3,000 vehicles per weekday with vehicle speeds around 34 mph. The road is posted 30 mph

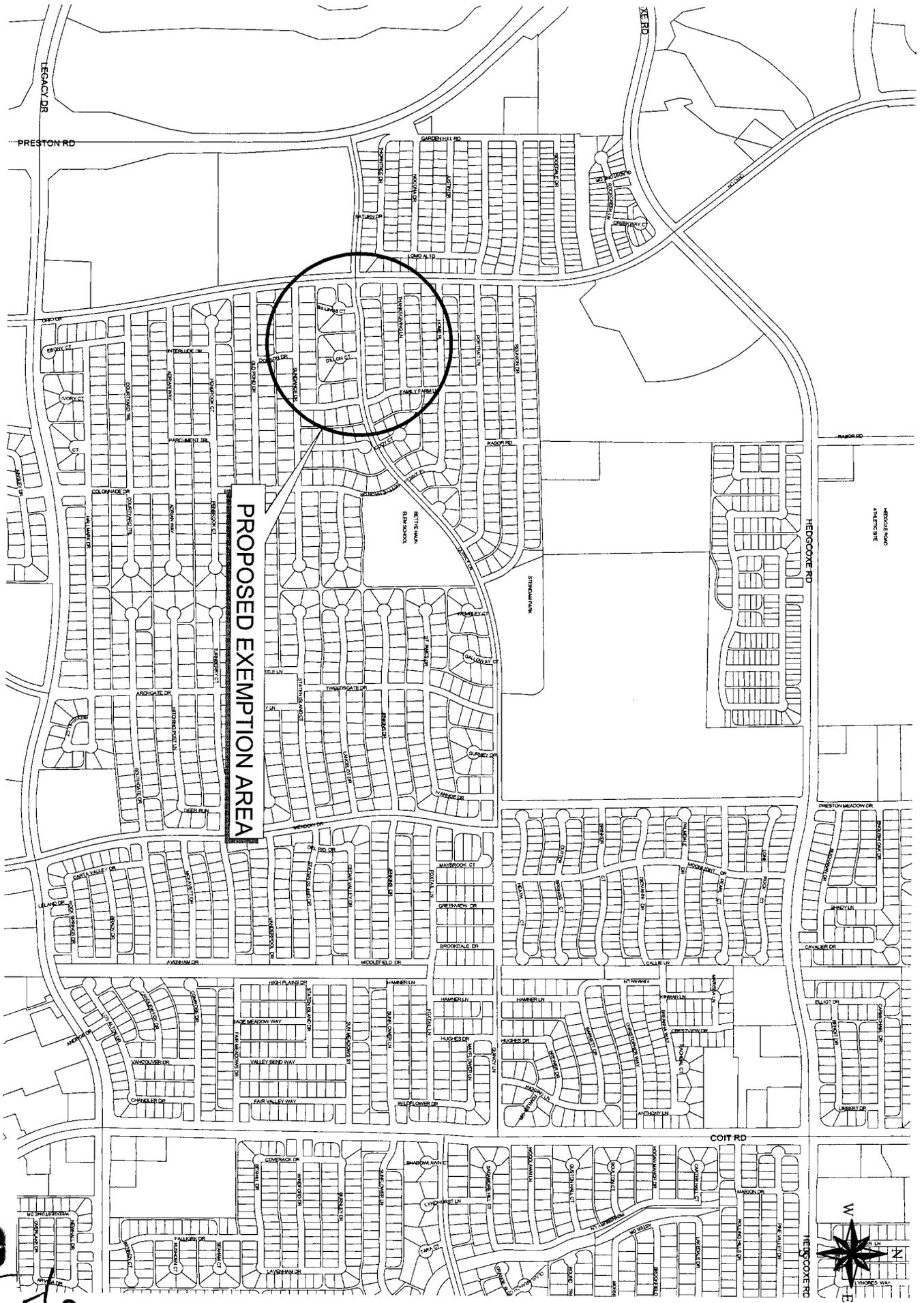
A recent residential development project on Quincy Lane, as part of their approval process, improved a portion of the road (from Preston Meadows to Reunion Drive) from two lanes to four lanes. After completing this road modification staff took the opportunity to convert the remaining westerly portion of Quincy Lane (to Ohio Drive) to four lanes. In doing so Quincy Lane became a continuous 4-lane facility from Coit Road to Preston Road.

Plano Ordinance Sec 12-98.1 prohibits on-street parking on 4-lane roads that are two-way streets. This ordinance should apply for all of Quincy Lane except for the unique section of road from Family Farm Lane to Ohio Drive. It is only along the north side of this road section that eleven residential homes face the street. These homes have historically used the right lane for on-street parking. The re-striping of the street in this area from two lanes to four now makes parking in front of homes prohibited. Ordinance 12-98.1(b) also provides exceptions as approved by City Council. Currently there are eight portions of road along Park Blvd, Alma Drive, and Westwood Drive, where exception to this restriction is provided.

Transportation Division staff studied the operation of traffic along Quincy Lane and found the road capable of carrying existing and future traffic volumes safely and efficiently. E-mail received from six impacted residents support the restoration of on-street parking in front of their homes.

Staff recommends retaining the current 4-lane pavement markings from Coit Road to Preston Road, and requests that City Council consider amending Sec. 12-98.1(b) by adopting the north side of Quincy Lane, from Family Farm Lane to Ohio Drive, as an exception to this ordinance.

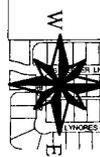
J-5



**PROPOSED EXEMPTION AREA**

**PROPOSED EXEMPTION AREA**

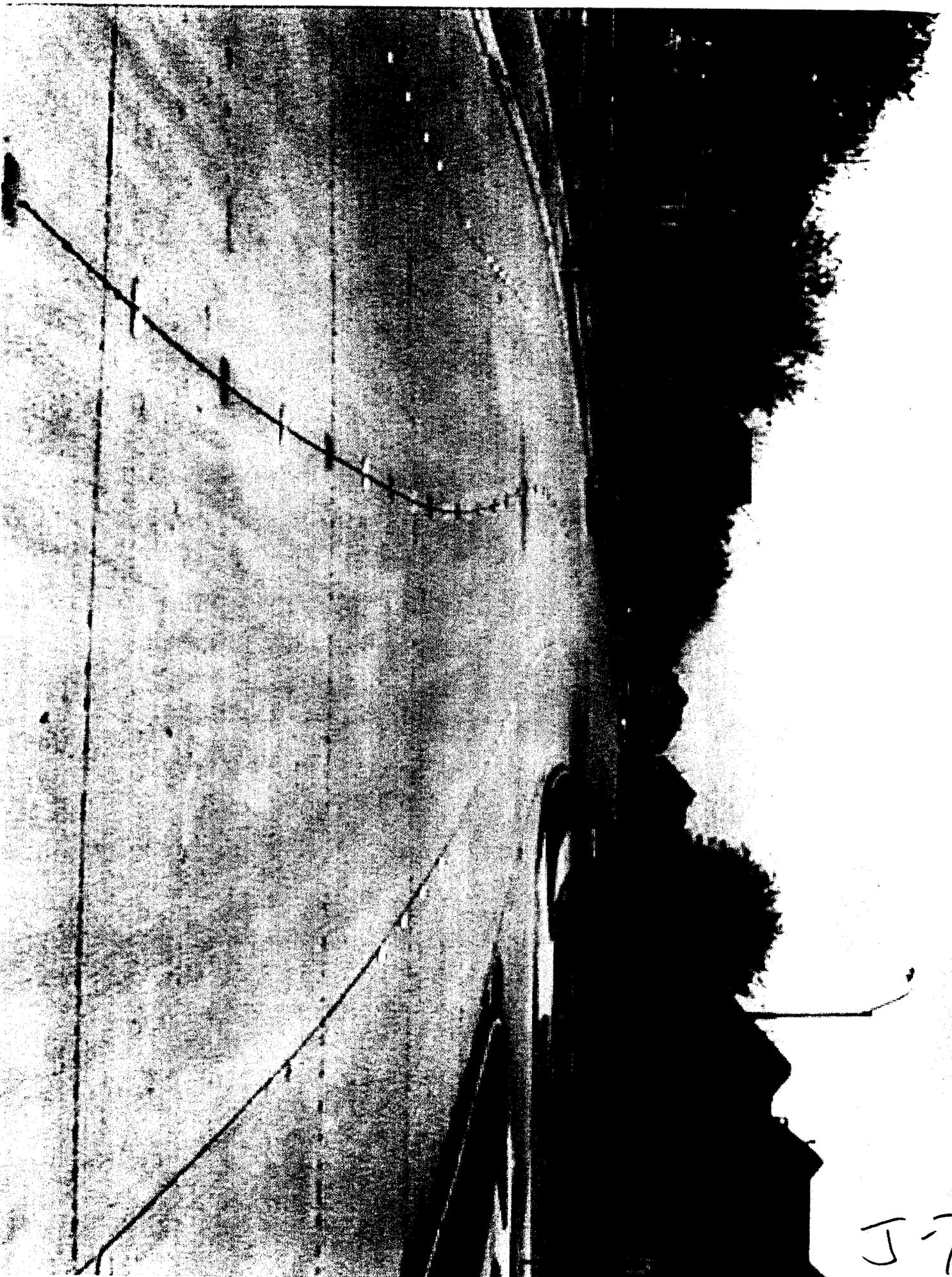
**QUINCY LANE  
ON**



Transportation Division

2-10-05

ON ROUTE 140' E/N OHIO DRIVE LOOKING EAST



57



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	<b>02/22/05</b>	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering	Initials	Date	
Department Head	Alan L. Upchurch	Executive Director	2/14/05	
Dept Signature:	<i>Alan L. Upchurch</i>	City Manager	2/14/05	
Agenda Coordinator (include phone #):		Irene Pegues (7198)		
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
<b>CAPTION</b>				
AN ORDINANCE OF THE CITY OF PLANO, TEXAS, ABANDONING ALL RIGHT, TITLE AND INTEREST OF THE CITY, IN AND TO A PORTION OF THAT CERTAIN SANITARY SEWER EASEMENT RECORDED IN VOLUME 3070 AT PAGE 214 OF THE COLLIN COUNTY DEED RECORDS AND BEING SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 151, AND THE JOHN MARTIN SURVEY, ABSTRACT NO. 603, LOCATED APPROXIMATELY 630 FEET SOUTH OF PARKER ROAD AND 300 FEET EAST OF MIDWAY ROAD, 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, MIDWAY/PARKER MEDICAL CENTER, L.P., TO THE EXTENT OF ITS INTEREST; AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE, AN EXECUTIVE DIRECTOR, TO EXECUTE ANY DOCUMENTS DEEMED NECESSARY; AND PROVIDING AN EFFECTIVE DATE.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
In the development of the Eden Garden Addition, the sewer main was relocated and a permanent easement provided. Therefore portions of the existing easement are no longer needed.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Location Map		n/a		

R-1

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

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, ABANDONING ALL RIGHT, TITLE AND INTEREST OF THE CITY, IN AND TO A PORTION OF THAT CERTAIN SANITARY SEWER EASEMENT RECORDED IN VOLUME 3070 AT PAGE 214 OF THE COLLIN COUNTY DEED RECORDS AND BEING SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 151, AND THE JOHN MARTIN SURVEY, ABSTRACT NO. 603, LOCATED APPROXIMATELY 630 FEET SOUTH OF PARKER ROAD AND 300 FEET EAST OF MIDWAY ROAD, 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, MIDWAY/PARKER MEDICAL CENTER, L.P., TO THE EXTENT OF ITS INTEREST; AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE, AN EXECUTIVE DIRECTOR, TO EXECUTE ANY DOCUMENTS DEEMED NECESSARY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Plano has been requested to abandon all right, title and interest of the City in and to a portion of that certain sanitary sewer easement recorded in Volume 3070 at Page 214 of the Deed Records of Collin County, Texas, (hereinafter called "Easement") and being situated in the Collin County School Land Survey, Abstract No. 151 and the John Martin Survey, Abstract No. 603, which is located within the City Limits of Plano, Collin County, Texas, and which is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

**WHEREAS**, the Property Owner has filed with the City a Petition for Abandonment, a copy of which is attached hereto as Exhibit "B" (without attached Exhibits) and made a part hereof by reference; which Petition provides that a portion of said Easement is no longer needed; and

**WHEREAS**, the Engineering Department has advised that an alternate easement has been provided with the subdivision plat of Eden Garden Assisted Living, Lot 1, Block 2 and that there will be no detrimental effect on the City if a portion of said Easement is abandoned and quitclaimed to the abutting property owner and a portion of said Easement should be abandoned.

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

**Section I.** All the right, title and interest of the City of Plano, Texas, in and to a portion of the Easement is hereby abandoned, and all right, title and interest of the City in and to a portion of the Easement is hereby quitclaimed to the abutting Property Owner in accordance with its respective interest. A certified copy of this Ordinance may be recorded in the Collin County Land Records to reflect this abandonment and quitclaim. The City Manager, or in his absence, an Executive Director, is hereby authorized to execute on behalf of the City of Plano, Texas, any instruments necessary

to complete the abandonment and quitclaim of a portion of the Easement by the City of Plano.

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

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

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

**DULY PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

ATTEST:

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

APPROVED AS TO FORM:

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

R-3

## EXHIBIT A

### FIELD NOTES

### DESCRIBING A SANITARY SEWER EASEMENT ABANDONMENT

BEING a 0.0352 acre tract of land situated in the Collin County School Land Survey, Abstract No. 151, and the John Martin Survey, Abstract No. 603, being part of Lot 1, Block 2 Eden Garden Assisted Living, an addition to the City of Plano, according to the plat thereof recorded in Vol. L, Pg. 980 (M.R.C.C.T) and being part of a 4.834 acre tract of land conveyed to Midway/Parker Medical Center, LP as recorded in Volume 5655, Page 2294, Deed Records, Collin County, Texas, (D.R.C.C.T.) and being more particularly described as follows:

COMMENCING at a 1-inch found iron rod on the east right-of-way line of Midway Road (a 110 foot right-of-way), said point also being the most westerly southwest corner of the Children's Medical & Presbyterian Hospital Addition, an addition to the City of Plano as recorded in Cabinet G, Page 798, Map Records, Collin County, Texas (M.R.C.C.T.);

THENCE North 59 degrees 40 minutes 47 seconds East, departing said east right-of-way line and along the south line of the Children's Medical & Presbyterian Hospital Addition, a distance of 30.55 feet to a point for corner;

THENCE South 65 degrees 23 minutes 39 seconds East, departing said south line, a distance of 81.10 feet to the beginning of a circular curve to the left having a radius of 257.50 feet and whose chord bears South 74 degrees 49 minutes 50 seconds East, a distance of 84.44 feet;

THENCE Southeasterly, continuing along said curve to the left, through a central angle of 18 degrees 52 minutes 23 seconds, an arc distance of 84.82 feet to the POINT OF BEGINNING;

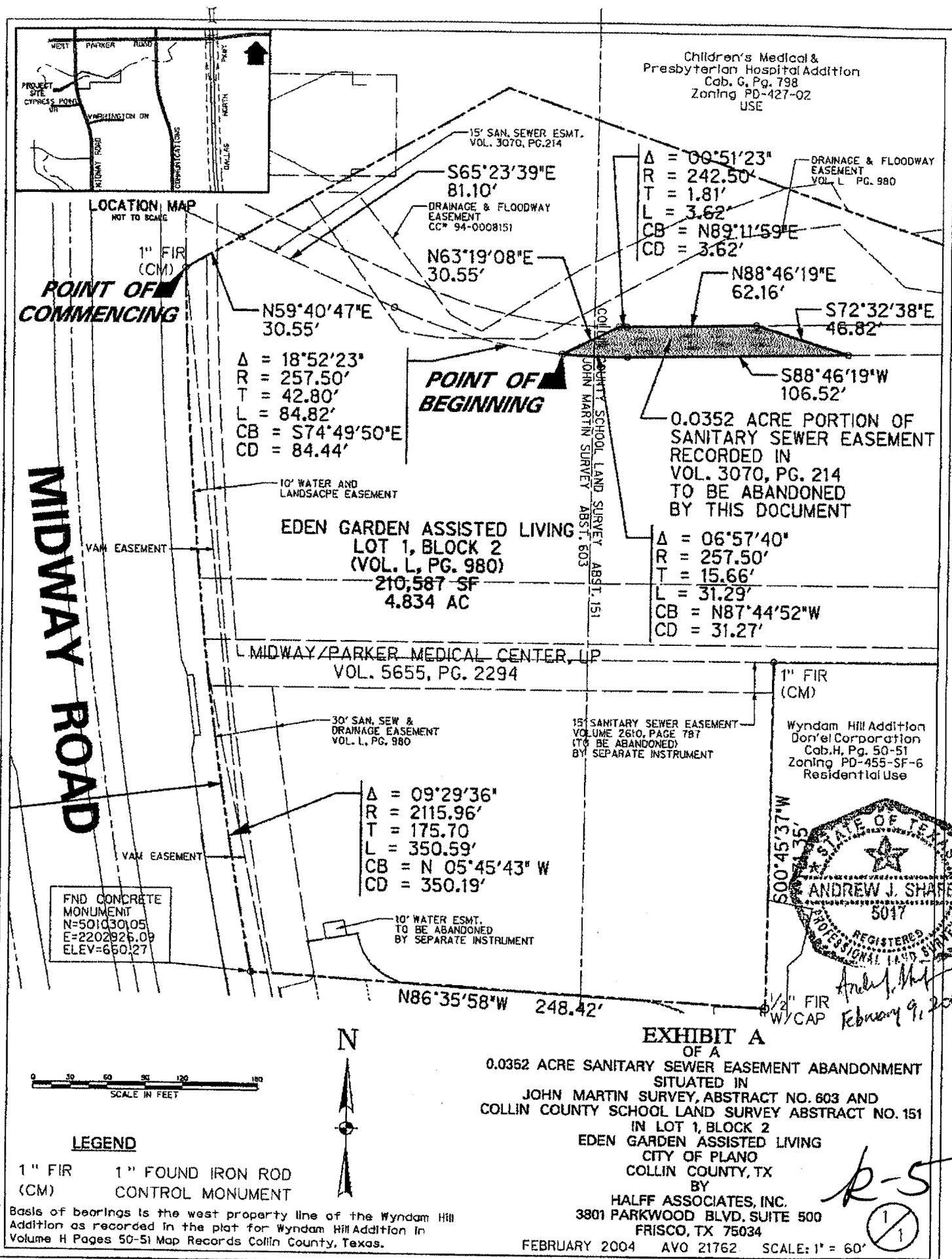
THENCE North 63 degrees 19 minutes 08 seconds East, a distance of 30.55 feet to the beginning of a non-tangent circular curve to the left having a radius of 242.50 feet and whose chord bears North 89 degrees 11 minutes 59 seconds East, a distance of 3.62 feet;

THENCE Northeasterly, continuing along said curve to the left, through a central angle of 00 degrees 51 minutes 23 seconds, an arc distance of 3.62 feet to a point for corner;

THENCE North 88 degrees 46 minutes 19 seconds East, a distance of 62.16 feet to a point for corner;

THENCE South 72 degrees 32 minutes 38 seconds East, a distance of 46.82 feet to a point for corner;

R-4



Children's Medical & Presbyterian Hospital Addition  
 Cab. G, Pg. 798  
 Zoning PD-427-02  
 USE

**LOCATION MAP**  
 NOT TO SCALE

1" FIR (CM)  
**POINT OF COMMENCING**

**POINT OF BEGINNING**

$\Delta = 00^{\circ}51'23''$   
 $R = 242.50'$   
 $T = 1.81'$   
 $L = 3.62'$   
 $CB = N89^{\circ}11'59''E$   
 $CD = 3.62'$

$\Delta = 18^{\circ}52'23''$   
 $R = 257.50'$   
 $T = 42.80'$   
 $L = 84.82'$   
 $CB = S74^{\circ}49'50''E$   
 $CD = 84.44'$

$N59^{\circ}40'47''E$  30.55'  
 $N63^{\circ}19'08''E$  30.55'  
 $N88^{\circ}46'19''E$  62.16'  
 $S72^{\circ}32'38''E$  46.82'

$S88^{\circ}46'19''W$  106.52'  
 0.0352 ACRE PORTION OF SANITARY SEWER EASEMENT RECORDED IN VOL. 3070, PG. 214 TO BE ABANDONED BY THIS DOCUMENT

$\Delta = 06^{\circ}57'40''$   
 $R = 257.50'$   
 $T = 15.66'$   
 $L = 31.29'$   
 $CB = N87^{\circ}44'52''W$   
 $CD = 31.27'$

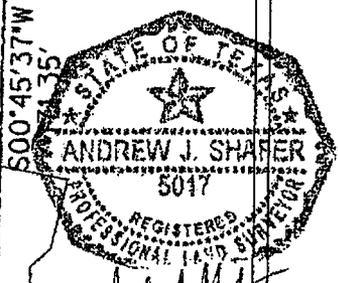
EDEN GARDEN ASSISTED LIVING LOT 1, BLOCK 2 (VOL. L, PG. 980)  
 210,587 SF  
 4.834 AC

MIDWAY/PARKER MEDICAL CENTER, LP  
 VOL. 5655, PG. 2294

1" FIR (CM)  
 Wyndam Hill Addition  
 Don'el Corporation  
 Cab. H, Pg. 50-51  
 Zoning PD-455-SF-6  
 Residential Use

$\Delta = 09^{\circ}29'36''$   
 $R = 2115.96'$   
 $T = 175.70$   
 $L = 350.59'$   
 $CB = N 05^{\circ}45'43'' W$   
 $CD = 350.19'$

FND CONCRETE MONUMENT  
 N=501030105  
 E=2202926.09  
 ELEV=660.27



*Andrew J. Shafer*  
 February 9, 2005

**EXHIBIT A**  
 OF A  
 0.0352 ACRE SANITARY SEWER EASEMENT ABANDONMENT  
 SITUATED IN  
 JOHN MARTIN SURVEY, ABSTRACT NO. 603 AND  
 COLLIN COUNTY SCHOOL LAND SURVEY ABSTRACT NO. 151  
 IN LOT 1, BLOCK 2  
 EDEN GARDEN ASSISTED LIVING  
 CITY OF PLANO  
 COLLIN COUNTY, TX  
 BY  
 HALFF ASSOCIATES, INC.  
 3801 PARKWOOD BLVD. SUITE 500  
 FRISCO, TX 75034  
 FEBRUARY 2004 AVO 21762 SCALE: 1" = 60'



**LEGEND**

1" FIR 1" FOUND IRON ROD  
 (CM) CONTROL MONUMENT

Basis of bearings is the west property line of the Wyndam Hill Addition as recorded in the plat for Wyndam Hill Addition in Volume H Pages 50-51 Map Records Collin County, Texas.

**EXHIBIT "B"**  
**PETITION FOR ABANDONMENT**  
**EDEN GARDEN ASSISTED LIVING**

We, the undersigned, (called "Owners"), being all of the owners of real property abutting on that portion of **Sanitary Sewer Easement recorded in Volume 3070, Page 214** (called "Easement"), more particularly described in the field note description attached as Petition Exhibit "A", do hereby request that the City of Plano, Texas (called "City") abandon the Easement.

1. The Owners are requesting the abandonment of the Easement for the following reasons:  
To accommodate the relocation of the existing sanitary sewer line within this portion of the easement, a new utility easement is being dedicated by plat for the new sewer location
2. The following public interest will be served as a result of the abandonment:  
Aid in the development of the project
3. The Owners hereby release and hold harmless the City from and against any and all claims or causes of action for damages or injury that each may have by reason of the abandonment and closing of the Easement.
4. The Owners represent that no other property owner uses the Easement for access to their property. The owners hereby indemnify and hold harmless the City from and against any and all claims or causes of action for damage or injury that any other property owner may have against the City by reason of the abandonment and closing of the Easement.
5. Unless the provisions of Paragraph 6 apply, the Owners agree to pay to the City the fair market value of the Easement as determined by an appraisal obtained by the City (called "Price"). The appraisal shall be conclusive as to the fair market value. The Owners shall reimburse the City for the costs of the appraisal and other costs incident to the abandonment (called "Costs"). The Price and Costs shall be paid to the City prior to the abandonment. Should the City Council of the City not abandon the Easement, the Price shall be returned to the Owners, but the Costs shall be retained by the City. Each Owner's share of the Price and Costs shall be in the same proportion as their abutting ownership as hereinafter defined.
6. The provisions of Paragraph 5 shall not apply if the owners have dedicated other right-of-way to replace that which is to be abandoned, in order to construct a new street which shall take the place of the easement (called "Replacement Right-of-Way"). If the Owners have or will provide Replacement Easement attached as Petition Exhibit "B" a drawing showing the Replacement Right-of-Way in relation to the Easement.

*R-6*

EXHIBIT "B"

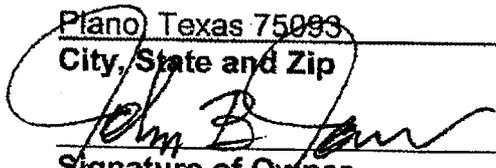
- 7. The Owners understand and agree that the abandonment is in the sole discretion of the City Council of the City. The Owners understand and agree that if the Easement is abandoned, the City will quitclaim a portion of the Easement in proportion to their abutting ownership. Their abutting ownership will be determined by the number of linear feet of frontage adjacent to the Easement owned by each property owner. Based on the foregoing, the abutting ownership is in the following proportions:  
100% of the abutting property is owned by Midway/Parker Medical Center, L.P.
- 8. Attached to this Petition as Petition Exhibit "C" is a map or drawing showing the Easement along with the designation of the abutting ownership.
- 9. Attached as Petition Exhibit "D" are separate field note descriptions for each portion of the Easement to be quitclaimed to each property owner. (not applicable)

Midway/Parker Medical Center, L.P.  
Typed Name of Owner

John B. Jones  
Owner Representative

6205 Chapel Hill Blvd., Suite 500  
Address

Piano Texas 75093  
City, State and Zip

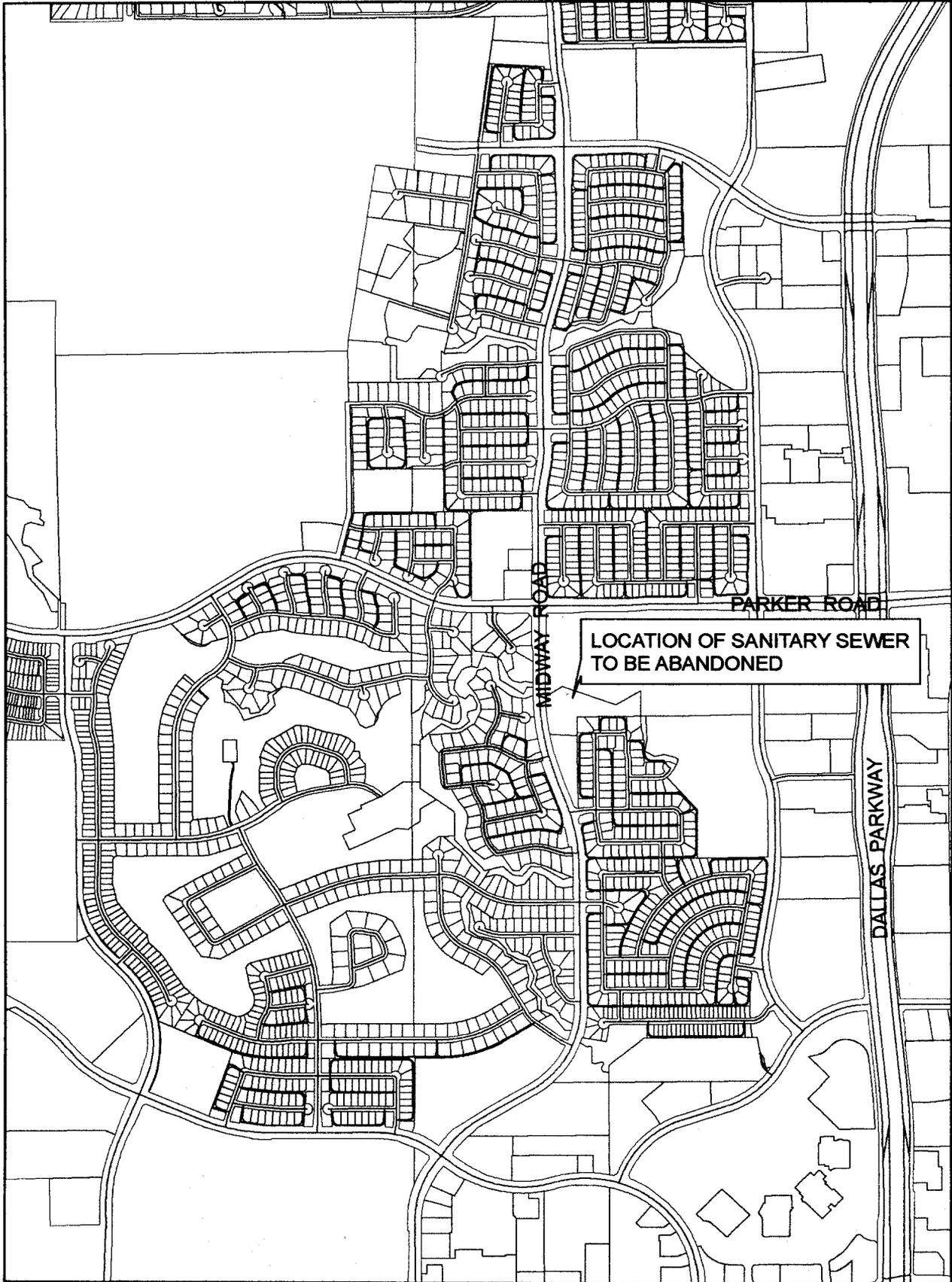
Dated: 2/9/05   
Signature of Owner

Contact Person for Property Owners:

Name: Rusty R. Glover, P.E.

Phone No: (214) 618-4570

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LOCATION OF SANITARY SEWER  
TO BE ABANDONED

MIDWAY ROAD

PARKER ROAD

DALLAS PARKWAY



K-8

LOCATION MAP



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>			Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:		<b>02/22/05</b>	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering			Initials	Date
Department Head	Alan L. Upchurch		Executive Director	<i>[Signature]</i>	2/14/05
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	2/14/05
Agenda Coordinator (include phone #):			<b>Irene Pegues (7198)</b> <i>[Signature]</i>		
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
<b>CAPTION</b>					
AN ORDINANCE OF THE CITY OF PLANO, TEXAS, ABANDONING ALL RIGHT, TITLE AND INTEREST OF THE CITY, IN AND TO A PORTION OF THAT CERTAIN SANITARY SEWER EASEMENT RECORDED IN VOLUME 2610 AT PAGE 787 OF THE COLLIN COUNTY DEED RECORDS AND BEING SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 151, AND THE JOHN MARTIN SURVEY, ABSTRACT NO. 603, LOCATED APPROXIMATELY 875 FEET SOUTH OF PARKER ROAD AND EAST OF MIDWAY ROAD 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, MIDWAY/PARKER MEDICAL CENTER, L.P., TO THE EXTENT OF ITS INTEREST; AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE, AN EXECUTIVE DIRECTOR, TO EXECUTE ANY DOCUMENTS DEEMED NECESSARY; AND PROVIDING AN EFFECTIVE DATE.					
<b>FINANCIAL SUMMARY</b>					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>	
Budget	0	0	0	0	
Encumbered/Expended Amount	0	0	0	0	
This Item	0	0	0	0	
BALANCE	0	0	0	0	
FUND(S):					
COMMENTS:					
<b>SUMMARY OF ITEM</b>					
A sanitary sewer line was never constructed within this easement, therefore it can be abandoned.					
List of Supporting Documents: Location Map			Other Departments, Boards, Commissions or Agencies n/a		

e-1

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

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, ABANDONING ALL RIGHT, TITLE AND INTEREST OF THE CITY, IN AND TO A PORTION OF THAT CERTAIN SANITARY SEWER EASEMENT RECORDED IN VOLUME 2610 AT PAGE 787 OF THE COLLIN COUNTY DEED RECORDS AND BEING SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 151, AND THE JOHN MARTIN SURVEY, ABSTRACT NO. 603, LOCATED APPROXIMATELY 875 FEET SOUTH OF PARKER ROAD AND EAST OF MIDWAY ROAD 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, MIDWAY/PARKER MEDICAL CENTER, L.P., TO THE EXTENT OF ITS INTEREST; AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE, AN EXECUTIVE DIRECTOR, TO EXECUTE ANY DOCUMENTS DEEMED NECESSARY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Plano has been requested to abandon all right, title and interest of the City in and to a portion of that certain sanitary sewer easement recorded in Volume 2610 at Page 787 of the Deed Records of Collin County, Texas, (hereinafter called "Easement") and being situated in the Collin County School Land Survey, Abstract No. 151 and the John Martin Survey, Abstract No. 603, which is located within the City Limits of Plano, Collin County, Texas, and which is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

**WHEREAS**, the Property Owner has filed with the City a Petition for Abandonment, a copy of which is attached hereto as Exhibit "B" (without attached Exhibits) and made a part hereof by reference; which Petition provides that a portion of said Easement is no longer needed; and

**WHEREAS**, the Engineering Department has advised that a portion of said Easement is no longer needed and that there will be no detrimental effect on the City if a portion of said Easement is abandoned and quitclaimed to the abutting property owner and a portion of said Easement should be abandoned.

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

**Section I.** All the right, title and interest of the City of Plano, Texas, in and to a portion of the Easement is hereby abandoned, and all right, title and interest of the City in and to a portion of the Easement is hereby quitclaimed to the abutting Property Owner in accordance with its respective interest. A certified copy of this Ordinance may be recorded in the Collin County Land Records to reflect this abandonment and quitclaim. The City Manager, or in his absence, an Executive Director, is hereby authorized to execute on behalf of the City of Plano, Texas, any instruments necessary to complete the abandonment and quitclaim of a portion of the Easement by the City of Plano.

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

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

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

**DULY PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

ATTEST:

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

APPROVED AS TO FORM:

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

EXHIBIT A

FIELD NOTES

DESCRIBING A SANITARY SEWER EASEMENT ABANDONMENT

BEING a 0.0886 acre tract of land situated in the Collin County School Land Survey, Abstract No. 151, and the John Martin Survey, Abstract No. 603, being part of Lot 1, Block 2 Eden Garden Assisted Living, an addition to the City of Plano, according to the plat thereof recorded in Vol. L, Pg. 980 (M.R.C.C.T) and being part of a 4.834 acre tract of land conveyed to Midway/Parker Medical Center, LP as recorded in Volume 5655, Page 2294, Deed Records, Collin County, Texas, (D.R.C.C.T.) and being more particularly described as follows:

COMMENCING at a 1-inch found iron rod on the east right-of-way line of Midway Road (a 110 foot right-of-way), said point also being the most westerly southwest corner of the Children's Medical & Presbyterian Hospital Addition, an addition to the City of Plano as recorded in Cabinet G, Page 798, Map Records, Collin County, Texas (M.R.C.C.T.) and the point of curvature of a circular curve to the left having a radius of 2115.96 feet and whose chord bears South 03 degrees 49 minutes 16 seconds East, a distance of 207.18 feet;

THENCE Southeasterly, along said east right-of-way line and along said curve to the left through a central angle of 05 degrees 36 minutes 44 seconds, an arc distance of 207.26 feet to a point for corner;

THENCE South 89 degrees 58 minutes 42 seconds East, departing said east right-of-way line a distance of 15.00 feet to the POINT OF BEGINNING, said point also being the beginning of a non-tangent circular curve to the right having a radius of 2100.96 feet and whose chord bears North 06 degrees 03 minutes 56 seconds West, a distance of 15.08 feet;

THENCE Northwesterly, along said curve to the right, through a central angle of 00 degrees 24 minutes 41 seconds, an arc distance of 15.08 feet to a point for corner;

THENCE South 89 degrees 58 minutes 42 seconds East, a distance of 258.20 feet to a 1-inch found iron rod for corner;

THENCE South 00 degrees 44 minutes 55 seconds West, a distance of 15.00 feet to a point for corner;

THENCE North 89 degrees 58 minutes 42 seconds West, a distance of 256.41 feet to the POINT OF BEGINNING AND CONTAINING 3,859 square feet or 0.0886 acres of land more or less.

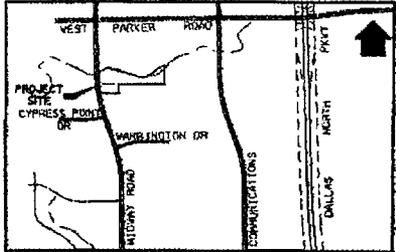
The basis of bearing for this tract is the west property line of the Wyndam Hill Addition as recorded in the plat for Wyndam Hill Addition in Volume H Pages 50-51 Map Records Collin County, Texas.



*Andrew J. Shafer*  
February 9, 2005

e-4

Children's Medical & Presbyterian Hospital Addition  
 Cab. G, Pg. 798  
 Zoning PD-427-02  
 USE



LOCATION MAP  
 NOT TO SCALE

DRAINAGE & FLOODWAY EASEMENT  
 CC# 94-0008151

DRAINAGE & FLOODWAY EASEMENT  
 VOL. L PG. 980

MIDWAY/PARKER MEDICAL CENTER, LP  
 VOL. 5655, PG. 2294

1" FIR (CM)

**POINT OF COMMENCING**

$\Delta = 05^{\circ}36'44''$   
 $R = 2115.96'$   
 $T = 103.71'$   
 $L = 207.26'$   
 $CB = S03^{\circ}49'16''E$   
 $CD = 207.18'$

SANITARY SEWER EASEMENT  
 VOLUME 3070, PAGE 214

15' SAN. SEWER ESMT.  
 (VOL. 2610, PG. 787)

EDEN GARDEN ASSISTED LIVING  
 LOT 1, BLOCK 2,  
 (VOL. L, PG.980)  
 210,587 SF  
 4.834 AC

10' WATER AND LANDSCAPE EASEMENT

$\Delta = 00^{\circ}24'41''$   
 $R = 2100.96'$   
 $T = 7.54'$   
 $L = 15.08'$   
 $CB = N06^{\circ}03'56''W$   
 $CD = 15.08'$

0.0886 ACRE PORTION OF  
 SANITARY SEWER EASEMENT  
 RECORDED IN VOL. 2610,  
 PG 787, D.R.C.C.T.  
 TO BE ABANDONED  
 BY THIS DOCUMENT

**MIDWAY ROAD**

VAM EASEMENT

$S89^{\circ}58'42''E$  258.20'

1" FIR (CM)

**POINT OF BEGINNING**

$N89^{\circ}58'42''W$  256.41'

$S00^{\circ}44'55''W$   
 15.00'

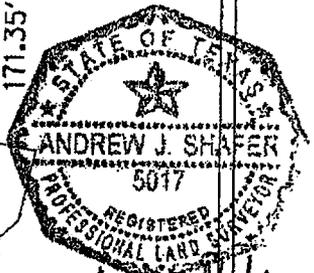
Wyndam Hill Addition  
 Donal Corporation  
 Cab.H, Pg. 50-51  
 Zoning PD-455-SF-6  
 Residential Use

$S89^{\circ}58'42''E$   
 15.00'

30' SAN. SEW & DRAINAGE EASEMENT  
 VOL. L, PG. 980

$\Delta = 03^{\circ}52'52''$   
 $R = 2115.96'$   
 $T = 71.69'$   
 $L = 143.33'$   
 $CB = N08^{\circ}34'40''W$   
 $CD = 143.31'$

$S00^{\circ}45'37''W$   
 171.35'



FND CONCRETE MONUMENT  
 N=501030.05  
 E=2202926.09  
 ELEV=650.27

10' WATER ESMT.  
 TO BE ABANDONED  
 BY SEPARATE INSTRUMENT

$N86^{\circ}35'58''W$  248.42'

$1/2$ " FIR W/CAP

*Andrew J. Shafer*  
 February 9, 2005

**EXHIBIT A**  
 OF A

0.0886 ACRE SANITARY SEWER EASEMENT ABANDONMENT  
 SITUATED IN  
 JOHN MARTIN SURVEY, ABSTRACT NO. 603 AND  
 COLLIN COUNTY SCHOOL LAND SURVEY ABSTRACT NO. 151  
 IN LOT 1, BLOCK 2  
 EDEN GARDEN ASSISTED LIVING  
 CITY OF PLANO  
 COLLIN COUNTY, TX  
 BY

HALFF ASSOCIATES, INC.  
 3801 PARKWOOD BLVD. SUITE 500  
 FRISCO, TX 75034

FEBRUARY 2004 AVO 21762 SCALE: 1" = 60'



**LEGEND**

1" FIR 1" FOUND IRON ROD  
 (CM) CONTROL MONUMENT

Basis of bearings is the west property line of the Wyndam Hill Addition as recorded in the plat for Wyndam Hill Addition in Volume H Pages 50-51 Map Records Collin County, Texas.

1/1  
 5

**EXHIBIT "B"**  
**PETITION FOR ABANDONMENT**  
**EDEN GARDEN ASSISTED LIVING**

We, the undersigned, (called "Owners"), being all of the owners of real property abutting on that portion of **Sanitary Sewer Easement recorded in Volume 2610, Page 787** (called "Easement"), more particularly described in the field note description attached as Petition Exhibit "A", do hereby request that the City of Plano, Texas (called "City") abandon the Easement.

1. The Owners are requesting the abandonment of the Easement for the following reasons:  
**Sewer line does not exist within easement**  

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2. The following public interest will be served as a result of the abandonment:  
**Aid in the development of the project**  

---

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3. The Owners hereby release and hold harmless the City from and against any and all claims or causes of action for damages or injury that each may have by reason of the abandonment and closing of the Easement.
4. The Owners represent that no other property owner uses the Easement for access to their property. The owners hereby indemnify and hold harmless the City from and against any and all claims or causes of action for damage or injury that any other property owner may have against the City by reason of the abandonment and closing of the Easement.
5. Unless the provisions of Paragraph 6 apply, the Owners agree to pay to the City the fair market value of the Easement as determined by an appraisal obtained by the City (called "Price"). The appraisal shall be conclusive as to the fair market value. The Owners shall reimburse the City for the costs of the appraisal and other costs incident to the abandonment (called "Costs"). The Price and Costs shall be paid to the City prior to the abandonment. Should the City Council of the City not abandon the Easement, the Price shall be returned to the Owners, but the Costs shall be retained by the City. Each Owner's share of the Price and Costs shall be in the same proportion as their abutting ownership as hereinafter defined.
6. The provisions of Paragraph 5 shall not apply if the owners have dedicated other right-of-way to replace that which is to be abandoned, in order to construct a new street which shall take the place of the easement (called "Replacement Right-of-Way"). If the Owners have or will provide Replacement Easement attached as Petition Exhibit "B" a drawing showing the Replacement Right-of-Way in relation to the Easement.

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EXHIBIT "B"

- 7. The Owners understand and agree that the abandonment is in the sole discretion of the City Council of the City. The Owners understand and agree that if the Easement is abandoned, the City will quitclaim a portion of the Easement in proportion to their abutting ownership. Their abutting ownership will be determined by the number of linear feet of frontage adjacent to the Easement owned by each property owner. Based on the foregoing, the abutting ownership is in the following proportions:

100% of the abutting property is owned by Midway/Parker Medical Center, L.P.

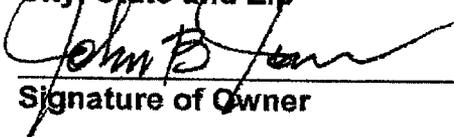
- 8. Attached to this Petition as Petition Exhibit "C" is a map or drawing showing the Easement along with the designation of the abutting ownership.
- 9. Attached as Petition Exhibit "D" are separate field note descriptions for each portion of the Easement to be quitclaimed to each property owner. (not applicable)

Midway/Parker Medical Center, L.P.  
**Typed Name of Owner**

John B. Jones  
**Owner Representative**

6205 Chapel Hill Blvd., Suite 500  
**Address**

Plano, Texas 75093  
**City/State and Zip**

  
**Signature of Owner**

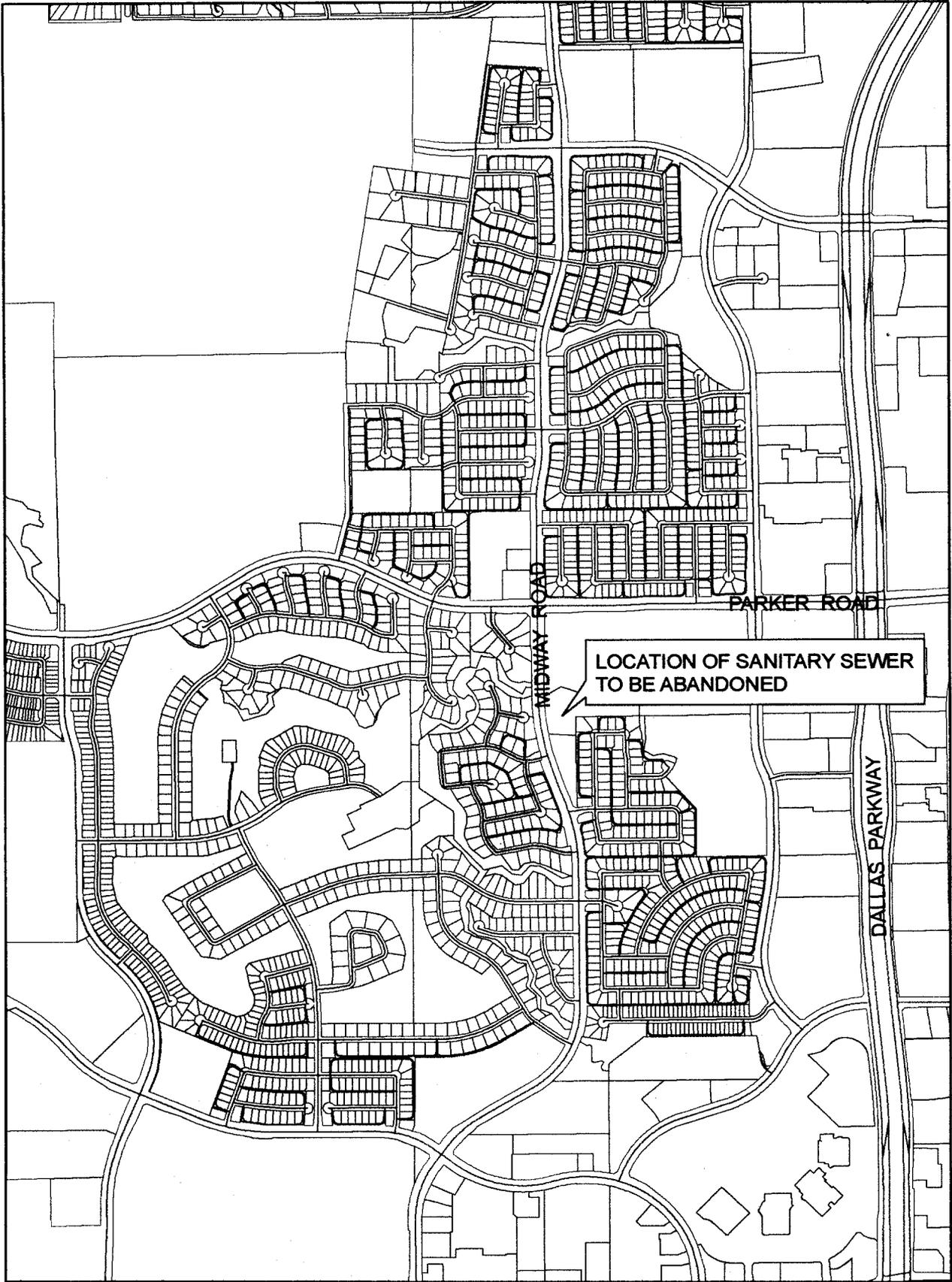
Dated: 2/9/05

**Contact Person for Property Owners:**

**Name:** Rusty R. Glover, P.E.

**Phone No:** (214) 618-4570

*l-7*



LOCATION OF SANITARY SEWER  
TO BE ABANDONED

LOCATION MAP

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**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: <b>02/22/05</b>		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering		Initials	Date
Department Head	Alan L. Upchurch	Executive Director	<i>[Signature]</i>	2/15/05
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	2/15/05
Agenda Coordinator (include phone #):		Irene Pegues (7198)	<i>[Signature]</i>	
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
<b>CAPTION</b>				
AN ORDINANCE OF THE CITY OF PLANO, TEXAS, ABANDONING ALL RIGHT, TITLE AND INTEREST OF THE CITY, IN AND TO THAT CERTAIN WATER LINE EASEMENT AND A PORTION OF THAT CERTAIN FIRE LANE, ACCESS AND UTILITY EASEMENT SHOWN ON LOTS 1 AND 2, BLOCK A OF HUNTERS GLEN V ADDITION, AS RECORDED IN CABINET I, PAGE 595 AND CABINET J, PAGE 864 OF THE LAND RECORDS OF COLLIN COUNTY, TEXAS AND BEING LOCATED IN THE NORTHWEST CORNER OF CUSTER ROAD AND SPRING CREEK PARKWAY IN THE CITY LIMITS OF PLANO, COLLIN COUNTY, TEXAS; QUITCLAIMING ALL RIGHT, TITLE AND INTEREST OF THE CITY IN SUCH EASEMENTS TO THE ADJUTTING PROPERTY OWNERS, CUSTER TEXACO PARTNERS AND ELAHI'S, INC., TO THE EXTENT OF THEIR INTERESTS; AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE, AN EXECUTIVE DIRECTOR, TO EXECUTE ANY DOCUMENTS DEEMED NECESSARY; AND PROVIDING AN EFFECTIVE DATE.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
<b>BALANCE</b>	0	0	0	0
FUND(S):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
Lots 1 and 2, Block A of Hunters Glen V Addition are being replatted into one lot. Portions of the existing easements are no longer needed.				
List of Supporting Documents: Location Map		Other Departments, Boards, Commissions or Agencies n/a		

*M-1*

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

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, ABANDONING ALL RIGHT, TITLE AND INTEREST OF THE CITY, IN AND TO THAT CERTAIN WATER LINE EASEMENT AND A PORTION OF THAT CERTAIN FIRE LANE, ACCESS AND UTILITY EASEMENT SHOWN ON LOTS 1 AND 2, BLOCK A OF HUNTERS GLEN V ADDITION, AS RECORDED IN CABINET I, PAGE 595 AND CABINET J, PAGE 864 OF THE LAND RECORDS OF COLLIN COUNTY, TEXAS AND BEING LOCATED IN THE NORTHWEST CORNER OF CUSTER ROAD AND SPRING CREEK PARKWAY IN THE CITY LIMITS OF PLANO, COLLIN COUNTY, TEXAS; QUITCLAIMING ALL RIGHT, TITLE AND INTEREST OF THE CITY IN SUCH EASEMENTS TO THE ABUTTING PROPERTY OWNERS, CUSTER TEXACO PARTNERS AND ELAHI'S, INC., TO THE EXTENT OF THEIR INTERESTS; AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE, AN EXECUTIVE DIRECTOR, TO EXECUTE ANY DOCUMENTS DEEMED NECESSARY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Plano has been requested to abandon all right, title and interest of the City in and to that certain water line easement and a portion of that certain fire lane, access and utility easement shown on Lots 1 and 2, Block A of Hunters Glen V Addition, as recorded in Cabinet I, Page 595 and Cabinet J, Page 864 of the Land Records of Collin County, Texas (hereinafter called "Easements") and being located in the northwest corner of Custer Road and Spring Creek Parkway within the City Limits of Plano, Collin County, Texas, and which are more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

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

**WHEREAS**, the Engineering Department has advised that there will be no detrimental effect on the City if said Easements are abandoned and quitclaimed to the abutting property owners and said Easements should be abandoned.

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

**Section I.** All the right, title and interest of the City of Plano, Texas, in and to the Easements are hereby abandoned, and all right, title and interest of the City in and to the Easements are hereby quitclaimed to the abutting Property Owners in accordance with their respective interests. A certified copy of this Ordinance may be recorded in the Collin County Land Records to reflect this abandonment and quitclaim. The City Manager, or in his absence, an Executive Director, is hereby authorized to execute on behalf of the City of Plano, Texas, any instruments necessary to complete the abandonment and quitclaim of the Easements by the City of Plano.

**Section II.** The abandonment and quitclaim is without prejudice to any and all improvements, facilities, equipment or lines of any public utility, municipal or otherwise,

if any, which are presently located within the Easements. Any such utility shall have the continued right to locate, maintain, repair, reconstruct, preserve or relocate improvements, facilities, equipment or lines in the Easements.

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

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

**DULY PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

ATTEST:

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

APPROVED AS TO FORM:

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

M-3

HUNTER GLEN 3  
REVISED ADDITION  
VOL. 11, PG 82

FIRE LANE, ACCESS &  
UTILITY EASEMENT  
CAB. I, PG. 595  
TO BE ABANDONED  
0.223 ACRES

(9,708 S.F.)

LOT 1R, BLK A  
CAB. J, SLIDE B64

LOT 3R, BLOCK A  
HUNTERS GLEN 5  
J/861

LOT 2R, BLK A  
CAB. J, SLIDE B64

10' WATER EASEMENT  
CAB. J, PG. 864 TO BE  
ABANDONED  
0.002 ACRES  
(92 S.F.)

CUSTER ROAD (F.M. 2478)  
(VARIABLE RIGHT OF WAY)

ESMT. 1  
POINT OF BEGINNING

POINT OF BEGINNING  
ESMT. 2

POINT OF COMMENCING

TANGENT TABLE		
LINE	BEARING	LENGTH
L1	N00°50'50"W	44.01
L2	N89°51'28"E	172.00
L3	N00°50'50"W	56.12
L4	N89°51'28"E	19.94
L5	S02°50'02"W	23.79
L6	S88°51'28"W	18.71
L7	S00°50'50"E	56.00
L8	N89°51'28"E	12.77
L9	S02°50'02"W	12.02
L10	S00°50'50"E	12.00
L11	S89°51'28"W	228.00
L12	N89°51'28"E	10.00
L13	S00°08'34"E	9.52
L14	S89°51'28"W	10.00
L15	N00°08'34"W	9.52
L16	N00°50'50"W	179.03

SPRING CREEK PARKWAY  
(VARIABLE RIGHT OF WAY)

Scale 1"=60'

OWNER:

INDEPENDENCE PLANO CVS, L.P.  
ONE CVS DRIVE  
WOONSOCKET, RI 02895

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHRD BEAR
C1	89°17'44"	20.00	31.17	19.78	28.11	N44°30'18"E
C2	90°41'59"	43.88	69.14	44.21	82.14	N44°58'49"E
C3	90°42'16"	20.00	31.66	20.25	28.48	S44°30'18"W
C4	90°41'57"	20.00	31.66	20.25	28.48	S45°29'42"E
C5	89°17'44"	20.00	31.17	19.78	28.11	S44°30'18"W



**Winkelmann & Associates, Inc.**

CONSULTING CIVIL ENGINEERS & SURVEYORS  
( 972 ) 490-7000 FAX ( 972 ) 480-7009

Scale : 1"=60' Date : 12/21/04

Design : M.D.C.

Drawn : W.A.I.

Dwg. File : 39560ABN.DWG

Project No. : 39560.00

ALFRED HARRING SURVEY, ABST. NO. 420  
CITY OF PLANO  
COLLIN COUNTY, TEXAS

EXHIBIT "A"  
FIRELANE, ACCESS & UTILITY  
EASEMENT ABANDONMENT

M-4

**EXHIBIT "A" (continued)**

## FIELD NOTES DESCRIPTIONS

FIRELANE, ACCESS & UTILITY EASEMENT (ESMT. 1)  
ABANDONMENTSTATE OF TEXAS  
COUNTY OF COLLIN

BEING of a tract of land situated in the Alfred Harrington Survey, Abstract No. 420 of Collin County, Texas and being a portion of Lots 1R and Lot 2R, Block A of the Hunters Glen 5 Addition, an addition to the City of Plano recorded in Cabinet J, Page 884 Plat Records of Collin County, Texas (PRCCT);

BEGINNING at a point in the intersection of the westerly right of way line of Custer Road (F.M. 2478) (Variable right of way) and the northerly right of way line of Spring Creek Parkway (Variable right of way);

COMMENCING along the westerly right of way line of said Custer Road, North 00 degrees 50 minutes 50 seconds West a distance of 179.03 feet to the POINT OF BEGINNING;

THENCE, South 89 minutes 51 minutes 26 seconds West a distance of 228.00 feet to a point for the beginning of a curve to the left having a radius of 20.00 feet, a chord bearing of South 44 degrees 30 minutes 18 seconds West, a chord length of 28.11 feet;

THENCE, along said curve to the left through a central angle of 89 degrees 17 minutes 44 seconds and an arc length of 31.17 feet to a point for corner;

THENCE, North 00 degrees 50 minutes 50 seconds West a distance of 44.01 feet to a point for corner;

THENCE, North 89 degrees 51 minutes 26 seconds East a distance of 172.00 feet to point for the beginning of a curve to the left having a radius of 20.00 feet, a chord bearing of North 44 degrees 56 minutes 49 seconds East, a chord length of 28.11 feet;

THENCE, along said curve to the left through a central angle of 89 degrees 17 minutes 44 seconds and an arc length of 31.17 feet to a point for corner;

THENCE, North 00 degrees 50 minutes 50 seconds West a distance of 56.12 feet to a point for the beginning of a curve to the right having a radius of 43.68 feet, a chord bearing of North 44 degrees 56 minutes 49 seconds East, and a chord length of 62.14 feet;

THENCE, along said curve to the right through a central angle of 90 degrees 41 minutes 58 seconds and an arc length of 69.14 feet to a point for corner;

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## Exhibit "A" (continued)

THENCE, North 89 degrees 51 minutes 26 seconds East a distance of 19.94 feet to a point for corner;

THENCE along the westerly right of way line of said Custer Road, South 02 degrees 50 minutes 02 seconds West a distance of 23.79 feet to a point for corner;

THENCE, South 89 degrees 51 minutes 26 seconds West a distance of 18.71 feet to a point for the beginning of a curve to the left having a radius of 20.00 feet, a chord bearing South 44 degrees 30 minutes 18 seconds West, and a chord length of 28.46 feet;

THENCE, along said curve to the left through a central angle of 90 degrees 42 minutes 16 seconds and an arc length of 31.66 feet to a point for corner;

THENCE, South 00 degrees 50 minutes 50 seconds East a distance of 56.00 feet to a point for the beginning of a curve to the left having a radius of 20.00 feet, a chord bearing of South 45 degrees 29 minutes 42 seconds East, a chord length of 28.46 feet;

THENCE, along said curve to the left through a central angle of 90 degrees 41 minutes 57 seconds and an arc length of 31.66 feet to a point for corner;

THENCE along the westerly right of way line of said Custer Road as follows:

South 02 degrees 50 minutes 02 seconds West a distance of 12.77 feet to a point for corner;

South 00 degrees 50 minutes 50 seconds West a distance of 12.00 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 0.223 acres or 9,708 square feet of land more or less.

BASIS OF BEARINGS: Bearings cited here in are based on a plat the Hunters Glen 5

M-6

## Exhibit "A" (continued)

## FIELD NOTES DESCRIPTIONS

10' WATER EASEMENT (ESMT. 2)  
ABANDONMENT

STATE OF TEXAS  
COUNTY OF COLLIN

BEING of a tract of land situated in the Alfred Harrington Survey, Abstract No. 420 of Collin County, Texas and being a portion of Lot 2R, Block A of the Hunters Glen 5 Addition, an addition to the City of Plano recorded in Cabinet J, Page 884 Plat Records of Collin County, Texas (PRCCT);

BEGINNING at a point in the intersection of the westerly right of way line of Custer Road (F.M. 2478) (Variable right of way) and the northerly right of way line of Spring Creek Parkway (Variable right of way);

COMMENCING along the westerly right of way line of said Custer Road, North 00 degrees 50 minutes 50 seconds West a distance of 179.03 feet to a point for corner;

THENCE South 89 degrees 51 minutes 26 seconds West a distance of 10.81 feet to the POINT OF BEGINNING;

THENCE, South 00 degrees 08 minutes 34 seconds East a distance of 9.52 feet to a point for corner;

THENCE, South 89 degrees 51 minutes 26 seconds West a distance of 10.00 feet to a point for corner;

THENCE, North 00 degrees 08 minutes 34 seconds West a distance of 9.52 feet to a point for corner;

THENCE, North 89 degrees 51 minutes 26 seconds East a distance of 10.00 feet the POINT OF BEGINNING;

CONTAINING within these metes and bounds 0.002 acres or 92 square feet of land more or less.

BASIS OF BEARINGS: Bearings cited here in are based on a plat the Hunters Glen 5 Addition, an addition to the City of Plano, recorded in Cabinet J, Page 864 (PRCCT) Addition, an addition to the City of Plano, recorded in Cabinet J, Page 864 (PRCCT).

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**EXHIBIT "B"**  
**PETITION FOR ABANDONMENT**

---

We, the undersigned, (called "Owners"), being all of the owners of real property abutting on that portion of a Fire Lane, Access, and Utility Easement identified on the plats recorded in (i) Cabinet I, Page 595, (ii) Cabinet J, Page 861, and (iii) Cabinet J, Page 864 of the Plat Records of Collin County, Texas (PRCCT) and a 10' Water Easement identified on the plats recorded in (a) Cabinet J, Page 861, and (b) Cabinet J, Page 864 of the PRCCT (collectively hereinafter called "Easements"), more particularly depicted on the drawing and legally described in the field note descriptions attached to this Petition as **Exhibit "A"**, do hereby request that the City of Plano, Texas (called "City") abandon the Easements.

1. The Owners are requesting the abandonment of the Easements for the following reasons:

The Owners, or their successor in interest, is replatting the two existing lots into one combined lot and redeveloping the subject property. Abandonment of the Easements is required to avoid the encroachment of a new structure on the Easements. A new Fire Lane, Access and Utility Easement and new Water Easement will be located on the subject property.

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

Abandonment of the Easements will permit redevelopment of the subject property, expansion of retail uses, and increased sales tax.

3. The Owners hereby release and hold harmless the City from and against any and all claims or causes of action for damages or injury that each may have by reason of the abandonment and closing of the Easements.
4. The Owners represent that no other property owner uses the area of the Easements for access to its property, other than the Adjacent Owner (as set forth in Paragraph 8 below). The Owners and Adjacent Owner hereby indemnify and hold harmless the City from and against any and all claims or causes of action for damage or injury that any other property owner may have against the City by reason of the abandonment and closing of the existing Easements, and replacement thereof by the new Fire Lane, Access and Utility Easement and new Water Easement.
5. Pursuant to Paragraph 1 above, the Owners, or their successor in interest, will provide replacement Easements in the locations identified on **Exhibit "B"**, which is attached hereto for all purposes.
6. The Owners understand and agree that the abandonment of the Easements is in the sole discretion of the City Council of the City. The Owners understand and agree that if the Easements are abandoned, the City will quitclaim a portion of the

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Easements in proportion to their abutting ownership. Their abutting ownership will be determined by the number of linear feet of frontage adjacent to the Easements owned by each property owner. Based on the foregoing, the abutting ownership is in the following proportions:

**Custer Texaco Partners**

31.56% of Fireline, Access and Utility Easement  
100% 10' of Water Easement

**Elahi's, Inc**

68.44% of Fireline, Access and Utility Easement

- 8. Attached to this Petition as **Exhibit "C"** are the legal descriptions of the lots affected by this Petition, namely Lot 1R and Lot 2R, which are owned by the Owners, as well as Lot 3R, which is owned by the Adjacent Owner. The "Adjacent Owner" is London Enterprises, Inc., which acknowledges and agrees to this Petition as indicated below. Lots 1R, 2R and 3R are depicted on Exhibit "B".
- 9. Attached as **Exhibit "D"** are separate field note descriptions for each portion of the Easements to be quitclaimed to each property Owner.

**Owner of Lot 1R:**

**CUSTER TEXACO PARTNERS,  
a Texas general partnership**

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**City, State and Zip**

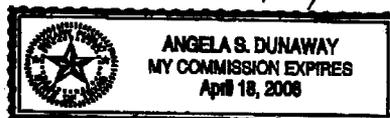
**Dated:** \_\_\_\_\_

*John M. Kamali*  
\_\_\_\_\_  
**Signature**  
**Name:** JOHN M. KAMALI  
**Its:** president

[STATE OF TEXAS]  
[COUNTY OF COLLIN]

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that John M. Kamali, as the President of CUSTER TEXACO PARTNERS, a Texas general partnership, personally appeared before me and acknowledged that he voluntarily executed the foregoing Instrument as his free act and deed, for and on behalf of CUSTER TEXACO PARTNERS for the purposes therein stated, and intending the partnership to be legally bound thereby.

*Angela S. Dunaway*  
\_\_\_\_\_  
Notary Public  
My commission expires: 4/18/08



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Owner of Lot 2R:

ELAHI'S, INC.,

a \_\_\_\_\_ corporation

4304 Waterford Dr.

Address

Plano, Texas 75024

City, State and Zip

Dated: \_\_\_\_\_

Javad Elahi

Signature

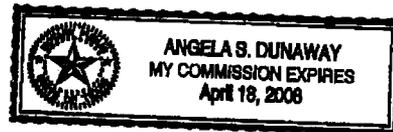
Name: Javad Elahi

Its: President

[STATE OF TEXAS]  
[COUNTY OF COLLIN]

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Javad Elahi, the President of ELAHI'S, INC., a \_\_\_\_\_ corporation, personally appeared before me and acknowledged that he voluntarily executed the foregoing instrument as his free act and deed, for and on behalf of ELAHI'S, INC. for the purposes therein stated, and intending the corporation to be legally bound thereby.

Angela S. Dunaway  
Notary Public  
My commission expires: 4/18/08



Contact Person for Owners:

Name: William S. Dahlstrom

Phone No: (214) 953-5932

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Adjacent Owner of Lot 3R:

Acknowledged and Agreed to this 8<sup>th</sup> day of Feb., 2005 by

LONDON ENTERPRISES, Inc.,  
a TEXAS corporation

By: S. Paul  
Name: STEVE PAUL  
Its: President  
(PRESIDENT).

[STATE OF Texas]  
[COUNTY OF Dallas]

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Steve Paul the President of LONDON ENTERPRISES, INC., a Texas corporation, personally appeared before me and acknowledged that he voluntarily executed the foregoing instrument as his free act and deed, for and on behalf of LONDON ENTERPRISES, INC. for the purposes therein stated and intending the corporation to be legally bound thereby.

Angela S. Dunaway  
, Notary Public  
My commission expires: 4/18/08



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HUNTER GLEN 3  
REVISED ADDITION  
VOL. 11, PG 82

FIRE LANE, ACCESS &  
UTILITY EASEMENT  
CAB. I, PG. 595  
TO BE ABANDONED  
0.223 ACRES

CUSTER ROAD (F.M. 2478)  
(VARIABLE RIGHT OF WAY)

LOT 3R, BLOCK A  
HUNTERS GLEN 5  
J/B61

(9,708 S.F.)  
LOT 1R, BLK A  
CAB. J, SLIDE 864

ESMT. 1  
POINT OF BEGINNING

LOT 2R, BLK A  
CAB. J, SLIDE 864

10' WATER EASEMENT  
CAB. J, PG. 864 TO BE  
ABANDONED  
0.002 ACRES  
(92 S.F.)

POINT OF BEGINNING  
ESMT. 2



Scale 1"=60'

TANGENT TABLE		
LINE	BEARING	LENGTH
L1	N00°50'30"W	44.01
L2	N89°31'28"E	172.00
L3	N00°30'30"W	56.12
L4	N89°31'28"E	19.94
L5	S02°50'02"W	23.79
L6	S89°51'28"W	18.71
L7	S00°50'50"E	56.00
L8	N89°31'28"E	12.77
L9	S02°50'02"W	12.02
L10	S00°50'50"E	12.00
L11	S89°51'28"E	228.00
L12	N89°31'28"E	10.00
L13	S00°08'34"E	9.52
L14	S89°31'28"W	10.00
L15	N00°08'34"W	9.52
L16	N00°50'30"W	178.03

POINT OF COMMENCING

SPRING CREEK PARKWAY  
(VARIABLE RIGHT OF WAY)

OWNER:

INDEPENDENCE PLANO CVS, L.P.  
ONE CVS DRIVE  
WOONSOCKET, RI 02895

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHRD BEAR
C1	89°17'44"	20.00	31.17	19.78	28.11	N44°30'18"E
C2	90°41'28"	43.88	69.14	44.21	62.14	N44°36'49"E
C3	90°42'16"	20.00	31.66	20.25	28.48	S44°30'18"W
C4	90°41'57"	20.00	31.66	20.25	28.48	S45°29'42"E
C5	89°17'44"	20.00	31.17	19.78	28.11	S44°30'18"W



**Winkelmann & Associates, Inc.**

CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
( 872 ) 490-7000 FAX ( 872 ) 480-7000

Scale : 1"=60' Date : 12/21/04

Design : M.D.C.

Drawn : W.A.I.

Dwg. File : 39560ABN.DWG

Project No. : 39560.00

ALFRED HARRING SURVEY, ABST. NO. 420  
CITY OF PLANO  
COLLIN COUNTY, TEXAS

EXHIBIT "A"  
FIRELANE, ACCESS & UTILITY  
EASEMENT ABANDONMENT

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**EXHIBIT "A" (continued)**

FIELD NOTES DESCRIPTIONS

FIRELANE, ACCESS & UTILITY EASEMENT (ESMT. 1)  
ABANDONMENT

STATE OF TEXAS  
COUNTY OF COLLIN

BEING of a tract of land situated in the Alfred Harrington Survey, Abstract No. 420 of Collin County, Texas and being a portion of Lots 1R and Lot 2R, Block A of the Hunters Glen 5 Addition, an addition to the City of Plano recorded in Cabinet J, Page 884 Plat Records of Collin County, Texas (PRCCT);

BEGINNING at a point in the intersection of the westerly right of way line of Custer Road (F.M. 2478) (Variable right of way) and the northerly right of way line of Spring Creek Parkway (Variable right of way);

COMMENCING along the westerly right of way line of said Custer Road, North 00 degrees 50 minutes 50 seconds West a distance of 179.03 feet to the POINT OF BEGINNING;

THENCE, South 89 minutes 51 minutes 26 seconds West a distance of 228.00 feet to a point for the beginning of a curve to the left having a radius of 20.00 feet, a chord bearing of South 44 degrees 30 minutes 18 seconds West, a chord length of 28.11 feet;

THENCE, along said curve to the left through a central angle of 89 degrees 17 minutes 44 seconds and an arc length of 31.17 feet to a point for corner;

THENCE, North 00 degrees 50 minutes 50 seconds West a distance of 44.01 feet to a point for corner;

THENCE, North 89 degrees 51 minutes 26 seconds East a distance of 172.00 feet to point for the beginning of a curve to the left having a radius of 20.00 feet, a chord bearing of North 44 degrees 56 minutes 49 seconds East, a chord length of 28.11 feet;

THENCE, along said curve to the left through a central angle of 89 degrees 17 minutes 44 seconds and an arc length of 31.17 feet to a point for corner;

THENCE, North 00 degrees 50 minutes 50 seconds West a distance of 56.12 feet to a point for the beginning of a curve to the right having a radius of 43.68 feet, a chord bearing of North 44 degrees 56 minutes 49 seconds East, and a chord length of 62.14 feet;

THENCE, along said curve to the right through a central angle of 90 degrees 41 minutes 58 seconds and an arc length of 69.14 feet to a point for corner;

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Exhibit "A" (continued)

THENCE, North 89 degrees 51 minutes 26 seconds East a distance of 19.94 feet to a point for corner;

THENCE along the westerly right of way line of said Custer Road, South 02 degrees 50 minutes 02 seconds West a distance of 23.79 feet to a point for corner;

THENCE, South 89 degrees 51 minutes 26 seconds West a distance of 18.71 feet to a point for the beginning of a curve to the left having a radius of 20.00 feet, a chord bearings South 44 degrees 30 minutes 18 seconds West, and a chord length of 28.46 feet;

THENCE, along said curve to the left through a central angle of 90 degrees 42 minutes 16 seconds and an arc length of 31.66 feet to a point for corner;

THENCE, South 00 degrees 50 minutes 50 seconds East a distance of 56.00 feet to a point for the beginning of a curve to the left having a radius of 20.00 feet, a chord bearing of South 45 degrees 29 minutes 42 seconds East, a chord length of 28.46 feet;

THENCE, along said curve to the left through a central angle of 90 degrees 41 minutes 57 seconds and an arc length of 31.66 feet to a point for corner;

THENCE along the westerly right of way line of said Custer Road as follows:

South 02 degrees 50 minutes 02 seconds West a distance of 12.77 feet to a point for corner;

South 00 degrees 50 minutes 50 seconds West a distance of 12.00 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 0.223 acres or 9,708 square feet of land more or less.

BASIS OF BEARINGS: Bearings cited here in are based on a plat the Hunters Glen 5

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Exhibit "A" (continued)

FIELD NOTES DESCRIPTIONS

10' WATER EASEMENT (ESMT. 2)  
ABANDONMENT

STATE OF TEXAS  
COUNTY OF COLLIN

BEING of a tract of land situated in the Alfred Harrington Survey, Abstract No. 420 of Collin County, Texas and being a portion of Lot 2R, Block A of the Hunters Glen 5 Addition, an addition to the City of Plano recorded in Cabinet J, Page 884 Plat Records of Collin County, Texas (PRCCT);

BEGINNING at a point in the intersection of the westerly right of way line of Custer Road (F.M. 2478) (Variable right of way) and the northerly right of way line of Spring Creek Parkway (Variable right of way);

COMMENCING along the westerly right of way line of said Custer Road, North 00 degrees 50 minutes 50 seconds West a distance of 179.03 feet to a point for corner;

THENCE South 89 degrees 51 minutes 26 seconds West a distance of 10.81 feet to the POINT OF BEGINNING;

THENCE, South 00 degrees 08 minutes 34 seconds East a distance of 9.52 feet to a point for corner;

THENCE, South 89 degrees 51 minutes 26 seconds West a distance of 10.00 feet to a point for corner;

THENCE, North 00 degrees 08 minutes 34 seconds West a distance of 9.52 feet to a point for corner;

THENCE, North 89 degrees 51 minutes 26 seconds East a distance of 10.00 feet the POINT OF BEGINNING;

CONTAINING within these metes and bounds 0.002 acres or 92 square feet of land more or less.

BASIS OF BEARINGS: Bearings cited here in are based on a plat the Hunters Glen 5 Addition, an addition to the City of Plano, recorded in Cabinet J, Page 864 (PRCCT) Addition, an addition to the City of Plano, recorded in Cabinet J, Page 864 (PRCCT).

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EXHIBIT "B"  
EASEMENTS TO BE DEDICATED



CITY OF PLANO  
ACCT # R-8722-000-0010-1

CROSSPOINT PLAZA LTD  
VOL. 3417, PG 705

SOUTHLAND CORP.  
VOL. 18540184  
ACCT # R-1520-001-0010-1

CUSTER ROAD (F.M. 2478)

HUNTER GLEN 3  
REVISED ADDITION  
VOL. 11, PG 82

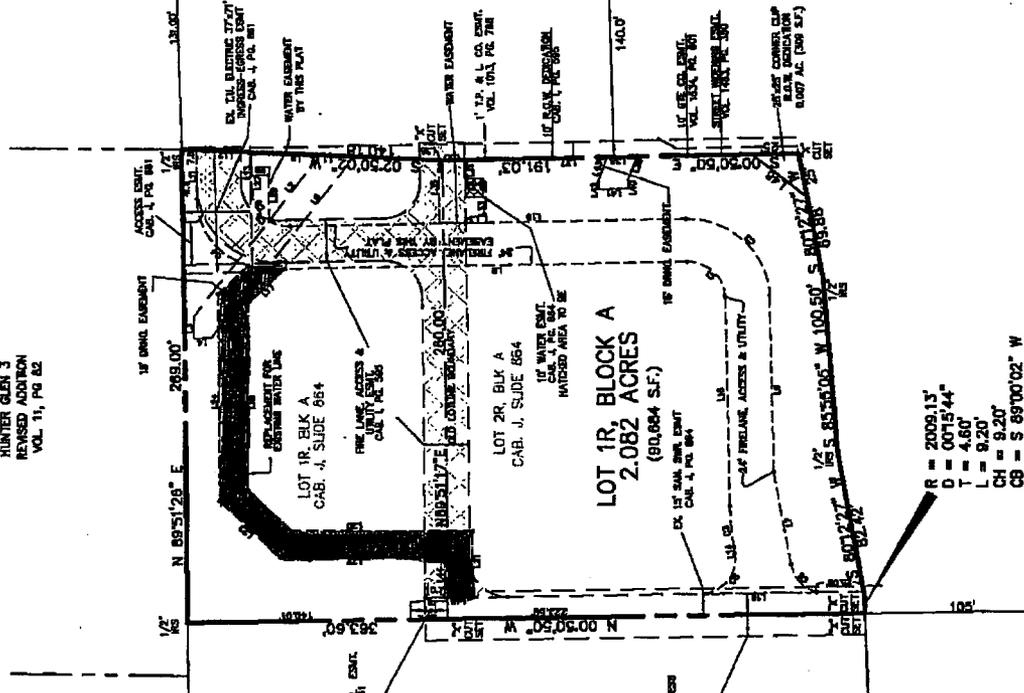
LOT 3R, BLOCK A  
HUNTERS GLEN 5  
J/261

LOT 1R, BLK A  
CAB. J, SLIDE 664

LOT 2R, BLK A  
CAB. J, SLIDE 664

LOT 1R, BLOCK A  
2.082 ACRES  
(90,684 S.F.)

SPRING CREEK PARKWAY



R = 2009.13'  
D = 00°15'44"  
T = 4.60'  
L = 9.20'  
CH = S 89°00'02" W

R-2009.13  
L=185.92'  
T=43.46'  
Ch=86.77'  
CH=805.29'17" W

TAN	BEARING	DIST
L1	N88°43'27" W	114.68'
L2	S89°08'10" W	12.28'
L3	S40°50'57" E	8.43'
L4	N02°50'07" E	18.57'
L5	N02°30'02" E	38.97'
L6	N00°12'27" E	22.82'
L7	S00°50'50" E	221.88'
L8	N00°50'10" E	100.46'
L9	N00°50'50" W	211.64'
L10	N00°50'50" W	27.82'
L11	S40°50'57" E	21.84'
L12	N02°50'07" E	5.04'
L13	N02°30'02" E	118.18'
L14	N44°18'58" W	60.42'
L15	N00°50'50" W	28.28'
L16	N00°50'50" W	102.66'
L17	S40°50'57" E	33.16'
L18	N02°50'07" E	9.00'
L19	N02°30'02" E	37.28'
L20	N00°12'27" E	68.25'
L21	S00°50'50" E	46.59'
L22	N00°50'10" E	111.39'
L23	N40°00'00" E	22.89'
L24	S40°50'57" E	8.35'
L25	N02°50'07" E	9.00'
L26	N02°30'02" E	23.51'
L27	S00°50'50" E	13.00'
L28	N00°50'50" W	12.58'
L29	S40°50'57" E	10.00'
L30	N02°50'07" E	22.78'
L31	N02°30'02" E	33.56'
L32	S00°50'50" E	2.01'
L33	N02°50'10" E	16.05'
L34	S00°50'50" W	3.00'
L35	S88°09'10" W	16.05'
L36	N00°50'50" W	3.00'
L37	S88°09'10" E	13.61'
L38	S88°42'15" W	22.50'
L39	N00°50'50" W	18.00'
L40	N00°50'50" E	38.00'

CURVE	DELTA	RADIUS	TANGENT LENGTH	CH BEARING	CH LENGTH
C1	80°00'00"	20.00'	31.42'	S44°08'10" W	28.28'
C2	80°00'00"	44.00'	66.11'	S44°08'10" W	62.23'
C3	05°59'43"	150.00'	23.48'	N8°40'48" E	23.38'
C4	80°42'18"	40.00'	63.32'	S44°30'18" W	56.82'
C5	80°42'18"	40.00'	31.66'	S44°30'18" W	28.46'
C6	80°42'18"	20.00'	20.25'	N40°01'30" E	20.71'
C7	19°08'34"	6.75'	13.38'	S08°43'57" W	13.31'
C8	80°31'03"	18.88'	31.47'	N01°31'27" E	18.88'
C9	86°37'58"	20.00'	19.77'	N01°31'27" E	18.97'

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EXHIBIT "C" TO PETITION PAGE 1 OF 3

FIELD NOTE DESCRIPTION

LOT 1R, BLOCK A

STATE OF TEXAS  
COUNTY OF COLLIN

BEING a tract of land situated in the Alfred Harrington Survey, Abstract No. 420 of Collin County, Texas and being all of Lot 2R, Block A of the Hunters Glen 5 Addition, an addition to the City of Plano recorded in Cabinet J, Page 884 Plat Records of Collin County, Texas (PRCCT);

BEGINNING at an "X" cut set in concrete for corner in the intersection of the westerly right of way line of Custer Road (F.M. 2478) (Variable right of way) and the northerly right of way line of Spring Creek Parkway (Variable right of way);

THENCE along the northerly right of way line of said Spring Creek Parkway as follows:

South 80 degrees 12 minutes 27 seconds West a distance of 69.88 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for corner;

South 85 degrees 55 minutes 05 seconds West a distance of 100.50 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for corner;

South 80 degrees 12 minutes 27 seconds West a distance of 82.42 feet to an "X" cut set in concrete for the beginning of a curve to the left having a radius of 2009.13 feet, a chord bearing of South 89 degrees 00 minutes 02 seconds West, and a chord length of 9.20 feet;

Along said curve to the left through a central angle of 00 degrees 15 minutes 44 seconds and an arc length of 9.20 feet to an "X" cut set in concrete for corner;

THENCE departing the northerly right of way line of said Spring Creek Parkway, North 00 degrees 50 minutes 50 seconds West a distance of 223.59 feet to an "X" Cut set in concrete;

THENCE, North 89 degrees 51 minutes 27 seconds East a distance of 260.00 feet to an "X" cut set in concrete for corner;

THENCE along the westerly right of way line of said Custer Road, South 00 degrees 50 minutes 50 seconds East a distance of 191.03 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 1.239 acres or 53,970 square feet of land more or less.

BASIS OF BEARINGS: Bearings cited here in are based on a plat the Hunters Glen 5 Addition, an addition to the City of Plano, recorded in Cabinet J, Page 864 (PRCCT).

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**EXHIBIT "C" TO PETITION PAGE 2 OF 3**

**FIELD NOTE DESCRIPTION**

**LOT 2R, BLOCK A**

**STATE OF TEXAS  
COUNTY OF COLLIN**

**BEING** a tract of land situated in the Alfred Harrington Survey, Abstract No. 420 of Collin County, Texas and being all of Lot 2R, Block A of the Hunters Glen 5 Addition, an addition to the City of Plano recorded in Cabinet J, Page 884 Plat Records of Collin County, Texas (PRCCT);

**COMMENCING** at an "X" cut set in concrete for corner in the intersection of the westerly right of way line of Custer Road (F.M. 2478) (Variable right of way) and the northerly right of way line of Spring Creek Parkway (Variable right of way);

**THENCE** along the westerly right of way line of said Custer Road, North 00 degrees 50 minutes 50 seconds West a distance of 191.03 feet to the POINT OF BEGINNING;

**THENCE** South 89 degrees 51 minutes 17 seconds West a distance of 260.00 feet to an "X" cut set in concrete for corner, said "X" also being along the easterly line of Lot 3R, Block A of said Hunters Glen 5 Addition;

**THENCE** along the easterly line of said Lot 3R, Block A, North 00 degrees 50 minutes 50 seconds West a distance of 140.01 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I" for corner, said iron also being the southerly line of the Hunter Glen 3, Revised Addition, an addition to the City of Plano, recorded in Volume 11, Page 82 PRCCT;

**THENCE** along the southerly line of said Hunter Glen 3, North 89 degrees 269.00 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for corner;

**THENCE** along the westerly right of way line of said Custer Road, South 02 degrees 50 minutes 02 seconds West a distance of 140.18 feet the POINT OF BEGINNING;

**CONTAINING** within these metes and bounds 0.850 acres or 37,027 square feet of land more or less.

**BASIS OF BEARINGS:** Bearings cited here in are based on a plat the Hunters Glen 5 Addition, an addition to the City of Plano, recorded in Cabinet J, Page 864 (PRCCT).

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**EXHIBIT "C" TO PETITION PAGE 3 OF 3**

**FIELD NOTE DESCRIPTION**

**LOT 3R, BLOCK A**

**STATE OF TEXAS  
COUNTY OF COLLIN**

**BEING** a tract of land situated in the Alfred Harrington Survey, Abstract No. 420 of Collin County, Texas and being all of Lot 3R, Block A of the Hunters Glen 5 Addition, an addition to the City of Plano recorded in Cabinet J, Page 884 Plat Records of Collin County, Texas (PRCCT);

**BEGINNING** at an "X" cut set in concrete in the southwesterly corner of Lot 2R, Block A of said Hunters Glen 5 Addition and the northerly right of way line of Spring Creek Parkway (Variable right of way), said "X" also being the beginning of a curve to the left having a radius of 2009.13 feet, a chord bearing of South 86 degrees 29 minutes 17 seconds West, a chord length of 166.77 feet;

**THENCE** along the northerly right of way line of said Spring Creek, along said curve to the left through a central angle of 04 degrees 45 minutes 27 seconds and an arc length of 166.82 feet to a point for corner;

**THENCE NORTH** a distance of 209.95 feet to a point for corner;

**THENCE WEST** a distance of 240.00 feet to a point for corner;

**THENCE NORTH** a distance of 162.83 feet to a point for corner;

**THENCE North 89 degrees 51 minutes 26 seconds East** a distance of 401.14 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for corner;

**THENCE South 00 degrees 50 minutes 50 seconds East** a distance of 363.00 feet to the **POINT OF BEGINNING**;

**CONTAINING** within these metes and bounds 2.280 acres or 99,336 square feet of land more or less.

**BASIS OF BEARINGS:** Bearings cited here in are based on a plat the Hunters Glen 5 Addition, an addition to the City of Plano, recorded in Cabinet J, Page 864 (PRCCT).

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**EXHIBIT "D" TO PETITION PAGE 1 OF 6**

HUNTER-GLEN 3  
 REVISED ADDITION  
 VOL. 11, PG 82

CUSTER ROAD (F.M. 2478)  
 (VARIABLE RIGHT OF WAY)

FIRE LANE, ACCES &  
 UTILITY EASEMENT  
 CAB. I, PG. 595  
 TO BE ABANDONED  
 0.070 ACRES  
 (3,064 S.F.)

LOT 3R, BLOCK A  
 HUNTERS GLEN 5  
 J/861

LOT 1R, BLK A  
 CAB. J, SLIDE 864

POINT OF BEGINNING

LOT 2R, BLK A  
 CAB. J, SLIDE 864



Scale 1"=60'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°30'50"E	12.00
L2	S89°31'28"W	228.00'
L3	N00°30'50"W	32.00
L4	N89°31'27"E	248.00

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD	CHRD BEAR
C1	89°17'44"	20.00	31.17	28.11	S44°30'18"W

POINT OF COMMENCING

SPRING CREEK PARKWAY  
 (VARIABLE RIGHT OF WAY)

OWNER:  
 INDEPENDENCE PLANO CVS, L.P.  
 ONE CVS DRIVE  
 WOONSOCKET, RI 02895



**Winkelmann  
 & Associates, Inc.**

CONSULTING CIVIL ENGINEERS & SURVEYORS  
 ( 872 ) 480-7080 FAX ( 872 ) 480-7088

Scale : 1"=60' Date : 01/20/05

Design : M.D.C.

Drawn : W.A.I.

Dwg. File : 39560EXHD1.DWG

Project No. : 39560.00

ALFRED HARRING SURVEY, ABST NO. 420  
 CITY OF PLANO  
 COLLIN COUNTY, TEXAS

EXHIBIT "D"  
 LOT 2R, BLOCK A  
 FIRELANE, ACCESS, &  
 UTILITY EASEMENT

SHEET

1  
 OF  
 2

M-20

# EXHIBIT "D" TO PETITION PAGE 2 OF 6

**FIELD NOTES DESCRIPTIONS**

**FIRELANE, ACCESS & UTILITY EASEMENT  
LOT 2R, BLOCK A**

**STATE OF TEXAS  
COUNTY OF COLLIN**

BEING of a tract of land situated in the Alfred Harrington Survey, Abstract No. 420 of Collin County, Texas and being a portion of Lots 1R and Lot 2R, Block A of the Hunters Glen 5 Addition, an addition to the City of Plano recorded in Cabinet J, Page 884 Plat Records of Collin County, Texas (PRCCT);

BEGINNING at a point in the intersection of the westerly right of way line of Custer Road (F.M. 2478) (Variable right of way) and the northerly right of way line of Spring Creek Parkway (Variable right of way);

COMMENCING along the westerly right of way line of said Custer Road, North 00 degrees 50 minutes 50 seconds West a distance of 179.03 feet to the POINT OF BEGINNING;

THENCE, South 89 minutes 51 minutes 26 seconds West a distance of 228.00 feet to a point for the beginning of a curve to the left having a radius of 20.00 feet, a chord bearing of South 44 degrees 30 minutes 18 seconds West, a chord length of 28.11 feet;

THENCE, along said curve to the left through a central angle of 89 degrees 17 minutes 44 seconds and an arc length of 31.17 feet to a point for corner;

THENCE, North 00 degrees 50 minutes 50 seconds West a distance of 32.00 feet to a point for corner;

THENCE, North 89 degrees 51 minutes 27 seconds East a distance of 248.00 feet to a point for corner;

THENCE along the westerly right of way line of said Custer Road, South 00 degrees 50 minutes 50 seconds West a distance of 12.00 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 0.070 acres or 3,064 square feet of land more or less.

BASIS OF BEARINGS: Bearings cited here in are based on a plat the Hunters Glen 5 Addition, an addition to the City of Plano, recorded in Cabinet J, Page 884 (PRCCT).

**OWNER:**

INDEPENDENCE PLANO CVS, L.P.  
ONE CVS DRIVE  
WOONSOCKET, RI 02895

 <b>Winkelmann &amp; Associates, Inc.</b> <small>CONSULTING CIVIL ENGINEERS &amp; SURVEYORS ( 972 ) 480-7090 FAX ( 972 ) 480-7099</small>	ALFRED HARRING SURVEY, ABST NO. 420 CITY OF PLANO COLLIN COUNTY, TEXAS	SHEET <b>2</b> OF <b>2</b>
	EXHIBIT "D" LOT 2R, BLOCK A FIRELANE, ACCESS, & UTILITY EASEMENT	
Scale : 1"=80'      Date : 01/20/05 Design : M.D.C. Drawn : W.A.I. Dwg. File : 39560EXHD1.DWG Project No. : 39560.00		

M-21

**EXHIBIT "D" TO PETITION PAGE 3 OF 6**

HUNTER GLEN 3  
REVISED ADDITION  
VOL. 11, PG 82

LOT 1R, BLK A  
CAB. J, SLIDE 864  
FIRE LANE, ACCES &  
UTILITY EASEMENT  
CAB. I, PG. 595  
TO BE ABANDONED  
0.153 ACRES  
(6,644 S.F.)

LOT 3R, BLOCK A  
HUNTERS GLEN 5  
J/861

LOT 2R, BLK A  
CAB. J, SLIDE 864

CUSTER ROAD (F.M. 2478)  
(VARIABLE RIGHT OF WAY)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°51'27"W	248.00
L2	N00°50'50"W	12.01
L3	N89°51'26"E	172.00
L4	N00°50'50"W	56.12
L5	N89°51'26"E	19.94
L6	S02°50'02"W	23.79
L7	S89°51'26"W	18.71
L8	S00°50'50"E	56.00
L9	N89°51'26"E	12.77
L10	S02°50'02"W	12.02

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD	CHRD BEAR
C1	89°17'44"	20.00	31.17	28.11	N44°30'18"E
C2	90°41'58"	43.68	69.14	62.14	S44°56'49"W
C3	90°42'16"	20.00	31.66	28.46	S44°30'18"W
C4	90°41'57"	20.00	31.66	28.46	S45°29'42"E



Scale 1"=60'

SPRING CREEK PARKWAY  
(VARIABLE RIGHT OF WAY)

OWNER:

INDEPENDENCE PLANO CVS, L.P.  
ONE CVS DRIVE  
WOONSOCKET, RI 02895

POINT OF BEGINNING

POINT OF COMMENCING



**Winkelmann  
& Associates, Inc.**

CONSULTING CIVIL ENGINEERS - SURVEYORS  
( 872 ) 488-7088 FAX ( 872 ) 488-7089

Scale : 1"=60'      Date : 01/20/05  
Design : M.D.C.  
Drawn : W.A.I.  
Dwg. File : 39560EXHD2.DWG  
Project No. : 39560.00

ALFRED HARRING SURVEY, ABST NO. 420  
CITY OF PLANO  
COLLIN COUNTY, TEXAS

EXHIBIT "D"  
LOT 1R, BLOCK A  
FIRELANE, ACCESS &  
UTILITY EASEMENT

SHEET  
1  
OF  
2

M-22

# EXHIBIT "D" TO PETITION PAGE 4 OF 6

## FIELD NOTES DESCRIPTIONS

10' WATER EASEMENT  
LOT 2R, BLOCK A

STATE OF TEXAS  
COUNTY OF COLLIN

BEING of a tract of land situated in the Alfred Harrington Survey, Abstract No. 420 of Collin County, Texas and being a portion of Lot 2R, Block A of the Hunters Glen 5 Addition, an addition to the City of Plano recorded in Cabinet J, Page 884 Plat Records of Collin County, Texas (PRCCT);

BEGINNING at a point in the intersection of the westerly right of way line of Custer Road (F.M. 2478) (Variable right of way) and the northerly right of way line of Spring Creek Parkway (Variable right of way);

COMMENCING along the westerly right of way line of said Custer Road, North 00 degrees 50 minutes 50 seconds West a distance of 179.03 feet to a point for corner;

THENCE South 89 degrees 51 minutes 28 seconds West a distance of 10.81 feet to the POINT OF BEGINNING;

THENCE, South 00 degrees 08 minutes 34 seconds East a distance of 9.52 feet to a point for corner;

THENCE, South 89 degrees 51 minutes 26 seconds West a distance of 10.00 feet to a point for corner;

THENCE, North 00 degrees 08 minutes 34 seconds West a distance of 9.52 feet to a point for corner;

THENCE, North 89 degrees 51 minutes 26 seconds East a distance of 10.00 feet the POINT OF BEGINNING;

CONTAINING within these metes and bounds 0.002 acres or 92 square feet of land more or less.

BASIS OF BEARINGS: Bearings cited here in are based on a plat the Hunters Glen 5 Addition, an addition to the City of Plano, recorded in Cabinet J, Page 864 (PRCCT)

### OWNER:

INDEPENDENCE PLANO CVS, L.P.  
ONE CVS DRIVE  
WOONSOCKET, RI 02895



**Winkelmann  
& Associates, Inc.**

CONSULTING CIVIL ENGINEERS & SURVEYORS  
( 872 ) 480-7000 FAX ( 872 ) 480-7000

Scale : 1"=60'

Date : 01/20/05

Design : M.D.C.

Drawn : W.A.I.

Dwg. File : 39560EXHD3.DWG

Project No. : 39560.00

ALFRED HARRING SURVEY, ABST NO. 420  
CITY OF PLANO  
COLLIN COUNTY, TEXAS

SHEET

2

OF

2

EXHIBIT "D"  
LOT 2R, BLOCK A  
10' WATER EASEMENT

M-23

**EXHIBIT "D" TO PETITION PAGE 5 OF 6**

HUNTER GLEN 3  
REVISED ADDITION  
VOL. 11, PG 82

CUSTER ROAD (F.M. 2478)  
(VARIABLE RIGHT OF WAY)

LOT 3R, BLOCK A  
HUNTERS GLEN 5  
J/861

LOT 1R, BLK A  
CAB. J, SLIDE 864

LOT 2R, BLK A  
CAB. J, SLIDE 864  
10' WATER EASEMENT  
CAB. J, PG. 864 TO BE  
ABANDONED BY THIS INSTRUMENT  
0.002 ACRES  
(92 S.F.)



Scale 1"=60'



POINT OF BEGINNING

5005'30"E  
179.03'

POINT OF COMMENCING

SPRING CREEK PARKWAY  
(VARIABLE RIGHT OF WAY)

**OWNER:**

INDEPENDENCE PLANO CVS, L.P.  
ONE CVS DRIVE  
WOONSOCKET, RI 02895

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°31'28"E	10.00
L2	S00°08'34"E	9.52
L3	S89°31'28"W	10.00
L4	N00°08'34"W	9.52



**Winkelmann & Associates, Inc.**

CONSULTING CIVIL ENGINEERS • SURVEYORS  
( 872 ) 480-7090 FAX ( 872 ) 480-7088

Scale : 1"=60'

Date : 01/20/05

Design : M.D.C.

Drawn : W.A.I.

Dwg. File : 39560EXHD3.DWG

Project No. : 39560.00

ALFRED HARRING SURVEY, ABST NO. 420  
CITY OF PLANO  
COLLIN COUNTY, TEXAS

SHEET  
**1**  
OF  
**2**

EXHIBIT "D"  
LOT 2R, BLOCK A  
10' WATER EASEMENT

M-24

# EXHIBIT "D" TO PETITION PAGE 6 OF 6

## FIELD NOTES DESCRIPTIONS

FIRELANE, ACCESS & UTILITY EASEMENT  
LOT 1R, BLOCK A

STATE OF TEXAS  
COUNTY OF COLLIN

BEING of a tract of land situated in the Alfred Harrington Survey, Abstract No. 420 of Collin County, Texas and being a portion of Lot 1R, Block A of the Hunters Glen 5 Addition, an addition to the City of Plano recorded in Cabinet J, Page 884 Plat Records of Collin County, Texas (PRCCT);

BEGINNING at a point in the intersection of the westerly right of way line of Custer Road (F.M. 2478) (Variable right of way) and the northerly right of way line of Spring Creek Parkway (Variable right of way);

COMMENCING along the westerly right of way line of said Custer Road, North 00 degrees 50 minutes 50 seconds West a distance of 191.03 feet to the POINT OF BEGINNING;

THENCE, South 89 minutes 51 minutes 27 seconds West a distance of 248.00 feet to a point for corner;

THENCE, North 00 degrees 50 minutes 50 seconds West a distance of 12.01 feet to a point for corner;

THENCE, North 89 degrees 51 minutes 26 seconds East a distance of 172.00 feet to point for the beginning of a curve to the left having a radius of 20.00 feet, a chord bearing of North 44 degrees 30 minutes 18 seconds East, a chord length of 28.11 feet;

THENCE, along said curve to the left through a central angle of 89 degrees 17 minutes 44 seconds and an arc length of 31.17 feet to a point for corner;

THENCE, North 00 degrees 50 minutes 50 seconds West a distance of 56.12 feet to a point for the beginning of a curve to the right having a radius of 43.68 feet, a chord bearing of North 44 degrees 56 minutes 49 seconds East, and a chord length of 62.14 feet;

THENCE, along said curve to the right through a central angle of 90 degrees 41 minutes 58 seconds and an arc length of 69.14 feet to a point for corner;

THENCE, North 89 degrees 51 minutes 26 seconds East a distance of 19.94 feet to a point for corner;

THENCE along the westerly right of way line of said Custer Road, South 02 degrees 50 minutes 02 seconds West a distance of 23.79 feet to a point for corner;

THENCE, South 89 degrees 51 minutes 26 seconds West a distance of 18.71 feet to a point for the beginning of a curve to the left having a radius of 20.00 feet, a chord bearing South 44 degrees 30 minutes 18 seconds West, and a chord length of 28.46 feet;

THENCE, along said curve to the left through a central angle of 90 degrees 42 minutes 16 seconds and an arc length of 31.86 feet to a point for corner;

THENCE, South 00 degrees 50 minutes 50 seconds East a distance of 56.00 feet to a point for the beginning of a curve to the left having a radius of 20.00 feet, a chord bearing of South 45 degrees 29 minutes 42 seconds East, a chord length of 28.46 feet;

THENCE, along said curve to the left through a central angle of 90 degrees 41 minutes 57 seconds and an arc length of 31.66 feet to a point for corner;

THENCE North 89 degrees 51 minutes 26 seconds East a distance of 12.77 feet to a point for corner;

THENCE along the westerly right of way line of said Custer Road South 02 degrees 50 minutes 02 seconds West a distance of 12.02 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 0.153 acres or 6,644 square feet of land more or less.

BASIS OF BEARINGS: Bearings cited here in are based on a plat the Hunters Glen 5 Addition, an addition to the City of Plano, recorded in Cabinet J, Page 864 (PRCCT).



**Winkelmann  
& Associates, Inc.**

CONSULTING CIVIL ENGINEERS & SURVEYORS  
( 972 ) 480-7080 FAX ( 972 ) 480-7089

Scale : 1"=60' Date : 01/20/05

Design : M.D.C.

Drawn : W.A.J.

Dwg. File : 39560EXHD2.DWG

Project No. : 39560.00

ALFRED HARRING SURVEY, ABST NO. 420  
CITY OF PLANO  
COLLIN COUNTY, TEXAS

EXHIBIT "D"  
LOT 1R, BLOCK A  
FIRELANE, ACCESS &  
UTILITY EASEMENT

SHEET

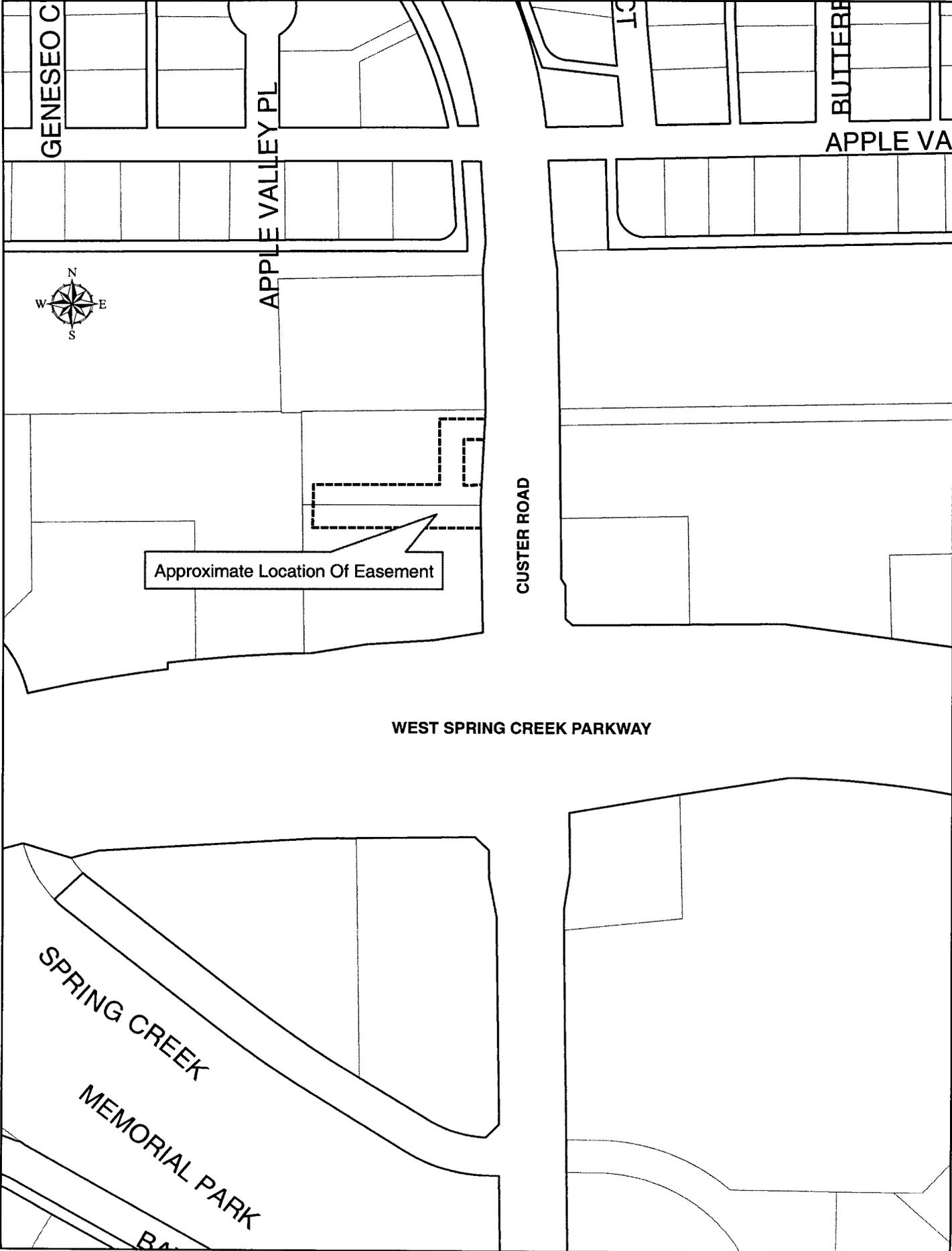
2

OF

2

M-25

# Location Map



M-26



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget <i>CS.</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>2/22/05</b>		Reviewed by Legal <i>Duffy</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Human Resources		Initials	Date	
Department Head	LaShon Ross	Executive Director			
Dept Signature:	<i>LaShon Ross</i>	City Manager	<i>MMW</i>	<i>2/14/05</i>	
Agenda Coordinator (include phone #):	<b>5216</b>				

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

**CAPTION**

First Amendment of Professional Consultant Services Agreement with Tony Picchioni to provide additional professional consulting services during the second year of a three (3) year agreement with the option to extend the term for two (2) additional two (2) year periods.

**FINANCIAL SUMMARY**

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

FISCAL YEAR: <b>04-05/05-06</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	42,000	0	<b>42,000</b>
Encumbered/Expended Amount	0	-42,000	0	<b>42,000</b>
This Item	0	-10,500	0	<b>-10,500</b>
BALANCE	0	-10,500	0	<b>-10,500</b>

**FUND(S):    GENERAL FUND**

**COMMENTS:** This item represents an amendment to an existing contract with Tony Picchioni for professional consultant services rendered beginning April 1, 2003, and continuing through the remaining term of the contract. This amendment will require an additional \$10,500 over the original budgeted amount of \$42,000 for FY 2004-05. This overage will be covered by monies in the FY 2004-05, and FY 2005-06 budgets. The estimated annual amount in the remaining Fiscal Years of the agreement will be \$60,000 per year.

**STRATEGIC PLAN GOAL:** Major Business Center - Encourage Workforce Development

**SUMMARY OF ITEM**

This Amendment of Contract is to provide for additional professional consulting services by Tony Picchioni, which shall be coordinated through the Human Resources Director.

List of Supporting Documents:  
Amendment Agreement

Other Departments, Boards, Commissions or Agencies

**FIRST AMENDMENT OF TONY PICCHIONI  
PROFESSIONAL CONSULTATION SERVICES AGREEMENT**

**THE STATE OF TEXAS   §**

-

**COUNTY OF COLLIN     §**

THIS Modification of Agreement (hereinafter "First Amendment") is made and entered into on this the \_\_\_\_\_ day of \_\_\_\_\_, 2005, by and between **TONY PICCHIONI** (hereinafter "Picchioni"), Plano, Texas and the **CITY OF PLANO, TEXAS**, a municipal corporation (hereinafter "City"), acting by and through its City Manager or his designee.

**W I T N E S S E T H :**

**WHEREAS**, City and Picchioni entered into a Professional Consultant Services Agreement (hereinafter "Agreement"); and

**WHEREAS**, City and Picchioni desire to further amend such Agreement in certain respects as set forth herein in this First Amendment; **NOW THEREFORE**,

The Agreement is incorporated herein as if written word for word. Except as provided below, all other terms and conditions of the 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 Agreement, priority of interpretation shall be in the following order: First Amendment, Agreement.

IN CONSIDERATION of the foregoing, and for other good and valuable consideration, the parties hereto agree as follows:

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I.

Effective as of the day and year first written above, Section II. Services of the Agreement is hereby amended to read in its entirety as follows:

“All services provided by Professional shall be coordinated through the Human Resources Director or her designee. Professional shall provide a minimum of sixty (60) hours of service each month at the rate of **FIVE THOUSAND AND 00/100 DOLLARS (\$5,000.00)** per month in connection with the Project, as follows:

- Informal resolution conferences
- Mediation
- Communication and skill building
- Intervention with interpersonal conflict
- Coaching and mentoring
- Communication and negotiation skills
- Facilitation
- Training
- Establish and monitor a mentoring program and provide training, guidance and support for participants
- Serve as director and facilitator/instructor for the “Management Preparation Program of Plano.

II.

With the exception of Article I, all other provisions of the original Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties enter into this Amendment on the date first written above.

Date: \_\_\_\_\_  
\_\_\_\_\_ Tony Picchioni \_\_\_\_\_  
\_\_\_\_\_

**CITY OF PLANO, TEXAS**

Date: \_\_\_\_\_ BY: \_\_\_\_\_  
\_\_\_\_\_ Thomas H. Muehlenbeck  
CITY MANAGER

71-3

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 \_\_\_\_\_, 2005, by **TONY PICCHIONI**.

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

STATE OF TEXAS       §  
                                  §  
COUNTY OF COLLIN §

This instrument was acknowledge before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2005 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

77-4



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>2/22/05</b>		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Equipment Services			Date	
Department Head:	Karl Henry	Jim Foster	Executive Director	<i>[Signature]</i>	2.11.05
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	2/11/05
Agenda Coordinator (include phone #):	<b>Linda M. Robinson x4180</b>				

**ACTION REQUESTED:**

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

**CAPTION**

Authorizing the purchase of twenty-nine (29) Ford Crown Victoria Police Pursuit Vehicles in the total amount of \$617,015.02 from Philpott Ford, pursuant to the City's participation in the Tarrant County Joint Venture/Purchasing Cooperative Bid No. 1008-02 authorizing the City Manager or his designee to execute any and all documents necessary to effectuate this purchase.

**FINANCIAL SUMMARY**

NOT APPLICABLE   
 OPERATING EXPENSE   
 REVENUE   
 CIP

FISCAL YEAR: 04/05	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	725,000	0	725,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-617,015	0	-617,015
<b>BALANCE</b>	0	107,985	0	107,985

**FUND(s):** GENERAL FUND AND EQUIPMENT REPLACEMENT FUND

**COMMENTS:** Funds are included in the FY 2004-05 approved budget for the replacement purchase of (24) Crown Victoria's and (5) new additions to the fleet Crown Victoria's. The balance of funds will be used for other rolling stock purchases.

**STRATEGIC PLAN GOAL:** Police Vehicle replacement relates to the City's Goal of "Safe, Liveable Neighborhoods".

**SUMMARY OF ITEM**

Equipment Services recommends the purchase of twenty-nine (29) police package Ford Crown Victoria vehicles for \$21,276.38 each including options per fiscal year 04/05. Twenty-four (24) of these units are scheduled replacements (TBA) under Acct#:071-532-8421/Supplement#:00071001 and five (5) are new additions to the fleet under Acct#:01-532-8421/Supplement#:532003. These units will be utilized in Patrol Division.

Total cost of 29 units with options included is \$617,015.02

List of Supporting Documents: Memo, Cover; Financial Worksheet, Requisition	Other Departments, Boards, Commissions or Agencies
--	--

*Q-1*



## MEMORANDUM

Date: February 8, 2005  
To: Lauren Roberts, Buyer  
From: Art Munoz, Technical Specialist  
Subject: Request to purchase twenty-nine (29) Police Pursuit Rated Ford Crown Victoria Vehicles through Tarrant County Joint Venture/Cooperative Purchase per Bid No. #I008-02 awarded to Philpott Ford.

The twenty-nine (29) Police vehicles are to be purchased as follows:

Description:	Ford Crown Victoria Police Pursuit Vehicles	
Quantity (24):	24 units will be purchased as replacements per fiscal year 04/05	
Budgeted Amount:	\$25,000.00 x 24 =	\$600,000.00
Base Price each:	\$19,307.00 x 24 =	\$463,368.00
Published Options:	\$ 1,792.20 x 24 =	\$ 43,012.80
Unpublished Options:	\$ 156.18 x 24 =	\$ 3,748.32
Delivery Charges:	\$ 21.00 x 24 =	\$ 504.00
Total Price Per Unit:	\$21,276.38 x 24 =	<b><u>\$510,633.12</u></b>

NOTE: These 24 replacement units are TBA, (Account#: 071-532-8421/Supplement#: 00071001).

Description:	Ford Crown Victoria Police Pursuit Vehicles	
Quantity (5):	5 units will be purchased as new additions per fiscal year 04/05	
Budgeted Amount:	\$25,000.00 x 5 =	\$125,000.00
Base Price each:	\$19,307.00 x 5 =	\$ 96,535.00
Published Options:	\$ 1,792.20 x 5 =	\$ 8,961.00
Unpublished Options:	\$ 156.18 x 5 =	\$ 780.90
Delivery Charges:	\$ 21.00 x 5 =	\$ 105.00
Total Price Per Unit:	\$21,276.38 x 5 =	<b><u>\$106,381.90</u></b>

NOTE: These 5 units are new addition to the fleet, (Account#: 01-532-8421/Supplement#: 532003).

**TOTAL PURCHASE PRICE for all 29 UNITS: \$617,015.02**

Please reference CRO NO. 354943.

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

Cc: Jimmy Foster  
Karl Henry  
Greg Rushin  
Steve Nagy  
Glen Brashear  
Diane Palmer  
Stephen Teiper

0-2

P.O. Number 354943 OC  
Cost Center 071

**Supplier** PHILPOTT MOTORS INC  
1400 U S HGHWY 69  
NEDERLAND TX 77627

**Ship To** CITY OF PLANO  
EQUIPMENT SERVICES  
4200 W PLANO PARKWAY  
PLANO TX 75093

Ordered 02/08/05 Freight  
Requested 02/08/05 Order Taken By

Delivery

Description	Ordered	UOM	Unit Price	Extended Price	Request Date
FORD POLICE PURSUIT VEHICLES	24	EA	21,276.3800	510,633.12	02/08/05

INVOICE TO FOLLOW

BID NUMBER FOR THIS

CONTRACT IS I008-02.

THIS IS AN ANNUAL CONTRACT.

REQUEST TO PURCHASE TWENTY-NINE

(29) POLICE PURSUIT RATED FORD CROWN

VICTORIA VEHICLES THROUGH TARRANT

COUNTY BID NO. I008-02.

AWARDED TO PHILPOTT MOTORS.

\*\*\*\*\*

PURCHASE OF TWENTY-FOUR (24) FORD CROWN  
VICTORIA POLICE PURSUIT VEHICLES.

TWENTY-FOUR UNITS WILL BE PURCHASED AS  
REPLACEMENTS PER FY04/05.

BUDGETED AMOUNT: \$25,000.00 X 24 = \$600,000.00

BASE PRICE EACH: \$19,307.00 X 24 = \$463,368.00

PUBLISHED OPTIONS \$1,792.20 X 24 = \$43,012.80

UNPUBLISHED OPTIONS: \$156.18 X 24 = \$3,748.32

DELIVERY CHARGES: \$21.00 X 24 = \$504.00

TOTAL PRICE PER UNIT: \$21,276.38 X 24 = \$510,633.12

NOTE: THESE TWENTY=FOUR (24) REPLACEMENT UNITS  
ARE TBA. ACCOUNT #071-532-8421. SUPPLEMENT NO. 00071001.

\*\*\*\*\*

PURCHASE OF FIVE (5) FORD CROWN VICTORIA POLICE  
PURSUIT VEHICLES. THESE FIVE (5) UNITS WILL BE NEW ADDITIONS  
TO THE FLEET PER FY04/05.

BUDGETED AMOUNT: \$25,000.00 X 5 = \$125,000.00

BASE PRICE EACH: \$19,307.00 X 5 = \$96,535.00

PUBLISHED OPTIONS: \$1,792.20 X 5 = \$8,961.00

0-3

CITY OF PLANO

02/08/05

Page - 2

P.O. Number 354943 OC  
Extended Price Request Date

Description Ordered UOM Unit Price

UNPUBLISHED OPTIONS: \$156.18 X 5 = \$780.90  
DELIVERY CHARGES: \$21.00 X 5 = \$105.00  
TOTAL PRICE PER UNIT \$21,276.38 X 5 = \$106,381.90  
NOTE: THESE FIVE (5) UNITS ARE NEW ADDITIONS  
TO THE FLEET, ACCOUNT #01-532-8421, SUPPLEMENT NO. 532003.  
TOTAL PURCHASE PRICE FOR ALL TWENTY-NINE (29) UNITS:  
\$617,015.02.  
CRO REQUESTED TO BE ENTERED BY LAUREN IN PURCHASING.  
ORIGINALLY WAS ENTERED AS A REQUISITION.

FORD POLICE PURSUIT VEHICLES	5	EA	21,276.3800	106,381.90	02/08/05
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INVOICE TO FOLLOW  
ALL INFORMATION IS LISTED IN THE  
VERBIAGE UNDER LINE ITEM ONE (1).

Total Order

TermNet 30 Days

617,015.02

10-4



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>2/22/05</b>	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Engineering		Initials	Date
Department Head	Alan L. Upchurch	Executive Director	<i>[Signature]</i>	<b>2/14/05</b>
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	<b>2/14/05</b>
Agenda Coordinator (include phone #):		<b>Irene Pegues (7198)</b>	<b>Project No. 5118-2</b>	
<b>ACTION REQUESTED:</b> <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER REIMBURSEMENT OF OVERSIZE				
<b>CAPTION</b>				
Approving and authorizing reimbursement to Pasquinelli Portrait Homes, L.P. for oversized participation for paving improvements for Ridgeview Drive and drainage improvements associated with the construction of Pasquinelli's Westbrook Phase III in the amount of \$62,562.44.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	<b>2004-05</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>
Budget		942,949	1,216,051	600,000
Encumbered/Expended Amount		-942,949	-552,746	0
This Item		0	-62,562	0
BALANCE		0	600,743	600,000
<b>FUND(S):    STREET IMPROVEMENT CIP</b>				
<b>COMMENTS:</b> Funds are available in the 2004-05 Street Improvement CIP. This item, in the amount of \$62,562, will leave a current year balance of \$600,743 for Oversize Reimbursements.				
<b>STRATEGIC PLAN GOAL:</b> Oversized participation relates to the City's Goal of Safe, Livable Neighborhoods.				
<b>SUMMARY OF ITEM</b>				
In accordance with the Subdivision Ordinance and a Subdivision Improvement Agreement, reimbursement to Pasquinelli Portrait Homes, L.P. is due for oversized paving improvements for Ridgeview Drive and drainage improvements associated with the construction of Pasquinelli's Westbrook Phase III. The construction has been inspected and found to be in conformance with the executed Agreement.				
Staff recommends the City Council authorize payment for the oversized participation.				
List of Supporting Documents: Memo dated 02/08/05 from Chief Engineer Letter dated 01/19/05 from City Engineer Exhibits A-1 & C-1 Location Map			Other Departments, Boards, Commissions or Agencies n/a	

*P-1*

## MEMORANDUM

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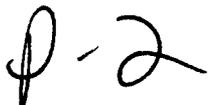
**Date:** February 8, 2005  
**To:** Melody L. Morgan, CIP Budget Coordinator  
**From:** Charles M. Davis, P.E., Chief Engineer/Development   
**Re:** Pasquinelli's Westbrook Phase III  
Project No. 5118-2

We have now accepted the improvements in subject addition. In accordance with our Subdivision Improvement Agreement dated April 26, 2004, reimbursement for oversize paving improvements in the amount of \$62,562.44 is due to Pasquinelli Portrait Homes, L.P.

/dd

### Attachments

xc: Alan L. Upchurch, P.E., City Engineer  
Ricky Lindley, Mapping & Information Supervisor  
Charles M. Davis, Chief Engineer/Private Development





January 19, 2005

Pasquinelli Portrait Homes, L.P.  
4949 Hedgcoxe Road, Suite 110  
Plano, Texas 75024

**Re: Pasquinelli's Westbrook Phase III (Project No. 5118-2)**

Gentlemen:

A final inspection for sanitary drainage and retaining wall improvements, as well as other improvements, has been made by the City of Plano. These improvements were found to be satisfactory and in accordance with the City of Plano specifications.

Maintenance Bonds have been received from Rodman Paving Co., Metroplex Screenwall, Inc. and Austin Bridge & Road, L.P. The improvements noted above are subject to the one-year maintenance requirements.

Building Permits are released by this department subject to approval by the Building Inspection Department.

Sincerely,

Alan Upchurch, P.E.  
City Engineer

Is

- cc: Keith Schmidt, Chief Plans Examiner
- Charles Alexander, Mapping and Information Tech
- Warren Laney, Senior Construction Inspector
- Dale Pettit, Streets Supervisor
- David Ratcliff, Utility Operations
- Jim Fox, Park Services Manager
- Verizon
- Southwestern Bell (2)
- Brockette-Davis-Drake, Inc.
- Rodman Paving Co.
- Metroplex Screenwall, Inc.
- Austin Bridge & Road, L.P.

- Evans  
Mayor
- Stahel  
Mayor Pro Tem
- Lambert  
Deputy Mayor Pro Tem
- Johnson  
Place 2
- Dyer  
Place 3
- Magnuson  
Place 4
- Stovall  
Place 5
- Callison  
Place 7
- Thomas H. Muehlenbeck  
City Manager

P-3

Project Description: Ridgeview Drive along the frontage of Westbrook III

Item No.	Description	Unit	Quantity	Unit Price	Amount
<b>PAVING</b>					
*	Unclassified street excavation (sheet C4)	CY	212	\$1.60	\$ 339.20
*	Unclassified street excavation (sheet C5)	CY	311	\$1.60	\$ 497.60
*	8" 5000psi concrete street pavement with #3 @ 24" ocev and integral curb (sheet C4)	SY	499	\$24.33	\$ 12,140.67
*	8" 5000psi concrete street pavement with #3 @ 24" ocev and integral curb (sheet C5)	SY	700	\$24.33	\$ 17,031.00
*	Lime stabilized subgrade (sheet C4)	SY	544	\$1.35	\$ 734.40
*	Hydrated Lime (30 lbs/SY)	TONS	18.1	\$80.00	\$ 1,448.00
*	Lime stabilized subgrade (sheet C5)	SY	797	\$1.35	\$ 1,075.95
*	Hydrated Lime (30 lbs/SY)	TONS	26.6	\$80.00	\$ 2,128.00
*	Street Barricade (sheet C4)	LF	6.5	\$35.00	\$ 227.50
*	Street Barricade (sheet C5)	LF	6.5	\$35.00	\$ 227.50
*	4"white button, lane delineator (sheet C4)	EA	70	\$5.15	\$ 360.50
*	4"white button, lane delineator (sheet C5)	EA	95	\$5.15	\$ 489.25
<b>Sub-Total Street Paving</b>					\$ 36,699.57
<b>6% Engineering Fee</b>					\$ 2,201.97
<b>TOTAL STREET PAVING</b>					\$ 38,901.54
<b>TURN LANE PAVING</b>					
*	Unclassified excavation, Left turn lane (sheet C4)	CY	127	\$1.60	\$ 203.20
*	8" 5000psi concrete pavement with #3 @ 24" ocev and integral curb, Left turn lane (sheet C4)	SY	300	\$24.33	\$ 7,299.00
*	Lime stabilized subgrade, Left turn lane (sheet C4)	SY	326	\$1.35	\$ 440.10
*	Hydrated Lime (30 lbs/SY)	TONS		\$80.00	\$ -
*	Landscape Ramp (sheet C4)	EA	1	\$1,256.00	\$ 1,256.00
*	4"x4" C/C Acrylic reflect button, Left turn lane (sheet C4)	EA	42	\$5.15	\$ 216.30
*	2" PVC conduit (sheet C4)	LF	100	\$4.85	\$ 485.00
*	2" PVC conduit (sheet C5)	LF	100	\$4.85	\$ 485.00
*	Pull box (sheet C4)	EA	2	\$390.00	\$ 780.00
*	Pull box (sheet C5)	EA	2	\$390.00	\$ 780.00
<b>Sub-Total Turn Lane Paving</b>					\$ 11,944.60
<b>6% Engineering Fee</b>					\$ 716.68
<b>TOTAL TURN LANE PAVING</b>					\$ 12,661.28
<b>STORM SEWER</b>					
*	8'x5' Box Culvert	LF	702	\$254.00	\$ 178,308.00
*	72" RCP	LF	702	\$200.00	\$ 140,400.00
<b>Difference =</b>					\$ 37,908.00
*	Concrete Pilot Channel	SY	80	\$45.00	\$ 3,600.00
<b>Sub-Total</b>					\$ 41,508.00
<b>6% Engineering Fee</b>					\$ 2,490.48
<b>25% TOTAL</b>					\$ 10,999.62
<b>TOTAL CITY PARTICIPATION</b>					\$ 62,562.44

P-4

**Storm Drain**

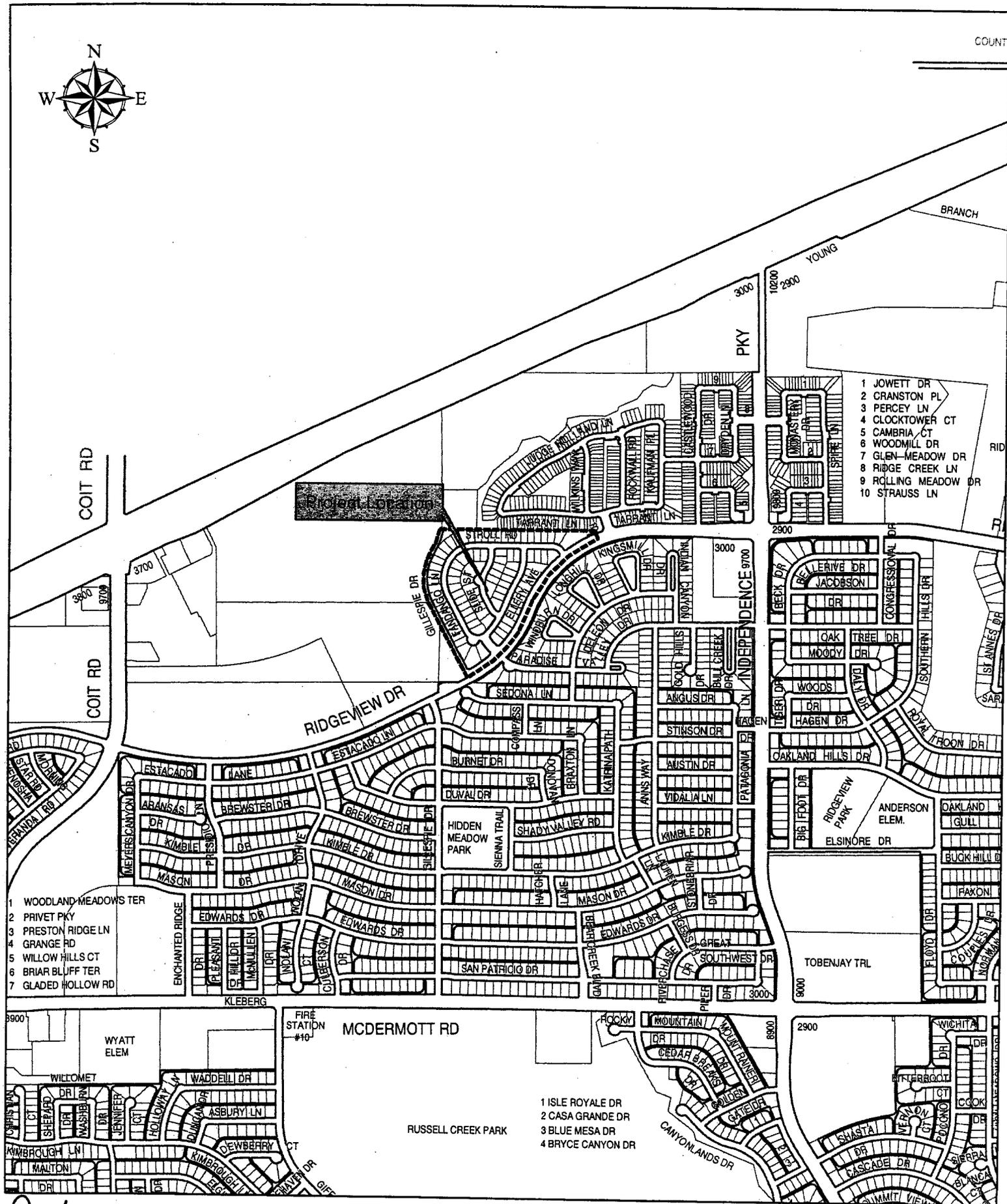
Item	Description	Quantity	Unit Price	Extension
7	8'x5' Reinforced Box Culvert	702 LF	\$ 254.00	\$ 178,308.00
<b>Subtotal</b>				<b>\$ 178,308.00</b>

**Off Site Paving**

Item	Description	Quantity	Unit Price	Extension
1	8" 5000 PSI Reinf. Conc. Pavement W/ 6" Stand. Curb	6441 SY	\$ 24.33	\$ 156,709.53
2	Keyed Construction Joint	190 LF	\$ 4.90	\$ 931.00
3	6" Lime Stabilized Subgrade	6944 SY	\$ 1.35	\$ 9,374.40
4	Hydrated Lime (30 lbs / sy)	104 TON	\$ 80.00	\$ 8,320.00
5	Median Nose	4 EA	\$ 743.00	\$ 2,972.00
6	8" Reflective Buttons	35 EA	\$ 37.00	\$ 1,295.00
7	4" Reflective Buttons	140 EA	\$ 5.15	\$ 721.00
8	Sawcut and Remove Existing Pavement, Install Butt Jr	820 LF	\$ 4.68	\$ 3,837.60
9	Street Transition (8" 5000 PSI Reinf. Conc. Pvmnt)	362 SY	\$ 33.77	\$ 12,224.74
10	Maintenance Ramps	3 EA	\$ 1,256.00	\$ 3,768.00
11	2" Conduit	250 LF	\$ 4.85	\$ 1,212.50
12	Pull Box	4 EA	\$ 390.00	\$ 1,560.00
13	Street Header	25 LF	\$ 5.00	\$ 125.00
14	Street Barricade	195 LF	\$ 35.00	\$ 6,825.00
<b>Subtotal</b>				<b>\$ 209,875.77</b>

**Total** \$ 388,183.77  
 City Participation Limit 0.30 \$ 116,455.13

# Pasquinelli's Westbrook Phase III



P-6



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	2/22/05		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Public Works Administration / Mike Rapplean		Initials	Date	
Department Head	Jimmy Foster	Executive Director	<i>[Signature]</i>	2/15/05	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	2/15/05	
Agenda Coordinator (include phone #): <b>Gary Kirkwood (4144)</b>					

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

**CAPTION**

Approval of expenditure in the amount of \$476,220.00 to Paradigm Traffic Systems, Inc. for Digital Vehicle Detection Equipment from an existing contract C104-04, and authorizing the City Manager or his designee to execute all documents necessary to effectuate the purchase.

**FINANCIAL SUMMARY**

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

FISCAL YEAR: 04-05	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	376,088	718,912	400,000	1,495,000
Encumbered/Expended Amount	-376,088	-71,501	0	-447,589
This Item	0	-476,220	0	-476,220
<b>BALANCE</b>	0	171,191	400,000	571,191

**FUND(s):** CAPITAL RESERVE CIP

**COMMENTS:** Funds are available in the 2004-05 Capital Reserve CIP. This item, in the amount of \$476,220 will leave a current year balance of \$171,191 for the Traffic Signal Improvements project.

**STRATEGIC PLAN GOAL:** Traffic signal improvements relate to the City's Goal of Safe and Efficient Travel.

**SUMMARY OF ITEM**

Staff recommends approval of expenditure for the purchase of Digital Vehicle Detection Equipment in the amount of \$476,220.00. Paradigm Traffic Systems is the City's contracted vendor for this item (Contract C104-04).

The purchase is to provide Digital Vehicle Detection Equipment at 27 signalized intersections. This technology will enhance the operating efficiency of the traffic signal. This relates to the City's Goal of Safe and Efficient Travel.

List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies
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*Q-1*



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>02/22/2005</b>	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Public Works Administration / Mike Rapplear <i>MR</i>	Initials	Date	
Department Head	Jimmy Foster	Executive Director	<i>JF</i>	2/15/05
Dept Signature:	<i>J.B. Foster</i>	City Manager	<i>DMU</i>	2/15/05
Agenda Coordinator (include phone #): <b>Gary Kirkwood (4144)</b>				
<b>ACTION REQUESTED:</b> <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER APPROVAL OF EXPENDITURE				
<b>CAPTION</b>				
Approval of expenditure in the amount of \$90,703.20 to Consolidated Traffic Controls, Inc. for L.E.D. Signal Lamps from an existing contract C042-03, and authorizing the City Manager or his designee to execute all documents necessary to effectuate the purchase.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 04-05	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	376,088	718,912	400,000	<b>1,495,000</b>
Encumbered/Expended Amount	-376,088	-71,501	0	<b>-447,589</b>
This Item	0	-90,703	0	<b>-90,703</b>
<b>BALANCE</b>	0	556,708	400,000	<b>956,708</b>
<b>FUND(s): CAPITAL RESERVE CIP</b>				
<b>COMMENTS:</b> Funds are available in the 2004-05 Capital Reserve CIP. This item, in the amount of \$90,703 will leave a current year balance of \$556,708 for the Traffic Signal Improvements project.				
<b>STRATEGIC PLAN GOAL:</b> Traffic signal improvements relate to the City's Goal of Safe and Efficient Travel.				
<b>SUMMARY OF ITEM</b>				
Staff recommends approval of expenditure. The purchase is to retrofit the current incandescent lamps (Red, Yellow, Green, Yellow/Green Arrows) at 27 signalized intersections with L.E.D. lamps. The installation of L.E.D. lamps will lower the City's kilowatt-hours used at signalized intersections to meet the requirements under Senate Bill 5.				
After all 27 locations are retrofitted, the City will have completed retrofitting the entire signal system from incandescent lamps to L.E.D. lamps.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

*R-1*



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>			Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: <b>2/22/05</b>			Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Purchasing (Police – Jeff Wise)			Initials	Date
Department Head	Mike Ryan	Executive Director			
Dept Signature:	<i>Glenna Hayes</i>	City Manager			
Agenda Coordinator (include phone #): <b>Glenna Hayes x 7074</b>					
<b>ACTION REQUESTED:</b> <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input checked="" type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER					
<b>CAPTION</b>					
Approval for additional expenditure for the purchase of two (2) additional Mobile Surveillance Towers in the amount of \$89,726.20. (B162-04) for the 2004 UASI Grant.					
<b>FINANCIAL SUMMARY</b>					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>2004-2005</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	141,726	0	<b>141,726</b>
Encumbered/Expended Amount		0	0	0	<b>0</b>
This Item		0	-89,726	0	<b>-89,726</b>
BALANCE		0	<b>52,000</b>	0	<b>52,000</b>
<b>FUND(S): GRANT FUND: 2004 UASI (579) AND GENERAL FUND (532)</b>					
Comments: Funds are available in the 2004 UASI Grant for the purchase of (2) additional surveillance towers, \$87,900. Funds for the freight charges are available in the 2004-05 Police Department budget, \$1,826. The remaining 2004 UASI Grant Fund balance is \$52,000.  STRAGIC PLAN GOAL: The use of Grant Funds for the purchase of Surveillance Towers relates to the City's Goals of "Premier City for Families" and "Service Excellence".					
<b>SUMMARY OF ITEM</b>					
Staff recommends approval for purchase of two (2) additional Mobile Surveillance Towers in the amount of \$89,726.20. The City of Plano included a statement in the original bid document that reserved the right to purchase two (2) additional units. The vendor has committed to maintaining their offer for a period of six (6) months from award of contract. (B162-04: 9/16/04 – 3/16/05).					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		

A-1



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>02/22/05</b>	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Engineering Department		Initials	Date
Department Head	Alan Hinchurch	Executive Director	<i>[Signature]</i>	2/15/05
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	2/15/05
Agenda Coordinator (include phone #):	<b>Irene Pegues (7198)</b>			<b>(Project No. 5149)</b>
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
<b>CAPTION</b>				
To approve Change Order No. 3 for the Cassidy Drive Drainage Improvements and Landershire Lane Water Rehabilitation Project, increasing the contract by \$69,848.25 for water line replacement in Santiago Drive due to leaks discovered on the old cast iron main necessary to complete the project, (Bid No. B057-04).				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	<b>2004-05</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>
Budget		85,035	116,965	0
Encumbered/Expended Amount		-85,035	-83,667	0
This Item		0	-69,848	0
BALANCE		0	-36,550	0
FUND(S):	<b>WATER CIP</b>			
<b>COMMENTS:</b> Funds are included in the 2004-05 Water Community Investment Program. This item, in the amount of \$69,848, will exceed the current year balance by \$36,550 for the Landershire Drive Water Rehab project. The overage will be funded through savings and reallocation from the Prairie Creek Water Rehab project.				
<b>STRATEGIC PLAN GOAL:</b> Water line replacement relates to the City's Goals of Safe, Livable Neighborhoods.				
<b>SUMMARY OF ITEM</b>				
This change order is for an additional water line replacement in Santiago Drive from Landershire Lane to Tahoe Place due to leaks encountered during the installation of sanitary sewer and storm sewer mains in the street and to avoid additional pavement replacement and repairs in the future and is necessary to complete the project.				
Staff recommends approval of Change Order No. 3. The contract total will be \$1,347,844.81, which includes change orders of 8.27% of the original contract amount of \$1,244,840.55.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Change Order No. 3		N/A		
Location Map				

*t-1*

**CHANGE ORDER NO. 3**

**CASSIDY DRIVE DRAINAGE IMPROVEMENTS AND  
LANDERSHIRE LANE WATER REHABILITATION  
PROJECT NO. 5149  
PURCHASE ORDER NO. 102608  
CIP NO. 71121  
BID NO. B057-04**

**A. INTENT OF CHANGE ORDER**

The intent of this change order is to modify the provisions of the contract entered into by the **CITY OF PLANO, TEXAS** and **CAMINO CONSTRUCTION, L.P.** for the **CASSIDY DRIVE DRAINAGE IMPROVEMENTS AND LANDERSHIRE LANE WATER REHABILITATION PROJECT**, dated April 12, 2004.

**B. DESCRIPTION OF CHANGE**

The change order is for additional water main construction in Santiago Drive to replace existing leaking cast iron main.

**C. EFFECT OF CHANGE**

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

<i>ITEM NO.</i>	<i>ITEM DESCRIPTION</i>	<i>ORIGINAL QUANT.</i>	<i>REVISED QUANT.</i>	<i>UNIT</i>	<i>UNIT PRICE</i>	<i>AMOUNT OF CHANGE</i>
4	Remove & Dispose pavement	1255	1775	SY	\$5.00	\$2,600.00
6	8" PVC Watermain	1540	2440	LF	\$25.00	\$22,500.00
7	6" PVC Watermain	17	100	LF	\$24.75	\$2,054.25
8	Tee(8"X6")	9	17	EA	\$311.00	\$2,488.00
10	Gate Valve(6")	3	8	EA	\$600.00	\$3,000.00
11	Gate Valve(8")	10	13	EA	\$800.00	\$2,400.00
12	Cut & Plug	6	11	EA	\$410.00	\$2,050.00
14	6"X6" TS&TV	6	10	EA	\$1,914.00	\$7,656.00
17	Water Service (short)	11	14	EA	\$300.00	\$900.00
18	Water Service (long)	15	27	EA	\$470.00	\$5,640.00
22	8" conc. Pavement	1255	1775	SY	\$33.00	\$17,160.00
25	BFR at major	3	5	EA	\$700.00	\$1,400.00
	<b>TOTAL:</b>					<b>\$69,848.25</b>

t-2

CHANGE ORDER NO. 3  
 CASSIDY DRIVE DRAINAGE IMPROVEMENTS AND  
 LANDERSHIRE LANE WATER REHABILITATION PROJECT

Original Contract Amount	<u>\$ 1,244,840.55</u>
Contract Amount (Including Previous Change Orders)	<u>\$ 1,277,996.56</u>
<b>Amount, Change Order No. 3</b>	<u><b>\$ 69,848.25</b></u>
<b>Revised Contract Amount</b>	<u><b>\$ 1,347,844.81</b></u>
<b>Total Percent Increase Including Previous Change Orders</b>	<u><b>8.27%</b></u>

D. EFFECT OF CHANGE ON CONTRACT TIME

The work required under this change order will add 15 days to this project:

Original Contract Time	<u>160 working days</u>
Amount (Including Previous Change Orders)	<u>170 working days</u>
<b>Amount, Change Order No. 3</b>	<u><b>15 working days</b></u>
<b>Revised Contract Time</b>	<u><b>185 working days</b></u>
<b>Total Percent Increase Including Previous Change Orders</b>	<u><b>15.63%</b></u>

E. AGREEMENT

By the signatures below, duly authorized agents of the City of Plano, Texas and Camino Construction, L.P., do hereby agree to append this Change Order No. 3 to the original contract between themselves, dated April 12, 2004.

**CITY OF PLANO**

**CAMINO CONSTRUCTION, L.P.  
 BY ITS GENERAL PARTNER  
 AYALA MANAGEMENT, LLC**

\_\_\_\_\_  
 OWNER

\_\_\_\_\_  
 CONTRACTOR

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

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

Print Name: Thomas H. Muehlenbeck

Print Name: Rogelio T. Ayala

Print Title: City Manager

Print Title: President

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

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

APPROVED AS TO FORM:

By: \_\_\_\_\_  
 Diane C. Wetherbee, City Attorney

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**ACKNOWLEDGMENTS**

STATE OF TEXAS        )  
                                  )  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2005, by **ROGELIO T. AYALA, PRESIDENT, of AYALA MANAGEMENT, LLC, GENERAL PARTNER, of CAMINO CONSTRUCTION, L.P., a Texas limited partnership**, on behalf of said limited partnership.

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

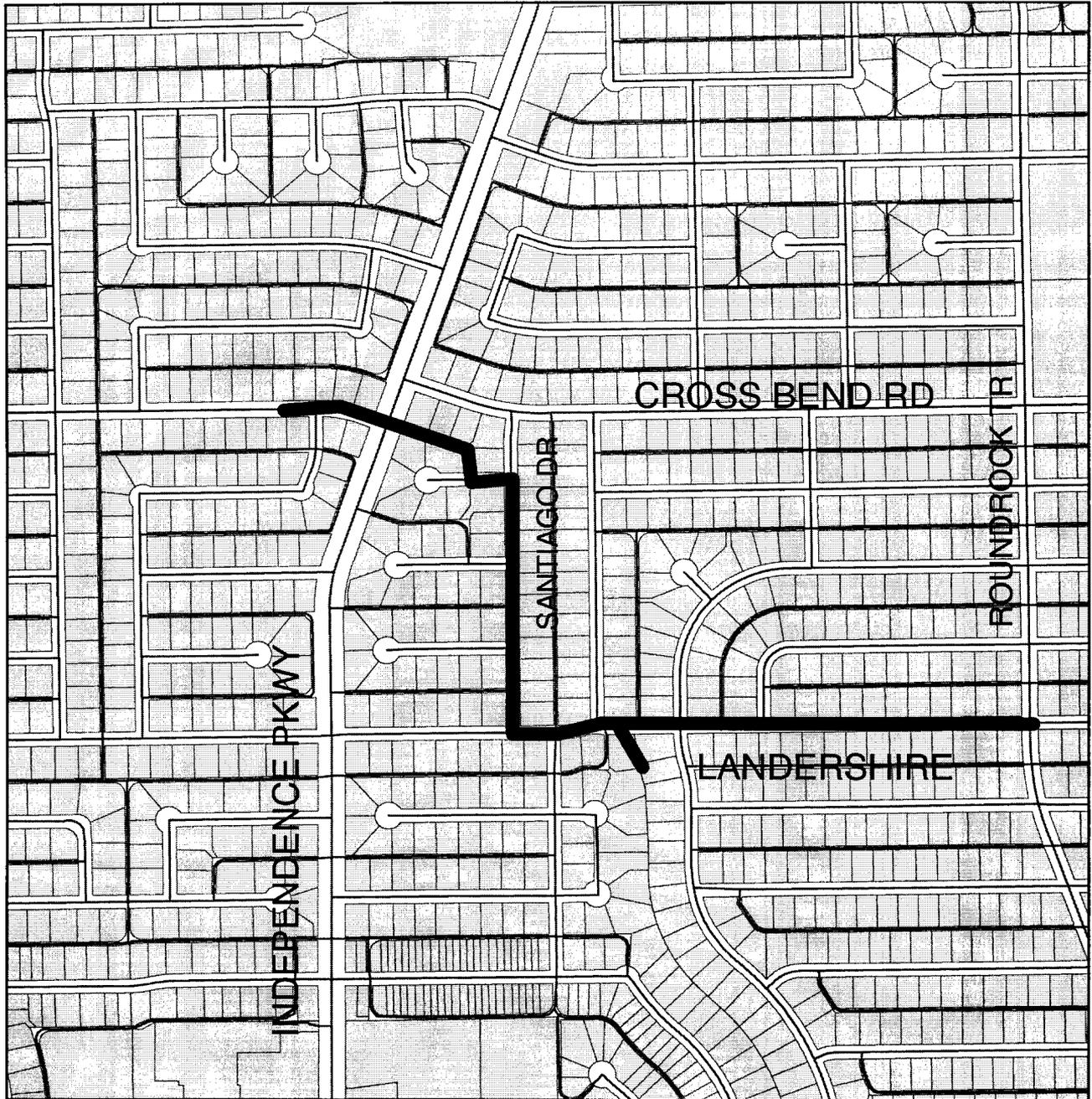
STATE OF TEXAS        )  
                                  )  
COUNTY OF COLLIN    )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2005, by **THOMAS H. MUEHLENBECK, City Manager, of the City of Plano, Texas**, a Home-Rule Municipal Corporation, on behalf of said municipal corporation.

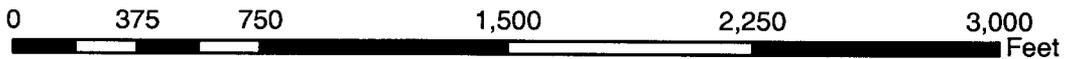
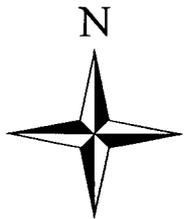
\_\_\_\_\_  
Notary Public, State of Texas

*t-4*

**CASSIDY DRIVE DRAINAGE IMPROVEMENTS AND  
LANDERSHIRE LANE WATER REHABILITATION  
PROJECT NO. 5149**



**CITY OF PLANO  
ENGINEERING DEPARTMENT**



*t-5*



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>02/22/05</b>		Reviewed by Legal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Department:	Finance		Initials	Date
Department Head	John F. McGrane		Executive Director	
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 2/8/05
Agenda Coordinator (include phone #): <b>Donna White – x7479</b>				
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
<b>CAPTION</b>				
PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE TO ESTABLISH AND DESIGNATE A CERTAIN AREA AS REINVESTMENT ZONE NO. 85 CONSISTING OF 2.3840 ACRE TRACT OF LAND LOCATED AT 1500 PRECISION DRIVE IN THE CITY OF PLANO, TEXAS, ESTABLISHING THE BOUNDARIES AT SUCH ZONE, ORDAINING OTHER MATTERS RELATING THERETO AND PROVIDING AN EFFECTIVE DATE.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>2005-2006</b>	Prior Year (CIP Only)	Current Year	Future Years
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(s): <b>GENERAL</b>				
<b>COMMENTS:</b> The fiscal impact of this item is contingent upon the value of real property located in the reinvestment zone and the value of business personal property brought onto the property. Currently, the Business Personal Property is estimated to have an approximate taxable value of not less than \$150,000.00. The proposed Real Property is estimated to have an approximate taxable value of not less than \$1,500,000.00. The proposed Business Personal and Real Property tax abatement will begin January 1, 2006, and continue through the year of 2015, and will be equal to fifty (50%) percent for ten (10) years.				
<b>SUMMARY OF ITEM</b>				
This is related to Tenth Street Investments, LP and Data Flow Media Systems, L.P. request for Tax Abatement. This Ordinance creates the geographical zone on which Council will hold a Public Hearing earlier on the same Agenda and date. Notice of Public Hearing to be published February 11, 2005, prior to Public Hearing on this Council date of February 22, 2005.				
List of Supporting Documents: Ordinance and Public Hearing Notice		Other Departments, Boards, Commissions or Agencies Joint Committee on Tax Abatement, Collin County, and Collin County Community College District		

1-1

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

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, DESIGNATING A CERTAIN AREA WITHIN THE CITY OF PLANO AS REINVESTMENT ZONE NO. 85 FOR A TAX ABATEMENT CONSISTING OF A 2.3840 ACRE TRACT OF LAND LOCATED AT 1500 PRECISION DRIVE IN THE CITY OF PLANO; ESTABLISHING THE BOUNDARIES OF SUCH ZONE; ORDAINING OTHER MATTERS RELATING THERETO; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Plano, Texas (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by V.T.C.A. Tax Code Chapter 312 (referred to as the "Property Redevelopment and Tax Abatement Act" or the "Act"); and

**WHEREAS**, a public hearing before the City Council was set for 7:00 p.m. on the 22nd day of February, 2005, such date being at least seven (7) days after the date of publication of the notice of such public hearing; and

**WHEREAS**, the City held such public hearing after giving written notice of said hearing to all taxing units overlapping the territory inside the proposed reinvestment zone; and

**WHEREAS**, the City at such hearing invited any interested person or his representative to appear for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the notice calling such public hearing should be included in such proposed reinvestment zone, and the concept of tax abatement; and

**WHEREAS**, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all matters relating to the creation of the reinvestment zone.

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

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**Section I.** The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

**Section II. Definitions.** For the purposes of this Ordinance, the following terms and phrases shall have the following meanings ascribed to them:

- a) Improvements - Improvements shall include, for the purpose of establishing eligibility under the Act, any activity at the location, including, but not limited to, new construction.
- b) Taxable Real Property - Taxable real property shall be as defined in the Texas Property Tax Code and shall not include personal property as defined in said code, nor shall it include land.
- c) Taxable Tangible Personal Property - Shall be defined, for purposes of this Ordinance, as tangible personal property, such as office machines and office furnishings, but shall specifically exclude inventory or supplies.
- d) Base Year - The base year for determining increased value shall be the taxable real property value assessed the year in which the agreement is executed.

**Section III.** The City, after conducting the above-mentioned hearing and having heard such evidence and testimony, has made the following findings and determinations based on the testimony presented to it:

- a) That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone; and
- b) That the boundaries of the reinvestment zone should be the area as described in the metes and bounds description attached hereto as Exhibit "A"; and

- c) That creation of the reinvestment zone for commercial/industrial tax abatement with boundaries as described in Exhibit "A" will result in benefits to the City and to the land included in the zone and the improvements sought are feasible and practical; and
- d) That the reinvestment zone as defined in Exhibit "A" meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Act in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City"; and
- e) That the reinvestment zone as defined in Exhibit "A" meets the criteria for the creation of a reinvestment zone as set forth in the City of Plano Revised Policy Statement for Tax Abatement.

**Section IV.** Pursuant to Section 312.201 of the Act, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing only the area described by metes and bounds in Exhibit "A" attached hereto and such reinvestment zone is hereby designated and shall hereafter be designated as Reinvestment Zone No. 85, City of Plano, Texas.

**Section V.** The zone shall be effective as of January 1, 2006.

**Section VI.** To be eligible for tax abatement a retail project shall:

- a) Be located wholly within the zone as established herein.
- b) Have a minimum expenditure on personal property improvements equal to or greater than **One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00)** and have a minimum expenditure on real property improvements equal to or greater than **One Million Five Hundred Thousand and No/100 Dollars (\$1,500,000.00).**

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- c) Not include property that is owned or leased by a member of the City Council of the City of Plano or by a member of the Planning and Zoning Commission.
- d) Conform to the requirements of the City's Zoning Ordinance and all other applicable laws and regulations.
- e) Have and maintain all land located within the designated zone, appraised at market value for tax purposes.

**Section VII.** Written tax abatement agreements with property owner(s) located within the zone shall provide the terms regarding duration of exemption and share of taxable real property (and personalty) value from taxation as approved hereunder as shown below:

- a) Duration of Exemption - ten (10) consecutive tax years beginning with and including the January 1, 2006 assessment date.
- b) Share of taxes abated - percentage of taxes on total value of appraised Personal Property and Improvements at the rate of: 50% for the years 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015.

**Section VIII.** Any written agreements authorized under this Ordinance must include provisions for:

- a) Listing the kind, number and location of all proposed improvements of the property;
- b) Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;
- c) Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect; and

- d) Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided by the agreement.

**Section IX.** If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof.

**Section X.** This Ordinance shall become effective from and after its date of passage.

**DULY PASSED AND APPROVED** this 22<sup>nd</sup> day of February, 2005.

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

ATTEST:

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

APPROVED AS TO FORM:

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

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**REINVESTMENT ZONE NO. 85**  
**Real Property**  
**Metes and Bounds**

**BEING** a 2.3840 acre tract of land situated in the Sanford Beck Survey, Abstract No. 73, Collin County, Texas, and being part of Lot 2 Block A of Onyx Business Center II, an addition to the City of Plano, Collin County, Texas according to the map thereof recorded in Volume N, Page 533, Map Records of Collin County, Texas, said tract being part of a called 4.4470 acre tract conveyed to SSEB Enterprises, L.P., by deed recorded in Volume 5204, Page 1935, Deed Records of Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at a found ½ inch iron rod at the south corner of a right of way corner clip at the intersection of the north line of 10<sup>th</sup> Street (a 60 foot right of way) with the east line of Placid Avenue (a 60 foot right of way), said point being the most southerly southwest corner of said Lot 2;

**THENCE** N 45° 30' 18" W, with the said right of way corner clip, a distance of 14.41 feet to a ½ inch iron rod for a corner, said point being the west corner of said right of way corner clip in the east line of Placid Avenue.

**THENCE** N 00° 09' 55" W, with the east line of Placid Avenue, a distance of 368.55 feet to a set ½ inch iron rod for a corner;

**THENCE** N 89° 50' 05" E, departing the east line of Placid Avenue, a distance of 299.51 feet to a set ½ inch rod for a corner in the east line of said Lot 2 and in the west line of said Lot 1, Block B of 10<sup>th</sup> Street Business Park, an addition to the City of Plano, Texas according to the map thereof recorded in Cabinet J, Page 257, Map Records of Collin County, Texas;

**THENCE** 00° 09' 55" E, with the west line of said Lot 1, Block B, a distance of 285.17 feet to a found ½ inch rod for a corner in the northwest line of 10<sup>th</sup> Street;

**THENCE** S 63° 22' 02" W, with the northwest line of 10<sup>th</sup> Street, a distance of 111.06 feet to a found ½ inch iron rod at the beginning of a tangent curve to the right with a central 26° 49' 48", a radius of 420.00 feet, a chord bearing of S 76° 46' 56" W and a chord distance of 194.88 feet;

**THENCE** Southwesterly, continuing with the northwest line of 10<sup>th</sup> Street and along said curve, an arc distance of 196.67 feet to the POINT OF BEGINNING.

1-7



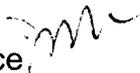
## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Council Meeting Date: <b>02/22/05</b>		Reviewed by Legal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable	
Department:	Finance		Initials	Date
Department Head	John F. McGrane		Executive Director	
Dept Signature:	<i>John F. McGrane</i>		City Manager	
Agenda Coordinator (include phone #):		<b>Donna White - x7479</b>		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
<b>CAPTION</b>				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF PLANO, TEXAS, THE COUNTY OF COLLIN, TEXAS, THE COLLIN COUNTY COMMUNITY COLLEGE DISTRICT, TENTH STREET INVESTMENTS, LP, A TEXAS LIMITED PARTNERSHIP AND DATA FLOW MEDIA SYSTEMS, L.P., A TEXAS LIMITED PARTNERSHIP, AND PROVIDING FOR A BUSINESS PERSONAL PROPERTY AND REAL PROPERTY TAX ABATEMENT, LOCATED AT 1500 PRECISION DRIVE, PLANO, TEXAS AND AUTHORIZING ITS EXECUTION BY THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>2005-2006</b>	Prior Year (CIP Only)	Current Year	Future Years
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S): <b>GENERAL</b>				
COMMENTS: The fiscal impact of this item is contingent upon the value of real property located in the reinvestment zone and the value of business personal property brought onto the property. Currently, the Business Personal Property is estimated to have an approximate taxable value of not less than \$150,000.00. The proposed Real Property is estimated to have an approximate taxable value of not less than \$1,500,000.00. The proposed Business Personal and Real Property tax abatement will begin January 1, 2006, and continue through the year of 2015, and will be equal to fifty (50%) percent for ten (10) years.				
<b>SUMMARY OF ITEM</b>				
A request by Tenth Street Investments, LP and Data Flow Media Systems, L.P. for tax abatement. Office building - Reinvestment Zone 85.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Resolution		Joint Committee on Tax Abatement, Collin County, and		
Tax Abatement Agreement		Collin County Community College District		

## INTEROFFICE MEMORANDUM

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

**DATE:** February 7, 2005

**FROM:** John F. McGrane   
Director of Finance

**CC:** Barbara Newell, EAA  
Di Zucco, ACS

**SUBJECT:** Tax Abatement for Data Flow Media Systems, L.P., Reinvestment Zone  
No. 85

---

The Tax Abatement Agreement with Data Flow Media Systems, L.P. is for a period of ten (10) years at fifty percent (50%) of the Real Property and Business Personal Property.

Data Flow Media Systems provides printing and fulfillment services to area businesses. Since inception, the company has experienced growth and desires to construct a facility. The company also provides a host of other creative services. The company has been in business since 1985. The company currently has a staff of 20 individuals and will be increasing their employment to 80 by 2008.

The fiscal impact of this item is contingent upon the value of real property located in the reinvestment zone and the value of business personal property brought onto the property. Currently, the Business Personal Property is estimated to have an approximate taxable value of not less than \$150,000.00 and the Real Property is estimated to have an approximate taxable value of not less than \$1,500,000.00. The company's location is 1500 Precision Drive, Plano, Texas. The proposed Real Property and Business Personal Property tax abatement will begin January 1, 2006 and continue through the year 2015.

DRAFT

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF PLANO, TEXAS, THE COUNTY OF COLLIN, TEXAS, THE COLLIN COUNTY COMMUNITY COLLEGE DISTRICT, TENTH STREET INVESTMENTS, LP, A TEXAS LIMITED PARTNERSHIP AND DATA FLOW MEDIA SYSTEMS, L.P., A TEXAS LIMITED PARTNERSHIP AND PROVIDING FOR A BUSINESS PERSONAL PROPERTY AND REAL PROPERTY TAX ABATEMENT, AND AUTHORIZING ITS EXECUTION BY THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council has been presented a proposed Tax Abatement Agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, Tenth Street Investments, LP, a Texas limited partnership and Data Flow Media Systems, L.P., a Texas limited partnership, 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 in his absence an Executive Director, 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:**

**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 Executive Director, 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 22nd day of February, 2005.

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

ATTEST:

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

APPROVED AS TO FORM:

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

THE STATE OF TEXAS    §  
                                  §  
COUNTY OF COLLIN    §

**TAX ABATEMENT AGREEMENT**

This Agreement is entered into by and between the **CITY OF PLANO, TEXAS**, a home rule municipal corporation of Collin and Denton Counties, Texas, duly acting herein by and thorough its City Manager, hereinafter referred to as "**CITY**"; the County of Collin, Texas, duly acting therein by and thorough its County Judge, and the Collin County Community College District, duly acting herein by and thorough its President of the Board of Trustees, hereinafter collectively referred to as "**TAXING UNITS**", and **TENTH STREET INVESTMENTS, LP**, a Texas Limited Partnership, duly acting by and through its general partner, hereinafter referred to as "**OWNER**" of the Real Property, and **DATA FLOW MEDIA SYSTEMS, L.P.**, a Texas Limited Partnership, duly acting by and through its general partner, as owner of the Personal Property and lessee of the Real Property, hereinafter referred to as "**LESSEE**".

**WITNESSETH:**

**WHEREAS**, on the 22nd day of February, 2005, the City Council of the City of Plano, Texas, passed Ordinance No. \_\_\_\_\_ establishing **Reinvestment Zone No. 85**, for commercial/industrial tax abatement, hereinafter referred to as the "Ordinance", as authorized by V.T.C.A. Tax Code, Chapter 312.001, et seq., cited as the Property Redevelopment and Tax Abatement Act, hereinafter referred to as "Act"; and

**WHEREAS**, the **CITY** has adopted a revised Policy Statement for Tax Abatement by Resolution No. 2004-9-22(R) stating that it elects to be eligible to participate in Tax Abatement (the "Policy Statement"); and

**WHEREAS**, the Policy Statement sets for the appropriate guidelines and criteria governing tax abatement agreements to be entered into by the **CITY** as contemplated by the Act; and

**WHEREAS**, the tax abatement will maintain and enhance the retail economic and employment base of the Plano area thereby benefiting both the **CITY** and the **TAXING UNITS** in accordance with the said Ordinance and Act; and

**WHEREAS**, the contemplated use of the Real Property, as hereinafter, defined, and the contemplated improvements to the Real Property in the amount as set forth in this Agreement and the other terms hereof are consistent with encouraging development of said **Reinvestment Zone No. 85** in accordance with the purposes for its creation and are in compliance with the intent of the Policy Statement and the Ordinance and similar guidelines and criteria adopted by the City of Plano and all applicable law.

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**NOW THEREFORE**, the parties hereto do mutually agree as follows:

1. The real property subject to this Agreement is described by metes and bounds in EXHIBIT "A" (the "Real Property") attached hereto and made a part hereof. At the time of this Agreement, **TENTH STREET INVESTMENTS, LP**, is the **OWNER** of the Real Property. This Agreement shall be terminated should the Real Property not be leased or owned by **LESSEE**, its successors, affiliates, or permitted assigns, affiliates, or any non-affiliated owner of **DATA FLOW MEDIA SYSTEMS, L.P.**, which is providing financing for the project under which **DATA FLOW MEDIA SYSTEMS, L.P.**(or its successors, assign, or affiliate) is the **LESSEE**.

2. The tangible personal property subject to this Agreement shall be personal property, excluding inventory and supplies, used within **Reinvestment Zone No. 85**, which shall be hereinafter referred to as the "Personalty". The Personalty shall have a taxable value, as determined by the Collin County Appraisal District, of not less than One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00), on or before January 1, 2006, and is or will be owned by **LESSEE** or its affiliates or successors or permitted assigns. **LESSEE** shall timely render its personal property value each year to the Central Appraisal District. Personalty includes a capitalized lease that is subject to taxation.

3. **LESSEE** as owner of the Personalty, may not relocate, for Purposes of maintaining taxable situs of tangible personal property, the Personalty on the Real Property in other Reinvestment Zones in the **CITY**.

**JOBS**

4 **LESSEE** estimates the proposed development of the Real Property as shown in EXHIBIT "B" (the "Development") will result in twenty (20) full-time job equivalents at the Development in Plano when the new office building is completed and 80 by 2008. A full-time Job equivalent is one or more job positions which when combined total 2080 hours annually.

**IMPROVEMENTS**

5. The **OWNER** shall complete construction of improvements and/or repairs (hereinafter referred to as "Improvements") to an existing (Real Property) office building with an initial expenditure of not less than One Million Five Hundred Thousand and No/100 Dollars (\$1,500,000.00) on or before January 1, 2006; provided that the **OWNER** shall have such additional time to complete the Improvements as may be required in the event of "force majeure" if **OWNER** is diligently and faithfully pursuing the completion of the Improvements, or if in the reasonable opinion of the **CITY**, the **OWNER** has made substantial progress toward completion of the initial phase of the Improvements.

For this purpose, "force majeure" shall mean any contingency or cause beyond the reasonable control of **OWNER** including, without limitation, acts of God or the public enemy, war, riot, civil commotion, insurrection, governmental or de facto governmental action, (unless caused by acts or omissions of **OWNER**), fire, shortages of material and/or labor, explosion or flood, and labor disturbances. The date of completion of the Improvements shall be defined as the date a temporary or permanent Certificate of Occupancy for the Improvements is issued by the City of Plano.

6. The **OWNER** agrees and covenants that it will diligently and faithfully in a good and workmanlike manner pursue the substantial completion of the Improvements as a good and valuable consideration of the Agreement. **OWNER** further covenants and agrees that all construction of the Improvements will be in accordance with all applicable federal, state and local laws and regulations or valid waiver thereof. In further consideration, **OWNER** shall from the date a temporary or permanent Certificate of Occupancy is issued until the expiration or termination of this Agreement, operate and maintain the Real Property (or cause the same to be operated and maintained) for the following described purposes: one 35,400 square foot office space where **LESSEE** or its affiliates will initially employ approximately twenty (20) employees referred to herein as the "Purposes".

#### DEFAULT

7. Any of the following events shall be deemed a breach of this Agreement resulting in default:

- (a) The Improvements are not completed in accordance with this Agreement;
- (b) **OWNER** or **LESSEE** allow its real and personal property taxes owed the **CITY** or **TAXING UNITS** on the Real Property, Improvements, or Personalty to become delinquent and fail to timely and properly follow the legal procedures for protest and/or contest of any such ad valorem taxes;
- (c) **OWNER** completes the Improvements in accordance with paragraph 5 above but **LESSEE** fails to occupy the Improvements for the Purposes set forth in paragraph 6 above on or before January 1, 2006, or
- (d) The taxable value of the **Personalty** placed in Reinvestment Zone No. 85 as determined for ad valorem tax purposes on January 1, 2006 is less than the minimum amounts set forth in paragraph 2.
- (e) For any period after the date specified in paragraph 2 above, the taxable value of the **Personalty** as determined for ad valorem tax purposes is less than the minimum amount set forth in paragraph 2 above as the result of the **LESSEE** filing a protest of the value or causing or allowing the removal of any **Personalty** from Reinvestment Zone No. 85.
- (f) **LESSEE** fails to employ at least seventy-five (75%) of its employee commitment as provided in paragraph 4 above; or

(g) **OWNER** or **LESSEE** fails to provide annual certification as required in paragraph 10 below.

8. In the event that the **OWNER** or **LESSEE** default under this Agreement then the **CITY** or **TAXING UNITS** shall give the **OWNER** and **LESSEE** written notice of such default and if the **OWNER** or **LESSEE** has not cured such default, or obtained a waiver thereof from the appropriate authority, within thirty (30) days of said written notice, this Agreement may be terminated by the **CITY** and **TAXING UNITS**. Notice shall be in writing as provided below. Upon the occurrence of an event of default other than under Paragraph 7(b) above and after **OWNER** or **LESSEE** fails to cure same in accordance herewith, this Agreement shall immediately terminate and all taxes due thereafter shall be paid in full without the benefit of any abatement. The parties acknowledge that actual damages in the event of default and termination would be speculative and difficult to determine.

9. Upon the occurrence of an event of default under Paragraph 7(b) above, and after **OWNER** or **LESSEE** fails to cure same in accordance herewith, this Agreement shall immediately terminate and all taxes, including previously abated taxes which would have been paid to the **CITY** and **TAXING UNITS** without the benefit of this Agreement, shall become due and owing to the **CITY** and **TAXING UNITS**, together with interest charged from the date of this Agreement at the statutory rate for delinquent taxes as determined by V.T.C.A., Tax Code § 33.01, but without the addition of penalty other than that mandated by V.T.C.A., § 33.01 or 33.07.

**ANNUAL CERTIFICATION**

10. On or before the 1st day of November of each calendar year during the term of this Agreement, the **OWNER**, or its successors or assigns, and **LESSEE** must provide annual certification (substantially in the form attached as EXHIBIT "C" hereto) to the governing body of the **CITY** certifying compliance with each applicable term of the Agreement.

**ASSIGNMENT**

11. The terms conditions of this Agreement are binding upon the successors and assigns of all parties hereto. This Agreement cannot be assigned by **OWNER** or **LESSEE** unless written permission is first granted by the **CITY** and **TAXING UNITS**, which permission shall be at the reasonable discretion of the **CITY** and **TAXING UNITS**, except under the following conditions:

(a) Assignment to an affiliate of **OWNER** or **LESSEE** is permissible;

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(b) A transfer or assignment of the Real Property and Improvements, or an assignment of this Agreement, by **OWNER** or **LESSEE** to successors or assigns is permissible wherein the successors or assigns agree to be bound by the terms of this Agreement and **LESSEE** shall continue to conduct business on the subject premises, and shall remain the primary tenant. However, **OWNER** and **LESSEE** agree to give written notice to the **CITY** and **TAXING UNITS** of any assignment or transfer of interest allowed pursuant to subparagraphs (a) and (b) hereof.

**ABATEMENT PROVISIONS**

12. Subject to the terms and conditions of this Agreement, and subject to the rights of holders of any outstanding bonds of the **CITY** and **TAXING UNITS**, a portion of ad valorem real and personal property taxes from the Real Property, Improvements and Personalty otherwise owed to the **CITY** and **TAXING UNITS** shall be abated as follows:

(a) The tax abatements as to the Real Property, Improvements and Personalty, as provided for herein, shall be for a period of ten (10) tax years, from January 1, 2006, through December 31, 2015.

(b) In accordance with all applicable federal, state, and local laws and regulations, the abatement shall be based on amounts equal to fifty percent (50%) of the value of the Improvements and fifty percent (50%) of the value of the Personalty for each tax year from January 1, 2006, through December 31, 2015.

(c) The **OWNER** and **LESSEE** shall have the right to protest and/or contest any assessment of the Real Property, Improvements or Personalty, and the abatement shall be applied to the amount of taxes finally determined to be due as a result of any such protest and/or contest.

**NOTICE**

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

For City by notice to:

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

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For TAXING UNITS by notice to:

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

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

For OWNER by notice to:

TENTH STREET INVESTMENTS, LP  
Attn: Richard Doss  
1500 Precision Drive, Suite 130  
Plano, Texas 75074

For LESSEE by notice to:

DATA FLOW MEDIA SYSTEMS, L.P.  
Attn: Richard Doss  
1500 Precision Drive, Suite 130  
Plano, Texas 75074

Any party may change the address to which notices are to be sent by giving the other parties written notice in the manner provided in this paragraph.

### MISCELLANEOUS PROVISIONS

14. The **OWNER** and **LESSEE** further agree that the **CITY** and **TAXING UNITS**, their agents and employees, shall have reasonable right (upon reasonable prior notice to **OWNER**) to access the Real Property to inspect the Improvements and Personalty in order to insure that the construction of the Improvements and locations of the Personalty are in accordance with this Agreement and all applicable federal, state, and local laws and regulations.

2-10

After completion of the Improvements, **CITY** and **TAXING UNITS** shall have the continuing right (upon reasonable prior notice to **OWNER** and **LESSEE**) to inspect the Improvements and Personalty to insure that they are thereafter maintained, operated and occupied in accordance with this Agreement.

15. It is understood and agreed between the parties that the **OWNER** and **LESSEE**, in performing their obligations hereunder, are acting independently, and the **CITY** and **TAXING UNITS** assume no responsibilities or liabilities in connection therewith to third parties and **OWNERS** agree to indemnify and hold harmless **CITY** and **TAXING UNITS** from any and all claims, suits, and causes of actions, including attorney's fees, of any nature whatsoever arising out of **OWNER'S** default of their obligations hereunder.

16. The **CITY** and **TAXING UNITS** each represent and warrant that the Real Property, Improvements and Personalty do not include any property that is owned by a member of their respective councils or boards, agencies, commissions, or other governmental bodies approving, or having responsibility for the approval of this Agreement.

17. This Agreement was authorized by Resolution of the City Council at its Council meeting on the 22nd day of February, 2005, authorizing the City Manager to execute the Agreement on behalf of the **CITY**.

18. This Agreement was authorized by the minutes of the Commissioners Court of Collin County, Texas, at its meeting on of \_\_\_\_\_, 2005, whereupon it was duly determined that the County Judge would execute the Agreement on behalf of Collin County.

19. This Agreement was authorized by the Board minutes of the Board of Trustees of Collin County Community College District at its board meeting on \_\_\_\_\_, 2005, whereupon it was duly determined that the Chairman would execute the Agreement on behalf of Collin County Community College District.

20. This Agreement was entered into by **OWNER** pursuant to authority granted by its general partner whereby an authorized representative of the **OWNER** was authorized to execute this Agreement on behalf of **OWNER**.

21. This Agreement was entered into by **LESSEE** pursuant to authority granted by its Board of Directors, whereby an authorized representative of the corporation was authorized to execute this Agreement on behalf of **LESSEE**.

22. This instrument shall constitute a valid and binding Agreement between the **CITY**, **OWNER**, and **LESSEE** when executed in accordance herewith, regardless of whether any other **Taxing Unit** executes this Agreement.

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This shall constitute a valid and binding Agreement between such **TAXING UNITS, OWNER, and LESSEE** when executed on behalf of said parties, for the abatement of such **Taxing Unit's** taxes in accordance therewith.

23. **Severability.** If any term or provision of this Agreement shall, to any extent, be invalid or unenforceable, the remainder of this Agreement (or the application of such term or provision, to persons or circumstances other than those in respect of which it is invalid or unenforceable) except those terms or provisions, which are made subject to or conditioned upon such invalid or unenforceable term or provision, shall not be affected thereby, and each other term or provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

24. If upon sell by **OWNER** to **LESSEE** or its assigns, the **LESSEE** or its assigns shall assume all owners rights and obligations under this agreement.

25. This Agreement is performable in Collin County, Texas.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

CITY OF PLANO, TEXAS, a home rule municipal corporation

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

\_\_\_\_\_  
Thomas H. Muehlenbeck, CITY MANANGER

APPROVED AS TO FORM:

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

Remainder of page not used.

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ATTEST:

COMMISSIONERS COURT OF  
COLLIN COUNTY

\_\_\_\_\_

\_\_\_\_\_  
COUNTY JUDGE

ATTEST:

COLLIN COUNTY COMMUNITY  
COLLEGE DISTRICT

\_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN

**OWNER:**

**TENTH STREET INVESTMENTS, LP,  
a Texas Limited Partnership**

ATTEST:

**By: Doss Enterprises, Inc., its general  
partner**

\_\_\_\_\_

By: \_\_\_\_\_  
Name: Richard Doss  
Title: Vice President

**LESSEE:**

**DATA FLOW MEDIA SYSTEMS, L.P.,  
a Texas Limited Partnership**

ATTEST:

**By: Doss Enterprises, Inc., its general  
partner**

\_\_\_\_\_

By: \_\_\_\_\_  
Name: Richard Doss  
Title: Vice President

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**REINVESTMENT ZONE NO. 85**  
**Real Property**  
**Metes and Bounds**

**BEING** a 2.3840 acre tract of land situated in the Sanford Beck Survey, Abstract No. 73, Collin County, Texas, and being part of Lot 2 Block A of Onyx Business Center II, an addition to the City of Plano, Collin County, Texas according to the map thereof recorded in Volume N, Page 533, Map Records of Collin County, Texas, said tract being part of a called 4.4470 acre tract conveyed to SSEB Enterprises, L.P., by deed recorded in Volume 5204, Page 1935, Deed Records of Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at a found ½ inch iron rod at the south corner of a right of way corner clip at the intersection of the north line of 10<sup>th</sup> Street (a 60 foot right of way) with the east line of Placid Avenue (a 60 foot right of way), said point being the most southerly southwest corner of said Lot 2;

**THENCE** N 45° 30' 18" W, with the said right of way corner clip, a distance of 14.41 feet to a ½ inch iron rod for a corner, said point being the west corner of said right of way corner clip in the east line of Placid Avenue.

**THENCE** N 00° 09' 55" W, with the east line of Placid Avenue, a distance of 368.55 feet to a set ½ inch iron rod for a corner;

**THENCE** N 89° 50' 05" E, departing the east line of Placid Avenue, a distance of 299.51 feet to a set ½ inch rod for a corner in the east line of said Lot 2 and in the west line of said Lot 1, Block B of 10<sup>th</sup> Street Business Park, an addition to the City of Plano, Texas according to the map thereof recorded in Cabinet J, Page 257, Map Records of Collin County, Texas;

**THENCE** 00° 09' 55" E, with the west line of said Lot 1, Block B, a distance of 285.17 feet to a found ½ inch rod for a corner in the northwest line of 10<sup>th</sup> Street;

**THENCE** S 63° 22' 02" W, with the northwest line of 10<sup>th</sup> Street, a distance of 111.06 feet to a found ½ inch iron rod at the beginning of a tangent curve to the right with a central 26° 49' 48", a radius of 420.00 feet, a chord bearing of S 76° 46' 56" W and a chord distance of 194.88 feet;

**THENCE** Southwesterly, continuing with the northwest line of 10<sup>th</sup> Street and along said curve, an arc distance of 196.67 feet to the POINT OF BEGINNING.

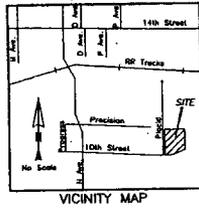
2-14

## EXHIBIT "B" THE DEVELOPMENT REINVESTMENT ZONE NO. 85

SCALE: 1"=50'

**LEGEND**

- R Found Iron Rod
- W Set Iron Rod
- P Utility Pole
- J Junction
- H Fire Hydrant
- V Meter Valve
- S Sanitary Sewer
- ST Storm Sewer
- D Telephone Cable Marker
- Ca Telephone Vault
- V Telephone
- Electric Line
- Water
- CP Reinforced Concrete Pipe



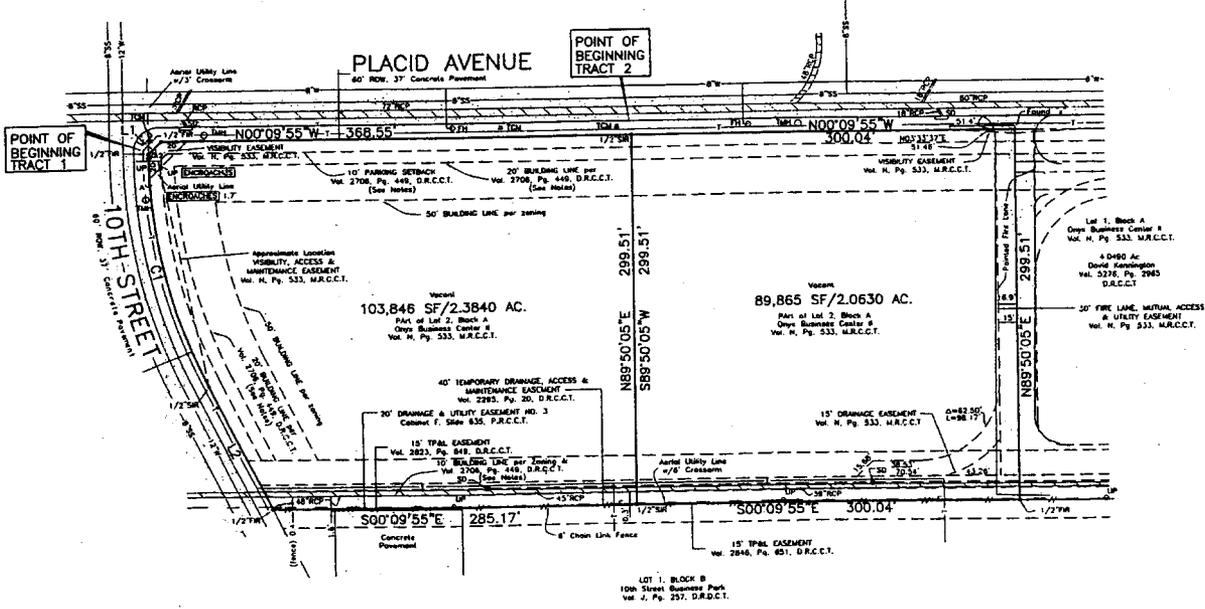
NUMBER	DIRECTION	DISTANCE
L1	N 45°30'18" W	16.41'
L2	S 63°22'02" W	111.26'

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD	CHORD DIRECTION
C1	22°49'48"	420.00	186.67'	100.17'	184.88'	S 76°42'54" W

**NOTES**

- 1) Unless otherwise noted, the easements shown hereon as "per map" were created by the map of Onyx Business Center II as recorded in Volume N, Page 533, Map Records of Collin County, Texas.
- 2) The property described hereon is affected by the following as recorded in the noted Volume and Page or the noted County Clerk File Number of the Deed Records of Collin County, Texas:
  - a) Declarations of Covenants, Conditions and Restrictions in Volume 2706, Page 448, as affected by First Amendment in Volume 2824, Page 241, as assigned by Assignment in Volume 3112, Page 743, as affected by Second Amendment in County Clerk File No. 94-0034207, as assigned by Assignment in County Clerk No. 95-0033489 and 95-0033501, and as affected by Supplementary Declarations of Covenants, Conditions and Restrictions in County Clerk File No. 95-0033502. Said document creates a 20 foot front and side building line, a 10 foot building line on adjacent property lines, a 10 foot parking setback along streets and other non-plottable items.
  - b) 40 foot temporary drainage and access easement in Volume 2295, Page 20.
  - c) 15 foot easement for electric lines to Texas Power & Light Company in Volume 2823, Page 849.
- 3) The property described hereon is affected by the plat recorded in Cabinet F, Page 635, Map Records of Collin County, Texas. Said plat creates street rights of way and easements.
- 4) The bearing basis for this survey is a bearing of N 00°09'55" W for the east line of Placid Avenue as shown on the map of Palisades Business Park North as recorded in Cabinet F, Page 635, Map Records of Collin County, Texas.
- 5) According to the City of Plano, the property is currently zoned L1-2, which requires a minimum front building setback of 50 feet, minimum side building setback of 0 feet and a minimum rear building setback of 10 feet and there is no maximum building height.
- 6) The location and size of utility lines shown hereon was taken from as built information furnished by the appropriate public utility company. No verification of information was made and therefore no representation is made as to the accuracy of the information.



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**EXHIBIT "C"  
CERTIFICATE OF COMPLIANCE  
REINVESTMENT ZONE NO. 85**

This letter certifies that **TENTH STREET INVESTMENTS, LP, a Texas Limited Partnership** and **DATA FLOW MEDIA SYSTEMS, L.P., a Texas Limited Partnership.**, are in compliance with each applicable term as set forth in the Agreement to Resolution No. \_\_\_\_\_(R) as of November 1, 2006. The term of this Agreement is January 1, 2006 through December 31, 2015. If the taxable value of the Personalty as determined for by ad valorem tax purposes for the current year is less than the amount specified in paragraph 2 of the Agreement, this letter further certifies that the taxable value of the Personalty as determined for ad valorem tax purposes is not less than the amount specified in paragraph 2 of the Agreement as the result of **OWNER's filing a protest of the values** or causing or allowing the removal of any Personalty from **Reinvestment Zone 85**. This form is due on November 1st of each year this tax abatement is in force.

**OWNER**

**TENTH STREET INVESTMENTS, LP,  
a Texas Limited Partnership**

ATTEST:

**By: Doss Enterprises, Inc., its general partner**

\_\_\_\_\_

By: \_\_\_\_\_  
Name: Richard Doss  
Title: Vice President

**LESSEE:**

**DATA FLOW MEDIA SYSTEMS, L.P.,  
a Texas Limited Partnership**

ATTEST:

**By: Doss Enterprises, Inc., its general partner**

By: \_\_\_\_\_  
Name: Richard Doss  
Title: Vice President

NOTE: The Certificate of Compliance should be mailed to: City of Plano, Texas  
Finance Department  
P.O. Box 860358  
Plano, Texas 75086-0358

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**DATE:** February 8, 2005  
**TO:** Honorable Mayor & City Council  
**FROM:** Laura Williamson, Chairman, Planning & Zoning Commission **TF**  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of February 7, 2005

**PUBLIC HEARING  
ZONING CASE 2004-57  
APPLICANT: HEALTHCARE REALTY TRUST, INC.**

**DESCRIPTION:**

The request proposes to expand the area of Planned Development-138-Retail/General Office from 21.1± acres to 30.5± acres by rezoning portions of Planned Development-350-Retail/General Office and Planned Development-402-Retail/General Office. The property is located on the south side of Plano Parkway, west of Ohio Drive, east of Allied Drive, and north and south of Alliance Boulevard. Zoned Planned Development-138-Retail/General Office (PD-138-R/O-2) with Specific Use Permit #164 for Outdoor Commercial Amusement facility, Planned Development-350-Retail/General Office (PD-350-R/O-2), and Planned Development-402-Retail/General Office (PD-402-R/O-2). Neighborhood #55.

**APPROVED:** 7-0 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA:** **FAVOR:** 1 **OPPOSE:** 2

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

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

**STIPULATIONS:**

Recommended for approval as PD-138-R/O-2 subject to: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

1. A hospital and helistop are additional allowed uses. A helistop is allowed only in conjunction with a hospital use.
2. Maximum Building Height: ~~12 story~~.
  - a. Beginning at a distance of 50 feet south of the southern right-of-way line of Plano Parkway (110 feet from the residential district boundary line) to 300 feet south of Plano Parkway, the maximum building height shall be six story/65 feet.

- b. From 300 feet south of the southern right-of-way line of Plano Parkway to 600 feet south of Plano Parkway, the maximum building height shall be six story/125 feet.
- c. From 600 feet south of the southern right-of-way line for Plano Parkway, the maximum building height shall be 12 story.
3. Maximum Lot Coverage: 50% (excluding parking structures); 70% (including parking structures).
4. For hospital use, required parking is one space per bed.
5. Building facades, except for parking structures, shall be constructed of brick, stone, or glass.
6. Parking structure facades shall be compatible in color and texture to the materials used for the hospital facade. The northern facade of parking structures that front Plano Parkway shall be designed to diffuse or to decrease light overspill through the use of solid walls, ornamental metal or other material screening, landscaping, earthen berms, or a combination of these.
7. The minimum front building setback along Allied Drive shall be 30 feet beginning at a distance of 250 feet from the southern right-of-way line of Plano Parkway continuing south to the southern right-of-way line for Alliance Boulevard.

**FOR CITY COUNCIL MEETING OF:** February 22, 2005 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

TE/mac

xc: Tim Parris, Baylor Health Care  
Cary Moon, Trammell Crow Co.  
Lynn Woodall, Administrative Support Supervisor

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CITY OF PLANO  
PLANNING & ZONING COMMISSION

February 7, 2005

**Agenda Item No. 7A**

**Public Hearing:** Zoning Case 2004-57

**Applicant:** Healthcare Realty Trust, Inc.

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**DESCRIPTION:**

The request proposes to expand the area of Planned Development-138-Retail/General Office from 21.1± acres to 30.5± acres by rezoning portions of Planned Development-350-Retail/General Office and Planned Development-402-Retail/General Office. The property is located on the south side of Plano Parkway, west of Ohio Drive, east of Allied Drive, and north and south of Alliance Boulevard. Zoned Planned Development-138-Retail/General Office (PD-138-R/O-2) with Specific Use Permit #164 for Outdoor Commercial Amusement facility, Planned Development-350-Retail/General Office (PD-350-R/O-2), and Planned Development-402-Retail/General Office (PD-402-R/O-2). Neighborhood #55.

**REMARKS:**

This item was tabled at the January 18, 2005, Planning & Zoning Commission meeting. It must be removed from the table for consideration.

The applicant is requesting to expand the area of PD-138-R/O-2 from 21.1± acres to 30.5± acres by rezoning portions of PD-350-R/O-2 and PD-402-R/O-2. The purpose of this request is to expand the existing hospital and medical office development. A concept plan, revised preliminary site plans, and preliminary replat accompany this request.

**Current Zoning**

The current zoning is PD-138-R/O-2, PD-350-R/O-2, and PD-402-R/O-2. The R district is intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services including convenience stores, shopping centers, and regional malls but not including wholesaling or warehousing. The O-2 district is intended to allow for a variety of low-, mid- and high-rise office developments providing for professional, financial, medical, and similar services to local residents, corporate offices for regional and national operations, and major centers of employment for Plano and surrounding communities.

8-3

A portion of the property is within Specific Use Permit #164 (SUP #164) for a commercial amusement facility (golf driving range). An SUP authorizes and regulates a use not normally permitted in a district, which could benefit in a particular case the general welfare, provided that adequate development standards and safeguards are established. The driving range was replaced by the Baylor Medical Center development.

A planned development (PD) district provides the ability to amend use, height, setback, and other requirements at the time of zoning to promote innovative site design and better development controls appropriate to both offsite and onsite conditions.

PD-138-R/O-2 (Baylor Medical Center property) stipulates:

1. A hospital and helistop are additional allowed uses. A helistop is allowed only in conjunction with a hospital use.
2. Maximum Building Height: 12 story.
3. Maximum Lot Coverage: 50% (excluding parking structures); 70% (including parking structures).
4. For hospital use, required parking is one space per bed.
5. Building facades, except for parking structures, shall be constructed of brick, stone, or glass. Parking structure facades shall be compatible in color and texture to the materials used for the hospital facade.

PD-350-R/O-2 stipulates:

1. Building height shall be limited to four stories within 300 feet of the zoning district boundary of any single-family or Patio Home district. The maximum building height on the remainder of the property shall be 12 stories, except as regulated by Article 3 of the Zoning Ordinance.
2. The Preston Road Overlay District requirements shall apply to the entire planned development district.
3. Mutual access easements must be granted between all lots.
4. A total of five pad sites (structures 5,000 square feet in size or smaller) shall be allowed only at the following locations:
  - a. The southeast and southwest corners of Plano Parkway and Allied Drive.
  - b. The southeast corner of Preston Road and Plano Parkway.
  - c. The northeast and southeast corners of Preston Road and Alliance Drive.

The location of freestanding structures larger than 5,000 square feet is not regulated by this stipulation.

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5. Building facades shall be constructed of brick, stone, or glass and shall be architecturally compatible as required by the Retail Corner Guidelines.

PD-402-R/O-2 stipulates:

1. Office-showroom/warehouse and scientific and research uses are additional allowed uses.
2. Maximum building height setback, as measured from the centerline of Plano Parkway, shall be limited to two story (35 feet) to a distance of 150 feet; five story (74 feet) between 150 feet and 400 feet; eight story (113 feet) between 400 feet and 700 feet; and 20 story (282 feet) on the remainder of the tract.
3. Provision of a 30-foot wide landscape edge adjacent to the right-of-way along Plano Parkway.
4. Provision of a 30-foot wide landscape edge adjacent to the existing curb along Ohio Drive.
5. Underground utilities and signage requirements of the 190 Tollway/Plano Parkway Overlay District apply to the entire property.

### **Proposed Zoning**

The request proposes to expand the area of PD-138-R/O-2 from 21.1± acres to 30.5± acres by rezoning portions of PD-350-R/O-2 and PD-402-R/O-2 to PD-138-R/O-2. Initially, the applicant proposed the following additional development stipulations to PD-138-R/O-2:

1. Reduce the front building setback along Allied Drive from 50 feet to 30 feet minimum.
2. Extend the maximum 12-story building height up to 125 feet of the centerline of Plano Parkway.

In response to concerns expressed at meetings with area residents, the applicant has amended the initial zoning application per the attached letter. The amended application proposes the following amended stipulations to PD-138-R/O-2:

1. Reduce the minimum front building setback along Allied Drive from 50 feet to 30 feet beginning at a distance of 250 feet from the southern right-of-way line of Plano Parkway continuing south to the southern right-of-way line for Alliance Boulevard. The front building setback along Allied Drive, beginning at the southern right-of-way line of Plano Parkway south for a distance of 250 feet, would remain 50 feet.

2. The maximum allowable building heights are as follows:
  - a. Beginning at a distance of 50 feet south of the southern right-of-way line of Plano Parkway (110 feet from the residential district boundary line) to 300 feet south of Plano Parkway, the maximum building height shall be six story/65 feet.
  - b. From 300 feet south of the southern right-of-way line of Plano Parkway to 600 feet south of Plano Parkway, the maximum building height shall be six story/125 feet.
  - c. From 600 feet south of the southern right-of-way line for Plano Parkway, the maximum building height shall be 12 story.

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

The area of the request is partially developed as car wash, hospital, and medical office uses with structured and surface parking. To the north, across Plano Parkway, the properties are zoned Planned Development-194-General Office (PD-194-O-2) and Planned Development-192-Patio Home (PD-192-PH). The PD-194-O-2 properties have been partially developed as motel/hotel, day care, bank, and office-professional/general uses. The PD-192-PH property has been developed as single-family detached uses. The properties to the west are zoned PD-350-R/O-2. These properties are developed as garden center, restaurant, motel/hotel, office, and retail uses; some tracts remain undeveloped. The properties to the east are zoned PD-402-R/O-2 and are partially developed as motel/hotel, office-professional/general, and office-showroom/warehouse uses. The adjacent property to the south is zoned Agricultural and contains railroad and electrical transmission line rights-of-way.

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

**Future Land Use Plan** - The Future Land Use Plan designates this property as Community Commercial (COC), intended to accommodate, retail, office, and restaurant uses. The request is not specifically in conformance with the Future Land Use Plan as the requested zoning is more intense than typical COC development. The proposed intensity of development is consistent with existing zoning and with allowable development along regional expressways and arterials within the city.

**Adequacy of Public Facilities** - Water and sanitary sewer services are available.

**Traffic Impact Analysis (TIA)** - The trip generation potential of the proposed rezoning would not be greater than the 5,000 trip per day threshold established in the zoning ordinance; therefore, a TIA is not required.

A TIA was submitted with the initial PD-138-R/O-2 zoning request. At that time, the only available access to the property was from Allied Drive and Alliance Boulevard, so staff recommended that the applicant consider additional access to a major public thoroughfare to increase the efficiency of circulation to and from the site. The revised preliminary site plan submitted with this zoning request addresses staff's concerns by providing an access drive to Ohio Drive.

3-6

## ISSUES:

### Reduced Front Yard Setback along Allied Drive

The applicant is requesting to reduce the minimum front building setback along Allied Drive from 50 feet to 30 feet beginning at a distance of 250 feet from the southern right-of-way line of Plano Parkway continuing south to the southern right-of-way line for Alliance Boulevard. The front building setback along Allied Drive, beginning at the southern right-of-way line of Plano Parkway south for a distance of 250 feet, would remain at 50 feet. The intent of this request is to locate the proposed hospital closer to Allied Drive. The request does not propose to change the 50 foot setback from Allied Drive for the parking structure.

The Zoning Ordinance permits a reduction of the 50-foot front yard setback to 30 feet for one story buildings if there are no parking or driveway aisles between the building and the street. The concept plan shows that there are no driveway aisles between the building and the street; however, the proposed height of the hospital is six stories. Allied Drive functions more closely to an internal private circulation lane than a public street. If Allied Drive were private, the setback changes from a front yard to a side yard setback, and there is no required side yard setback for the R and O-2 districts. For this reason, and because the 50-foot setback is being maintained along Allied Drive where it intersects Plano Parkway, staff supports the applicant's request to reduce the front yard setback along Allied Drive.

### Proposed Allowable Building Heights

The applicant is requesting to amend maximum allowable building heights. Each of the three planned development districts within the area of this request have different allowable building heights. Please note that at this time, the only improvements proposed for the PD-402-R/O-2 portion of the request is at-grade, surface parking. Although the discussion below speaks to proposed buildings on the PD-138 R/O-2 and PD-350-R/O-2 portions of the zoning request, the allowable building heights would also apply to this area. A graphic showing current and proposed building heights is attached under separate cover.

The applicant proposes a maximum building height of six story/65 feet beginning at a distance of 50 feet south of the southern right-of-way line of Plano Parkway (110 feet from the residential district boundary line) to 300 feet south of Plano Parkway. Currently, the property within the first 240 feet of Plano Parkway is zoned PD-350-R/O-2. PD-350-R/O-2 permits a maximum building height of four stories. Although this zoning does not specify a maximum height in feet, a four-story office building is approximately 45 feet to 60 feet in height to the tallest element of the building (e.g., parapet, mechanical equipment penthouse, etc.). South of the 240 foot depth, the property is zoned PD-138-R/O-2. PD-138-R/O-2 permits a maximum building height of 12 stories; it does not specify a maximum height in feet. A 12-story office building ranges in height from 145 feet to 180 feet. The request for six story/65 feet in building height for this portion of the site is approximately equal to the height currently allowed by PD-350-R/O-2 and is approximately half of the height currently allowed by PD-138-R/O-2.

The applicant proposes a maximum building height of six story/125 feet beginning at 300 feet south of the southern right-of-way line of Plano Parkway to 600 feet south of Plano Parkway. This property is currently zoned PD-138-R/O-2 and permits a maximum building height of 12 stories. As noted above, a 12-story office building ranges in height from 145 feet to 180 feet. The request for six story/125 feet in building height for this portion of the site is significantly less than the height currently allowed by PD-138-R/O-2.

The applicant proposes a maximum building height of 12 stories beginning 600 feet south of the southern right-of-way line for Plano Parkway. PD-138-R/O-2 currently permits a maximum building height of 12 stories. The zoning request does not propose to change the allowable height for this portion of the project.

In summary, the proposed six story/65 feet height for the northernmost 300 feet of the request is approximately equal to the heights currently allowed by PD-350-R/O-2 and PD-402-R/O-2. The proposed six-story/125 feet height for the 300 feet south of the northernmost 300 feet is greater than the height currently allowed by PD-402-R/O-2, but less than the height allowed by PD-138-R/O-2. The proposed 12 story height for the remainder of the property is equal to the height currently allowed by PD-138-R/O-2 and less than the height allowed by PD-402-R/O-2. Because, overall, the proposed allowable heights are less than or equal to existing allowable heights, staff supports the applicant's proposed height standards.

#### Parking Garage

The concept plan submitted as part of this request shows a proposed six-story parking garage along the southern frontage of Plano Parkway. Plano's Lighting Ordinance specifies maximum onsite lighting levels and maximum light overspill at the property line. Staff has concerns that the lighting source and reflectance lighting on the ceilings of the parking garage could comply with the Lighting Ordinance but would still be visible from the residences on the north side of Plano Parkway. Staff, therefore, recommends the northern facade of the parking structures that front Plano Parkway be designed to diffuse or to decrease light overspill along Plano Parkway through the use of solid walls, ornamental metal or other material screening, landscaping, and/or earthen berms. Please note that PD-138-R/O-2 requires parking structure facades to be compatible in color and texture to the materials used for the hospital facade. This standard would also apply to the proposed parking structure.

#### Helistops

The existing Baylor Medical Center property has a helistop. Helistop use is permitted by right in PD-138-R/O-2. The accompanying concept plan proposes a second helistop adjacent to the proposed hospital east of Allied Drive. This helistop is primarily for Care Flight emergency medical service transport of patients and for transport of patients between hospital facilities.

3-8

**SUMMARY:**

The applicant is requesting to expand the area of PD-138-R/O-2 from 21.1± acres to 30.5± acres by rezoning portions of PD-350-R/O-2 and PD-402-R/O-2 to permit expansion of the existing hospital and medical office development. The request proposes a reduced front yard setback along Allied Drive. The intent of this request is to locate the proposed hospital closer to Allied Drive. With frontage on Plano Parkway, Allied Drive functions more closely to an internal private circulation lane than a public street. For this reason, staff supports the applicant's request to reduce the front yard setback along Allied Drive. The request proposes changes to allowable building heights. Each of the three planned development districts has different allowable building heights. Because the proposed allowable heights are generally less than or equal to existing allowable heights, staff supports the applicant's proposed height standards. The concept plan submitted as part of this request shows a proposed six-story parking garage along the southern frontage of Plano Parkway. Staff has concerns that the Lighting Ordinance standards would not prevent the view of lights from the residences on the north side of Plano Parkway. Staff recommends that parking structure facades that front Plano Parkway be designed to diffuse or to prohibit light from being visible along Plano Parkway through the use of solid walls, ornamental metal or other material screening, landscaping, and/or earthen berms.

**RECOMMENDATIONS:**

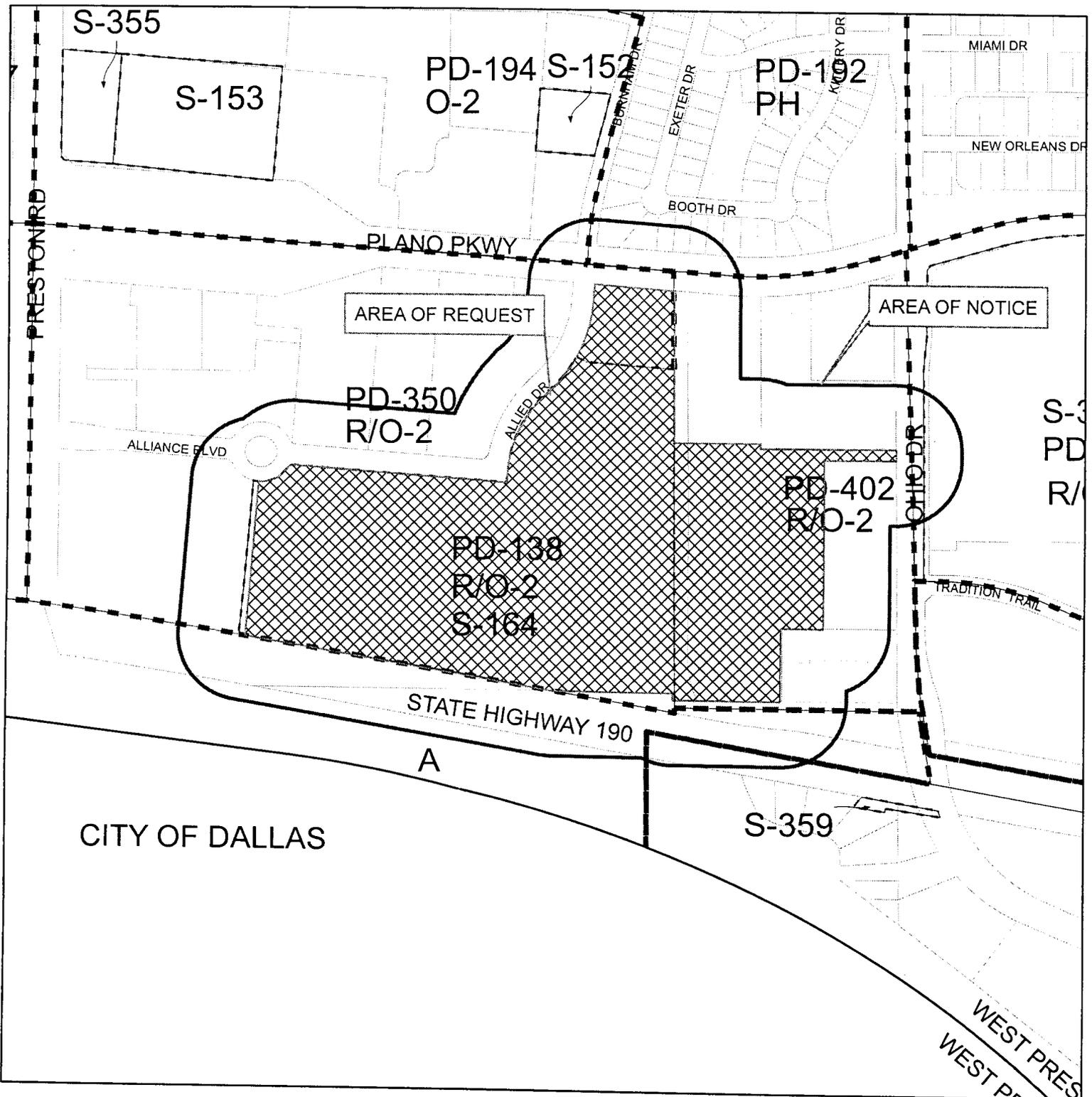
Recommended for approval as PD-138-R/O-2 subject to: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

1. A hospital and helistop are additional allowed uses. A helistop is allowed only in conjunction with a hospital use.
2. Maximum Building Height: ~~12-story~~.
  - a. Beginning at a distance of 50 feet south of the southern right-of-way line of Plano Parkway (110 feet from the residential district boundary line) to 300 feet south of Plano Parkway, the maximum building height shall be six story/65 feet.
  - b. From 300 feet south of the southern right-of-way line of Plano Parkway to 600 feet south of Plano Parkway, the maximum building height shall be six story/125 feet.
  - c. From 600 feet south of the southern right-of-way line for Plano Parkway, the maximum building height shall be 12 story.
3. Maximum Lot Coverage: 50% (excluding parking structures); 70% (including parking structures).

3-9

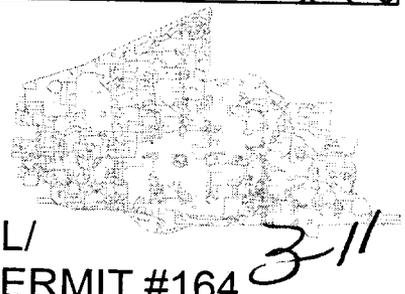
4. For hospital use, required parking is one space per bed.
5. Building facades, except for parking structures, shall be constructed of brick, stone, or glass.
6. Parking structure facades shall be compatible in color and texture to the materials used for the hospital facade. The northern facade of parking structures that front Plano Parkway shall be designed to diffuse or to decrease light overspill through the use of solid walls, ornamental metal or other material screening, landscaping, earthen berms, or a combination of these.
7. The minimum front building setback along Allied Drive shall be 30 feet beginning at a distance of 250 feet from the southern right-of-way line of Plano Parkway continuing south to the southern right-of-way line for Alliance Boulevard.

3-10



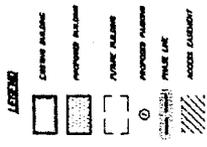
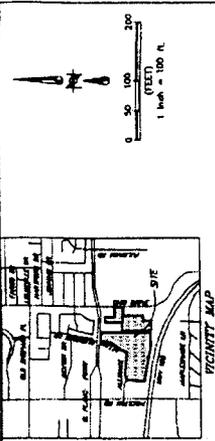
Zoning Case #: 2004-57

Existing Zoning: PLANNED DEVELOPMENT-138-RETAIL/  
 GENERAL OFFICE w/SPECIFIC USE PERMIT #164,  
 PLANNED DEVELOPMENT-350-RETAIL/GENERAL OFFICE  
 PLANNED DEVELOPMENT-402-RETAIL/GENERAL OFFICE



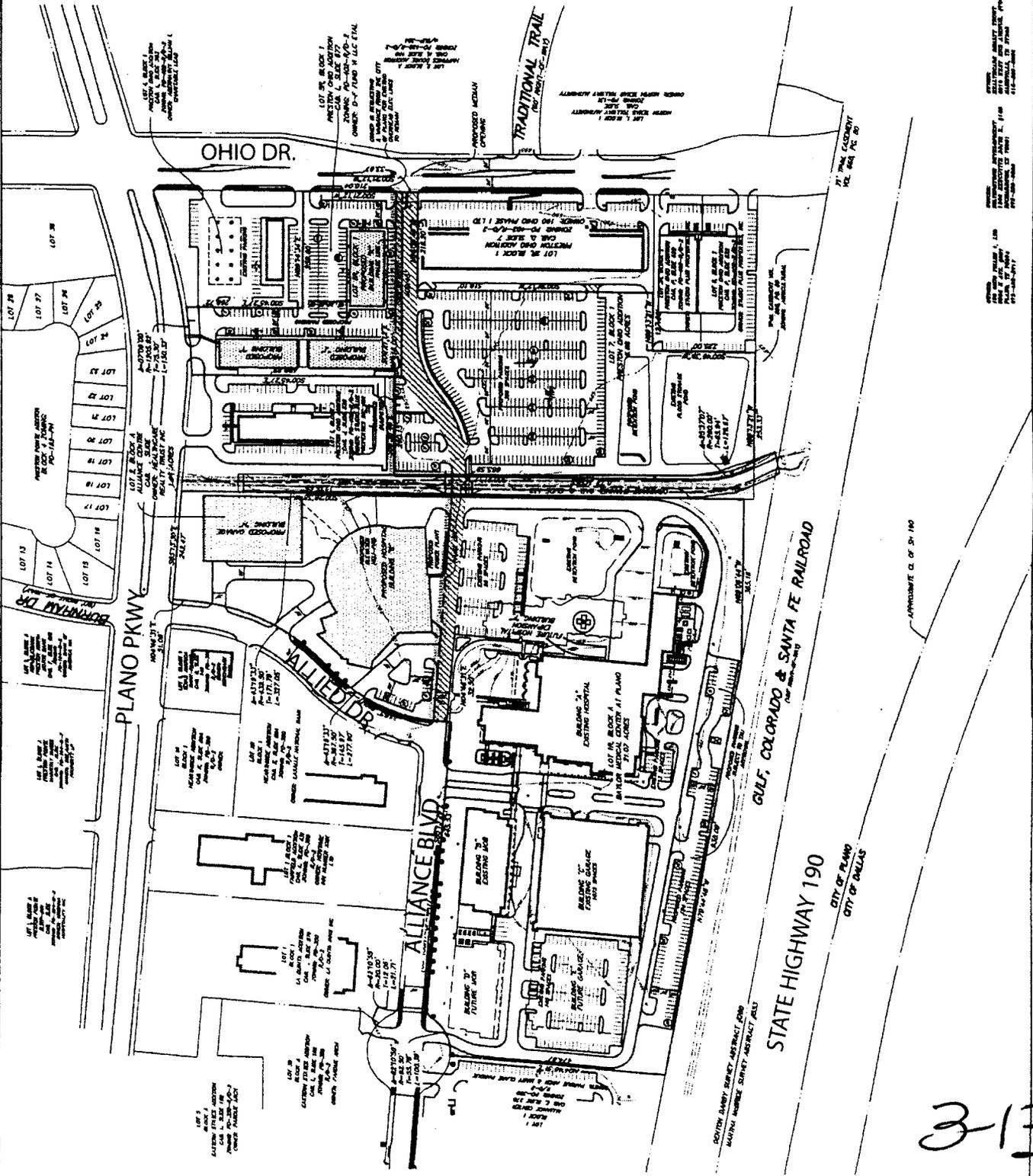
○ 200' Notification Buffer





**KEY SHEET**

- CONCRETE PLAN
- LOT 1, BLOCK 1, ALLIANCE CENTER
- LOT 18, BLOCK 1, BAYLOR MEDICAL CENTER OF PLANO
- REVISOR PRELIMINARY SITE PLAN
- PART OF LOT 18, BLOCK 1, BAYLOR MEDICAL CENTER OF PLANO
- REVISOR PRELIMINARY SITE PLAN
- LOT 2A, BLOCK 1, PALSTON AND ADDITION
- REVISOR PRELIMINARY SITE PLAN
- LOT 8A, BLOCK 1, PALSTON AND ADDITION
- CITY OF PLANO, COLLIN COUNTY, TEXAS

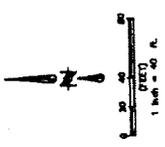


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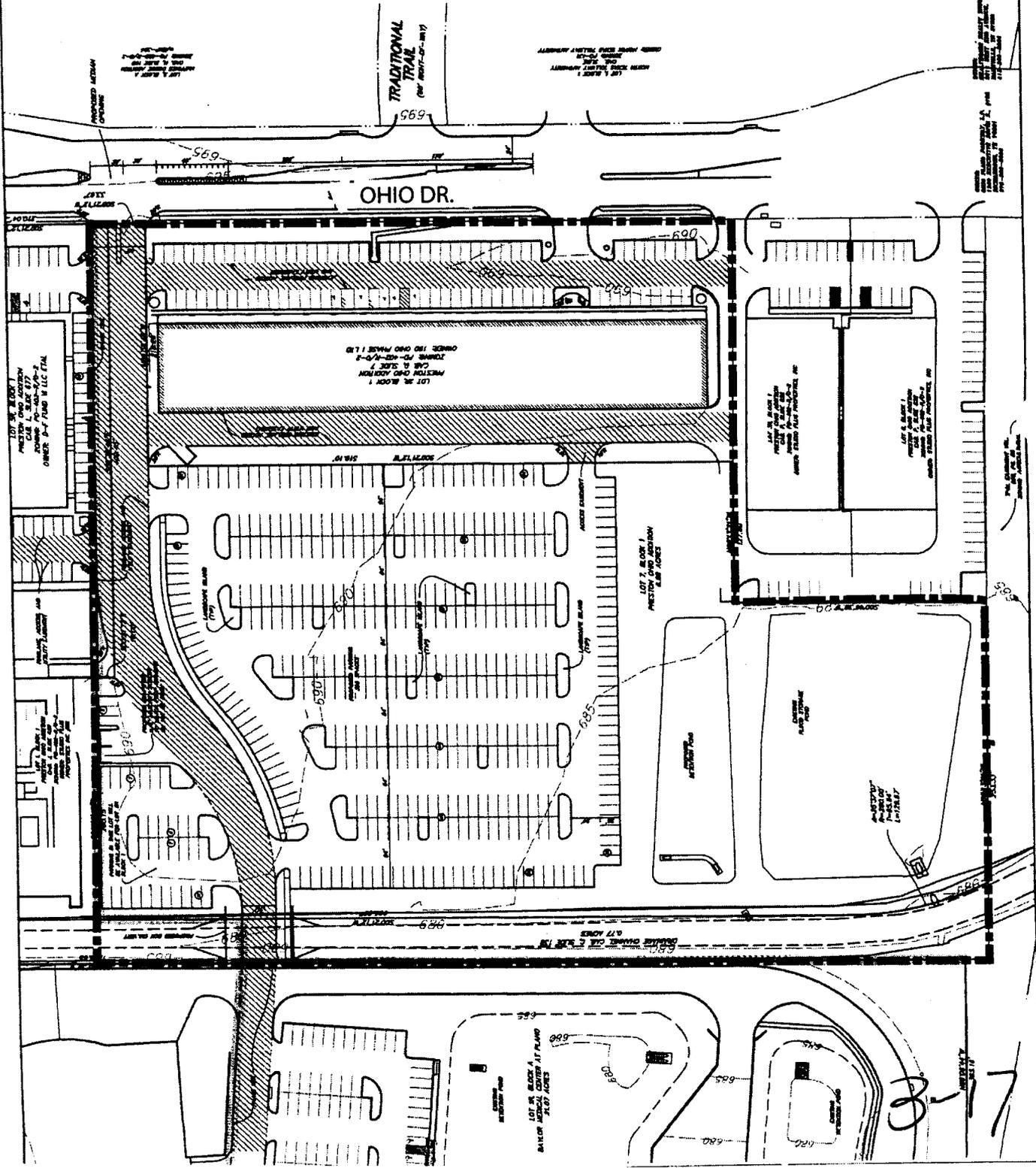
- LEGEND**
- EXISTING BUILDING
  - PROPOSED BUILDING
  - PROPOSED DRIVE
  - PROPOSED DRIVE AND DRIVEWAY
  - PROPOSED DRIVE AND DRIVEWAY

General Description: This Plan, Part of Lot 28, Block 1, Preston Old Addition, located in Block 1, Preston Old Addition, City of Plano, Collin County, Texas, is a preliminary site plan for the proposed building and parking lot. The site is bounded by Ohio Dr. to the north, and is adjacent to the Preston Old Addition. The proposed building is a two-story structure with a total area of approximately 100,000 square feet. The parking lot is located to the east of the building and contains approximately 100 parking spaces. The site is shown on the attached plat, which is a part of the Preston Old Addition, Block 1, City of Plano, Collin County, Texas. The site is shown on the attached plat, which is a part of the Preston Old Addition, Block 1, City of Plano, Collin County, Texas. The site is shown on the attached plat, which is a part of the Preston Old Addition, Block 1, City of Plano, Collin County, Texas.

PURPOSE - REVISE SITE PLAN TO INCLUDE PARKING LOT



**REVISED PRELIMINARY SITE PLAN**  
 BLOCK 1, PRESTON OLD ADDITION  
 CITY OF PLANO, COLLIN COUNTY, TEXAS



8-17

**ORDINANCE NO. \_\_\_\_\_**  
**(Zoning Case 2004-57)**

AN ORDINANCE OF THE CITY OF PLANO AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2004-9-37, AS HERETOFORE AMENDED, SO AS TO REZONE A PORTION OF PLANNED DEVELOPMENT-350-RETAIL/GENERAL OFFICE (1.8± ACRES) AND A PORTION OF PLANNED DEVELOPMENT-402-RETAIL/GENERAL OFFICE (7.6± ACRES) OUT OF THE DENTON DARBY SURVEY, ABSTRACT NO. 260, LOCATED ON THE SOUTH SIDE OF PLANO PARKWAY, WEST OF OHIO DRIVE, EAST OF ALLIED DRIVE, AND NORTH AND SOUTH OF ALLIANCE BOULEVARD IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, SO AS TO EXPAND PLANNED DEVELOPMENT-138-RETAIL/GENERAL OFFICE FROM 21.1± ACRES TO 30.5± ACRES; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

**WHEREAS**, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 22nd day of February, 2005, for the purpose of considering rezoning Planned Development-350-Retail/General Office (1.8± acres) and Planned Development-402-Retail/General Office (7.6± acres) out of the Denton Darby Survey, Abstract No. 260, located on the south side of Plano Parkway, west of Ohio Drive, east of Allied Drive, and north and south of Alliance Boulevard in the City of Plano, Collin County, Texas, so as to expand Planned Development-138-Retail/General Office from 21.1± acres to 30.5± acres; and

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

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 22nd day of February, 2005; and

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

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

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**Section I.** The Comprehensive Zoning Ordinance No. 2004-9-37, as the same has been heretofore amended, is hereby further amended so as to rezone a portion of Planned Development-350-Retail/General Office (1.8± acres) and a portion of Planned Development-402-Retail/General Office (7.6± acres) out of the Denton Darby Survey, Abstract No. 260, located on the south side of Plano Parkway, west of Ohio Drive, east of Allied Drive, and north and south of Alliance Boulevard in the City of Plano, Collin County, Texas, so as to expand Planned Development-138-Retail/General Office from 21.1± acres to 30.5± acres, said property being described in the legal description on Exhibit "A" attached hereto.

**Section II.** The change granted in Section I is granted subject to:

1. A hospital and helistop are additional allowed uses. A helistop is allowed only in conjunction with a hospital use.
2. Maximum Building Height:
  - a. Beginning at a distance of 50 feet south of the southern right-of-way line of Plano Parkway (110 feet from the residential district boundary line) to 300 feet south of Plano Parkway, the maximum building height shall be six story/65 feet.
  - b. From 300 feet south of the southern right-of-way line of Plano Parkway to 600 feet south of Plano Parkway, the maximum building height shall be six story/125 feet.
  - c. From 600 feet south of the southern right-of-way line for Plano Parkway, the maximum building height shall be 12 story.
3. Maximum Lot Coverage: 50% (excluding parking structures); 70% (including parking structures).
4. For hospital use, required parking is one space per bed.
5. Building facades, except for parking structures, shall be constructed of brick, stone, or glass.
6. Parking structure facades shall be compatible in color and texture to the materials used for the hospital facade. The northern facade of parking structures that front Plano Parkway shall be designed to diffuse or to decrease light overspill through the use of solid walls, ornamental metal or other material screening, landscaping, earthen berms, or a combination of these.
7. The minimum front building setback along Allied Drive shall be 30 feet beginning at a distance of 250 feet from the southern right-of-way line of Plano Parkway continuing south to the southern right-of-way line for Alliance Boulevard.

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

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

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

**Section VI.** Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

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

**Section VIII.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED THIS THE 22ND DAY OF FEBRUARY, 2005.**

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

ATTEST:

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

APPROVED AS TO FORM:

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

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EXHIBIT "A"  
LEGAL DESCRIPTION

BEING a tract or parcel of land situated in the Denton Darby Survey, Abstract Number 260, City of Plano, Collin County, Texas, and being all of Lot 1R, Block A, Baylor Medical Center at Plano, an addition to the City of Plano as recorded in Cabinet P, Slide 797, Plat Records, Collin County, Texas, all of Lot 2, Block A, Alliance Centre, as shown on Final Conveyance Plat, Alliance Centre, as recorded in Cabinet P, Slide 468, Plat Records, Collin County, Texas, part of Lot 2R, Block 1, Preston Ohio Addition, an addition to the City of Plano, Collin County, Texas, and part of a 40 feet wide drainage channel according to the plat recorded in Cabinet C, Slide 138, Plat Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner at the intersection of the south line of Plano Parkway (120 feet right-of-way) and the east line of Allied Drive (65 feet right-of-way), said point being the northwest corner of said Lot 2;

THENCE South 85° 13' 30" East, along the south line of said Plano Parkway and the north line of said Lot 2, a distance of 242.47 feet to a point for the northeast corner of said Lot 2 and the northwest corner of Lot 1, Block 1, Preston Ohio Addition, an addition to the City of Plano as recorded in Cabinet J, Slide 662, Plat Records, Collin County, Texas;

THENCE South 00° 28' 38" West, departing said south line of Plano Parkway and along the east line of said Lot 2, the east line of said Lot 1R, the west line of said Lot 1 and the west line of said 40 feet wide drainage channel a distance of 466.28 feet to a point for corner;

THENCE South, 89° 38' 48" East, departing the west line of said 40 feet wide drainage channel, and along the north line of said Lot 2R and the south line of said Lot 1, a distance of 260.15 feet to a point for corner in the west line of Lot 5R, Block 1, Preston Ohio Addition, an addition to the City of Plano, Collin County, Texas, according to the conveyance plat recorded in Cabinet L, Slide 677, Plat Records, Collin County, Texas, said point being the southeast corner of said Lot 1 and a north corner of said Lot 2R;

THENCE South, 00° 21' 12" West, along the common line between said Lot 2R and said Lot 5R a distance of 16.00 feet to a point for corner, said point being the southwest corner of said Lot 5R and a north corner of said Lot 2R;

THENCE South, 89° 38' 48" East, along the south line of said Lot 5R and the north line of said Lot 2R, a distance of 409.45 feet to a point for corner in the west line of Ohio Drive (a 92 feet right-of-way), said point being the northeast corner of said Lot 2R and the southeast corner of said Lot 5R;

THENCE South, 00° 21' 12" West, along said west line and the east line of said Lot 2R a distance of 33.67 feet to a point for corner;

THENCE North, 89° 38' 48" West, departing said west line and said east line a distance of 218.20 feet to a point for corner;

THENCE South, 00° 21' 12" West, a distance of 519.10 feet to a point for corner in a south line of said Lot 2R and the north line of Lot 3R, Block 1, Preston Ohio Addition, an addition to the City of Plano, Collin County, Texas, according to the plat recorded in Cabinet P, Slide 662, Plat Records, Collin County, Texas;

THENCE North, 89° 13' 21" West, along said south line and said north line a distance of 127.60 feet to a point for corner;

THENCE South, 00° 46' 39" West, along an east line of said Lot 2R and the west line of said Lot 3R and the west line of Lot 6, Block 1, of said Preston Ohio Addition, a distance of 225.00 feet to a point for corner at the most southerly southeast corner of said Lot 2R and the Southwest corner of said Lot 6;

THENCE North, 89° 13' 21" West, along the south line of said Lot 2R, passing at a distance of 253.33 feet, the southwest corner of said Lot 2R, continuing for a total distance of 323.86 feet to a point for corner in the west line of said 40 feet wide drainage channel;

THENCE North, 00° 28' 38" East, along the west line of said 40 feet drainage channel a distance of 21.06 feet to a point for corner, said point being the southeast corner of said Lot 1R;

THENCE North, 89° 06' 44" West, along the south line of said Lot 1R a distance of 365.16 feet to a point for corner in the northeasterly line of the Gulf, Colorado & Santa Fe Railroad (150 feet right-of-way);

THENCE North, 79° 44' 48" West, along said northeasterly line and the southwesterly line of said Lot 1R, a distance of 938.09 feet to a point for corner, said point being the southeasterly corner of Lot 1, Block 1, Alliance Centre, an addition to the City of Plano as recorded in Cabinet E, Slide 275, Plat Records of Collin County, Texas;

THENCE North, 04° 46' 31" East, along the east line of said Lot 1, Block 1, Alliance Centre and the west line of said Lot 1R, a distance of 474.87 feet to a point for corner in the south line of Alliance Boulevard (65 feet right-of-way), in a non-tangent curve to the left, said point being a common corner between said Lot 1, Block 1, Alliance Center and said Lot 1R;

THENCE in a northeasterly direction along the south line of said Alliance Boulevard, the northerly line of said Lot 1R and said non-tangent curve to the left whose chord bears North, 63° 41' 01" East, a distance of 95.53 feet, having a radius of 92.50 feet, a central angle of 62° 10' 50", and an arc length of 100.39 feet to a point for corner at the end of said curve to the left and the beginning of a curve to the right;

THENCE in a northeasterly direction along the south line of said Alliance Boulevard, the northerly line of said Lot 1R and said curve to the right whose chord bears North, 63° 41' 04" East, a distance of 20.66 feet, having a radius of 20.00 feet, a central angle of 62° 10' 55", and an arc length of 21.71 feet, to a point for corner at the end of said curve to the right;

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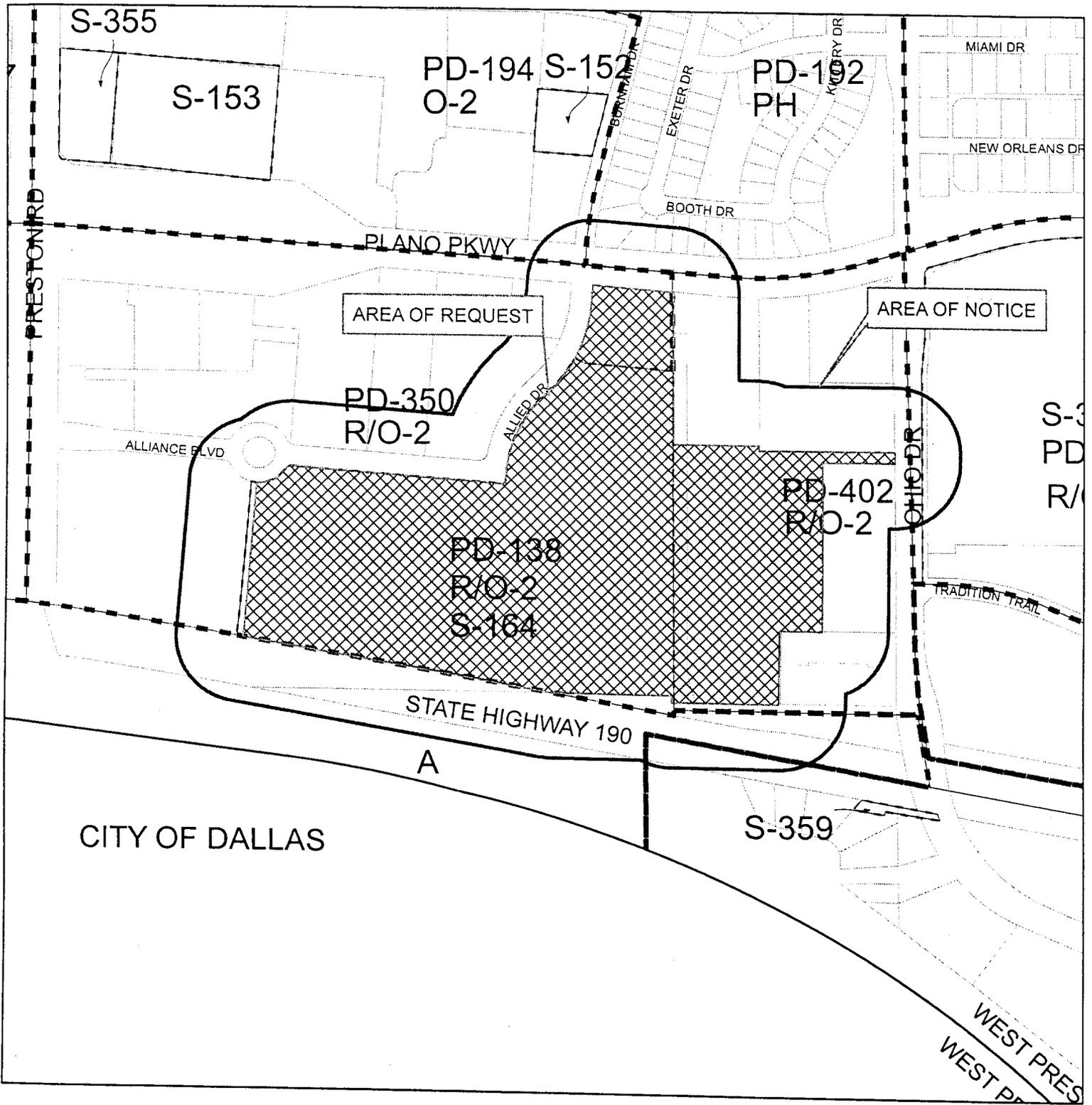
THENCE South,  $85^{\circ} 13' 29''$  East, along the south line of said Alliance Boulevard and the north line of said Lot 1R a distance of 645.53 feet to a point for corner at the intersection of the south line of Alliance Boulevard and the east line of said Allied Drive;

THENCE North,  $04^{\circ} 46' 31''$  East along the east line of said Allied Drive and the west line of said Lot 1R a distance of 32.50 feet to a point for corner at the beginning of a curve to the right;

THENCE in a northeasterly direction along the east line of said Allied Drive and the west line of said Lot 1R and said curve to the right whose chord bears North,  $26^{\circ} 26' 18''$  East, a distance of 271.32 feet, having a radius of 367.50 feet, a central angle of  $43^{\circ} 19' 33''$ , and an arc length of 277.90 feet to a point for corner at the end of said curve to the right and the beginning of a curve to the left;

THENCE in a northeasterly direction along the east line of said Allied Drive and the west line of said Lot 1R, the west line of said Lot 2 and said curve to the left whose chord bears North,  $26^{\circ} 26' 17''$  East, having a radius of 432.50 feet, a central angle of  $43^{\circ} 19' 34''$ , and an arc length of 327.05 feet to a point for corner;

THENCE North,  $04^{\circ} 46' 31''$  East, along the east line of said Allied Drive and the west line of said Lot 2 a distance of 51.08 feet to the POINT OF BEGINNING, and CONTAINING 1,314,072 square feet or 30.1669 acres, more or less.



Zoning Case #: 2004-57

Existing Zoning: PLANNED DEVELOPMENT-138-RETAIL/  
 GENERAL OFFICE w/SPECIFIC USE PERMIT #164,  
 PLANNED DEVELOPMENT-350-RETAIL/GENERAL OFFICE  
 PLANNED DEVELOPMENT-402-RETAIL/GENERAL OFFICE

3-24



○ 200' Notification Buffer



**DATE:** February 8, 2005  
**TO:** Honorable Mayor & City Council  
**FROM:** Laura Williamson, Chairman, Planning & Zoning Commission   
**SUBJECT:** Results of Planning & Zoning Commission Meeting of February 7, 2005

**PUBLIC HEARING  
ZONING CASE 2004-58  
APPLICANT: ACRES OF SUNSHINE, LTD.**

**DESCRIPTION:**

A request to rezone 33.0± acres located on the north side of Windhaven Parkway, 2,900± feet east of Dallas North Tollway and 3,300± feet west of Spring Creek Parkway **from** Multifamily Residence-3, Planned Development-242-Multifamily Residence-2 and Planned Development-243-Retail/General Office **to** Planned Development-Single-Family Residence-6. Zoned Multifamily Residence-3 (MF-3), Planned Development-242-Multifamily Residence-2 (PD-242-MF-2), and Planned Development-243-Retail/General Office (PD-243-R/O-2). Neighborhood #27.

**APPROVED:** 7-0 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

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

**LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA:** **FAVOR:** 1 **OPPOSE:** 0

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

**STIPULATIONS:**

Recommended for approval as PD-SF-6 subject to:

1. The minimum lot area shall be 5,600 square feet.
2. The minimum lot width for corner lots shall be 80 feet. The minimum lot widths for interior lots shall be 75 feet.
3. The minimum lot depth shall be 75 feet.
4. The minimum front yard setback shall be ten feet. For front-entry garages, the minimum front yard setback for the garage only shall be 20 feet. For side-entry garages, the minimum front yard setback shall be ten feet.

5. The minimum side yard setback for corner lots shall be ten feet. The minimum side yard setbacks for interior lots shall be five feet.
6. The minimum rear yard setback shall be 15 feet.
7. The maximum lot coverage shall be 55% total for primary and accessory buildings.
8. A private recreation facility is an additional allowed use.

**FOR CITY COUNCIL MEETING OF:** February 22, 2005 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

TE/mac

xc: Rutledge Haggard, Acres Of Sunshine, LTD  
Ashley Frysinger, Kimley Horn & Associates, Inc.  
Lynn Woodall, Administrative Support Supervisor

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CITY OF PLANO  
PLANNING & ZONING COMMISSION

February 7, 2005

**Agenda Item No. 8A**

**Public Hearing:** Zoning Case 2004-58

**Applicant:** Acres of Sunshine, Ltd.

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**DESCRIPTION:**

A request to rezone 33.0± acres located on the north side of Windhaven Parkway, 2,900± feet east of Dallas North Tollway and 3,300± feet west of Spring Creek Parkway **from** Multifamily Residence-3, Planned Development-242-Multifamily Residence-2 and Planned Development-243-Retail/General Office **to** Planned Development-Single-Family Residence-6. Zoned Multifamily Residence-3 (MF-3), Planned Development-242-Multifamily Residence-2 (PD-242-MF-2), and Planned Development-243-Retail/General Office (PD-243-R/O-2). Neighborhood #27.

**REMARKS:**

The applicant is requesting to rezone 33.0± acres to PD-SF-6 to allow for the development of a single-family detached residential subdivision with open space lots and an amenity center. A Phase II land study accompanies this request (Agenda Item No. 8B).

The current zoning is MF-3, PD-242-MF-2, and PD-243-R/O-2. The MF-3 district is intended to provide for relatively dense condominium and apartment development at 21.5 residential units per acre. The MF-2 is intended to accommodate condominiums and apartments at a density of 18 residential units per acre providing sufficient areas for usable open space and landscaping. The R district is intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services including convenience stores, shopping centers, and regional malls but not including wholesaling or warehousing. The O-2 district is intended to allow for a variety of low-, mid- and high-rise office developments providing for professional, financial, medical, and similar services to local residents, corporate offices for regional and national operations, and major centers of employment for Plano and surrounding communities.

4-3

A planned development (PD) district provides the ability to amend use, height, setback, and other requirements at the time of zoning to promote innovative site design and better development controls appropriate to both offsite and onsite conditions. PD-242-MF-2 stipulates the maximum residential density shall be 15 dwelling units per acre. PD-243-R/O-2 stipulates:

1. A total Floor Area Ratio of 0.4:1 with a maximum Floor Area Ratio of 1:1 for any individual lot.
2. A maximum of 1,406,000 square feet may be utilized for retail uses.

The proposed zoning is PD-SF-6. The SF-6 district is intended to provide for small-lot, urban, single-family development protected from excessive noise, illumination, odors, visual clutter, and other objectionable influences to family living. The request proposes to amend the bulk standards and to permit an amenity center as an additional allowed use. The request does not propose to change the minimum floor area per dwelling unit or the parking standards of the SF-6 district.

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

The area of the request is bounded on the north by an electrical transmission line and on the south by Windhaven Parkway. On the western boundary of the property is a City of Plano elevated water storage tank. The property to the east is zoned PD-242-MF-2. The property to the north is zoned PD-243-R/O-2. The property to the west is zoned Planned Development-240-Neighborhood Office (PD-240-O-1). The area of the request and the properties to the east, north, and west are currently used for agricultural purposes. The properties to the south, across Windhaven Parkway, are zoned Planned Development-237-Single-Family Residence-7/Patio Home and SF-6. These properties have been developed as single-family detached homes.

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

**Future Land Use Plan** - The Future Land Use Plan designates this property as Low Intensity Office (LIO). The LIO designation is intended to serve local office needs and to act as a transition between residential areas and community and neighborhood commercial areas. Neither this request nor the existing MF-3 and PD-242-MF-2 zoning are consistent with the LIO designation.

**Adequacy of Public Facilities** - Water and sanitary sewer services are available in the general area. Sanitary sewer service will need to be extended for this property.

**Traffic Impact Analysis (TIA)** - A TIA is not required for a single-family residential zoning request.

4-4

## ISSUES:

### Rezoning of Nonresidential Property to Residential

The majority of the rezoning request is currently zoned for multifamily residential uses; however, a small portion of the property is currently zoned for nonresidential use. The applicant is requesting to rezone this portion of the property to a residential classification. Policy Paper No. 2.0, Rezoning Property to Meet Demand, included in the Land Use Element of the Comprehensive Plan, provides guidelines for assessing such rezoning requests.

The request generally complies with Policy Paper No. 2.0. The area is physically appropriate for residential use. The area is not affected by adverse environmental conditions such as noise, light, fumes, or related nuisances. The rezoning of land would not result in a shortage of land for neighborhood retail or service uses, and would not diminish the land base considered prime for economic expansion. The rezoning of excess retail land to residential use is consistent with the intent of reducing the overall impact of zoning imbalance on the city's land use system.

### Request for Planned Development Zoning

The rezoning request is to establish a planned development district with SF-6 base zoning. The applicant proposes the following amendments to the SF-6 district:

1. To reduce the minimum lot area from 6,000 square feet to 5,600 square feet.
2. To increase the minimum lot width for corner lots from 60 feet to 80 feet and to increase the minimum lot width for interior lots from 55 feet to 75 feet.
3. To decrease the minimum lot depth from 100 feet to 75 feet.
4. To decrease the minimum front yard setback from 25 feet to ten feet. For front-entry garages, the minimum front yard setback for the garage only shall be 20 feet. For side-entry garages, the minimum front yard setback shall be ten feet.
5. To decrease the minimum side yard setback for corner lots from 15 feet to ten feet and to decrease the side yard setback for interior lots from six feet or ten percent of the lot width, whichever is greater, to five feet.
6. To increase the minimum rear yard setback from ten feet to 15 feet.
7. To increase the maximum lot coverage from 35% plus ten percent for accessory buildings (45% total) to 55% total for primary and accessory buildings.
8. To permit a community center for the benefit of the residents as an additional allowed use.

4-5

As can be seen on the Phase II land study, the development proposes open space lots and a private amenity center for the benefit of the residents. The proposed reduction in lot area from 6,000 square feet to 5,600 square feet combined with the open space lots and amenity center will result in an approximate density of four dwelling units per acre. This density is consistent with the density for SF-6 development allowed by right in the MF-3 and PD-242-MF-2 zoning districts.

The applicant intends to develop a single-family housing product that is different than other housing products in Plano. The proposed increase in lot width, decrease in lot depth, and decrease in side and front yard setbacks will result in a home with a greater street presence. The increase in lot coverage will create a home with minimal maintenance, while the increase in rear yard setback will ensure a usable back yard. The decrease in lot area and front and side yard setbacks would support a viable homeowners association necessary to maintain the open space and amenity center and is essential to offset the prior level of investment in the property. This request is consistent with a major concept of the Housing Element of the Comprehensive Plan to have a wide variety of housing types to serve a diverse population.

**SUMMARY:**

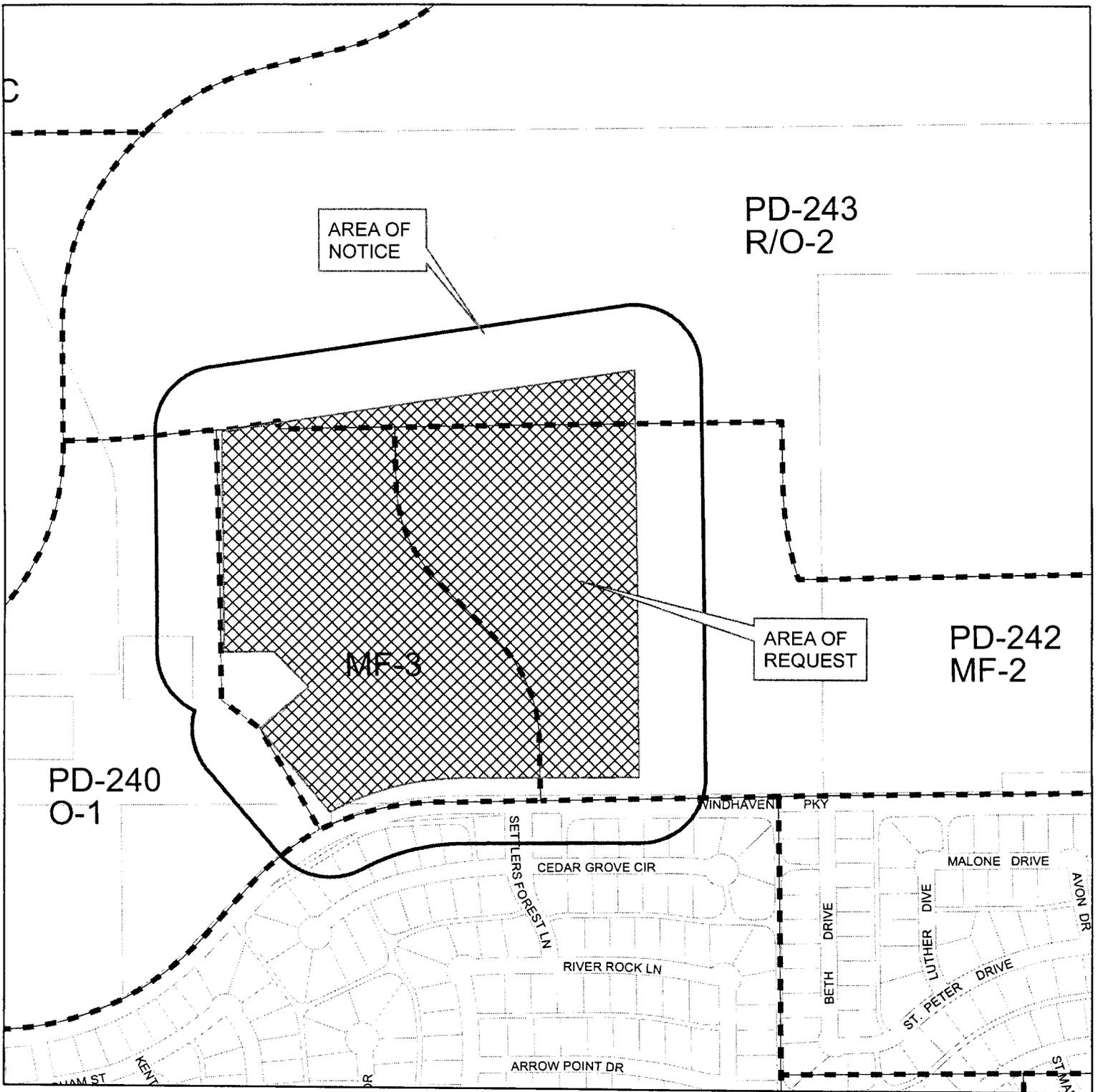
The request for PD-SF-6 is not consistent with LIO designation of the Future Land Use Plan; however, it is consistent with the existing multifamily zoning and adjacent residential uses. The physical character of the property is appropriate for single-family residential uses. The proposed development stipulations will result in a unique residential product that is consistent with the Housing Element goal of providing a variety of housing types.

**RECOMMENDATION:**

Recommended for approval as PD-SF-6 subject to:

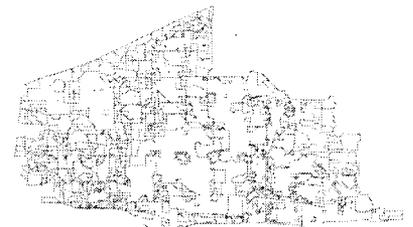
1. The minimum lot area shall be 5,600 square feet.
2. The minimum lot width for corner lots shall be 80 feet. The minimum lot widths for interior lots shall be 75 feet.
3. The minimum lot depth shall be 75 feet.
4. The minimum front yard setback shall be ten feet. For front-entry garages, the minimum front yard setback for the garage only shall be 20 feet. For side-entry garages, the minimum front yard setback shall be ten feet.
5. The minimum side yard setback for corner lots shall be ten feet. The minimum side yard setbacks for interior lots shall be five feet.
6. The minimum rear yard setback shall be 15 feet.
7. The maximum lot coverage shall be 55% total for primary and accessory buildings.
8. A private recreation facility is an additional allowed use.

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Zoning Case#: 2004-58

Existing Zoning: MULTIFAMILY RESIDENCE-3,  
 PLANNED DEVELOPMEN-242-  
 MULTIFAMILY RESIDENCE-2,  
 & PLANNED DEVELOPMENT-243-  
 RETAIL/GENERAL OFFICE



4-7

○ 200 Notification's Buffer





**ORDINANCE NO. \_\_\_\_\_**  
**(Zoning Case 2004-58)**

AN ORDINANCE OF THE CITY OF PLANO AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2004-9-37, AS HERETOFORE AMENDED, SO AS TO REZONE 33.0± ACRES OUT OF THE M. C. VELA SURVEY, ABSTRACT NO. 935, LOCATED ON THE NORTH SIDE OF WINDHAVEN PARKWAY, 2,900± FEET EAST OF DALLAS NORTH TOLLWAY AND 3,300± FEET WEST OF SPRING CREEK PARKWAY IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, FROM MULTIFAMILY RESIDENCE-3 (17.7± ACRES), PLANNED DEVELOPMENT-242-MULTIFAMILY RESIDENCE-2 (13.1± ACRES) AND PLANNED DEVELOPMENT-243-RETAIL/GENERAL OFFICE (2.2± ACRES) TO PLANNED DEVELOPMENT-SINGLE-FAMILY RESIDENCE-6; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

**WHEREAS**, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 22nd day of February, 2005, for the purpose of considering rezoning 33.0± acres out of the M. C. Vela Survey, Abstract No. 935, located on the north side of Windhaven Parkway, 2,900± feet east of Dallas North Tollway and 3,300± feet west of Spring Creek Parkway in the City of Plano, Collin County, Texas, from Multifamily Residence-3 (17.7± acres), Planned Development-242-Multifamily Residence-2 (13.1± acres) and Planned Development-243-Retail/General Office (2.2± acres) to Planned Development-Single-Family Residence-6; and

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

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 2nd day of February, 2005; and

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

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

**Section I.** The Comprehensive Zoning Ordinance No. 2004-9-37, as the same has been heretofore amended, is hereby further amended so as to rezone 33.0± acres out of the M. C. Vela Survey, Abstract No. 935, located on the north side of Windhaven Parkway, 2,900± feet east of Dallas North Tollway and 3,300± feet west of Spring Creek Parkway in the City of Plano, Collin County, Texas, from Multifamily Residence-3 (17.7± acres), Planned Development-242-Multifamily Residence-2 (13.1± acres) and Planned Development-243-Retail/General Office (2.2± acres) to Planned Development-Single-Family Residence-6, said property being described in the legal description on Exhibit "A" attached hereto.

**Section II.** The change granted in Section I is granted subject to:

1. The minimum lot area shall be 5,600 square feet.
2. The minimum lot width for corner lots shall be 80 feet. The minimum lot widths for interior lots shall be 75 feet.
3. The minimum lot depth shall be 75 feet.
4. The minimum front yard setback shall be ten feet. For front-entry garages, the minimum front yard setback for the garage only shall be 20 feet. For side-entry garages, the minimum front yard setback shall be ten feet.
5. The minimum side yard setback for corner lots shall be ten feet. The minimum side yard setbacks for interior lots shall be five feet.
6. The minimum rear yard setback shall be 15 feet.
7. The maximum lot coverage shall be 55% total for primary and accessory buildings.
8. A private recreation facility is an additional allowed use.

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

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

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

**Section VI.** Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

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

**Section VIII.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED THIS THE 22ND DAY OF FEBRUARY, 2005.**

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

ATTEST:

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

APPROVED AS TO FORM:

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

EXHIBIT "A"  
LEGAL DESCRIPTION

BEING a tract of land out of the M. C. Vela Survey, Abstract Number 935, in the City of Plano, Collin County, Texas, and being a part of a called 108.9 acre tract of land described in deed to Acres of Sunshine, Ltd., recorded in Volume 4227, Page 0835 of the Deed Records of Collin County, Texas, and being more particularly described as follows (bearing system based on brass disks found on the easterly property line of a tract of land described in deed to City of Plano, recorded in deed, Volume 3062, page 038 of the Deed Records of Collin County, Texas);

BEGINNING at a 3-inch brass disk found at the southerly corner of the aforementioned tract of land described in deed to the City of Plano, same being in the westerly line of the aforementioned called 108.9 acre tract of land described in deed to Acres of Sunshine, Ltd.,

THENCE with the common line of the said tracts of land, the following courses and distances to wit:

North 46° 01' 38" East, a distance of 193.45 feet to a 3-inch brass disk found for corner;  
North 43° 58' 22" West, a distance of 148.80 feet to a 3-inch brass disk found for corner;  
South 89° 25' 19" West, a distance of 148.80 feet to a 1/2-inch iron rod with "KHA" cap set for corner;

THENCE North 00° 34' 41" West, a distance of 677.55 feet to a 1/2-inch iron rod with "HKA" cap set for corner in the southerly line of a 70-foot wide TU Electric Easement, a 3.5198 acre tract of land recorded in Collin County Clerk's File No. 92-0005646;

THENCE with the southerly line of said TU Electric Easement, North 81° 06' 51" East, a distance of 1,250.74 feet to a 1/2-inch iron rod with "KHA" cap set for corner;

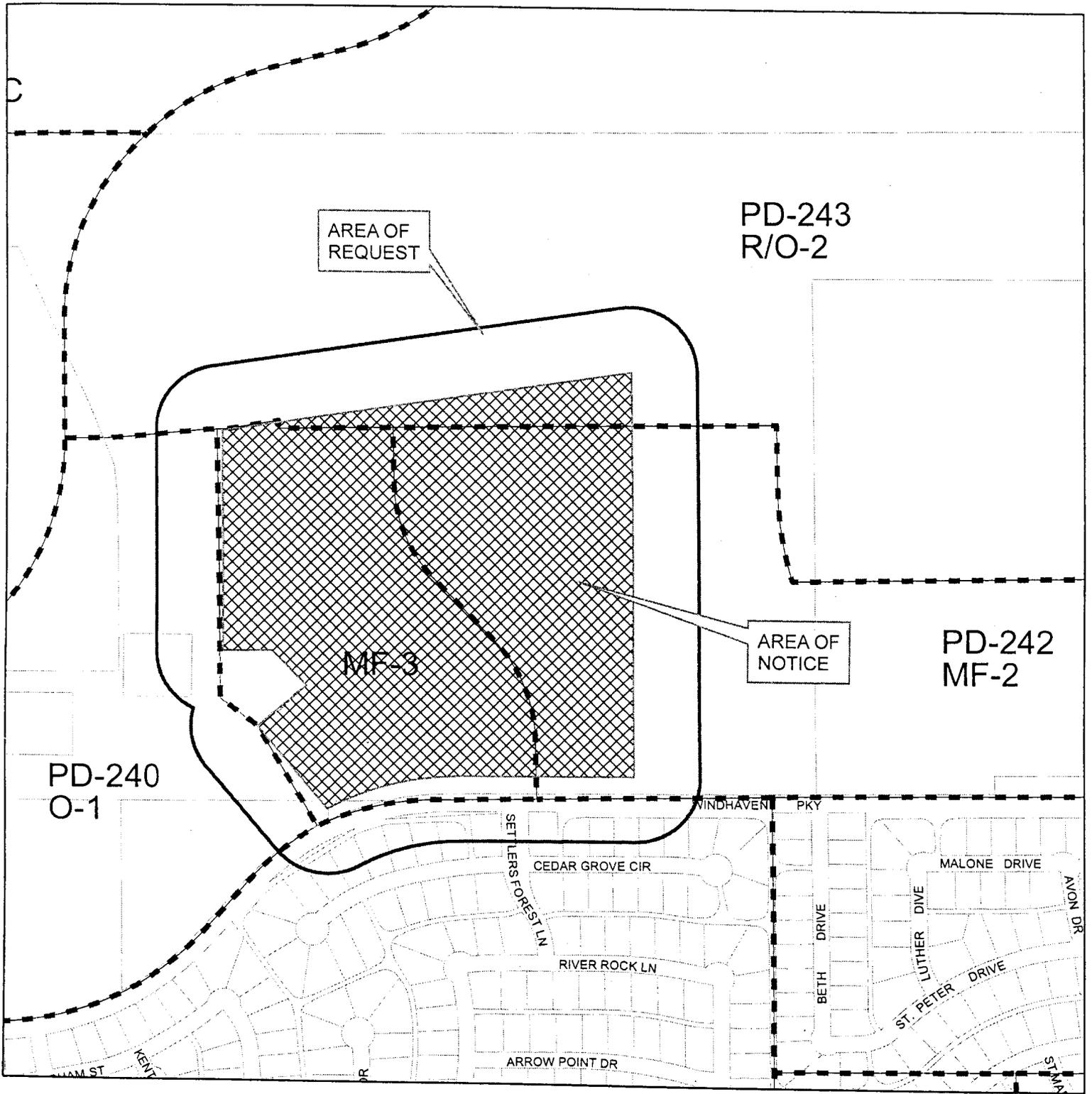
THENCE leaving the said southerly line of the TU Electric Easement, South 00° 42' 49" East, passing at a distance of 1,243.73 feet, a 1/2-inch iron rod with "KHA" cap set in the northerly line of the proposed 55-foot wide future right-of-way dedication of Windhaven Parkway (a 55-foot wide existing public right-of-way), in all a distance of 1,299.01 feet to a point in the existing northerly right-of-way line of said Windhaven Parkway for corner;

THENCE with the said existing northerly right-of-way line of Windhaven Parkway, South 89° 17' 11" West, a distance of 542.14 feet to a point for corner and the beginning of a tangent curve to the left;

THENCE with said curve to the left, through a central angle of 297° 20' 52", having a radius of 844.77 feet, a chord bearing and distance of South 74° 37' 42" West, 399.40 feet, an arc distance of 403.22 feet to a point for corner;

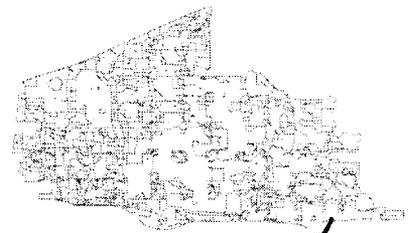
THENCE leaving the said existing northerly right-of-way line of Windhaven Parkway, passing at a distance of 55.12 feet, a 1/2-inch iron rod with "KHA" cap set in the said northerly line of the proposed 55-foot wide future right-of-way dedication, in all a distance of 355.99 feet to the POINT OF BEGINNING and CONTAINING 33.01 acres (1,437,916 square feet) of land, more or less.

4-12



**plans**  Zoning Case #: 2004-58

Existing Zoning: MULTIFAMILY RESIDENCE-3,  
 PLANNED DEVELOPMEN-242-  
 MULTIFAMILY RESIDENCE-2,  
 & PLANNED DEVELOPMENT-243-  
 RETAIL/GENERAL OFFICE



4-13



 200 Notification's Buffer



**DATE:** February 8, 2005  
**TO:** Honorable Mayor & City Council  
**FROM:** Laura Williamson, Chairman, Planning & Zoning Commission   
**SUBJECT:** Results of Planning & Zoning Commission Meeting of February 7, 2005

**PUBLIC HEARING  
ZONING CASE 2004-59  
APPLICANT: REGENCY CENTERS**

**DESCRIPTION:**

Request for a Specific Use Permit (SUP) for Private Club on 0.1± acre located 130± feet south of West Park Boulevard and 45± feet west of Preston Park Boulevard. Zoned Planned Development-189-Retail/General Office. Neighborhood #55.

**APPROVED:** 7-0 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA:** **FAVOR:** 1 **OPPOSE:** 0

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

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

**STIPULATIONS:**

Recommended for approval as submitted.

**FOR CITY COUNCIL MEETING OF:** February 22, 2005 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

CHL/mac

xc: Ernie Kennedy, Regency Centers  
Andrea Baxter, Consolidated Development Services  
Lynn Woodall, Administrative Support Supervisor

CITY OF PLANO  
PLANNING & ZONING COMMISSION

February 7, 2005

**Agenda Item No. 9**

**Public Hearing:** Zoning Case 2004-59

**Applicant:** Regency Centers

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**DESCRIPTION:**

Request for a Specific Use Permit (SUP) for Private Club on 0.1± acre located 130± feet south of West Park Boulevard and 45± feet west of Preston Park Boulevard. Zoned Planned Development-189-Retail/General Office. Neighborhood #55.

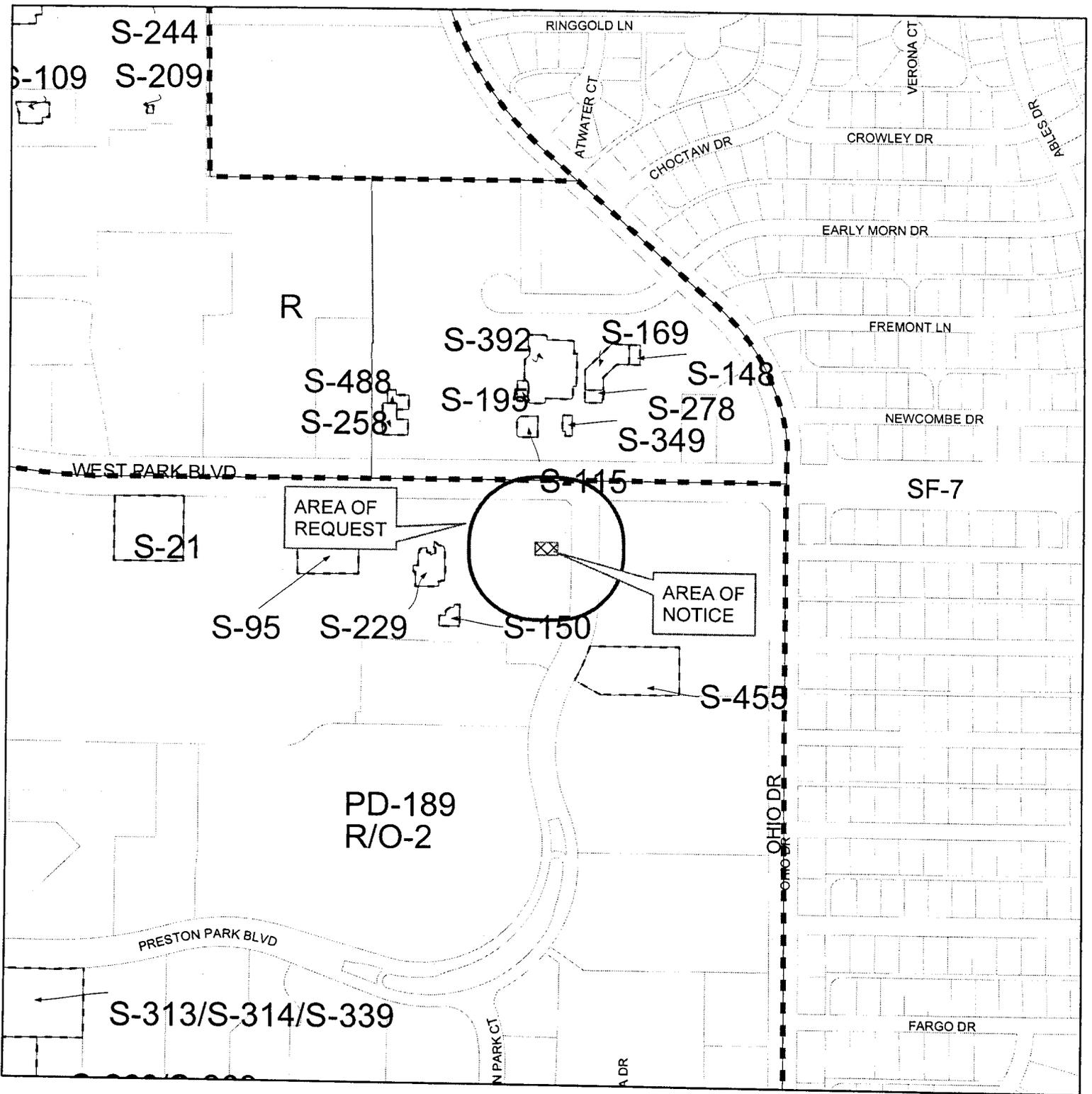
**REMARKS:**

The requested zoning is for an SUP for Private Club to serve alcoholic beverages in conjunction with the operation of a restaurant located within the Preston Village Shopping Center. The property meets the parking requirements for a restaurant with a private club. The front door of the proposed restaurant is not within 1,000 feet of the property line of any church, public school, hospital, or publicly-owned park, nor is it within 300 feet of the boundary of any residentially-zoned district. The proposed restaurant with private club complies with the minimum dining area and minimum number of dining seats standards of the Zoning Ordinance.

**RECOMMENDATIONS:**

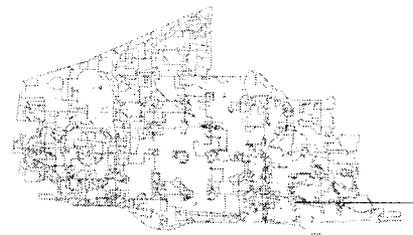
Recommended for approval as submitted.

5-2



Zoning Case #: 2004-59

Existing Zoning: PLANNED DEVELOPMENT-189-  
RETAIL/GENERAL OFFICE



5-3  
○ 200 Notification's Buffer

5-4



MOORE  
SOUTHWEST BELL  
PRESTON PARK  
PLANO, TX

DO NOT SCALE DRAWING  
CONTRACTOR TO VERIFY  
ALL EXISTING CONDITIONS AND  
ALL DIMENSIONS PRIOR  
TO BEGINNING CONSTRUCTION

JAN. 2004

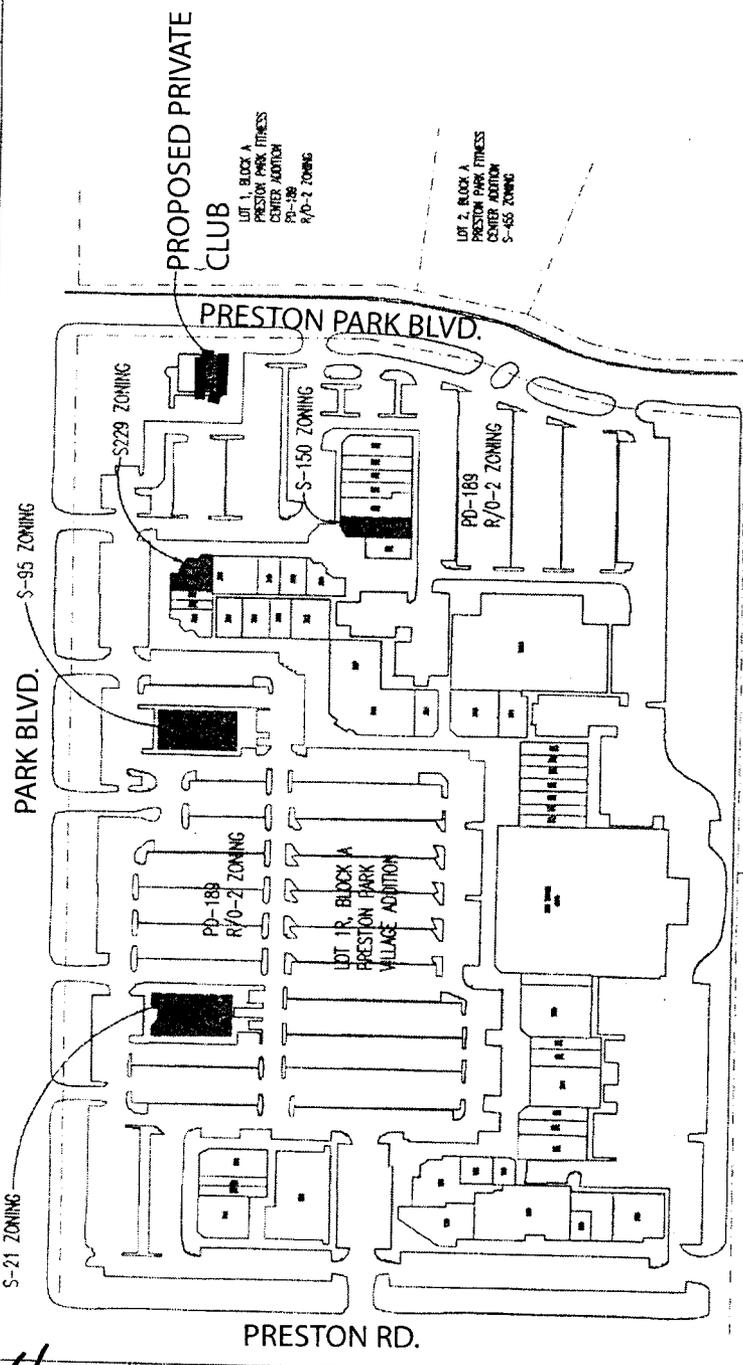
PROJECT NUMBER  
**041836.600**  
SHEET NUMBER  
**Z-101**

**USE AND PARKING TABLE**

AREA	AREA	REMARKS	LENGTH
LOT 1R	PD-189	R/O-2 ZONING	100
LOT 1A	PD-189	R/O-2 ZONING	100
LOT 1B	PD-189	R/O-2 ZONING	100
LOT 1C	PD-189	R/O-2 ZONING	100
LOT 1D	PD-189	R/O-2 ZONING	100
LOT 1E	PD-189	R/O-2 ZONING	100
LOT 1F	PD-189	R/O-2 ZONING	100
LOT 1G	PD-189	R/O-2 ZONING	100
LOT 1H	PD-189	R/O-2 ZONING	100
LOT 1I	PD-189	R/O-2 ZONING	100
LOT 1J	PD-189	R/O-2 ZONING	100
LOT 1K	PD-189	R/O-2 ZONING	100
LOT 1L	PD-189	R/O-2 ZONING	100
LOT 1M	PD-189	R/O-2 ZONING	100
LOT 1N	PD-189	R/O-2 ZONING	100
LOT 1O	PD-189	R/O-2 ZONING	100
LOT 1P	PD-189	R/O-2 ZONING	100
LOT 1Q	PD-189	R/O-2 ZONING	100
LOT 1R	PD-189	R/O-2 ZONING	100
LOT 1S	PD-189	R/O-2 ZONING	100
LOT 1T	PD-189	R/O-2 ZONING	100
LOT 1U	PD-189	R/O-2 ZONING	100
LOT 1V	PD-189	R/O-2 ZONING	100
LOT 1W	PD-189	R/O-2 ZONING	100
LOT 1X	PD-189	R/O-2 ZONING	100
LOT 1Y	PD-189	R/O-2 ZONING	100
LOT 1Z	PD-189	R/O-2 ZONING	100

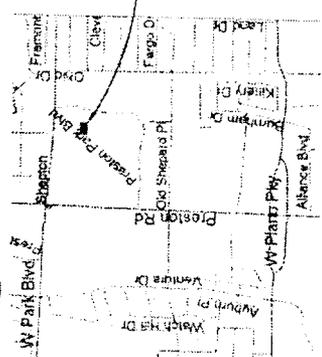
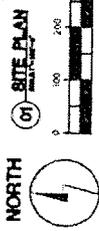
LOT 1, BLOCK A  
PRESTON PARK FITNESS  
CENTER ADDITION  
PT-186  
R/O-2 ZONING

LOT 2, BLOCK A  
PRESTON PARK FITNESS  
CENTER ADDITION  
PT-186  
R/O-2 ZONING



LOT 1, BLOCK A  
RENOVATION  
ADDITION  
PT-186  
R/O-2 ZONING

PRESTON PARK  
SOUTH ADDITION  
PT-186  
R/O-2 ZONING



**PROPOSED PRIVATE CLUB  
ZONING EXHIBIT**

ZONING CASE: ZC-2004-59  
PRESTON PARK VILLAGE ADDITION LOT 1R, BLOCK A

OWNER: REGENCY CENTERS CORP  
8140 WALNUT HILL LANE  
DALLAS, TEXAS 75231  
214-706-2557

PREPARER: CDS DEVELOPMENT  
STE. 250  
14110 DALLAS PARKWAY  
DALLAS, TEXAS 75254  
972-850-0816

NOTE: APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT BE AN APPROVAL OF ANY ASSOCIATED STUDY, PLAN OR PLANS, APPROVAL OF DEVELOPMENT STANDARDS SHOWN HEREON, OR THE INTENTION OF THE DEVELOPMENT PROCESS. PLANNING & ZONING COMMISSION AND/OR CITY COUNCIL ACTION ON STUDIES, PLANS OR PLANS RELATIVE TO DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED AS AN ACTION SEPARATE FROM ACTION TAKEN ON THIS ZONING CASE.

**ORDINANCE NO. \_\_\_\_\_**  
**(Zoning Case 2004-59)**

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2004-9-37, AS HERETOFORE AMENDED, GRANTING SPECIFIC USE PERMIT NO. 558 SO AS TO ALLOW THE ADDITIONAL USE OF PRIVATE CLUB ON 0.1± ACRE OF LAND OUT OF THE DENTON DARBY SURVEY, ABSTRACT NO. 260, LOCATED 130± FEET SOUTH OF WEST PARK BOULEVARD AND 45± FEET WEST OF PRESTON PARK BOULEVARD IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, PRESENTLY ZONED PLANNED DEVELOPMENT-189-RETAIL/GENERAL OFFICE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

**WHEREAS**, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 22nd day of February, 2005, for the purpose of considering granting Specific Use Permit No. 558 for Private Club on 0.1± acre of land out of the Denton Darby Survey, Abstract No. 260, located 130± feet south of West Park Boulevard and 45± feet west of Preston Park Boulevard in the City of Plano, County, Texas, presently zoned Planned Development-189-Retail/General Office; and

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

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 22nd day of February, 2005; and

**WHEREAS**, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 558 for Private Club on 0.1± acre of land out of the Denton Darby Survey, Abstract No. 260, located 130± feet south of West Park Boulevard and 45± feet west of Preston Park Boulevard in the City of Plano, Collin County, Texas, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

**WHEREAS**, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

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

**Section I.** The Comprehensive Zoning Ordinance No. 2004-9-37, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 558, allowing the additional use of Private Club on 0.1± acre of land out of the Denton Darby Survey, Abstract No. 260, located 130± feet south of West Park Boulevard and 45± feet west of Preston Park Boulevard in the City of Plano, Collin County, Texas, presently zoned Planned Development-189-Retail/General Office, said property being more fully described on the legal description in Exhibit "A" attached hereto.

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

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

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

**Section V.** Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

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

5-6

**Section VII.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED THIS THE 22ND DAY OF FEBRUARY, 2005.**

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

ATTEST:

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

APPROVED AS TO FORM:

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

EXHIBIT "A"  
LEGAL DESCRIPTION

BEING a portion of an existing building located within a tract of land in the Denton Darby Survey, Abstract No. 260, said tract being Lot 1R, Block A, Preston Park Village Addition, an addition to the City of Plano as filed in Cabinet F, Page 703, Map Records, Collin County, Texas, said portion of building more particularly described as follows:

COMMENCING at the west corner of a right-of-way clip at the southwest corner of West Park Boulevard and Preston Park Drive (a 90 foot right-of-way as established by plat recorded in Cabinet C, Page 731, Map Records, Collin County, Texas);

THENCE South  $45^{\circ} 15' 35''$  East, along said corner clip a distance of 23.35 feet to a point for corner in the west line of said Preston Park Drive;

THENCE South  $00^{\circ} 08' 37''$  East, along the west line of Preston Park Drive, a distance of 114.5 feet to a point for corner;

THENCE South,  $89^{\circ} 51' 23''$  West, a distance of 41.7 feet to the POINT OF BEGINNING at the northeast corner of Suite 103, 4700 West Park Boulevard;

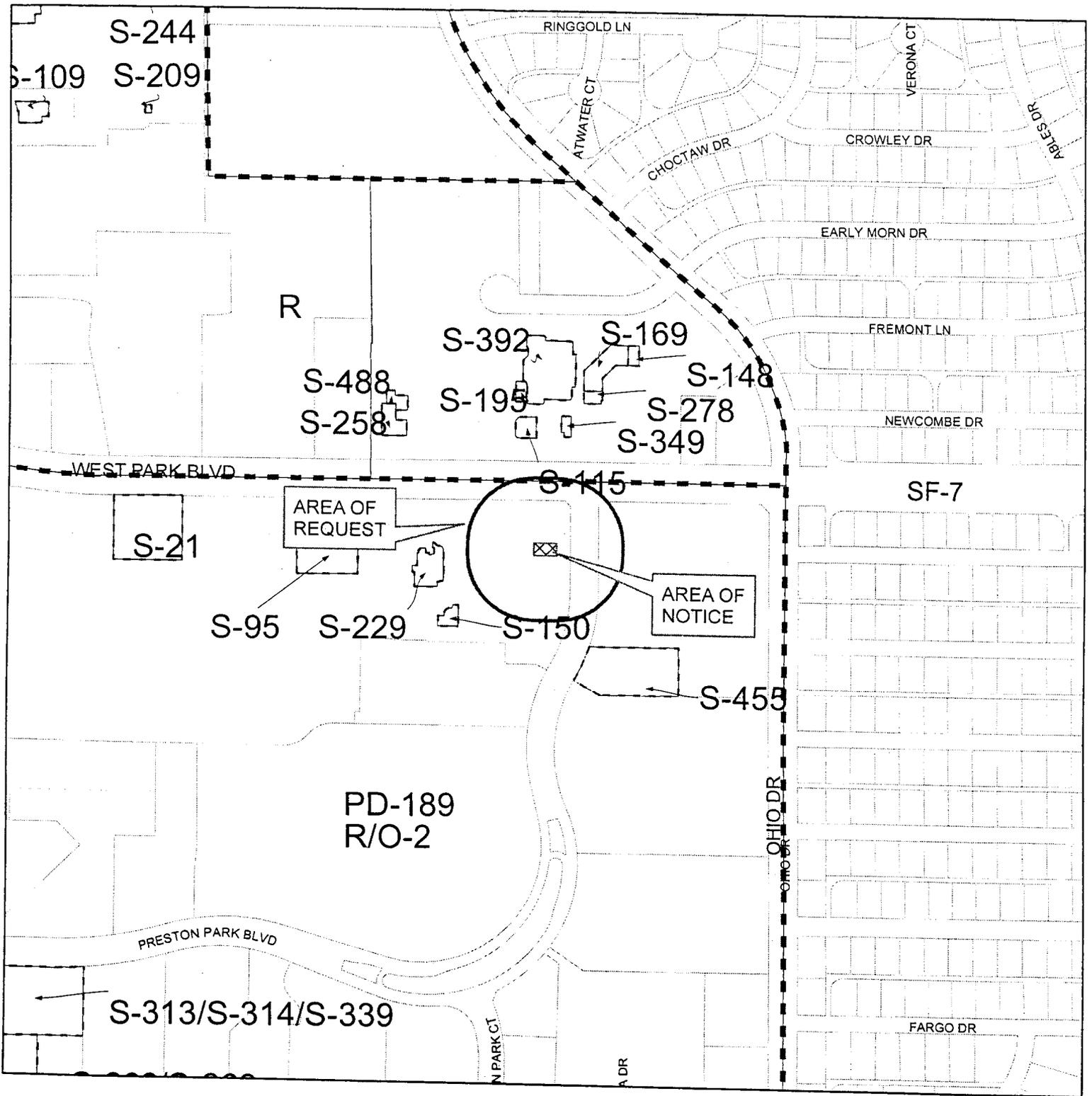
THENCE South  $00^{\circ} 08' 37''$  East, along the east wall of said Suite 103, a distance of 39.4 feet;

THENCE South  $89^{\circ} 51' 23''$  West, along the south wall of said Suite 103, a distance of 68.4 feet;

THENCE North  $00^{\circ} 08' 37''$  West, along the west wall of said Suite 103, a distance of 39.4 feet;

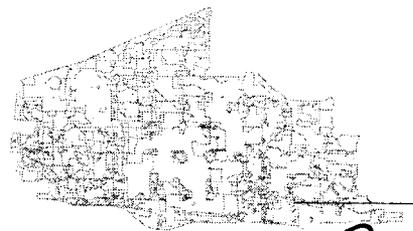
THENCE North  $89^{\circ} 51' 23''$  East, along the north wall of Suite 103, a distance of 68.4 feet to the POINT OF BEGINNING and CONTAINING approximately 2,695 square feet of land.

5-8



Zoning Case #: 2004-59

Existing Zoning: PLANNED DEVELOPMENT-189-  
RETAIL/GENERAL OFFICE



5-9

○ 200 Notification's Buffer





## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	<b>2/22/05</b>	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Planning	Initials	Date	
Department Head	Phyllis M. Jarrell	Executive Director	<i>[Signature]</i>	2/11/05
Dept Signature:	<i>P. Gunnell</i>	City Manager	<i>[Signature]</i>	2/14/05
Agenda Coordinator (include phone #): <b>Lynn Woodall, ext. 7156</b>				
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER <b>PUBLIC HEARING</b>				
<b>CAPTION</b>				
Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses), and Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance regarding superstore use. Tabled 1/24/2005.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
<b>BALANCE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
FUND(S):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
This item was tabled to the February 22, 2005, City Council meeting.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Follow Up Memo Staff Write Up Ordinance				

**MEMO**

February 9, 2005

**TO:** Tom Muehlenbeck, City Manager  
Frank Turner, Executive Director

**FROM:** Tom Elgin, Development Review Manager



**RE:** Map of Potential Superstore Locations

Per City Council's request, GIS staff prepared a map of potential superstore locations. This map is attached under separate cover.

The map of potential superstore locations depicts residentially-zoned property (yellow areas), zoning districts that do not allow superstore use by right or by specific use permit approval (green areas), and individual zoning districts where superstore use is currently allowed with specific use permit approval (Retail zoning district as shown in red areas) and by right (all other zoning districts designated).

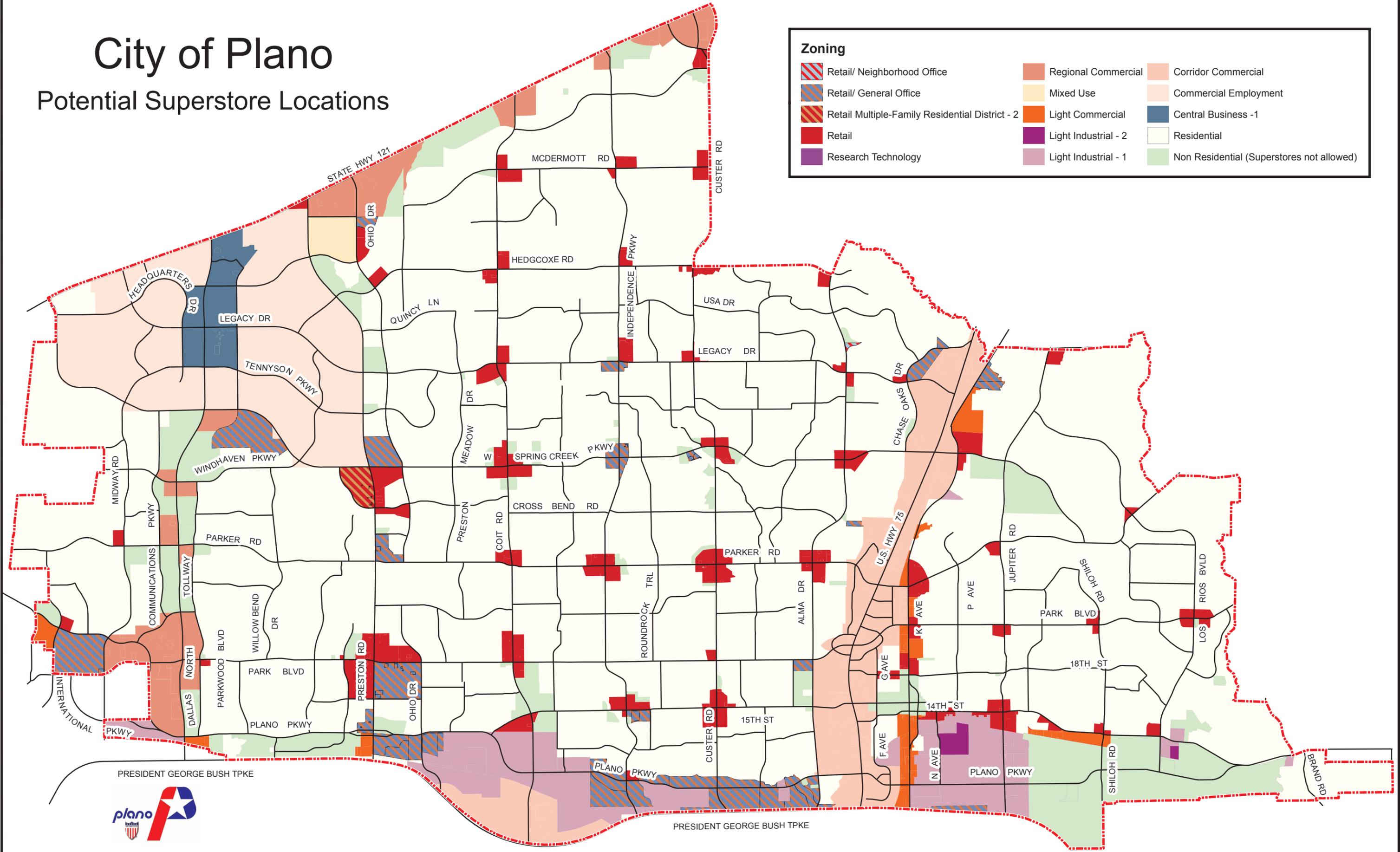
6-2

# City of Plano

## Potential Superstore Locations

**Zoning**

Retail/ Neighborhood Office	Regional Commercial	Corridor Commercial
Retail/ General Office	Mixed Use	Commercial Employment
Retail Multiple-Family Residential District - 2	Light Commercial	Central Business -1
Retail	Light Industrial - 2	Residential
Research Technology	Light Industrial - 1	Non Residential (Superstores not allowed)



PRESIDENT GEORGE BUSH TPKE



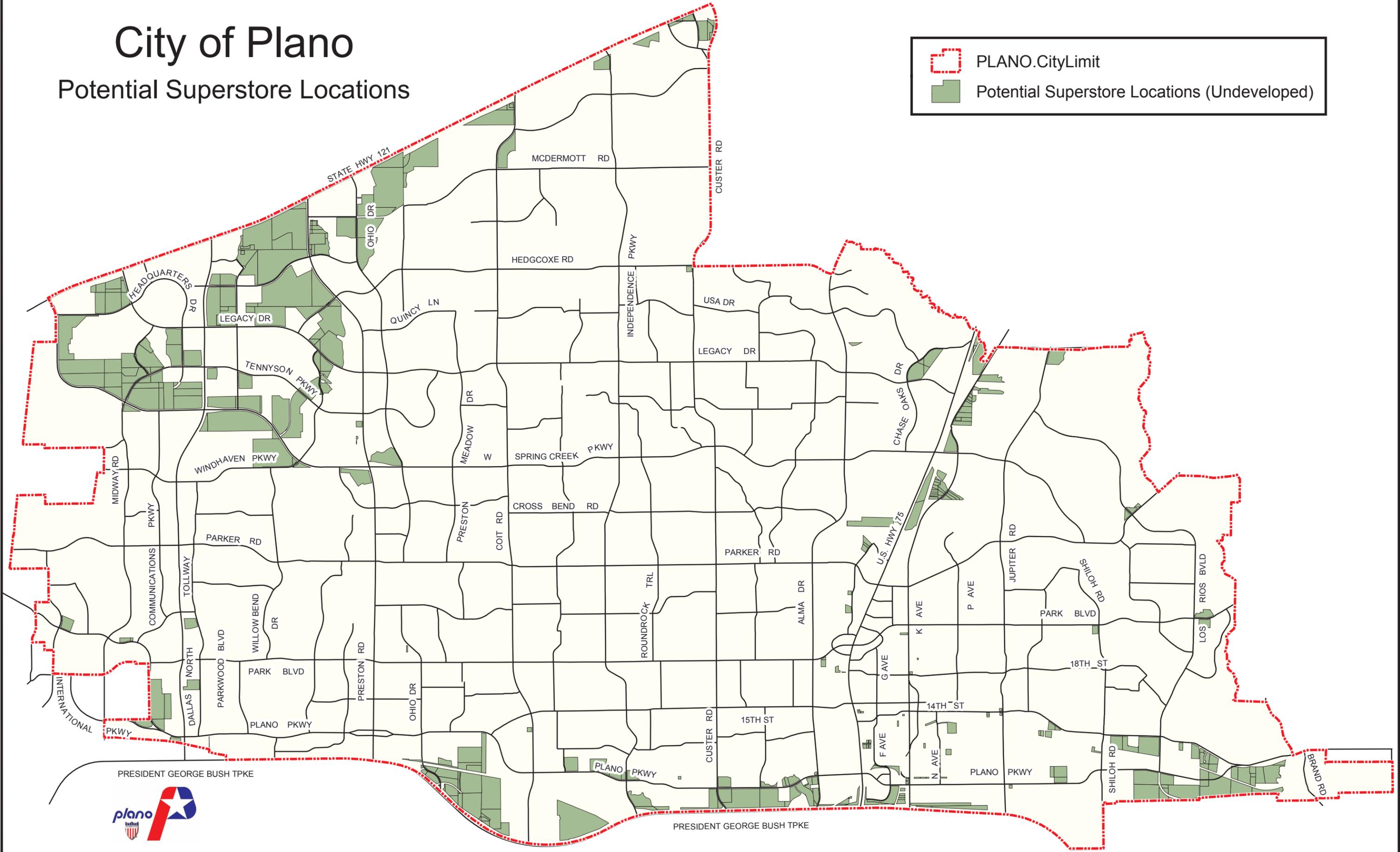
PRESIDENT GEORGE BUSH TPKE

# City of Plano

## Potential Superstore Locations

 PLANO.CityLimit

 Potential Superstore Locations (Undeveloped)



DATE: January 5, 2005  
TO: Honorable Mayor & City Council  
FROM: Laura Williamson, Chairman, Planning & Zoning Commission   
SUBJECT: Results of Planning & Zoning Commission Meeting of January 4, 2005

**PUBLIC HEARING  
ZONING CASE 2004-54  
APPLICANT: CITY OF PLANO**

**DESCRIPTION:**

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses), and Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance regarding superstore use.

APPROVED: 4-2 DENIED: \_\_\_\_\_ TABLED: \_\_\_\_\_

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

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

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

**STIPULATIONS:**

Recommended for approval as follows: (Additions are indicated by underlined text; deletions are indicated by strikethrough text.)

1. Amend standard (1) of Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal and Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) to read as follows:

"(1) These criteria shall apply to new superstore construction in Retail ~~any zoning districts only~~. These criteria shall not apply to the use, reuse, modification, or consolidation of existing retail space developed on ~~the date of the adoption of this ordinance~~ or before January 24, 2005, or to the expansion of existing retail space existing on ~~the date of adoption of this ordinance~~ or before January 24, 2005, by no greater than ten percent of the existing ground floor area."

6-3

Zoning Case 2004-54

January 5, 2005

Page 2 of 2

2. Amend standard (7) of Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal and Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) to read as follows:

"(7) Where the property immediately abuts a residential zoning district, unless separated by a Type D C or larger thoroughfare, a minimum 30-foot wide landscape edge must be installed in addition to the screening required by Section 3.1000. The landscape edge must include a combination of berms, evergreen shrubs, and a mix of evergreen and deciduous overstory (shade) trees (minimum four inch caliper) placed a minimum 25 feet on center. Plantings may be grouped."

One commissioner voted in opposition because she felt that this issue needed further study and additional options for consideration. Another commissioner voted in opposition because she felt that the specific use permit process provided greater review flexibility for the city and that it afforded surrounding property owners an opportunity to comment on the proposed development.

**FOR CITY COUNCIL MEETING OF:** January 24, 2005 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

TE/pp

xc: Lynn Woodall, Administrative Support Supervisor

6-4

Z:PAC/01-24-CC

CITY OF PLANO  
PLANNING AND ZONING COMMISSION

January 4, 2005

**Agenda No. 7**

**Public Hearing:** Zoning Case 2004-54

**Applicant:** City of Plano

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**DESCRIPTION:**

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses), and Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance regarding superstore use.

**REMARKS:**

At their preliminary open meeting on September 13, 2004, City Council requested that the Planning & Zoning Commission consider if the specific use permit (SUP) requirement and the additional regulations for superstores in Retail (R) districts should be extended to other zoning districts. The Planning & Zoning Commission discussed issues related to superstore use and potential Zoning Ordinance amendments in work sessions on October 1, November 1, November 15, and December 6, 2004.

**BACKGROUND:**

The current Zoning Ordinance regulations for superstore use were adopted in August 2000. The Zoning Ordinance defines Superstore use as:

“Any retail building for a single, primary tenant that exceeds 80,000 square feet in size. A superstore may contain multiple secondary tenants with interior access to the primary tenant space. A superstore may be freestanding or may be an in-line tenant in a larger center. The square footage of a superstore shall include all primary and ancillary uses with interior access to the primary tenant space including inventory storage, automotive repair, and open storage areas.”

6-5

Superstore uses are permitted by right in the Light Commercial (LC), Commercial Employment (CE), Central Business-1 (CB-1), Light Industrial-1 (LI-1), Light Industrial-2 (LI-2), Regional Commercial (RC), and Corridor Commercial (CC) districts, and with approval of an SUP in the R zoning district. Superstores within the R zoning district must comply with the supplemental regulations in Subsection 3.113. The supplemental regulations are enhanced architectural and landscape standards. The intent of these standards is to break up the visual mass of the building. There are criteria for facade materials (brick, native stone, stucco, etc.), required contrasting color and/or textural differences in facade material, horizontal and vertical offsets in the building facade, covered walkways, landscaping, etc. Please note that these supplemental regulations do not apply to superstore uses in other zoning districts.

## **ISSUES:**

The Commission and staff discussed several issues in the work sessions including:

Potential Sites for New Superstore Development - The intent of the initial superstore regulations were to direct superstore use to regional thoroughfares and out of neighborhood retail settings. The Commission asked staff to review potential locations for new superstore development. Attached under separate cover is a map that depicts potential locations for a 100,000 square foot superstore. The map shows sites that are a minimum of ten acres in area and are currently undeveloped. The sites depicted by dark green color have R or Planned Development-R zoning that, under the current Zoning Ordinance, would allow superstore development with approval of a specific use permit. The light green sites allow superstore development by right. Please note that most of the "dark green" sites are in close proximity to residential development where SUP approval is required and that most "light green" sites that allow superstore use by right are along freeways and are not near residential development.

Supplemental Regulations for New Superstore Development - Subsection 3.113 of the Zoning Ordinance contains supplemental architectural and landscape standards for superstore use within the R zoning district. In consideration of extending these regulations to all superstore development, the Commission asked staff to review current development guidelines and ordinances to see if they would conflict with Subsection 3.113. Staff found that Subsection 3.113 does not conflict with the *Dallas North Tollway Streetscape Plan*, the *Dallas North Tollway Design Guidelines*, or the standards of the Preston Road Overlay District, the Dallas North Tollway Overlay District, the 190 Tollway/Plano Parkway Overlay District, the State Highway 121 Overlay District, or the Parkway Overlay District. The facade material requirements of the RC zoning district and the *Retail Corner Development Design Guidelines* are compatible with but exceed the material requirements of Subsection 3.113.

Area City Requirements - The Commission asked staff to survey area city planning departments to see what regulations, if any, area cities may have for superstore development. Staff contacted Carrollton, Dallas, Frisco, Irving, and McKinney. Carrollton, Irving, and McKinney have masonry/architectural requirements and landscape requirements that apply to all commercial development. These three cities do not have a separate zoning classification for large retail or superstore use. The open storage/outside display needs of a typical large retail use exceed the amount of open storage allowed by right. The only way to develop a superstore with typical open storage is by a planned development rezoning. In the planned development rezoning process, these cities "negotiate" enhanced landscape, architectural, and other building design standards.

Frisco has regulations for superstore development. Frisco does not have a separate use classification for a superstore; however, in their development and design standards for retail uses (zoning ordinance), Frisco classifies any single-tenant retail building greater than 70,000 square feet as "big box retail." Big box retail is allowed by right on retail-zoned properties with frontage on certain major corridors (generally Dallas North Tollway, State Highway 121, U.S. Highway 380) and within retail centers on F.M. 423. For retail-zoned properties in other areas, big box retail requires approval of an SUP. All retail development, big box or otherwise, are subject to the same architectural and landscape requirements.

Dallas recently adopted regulations for superstore development. Like Frisco, Dallas does not have a separate use classification for a superstore. General and food merchandise, home improvement, and furniture store uses over 100,000 square feet are subject to additional architectural, landscaping, and site design standards. General and food merchandise use over 100,000 square feet are allowed by right in certain zoning districts but require approval of an SUP in other districts. This size distinction, with regard to permissible zoning districts, does not apply to home improvement or furniture store uses over 100,000 square feet. If a particular zoning district permits a home improvement or furniture store by right, it is allowed regardless of size.

SUP Approval for New Superstore Development - The SUP process is a legislative action that allows broader discretionary authority in the review of potential superstore development. This review, however, must be rational and consistent. As with any zoning-related action, it should focus on the appropriateness of the use, the scale and form of development, and the impacts of the development with adjacent existing or planned uses. Consideration of a particular business entity or superstore should not be part of the zoning review. Some of the commissioners noted that requiring SUP approval for all superstore uses could have adverse effects on the intent of the current superstore regulations to direct superstore uses out of neighborhood retail settings to regional thoroughfares.

Retail Trends - An emerging retail trend is the development of "off-mall," freestanding stores by traditional mall-based merchants, such as Dillard's, Foley's, JC Penney's, and Sears. For example, Sears is constructing a 180,000 square foot, *Sears Grand* store in Austin. Dillard's and Foley's are constructing freestanding department stores in the Firewheel Town Center in Garland. By virtue of their size and retail business, these off-mall stores would be classified as superstore use by Plano's Zoning Ordinance. The Commission noted that application of the supplemental regulations and/or the requirement for approval by SUP for all superstore uses could have economic development implications.

#### **SUMMARY:**

The Commission had considerable discussion on the issues noted above. Based upon those discussions and Council's direction, the Commission discussed the following alternatives:

1. Superstore use will not be allowed by right in any zoning district. SUP approval will be required for superstore use in the R, LC, CE, CB-1, LI-1, LI-2, RC, and CC districts.
2. The supplemental regulations in Subsection 3.113 shall be required for all superstore development regardless of zoning district.

3. Currently, the supplemental regulations in Subsection 3.113 require a 30-foot landscape edge for superstore use abutting a residential zoning district unless separated by a Type D or larger thoroughfare. The proposed amendment would require the landscape edge unless the abutting residential district is separated by a Type C or larger thoroughfare.

The Commission reached consensus on alternative number three. With regards to alternative number one and number two, the Commission could not reach consensus. Generally, there was support for alternative number one or alternative number two, but not both. The Commission directed staff to prepare ordinance amendments for all three alternatives for formal consideration.

### RECOMMENDATION:

Recommended for approval as follows: (Additions are indicated by underlined text; deletions are indicated by strikethrough text.)

1. Amend the use charts in Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to permit superstore uses with approval of a specific use permit in the LC, CE, CB-1, LI-1, LI-2, RC, and CC zoning districts with the annotation of endnote number "39" that states "See Subsection 3.113." This amendment would not change the requirement for SUP approval for a superstore use in the R district.
2. Amend standard (1) of Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal and Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) to read as follows:

"(1) These criteria shall apply to new superstore construction in Retail any zoning districts ~~only~~. These criteria shall not apply to the use, reuse, modification, or consolidation of existing retail space developed on ~~the date of the adoption of this ordinance~~ or before January 24, 2005, or to the expansion of existing retail space existing on ~~the date of adoption of this ordinance~~ or before January 24, 2005, by no greater than ten percent of the existing ground floor area."

3. Amend standard (7) of Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal and Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) to read as follows:

"(7) Where the property immediately abuts a residential zoning district, unless separated by a Type ~~D~~ C or larger thoroughfare, a minimum 30-foot wide landscape edge must be installed in addition to the screening required by Section 3.1000. The landscape edge must include a combination of berms, evergreen shrubs, and a mix of evergreen and deciduous overstory (shade) trees (minimum four inch caliper) placed a minimum 25 feet on center. Plantings may be grouped."

6-8

ORDINANCE NO. \_\_\_\_\_  
(Zoning Case 2004-54)

AN ORDINANCE OF THE CITY OF PLANO AMENDING SUBSECTION 3.113 (SUPERSTORES) OF SECTION 3.100 (SUPPLEMENTARY REGULATIONS FOR PRINCIPAL PERMITTED USES AND SPECIFIC USES) OF ARTICLE 3 (SUPPLEMENTARY REGULATIONS) AND RELATED SECTIONS OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2004-9-37, AS HERETOFORE AMENDED, REGARDING SUPERSTORE USE; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

**WHEREAS**, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 22nd day of February, 2005, for the purpose of considering a change in the Zoning Ordinance; and

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

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 22nd day of February, 2005; and

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

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

**Section I.** Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2004-9-37, as the same has been heretofore amended, is hereby further amended regarding superstore use, standards (1) and (7) of Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal and Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) to read as follows:

"(1) These criteria shall apply to new superstore construction in any zoning district. These criteria shall not apply to the use, reuse, modification, or consolidation of existing retail space developed on or before February 22, 2005, or to the expansion of existing retail space existing on or before February 22, 2005, by no greater than ten percent of the existing ground floor area."

“(7) Where the property immediately abuts a residential zoning district, unless separated by a Type C or larger thoroughfare, a minimum 30-foot wide landscape edge must be installed in addition to the screening required by Section 3.1000. The landscape edge must include a combination of berms, evergreen shrubs, and a mix of evergreen and deciduous overstory (shade) trees (minimum four inch caliper) placed a minimum 25 feet on center. Plantings may be grouped.”

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

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

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

**Section VI.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED THIS THE 22ND DAY OF FEBRUARY, 2005.**

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

ATTEST:

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

APPROVED AS TO FORM:

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

6-10



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	<b>2/22/05</b>	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Planning	Initials	Date	
Department Head	Phyllis Jarrell	Executive Director	2/10/05	
Dept Signature:	<i>P. Jarrell</i>	City Manager	<i>[Signature]</i>	
Agenda Coordinator (include phone #):	Lynn Woodall, ext. 7156			
ACTION REQUESTED:		<input type="checkbox"/> ORDINANCE	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> CHANGE ORDER
		<input type="checkbox"/> AGREEMENT	<input type="checkbox"/> APPROVAL OF BID	<input type="checkbox"/> AWARD OF CONTRACT
		<input checked="" type="checkbox"/> OTHER APPEAL		
<b>CAPTION</b>				
Public Hearing and Consideration of an appeal of the Planning & Zoning Commission's denial of Zoning Case 2004-52 - Request for a Specific Use Permit (SUP) for Arcade on 0.1± acre located 400± feet south of Parker Road and 963± feet west of Independence Parkway. Zoned Retail. Neighborhood #44.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
The applicant is requesting the specific use permit in order to allow an arcade on the site. The Planning & Zoning Commission denied this request by a vote of 7-0 on December 20, 2004. A 3/4 vote of the City Council will be required to approve the request.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
P&Z Follow-up Memo Staff Report Zoning Exhibit Location Map				

**DATE:** December 21, 2004  
**TO:** Honorable Mayor & City Council  
**FROM:** Laura Williamson, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of December 20, 2004

**PUBLIC HEARING**  
**ZONING CASE 2004-52**  
**APPLICANT: CIGARETTES 4 LESS, INC.**

**DESCRIPTION:**

Request for a Specific Use Permit (SUP) for Arcade on 0.1± acre located 400± feet south of Parker Road and 963± feet west of Independence Parkway. Zoned Retail. Neighborhood #44.

**APPROVED:** \_\_\_\_\_ **DENIED:** 7-0 **TABLED:** \_\_\_\_\_

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

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

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

**STIPULATIONS:**

Denied. The commissioners stated concerns about the separation from the parochial school as the reason for the denial.

CDD/mac

xc: Cigarettes 4 Less, Inc.  
Fred Bemenderfer, Roome Land Surveying, Inc.  
Lynn Woodall, Administrative Support Supervisor

CITY OF PLANO  
PLANNING & ZONING COMMISSION

December 20, 2004

**Agenda Item No. 8**

**Public Hearing:** Zoning Case 2004-52

**Applicant:** Cigarettes 4 Less, Inc.

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**DESCRIPTION:**

Request for a Specific Use Permit (SUP) for Arcade on 0.1± acre located 400± feet south of Parker Road and 963± feet west of Independence Parkway. Zoned Retail. Neighborhood #44.

**REMARKS:**

The applicant is requesting an SUP for Arcade within an existing lease space. The lease space is located in an existing retail center at the southwest corner of Parker Road and Independence Parkway. An arcade is defined as an establishment with six or more player-operated skill or amusement machines, or a combination of six or more such machines and/or connected control panels that provide access to the machines. Arcade uses require an SUP within the Retail zoning district.

The Zoning Ordinance prohibits an arcade within 300 feet of any church or residentially-zoned district and within 1,000 feet of any public or parochial school. The distance is measured in a straight line from the front door of the premises to be permitted to the nearest property line of the church, school, or residential property. The requested SUP is 74± feet from the front door of the lease space to the adjacent residential district to the south. The requested SUP is 435± feet from a parochial school to the west. The parochial school is located on a church property.

The 300-foot distance requirement between an arcade and a residential district may be waived and the 1,000 foot separation between an arcade and a school may be reduced to a minimum of 300 feet if City Council affirmatively finds that issuance of the SUP would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.

7-3

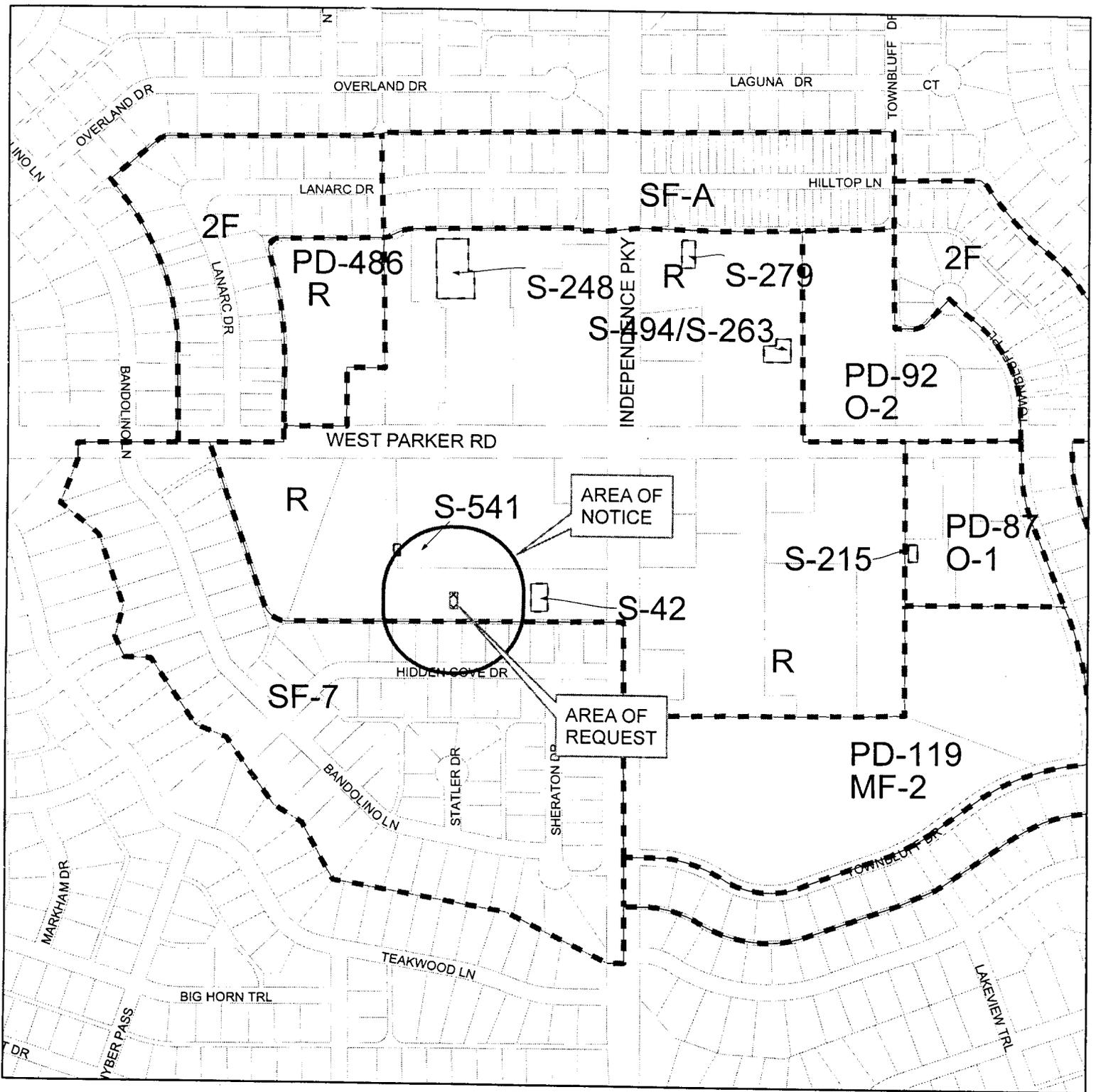
One basis for waiving and/or reducing the distance separation requirement is whether or not an alternative means of separation exists. A 5 1/2-foot high masonry screening wall exists between the retail center and the adjacent properties to the south and west. The single-family residential property to the south is separated from the adjacent shopping center by an alley and the 5 1/2-foot high masonry screening wall. The walking distance from the lease space to the nearest single-family residential property is approximately 600 feet. The parochial school is separated from the lease space by a one-story building within the retail center and the 5 1/2-foot high masonry screening wall on the property line between the school and the retail center. The walking distance between the front door of the arcade and the parochial school property is approximately 550 feet.

**RECOMMENDATIONS:**

Recommended for approval subject to City Council finding that:

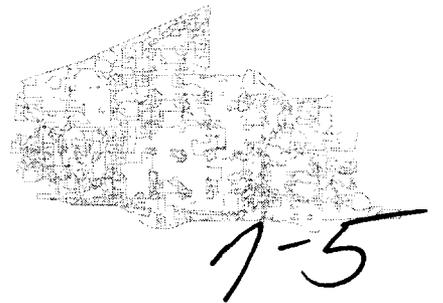
1. The 5 1/2-foot high screening wall and alley are adequate alternative means of separation between the arcade and the residential district.
2. The 5 1/2-foot high screening wall and one-story retail building are adequate alternative means of separation between the arcade and the parochial school, and
3. A reduction in the 300 foot separation from the residentially-zoned district and 1,000 foot separation from the parochial school would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.

7-4



Zoning Case #: 2004-52

Existing Zoning: RETAIL



○ 200 Notification's Buffer





**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	<b>2/22/05</b>	Reviewed by Legal <i>RL</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Legal		Initials	Date
Department Head	Diane Wetherbee	Executive Director	<i>[Signature]</i>	<i>2-17-05</i>
Dept Signature:	<i>[Signature]</i>	City Manager		
Agenda Coordinator (include phone #):		<b>Lynne Jones - 7109</b>		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER				
<b>CAPTION</b>				
Council discussion and direction regarding order of propositions for the May election				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
Council will discuss the order of the propositions for the May election.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		