

# CITY COUNCIL

1520 AVENUE K



DATE: 3/6/2013  
CALL TO ORDER: 7:00 p.m.  
INVOCATION:  
PLEDGE OF ALLEGIANCE: Jr. Girl Scout Troop 3037  
Shepard Elementary

ITEM NO.	EXPLANATION	ACTION TAKEN
(a)	<p>OUR MISSION - THE CITY OF PLANO IS A REGIONAL AND NATIONAL LEADER, PROVIDING OUTSTANDING SERVICES AND FACILITIES THROUGH COOPERATIVE EFFORTS THAT ENGAGE OUR CITIZENS AND CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p><b>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</b></p> <p><b><u>COMMENTS OF PUBLIC INTEREST</u></b> <b><u>This portion of the meeting is to allow up to five (5) minutes per speaker with thirty (30) total minutes on items of interest or concern and not on items that are on the current agenda. The Council may not discuss these items, but may respond with factual or policy information. The Council may choose to place the item on a future agenda.</u></b></p> <p><b><u>CONSENT AGENDA</u></b> <b><u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></b></p> <p><b><u>Approval of Minutes</u></b> February 25, 2013</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><b><u>Approval of Expenditures</u></b></p> <p><b>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</b></p> <p>(b) CSP No. 2012-350-C for a one (1) year contract with four (4) City optional renewals, for Physical Security Cameras, Installation, Software and Maintenance at the Davis and Harrington Libraries and the Joint Use Facility to Johnson Controls, Inc. in the amount of \$52,747 for the first year and an estimated annual amount of \$3,330 for each of the following four (4) years, and authorizing the City Manager to execute all necessary documents.</p>	
	<p><b>Purchase from an Existing Contract</b></p> <p>(c) To approve the purchase of hardware for remote keyboard, video and mouse (KVM) functionality for the Data Center in the amount of \$76,656 from Deltaware Incorporated through an existing Texas Association of School Boards (Buyboard) contract and authorizing the City Manager to execute all necessary documents. (TASB/Buyboard 409-12)</p>	
	<p><b>Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)</b></p> <p>(d) To approve a contract made and entered into by and between the City of Plano, the Board of Trustees of the Plano Independent School District and Sharon Rowe, the Elections Administrator of Collin County, Texas, pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, regarding the coordination, supervision, and running of the City's May 11, 2013 Joint General and Special Elections in the estimated amount of \$32,026.</p>	
	<p><b><u>Adoption of Resolutions</u></b></p> <p>(e) To name the Plano City Council Chambers located in City Hall the "Senator Florence Shapiro Council Chambers" and providing an effective date.</p>	
	<p>(f) To approve the terms and conditions of a Fourth Amendment to a Development Agreement by and between RH 15th Condos One, Ltd. and the City of Plano for the development of 15th Street Village; authorizing its execution by the City Manager; and providing an effective date.</p>	
	<p><b><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></b></p> <p><b><u>Public Hearing Items: Applicants are limited to fifteen (15) minutes presentation time with a five (5) minute rebuttal, if needed. Remaining speakers are limited to thirty (30) total minutes of testimony time, with three (3) minutes assigned per speaker. The presiding officer may extend these times as deemed necessary.</u></b></p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(1)	<p><b><u>Non-Public Hearing Items: The Presiding Officer may permit limited public comment for items on the agenda not posted for a Public Hearing. The Presiding Officer will establish time limits based upon the number of speaker requests, length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Speakers will be called in the order cards are received until the cumulative time is exhausted.</u></b></p> <p>Public Hearing on the need to continue the City of Plano's Juvenile Curfew Ordinance (Ordinance No. 94-11-11); to receive a city staff report on the effectiveness of the Juvenile Curfew Ordinance; and to determine whether the ordinance should be abolished, continued, or modified.</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/Building Inspections Training Room are located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</u></b></p>	

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
February 25, 2013**

**COUNCIL MEMBERS PRESENT**

Phil Dyer, Mayor  
Lissa Smith, Mayor Pro Tem  
Ben Harris, Deputy Mayor Pro Tem  
Pat Miner  
André Davidson  
Jim Duggan  
Patrick Gallagher  
Lee Dunlap

**STAFF PRESENT**

Bruce Glasscock, City Manager  
Frank Turner, Deputy City Manager  
LaShon Ross, Deputy City Manager  
Diane C. Wetherbee, City Attorney  
Diane Zucco, City Secretary

Mayor Dyer called the meeting to order at 5:00 p.m., Monday, February 25, 2013, in Training Room A of the Municipal Center, 1520 K Avenue. A quorum was present. Mayor Dyer then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071 and to receive information regarding Economic Development, Section 551.087 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Dyer reconvened the meeting back into the Preliminary Open Meeting at 5:22 p.m.

**Consideration and action resulting from Executive Session discussion**

No items were brought forward.

**Medical Priority Dispatch**

Chief Crawford spoke to the current dispatch system used by Plano Fire-Rescue which sends a minimum of one major apparatus (engine or truck), along with an ambulance to every emergency medical call running lights and sirens, regardless of the type. He spoke to increases in medical calls (70% of responses), inefficiencies and risks and a more contemporary medical dispatch mode with caller interrogation utilized by cities across the United States. Chief Crawford advised that Public Safety Communications personnel would categorize calls by chief complaint into levels ranging from "Minor" to "Immediately Life Threatening" and dispatch the proper resource, thus leaving other units in their assigned districts and available for more critical calls as they occur with subsequent decreases in overall response time. He advised that the new procedure ensures that the dispatched resources respond in the proper mode, either with or without lights and sirens and spoke to risks of vehicle collisions involving emergency units.

Chief Crawford spoke to review of the proposal by Plano's Medical Director and advised that personnel respond to every call for service and transport everyone needing transportation. He advised that the department recoups 70% of the cost for services provided and spoke to the potential decrease in response time. Director of Public Safety Communication Timmons spoke to the ability of dispatchers to override the process and provide resources deemed necessary. The Council indicated a consensus directing Staff to move forward.

### **Retail Incentive Framework**

City Manager Glasscock spoke to Staff development of framework for use in responding to inquiries for retail development incentives and considering opportunities on a case-by-case basis. He spoke to utilization of real property or business personal property tax abatement, Chapter 380 grants or Neighborhood Empowerment Zones (NEZ). He spoke to criteria including the unique nature of the establishment and whether or not it will compete with current businesses; providing goods/services to underserved markets; drawing consumers from outside the trade area; projected retail sales per square foot; the value of sales collection by the City; additional infrastructure required by the City; potential for revitalization of adjacent properties; potential to draw ancillary retail development; realization of a community goal; impact on existing residential neighborhoods; environmental impact; necessary zoning changes and compatibility with the Comprehensive Plan; company history/store tenure; and competitive/financial issues. The Council indicated a consensus directing Staff to move forward. Council Member Gallagher requested consideration of a supermajority vote for approval.

### **Discussion and Direction Regarding revising the requirement for a private club permittee to submit a certification instead of an annual audit**

City Manager Glasscock spoke to the provision requiring private clubs to provide an annual audit as being cumbersome and financially impactful to permit holders. He spoke to a recommendation, revising the Zoning Ordinance, to remove the audit requisite and require establishments provide a letter of certification. City Attorney Wetherbee spoke to private club regulations contained in the Zoning Ordinance and regarding penalties for failure to file certification including a potential revocation of the specific use permit or assessing a penalty. Mike Brignole, of The End Zone, spoke to issues related to private club licensing including the need to provide food service and thanked the Council for considering revision of the audit requirement. He referenced requirements in the Legacy Town Center and Downtown areas and Ms. Wetherbee provided clarification on the various types of licenses held by restaurants and Texas Alcoholic Beverage enforcement. City Manager Glasscock responded to the Council regarding the prior lack of enforcement related to food-to-beverage ratios and Ms. Wetherbee advised that Staff would review available penalties. The Council concurred in directing the Planning and Zoning Commission to consider recommendations.

**Council items for discussion/action on future agendas**

No items were discussed.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:03 p.m.

---

**Phil Dyer, MAYOR**

ATTEST

---

Diane Zucco, City Secretary

**PLANO CITY COUNCIL**  
**February 25, 2013**

**COUNCIL MEMBERS PRESENT**

Phil Dyer, Mayor  
Lissa Smith, Mayor Pro Tem  
Ben Harris, Deputy Mayor Pro Tem  
Pat Miner  
André Davidson  
Jim Duggan  
Patrick Gallagher  
Lee Dunlap

**STAFF PRESENT**

Bruce Glasscock, City Manager  
Frank Turner, Deputy City Manager  
LaShon Ross, Deputy City Manager  
Diane C. Wetherbee, City Attorney  
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, February 25, 2013, at 7:00 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Keith Gray, Student Ministry Pastor of Meadows Baptist Church led the invocation and Brownie Troop 2739 of Davis and Hughston Elementary Schools led the Pledge of Allegiance.

Mayor Dyer and the City Council recognized retiring Texas Legislator, The Honorable Senator Florence Shapiro.

Mayor Dyer administered oaths of office to incoming board/commission members, Judy Drotman (Community Relations Commission) and Ethel Lean Jernigan (Self Sufficiency Committee).

**COMMENTS OF PUBLIC INTEREST**

No one appeared to speak.

**CONSENT AGENDA**

City Secretary Zucco advised that Consent Agenda Item “N” would be pulled and held.

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

**Approval of Minutes** (Consent Agenda Item “A”)  
February 11, 2013

**Approval of Expenditures**

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

**Bid No. 2013-88-B** for Tennis Court Lighting Improvements to NEMA 3 Electrical Contractors, Inc. in the amount of \$369,255 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

**Bid No. 2013-118-B** for Frank Beverly Park Renovation to Schmoltdt Construction, Inc. in the amount of \$854,508 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

**Bid No. 2013-107-C** for a one (1) year contract with three (3) City optional renewals to purchase Tire Re-Capping Services for Inventory Control & Asset Disposal (ICAD) from Southern Tire Mart in an estimated annual amount of \$60,470 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

**RFP No. 2012-210-C** for two (2) years with five (5) City optional one (1) year renewals for Occupational Health Provider Services for multiple departments to Occupational Health Centers of the SWPA, dba Concentra Medical Centers, in the estimated annual amount of \$166,870 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

**Purchase from an Existing Contract**

To approve the purchase of carpet replacement at the Parr Library in the amount of \$129,776 from Shaw Contract Flooring Services, Inc. d/b/a Spectra Contract Flooring through an existing contract and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 391-12) (Consent Agenda Item “F”)

To approve the purchase of carpet replacement at the Police Building and the Municipal Center in the amount of \$272,572 from Gomez Floor Covering, Inc. through an existing contract and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 391-12) (Consent Agenda Item “G”)

To approve the purchase of one (1) Arrow Master Model 1350T Mobile Hydraulic Hammer from Hi-Way Equipment Co., in the amount of \$101,944 for the Fleet Department to be utilized by Public Works, through an existing contract/agreement with HGAC, and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. EM06-11) (Consent Agenda Item “H”)

To approve the purchase of Hewlett-Packard Server Hardware and Software maintenance in the amount of \$67,458 from Hewlett-Packard Company through an existing Department of Information Resources (DIR) contract and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1364) (Consent Agenda Item “I”)

To approve the purchase of Infoblox Network Hardware, Installation and Maintenance for one (1) year with three (3) City optional one (1) year renewals, in the amount of \$184,055 from Future Com, LTD. through an existing Department of Information Resources (DIR) contract and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1887). (Consent Agenda Item “J”)

To approve the purchase of replacement Cisco switch hardware and maintenance for the Technology Services Data Center, in the amount of \$652,919 from INX, LLC a Presidio Company through an existing Department of Information Resources (DIR) contract and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1386) (Consent Agenda Item “K”)

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

To approve a Professional Services Agreement by and between the City of Plano and Binkley & Barfield – C&P, Inc., in the amount of \$129,280 for the Bridge Repairs Phase 2 Project No. 6154.1 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “L”)

To approve a Professional Services Agreement by and between the City of Plano and RJN Group, Inc., in the amount of \$292,565 for I & I Program 2013 Project No. 6255; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “M”)

**Approval of Contract Modification**

To approve Contract Modification No. 2 for the purchase of additional engineering services for the 14th Street – E Avenue to F Avenue project in the amount of \$16,907 from Hayden Consultants, Inc. and to authorize the City Manager to execute all related documents. (Consent Agenda Item “N”) (Pulled and Held)

To approve Contract Modification No. 2 for the purchase of additional engineering services for the Windhaven Parkway – Spring Creek Parkway to West City Limit Project No. 5741 in the amount of \$85,481 from Teague Nall and Perkins, Inc. and authorizing the City Manager to execute all related documents. (Consent Agenda Item “O”)

Termination of Contract for Electronic Recycling, 2011-30-C. (Consent Agenda Item “P”)

**Approval of Expenditure**

To approve a one (1) year contract with three (3) City optional one (1) year renewals for the purchase of Traffic Signal Pre-Emption Equipment for Inventory Control & Asset Disposal (ICAD) from Consolidated Traffic Controls, Inc. in the estimated annual amount of \$85,215 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “Q”)

### **Adoption of Resolutions**

**Resolution No. 2013-2-9(R):** To approve the terms and conditions of an Economic Development Incentive Agreement by and between Natural Polymer International Corporation, a Delaware corporation, and the City of Plano, Texas; authorizing its execution by the City Manager and providing an effective date. (Consent Agenda Item “R”)

**Resolution No. 2013-2-10(R):** To repeal Resolution No. 74-12-4(R) for City participation in the cost of screening wall construction; and providing an effective date. (Consent Agenda Item “S”)

**Resolution No. 2013-2-11(R):** To approve the terms and conditions of a Second Amendment to an Advance Funding Agreement by and between the City of Plano and the Texas Department of Transportation for Preston Road Corridor, authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “T”)

**Resolution No. 2013-2-12(R):** To approve the terms and conditions of a First Amendment to Communications Facilities License by and between the City of Plano, Texas, and Sprint Spectrum Realty Company, LP, a Delaware limited partnership, successor to Sprint Wireless Broadband Company, LLC, a Delaware limited liability company authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “U”)

**Resolution No. 2013-2-13(R):** To approve the terms and conditions of a First Amendment to Communications Facilities License by and between the City of Plano, Texas, and Sprint Spectrum Realty Company, LP, a Delaware limited partnership, authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “V”)

**Resolution No. 2013-2-14(R):** To approve the Investment Portfolio Summary for the quarter ending December 31, 2012 and providing an effective date. (Consent Agenda Item “W”)

**Resolution No. 2013-2-15(R):** To approve the settlement of the lawsuit styled Richard T. Naibert v. City of Plano, Case Number 416-04912-2012, in the 416th District Court of Collin County, Texas, in the amount of \$60,000; authorizing the City Manager to execute any and all documents necessary to settle such lawsuit; and providing an effective date. (Consent Agenda Item “X”)

**Resolution No. 2013-2-16(R):** To authorize the City Manager to enter into a Joint Election Agreement with the Plano Independent School District, Collin County Community College District and the Frisco Independent School District for the purpose of conducting a joint election on May 11, 2013; and providing an effective date. (Consent Agenda Item “Y”)

### **Adoption of Ordinances**

**Ordinance No. 2013-2-17:** To order an election to be held on May 11, 2013, for the purpose of electing four (4) Members of Council, Place No. 2 (District 2), Place No. 4 (District 4), Place No. 6 (Mayor) and Place No. 8 to the City Council to hold office for a period of four years; designating locations of polling places; ordering notices of election to be given as prescribed by law in connection with such election; and providing an effective date. (Consent Agenda Item “Z”)

**Ordinance No. 2013-2-18:** To amend Ordinance No. 2013-2-8, ordering a Special Election to be held in conjunction with the General Election in and throughout the City of Plano, Texas, on Saturday, May 11, 2013, for the purpose of approving the legal sale of all alcoholic beverages for off premise consumption only, by amending the lists of early voting and election day polling locations for Denton County residents; and providing a repealer clause, and an effective date. (Consent Agenda Item “AA”)

### **END OF CONSENT**

**Resolution No. 2013-2-19(R):** To support the Cotton Belt Project to include filing of legislation to form a special district; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “1”)

City Manager Glasscock advised regarding Council’s previous action designating the Council of Governments (COG) as the entity to represent cities on the Cotton Belt Project and to this item indicating support for continuing pursuit of legislation to create a special district to facilitate its development, but not endorsement of a specific bill.

Upon a motion made by Council Member Davidson and seconded by Council Member Miner, the Council voted 8-0 to support the Cotton Belt Project to include filing of legislation to form a special district; and further to adopt Resolution No. 2013-2-19(R).

**Resolution No. 2013-2-20(R):** To accept and approve the “Downtown Plano Vision and Strategy Update” as a guide for the development of future policies and projects related to the continued revitalization of Downtown Plano and the DART Rail Corridor; and providing an effective date. Applicant: City of Plano (Regular Agenda Item “2”)

Director of Planning Jarrell advised that the update sets forth goals for additional housing, commercial development and improvements to the economic vitality of Downtown Plano, surrounding neighborhoods and the DART rail corridor, and recommends infrastructure projects and other actions to further these goals and advised that its adoption does not obligate expenditures. She further stated that the plan has been reviewed and well received by the Historic Downtown Plano Association and recommended for approval by the Planning and Zoning Commission.

Upon a motion made by Council Member Miner and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to accept and approve the “Downtown Plano Vision and Strategy Update” as a guide for the development of future policies and projects related to the continued revitalization of Downtown Plano and the DART Rail Corridor; as recommended by the Planning and Zoning Commission and further to adopt Resolution No. 2013-2-20(R).

**Public Hearing and adoption of Ordinance No. 2013-2-21** as requested in Zoning Case 2013-01 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 635 so as to allow the additional use of Trade/Commercial School on 0.4± acre of land located 380± feet south of Park Boulevard, 470± feet west of Preston Road, in the City of Plano, Collin County, Texas, presently zoned Retail; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Plano Market Street, LP (Regular Agenda Item “3”)

Director of Planning Jarrell advised that this request is complementary with surrounding tenants, has sufficient parking, and is recommended for approval as submitted by the Planning and Zoning Commission. She responded to Deputy Mayor Pro Tem Harris regarding the broad nature of the trade/commercial school category. City Attorney Wetherbee spoke to additional use restrictions that may be in place per the location’s landlord.

Mayor Dyer opened the Public Hearing. Bobby Kubin, representing the applicant was available for questions. No one else spoke for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Duggan and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to grant Specific Use Permit No. 635 so as to allow the additional use of Trade/Commercial School on 0.4± acre of land located 380± feet south of Park Boulevard, 470± feet west of Preston Road, in the City of Plano; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2013-01; and further adopt Ordinance No. 2013-2-21.

**To approve the purchase of the equipment replacement and upgrades to the PTN control room**, in the amount of \$582,073 from Digital Resources, Inc., through an existing TIPS/TAPS (The Interlocal Purchasing System and Texas Arkansas Purchasing System) contract and authorizing the City Manager to execute all necessary documents. (TIPS/TAPS 101262) (Regular Agenda Item “4”)

Director of Marketing and Community Engagement Vail-Grube spoke to the current equipment and configuration of the Plano Television Network (PTN) in place since 1991 and this upgrade maintaining the high quality of broadcasts and offering an efficient use of space/personnel. She spoke to funding available through Public Education and Government (PEG) fees collected by cable franchises which are restricted in their use to support only public service production and programming, and not staffing. Ms. Vail-Grube advised regarding future conversion of cameras to provide high-definition programming and spoke to plans to have renovations in place for July Council meetings. She further responded to the Council, advising that revisions to the sound system will take place in the coming weeks utilizing this funding source.

Upon a motion made by Council Member Miner and seconded by Council Member Duggan, the Council voted 8-0 to approve the purchase of the equipment replacement and upgrades to the PTN control room, in the amount of \$582,073 from Digital Resources, Inc.

**Resolution No. 2013-2-22(R):** To call a Special Election to be held with the City on May 11, 2013, for the purpose of authorizing general obligation bonds and revoking certain prior voted bond authorization; making provisions for the conduct of the election and other provisions incident and related to the purpose of this Resolution; and providing an effective date. (Regular Agenda Item “5”)

Director of Budget and Research Rhodes-Whitley spoke to Council review of the project list and to this item ordering the bond referendum with propositions totaling \$98.3 million to include: \$43.8 million for street improvement, \$27 million for park improvements, \$12.5 million for recreation center improvements, \$15 million for public infrastructure improvements related to revitalization of existing commercial facilities, and revocation of \$14.1 million for a creative and performing arts center. Council Member Dunlap spoke to the performing arts center no longer being a three-city project and City Manager Glasscock advised that the local option proposition will appear last on the ballot.

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to call a Special Election to be held with the City on May 11, 2013, for the purpose of authorizing general obligation bonds and revoking certain prior voted bond authorization; and further to adopt Resolution No. 2013-2-22(R).

Nothing further was discussed. Mayor Dyer adjourned the meeting at 7:39 p.m.

---

**Phil Dyer, MAYOR**

ATTEST

---

Diane Zucco, City Secretary



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular <input type="checkbox"/> Statutory
Council Meeting Date:	3/6/2013
Department:	Technology Services
Department Head	David Stephens
Agenda Coordinator (include phone #): <b>Dianna Wike x7549</b>	

**CAPTION**

CSP No. 2012-350-C for a 1 year contract with 4 City optional renewals, for Physical Security Cameras, Installation, Software and Maintenance at the Davis and Harrington Libraries and the Joint Use Facility to Johnson Controls, Inc. in the amount of \$52,747 for the first year and an estimated annual amount of \$3,330 for each of the following 4 years, and authorizing the City Manager to execute all necessary documents.

**FINANCIAL SUMMARY**

NOT APPLICABLE       OPERATING EXPENSE       REVENUE       CIP

FISCAL YEAR: <b>2012-13, 2013-14, 2014-15, 2015-16, 2016-17</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	1,500,000	13,320	<b>1,513,320</b>
Encumbered/Expended Amount	0	-756,988	0	<b>-756,988</b>
This Item	0	-52,747	-13,320	<b>-66,067</b>
BALANCE	0	690,265	0	<b>690,265</b>

**FUND(S):    TECHNOLOGY FUND AND TECHNOLOGY SERVICES FUND**

**COMMENTS:** Funds are included in the Technology Fund projects budget for the purchase and installation of video surveillance equipment at municipal facilities. The balance of funds will be used for other items related to the on-going Video Surveillance project. The estimated amount to be spent in FY 2012-13 for this contract is \$52,747. The estimated future amount is \$13,320, (\$3,330 annually in FY 2013-14 through FY 2016-17) and will be based on need within approved budget appropriations in the Technology Services Fund.

**STRATEGIC PLAN GOAL:** Purchasing video surveillance equipment and maintenance agreements relates to the City's Goal of a Financially Strong City with Service Excellence and Safe, Large City.

**SUMMARY OF ITEM**

Technology Services staff recommends the proposal of Johnson Controls, Inc., in the amount of \$52,747 for the first year and the estimated annual amount of \$3,330 for each of the following 4 years for a total 5 year cost of \$66,067, be accepted as the best value conditioned on timely execution of the necessary documents for Physical Security Cameras, Installation, Software and Maintenance at the Davis and Harrington Libraries and the Joint Use Facility. Physical security cameras are necessary to record incidents, such as graffiti and damage to vehicles during off-hours, or when staff is not visible, so that there is an increased potential for Public Safety to resolve the incidents quicker and have visual proof of activities.



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

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

# Memo

Date: 2/19/2013

To: Diane Palmer-Boeck, Chief Purchasing Officer

From: David Stephens, Director Technology Services

RE: CSP 2012-350-C Physical Security Cameras, Installation and Maintenance

Technology Services proposes purchasing physical security cameras, installation and maintenance services from Johnson Controls, Inc in the first year amount of \$52,747 and an estimated annual amount of \$3,330 for each of the following 4 years. The initial installation will be at Harrington Library, Davis Library and the Joint Use Facility. These cameras will provide the ability to view and record activity within and around those facilities.

After reviewing the responses to bid CSP 2012-350-C Johnson Controls, Inc. provided the best value and the best overall scoring matrix. There were 9 responses received for this bid that ranged from \$66,067 to \$122,585. These responses included hardware, installation, software licenses for cameras, and four years of support.

Physical security within City facilities has become an increasing priority. Many incidents, such as graffiti and damage to vehicles, happen off-hours or when staff is not visible. By having the ability to record possible incidents, there is an increased potential for Public Safety to resolve incidents quicker and have visual proof of activities.

It is the recommendation of Technology Services to award this contract to Johnson Controls, Inc and also make them the standard provider for physical security cameras, installation and maintenance services at City facilities for a one year time frame with possible renewals based upon performance and budgetary approvals.

**CITY OF PLANO**  
**CSP NO. 2012-350-C**  
**FOR PHYSICAL SECURITY CAMERAS INSTALLATION,**  
**SOFTWARE AND MAINTENANCE**

**CSP RECAP**

---

---

**CSP opening Date/Time:** January 24, 2013 @ 3:00 PM

**Number of Vendors Notified:** 1088

**Vendors Submitting "No Bids":** 0

**Number of Proposals Considered:** 9

<u>Vendor</u>	<u>5 Year Cost</u>
Johnson Controls, Inc.	\$ 66,067.00
Network Cabling Services, Inc.	\$ 66,560.00
Calence Physical Security Solutions, Inc.	\$ 74,434.44
Comm 3	\$ 78,176.55
Rownet, Inc.	\$ 85,280.68
Lensec, LLC	\$ 85,285.82
Scientel Wireless, LLC	\$107,068.21
911 Security Cameras	\$112,200.00
Secure Cam, Inc.	\$122,585.00

**Proposals Received - Not Considered:** 0

**Recommended Vendor(s):**

Johnson Controls, Inc. \$ 66,067.00

*Dianna Wike*

February 20, 2013

---

Dianna Wike, Contract Specialist



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular <input type="checkbox"/> Statutory
Council Meeting Date:	3/6/2013
Department:	Technology Services
Department Head	David Stephens
Agenda Coordinator (include phone #): <b>Dianna Wike x7549</b>	

**CAPTION**

To approve the purchase of hardware for remote keyboard, video and mouse (KVM) functionality in the amount of \$76,656 from Deltaware Incorporated through an existing Texas Association of School Boards (Buyboard) contract and authorizing the City Manager to execute all necessary documents. (TASB/Buyboard 409-12)

**FINANCIAL SUMMARY**

NOT APPLICABLE       OPERATING EXPENSE       REVENUE       CIP

FISCAL YEAR: <b>2012-13</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	200,000	0	<b>200,000</b>
Encumbered/Expended Amount	0	-94,422	0	<b>-94,422</b>
This Item	0	-76,656	0	<b>-76,656</b>
BALANCE	0	28,922	0	<b>28,922</b>

**FUND(S):      TECHNOLOGY FUND**

**COMMENTS:** Funds are available in the 2012-13 Technology Fund project budgets for equipment upgrades in the City's Data Centers. The balance of funds will be used for other items related to the project.

**STRATEGIC PLAN GOAL:** Providing KVM remote access to servers in the data center relates to the City's Goal of Financially Strong City with Service Excellence.

**SUMMARY OF ITEM**

Technology Services staff recommends the purchase of hardware for remote keyboard, video and mouse (KVM) functionality, which includes maintenance and support for four years on a 7 x 24 basis, in the amount of \$76,656 from Deltaware Incorporated utilizing their BuyBoard contract. This KVM technology will allow Technology Services personnel to remotely access servers within the data center without having to physically enter the data center. If we are not able to provide KVM access, additional monitors would be required, traffic in the data center would be increased resulting in a modified heating and cooling pattern within the data center. The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 271 Subchapter F of the Local Government Code; and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (TASB/Buyboard 409-12)

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

# Memo

Date: 2/8/2013

To: Diane Palmer-Boeck, Chief Purchasing Officer

From: David Stephens, Director Technology Services

RE: Purchase of Raritan KVM-over-IP hardware

Technology Services proposes purchasing hardware to provide remote keyboard, video and mouse (KVM) functionality in the renovated data center. This KVM technology will allow Technology Services personnel to remotely access servers within the data center without having to physically enter the data center. Remote access to servers is considered a best practice in that it allows a reduction in traffic into and out of the data center, allows systems administrators to manage multiple servers easier, and also allows for off-hour support in the event a server needs to be managed.

Technology Services desires to use Raritan Dominion KX-II KVM-over-IP switches to provide this remote KVM access. Technology Services has been using this type of technology for many years and this purchase provides the ability to manage both the existing and renovated data centers during the transition and after the migration is complete.

This purchase would be through an existing contract with BuyBoard cooperative agreement with Deltaware Incorporated. The contract number is 409-12. The purchase amount will be \$76,656.00 and will include maintenance and support for four years on a 7x24 basis. Multiple quotes were received that ranged from \$76,656.00 to \$113,957.24.

If we are not able to provide remote KVM access for our systems administrators we would have to purchase more monitors to be located within the data center – increasing costs and decreasing available room for servers in the data center; require system administrators to travel to the data center off hours to resolve issues – which would increase downtime for 7x24 operational departments; and increase the traffic in the data center - thereby modifying the heating and cooling patterns within the data center.



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		3/6/13		
Department:		City Secretary		
Department Head		Diane Zucco		
Agenda Coordinator (include phone #): <b>Alice Snyder, X7515</b>				
<b>CAPTION</b>				
<p>A contract made and entered into by and between the City of Plano, the Board of Trustees of the Plano Independent School District and Sharon Rowe, the Elections Administrator of Collin County, Texas, pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, regarding the coordination, supervision, and running of the City's May 11, 2013 Joint General and Special Election in the estimated amount of \$32,026.</p>				
<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>2012-13</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	100,000	0	<b>100,000</b>
Encumbered/Expended Amount	0	-62	0	<b>- 62</b>
This Item	0	-32,026	0	<b>-32,026</b>
<b>BALANCE</b>	0	67,912	0	<b>67,912</b>
<b>FUND(S):     GENERAL FUND</b>				
<p><b>COMMENTS:</b> This item, in the amount of \$32,026 is included in the approved Budget. The remaining balance will be used for other election costs.</p> <p><b>STRATEGIC PLAN GOAL:</b> A joint general and special election relates to the City's goals of Financially Strong City with Service Excellence and Partnering for Community Benefit.</p>				
<b>SUMMARY OF ITEM</b>				
<p>To approve a contract with the Collin County Election Administrator for the City of Plano Joint General and Special Election on May 11, 2013.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Contract				

**May 11, 2013**  
**Joint General & Special Elections**  
**Contract for Election Services**  
**City of Plano/Plano ISD**

---

**May 11, 2013**  
**Joint General & Special Elections**

**Table of Contents**

I.....Duties and Services of Contracting Officer  
II.....Duties and Services of City and School District  
III.....Affidavit of No Prohibited Interest  
IV.....Cost of Election  
V.....Joint Election Agreement  
VI.....General Provisions

**Exhibits**

Exhibit A.....Early Voting Schedule and Locations  
Exhibit B.....Election Day Polling Locations  
Exhibit C.....Cost of Services  
Exhibit D.....Joint Election Agreement  
Exhibit E.....Affidavit of No Prohibited Interest

**THE STATE OF TEXAS**  
**COUNTY OF COLLIN**  
**CITY – SCHOOL PLANO**

§

**CONTRACT FOR**  
**ELECTION SERVICES**

**BY THE TERMS OF THIS CONTRACT** made and entered into by and between the CITY OF PLANO, hereinafter referred to as the "CITY," and the BOARD OF TRUSTEES OF THE PLANO INDEPENDENT SCHOOL DISTRICT, hereinafter referred to as the "SCHOOL DISTRICT," and SHARON ROWE, Elections Administrator of Collin County, Texas, hereinafter referred to as "Contracting Officer," pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, agree to the following particulars in regard to coordination, supervision and running of the City and School District's May 11, 2013 Joint General & Special Elections and a City Runoff Election, if necessary, on June 15, 2013. An additional cost estimate, early voting calendar, and Election Day polling place schedule will be prepared should a Runoff Election be necessary.

**THIS AGREEMENT** is entered into in consideration of the mutual covenants and promises hereinafter set out. IT IS AGREED AS FOLLOWS:

**I. DUTIES AND SERVICES OF CONTRACTING OFFICER.** The Contracting Officer shall be responsible for performing the following duties and shall furnish the following services and equipment:

A. The Contracting Officer shall arrange for appointment, notification (including writ of election), training and compensation of all presiding judges, alternate judges, the judge of the Central Counting Station and judge of the Early Voting Ballot Board.

a. The Contracting Officer shall be responsible for notification of each Election Day and Early Voting presiding judge and alternate judge of his or her appointment. The recommendations of the City and the School District will be the accepted guidelines for the number of clerks secured to work in each polling place. The presiding election judge of each polling place, however, will use his/her discretion to determine when additional manpower is needed during peak voting hours. The Contracting Officer

will determine the number of clerks to work in the Central Counting Station and the number of clerks to work on the Ballot Board. Election judges shall be secured by the Contracting Officer with the approval of the City and the School District.

b. Election judges shall attend the Contracting Officer's school of instruction (Elections Seminar); calendar will be provided.

c. Election judges shall be responsible for picking up from and returning election supplies to the county election warehouse located at 2010 Redbud Blvd., Suite 102, McKinney. Total compensation for both pickup and delivery of supplies will be \$25.00 per Election Judge.

d. The Contracting Officer shall compensate each election judge and worker. Each judge shall receive \$12.00 per hour for services rendered. Each alternate judge and clerk shall receive \$10.00 per hour for services rendered. Overtime will be paid to each person working over 40 hours per week.

B. The Contracting Officer shall procure, prepare, and distribute voting machines, election kits and election supplies.

a. The Contracting Officer shall secure election kits which include the legal documentation required to hold an election and all supplies including locks, pens, magic markers, etc.

b. The Contracting Officer shall secure all tables, chairs, and legal documentation required to run the Central Counting Station.

c. The Contracting Officer shall provide all lists of registered voters required for use on Election Day and for the early voting period required by law.

d. The Contracting Officer shall procure and arrange for the distribution of all election equipment and supplies required to hold an election.

1. Equipment includes the rental of voting machines, ADA compliance headphones and keypads (1 per site), transfer cases, voting signs and election supply cabinets.

2. Supplies include smart cards, sample ballots, provisional forms, maps, labels, pens, tape, markers, etc.

C. The Contracting Officer, Sharon Rowe, shall be appointed the Early Voting Clerk by the City and the School District.

a. The Contracting Officer shall supervise and conduct Early Voting by mail and in person and shall secure personnel to serve as Early Voting Deputies.

b. Early Voting by personal appearance for the City and School District's May 11, 2013, Joint General & Special Elections shall be conducted during the time period and at the locations listed in Exhibit "A", attached and incorporated by reference into this contract.

c. All applications for an Early Voting mail ballot shall be received and processed by the Collin County Elections Administration Office, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069.

1. Application for mail ballots erroneously mailed to the City or School District shall immediately be faxed to the Contracting Officer for timely processing. The original application shall then be forwarded to the Contracting Officer for proper retention.

2. All Federal Post Card Applicants (FPCA) will be sent a mail ballot. No postage is required.

d. All Early Voting ballots (those cast by mail and those cast by personal appearance) shall be prepared for count by the Early Voting Ballot Board in accordance with Section 87.000 of the Texas Election Code. The presiding judge of this Board shall be appointed by the Contracting Officer.

D. The Contracting Officer shall arrange for the use of all Election Day polling places. The City and School District shall assume the responsibility of remitting the cost of all employee services required to provide access, provide security or provide custodial services for the polling locations. The Election Day polling locations are listed in Exhibit "B", attached and incorporated by reference into this contract.

E. The Contracting Officer shall be responsible for establishing and operating the Central Counting Station to receive and tabulate the voted ballots in accordance with Chapter 127 of the Election Code and of this agreement. Counting Station Manager and Central Count Judge shall be Sharon Rowe. The Tabulation Supervisor shall be Patty Seals.

a. The Tabulation Supervisor shall prepare, test and run the county's tabulation system in accordance with statutory requirements and county policies, under the auspices of the Contracting Officer.

b. The Public Logic and Accuracy Test of the electronic voting system shall be conducted under the supervision of the Contracting Officer. Confirmation of these tests and their results shall be maintained for the mandatory timeframe following the election, and in the event of litigation, during the pendency of the litigation.

c. Election night reports will be available to the City and School District at the Central Counting Station on election night. Provisional ballots will be tabulated after election night in accordance with law.

d. The Contracting Officer shall prepare the unofficial canvass report after all precincts have been counted, and will provide a copy of the unofficial canvass to the City and School District as soon as possible after all returns have been tallied.

e. The Contracting Officer shall be appointed the custodian of the voted ballots and shall retain all election material for a period of 6 months following the election, including a runoff.

1. Pending no litigation and as prescribed by law, the voted ballots shall be shredded 6 months after the final election.

2. The City and School District can obtain the list of registered voters from the Elections Administration Office after this retention period. Pending no litigation and if the City or School District does not request the lists, the Contracting Officer shall destroy them.

f. The Contracting Officer shall conduct a manual count as prescribed by Section 127.201 of the Texas Election Code and submit a written report to the City and School District in a timely manner. The Secretary of State may waive this requirement. If applicable, a written report shall be submitted to the Secretary of State as required by Section 127.201(E) of the aforementioned code.

F. The Contracting Officer shall comply with Section 66.058 and Chapter 129 of the Texas Election Code, and all other applicable laws that pertain to the duties under this Contract.

**II. DUTIES AND SERVICES OF THE CITY AND SCHOOL DISTRICT.** The City and School District shall assume the following responsibilities:

A. The City and School District shall prepare their own election orders, resolutions, notices, justice department submissions, official canvass and other pertinent documents for adoption by the appropriate office or body. The City and School District assumes the responsibility of posting all notices and likewise promoting the schedules for Early Voting and Election Day.

B. The City and School District shall provide the Contracting Officer with an updated map and street index of their jurisdiction in an electronic (shape file preferred) or printed format as soon as possible but no later than Friday, March 1, 2013.

C. The City and School District shall procure and provide the Contracting Officer with the ballot layout and Spanish interpretation in an electronic format.

a. The City and School District shall deliver to the Contracting Officer as soon as possible, but no later than 9:00 AM Tuesday, March 5, 2013, the official wording for the City and School District's May 11, 2013, Joint General & Special Elections.

b. The City and School District shall approve the "blue line" ballot format prior to the final printing.

D. The City and School District shall post the publication of election notice by the proper methods with the proper media.

E. The City and School District shall prepare and submit to the U. S. Department of Justice under the Federal Voting Rights Act of 1965, any required submissions on voting changes.

F. The City and School District shall compensate the Contracting Officer for any additional verified cost incurred in the process of running this election or for a manual count this election may require, consistent with charges and hourly rates shown on Exhibit "C" for required services.

G. The City and School District shall pay the Contracting Officer 90% of the estimated cost to run the said election prior to Friday, April 12, 2013. The Contracting Officer shall place the funds in a "contract fund" as prescribed by Section 31.100 of the Texas Election Code. The Deposit should be delivered within the mandatory time frame to:

**Collin County Treasury  
Attn: Pam Dugger  
2300 Bloomdale Rd. #3138  
McKinney, Texas 75071**

Made payable to: "Collin County Treasury" with the note "for election services" included with check documentation.

H. The City and School District shall pay the cost of conducting said election,

less partial payment, including the 10% administrative fee, pursuant to the Texas Election Code, Section 31.100, within 30 days from the date of final billing.

**III. AFFIDAVIT OF NO PROHIBITED INTEREST.** Contracting Officer acknowledges and represents it is aware of all applicable laws, City Charter, and City Code of Conduct regarding prohibited interests and that the existence of a prohibited interest at any time will render the Contract voidable. Contracting officer has executed the Affidavit of No Prohibited Interest, attached and incorporated by reference into this contract as Exhibit “E”.

**IV. COST OF SERVICES.** See Exhibit “C.”

**V. JOINT ELECTION AGREEMENT.** See Exhibit “D”.

**VI. GENERAL PROVISIONS.**

A. Nothing contained in this contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the City and School District's May 11, 2013, Joint General & Special Elections is to be filed or the place at which any function is to be carried out, or any nontransferable functions specified under Section 31.096 of the Texas Election Code.

B. Upon request, the Contracting Officer will provide copies of all invoices and other charges received in the process of running said election for the City and School District.

C. If the City and/or School District cancel their election pursuant to Section 2.053 of the Texas Election Code, the Contracting Officer shall be paid a contract preparation fee of \$75. An entity canceling an election will not be liable for any further costs incurred by the Contracting Officer in conducting the May 11, 2013, Joint General & Special Elections. All actual shared cost incurred in the conduct of the election will be divided by the actual number of entities contracting with the Contracting Officer **and** holding a May 11, 2013, Joint General & Special Elections.

D. The Contracting Officer shall file copies of this contract with the County Judge and the County Auditor of Collin County, Texas.

WITNESS BY MY HAND THIS THE \_\_\_\_ DAY OF \_\_\_\_\_ 2013.

\_\_\_\_\_  
Sharon Rowe  
Elections Administrator  
Collin County, Texas

WITNESS BY MY HAND THIS THE \_\_\_\_ DAY OF \_\_\_\_\_ 2013.

By: \_\_\_\_\_  
Bruce D. Glasscock, City Manager  
City of Plano

Attest: \_\_\_\_\_  
Diane Zucco, City Secretary  
City of Plano

\_\_\_\_\_  
Approved as to form

WITNESS BY MY HAND THIS THE \_\_\_\_ DAY OF \_\_\_\_\_ 2013.

By: \_\_\_\_\_  
Richard Matkin, Superintendent  
Plano Independent School District

Attest: \_\_\_\_\_  
Tammy Richards, President  
Plano Independent School District

**MAY 11, 2013, JOINT GENERAL & SPECIAL ELECTIONS**  
**City of Plano & Plano ISD\***

**Early Voting Locations and Hours**

Polling Place		Address			City	
Collin County Election Office (Main Early Voting Location)		2010 Redbud Blvd., #102			McKinney	
Carpenter Park Recreation Center		6701 Coit Road			Plano	
Christopher A. Parr Library		6200 Windhaven Parkway			Plano	
Collin College – Spring Creek Campus		2800 E. Spring Creek Parkway			Plano	
Collin College – Preston Ridge Campus		9700 Wade Boulevard			Frisco (no cost to the City/PISD)	
Maribelle M. Davis Library		7501-B Independence Parkway			Plano	
Haggard Library		2501 Coit Road			Plano	
Harrington Library		1501 18 <sup>th</sup> Street			Plano	
Plano ISD Administration Center		2700 West 15 <sup>th</sup> Street			Plano	
Murphy Municipal Complex		206 North Murphy Road			Murphy (no cost to City)	
Renner Frankford Branch Library		6400 Frankford Road			Dallas (no cost to City)	
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>April 28</i>	<i>April 29</i>	<i>April 30</i>	<i>May 1</i>	<i>May 2</i>	<i>May 3</i>	<i>May 4</i>
	<b>8am – 5pm</b>	<b>8am – 5pm</b>	<b>8am – 5pm</b>	<b>8am - 7pm</b>	<b>8am - 5pm</b>	<b>8am - 5pm</b>
<i>May 5</i>	<i>May 6</i>	<i>May 7</i>	<i>May 8</i>	<i>May 9</i>	<i>May 10</i>	<i>May 11</i>
	<b>7am – 7pm</b>	<b>7am – 7pm</b>				<b>7am – 7pm</b> <b>Election Day</b>

\* City and School District voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administration.

**MAY 11, 2013  
JOINT GENERAL & SPECIAL ELECTIONS**

**Election Day Polling Locations – City of Plano & PISD**

<b>Precincts</b>	<b>Location</b>	<b>Address</b>	<b>City</b>
52, 61, 68, 103, 141	Armstrong Middle School	3805 Timberline Drive	Plano
23, 46, 47, 50, 51, 152, 158	Bowman Middle School	2501 Jupiter Road	Plano
21, 54, 62, 66	Carpenter Middle School	3905 Ranier Road	Plano
15, 19, 53, 65, 70, 71	Haggard Middle School	2832 Parkhaven Drive	Plano
58, 77, 91	Hendrick Middle School	7400 Red River Drive	Plano
31, 32, 63, 76	Hughston Elementary School	2601 Cross Bend Road	Plano
64, 69	Schimelpfenig Middle School	2400 Maumelle Drive	Plano
28, 75, 105, 143	Shepton High School	5505 Plano Parkway	Plano
39, 85	Thomas Elementary School	1800 Montana Trail	Plano
26, 49, 67, 72, 138	Wilson Middle School	1001 Custer Road	Plano

**Election Day Polling Locations –Plano ISD Only**

<b>Precincts</b>	<b>Location</b>	<b>Address</b>	<b>City</b>
48, 55, 164	Aldridge Elementary School	720 Pleasant Valley Lane	Richardson
130	Allen Municipal Court Facility	301 Century Parkway	Allen
73, 88, 115	Bentwood Trail Presbyterian Church	6000 Bentwood Trail	Dallas
94, 125, 144, 153	Miller Elementary School	5651 Coventry Drive	Richardson
24, 84, 132	Mitchell Elementary School	4223 Briargrove Lane	Dallas
25, 165, 175, 196	Murphy Municipal Complex	206 N. Murphy Road	Murphy
41, 60	Parker City Hall	5700 E. Parker Road	Parker
74, 79, 142	Renner Frankford Branch Library	6400 Frankford Road	Dallas
78, 110	Richardson Police Sub-station	2003 E. Renner Road	Richardson
36, 104, 136	Rose Haggard Elementary School	17820 Campbell Road	Dallas

## Election Day Polling Locations –City of Plano, PISD & FISD

<b>Precincts</b>	<b>Location</b>	<b>Address</b>	<b>City</b>
34, 107, 119, 121, 135, 139, 197	Bethany Elementary School	2418 Micarta Drive	Plano
109, 123	Christopher A. Parr Library	6200 Windhaven Parkway	Plano (no charge to FISD)
90, 116, 137, 176	Tom Muehlenbeck Recreation Center	5801 West Parker Road	Plano
14, 81, 86, 89, 108, 112, 124, 167	Robinson Middle School	6701 Preston Meadow Dr.	Plano

**ESTIMATED CHARGES FOR CITY OF PLANO**

May 11, 2013

**Exhibit "C"**

**SUPPLY COST**

Number of Early Voting Locations	7	0	7	0	0	0			
Number of Election Day Locations	14	0	11	0	0	3			
		<b>Units</b>	<b>Cost PCTY</b>	<b>Units</b>	<b>Cost PCTY/PISD/CC</b>	<b>Units</b>	<b>Cost PCTY/FISD/CC</b>	<b>Units</b>	<b>Cost PCTY/PISD/FISD/CC</b>
EV Sample Ballots	\$0.0690 each	100	\$6.90	1500	\$103.50	400	\$27.60	0	\$0.00
Early Voting Mail Ballots	\$1.20 each	100	\$120.00	300	\$360.00	50	\$60.00	0	\$0.00
Precinct Ballot Setup	\$10.00 each	1	\$10.00	1	\$10.00	1	\$10.00	0	\$0.00
Precinct Ballots	\$0.1670 each	50	\$8.35	250	\$41.75	100	\$16.70	0	\$0.00
Early voting and election day kits	\$25.00 each	0	\$0.00	18	\$450.00	0	\$0.00	3	\$75.00
Central Counting kit and supplies	\$50.00 each	0	\$0.00	0	\$0.00	0	\$0.00	1	\$50.00
County Precinct Maps	\$12.00 each	0	\$0.00	18	\$216.00	0	\$0.00	3	\$36.00
Printer Labels	\$15.13 each	0	\$0.00	30	\$453.90	0	\$0.00	7	\$105.91
			<hr/>		<hr/>		<hr/>		<hr/>
Total			\$145.25		\$1,635.15		\$114.30		\$266.91
Number of Entities Sharing Costs			<hr/> 1		<hr/> 3		<hr/> 3		<hr/> 4
SubTotal			\$145.25		\$545.05		\$38.10		\$66.73
<b>Grand Total</b>	<b>\$795.13</b>								

**EQUIPMENT RENTAL COST**

Number of Early Voting Locations	7	0	7	0	0	0			
Number of Election Day Locations	14	0	11	0	0	3			
		<b>Units</b>	<b>Cost PCTY</b>	<b>Units</b>	<b>Cost PCTY/PISD/CC</b>	<b>Units</b>	<b>Cost PCTY/FISD/CC</b>	<b>Units</b>	<b>Cost PCTY/PISD/FISD/CC</b>
Voting Machines	\$150.00 each	0	\$0.00	108	\$16,200.00	0	\$0.00	15	\$2,250.00
Transfer Cases	\$5.00 each	0	\$0.00	18	\$90.00	0	\$0.00	3	\$15.00
Metal Signs	\$1.00 each	0	\$0.00	36	\$36.00	0	\$0.00	6	\$6.00
Wood Signs	\$2.00 each	0	\$0.00	18	\$36.00	0	\$0.00	3	\$6.00
EV Security Cabinet	\$200.00 each	0	\$0.00	7	\$1,400.00	0	\$0.00	0	\$0.00
Early Voting Computer Cabinet	\$50.00 each	0	\$0.00	7	\$350.00	0	\$0.00	0	\$0.00
Drayage per Location	\$120.00 each	0	\$0.00	18	\$2,160.00	0	\$0.00	3	\$360.00
ED Security Cabinet	\$200.00 each	0	\$0.00	11	\$2,200.00	0	\$0.00	3	\$600.00
EV/ED Computers	\$300.00 each	0	\$0.00	18	\$5,400.00	0	\$0.00	3	\$900.00
			<hr/>		<hr/>		<hr/>		<hr/>
Total			\$0.00		\$27,872.00		\$0.00		\$4,137.00
Number of Entities Sharing Costs			<hr/> 1		<hr/> 3		<hr/> 3		<hr/> 4
SubTotal			\$0.00		\$9,290.67		\$0.00		\$1,034.25
<b>Grand Total</b>	<b>\$10,324.92</b>								

### EARLY VOTING

Number of Early Voting Locations	7	0	7	0	0			
Workers each location	5	0	5	0	0			
	<b>Units</b>	<b>Cost PCTY</b>	<b>Units Cost PCTY/PISD/CC</b>	<b>Units Cost PCTY/FISD/CC</b>	<b>Units Cost PCTY/PISD/FISD/CC</b>			
Mailed Ballot Kits	100	\$100.00	300	\$300.00	50	\$50.00	0	\$0.00
Postage for Ballots	75	\$66.00	250	\$220.00	35	\$30.80	0	\$0.00
Assemble EV Location	0	\$0.00	7	\$350.00	0	\$0.00	0	\$0.00
Total Judge Hours	0	\$0.00	448	\$5,376.00	0	\$0.00	0	\$0.00
Overtime Judge Hours	0	\$0.00	161	\$2,898.00	0	\$0.00	0	\$0.00
Total Alt. Judge & Clerk Hours	0	\$0.00	1792	\$17,920.00	0	\$0.00	0	\$0.00
Overtime Alt. Judge & Clerk Hours	0	\$0.00	644	\$9,660.00	0	\$0.00	0	\$0.00
Library Security	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
Pickup & Delivery of Supplies	0	\$0.00	7	\$175.00	0	\$0.00	0	\$0.00
Total		\$166.00		\$36,899.00		\$80.80		\$0.00
Number of Entities Sharing Costs		1		3		3		4
SubTotal		\$166.00		\$12,299.67		\$26.93		\$0.00
<b>Grand Total</b>		<b>\$12,492.60</b>						

### ELECTION DAY

Number of Election Day Locations	14	0	11	0	3			
Workers each location	5	0	5	0	5			
	<b>Units</b>	<b>Cost PCTY</b>	<b>Units Cost PCTY/PISD/CC</b>	<b>Units Cost PCTY/FISD/CC</b>	<b>Units Cost PCTY/PISD/FISD/CC</b>			
Total Judge Hours	0	\$0.00	154	\$1,848.00	0	\$0.00	42	\$504.00
Total Alt. Judge & Clerk Hours	0	\$0.00	616	\$6,160.00	0	\$0.00	168	\$1,680.00
Church Rental	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
Pickup & Delivery of Supplies	0	\$0.00	11	\$275.00	0	\$0.00	3	\$75.00
Total		\$0.00		\$8,283.00		\$0.00		\$2,259.00
Number of Entities Sharing Costs		1		3		3		4
SubTotal		\$0.00		\$2,761.00		\$0.00		\$564.75
<b>Grand Total</b>		<b>\$3,325.75</b>						

### ADMINISTRATIVE EXPENSES

Number of Early Voting Locations	7	0	7	0	0			
Number of Election Day Locations	14	0	11	0	3			
	<b>Units</b>	<b>Cost PCTY</b>	<b>Units Cost PCTY/PISD/CC</b>	<b>Units Cost PCTY/FISD/CC</b>	<b>Units Cost PCTY/PISD/FISD/CC</b>			
Manual Recount Deposit	0	\$0.00	1	\$60.00	1	\$60.00	0	\$0.00
Process Pollworker Checks	0	\$0.00	90	\$135.00	0	\$0.00	15	\$22.50
Process Election Judge Notices	0	\$0.00	36	\$54.00	0	\$0.00	6	\$9.00
Total		\$0.00		\$249.00		\$60.00		\$31.50
Number of Entities Sharing Costs		1		3		3		4
SubTotal		\$1.00		\$83.00		\$20.00		\$7.88
<b>Grand Total</b>		<b>\$111.88</b>						

## TABULATION

Tabulation Network	\$4,000.00
Programming	\$2,050.00
Spanish Interpreter f/Audio Ballot	\$350.00
Notice of Inspection/Tabulation Test	<u>\$2,800.00</u>
Total	\$9,200.00
Number of Entities	<u>30</u>
Total Per Entity	\$306.67

## CENTRALIZED COSTS

Early Voting Ballot Board	\$2,800.00
Cost for Central Count Workers	\$1,000.00
FICA on Election Workers	\$5,000.00
Assemble EV Location	\$50.00
Early Voting Machines in McKinney (8)	\$1,200.00
Early Voting Personnel in McKinney	\$4,100.00
Early Voting Computer in McKinney	\$300.00
Printer Labels for Early Voting in McKinney	\$75.00
Warehouse Gas Mileage	\$1,000.00
Ballot Style Setup Fee & Delivery	\$400.00
County Overtime and Temporaries	\$20,000.00
FICA & Retirement for County Employees	<u>\$2,750.00</u>
Total	\$38,675.00
Number of Entities	<u>22</u>
Total Per Entity	\$1,757.95
<b>Total for Tabulation &amp; Centralized Costs</b>	<b>\$2,064.62</b>

h



## JOINT ELECTION AGREEMENT

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

The City, Schools and College do hereby agree, pursuant to the provisions of the Texas Election Code, to hold a joint election for the General Elections of the parties and the Special Elections of the City to be held on Saturday, May 11, 2013, for the purposes of establishing the terms and conditions for sharing expenses associated with the elections to be held on that date, and any runoff election(s) that may be required. Each of these parties will contract individually with the Collin County Elections Administrator (Election Administrator) to perform various duties and responsibilities on their behalf and to be charged expenses in accordance with the terms of this Agreement.

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

1. The parties shall divide equally the expenses for all Collin County **early voting** locations where City ballots are available with the following exceptions:
  - a. FISD and the College shall be responsible for early voting expenses at Preston Ridge Campus of Collin College.
  - b. PISD and the College shall be responsible for early voting expenses at Murphy Municipal Complex and Renner Frankford Branch Library.
2. City, PISD and the College shall divide equally the election day expenses for Collin County voter polling locations located within the City. FISD shall also pay a pro-rata share of expenses for three election day polling locations at: Bethany Elementary School, Robinson Middle School and Tom Muehlenbeck Recreation Center.

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

Tabulation and centralized costs shall be shared equally between the actual number of entities holding an election on May 11, 2013. Each entity shall be solely responsible for its fees incurred under this Agreement. Any dispute regarding the expenses shall be resolved by the parties affected.

Cancellation of Election. An entity canceling an election pursuant to Section 2.053 of the Texas Election Code will not be liable for costs incurred by the Elections Administrator in conducting the remaining May 11, 2013, Joint Elections; however, the entity will be liable to Collin County Elections Administrator for any contract preparation fees.

**APPROVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS** in its meeting held the \_\_\_\_\_ day of \_\_\_\_\_, 2013, and executed by its authorized representative.

By: \_\_\_\_\_  
Bruce D. Glasscock, City Manager

Attest: \_\_\_\_\_  
Diane Zucco, City Secretary

Approved as to form: \_\_\_\_\_  
Diane C. Wetherbee, City Attorney

**APPROVED BY THE TRUSTEES OF THE PLANO INDEPENDENT SCHOOL DISTRICT** in its meeting held the \_\_\_\_\_ day of \_\_\_\_\_, 2013, and executed by its authorized representative.

By: \_\_\_\_\_  
Richard Matkin, Superintendent of Schools

Attest: \_\_\_\_\_  
Tammy Richards, President Board of Trustees

**APPROVED BY THE TRUSTEES OF THE FRISCO INDEPENDENT SCHOOL DISTRICT** in its meeting held the \_\_\_\_\_ day of \_\_\_\_\_, 2013, and executed by its authorized representative.

By: \_\_\_\_\_  
Jeremy Lyon, Superintendent of Schools

Attest: \_\_\_\_\_  
Renée Ehmke, President Board of Trustees

**APPROVED BY THE TRUSTEES OF THE COLLIN COUNTY COMMUNITY COLLEGE DISTRICT** in its meeting held the \_\_\_\_\_ day of \_\_\_\_\_, 2013, and executed by its authorized representative.

By: \_\_\_\_\_  
Dr. Cary A. Israel, President

Attest: \_\_\_\_\_  
Kim Davison, Vice President





**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		March 6, 2013		
Department:		City Manager's Office		
Department Head		Bruce Glasscock		
Agenda Coordinator (include phone #): <b>Dee Dee Falls ext. (7747)</b>				
<b>CAPTION</b>				
A Resolution of the City Council of the City of Plano, Texas, naming the Plano City Council Chambers located in City Hall the "Senator Florence Shapiro Council Chambers" 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>2012-13</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	<b>0</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	0	<b>0</b>
BALANCE	0	0	0	<b>0</b>
<b>FUND(S):    N/A</b>				
<b>COMMENTS:</b> This item has no fiscal impact.				
STRATEGIC PLAN GOAL: Naming the Council Chambers relates to the City's goals of Financially Strong City with Service Excellence and Partnering for Community Benefit.				
<b>SUMMARY OF ITEM</b>				
The City Manager and City Council recommend naming the City Council Chambers located at Plano Municipal Center the "Senator Florence Shapiro Council Chambers" in recognition of Senator Shapiro's many years of dedication and service to the community and citizens of Plano.				
List of Supporting Documents: Resolution			Other Departments, Boards, Commissions or Agencies	

**A Resolution of the City Council of the City of Plano, Texas, naming the Plano City Council Chambers located in City Hall the “Senator Florence Shapiro Council Chambers” and providing an effective date.**

**WHEREAS**, when naming a facility after a person, the City Council considers the contributions and outstanding support made by the person over the time spent in service to the community; and

**WHEREAS**, Florence Shapiro has served the City of Plano with integrity and honor as Council Member, Mayor, and Senator in the Texas Legislature; and

**WHEREAS**, during her tenure on the Council and as Mayor, Senator Shapiro received many awards and recognitions including but not limited to: Citizen of the Year from the Plano Chamber of Commerce, Plano Civic Volunteer of the Year, Political Courage Award, and Outstanding Business Woman from the Plano Chapter of Business & Professional Women; and

**WHEREAS**, Florence Shapiro was one of 13 women who founded the Junior League of Plano, and one of six who founded the Assistance Center of Collin County; and

**WHEREAS**, during her tenure in the Texas Legislature, Senator Shapiro has served on various committees including: Chair of the Senate State Affairs Committee, Chair of the Senate Education Committee, Texas Representative to the Council of State Governments Education Policy Task Force, Southern Regional Education Board, Education Commission of the States, and many others; and

**WHEREAS**, Senator Shapiro was appointed by President George W. Bush to serve on the Honorary Delegation accompanying him to Jerusalem for the 60<sup>th</sup> Anniversary of the State of Israel, named the Texas Legislator of the Year by Children’s Advocacy of Texas, and received the Distinguished Legislative Service Award from the Texas Municipal League; and

**WHEREAS**, Senator Shapiro is known as a champion of children and her work since 2003 on the Senate Education Committee led to her involvement in every piece of Texas public education legislation; and

**WHEREAS**, the Senator introduced and assisted the passage of Ashley’s Laws that protect against, adjudicate, and punish sex offenders whose victims are children.

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

**Section I.** In honor of her accomplishments and leadership as evidenced by the recitals above, the Plano City Council hereby names the Plano City Council Chambers the “Senator Florence Shapiro Council Chambers.”

**Section II.** This Resolution shall be effective upon passage.

**DULY PASSED AND APPROVED** this the 6th day of March, 2013.

---

**Phil Dyer, MAYOR**

ATTEST:

---

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

---

Diane C. Wetherbee, CITY ATTORNEY



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		3/6/2013		
Department:		City Manager		
Department Head		Frank F. Turner		
Agenda Coordinator (include phone #): <b>Sherry Jackson - Ext. 7122</b>				
<b>CAPTION</b>				
A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a Fourth Amendment to a Development Agreement by and between RH 15th Condos One, Ltd. and the City of Plano for the development of 15th Street Village; authorizing its execution by the City Manager or his authorized designee; 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>2012-13</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>
		<b>TOTALS</b>		
Budget	0	0	0	<b>0</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	0	<b>0</b>
BALANCE	0	0	0	<b>0</b>
FUND(S): <b>N/A</b>				
<b>COMMENTS:</b> This item has no fiscal impact. <b>STRATEGIC PLAN GOAL:</b> Approving the terms and conditions of the Fourth Amendment relates to the City's Goals of Financially Strong City with Service Excellence and Partnering for Community Benefit.				
<b>SUMMARY OF ITEM</b>				
Resolution approving the terms and conditions of a Fourth Amendment to a Development Agreement by and between RH 15th Condos One, Ltd. and the City of Plano for the development of 15th Street Village.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Resolution, 4 <sup>th</sup> Amendment				

**A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a Fourth Amendment to a Development Agreement by and between RH 15<sup>th</sup> Condos One, Ltd. and the City of Plano for the development of 15<sup>th</sup> Street Village; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.**

**WHEREAS**, the City Council has been presented a proposed Fourth Amendment to the Development Agreement Between the City of Plano, Texas and RH 15<sup>th</sup> Condos One, Ltd., to terminate the Agreement if certain conditions are met, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Fourth Amendment"); and

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

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

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

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

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

**DULY PASSED AND APPROVED** this the 6<sup>th</sup> day of March, 2013.

\_\_\_\_\_  
Phil Dyer, MAYOR

ATTEST:

\_\_\_\_\_  
Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

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

**FOURTH AMENDMENT TO  
DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PLANO,  
TEXAS AND RH 15<sup>TH</sup> CONDOS ONE, LTD. FOR THE  
DEVELOPMENT OF 15<sup>TH</sup> STREET VILLAGE**

THIS AMENDMENT ("Fourth Amendment") is entered into by and between CITY OF PLANO, a Texas municipal corporation of Collin County, Texas (the "City"), and RH 15<sup>th</sup> Condos One, Ltd., a Texas limited partnership (the "Developer").

**RECITALS:**

**WHEREAS**, the Plano City Council on June 22, 2009, approved that certain agreement titled "DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PLANO, TEXAS AND RH 15<sup>TH</sup> CONDOS ONE, LTD FOR THE DEVELOPMENT OF 15<sup>TH</sup> STREET VILLAGE" (the "Agreement"), and authorizing the City Manager to execute same; and

**WHEREAS**, the Plano City Council on December 14, 2009, approved a First Amendment to the Agreement to extend the time for commencement of the project; and

**WHEREAS**, the Plano City Council on November 28, 2011, approved a Second Amendment to the Agreement to extend the time for commencement of the project; and

**WHEREAS**, the Plano City Council on June 25, 2012, approved a Third Amendment to the Agreement to extend the time for commencement of the project; and

**WHEREAS**, the City and Developer executed the Agreement and the First, Second and Third Amendments; and

**WHEREAS**, City and Developer have agreed to amend the Agreement to terminate all obligations and conditions contained in the Agreement upon the occurrence of certain conditions hereinafter set forth.

**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 Fourth Amendment and the Agreement, priority of interpretation shall be in the following order: Fourth, Third Amendment, Second Amendment, First Amendment, and Agreement. In consideration of the foregoing, and for other good and valuable consideration, the parties hereto agree as follows:

1. The Agreement and all successive approved Amendments shall terminate in their entirety as long as by March 31, 2013, Developer has sold and conveyed title to the "Property" shown in Exhibit A and further described as vacant townhouse lots to a single independent purchaser. Upon the occurrence of that event, Developer and City agree that all terms and conditions in the Agreement are satisfied, whether they have occurred or not, and there are no outstanding claims, obligations and responsibilities under the Agreement or any Amendment, and any claims or causes of action or other matters arising out of the same, whether known or unknown, are hereby released, discharged and waived, and the same release is binding upon any successors or assigns.

2. If the Developer fails to sell the Property shown in Exhibit A to an independent purchaser by March 31, 2013, then this Amendment to the Agreement, shall automatically terminate and be void and have no further force and effect, and the Third Amendment and Original Agreement are hereby reinstated. Notwithstanding any term to the contrary, the City shall not be required to give any notice of default for such event.

**EXECUTED** on the \_\_\_\_ day of \_\_\_\_\_ 2013, by City signing by and through its City Manager, duly authorized to execute same by Resolution No. \_\_\_\_\_ (R) approved by the City Council on March 6, 2013, and by Developer, signing by and through its authorized representative.

CITY OF PLANO:

\_\_\_\_\_  
Bruce D. Glasscock, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane C. Wetherbee, City Attorney

RH 15<sup>th</sup> CONDOS ONE, LTD, a Texas limited liability partnership

\_\_\_\_\_  
Todd Etter  
Partner



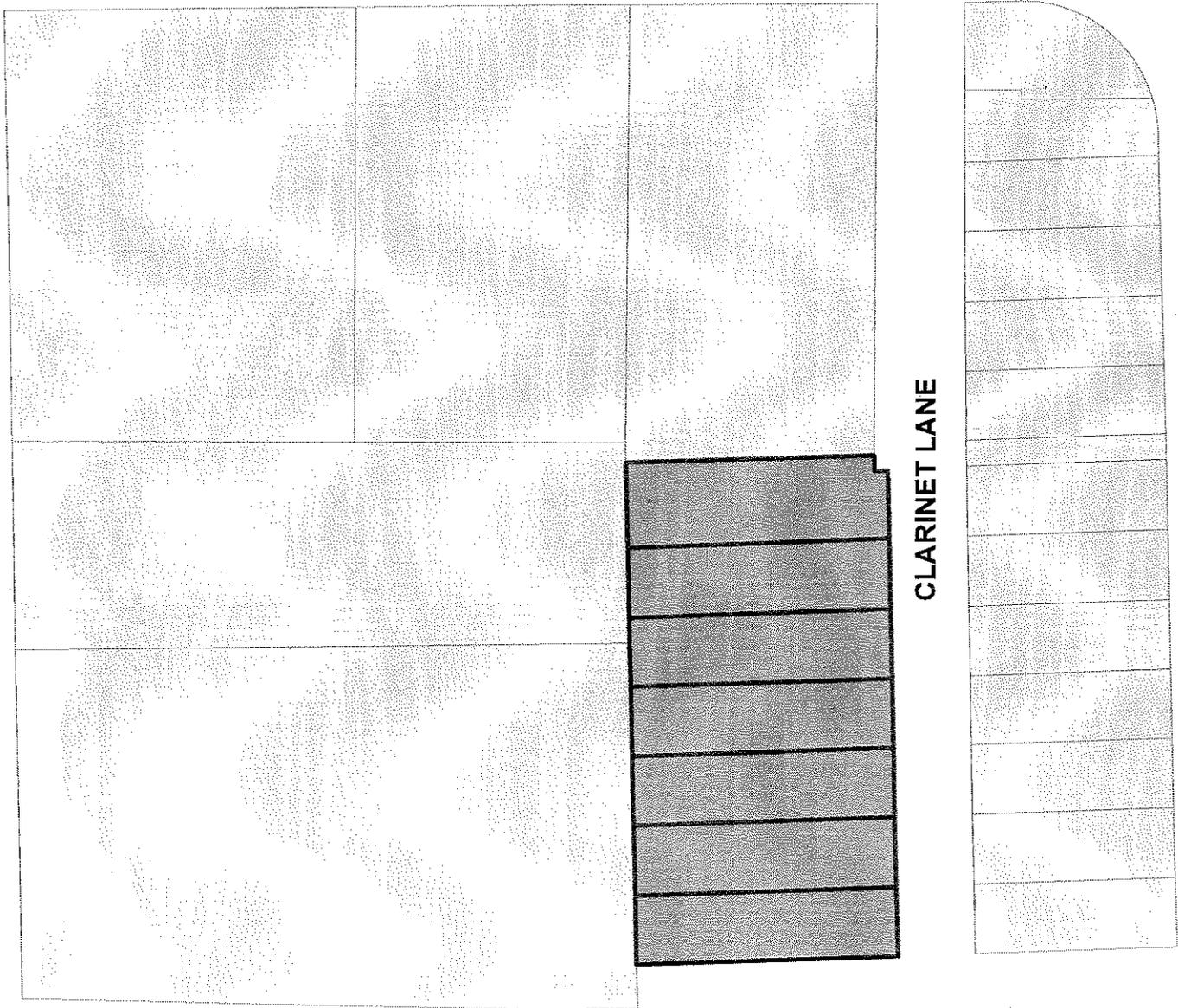
# Exhibit A

## 15<sup>TH</sup> Street Village Vacant Townhouse Lots

Source: City of Plano, GIS Division  
Date: February, 2013

 Vacant Townhouse Lots  
 Parcels

15TH STREET



CLARINET LANE

G AVENUE

14TH STREET

**DISCLAIMER:** This map and information contained in it were developed exclusively for use by the City of Plano. Any use or reliance on this map by anyone else is at that party's own risk and without liability to the City of Plano, its officials or employees for any discrepancies, errors, or variances which may exist.



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		03/06/2013		
Department:		Police		
Department Head		Gregory W. Rushin		
Agenda Coordinator (include phone #): <b>Pam Haines, Ext 2538</b>				
<b>CAPTION</b>				
Conduct a public hearing on the need to continue the City of Plano's Juvenile Curfew Ordinance (Ordinance No. 94-11-11); to receive a city staff report on the effectiveness of the Juvenile Curfew Ordinance; and to determine whether the ordinance should be abolished, continued, or modified.				
<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>2012-13</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>
		<b>TOTALS</b>		
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
<b>FUND(S):    N/A</b>				
<b>COMMENTS:</b> This item has no fiscal impact.				
<b>STRATEGIC PLAN GOAL:</b> Continuing the Juvenile Curfew Ordinance relates to the City's goals of Safe Large City and Partnering for Community Benefit.				
<b>SUMMARY OF ITEM</b>				
Section § 370.002 of the Texas Local Government Code requires that every three years the City Council review its juvenile curfew ordinance (Ordinance No. 94-11-11) to determine its effect on the community and on problems the ordinance was intended to remedy; to conduct a public hearing on the need to continue the ordinance; and to decide whether to abolish, continue or modify the curfew ordinance.				
List of Supporting Documents: Memo, Exhibit "A" & "B"			Other Departments, Boards, Commissions or Agencies	



P.O. Box 860358  
Plano, Texas 75086-0358  
972-424-5678  
Fax 972-424-0099  
<http://www.planopolice.org>

## **MEMORANDUM**

**DATE:** February 25, 2013  
**TO:** LaShon Ross, Deputy City Manager  
**FROM:** Gregory W. Rushin, Chief of Police  
**SUBJECT:** Juvenile Curfew Ordinance

---

Texas statutes require that every three years the City Council review the City's Juvenile Curfew Ordinance. Texas Local Government Code Section 370.002, as added by the 74<sup>th</sup> Legislature, reads:

- (a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year thereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:
- (1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;
  - (2) conduct public hearings on the need to continue the ordinance or order; and
  - (3) abolish, continue, or modify the ordinance or order.
- (b) Failure to act in accordance with Subsections (a) (1) - (3) shall cause the ordinance or order to expire.

The following is the Police Department's analysis of the effects of the ordinance based on data from the Department and the Municipal Court.

### **SUMMARY**

1. It is the position of the Police Department and the Municipal Court that the Juvenile Curfew Ordinance is an effective tool in providing for the protection of minors and the public and for the reduction of the incidence of juvenile criminal activities. It is the recommendation that the City Council continue the Juvenile Curfew Ordinance in its current form.

### **TERMINOLOGY**

The following terms are used in this report; these definitions should be helpful:

1. Minor – used in the City of Plano curfew ordinance; means a person under seventeen years of age.
2. Juvenile offense – determined by state law; means any conduct that violates a penal law of this state or a political subdivision; includes status offenses such as runaway and truancy; state law defines a juvenile as a person age ten, but under seventeen years of age.

### **OVERVIEW OF PLANO'S ORDINANCE:**

Our curfew ordinance restricts minors from being in a public place, or on the premise of any establishment within the city, during curfew hours. Curfew hours are from 11:00 p.m. Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. the following day; and 12:01 am through 6:00 a.m. on any Saturday or Sunday. There are also penalties for parents and business owners who permit minors to engage in the prohibited conduct. The ordinance includes exemptions for minors who are out during curfew hours for certain specific purposes. Additionally, state statutes prohibit enforcement of the ordinance on persons younger than age ten. In such cases, if appropriate, the parent or business owner is the recipient of any enforcement action. Attached to this memorandum for your convenience is a copy of the ordinance. (Attachment "A")

### **DATA USED IN ORDINANCE REVIEW:**

The Police Department, with the assistance the Municipal Court Clerk's office, the Plano Independent School District (PISD), and the Frisco Independent School District (FISD), reviewed data pertaining to the ordinance and its effects. A short summary of that information follows and is offered to the Council to facilitate their review.

1. PISD reports that as of January 1, 2013, the population for enrolled elementary students is 26,115, an increase of 183 students over the 2009/10 school year. FISD, which has four (4) elementary schools in Plano, reports that the 2012/13 enrolled student population at Anderson, Borchardt, Riddle, and Taylor Elementary Schools is 2,643, an increase of 137 students over the 2009/10 school year. The PISD middle school student population for 2012/13 is 12,731, an increase of 252 students, while FISD's Fowler Middle School in Plano, reports the 2012/13 middle school student population is 1,172, an increase of 199 students over the 2009/10 school year. PISD high school (9<sup>th</sup> and 10<sup>th</sup> Grades) student population for the 2012/13 school year is 8,365, an increase of 217 students above the 2009/10 school year. These student populations represent the vast majority of persons affected by the curfew ordinance, i.e. persons younger than 17 years of age.
2. Steve Sims, Plano City Planner, reports that the number of minors in Plano increased approximately 2 percent from 63,289 in 2010 to 64,569 in 2011. As of this memorandum, 2012 population data is not available.
3. From 1991 to 1994, with no curfew ordinance in effect, there was a rise in crimes involving minor offenders. In fact, from 1991 through 1993, the number of minors involved in violent offenses increased approximately 75 percent. Since the adoption of the ordinance in 1994, although the juvenile population has increased, the number of offenses committed by minors during curfew hours has trended downward. However, since 2006 there has been an increase in juveniles committing crimes during the curfew hours. This upward trend continued during the 2010 - 2012 reporting period. See attached graph (Attachment "B").
4. The number of offenses for which minors were arrested or cited for during curfew hours increased by 21 percent between 2010 and 2012. This does not include the 243 traffic violations minors were cited for during the curfew hours.
5. Police Department records indicate that from January 1, 2010 through December 31, 2012, officers issued approximately 283 citations (an average of 94 citations per year) to minors for violation of the Juvenile Curfew Ordinance.

6. The Plano Municipal Court Judges see the curfew violation citation as an opportunity to refer juvenile offenders into a program that requires parental cooperation to resolve the charges. The violations normally do not result in fines, but instead involve either completion of various requirements of a deferred disposition, participation in Teen Court, and/or the performance of a specified number of community service hours.

According to municipal court records, from January 1, 2010 through December 31, 2012, 86 percent of the minors cited for violation of the Juvenile Curfew Ordinance either completed requirements for a deferred disposition or were referred to Teen Court or the First Offender Program.

7. Police Officers use the ordinance as a tool for the protection of minors and the public, and for the reduction of the juvenile criminal activities.

**CONCLUSION:**

The ordinance has proven to be an effective tool in curbing crimes committed by, and against, persons younger than 17. I recommend that the City of Plano continue the current Juvenile Curfew Ordinance with no changes.



Gregory W. Rushin  
Chief of Police

GWR/dra

Attachment

**Exhibit "A"**

**CITY OF PLANO CODE OF ORDINANCES  
ARTICLE III. JUVENILE CURFEW\***

---

**\*Editor's note:** Ord. No. 94-11-11, § I, adopted Nov. 14, 1994, repealed Ord. No. 94-10-36, adopted October 24, 1994, in effect repealing Ch. 14, Art. III, §§ 14-46--14-50, which pertained to juvenile curfew and derived from Ordinance No. 94-10-36. Section II of Ord. No. 94-11-11 adopted new provisions as Art. III of this chapter to read as herein set out.

**Cross references:** Youth advisory commission, § 2-231 et seq.

---

**Sec. 14-46. Definitions.**

In this article:

*Civic organization* means a nonprofit organization that sponsors or conducts social or recreational activities for youths.

*Curfew hours* means 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday, until 6:00 a.m. of the following day; and 12:01a.m. until 6:00 a.m. on any Saturday or Sunday.

*Emergency* means an unforeseen circumstance or the resulting state that calls for immediate action. "Emergency" includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

*Establishment* means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

*Guardian* means a person who, under court order, is the guardian of the person of a minor, or a public or private agency with whom a minor has been placed by a court.

*Minor* means any person under seventeen (17) years of age.

*Operator* means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

*Parent* means a person who is a natural parent, adoptive parent, or stepparent of another person; or at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

*Public place* means any place to which the public or substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

*Remain* means to linger or stay; or fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

*Serious bodily injury* means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(Ord. No. 94-11-11. § II, 11-14-94)

**Sec. 14-47. Offenses.**

- (a) A minor commits an offense if he or she remains in any public place or on the premises of any establishment within the city during curfew hours.
- (b) A parent or guardian of a minor commits an offense if he or she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- (c) The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(Ord. No. 94-11-11. § II, 11-14-94)

**Sec. 14-48. Defenses.**

- (a) It is a defense to prosecution under section 14-47 that the minor was:
  - (1) Accompanied by the minor's parent or guardian;
  - (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
  - (3) In a motor vehicle involved in interstate travel;
  - (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
  - (5) Involved in an emergency
  - (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
  - (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and

sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor.

- (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;
  - (9) Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code, as amended.
- (b) It is a defense to prosecution under section 14-47(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(Ord. No. 94-11-11. § II, 11-14-94)

**Sec. 14-49 Enforcement.**

Before taking any enforcement action under this article, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 14-48 is present.

(Ord. No. 94-11-11. § II, 11-14-94)

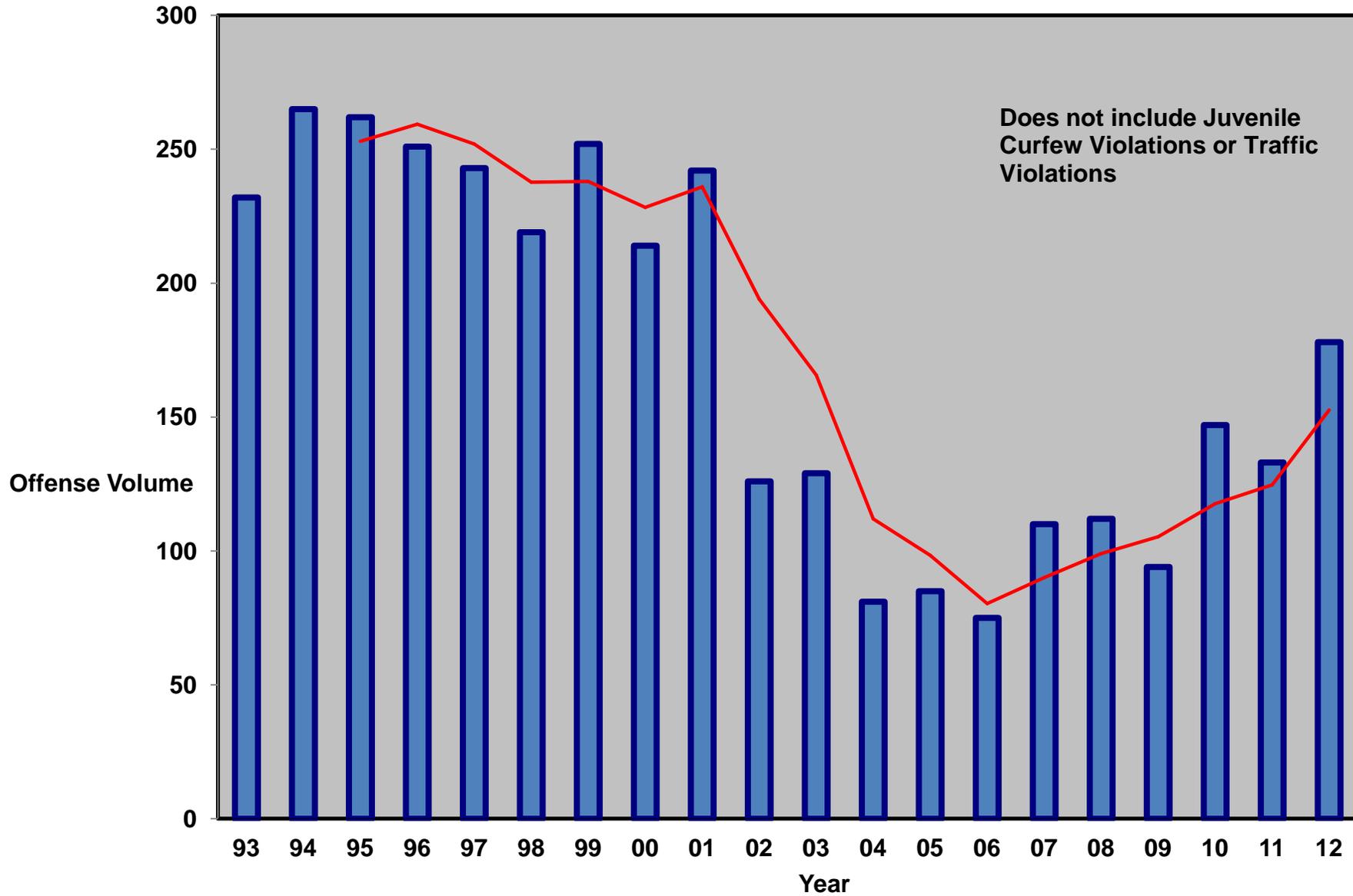
**Sec. 14-50. Penalty.**

- (a) Any person violating this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1-4.
- (b) When required by section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates section 14-47(a) and shall refer the minor to juvenile court.

(Ord. No. 94-11-11. § II, 11-14-94)

Secs. 14-51-14-65. Reserved.

## Minors' Arrests and Cites During Curfew Hours 1993 - 2012



■ Minors' Arrests and Cites During Juvenile Curfew Hours  
— 3 per. Mov. Avg. (Minors' Arrests and Cites During Juvenile Curfew Hours)

# Plano Police Department

## Juvenile Curfew Ordinance

### 2013 Status Report



**Gregory W. Rushin**  
Chief of Police

[www.planopolice.org](http://www.planopolice.org)

March 6, 2013

# § 370.002

## Local Government Code Requirements

Every 3 Years

- Review of Juvenile Curfew Ordinance
- Public hearing on the need to continue the ordinance
- Abolish, continue, or modify the ordinance

# Juvenile Curfew Ordinance History

- **Concern over increases in crime committed by minors and gang activity**
- **Minors are susceptible to participate in and become victims of crime**
- **Protect minors and public and enforce proper parental control**
- **Avoid unlawful congregation of minors in Plano, since most cities have curfews**
- **For public health, safety, and welfare**

# Curfew Ordinance

- **Person younger than 17**
- **Public place or premises of establishment**
- **Sunday - Thursday, 11:00 p.m. to 6:00 a.m.**
- **Saturday - Sunday, 12:01 a.m. to 6:00 a.m.**
- **Minor and Parent Culpability**
- **Up to a \$500 fine**

# Defenses

- **Accompanied by parent or guardian**
- **Errand for parent**
- **Traveling interstate**
- **Employment activities**
- **Emergencies**

# Defenses

- **Sidewalk in front of house**
- **Supervised school, religious, or recreational activity**
- **Exercising 1<sup>st</sup> Amendment rights**
- **Married**

# Enforcement

- **Opportunity to refer first time offenders and require parental cooperation**
- **Police use as tool for early intervention**
- **Options for juveniles cited for curfew violation include:**
  - **Trial**
  - **Deferred Disposition**
  - **Teen Court**

# Enforcement

- From January 1, 2010 to December 31, 2012, a total of 283 Notices to Appear were issued to juveniles for violation of the ordinance
- A vast majority of the cases (86%) were given deferred adjudication, referred to Teen Court or the First Offender Program

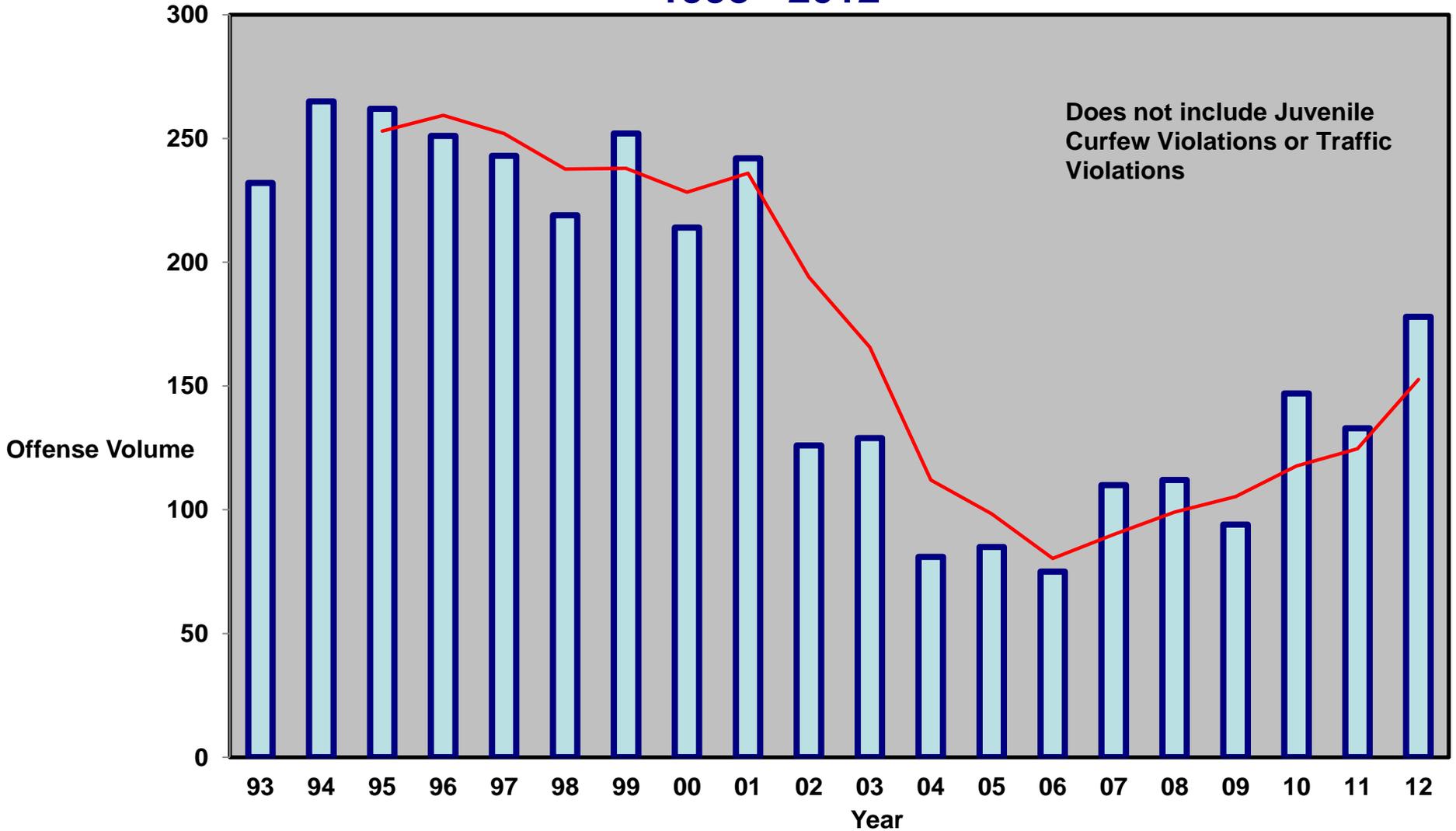
# Population vs. Crime Increases

2009/10 School Year to January 1, 2013

- **Elementary School (PISD & FISD) enrollment increased by 320 students**
- **Middle School (PISD & FISD Fowler) enrollment increased by 451 students**
- **High School (9<sup>th</sup> & 10<sup>th</sup> Grades) enrollment increased by 217 students**
- **Juvenile estimated population in Plano increased 2% from 63,289 in 2010 to 64,569 in 2011\***
- **Although there was a 21% increase in offenses between 2010 and 2012, the overall number of offenses committed by minors during curfew hours have remained consistently lower**

\* Based on data from the City Planning Department. 2012 population data is not yet available.

# Minors' Arrests and Cites During Curfew Hours 1993 - 2012



■ Minors' Arrests and Cites During Juvenile Curfew Hours

— 3 per. Mov. Avg. (Minors' Arrests and Cites During Juvenile Curfew Hours)

## Recommendation

- **The Juvenile Curfew Ordinance has proven to be an effective tool in curbing crimes committed by, and against, persons younger than 17.**
- **It is recommended that the City of Plano continue the current Juvenile Curfew Ordinance with no changes**