

# CITY COUNCIL

1520 AVENUE K



DATE: 4/9/2012

CALL TO ORDER: 7:00 p.m.

INVOCATION:

PLEDGE OF ALLEGIANCE:

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>PROCLAMATIONS &amp; SPECIAL RECOGNITION</u></b></p> <p>Proclamation: May is Motorcycle Safety Awareness Month and motorists and motorcyclists are encouraged to share the road and be alert.</p> <p><b><u>COMMENTS OF PUBLIC INTEREST</u></b></p> <p><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></p> <p><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></p> <p>March 22, 2012 March 26, 2012</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>	
(b)	Bid No. 2012-110-O for the purchase of Police Parking Lot Expansion Part III at the Police Administration Building from Williams & Thomas, L.P. dba Jamail & Smith Construction in the amount of \$173,544 and authorizing the City Manager to execute all necessary documents.	
(c)	Bid 2012-115-B Canyon Valley Trail - Silverstone Drive to Parker Road - Project No. 6100 to Jim Bowman Construction Co., LP, in the amount of \$393,980 and authorizing the City Manager to execute all necessary documents.	
(d)	Bid No. 2012-111-C for a one (1) year contract term with three (3) optional one (1) year renewals for Overhead Door Inspection and Maintenance for the Plano Facilities Department to Commercial Door Company of Dallas, Inc. dba Overhead Door Company of Dallas-Commercial in the estimated annual amount of \$66,044 and authorizing the City Manager to execute all necessary documents.	
(e)	Bid No. 2012-51-B for the purchase of two (2) Self-Unloading Belt Trailers for Fleet Services to be utilized by Compost Operations from Trinity Trailer Sales Inc. in the amount of \$171,000 and authorizing the City Manager to execute all necessary documents.	
	<p><b>Purchase from an Existing Contract</b></p>	
(f)	To approve the purchase of a False Alarm Tracking and Billing System to include Software Licenses, Installation, Data Conversion and Training for the Plano Police Department in the amount of \$66,825 from Dell Marketing L.P., through an existing contract/agreement with Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR Contract #SDD-890)	
(g)	To approve the purchase of one (1) Kenworth Truck/Tractor for Fleet Services to be utilized by Compost Operations in the amount of \$105,993 from MHC Kenworth through an existing contract/agreement with Buy Board, and authorizing the City Manager to execute all necessary documents. (Buy Board Contract #358-10)	
	<p><b>Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)</b></p>	
(h)	To approve a Professional Services Agreement by and between the City of Plano and Walter P. Moore and Associates, Inc., in the amount of \$108,540 for the Oak Hollow & Brandon Court project and authorizing the City Manager to execute all necessary documents.	
	<p><b><u>Adoption of Resolutions</u></b></p>	
(i)	To approve the terms and conditions of a First Amendment to the Economic Development Incentive Agreement between the City of Plano, Texas, and Sears Holdings Management Corporation; authorizing its execution by the City Manager; and providing an effective date.	

ITEM NO.	EXPLANATION	ACTION TAKEN
(j)	To approve the terms and conditions of a Second Amendment to the Tax Abatement Agreement by and between the City of Plano, Texas, Plano Tech Center Partners, Ltd., and GE Power Electronics, Inc. formerly Lineage Power Corporation; and authorizing its execution by the City Manager; and providing an effective date.	
(k)	To approve the terms and conditions of a First Modification of Agreement by and between the City of Plano and Legends Sales & Marketing, LLC, successor to CSL Marketing Group, LLC, authorizing its execution by the City Manager; and providing an effective date.	
(l)	To authorize a Partial Release of Public Improvement Agreement dated March 7, 1995, by Hagggar-Jezzeen Partners, a Texas general partnership ("Hagggar-Jezzeen"), J.M. Hagggar, Jr., an individual ("Mr. Hagggar") (collectively, "Hagggar") and the City of Plano, Texas, a home rule municipal corporation ("City"), authorizing the City Manager to execute the Release; and providing an effective date.	
(m)	To approve expenditures for required and customary payroll contributions in the settlement of the lawsuit styled Billy Horton, Robert Morris, Robert Prunty, Alan Spurgin, David Ratcliff, and Sam Bigham, individually and on behalf of similarly situated individuals v. City of Plano, Civil Action No. 4:10-cv-372, United States District Court, Eastern District of Texas, Sherman Division in addition to the previously approved amount of \$554,333; authorizing the City Manager to execute any and all documents necessary to authorize such expenditure; and providing an effective date.	
	<b><u>Adoption of Ordinances</u></b>	
(n)	To amend Section 12-74(b) of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to amend the prima facie maximum speed limits for motor vehicles operating on certain sections of 14th Street within the corporate limits of the City of Plano; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a penalty clause, a severability clause, a savings clause, a publication clause, and an effective date.	
(o)	To amend Section 12-101 of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to prohibit stopping, standing, or parking of motor vehicles on certain sections of Ridgeway Lane, within the city limits of the City of Plano; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadway within the limits herein defined; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a penalty clause, a severability clause, a savings clause, a publication clause, and an effective date.	
(p)	To abandon all right, title and interest of the City, in and to that certain 15' Temporary Drainage Easement recorded in Volume 4590, Page 950, of the Land Records of Collin County, Texas and being situated in the Samuel Brown Survey, Abstract No. 108, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Legacy North PT MFA V, L.P., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date.	

ITEM NO.	EXPLANATION	ACTION TAKEN
(q)	To repeal Ordinance No. 2011-9-32; establishing the number of certain classifications within the Police Department for fiscal year 2011-12; establishing the authorized number and effective dates of such positions for each classification effective April 9, 2012 respectively; establishing a salary plan for the Police Department effective April 9, 2012; and providing a repealer clause, a severability clause and an effective date.	
(r)	<p>To adopt and enact Supplement Number 98 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date.</p> <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> <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>	
(1)	<p>Public Hearing and consideration of an Ordinance to amend the Land Use Element of the Comprehensive Plan originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said chapter as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date. Applicant: City of Plano</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>	



**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:		04/09/2012		
Department:		City Manager's Office		
Department Head		Bruce Glasscock		
Agenda Coordinator (include phone #): <b>Melinda White X7548, Cindy Pierce X5161</b>				
<b>CAPTION</b>				
Proclamation: May is Motorcycle Safety Awareness Month and motorists and motorcyclists are encouraged to share the road and be alert.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
<b>FUND(S):</b>				
<b>COMMENTS:</b>				
<b>SUMMARY OF ITEM</b>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

**PLANO CITY COUNCIL  
NEIGHBORHOOD ROUNDTABLE  
DISTRICT ONE  
March 22, 2012**

**COUNCIL MEMBERS PRESENT**

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

**STAFF PRESENT**

Bruce Glasscock, City Manager  
LaShon Ross, Deputy City Manager  
Paige Mims, Deputy City Attorney  
Alice Snyder, Assistant City Secretary

The Plano City Council met informally at 7:06 p.m., Thursday, March 22, 2012, at Plano Centre, Northbrook Room, 2000 E. Spring Creek Parkway, Plano, Texas. A quorum was present. Mayor Dyer welcomed those in attendance and introduced Council. He spoke regarding the structure of the Council where all members represent citizens across the City. He informed the citizens that there will be no election this year and that there will be an election in May 2013. He spoke to the lake elevation at Lake Lavon being full which hasn't occurred in two years. He encouraged citizens to continue to conserve on watering. Staff introduced themselves.

**FY 2011-2012 Budget Update**

Director of Budget and Research Rhodes-Whitley advised that the Three Year Financial Forecast will be presented to Council on Monday, March 26, 2012. She advised the total combined operating budget for 2011-12 is \$410 million. She stated that the Central Appraisal District's preliminary estimate for next year is that existing home values will be relatively flat with a little new growth for the City. Ms. Rhodes-Whitley stated that sales tax for this year is up \$4.1 million primarily due to a \$3 million positive audit adjustment from the State Comptrollers Office.

Ms. Rhodes-Whitley spoke regarding the budget calendar. She spoke to the Citizen Survey and responded to citizen questions regarding the sales tax audit adjustment and the City's base sales tax projection, which she informed, is \$57 million. Mayor Dyer encouraged citizens to spend money in Plano.

## **Economic Development Progress Report**

Director of Economic Development Bane spoke to creating job opportunities, diversifying the economic base to cushion against economic shock, and increasing the tax base. She spoke to contributions made by companies and efforts of Economic Development through outreach and recruitment; retention and marketing; and business expansion. Ms. Bane reviewed past and recent projects (Pizza Hut, Denbury Resources, Encana Oil & Gas, Capital One, O'Neil Digital Solutions, Hyundai Capital America and Golden Living (GGNSC)), utilization of the web site, challenges and opportunities. She reviewed the establishment of the incentive fund in 2006 and spoke to almost 13,000 jobs retained or created through the economic development fund since its inception with a median salary of \$78,000. Ms. Bane stated the fund has been well distributed around the community and that small businesses have also benefitted. She encouraged citizens to shop in Plano and to do business-to-business sales in Plano.

## **Stage 3 Water Conservation Measures**

Director of Public Works Cosgrove spoke to the water situation rapidly changing due to recent rainfall. He spoke regarding Stage 3 which includes watering one day every other week from November-March, which was expanded in December to include April and May. He spoke to the success of conservation efforts and stated the City is still unable to use water from Lake Texoma (28% of the supply). He stated due to recent rainfall, the forecast is looking better in regards to drought conditions and indicated the City is not in a drought area. Mr. Cosgrove informed attendees, as of today, the elevation at Lake Lavon is 492.34 feet and two other reservoirs have gone up as well in the last three days. Mr. Cosgrove stated the City Manager will be meeting with the North Texas Municipal Water District to discuss lessening restrictions. He asked citizens to continue to conserve water. Mr. Cosgrove responded to questions from attendees clarifying the current water restrictions, addressing the actions currently being taken for the zebra mussels, and the plans of building a new pipeline.

## **Community Investment Projects (CIP)/Street Repairs/Improvements – District 1**

Director of Public Works Cosgrove reviewed recently completed projects in the district including Chaparral Road from Avenue K to the east City limits, 14<sup>th</sup> Street from Avenue K to Ridgewood Drive and the Southeast Industrial Water Tank repaint project. He spoke to projects under construction including Jupiter Road at Summit Avenue and Technology Drive. Mr. Cosgrove spoke to future projects including Stadium Pump Station, Split Trail (old Highway 5) from Avenue K to Spring Creek Parkway and Park Boulevard (pedestrian crossing). Mr. Cosgrove spoke to intersection improvements on the Park Boulevard Corridor (Alma Road, Avenue K and Jupiter Road), Parker Road Corridor (Alma Road), Los Rios Boulevard (14<sup>th</sup> Street and Plano Parkway) and Shiloh Road and Plano Parkway. He spoke to pavement improvements at Alma Road from 15<sup>th</sup> Street to Hedgcoxe Road, Avenue K from PGBT to Chaparral Road, Plano Parkway from Avenue K to Los Rios Boulevard, Alma Road, Parker Road, US 75 and Park Boulevard corridor. He spoke to sidewalk improvements in the Technology area.

Mr. Cosgrove responded to a citizen, advising that the City has created a bike route system through Plano (168 miles). Director of Parks and Recreation Fortenberry advised regarding the use of Google Maps to locate bike routes/trails. Mr. Cosgrove responded to citizens inquiring about intersection improvements, median improvements and overflow of manholes. Mayor Dyer thanked the citizens again for their water conservation efforts.

## **Community Development**

Director of Planning Jarrell spoke to the transformation of the Downtown area. She spoke to few vacancies, new and diverse businesses in Downtown Plano as well as renovations and new construction (Sutton Place Antiques, Posh Nosh, Daisy's, former Art Centre of Plano building which is now Bedrock Manufacturing and 14<sup>th</sup>/J Avenue). She spoke of the Southern Land Project (currently Eisenberg Skate Park) which will begin demolition in mid-April and impact downtown parking. She also anticipates DART's paid parking program will impact parking elsewhere in the downtown area due to overflow.

Ms. Jarrell spoke of the Cottonbelt Commuter Rail Line and the possibility of two station locations in Plano (12<sup>th</sup> Street/Avenue K and Shiloh Road). She stated the Cottonbelt Line would go from southwest of Ft. Worth to Wylie, possibly Greenville in the future and that a benefit would be the line would go directly to DFW Airport. Ms. Jarrell stated that currently there is no funding for the construction of this line and DART and the Council of Governments is considering ridership and construction costs to determine the location of stations. Ms. Jarrell stated there is a lot of community support and that a petition in support of the two Plano stations was presented to the DART Board by the Chamber of Commerce, Historic Downtown Plano Association and the Southeast Plano Business Alliance.

Ms. Jarrell spoke of the Research/Technology District and attraction of residential development. She stated a zoning request change is coming forward to the Planning & Zoning Commission for the area east of Los Rios Parkway around 14<sup>th</sup> Street.

Mayor Dyer introduced Director of Public Information Conklin to talk about the "*Fix it Plano Program*." Ms. Conklin spoke to the program allowing citizens a broadened opportunity to report concerns, track work requests and review maps for current conditions. She spoke to access via the internet, telephone, or text with a smart phone application, and the ability to forward photos to the system. Ms. Conklin advised that Staff also provides information regarding issues.

Director of Policy and Government Relations Israelson spoke of a new program "*Blackboard Connect*" that the City will be implementing in the next 5-6 weeks. He stated it is a mass communication module allowing citizens to choose services and a method of notification.

Mr. Israelson advised that the City has partnered with Utility Services Partners, Inc. to provide warranty coverage for service lines (water and sewer) from the street to the home. Mr. Israelson also stated that there are other similar services, but the City's official partner is Utility Services Partners, Inc.

Mayor Dyer opened the floor for general questions. Chief Rushin responded to attendees regarding the Day Labor Center, Mayor Dyer spoke to cities receiving DART services through agreements and to regional transportation. Ms. Jarrell spoke to the property at the northwest corner of Park Boulevard and Avenue K. Nothing further was discussed and Mayor Dyer adjourned the session at 8:24 pm.

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**Phil Dyer, Mayor**

ATTEST:

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Alice D. Snyder, Assistant City Secretary

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
March 26, 2012**

**COUNCIL MEMBERS PRESENT**

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

**COUNCIL MEMBERS ABSENT**

James Duggan

**STAFF PRESENT**

Bruce Glasscock, City Manager  
Frank Turner, Deputy City Manager  
LaShon Ross, Deputy City Manager  
Diane Zucco, City Secretary

Mayor Dyer called the meeting to order at 5:03 p.m., Monday, March 26, 2012, 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; receive information regarding Economic Development, Section 551.087; and discuss Real Estate, Section 551.072 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Dyer reconvened the meeting back into the Preliminary Open Meeting at 5:50 p.m.

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

No items were brought forward.

**DART Report**

DART Vice President of Planning and Development Todd Plesko spoke to the surge in ridership in 2008 beyond the capacity of some park and ride lots and resultant expansions. He spoke to the impact of non-resident customers and evaluation of methods to address concerns. Mr. Plesko advised that DART has authorized a paid parking demonstration project. He spoke to the contract with a private vendor, reviewed rates and provided information regarding registration and monitoring. Council Member Dunlap stated concern regarding the fees for resident reserve parking as compared to those of non-residents. Mr. Plesko responded to Deputy Mayor Pro Tem Smith regarding possible prioritization for member city residents. City Manager Glasscock and Deputy City Manager Turner advised the Council that Staff would work to monitor and evaluate any possible impacts on the Downtown Plano Station.

DART Board Representative Faye Wilkins responded to Deputy Mayor Pro Tem Smith advising that a “smart card” is part of future plans and to Council Member Dunlap that she will review the resident versus non-resident parking rates.

### **Discussion and Direction re Water Restrictions Update**

City Manager Glasscock spoke to revision of models from the North Texas Municipal Water District after increased rain in the region. He spoke to the success of conservation efforts and his recommendation to continue in Stage 3 with watering permitted one day per week. Mr. Glasscock spoke to continued education/monitoring, water release from Lake Lavon required for flood control, and the lack of access to water from Lake Texoma. He requested future consideration of a modification to the ordinance providing the City Manager authority to implement emergency measures for a short term (45-90 days). Council Member Harris stated concern that citizens are conserving when water is being released downstream. Mr. Glasscock advised that Staff will request further information from the district and request the district provide incentives for conservation. Director of Policy and Government Relations Israelson advised that Staff will review providing credits for commercial properties similar to those issued for residences. Council Member Dunlap spoke regarding the presence of zebra mussels in Lake Texoma impacting the water supply.

### **Discussion and Direction Regarding Proposal for Electric Charging Stations**

Sustainability and Environmental Services Manager Smouse spoke regarding the Resource Conservation Committee whose goal is to create a culture within the organization that values resource conservation and incorporates sustainable practices into all City operations and programs and the *Clean Fleet Program* utilizing right-size and alternative vehicles and evaluating fuel alternatives. He spoke to the proposed plan: partnering with ECotality to provide up to 20 charging stations at eight City sites by April 30 at no cost to the City. He responded to Deputy Mayor Pro Tem Smith regarding the locations selected based on evaluation of electrical connections, parking and availability of the main power box. Mr. Smouse advised that future access may be provided in the central portion of the City by a commercial location. He reviewed benefits of the program: service to the community, providing educational outreach, supporting the Electric Vehicle Project and advancing internal and external use of the vehicles. Mr. Smouse spoke regarding consideration of ADA locations and advised that base rates may be revised to ensure costs are covered.

### **Update Regarding Parker Road Corridor**

Director of Engineering/Public Works Cosgrove reviewed intersection improvements at Parker Road and Coit Road, Custer Road and Alma Drive. He advised that trees will be impacted at Custer Road/Parker Road. Deputy Mayor Pro Tem Smith requested consideration of saving or replanting some of the trees at this location.

### **Outdoor Warning Siren Activation Criteria**

Director of Emergency Management & Public Safety Communications Timmons provided a briefing on the Outdoor Warning System, advising that Plano activates the sirens when the National Weather Service issues a tornado warning or severe thunderstorm warning. He spoke to a recent Integrated Warning Team Workshop which included discussion of criteria utilized by area agencies in initiating warnings. Mr. Timmons spoke to having a family plan in place and utilization of a weather radio. He responded to Deputy Mayor Pro Tem Smith, advising that an override of the cable system is no longer available, but that information will be provided on Plano Television Network. Ms. Smith spoke to citizens receiving information via the Blackboard system in the future.

### **Comprehensive Monthly Financial Report**

Director of Finance Tacke advised that the February 2012 report finds General Fund revenues up slightly as a percentage of budget as compared to last year while Water and Sewer revenues are down slightly. She stated that actual General Fund revenues are up \$8.7 million, primarily due to an increase in ad valorem taxes and an increase in sales tax resulting from an audit adjustment. Ms. Tacke also stated revenues were up in court fines, electric and cable franchises and ambulance services. She spoke to sponsorship revenue resulting from an agreement with Texas Health Presbyterian Hospital. Ms. Tacke advised that General and Water & Sewer Fund expenditures are up slightly as a percentage of budget, as well as Golf Course Fund expenditures. She advised that the unemployment rate is up slightly to 6.5%. Ms. Tacke stated sales tax collections for the month of March are down by \$180,000.

### **Council Items for discussion/action on future agendas**

No items were discussed.

### **Consent and Regular Agendas**

Council Member Dunlap requested that Consent Agenda Items "C," Bid No. 2012-92-B for the Technology/Industrial Sidewalk and Barrier Free Ramp Project, Project No. 6200 to Jim Bowman Construction Company, L.P., in the amount of \$296,060 and "E," Bid No. 2012-93-B for the 2011-2012 Arterial Concrete Pavement Rehabilitation, K Avenue – SH 190 to Chaparral Road, Project No. 6183 to Jerusalem Corporation in the amount of \$592,625 be removed for individual consideration due to possible conflicts of interest.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:55 p.m.

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**Phil Dyer, MAYOR**

ATTEST

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Diane Zucco, City Secretary

**PLANO CITY COUNCIL**  
**March 26, 2012**

**COUNCIL MEMBERS PRESENT**

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

**COUNCIL MEMBERS ABSENT**

James Duggan

**STAFF PRESENT**

Bruce Glasscock, City Manager  
Frank Turner, Deputy City Manager  
LaShon Ross, Deputy City Manager  
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, March 26, 2012, at 7:04 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Pastor Brian McClane of Northpointe Church led the invocation and Jr. Girl Scout Troop 3115 of Skaggs and Andrews Elementary Schools and Cub Scout Pack 25, Wolf Den 1 of Custer Road United Methodist Church led the Pledge of Allegiance.

**PROCLAMATIONS & SPECIAL RECOGNITION**

Mayor Dyer presented special recognition to the Plano Children's Theatre .

**COMMENTS OF PUBLIC INTEREST**

No one appeared to speak.

**CONSENT AGENDA**

Upon the request of Council Member Dunlap, Consent Agenda Items "C" and "E" were removed for individual consideration due to possible conflicts of interest.

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

**Approval of Minutes** (Consent Agenda Item “A”)  
March 6, 2012

**Approval of Expenditures**

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

**CSP No. 2012-89-C** for a one (1) year contract with three (3) City optional renewals for Summer Arts Program for Public Information Department to Art Centre of Plano, Inc., in the amount of \$55,290 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

**Bid No. 2012-109-B** for the Screening Wall – Woodburn & Ohio project to Tracon Ventures, Ltd., in the amount of \$321,783 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

**Bid No. 2012-108-B** for Willowcreek Park and Shoshoni Park, Lighting Improvements to Illuminations by Greenlee in the amount of \$165,395 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

**Bid No. 2012-69-C** for a one (1) year contract with three (3) optional one (1) year renewals for a Lease Vehicle Program for the Plano Police Department to Acme Auto Leasing, LLC in the estimated annual amount of \$148,200 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

**Rejection of all Proposals for CSP No. 2012-65-C** for Automated Bill Payment Kiosk for Customer and Utility Services. (Consent Agenda Item “H”)

**Purchase from an Existing Contract**

To approve the purchase of Premier Support Services, in the amount of \$70,620 from Microsoft Corporation, through an existing contract with the State of Texas Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR Contract No. DIR-SDD-821) (Consent Agenda Item “I”)

To approve the purchase of maintenance and support for network infrastructure switches in the amount of \$237,937 from INX, LLC, through an existing contract with the State of Texas Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1386) (Consent Agenda Item “J”)

To approve the purchase of replacement personal computers and laptops, in the amount of \$500,000 from Dell Marketing, LP, through an existing contract with the State of Texas Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR Contract No. DIR-SDD-890) (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 Pipeline Analysis, LLC, in the amount of \$65,555 for the Prairie Creek Basin Infiltration/Inflow Analysis, 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 Harrington Engineering, Inc., in the amount of \$207,420 for the Parker Road Corridor – Civil Design Plans and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “M”)

**Adoption of Strategic Vision**

Adoption of City Council 2012 Strategic Vision. (Consent Agenda Item “N”)

**Adoption of Resolutions**

**Resolution No. 2012-3-6(R):** To approve the terms and conditions of an Economic Development Incentive Agreement by and between Ericsson Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “O”)

**Resolution No. 2012-3-7(R):** To approve the terms and conditions of an Economic Development Incentive Agreement by and between Ericsson Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “P”)

**Resolution No. 2012-3-8(R):** To certify that the City is eligible to receive financial assistance under the North Central Texas Council of Governments Grant Program through funding from the Texas Commission on Environmental Quality certifying that the City’s matching share is readily available; designating the Director of Parks and Recreation as being responsible for acting for and on behalf of the City of Plano for the purpose of applying for and participating in the North Central Texas Council of Governments Grant Program; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “Q”)

**Resolution No. 2012-3-9(R):** To authorize the filing of an application for regional funds in an amount not to exceed \$18,420 for a Food Waste Composting Education Program through the North Central Texas Council of Governments; designating Nancy Nevil as authorized representative of the City of Plano for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. (Consent Agenda Item “R”)

**Resolution No. 2012-3-10(R):** To authorize the filing of an application for regional funds in an amount not to exceed \$118,534 for a Right Place, Right Time, Right Stuff Recycling Improvement Strategy through the North Central Texas Council of Governments; designating Nancy Nevil as authorized representative of the City of Plano for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. (Consent Agenda Item “S”)

**Resolution No. 2012-3-11(R):** To ratify an expenditure for the maintenance and support of Naviline Software Products provided by SunGard Public Sector, Inc., the sole source provider of Naviline Software Products in an amount not to exceed \$125,698; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “T”)

**Resolution No. 2012-3-12(R):** To appoint the Chief Municipal Judge and Associate Judges of the Municipal Court of Record of the City of Plano, setting the terms of office and compensation for the judges; and providing an effective date. (Consent Agenda Item “U”)

**Resolution No. 2012-3-13(R):** To find Officer Christer Matthews is entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Judy Ray v. Christer Matthews, in the United States District Court for the Eastern District of Texas, Sherman Division, Case No. 4:12-cv-00085; and providing an effective date. (Consent Agenda Item “V”)

### **Adoption of Ordinances**

**Ordinance No. 2012-3-14:** To amend Section 12-104.5(a) to Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas regulating the parking of motor vehicles in certain designated public parking lots within the downtown area; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “W”)

**Ordinance No. 2012-3-15:** To abandon all right, title and interest of the City in a portion of that certain 59,139 square foot Temporary Drainage Easement, recorded in Volume 4266, Page 47, Deed Records of Collin County, Texas, and being situated in the Maria C. Vela Survey, Abstract No. 935, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, COLE of Plano TX, LLC, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “X”)

**Ordinance No. 2012-3-16:** To abandon all right, title and interest of the City in a portion of that certain 5,571 square foot Temporary Drainage Easement, recorded in Volume 4266, Page 47, Deed Records of Collin County, Texas, and being situated in the Maria C. Vela Survey, Abstract No. 935, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, West Plano Land Company, LLC, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “Y”)

**Ordinance No. 2012-3-17:** To abandon all right, title and interest of the City, in and to that certain Street & Utility Easement recorded in Volume 1152, Page 197, of the Deed Records of Collin County, Texas and being situated in the Nathan Butler Survey, Abstract No. 21, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Plano Distribution Center, Ltd., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “Z”)

**Ordinance No. 2012-3-18:** To repeal Chapter 13, Municipal Court, of the Code of Ordinances of the City of Plano and adopting a new Chapter 13, Municipal Court, to create a municipal court of record in the City of Plano; and providing a repealer clause, a savings clause, a severability clause, and an effective date. (Consent Agenda Item “AA”)

## **END OF CONSENT**

Due to possible conflicts of interest, Council Member Dunlap stepped down from the bench on the following two items which were considered concurrently.

**Bid No. 2012-92-B** for the Technology/Industrial Sidewalk and Barrier Free Ramp Project, Project No. 6200 to Jim Bowman Construction Company, L.P., in the amount of \$296,060 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

**Bid No. 2012-93-B** for the 2011-2012 Arterial Concrete Pavement Rehabilitation, K Avenue – SH 190 to Chaparral Road, Project No. 6183 to Jerusalem Corporation in the amount of \$592,625 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

Upon a motion made by Council Member Harris and seconded by Deputy Mayor Pro Tem Smith, the Council voted 6-0 to approve Bid No. 2012-92-B for the Technology/Industrial Sidewalk and Barrier Free Ramp Project, Project No. 6200 to Jim Bowman Construction Company, L.P., in the amount of \$296,060 and Bid No. 2012-93-B for the 2011-2012 Arterial Concrete Pavement Rehabilitation, K Avenue – SH 190 to Chaparral Road, Project No. 6183 to Jerusalem Corporation in the amount of \$592,625.

Council Member Dunlap resumed his seat at the bench.

**Presentation of the 2011-12 Status Report and Three-Year Financial Forecast** to City Council. (Regular Agenda Item “1”)

Director of Budget and Research Rhodes-Whitley advised that this forecast represents the first time since 2006-07 that Staff has brought forward a report that does not reflect a deficit for the coming year. She stated that every annual budget is statutorily required to be balanced; fund deficits are assumed to be rectified in the year projected; and 2011-12 is anticipated to end with 44 days of operation in the fund balance and 2012-13 with 30 days. Ms. Rhodes-Whitley stated that due to the closing of Tax Increment Financing Reinvestment Zone No. 1 and other reduced debt payments, .36 cents will be transferred to operations/maintenance from debt. She spoke to prior adjustments including a total of \$39.5 million in expenditure reductions; increased fees/fines of \$2.5 million; adoption of a 1.51 cent tax increase to cover additional debt requirements; and elimination of 142 full-time and 22 part-time positions. Ms. Rhodes-Whitley spoke to projections for assessed property values indicating they will be flat for 2013 and 2014 with a one percent increase in 2015.

Ms. Rhodes-Whitley spoke to the decision made in 2008-09 that General Fund revenues from sales tax would be capped at \$57 million with any overages applied to one-time expenditures or transferred to the Capital Reserve Fund and to consideration of moving the cap to \$59 million based on improved revenue trends. City Manager Glasscock spoke to future Council discussion of revising the cap.

## **2011-12 Status Report and Three-Year Financial Forecast (cont'd)**

Ms. Rhodes-Whitley spoke to an anticipated leveling of building and development revenues. She advised that projections include attrition, do not include salary increases or inflation for operational expenditures, and that health insurance costs are expected to remain constant. She stated that funding for the Economic Development Incentive Program will continue at two cents on the tax rate and that funding of \$1 million is included for library books. She responded to the Council regarding attrition and advised that an increase of 10% has been included in municipal garage charges to cover increased fuel costs.

Ms. Rhodes-Whitley spoke to the forecasted total of \$7.3 million for operations/maintenance of Community Investment Projects with a tax rate impact of 2.82 cents which includes the hiring of 45 firefighters at an impact of 2.67 cents. She spoke to the issuance of \$30 million in debt each year and a bond referendum in May 2013. Mr. Glasscock spoke to prior Council decisions to expand fire department services and advised that Staff will prepare "decision packets" for Council consideration of costs related to changes in service for any department. Ms. Rhodes-Whitley spoke regarding the North Texas Municipal Water District's anticipated rate increases, the City's use of reserve funds, and updating of the revenue model to reflect anticipated usage. She reviewed the Municipal Drainage and Convention and Tourism Funds and budget calendar.

**Public Hearing and adoption of Ordinance No. 2012-3-19** to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 123 for tax abatement consisting of a 19.74 acre tract of land located in the Henry Cook Survey, Abstract No. 183, Collin County and as described in Exhibit "A" attached hereto in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date. (Regular Agenda Item "2")

Economic Development Director Bane spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and to this agreement being based on an estimated \$17 million in real and \$2.2 million in business personal property for a period of ten years from January 1, 2014, with an abatement at the rate of 50% for real and business personal property.

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

Upon a motion made by Council Member Harris and seconded by Deputy Mayor Pro Tem Smith, the Council voted 7-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 123 for tax abatement; and further to adopt Ordinance No. 2012-3-19.

**Resolution No. 2012-3-20(R):** To approve the terms and conditions of an agreement by and between the City of Plano, Texas, Ericsson Inc., and Ericsson Real Estate Holdings Inc. providing for real and business personal property tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "3")

Economic Development Director Bane advised that the agreement includes 200,000 square feet of space and two multi-story parking garages, has a term of ten years and is based on 50% of both business personal and real property.

**Resolution No. 2012-3-20(R) (cont'd)**

Upon a motion made by Council Member Davidson and seconded by Mayor Pro Tem Miner, the Council voted 7-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, Ericsson Inc., and Ericsson Real Estate Holdings Inc. providing for real and business personal property tax abatement; and further to adopt Resolution No. 2012-3-20(R).

**Public Hearing and adoption of Ordinance No. 2012-3-21** to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 126 for tax abatement consisting of a 15.69 acre tract of land located in the H. Cook Survey, Abstract No. 183, Collin County and as described in Exhibit "A" attached hereto in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date. (Regular Agenda Item "4")

Economic Development Director Bane spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and to this agreement being based on an estimated \$12.7 million in real and \$2 million in business personal property for a period of ten years from January 1, 2015, with an abatement at the rate of 50% for real and business personal property.

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

Upon a motion made by Council Member Dunlap and seconded by Council Member Harris the Council voted 7-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 126 for tax abatement; and further to adopt Ordinance No. 2012-3-21.

**Resolution No. 2012-3-22(R):** To approve the terms and conditions of an agreement by and between the City of Plano, Texas, Ericsson Inc., and Ericsson Real Estate Holdings Inc. providing for real and business personal property tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "5")

Economic Development Director Bane advised that the agreement includes 150,000 square feet of space and one multi-story parking garage, has a term of ten years and is based on 50% of both business personal and real property.

Upon a motion made by Council Member Harris and seconded by Mayor Pro Tem Miner, the Council voted 7-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, Ericsson Inc., and Ericsson Real Estate Holdings Inc. providing for real and business personal property tax abatement; and further to adopt Resolution No. 2012-3-22(R).

**Ordinance No. 2012-3-23:** To provide certain Heritage Resources located in the City of Plano, Texas, partial exemption from the current year Ad Valorem Taxation in the amount of \$35,551.96 providing a severability clause and an effective date, and consideration of the appeal of the Heritage Commission's recommended denial of tax exemption for the property situated at 910 E. 17th Street. (Regular Agenda Item "6")

**Ordinance No. 2012-3-23 (cont'd)**

Senior Planner and Interim Heritage Preservation Officer Sims reviewed 2012 exemption recommendations based on use and designation, and spoke regarding the annual survey and decision process. He spoke to review of properties resulting in 69 recommendations with \$35,551.96 in City tax exemptions and one appeal received for 910 East 17<sup>th</sup> Street. Mr. Sims reviewed the concerns related to the property including leaning front steps and chipped paint.

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Davidson, the Council voted 7-0 to provide certain Heritage Resources located in the City of Plano, Texas, partial exemption from the current year Ad Valorem Taxation in the amount of \$35,551.96 as recommended by the Heritage Commission; and further to adopt Ordinance No. 2012-3-23.

Upon a motion made by Council Member Dunlap and seconded by Council Member Gallagher the Council voted 7-0 to deny the appeal for the property situated at 910 E. 17th Street.

**Public Hearing and adoption of Ordinance No. 2012-3-24** as requested in Zoning Case 2012-01 to amend Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, pertaining to private clubs; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Regular Agenda Item "7")

Planning Director Jarrell spoke to direction provided by Council in December 2011 to evaluate regulations related to private clubs. She spoke to differences between mixed beverage permits and private clubs and operators' concerns related to their ability to meet food-to-beverage ratios. Ms. Jarrell advised that since the mid-1970's, Plano has allowed on-premise consumption through a Specific Use Permit (SUP) for a private club and has adopted numerous regulations to control their number/location/size and impose a distance setback of 1,000 feet from churches, schools and other uses. She spoke to their food-to beverage ratio of 65% food/35% alcohol and state law changes in 1987 prohibiting cities from imposing more restrictive requirements than the state with existing ordinances remaining in effect.

She advised that in 2005, Plano voters approved the issuance of mixed-beverage permits with a food-and-beverage certificate, giving restaurants another option for the sale of alcohol with a 50/50 ratio of food-to-beverage sales and a 300-foot distance setback. She spoke to amendments for the Downtown Business/Government (BG) zoning district and the Central Business-1 (CB-1), allowing a private club permit without being subject to the City's more restrictive food-to-beverage requirements and stated that once local regulations are revised they may not be reenacted at a later date. Ms. Jarrell advised that the Planning and Zoning Commission recommended approval as follows:

**Ordinance No. 2012-3-24 (cont'd)**

3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses)

3.105 (Private Clubs)

1. Private clubs are allowed by right in the Downtown Business/Government and Central Business-1 zoning districts. Private club uses in these districts are prohibited within 300 feet of a religious facility or public or private school, measured as prescribed in 3.105.2.b, except that the prohibition will not apply to a property within 300 feet of a religious facility if the City Council affirmatively finds that the private club would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.
2. The following standards and regulations apply to any private club use, except for private club uses located in the Downtown Business/Government and Central Business-1 zoning districts, requiring a specific use permit:
  - a. No person shall sell alcoholic beverages if the place of business is within three hundred (300) feet of a religious facility, public or private school, or public hospital except as provided by the Texas Alcoholic Beverage Code. The sale of alcoholic beverages is also prohibited within one thousand (1,000) feet of a private school if the city council adopts by resolution a request for the one thousand (1,000) foot separation from the governing body of a private school.
  - b. The measurement of the distance between the place of business where alcoholic beverages are sold and the religious facility or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:
    - (1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
    - (2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
  - c. All private clubs shall operate in accordance with a minimum of 35% of gross receipts be derived from the sale of food, subject to an annual audit provided upon request within 90 days at the expense of the private club for review by the City Council.
  - d. All specific use permits issued for the operation of private clubs may be canceled, suspended, or revoked in accordance with the provisions of Ordinance No. 79-6-10 which is incorporated herein by reference and made a part hereof for all purposes.

**Ordinance No. 2012-3-24 (cont'd)**

Ms. Jarrell advised that the requirement for a specific use permit will be kept in place for review of locations on an individual basis, spoke to enforcement prescribed in Ordinance No. 79-6-10 done on a complaint basis only and advised that Staff will bring this ordinance back for Council consideration. She further reviewed Staff's recommendation to remove audit references currently included in Ordinance No. 79-6-10 (2c and 2d).

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

A motion was made by Mayor Pro Tem Miner and seconded by Council Member Davidson, to amend Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-01 with the following revisions:

- 2c. All private clubs shall operate in accordance with a minimum of 35% of gross receipts be derived from the sale of food.
- 2d. All specific use permits issued for the operation of private clubs may be canceled, suspended, or revoked in accordance with the provisions of Ordinance No. 79-6-10, or as the same shall be amended, which is incorporated herein by reference and made a part hereof for all purposes

The Council voted 7-0. The motion passed and Ordinance No. 2012-3-24 was adopted.

**Public Hearing and adoption of Ordinance No. 2012-3-25** as requested in Zoning Case 2012-02 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 618 so as to allow the additional use of Truck/Bus Leasing on 10.9± acres of land located at the southeast corner of U.S. Highway 75 and 13/14th Street Connector, in the City of Plano, Collin County, Texas, presently zoned Planned Development-472-Corridor Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: HD Development Properties, LP (Regular Agenda Item "8")

Director of Planning Jarrell advised that this request is related to the Home Depot site and is consistent with other uses along U.S. 75. She advised that the Planning and Zoning Commission recommended approval as submitted and responded to Council that no restriction on the number of vehicles is proposed.

Mayor Dyer opened the Public Hearing. David Behrens, representing Home Depot, spoke of their relationship with Penske Truck Rental, the average number of trucks anticipated and their parking location. No one else spoke for or against the item. The Public Hearing was closed.

**Ordinance No. 2012-3-25 (cont'd)**

Council Member Harris spoke to setting a cap for the number of trucks and Ms. Jarrell spoke to issues of enforcement. The Council discussed location where vehicles will be stored at this site, rentals resulting in fluctuating numbers of vehicles and enforcement.

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Gallagher, the Council voted 7-0 to grant Specific Use Permit No. 618 so as to allow the additional use of Truck/Bus Leasing on 10.9± acres of land located at the southeast corner of U.S. Highway 75 and 13/14th Street Connector, in the City of Plano; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-02; and further to adopt Ordinance No. 2012-3-25.

**Public Hearing and adoption of Ordinance No. 2012-3-26** as requested in Zoning Case 2012-07, to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to allow truck/bus leasing as a permitted use within the Regional Commercial zoning district; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Regular Agenda Item “9”)

Director of Planning Jarrell advised that truck/bus leasing is allowed by right in the Light Industrial-1 and -2 districts and by specific use permit (SUP) in the Corridor Commercial district, but not at all in the Regional Commercial district. She stated that the request would allow the use by SUP to give the Planning and Zoning Commission and Council an opportunity for review and would limit the use to single unit trucks with enclosed beds and two axles. Ms. Jarrell advised that the Planning and Zoning Commission recommended approval as follows: (Additions shown as underlined text.) Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), such portion of subsection to read as follows:

<i>Permitted Uses</i>	Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG - Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial
<i>Truck/Bus Leasing</i>	Auto & Related								R	R		<u>S</u> 27		R 27
<i>Bus/Truck Leasing</i>	Auto & Related								R	R		<u>S</u> 27		R 27

End Note 27: Allowed by specific use permit only for single-unit trucks with enclosed beds; maximum two axles.

**Ordinance No. 2012-3-26 (cont'd)**

Mayor Dyer opened the Public Hearing. David Behrens, representing Home Depot, requested Council approval to provide consistency in truck rentals between locations and spoke to the partnership between Home Depot and Penske. No one else spoke for or against the item. The Public Hearing was closed.

Ms. Jarrell responded to the Council, advising that if the item were approved, requests would not be restricted to accessory uses. She spoke to the location at Custer/Parker Roads being a Planned Development district and Home Depot's option to request an amendment to allow the use at that site. She advised that regulations prohibiting overnight parking of 18-wheelers and delivery trucks should not be impactful and spoke regarding parked vehicles used for advertising.

Upon a motion made by Deputy Mayor Pro Tem Smith and seconded by Council Member Dunlap, the Council voted 7-0 to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to allow truck/bus leasing as a permitted use within the Regional Commercial zoning district; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-07; and further to adopt Ordinance No. 2012-3-26.

**Public Hearing and adoption of Ordinance No. 2012-3-27** as requested in Zoning Case 2012-03 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 619 so as to allow the additional use of Private Club on 0.1± acre of land located 80± feet south of Parker Road and 700± feet east of Independence Parkway, 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 Center Associates, LTD (Regular Agenda Item "10")

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

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

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Gallagher, the Council voted 7-0 to grant Specific Use Permit No. 619 so as to allow the additional use of Private Club on 0.1± acre of land located 80± feet south of Parker Road and 700± feet east of Independence Parkway, in the City of Plano; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-03; and further to adopt Ordinance No. 2012-3-27.

**Public Hearing and consideration of an Ordinance as requested in Zoning Case 2012-04** to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 620 so as to allow the additional use of Day Care Center (In-home) on 0.2± acre of land located at the northeast corner of Westridge Drive and Dartbrook Drive, in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-9; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Richard Lissauer (Regular Agenda Item “11”)

Director of Planning Jarrell advised that this location has had an in-home day care center for a number of years, is located on a corner lot facilitating parking and that children are dropped off/picked up at different times during the day. She spoke to the center presently serving twelve children which necessitates a specific use permit and advised that the Planning and Zoning Commission recommended approval as submitted.

Mayor Dyer opened the Public Hearing. Richard and Colleen Lissauer spoke regarding operations of the center, curriculum and read letters of support. No one else spoke for or against the item. The Public Hearing was closed.

Deputy Mayor Pro Tem Smith and Council Members Gallagher and Dunlap stated concern that the request represents a commercial land use in a residential neighborhood.

A motion was made by Council Member Dunlap and seconded by Council Member Gallagher to deny the additional use of Day Care Center (In-home) on 0.2± acre of land located at the northeast corner of Westridge Drive and Dartbrook Drive, in the City of Plano. The Council voted 6-1 with Council Member Davidson voting in opposition. The motion carried.

**Public Hearing and adoption of Ordinance No. 2012-3-28** as requested in Zoning Case 2012-06 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 621 so as to allow the additional use of Day Care Center on 0.1± acre of land located 1,100± feet east of Alma Drive, 1,200± feet north of Plano Parkway, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Kezia Goodwin (Regular Agenda Item “12”)

Director of Planning Jarrell advised that the request is for a specific use permit for a day care center to be located within Collin Creek Mall. She stated that the center would be accessed through the main mall and with parking in the general lot. Ms. Jarrell advised that the Planning and Zoning Commission recommended approval as submitted.

Mayor Dyer opened the Public Hearing. Kezia Goodwin responded to the Council, advising that it will be a drop-in center not requiring outdoor play space per state regulations and reviewed the hours of service. No one else spoke for or against the item. The Public Hearing was closed.

Ms. Jarrell responded to Council Member Dunlap regarding another specific use permit in the mall.

**Ordinance No. 2012-3-28 (cont'd)**

Upon a motion made by Deputy Mayor Pro Tem Smith and seconded by Mayor Pro Tem Miner, the Council voted 7-0 to grant Specific Use Permit No. 621 so as to allow the additional use of Day Care Center on 0.1± acre of land located 1,100± feet east of Alma Drive, 1,200± feet north of Plano Parkway, in the City of Plano; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-06; and further to adopt Ordinance No. 2012-3-28.

**Public Hearing and adoption of Ordinance No. 2012-3-29** as requested in Zoning Case 2012-08 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 622 so as to allow the additional use of Transit Center/Station on 1.8± acres of land located at the southwest and northeast corners of 16th Street and J Avenue, in the City of Plano, Collin County, Texas, presently zoned Downtown Business/Government and Urban Residential; 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: City of Plano (Regular Agenda Item "13")

Director of Planning Jarrell advised that Regular Agenda items 13-16 are related to assigning specific use permits to existing DART rail and bus stations to ensure safe passenger loading/unloading, access and sufficient parking. She spoke to Council action in December 2011 to require the permits and advised that the Planning and Zoning Commission recommended approval as submitted for this item related to the Downtown Station.

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

Upon a motion made by Council Member Dunlap and seconded by Mayor Pro Tem Miner, the Council voted 7-0 to grant Specific Use Permit No. 622 so as to allow the additional use of Transit Center/Station on 1.8± acres of land located at the southwest and northeast corners of 16th Street and J Avenue, in the City of Plano, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-08; and further to adopt Ordinance No. 2012-3-29.

**Public Hearing and adoption of Ordinance No. 2012-3-30** as requested in Zoning Case 2012-09 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 623 so as to allow the additional use of Transit Center/Station on 9.8± acres of land located at the southeast corner of Commerce Drive and 15th Street, 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: City of Plano (Regular Agenda Item "14")

Director of Planning Jarrell advised that the item is related to the Jack Hatchell Transit Center and that the Planning and Zoning Commission recommended approval of the request as submitted. She responded to Deputy Mayor Pro Tem Smith, advising current ordinances related to transit stations do not allow entities other than DART to pick up or drop off passengers and that Staff will bring forward information for possible further clarification.

**Ordinance No. 2012-3-30 (cont'd)**

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

Upon a motion made by Council Member Harris and seconded by Mayor Pro Tem Miner, the Council voted 7-0 to grant Specific Use Permit No. 623 so as to allow the additional use of Transit Center/Station on 9.8± acres of land located at the southeast corner of Commerce Drive and 15th Street, in the City of Plano, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-09; and further to adopt Ordinance No. 2012-3-30.

**Public Hearing and adoption of Ordinance No. 2012-3-31** as requested in Zoning Case 2012-10 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 624 so as to allow the additional use of Transit Center/Station on 9.5± acres of land located on the east side of Communications Parkway and 800± feet south of Tennyson Parkway, in the City of Plano, Collin County, Texas, presently zoned Commercial Employment; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: City of Plano (Regular Agenda Item "15")

Director of Planning Jarrell advised that the item is related to the West Side Transit Center and that the Planning and Zoning Commission recommended approval of the request as submitted.

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

Upon a motion made by Council Member Harris and seconded by Council Member Davidson, the Council voted 7-0 to grant Specific Use Permit No. 624 so as to allow the additional use of Transit Center/Station on 9.5± acres of land located on the east side of Communications Parkway and 800± feet south of Tennyson Parkway, in the City of Plano, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-10; and further to adopt Ordinance No. 2012-3-31.

**Public Hearing and adoption of Ordinance No. 2012-3-32** as requested in Zoning Case 2012-11 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 625 so as to allow the additional use of Transit Center/Station on 24.8± acres of land located at the northwest and southwest corners of Archerwood Street and Exchange Drive, at the northeast corner of Park Boulevard and Archerwood Street, and at the southeast corner of Parker Road and Archerwood Street, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: City of Plano (Regular Agenda Item "16")

Director of Planning Jarrell advised that the item is related to the Parker Road Station and that the Planning and Zoning Commission recommended approval of the request as submitted.

**Ordinance No. 2012-3-32 (cont'd)**

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

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Harris, the Council voted 7-0 to grant Specific Use Permit No. 625 so as to allow the additional use of Transit Center/Station on 24.8± acres of land located at the northwest and southwest corners of Archerwood Street and Exchange Drive, at the northeast corner of Park Boulevard and Archerwood Street, and at the southeast corner of Parker Road and Archerwood Street, in the City of Plano; as requested in Zoning Case 2012-11 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2012-3-32.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 9:06 p.m.

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**Phil Dyer, MAYOR**

ATTEST:

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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:		April 9, 2012		
Department:		Purchasing		
Department Head		Diane Palmer-Boeck		
Agenda Coordinator (include phone #): <b>Michael Parrish x7554</b>				
<b>CAPTION</b>				
Bid No. 2012-110-O for the purchase of Police Parking Lot Expansion Part III at the Police Administration Building from Williams & Thomas , L.P. dba Jamail & Smith Construction in the amount of \$173,544 and authorizing the City Manager to execute all necessary documents.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: <b>2011-12</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	1,110,000	0	<b>1,110,000</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	-173,544	0	<b>-173,544</b>
<b>BALANCE</b>	0	936,456	0	<b>936,456</b>
<b>FUND(S):     POLICE &amp; COURT FACILITIES CIP</b>				
<p><b>COMMENTS:</b> Funds are included in the FY 2011-12 Police &amp; Court Facilities CIP. The additional funding of \$1,110,000 is a result of savings from completed projects funded by 2001 Tax Notes. The outstanding principal and interest debt from the 2001 Tax Notes were paid off and the remaining funds were reallocated to this project. This item, in the amount of \$173,544, will leave a current year balance of \$936,456 for the Police Parking Exp - Part III project.</p> <p>STRATEGIC PLAN GOAL: Expansion of the parking lot relates to the City's Goal of Safe Large City and Financially Strong City with Service Excellence.</p>				
<b>SUMMARY OF ITEM</b>				
Staff recommends bid of Williams & Thomas, L.P. dba Jamail & Smith Construction, in the amount of \$173,544, be accepted as the lowest responsive, responsible bid, and conditioned upon timely execution of any necessary contract documents. The expansion of the parking lot on the west side is necessary to provide parking for Courts and the general convenience of the public visiting downtown.				
List of Supporting Documents: Memorandum, Recap			Other Departments, Boards, Commissions or Agencies	



TO: Michael Parrish, Buyer II

FROM: Richard Medlen  
Facilities Maintenance Superintendent

DATE: March 16, 2012

SUBJECT: **Police Parking Lot Expansion Part III**

I have reviewed the bids submitted for the Police Parking Lot Expansion Part III. I am recommending award to Williams & Thomas, L.P. dba Jamail & Smith Construction, who provided the lowest responsive, responsible bid for \$173,544.

The expansion of the parking lot on the west side is necessary to provide parking for Courts and for the general convenience of the public visiting downtown. The funding for the project will come from the Tax Notes 2001 Fund.

Please let me know if you have any questions.

Thanks

/liw

Xc: Earl Whitaker  
Jim Razinha  
Glen Brashear

# CITY OF PLANO

## BID NO. 2012-110-O Police Parking Lot Expansion Part III BID RECAP

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**Bid opening Date/Time:** March 5, 2012 @ 2:00 PM

**Number of Vendors Notified:** 5

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

**Bids Evaluated Non-Responsive to Specifications:** 0

**Number of Bids Submitted:** 2

	Total Base Bid
Williams & Thomas, L.P. dba	\$173,544
Jamail & Smith Construction	
KBR-Kellogg, Brown, and Root	\$234,500

**Recommended Vendor(s):**

Williams & Thomas, L.P. dba	\$173,544
Jamail & Smith Construction	

*Michael Parrish*

March 29, 2012

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Michael Parrish, Buyer II

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Date



**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:		04/09/2012			
Department:		Public Works			
Department Head:		Gerald P. Cosgrove			
Agenda Coordinator (include phone #):		Linda Sweeney (7157)		Project No. 6100	
<b>CAPTION</b>					
Award of Bid 2012-115-B Canyon Valley Trail - Silverstone Drive to Parker Road - Project No. 6100 to Jim Bowman Construction Co., LP, in the amount of \$393,980, and authorizing the City Manager or his designee to execute all necessary documents.					
<b>FINANCIAL SUMMARY</b>					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	<b>2011-12</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget		11,740	332,000	313,000	<b>656,740</b>
Encumbered/Expended Amount		-11,740	-10,290	0	<b>-22,030</b>
This Item		0	-393,980	0	<b>-393,980</b>
BALANCE		0	-72,270	313,000	<b>240,730</b>
<b>FUND(S):</b> STREET IMPROVEMENT AND WATER CIP					
<b>COMMENTS:</b> Funds are included in the 2011-12 Street Improvement and Water CIP. This item, in the amount of \$393,980, will be encumbered during the current fiscal year and carry forward into the cash allocations of FY 2012-13.					
<b>STRATEGIC PLAN GOAL:</b> Replacement and reconstruction of concrete street pavement relates to the City's Goal of Financially Strong City with Service Excellence.					
<b>SUMMARY OF ITEM</b>					
Staff recommends the bid of Jim Bowman Construction Co., LP, in the amount of \$393,979.52, be accepted as the lowest competitive bid conditioned upon timely execution of any necessary contract documents.					
The second vendor being recommended is RKM Utility Services, Inc. in the amount of \$462,424.40. Engineers estimate was \$487,532.50.					
This project includes replacement of the existing 8" water main and reconstruction of the concrete street pavement of Canyon Valley Trail from Silverstone Drive to Parker Road. The pavement reconstruction is approximately 1,200 feet in length and runs from the southwest curb line of Silverstone Drive to the north curb line of Parker Road.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Location Map, Bid Recap		N/A			

# CITY OF PLANO

BID NO. 2012-115-B  
CANYON VALLEY TRAIL – SILVERSTONE DRIVE TO PARKER ROAD -  
PROJECT NO. 6100  
BID RECAP

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**Bid opening Date/Time:** February 27, 2012 @ 3:00 PM

**Number of Vendors Notified:** 2362

**Vendors Submitting “No Bids”:** 0

**Number of Bids Submitted:** 3

	Total Base Bid	Alt #1 Total Bid
<b>Jim Bowman Construction Co., LP</b>	<b>\$393,979.52</b>	<b>\$393,979.52</b>
RKM Utility Services, Inc.	\$462,424.40	\$462,424.40
Camino Construction LP	\$484,519.35	\$484,519.35

**Bids Evaluated Non-Responsive to Specifications:** 0

**Recommended Vendor(s):**

Jim Bowman Construction Co., LP \$393,979.52

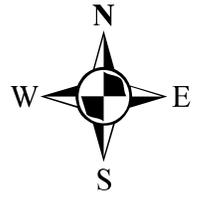
*Michael Parrish*

February 27, 2012

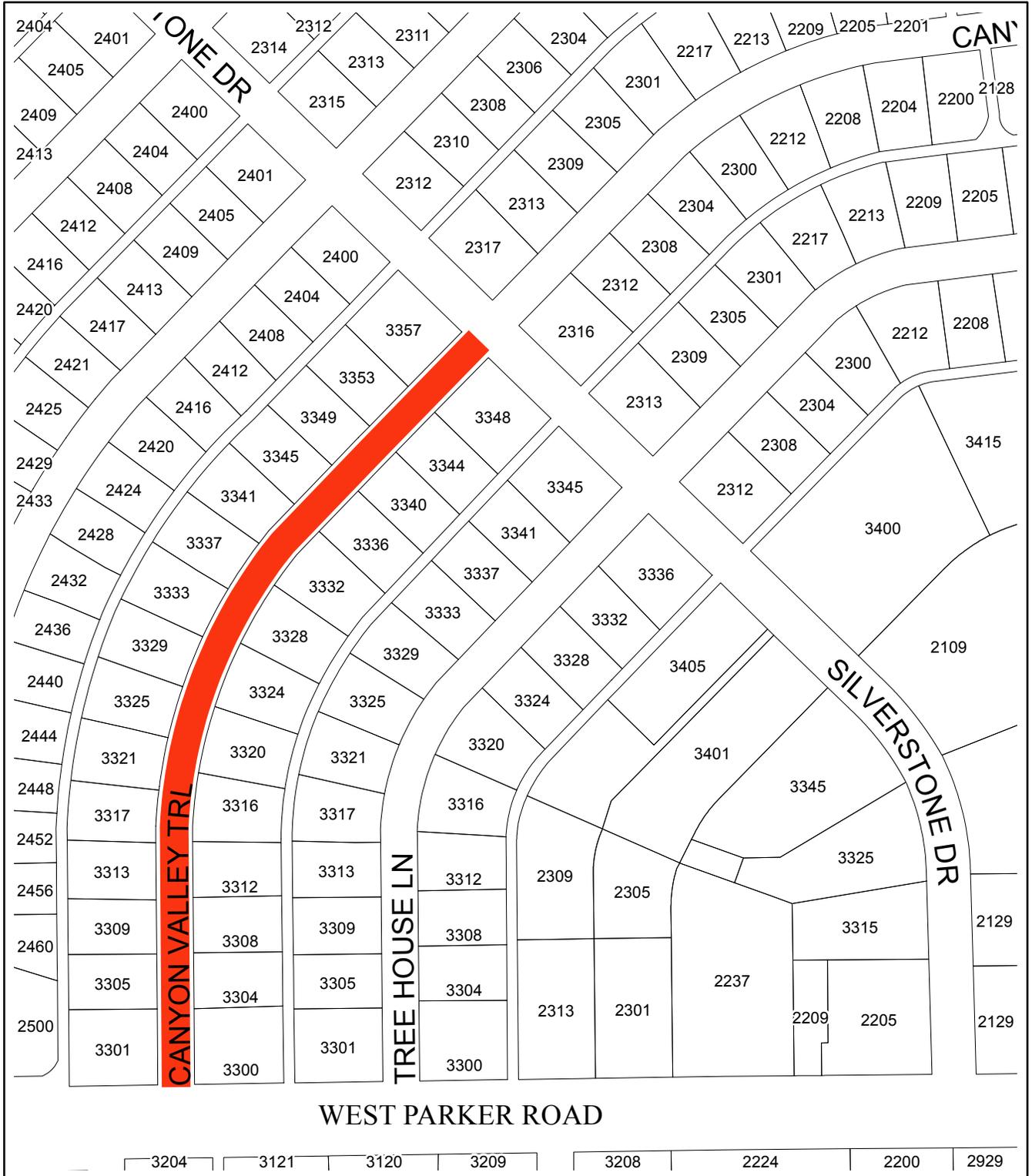
\_\_\_\_\_  
Michael Parrish, Buyer II

\_\_\_\_\_  
Date

# CANYON VALLEY TRAIL SILVERSTONE DR. TO PARKER ROAD PROJECT # 6100



1 inch = 200 feet





**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:		April 9, 2012		
Department:		Purchasing		
Department Head		Diane Palmer-Boeck		
Agenda Coordinator (include phone #): <b>Michael Parrish x7554</b>				
<b>CAPTION</b>				
Bid No. 2012-111-C for a one (1) year contract term with three (3) optional one (1) year renewals for Overhead Door Inspection and Maintenance for the Plano Facilities Department to Commercial Door Company of Dallas, Inc. dba Overhead Door Company of Dallas-Commercial in the estimated annual amount of \$66,044 and authorize the City Manager to execute all necessary documents.				
<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>2011-12</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	602,139	0	<b>602,139</b>
Encumbered/Expended Amount	0	-294,754	0	<b>-294,754</b>
This Item	0	-66,044	0	<b>-66,044</b>
<b>BALANCE</b>	0	241,341	0	<b>241,341</b>
<b>FUND(S):     GENERAL FUND</b>				
<b>COMMENTS:</b> Funds are included in the FY 2011-12 Adopted Budget. This item, in the amount of \$66,044, will leave a current balance of \$241,341 in Maintenance Agreements and Contractual Repairs.				
<b>STRATEGIC PLAN GOAL:</b> Repair and maintenance of 206 overhead doors throughout the City relates to the City's Goal of Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
Staff recommends the purchase of Overhead Door Inspection and Maintenance for the Plano Facilities Department from Commercial Door Company of Dallas, Inc. dba Overhead Door Company of Dallas-Commercial in the estimated annual amount of \$66,044. The annual award will not be based upon the total bid price of \$9,888. The estimated annual amount for this contract is \$66,044, which is the bid price for preventive maintenance on current equipment plus the cost of labor and material for repair work to be done on an as-needed basis. This contract is required to ensure that doors in all buildings operate to maintain building security and operate safely during emergency calls for the Police and Fire Departments.				
List of Supporting Documents: Memorandum, Recap			Other Departments, Boards, Commissions or Agencies	



TO: Michael Parrish, Buyer II

FROM: Richard Medlen  
Facilities Maintenance Superintendent

DATE: March 27, 2012

SUBJECT: **2012-111-C Overhead Door Tab Packet**

I have reviewed the bids submitted for the maintenance and repair of 206 overhead doors located throughout buildings in the city. This contract is required to ensure that the doors operate to maintain building security in all buildings and operate safely during emergency calls for the Police and Fire Departments.

I am recommending that the bid be awarded to Commercial Door Company of Dallas, Inc. dba Overhead Door Company of Dallas-Commercial, who is the lowest responsive responsible bidder which also meets specifications. The annual inspection and preventive maintenance cost is \$9,888 and the annual cost for service and repair to include after-hours repairs is estimated at \$56,156. The total cost of the contract annually is \$66,044.

The initial lowest bidder, Vortex Industries, took an exception to what is included in the scope of work in part of item 1 of the bid. Therefore, their bid was deemed non-responsive.

Please contact me if you have any questions.

Thank you.

/liw

Xc: Jim Razinha  
Janette Weedon  
Todd Luxem  
Earl Whitaker

# CITY OF PLANO

## BID NO. 2012-111-C Overhead Door Inspection and Maintenance BID RECAP

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**Bid opening Date/Time:** March 9, 2012 @ 3:00 PM

**Number of Vendors Notified:** 714

**Vendors Submitting "No Bids":** 1

**Bids Evaluated Non-Responsive to Specifications:** 2

**Number of Bids Submitted:** 1

Total Base Bid\*

Commercial Door Company of Dallas, Inc. dba  
Overhead Door Company of Dallas-Commercial

\$9,888.00

\*Total Base Bid is based on cost of preventative maintenance on current equipment only.

**Recommended Vendor(s):**

Commercial Door Company of Dallas, Inc. dba  
Overhead Door Company of Dallas-Commercial

\$9,888.00

*Michael Parrish*

March 26, 2012

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Michael Parrish, Buyer II

---

Date



**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:		4/9/12		
Department:		Purchasing		
Department Head		Diane Palmer-Boeck		
Agenda Coordinator (include phone #): <b>Earl Whitaker x7074</b>				
<b>CAPTION</b>				
Bid No. 2012-51-B for the purchase of two (2) Self-Unloading Belt Trailers for Fleet Services to be utilized by Compost Operations from Trinity Trailer Sales Inc. in the amount of \$171,000 and authorizing the City Manager to execute all necessary documents.				
<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>2011-12</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	144,007	0	<b>144,007</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	-171,000	0	<b>-171,000</b>
<b>BALANCE</b>	0	-26,993	0	<b>-26,993</b>
<b>FUND(s):     EQUIPMENT REPLACEMENT FUND</b>				
<p><b>COMMENTS:</b> Funds are included in the FY 2011-12 Adopted Budget to purchase two (2) Self-Unloading Belt Trailers for the scheduled replacement of unit #04553 Cost Center #714/Compost Operations and the second trailer is a new addition to the fleet in Cost Center 714/Compost Operations. The additional funds of (\$26,993) needed for the purchase of the Self-Unloading Belt Trailers will be funded from Cost Center 714/Compost Operations Fund.</p> <p><b>STRATEGIC PLAN GOAL:</b> Providing two (2) Self-Unloading Belt Trailers for the City's Compost Operations Department relates to the City's Goal of a Financially Strong City with Service Excellence.</p>				
<b>SUMMARY OF ITEM</b>				
Staff recommends the bid of Trinity Trailer Sales Inc. in the amount of \$171,000 be accepted as the lowest responsive, responsible bid, and conditioned upon timely execution of any necessary contract documents. This purchase is for the Fleet Department to be utilized by Compost Operations.				
List of Supporting Documents: Award Memo, Bid Recap			Other Departments, Boards, Commissions or Agencies NA	



Date: March 6, 2012  
To: Bruce D. Glasscock, City Manager  
From: Reid Choate, Fleet Manager  
Subject: **Truck/Tractor Purchase Recommendation**

Fleet Services has reviewed all bids received on City of Plano Bid # 2012-51-B and recommends purchasing, two (2), Self-Unloading Belt Trailers, in the amount of \$171,000 from Trinity Trailer Sales Inc., the lowest responsible, responsive bidder, and meeting the specifications.

One trailer will be for the replacement of unit 04553 in Cost Center 714/Compost Operations in the approved FY11-12 Equipment Replacement Fund. Due to the age and maintenance cost, Fleet Services recommends this unit be replaced. If this unit is not replaced we will see an increase in the maintenance and overall operating cost.

The second trailer is a new addition to the fleet in Cost Center 714/Compost Operations, approved FY11-12 Budget. The department needs an additional tractor trailer in order to provide sufficient back-up capacity to front-line fleet and to relieve the urgency associated with existing maintenance requests.

The composting operation does not have a back-up tractor or trailer unit. A retained unit is actually being used as a front-line unit. Heavy duty axles meet specs of existing fleet and prevent equipment damage on off road delivery sites. A Drop axle prevents wear on tires when not hauling heavy loads.

Contractual obligations with North Texas Municipal Water District require that no more than 500cy of ground material remain at the Custer Road Grind site at any given time. Adding a foot to the sides of the trailer will allow more material to be moved with each haul in order to meet NTMWD contractual obligations. Not adding this piece of equipment to the fleet will result in increased overtime hours worked to meet hauling demands, poor customer service resulting in lost revenue and will result in employees being pulled from 121 Regional composting facility in order to haul more loads preventing processing and harvesting of windrows and resulting in lack of finished and saleable soil amendment products.

Feel free to call me if you have any questions at extension 4182.

CITY OF PLANO

BID NO. 2012-51-B  
Self Unloading Belt Trailer  
BID RECAP

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**Bid opening Date/Time:** January 31, 2012 @ 2:00 pm

**Number of Vendors Notified:** 516

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

**Number of Bids Submitted:** 1

Trinity Trailer Sales Inc.

\$171,000.00

**Recommended Vendor:**

Trinity Trailer Sales Inc.

\$171,000.00

*Earl S. Whitaker*

*March 23, 2012*

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Earl S. Whitaker  
Buyer Supervisor

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Date



**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:		4/9/12		
Department:		Purchasing		
Department Head		Diane Palmer-Boeck		
Agenda Coordinator (include phone #): <b>Earl Whitaker x7074</b>				
<b>CAPTION</b>				
To approve the purchase of a False Alarm Tracking and Billing System to include Software Licenses, Installation, Data Conversion and Training for the Plano Police Department in the amount of \$66,825 from Dell Marketing L.P., through an existing contract/agreement with Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR Contract #SDD-890)				
<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>2011-12</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	150,000	0	<b>150,000</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	-66,825	0	<b>-66,825</b>
<b>BALANCE</b>	0	83,175	0	<b>83,175</b>
<b>FUND(s):    CRIMINAL INVESTIGATION FUND</b>				
<p><b>COMMENTS:</b> Funds are available in the 2011-12 Criminal Investigation Fund budget for the purchase of a False Alarm Tracking and Billing System for the Plano Police Department. The balance of funds will be used for other items required for the replacement of the current system.</p> <p><b>STRATEGIC PLAN GOAL:</b> Periodic replacement of the City's Alarms System, including software, hardware and other related items, relates to the City's Goal of Financially Strong City with Service Excellence.</p>				
<b>SUMMARY OF ITEM</b>				
Staff recommends the purchase of a False Alarm Tracking and Billing System to include Software Licenses, Installation, Data Conversion and Training for the Plano Police Department in the amount of \$66,825 from Dell Marketing L.P., through an existing contract/agreement with Department of Information Resources (DIR). AOT Public Safety Corporation, Dell's subcontractor, shall work directly with the City to provide the services. The City is authorized to purchase from the State Contract list pursuant to Section 271 Subchapter D of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (DIR Contract #SDD-890 / City of Plano Internal Contract No. 2011-295-O)				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Award Memo			NA	



P.O. Box 860358  
Plano, Texas 75086-0358  
972-941-7000  
Fax. No. 972-941-0099

## **MEMORANDUM**

**DATE:** February 16, 2012

**TO:** Gregory W. Rushin, Chief of Police

**FROM:** Edward G. Brashear, Administrative Manager

**SUBJECT:** Alarm Billing & Tracking System Recommendation

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Staff has recognized the need to acquire a new Alarm Billing & Tracking System for approximately two years. Our existing software has been in place for over ten years, is an outdated operating system, and the current vendor (a "one person" shop) is the only source for maintenance. Concerns over the viability plus the outdated application have led to the recommendation that it be replaced.

Staff submitted a Project Management Office proposal to the City's Technology Peer Review Team and was granted approval to continue with the planning process. PD staff subsequently began working with Purchasing, Technology Services, Accounting, and Public Safety Communications to develop specifications and seek proposals from qualified vendors. The decision was made to utilize a Co-Operative Contract to facilitate this project. Multiple vendors were contacted and as a result, two proposals were received and evaluated. After completing the evaluation process, staff is recommending the proposal of AOT Public Safety Corporation (PSC) for their Cry Wolf® system which will be purchased from Dell Marketing L.P. through an existing contract with DIR (Contract # SDD-890). AOT Public Safety Corporation, Dell Marketing L.P.'s subcontractor, shall work directly with the City to provide the services. This is based on their offer of the lowest price, most effective solution, twelve years of experience and successful implementation of their product for over 200 agencies supporting more than 450 cities, counties, and other municipalities.

The total acquisition for this new software application is \$66,825. On-going annual license renewal and maintenance is \$7210, which is already approved in annual appropriations. (Note: after the first license renewal period, the fee may be increased by no more than 6% annually).

Continuing to use this outdated system could potentially impact our quality of service for the approximate 25,000 active permit holders. In addition, over \$1.6 million is processed and collected through this system. Maintaining an operationally sound system is of utmost importance in providing exceptional customer service.

Lastly, acquisition of the Cry Wolf® system offers numerous time saving features, bi-directional transfer and updates between TriTech CAD and the Cry Wolf system requiring less manual data entry, current updated alarm permit information for patrol, and provide state-of-the-art web-based availability to our citizens and agency personnel.



**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:		4/9/12		
Department:		Purchasing		
Department Head		Diane Palmer-Boeck		
Agenda Coordinator (include phone #): <b>Earl Whitaker x7074</b>				
<b>CAPTION</b>				
To approve the purchase of one (1) Kenworth Truck/Tractor for Fleet Services to be utilized by Compost Operations in the amount of \$105,993 from MHC Kenworth through an existing contract/agreement with Buy Board, and authorizing the City Manager to execute all necessary documents. (Buy Board Contract #358-10)				
<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:	2011-12	Prior Year (CIP Only)	Current Year	Future Years
		0	175,000	0
Budget		0	0	0
Encumbered/Expended Amount		0	-105,993	0
This Item		0	69,007	0
BALANCE		0	69,007	0
<b>FUND(S):     EQUIPMENT REPLACEMENT FUND</b>				
<p><b>COMMENTS:</b> Funds are included in the FY 2011-12 Adopted Budget to purchase one (1) Kenworth Truck/Tractor as a new addition to the fleet in Cost Center #714/Compost Operations. The remaining funds of \$69,007 will be used to purchase the trailer from the same supplement.</p> <p><b>STRATEGIC PLAN GOAL:</b> Providing a Kenworth Truck/Tractor for the City's Compost Operations Department relates to the City's Goal of a Financially Strong City with Service Excellence.</p>				
<b>SUMMARY OF ITEM</b>				
<p>Staff recommends the purchase of one (1) Kenworth Truck/Tractor for Fleet Services to be utilized by Compost Operations in the amount of \$105,993 from MHC Kenworth through an existing contract/agreement with Buy Board. The City is authorized to purchase from 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. (Buy Board Contract #358-10 / City of Plano Internal Contract No. 2012-50-O)</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Award Memo			N/A	



Date: March 23, 2012  
To: Bruce D. Glasscock, City Manager  
From: Reid Choate, Fleet Manager  
Subject: **Truck/Tractor Purchase Recommendation**

It is the recommendation of Fleet Services to purchase one (1), Kenworth Tractor/Truck in the amount of \$105,992.67 from MHC Kenworth through Buyboard contract #358-10.

Fleet Services and the Purchasing Department researched several Coop Purchasing programs through HGAC and Buy Board, with evaluations conducted between two manufacturers, Kenworth and Peterbilt. Buy Board offered specified product from both manufacturers. HGAC offered similar product but did not meet the requirements of the specifications. In view of these facts, Buy Board was chosen as the contract to utilize for this purchase. After evaluating the products and pricing, Kenworth offered a more competitive price in comparison to Peterbilt's price of \$124,317.

The department needs an additional tractor trailer in order to provide sufficient back-up capacity to front-line fleet and to relieve the urgency associated with existing maintenance requests.

The composting operation does not have a back-up tractor or trailer unit. A retained unit is actually being used as a front-line unit.

Contractual obligations with North Texas Municipal Water District require that no more than 500cy of ground material remain at the Custer Road Grind site at any given time. Not adding this piece of equipment to the fleet will result in increased overtime hours worked to meet hauling demands, poor customer service resulting in lost revenue and will result in employees being pulled from 121 Regional composting facility in order to haul more loads preventing processing and harvesting of windrows and resulting in lack of finished and saleable soil amendment products.

Feel free to contact me if you have any questions at extension 4182.





# OAK HOLLOW & BRANDON COURT PROJECT # 6167



ROWLETT CRK 53264

ROWLETT CRK 53416

SPRING CRK 51133

SPRING CRK 51226

SPRING CRK 17932

SPRING CRK 51250

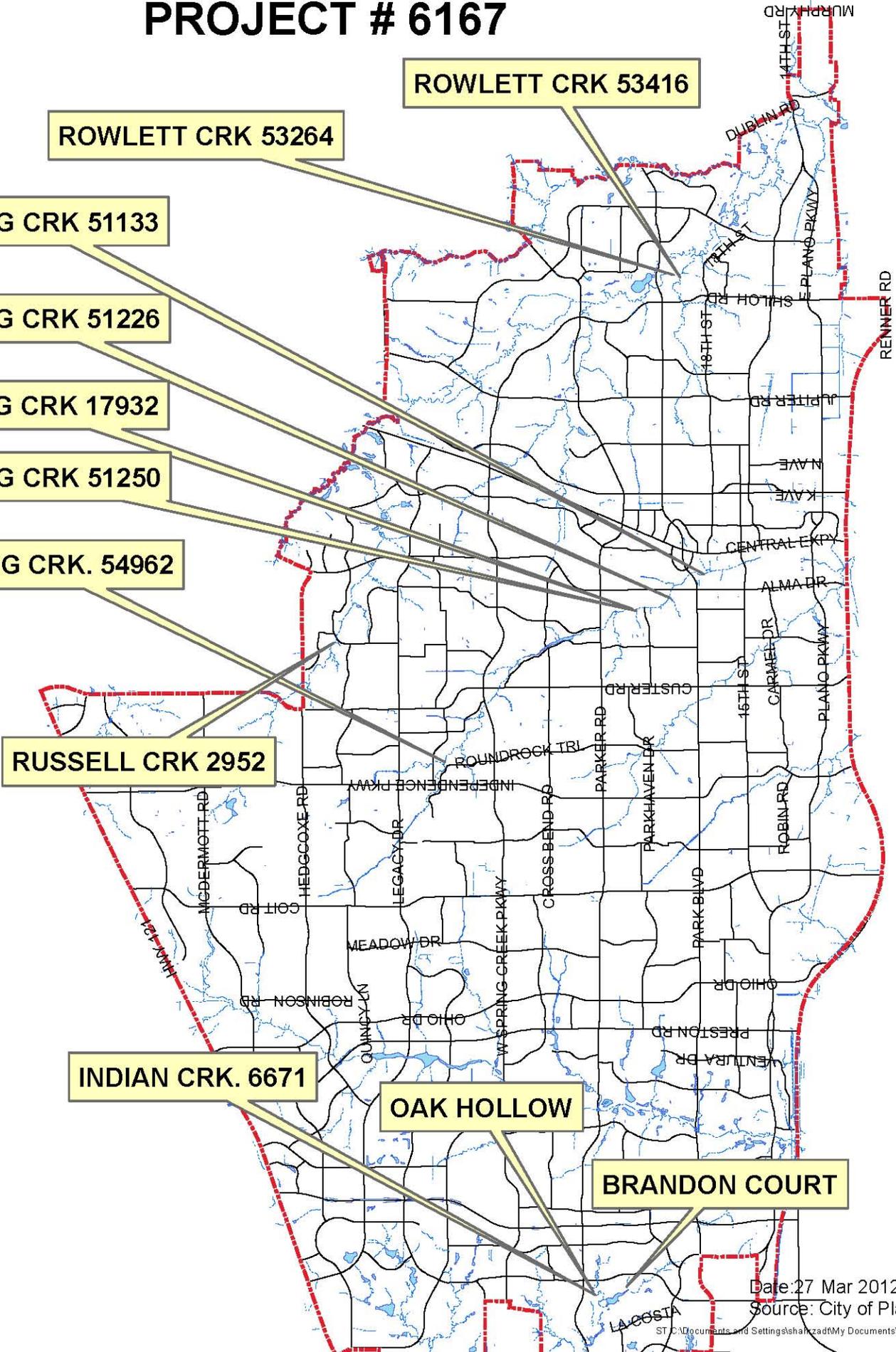
SPRING CRK. 54962

RUSSELL CRK 2952

INDIAN CRK. 6671

OAK HOLLOW

BRANDON COURT



Date: 27 Mar 2012  
Source: City of Plano

**OAK HOLLOW & BRANDON COURT**

**PROJECT NO. 6167**

**ENGINEERING SERVICES AGREEMENT**

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

**WITNESSETH:**

**WHEREAS**, the City desires to engage the services of the Engineer to prepare construction plans, specifications, details and special provisions and to perform other related engineering services in connection with the **OAK HOLLOW & BRANDON COURT** project located in the City of Plano, Collin County, Texas, hereinafter referred to as the "Project"; and

**WHEREAS**, the Engineer desires to render such engineering services for the City upon the terms and conditions provided herein.

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

**I. Employment of the Engineer**

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

**II. Scope of Services**

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

### **III. Schedule of Work**

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

### **IV. Compensation and Method of Payment**

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

### **V. Information to be Provided by the City**

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

### **VI. Insurance**

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

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

### **VII. INDEMNITY**

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

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

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

### **VIII. Independent Contractor**

Engineer covenants and agrees that Engineer is an independent contractor and not an officer, agent, servant or employee of City; that Engineer shall have exclusive control of and exclusive right to control the details of the work performed hereunder and all persons performing same, and shall be responsible for the acts and omissions of its officers, agents, employees, contractors, subcontractors and consultants; that the doctrine of respondeat superior shall not apply as between City and Engineer, its officers, agents, employees, contractors, subcontractors and consultants, and nothing herein shall be construed as creating a partnership or joint enterprise between City and Engineer.

## **IX. Assignment and Subletting**

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

## **X. Audits and Records/Prohibited Interest**

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

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

## **XI. Contract Termination**

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

## **XII. Engineer's Opinion of Probable Construction Costs**

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

### **XIII. Ownership of Documents**

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

### **XIV. Complete Contract**

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

### **XV. Mailing of Notices**

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

City of Plano  
Public Works Department, Suite 250  
P.O. Box 860358  
Plano, TX 75086-0358  
Attn: Shahrzad Tavana, P.E.

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

Walter P. Moore and Associates, Inc.  
1845 Woodall Rodgers Freeway, Suite 1650  
Dallas, TX 75201  
Attn: Ernest L. Fields, Principal

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

## **XVI. Miscellaneous**

### **A. Paragraph Headings:**

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

### **B. Contract Interpretation:**

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

### **C. Venue/Governing Law:**

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

### **D. Successors and Assigns:**

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

### **E. Severability:**

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

### **F. Effective Date:**

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

G. Authority to Sign:

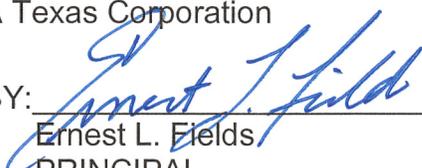
The undersigned officers and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto.

**SIGNED** on the date indicated below.

**WALTER P. MOORE AND ASSOCIATES, INC.**

A Texas Corporation

DATE: 3/29/2012

BY: 

Ernest L. Fields  
PRINCIPAL

**CITY OF PLANO, TEXAS**

DATE: \_\_\_\_\_

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

Bruce D. Glasscock  
CITY MANAGER

**APPROVED AS TO FORM:**

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

**ACKNOWLEDGMENTS**

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

This instrument was acknowledged before me on the 29<sup>th</sup> day of March, 2012, by **ERNEST L. FIELDS, PRINCIPAL**, of **WALTER P. MOORE AND ASSOCIATES, INC.**, a **TEXAS** corporation, on behalf of said corporation.



  
\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS       §  
                                  §  
COUNTY OF COLLIN   §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by **BRUCE D. GLASSCOCK, CITY MANAGER**, of the **CITY OF PLANO, TEXAS**, a Home-Rule Municipal Corporation, on behalf of said municipal corporation.

\_\_\_\_\_  
Notary Public, State of Texas

**CITY OF PLANO – OAK HOLLOW & BRANDON COURT  
EXHIBIT “A” – SCOPE OF SERVICES**

**OAK HOLLOW & BRANDON COURT  
Project No. 6167**

The project includes design and plan preparation for repair of existing or installation of new erosion control structures for the erosion related protection of two street sites and nine aerial sewer crossings in the City of Plano. These sites are as follows:

1. Oak Hollow Drive – Erosion is occurring near the cul-de-sac at the southern end of the street.
2. Brandon Court – Erosion is occurring near the western end of the street where a stormwater headwall discharges into an open channel.
3. Aerial Crossing IND-6671 – This crossing is upstream of the Brandon Court site and is experiencing erosion at the eastern abutment.
4. Aerial Crossing SPR-54962 – This crossing is experiencing erosion at both abutments. The south abutment pier is exposed to the bearing elevation.
5. Aerial Crossing SPR-17932 – Erosion is occurring at the eastern abutment which has exposed much of the drilled pier.
6. Aerial Crossing SPR-51250 – Erosion is threatening both abutments. The southern abutment beam is exposed to the bearing elevation.
7. Aerial Crossing SPR-51226 – Erosion is threatening both abutments, particularly the northern abutment.
8. Aerial Crossing SPR-51133 – Severe erosion has exposed base of western interior pier foundation and the western abutment.
9. Aerial Crossing ROW-53264 – Pier concrete is experiencing significant section loss and both interior piers need to be replaced.
10. Aerial Crossing ROW-53416 – Erosion is threatening the southern abutment.
11. Aerial Crossing RUS-2952 – Severe meander in the creek is threatening to undermine the northern approach to the crossing.

**PART I - PRELIMINARY ENGINEERING**

**A. Preliminary Investigation/Data Collection**

1. Review Reports, utility plans and Data Collection including reviewing any available City of Plano reports on the erosion problems, meeting with City staff to refine project requirements, expectations, and schedule, and obtaining pertinent utility plans, street plans, plats, existing easement information, and other features within the project area.
2. Provide a report for all potential project sites including cost estimates, photographs, and recommendations for repair.

**CITY OF PLANO – OAK HOLLOW & BRANDON COURT  
EXHIBIT “A” – SCOPE OF SERVICES**

3. Field Surveying for Design Phase

- a. Establish a local control network and tie into the existing City of Plano control network on all sites.
- b. Provide construction control points to be used for construction (a minimum of two per site). Set horizontal and vertical control monuments, with coordinates tied to the Horizontal Control Plan.
- c. Tie right-of-way lines and property lines to the sites.
- d. Verify horizontal and vertical locations of existing city facilities on the sites.
- e. When underground utilities are exposed at the City's request, tie to the local control network.
- f. Obtain topographic information including cross-sections of the existing ground features as needed for design.
- g. Locate all pertinent creek features for design including top of bank, existing walls and slabs, existing buildings, existing pavements, fences, trees 4" diameter and larger, and utility appurtenances such as water valves, fire hydrants, manholes, etc., (within construction area) on the sites.
- h. Contact utility companies to locate and uncover utilities which conflict with the proposed project. Tie uncovered utilities to the local control network.
- i. Provide a drawing of the project sites with 1' contours and all located features.

4. Geotechnical Engineering:

- a. Perform truck-mounted borings and hand borings at Sites 1, 2, 5, 8, 9, and 11 to collect necessary soil samples. The engineer will take reasonable precautions to avoid damage to utilities and flatwork at the sites, but will only be responsible for damages at the sites caused by their negligent acts.
- b. Due to the small size of these sites, we only anticipate a single bore at each studied location.
- c. Do the laboratory testing required for the design of the erosion control structure.

**B. Preliminary Design**

1. Prepare preliminary plans:

- a. Establish preliminary horizontal and vertical wall alignment at sites of new or repair structures.
- b. Prepare cross-sections of proposed erosion protection indicating the general orientation of the improvements with respect to the channel.
- c. Establish design concepts for repair and/or anchorage of existing gabion retaining wall elements.
- d. Locate utility crossings, adjacent utilities, and other improvements within a limit of twenty feet beyond the proposed improvement at each site.

**CITY OF PLANO – OAK HOLLOW & BRANDON COURT  
EXHIBIT “A” – SCOPE OF SERVICES**

- i. Contact franchise utility companies such as gas, telephone, cable TV, and electricity to obtain record information for horizontal and vertical data for their facilities. Identify which utilities must be protected or relocated.
    - ii. Tie locations of exposed utilities to the local control network. When underground utilities are uncovered, tie locations to the local control network.
  - e. Establish preliminary easement needs including permanent and temporary construction easements. Show all existing easements on the plans.
  - f. Document and photograph current channel conditions and identify potential locations of construction access and staging.
2. Prepare a preliminary opinion of probable cost for the proposed solution. The purpose of the opinion is to confirm that the project is in general accordance with the construction budget. It is not a guarantee of the construction cost.
  3. Submit to the City of Plano three (3) sets of preliminary plan drawings for each erosion control structure site listed above.
  4. Meet with the City of Plano to review and discuss the preliminary plan drawings and engineering comments.
  5. Distribute one set of preliminary drawings to local utility companies to obtain information regarding impacts to their facilities.

**PART II - FINAL ENGINEERING**

**A. Final Design**

1. Finalize plan for proposed improvements.
2. Revise preliminary plans and incorporate comments from the City of Plano and property owners.
3. Incorporate comments from the utility companies. If necessary, coordinate with utility companies to locate and uncover utilities which conflict with the proposed erosion control structure. Tie the location of uncovered utilities to the local control network.
4. Incorporate standard details into the plans and prepare additional details as required.

**B. Prepare final technical specifications for the erosion control structures.**

**C. Revise the quantity estimate and prepare a revised estimate of probable construction cost based on the final design of the project.**

**CITY OF PLANO – OAK HOLLOW & BRANDON COURT  
EXHIBIT “A” – SCOPE OF SERVICES**

- D. Prepare final easement exhibits for any new easements required. This will include field surveying to tie property corners, metes and bounds descriptions for each easement which will be sealed by a Registered Professional Land Surveyor.
- E. Assist in preparing final bid documents. The City of Plano will prepare the final form of construction documents. The following information to be supplied by the Engineer shall include:
  - 1. One copy of the finalized technical specifications.
  - 2. Project specific information for use with the City of Plano standard construction agreement form, including the notice to contractors, bid proposal and contract bid schedule forms.
  - 3. One set of blueline or blackline prints of final drawings and one electronic set of final drawings for Purchasing.
- F. Meet with homeowners and/or property owners at prospective construction access locations. Coordinate between owners and City regarding this access and the City's preparation of temporary access and construction easements, if required. Engineer will provide the Contractor and the City of Plano with site access information and agreement concepts.
- G. Provide necessary Storm Water Pollution Prevention Concept Plans in accordance with the City of Plano requirements.
- H. Furnish the City of Plano with the following final documents:
  - 1. Three sets of blueline or blackline prints of final drawings for approval by City.
- I. Assist the City of Plano staff in distribution of documents for bids. Furnish additional sets of contract documents for bidding or as directed by the City of Plano.
  - 1. Furnish additional sets of plans and bid documents for up to four plan review rooms to be determined by the City. These documents are to be furnished at no cost to the plan review rooms.
  - 2. The cost for information (plans and contract document) provided for the purpose of securing bids shall be recovered by the Engineer by a non-refundable deposit from Contractors. Maintain a list of plan holders.
- J. Attend the pre-bid conference.

**CITY OF PLANO – OAK HOLLOW & BRANDON COURT  
EXHIBIT “A” – SCOPE OF SERVICES**

- K. Attend the bid opening and provide tabulation and analysis of the bids received and furnish recommendations on the award of the contract or the appropriate action to be taken by the City of Plano.
1. Evaluate the lowest and second lowest bidder. Bid evaluation will include the contractor's:
    - a. Past work history
    - b. Financial resources;
    - c. Physical resources to produce the project.
  2. Provide a summary of the bid analysis to the City for use in selection and award of the construction project.

**PART III - CONSTRUCTION ADMINISTRATION**

- A. Furnish 13 sets of final plans and seven (7) sets of the contract documents marked "**For Construction**".
- B. Assist the City of Plano staff in conducting one pre-construction conference with the Contractor.
- C. Assist the City of Plano in arranging for testing of materials and laboratory control during construction, which is to be conducted at the City's expense.
- D. Perform two site visits to the site each month (maximum of 12 total visits) to observe the progress and the quality of work and to attempt to determine if the work is proceeding in accordance with the Contract Documents. If the Engineer is requested to visit the site more frequently, the requested visits shall be considered an Additional Service. In performing the services above, the Engineer will endeavor to protect the City of Plano against defects and deficiencies; however, it is understood that the Engineer does not guarantee the Contractor's performance, nor is the Engineer responsible for supervision of the Contractor's operation and employees. The Engineer shall not be responsible for the acts or omissions of any person at the Project sites or otherwise performing any of the work of the Project.
- E. Review concrete mix design, samples, catalog data, shop drawings, laboratory tests, shop mill tests of material and test equipment and other submittal information to assure conformity with construction plans. Provide written responses to requests for information or clarification.
- F. Conduct coordination meetings with contractors, inspection personnel, and City representatives.
- G. Interpret intent of the drawings and technical specifications for the City of Plano and the Contractor. Respond to contractor's verbal technical questions.

**CITY OF PLANO – OAK HOLLOW & BRANDON COURT  
EXHIBIT “A” – SCOPE OF SERVICES**

- H. Conduct, in company with the City’s representative, a final review of the Project for conformance with the design concept of the Project and general compliance with the Contract Documents.
- I. Revise the construction drawings in accordance with the information furnished by construction Contractor reflecting the changes in the Project made during construction. The Engineer shall submit one set of “as-builts” to the Engineering Inspector for review and approval. Upon approval, the city shall have the drawings processed in the following quantities and formats:
  - 1. One set of 24” x 36” black-line plans ready for microfilming shall be submitted to the Engineering Department from Design Engineer.
  - 2. Two CD-ROM disks containing scanned images of the 24” x 36” final “as-built” black-line drawings (with “as-built stamps” bearing the signature of the Engineer and the date.) The drawings shall be scanned 1 to 1 as Group 4 TIF files at a minimum resolution of 200 dots per inch and a maximum resolution of 400 dots per inch. The TIF files shall be legible and shall include any post processing that may be required to enhance image quality (e.g., de-speckling, de-shading, de-skewing, etc.) Each file shall be named in numeric order format or converted to DXF format.

**CITY OF PLANO – OAK HOLLOW & BRANDON COURT  
EXHIBIT “A” – SCOPE OF SERVICES**

**PART IV - ADDITIONAL SERVICES**

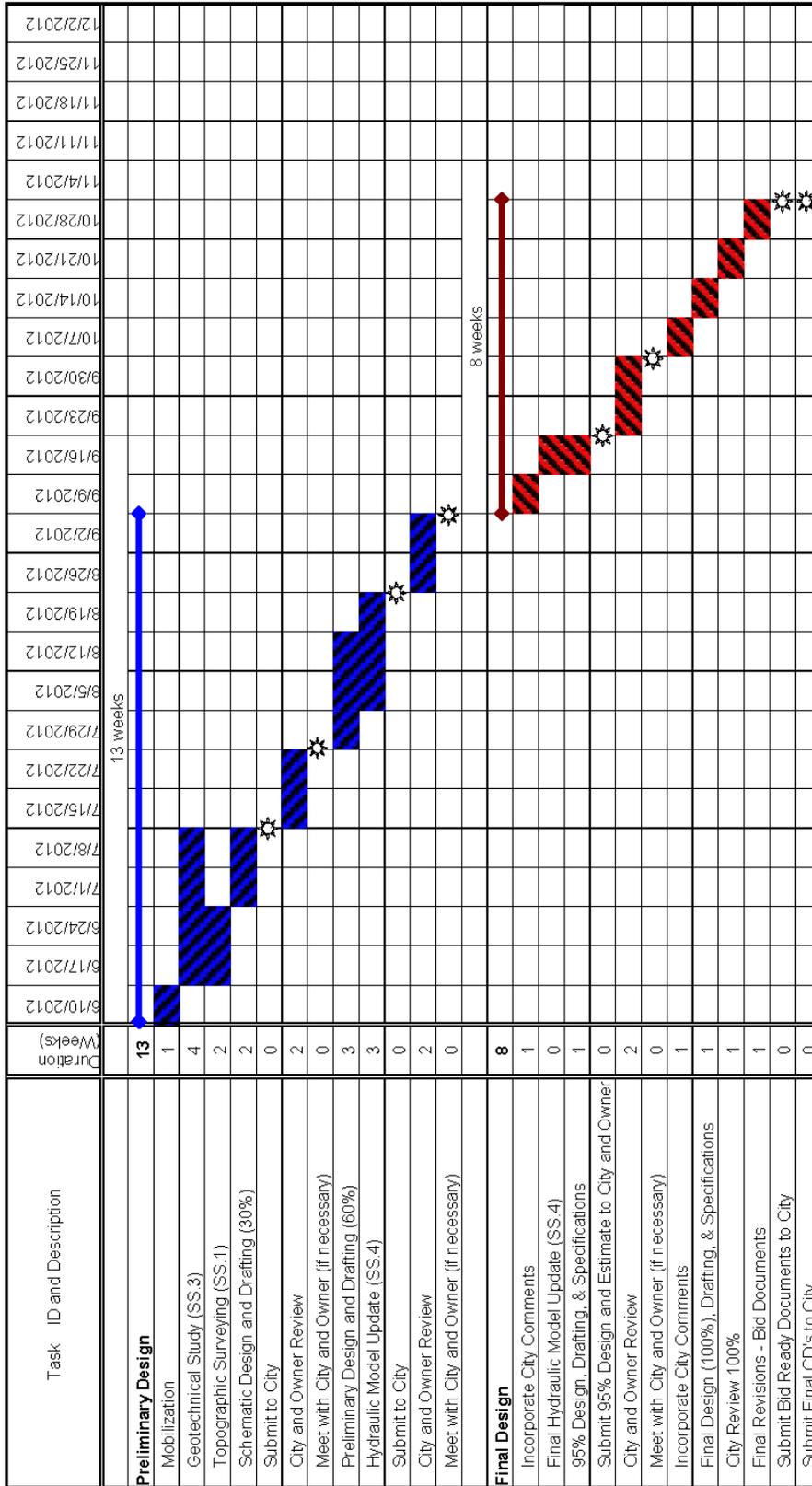
Additional Services to be performed by Engineer, if authorized by the City of Plano, which are not included in the above-described basic services, are described as follows:

- A.** Hydraulic modeling of proposed improvements;
- B.** Assisting City of Plano with public meetings or hearings to inform residents;
- C.** Performing title searches and examination of deed records;
- D.** Preparing applications and supporting documents for government grants, loans, or planning advances and providing data for detailed applications;
- E.** Providing full time site inspection during construction of the project;
- F.** Performing designs for trench safety and retaining walls, etc. which are not included in the above Scope of Services;
- G.** Revisions to plans as result of revisions after completion of original final design (unless to correct error on original plans);
- H.** Appearing before regulatory agencies or courts as an expert witness in any litigation with third parties or condemnation proceedings arising from the development or construction of the Project, including preparation of engineering data and reports for assistance to the City of Plano;
- I.** Assisting the City of Plano in claims disputes with the Contractor(s);
- J.** Assisting the City of Plano in the defense or prosecution of litigation in connection with or in addition to those services contemplated by this Agreement. Such services, if any, shall be furnished by Engineer on a fee basis negotiated by the respective parties outside of and in addition to this Agreement;
- K.** Providing environmental support services including the design and implementation of ecological baseline studies, environmental monitoring, impact assessment and analyses, permitting assistance other than listed in the above Scope of Services, and other assistance required to address environmental issues;
- L.** Any Corps of Engineers work including but not limited to wetlands delineation, meetings with the Corps of Engineers staff, wetlands mitigation, or any other work not listed in the Scope of Services;
- M.** Attending homeowners and/or Council meetings including preparation of all displays, reports, or other data for use at such meetings;

**CITY OF PLANO – OAK HOLLOW & BRANDON COURT  
EXHIBIT “A” – SCOPE OF SERVICES**

- N.** Preparation of plans and/or specifications related to the relocation of utilities;
- O.** Fees for permits and advertising;
- P.** Flood plain reclamation plans;
- Q.** Consulting services by others not included in proposal;
- R.** Inspection and testing services during construction;
- S.** Preparation and processing monthly or final construction pay estimates;
- T.** Determination of a floodway;
- U.** Preparation of a Request for Letter of Map Revision or Conditional Letter of Map Revision, or any work pertaining to it.

## EXHIBIT B SCHEDULE OF SERVICES



**City of Plano – 2012 Erosion Control  
EXHIBIT "C" - FEE SCHEDULE**

	Basic Services	Special Services
<b>PART 1 Brandon Court and Oak Hollow</b>		
Preliminary Engineering		
Project Management	\$1,350	
Preliminary Design	\$2,800	
Preliminary Drafting	\$3,040	
Final Engineering		
Project Management	\$2,000	
Final Design	\$1,400	
Final Drafting	\$3,400	
Construction		
Project Management	\$650	
As-Builts	\$1,060	
Site Visits	\$1,400	
Final Walk Through	\$1,400	
Special Services		
Geotechnical Study		\$7,200
Topographical Survey		\$4,400
Easement Document Preparation (2 @ \$600)		\$1,200
Reimbursables		\$1,000
	<b>\$18,500</b>	<b>\$13,800</b>

	Basic Services	Special Services
<b>PART 2 Nine Aerial Crossings</b>		
Preliminary Engineering		
Project Management	\$1,350	
Preliminary Design	\$6,300	
Preliminary Drafting	\$6,840	
Final Engineering		
Project Management	\$2,000	
Final Design	\$2,800	
Final Drafting	\$8,680	
Construction		
Project Management	\$650	
As-Builts	\$1,420	
Site Visits	\$3,500	
Final Walk Through	\$1,400	
Special Services		
Pre-Project Study		\$4,800
Geotechnical Study		\$18,200
Topographical Survey		\$17,300
Reimbursables		\$1,000
	<b>\$34,940</b>	<b>\$41,300</b>

FEE SUMMARY

	Basic Services	Special Services
TASK 1 - SCHEMATIC DESIGN	\$0	
PRELIMINARY ENGINEERING	\$21,680	
FINAL ENGINEERING	\$20,280	
CONSTRUCTION	\$11,480	
TOPOGRAPHIC SURVEYING		\$21,700
EASEMENT DOCUMENT PREPARATION		\$1,200
GEOTECHNICAL STUDY		\$25,400
PRE-PROJECT STUDY (AERIAL CROSSINGS)		\$4,800
REIMBURSABLES		\$2,000
<b>TOTAL FEE</b>	<b>\$53,440</b>	<b>\$55,100</b>

**Hourly Invoicing Rates - 2012**  
**Infrastructure Engineering Services**

<u>Category</u>	<u>Rate</u>
Senior Principal	\$230
Principal	\$200
Managing Director	\$165
Team Director	\$160
Senior Project Manager	\$160
Project Manager	\$130
Senior Engineer	\$130
Engineer	\$110
Graduate Engineer	\$95
Senior Designer	\$120
Designer	\$90
CADD Manager	\$100
Senior CADD Technician	\$95
CADD Technician	\$80
Engineering Intern	\$70
Senior Administrative Assistant	\$85
Administrative Assistant	\$60

**EXHIBIT "D"**  
**ENGINEERING**  
**INSURANCE**

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

**1. General Insurance Requirements:**

- 1.1 The Engineer (hereinafter called "Engineer") shall not start work under this contract until the Engineer has obtained at his own expense all of the insurance called for here under and such insurance has been approved by the City. Approval of insurance required of the Engineer will be granted only after submission to the Purchasing Agent of original, signed certificates of insurance or, alternately, at the City's request, certified copies of the required insurance policies.
- 1.2 All insurance policies required hereunder shall be endorsed to include the following provision: "It is agreed that this policy is not subject to cancellation, non-renewal, without first providing the Risk Manager, City of Plano, at least ten (10) days prior written notice."
- 1.3 No acceptance and/or approval of any insurance by the City shall be construed as relieving or excusing the Engineer from any liability or obligation imposed upon the provisions of the Contract.
- 1.4 The City of Plano (including its elected and appointed officials, agents, volunteers, and employees) is to be named as an additional insured under Engineer's General Liability Policy, and the certificate of insurance, or the certified policy, if requested, must so state. Coverage afforded under this paragraph shall be primary as respects the City, its elected and appointed officials, agents and employees.
  - 1.4.1 The following definition of the term "City" applies to all policies issued under the contract:

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

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

**2. Engineer's Insurance - "Occurrence" Basis:**

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

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

### **3.0 Engineer's Insurance – Claims Made**

#### Professional Errors and Omissions

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

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

# ENGINEERING

## City of Plano - Insurance Checklist

("X" means the coverage is required.)

### Coverages Required

### Limits (Figures Denote Minimums)

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







## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		04/09/12		
Department:		Economic Development		
Department Head		Sally Bane		
Agenda Coordinator (include phone #): <b>Linda Thomason x8301</b>				
<b>CAPTION</b>				
A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a First Amendment to the Economic Development Incentive Agreement between the City of Plano, Texas, and Sears Holdings Management Corporation; authorizing its execution by the City Manager or his 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>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>
<b>BALANCE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FUND(S):    ECONOMIC DEVELOPMENT INCENTIVE FUND</b>				
<b>COMMENTS:</b> This item has no fiscal impact. Strategic Plan Goal: Providing economic development incentives relates to the City's goal of strong local economy.				
<b>SUMMARY OF ITEM</b>				
To amend the Economic Development Incentive Agreement to reflect the revised agreement between the parties regarding reduced job equivalents and grant monies.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Resolution 1 <sup>st</sup> Amendment of Economic Development Incentive Agreement				

**A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a First Amendment to the Economic Development Incentive Agreement between the City of Plano, Texas, and Sears Holdings Management Corporation; authorizing its execution by the City Manager or his designee; and providing an effective date.**

**WHEREAS**, the City Council has been presented a proposed First Amendment to the Economic Development Incentive Agreement by and between City of Plano (“City”) and Sears Holdings Management Corporation, a Delaware corporation (“Sears”), a substantial copy of which is attached hereto as Exhibit “A” and incorporated herein by reference (hereinafter called “First Amendment”); and

**WHEREAS**, City and Sears entered into an Economic Development Incentive Agreement on November 8, 2011; and

**WHEREAS**, City and Sears desire to amend said Economic Development Incentive Agreement to reflect the revised agreement between the parties regarding reduced job equivalents and grant monies; and

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

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

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

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

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

**DULY PASSED AND APPROVED** this the 9<sup>th</sup> day of April, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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

THE STATE OF TEXAS § First Amendment of Economic  
§ Development Incentive Agreement  
§ by and between City of Plano and  
§ Sears Holdings Management Corporation  
§  
COUNTY OF COLLIN §

THIS FIRST AMENDMENT of Economic Development Incentive Agreement (hereinafter "First Amendment") is made by and between **SEARS HOLDINGS MANAGEMENT CORPORATION**, a Delaware corporation (hereinafter "Company"), and the **CITY OF PLANO, TEXAS**, a home rule municipal corporation (hereinafter "City"), acting by and through its City Manager or his designee.

**WITNESSETH:**

**WHEREAS**, City and Company entered into an Economic Development Incentive Agreement on November 8, 2011 (hereinafter "Agreement"); and

**WHEREAS**, City and Company desire to amend such Agreement in certain respects as set forth herein in this First Amendment.

**NOW THEREFORE**, the Agreement is incorporated herein as if written word for word. Except as provided below, all other terms and conditions of the Agreement shall remain unchanged and shall remain in full force and effect. In the event of any conflict or inconsistency between the provisions set forth in this First Amendment and the Agreement, priority of interpretation shall be in the following order: First Amendment and then the Agreement. In consideration of the foregoing, and for other good and valuable consideration, the parties hereto agree as follows:

**I.**

Beginning on the effective date of this First Amendment and continuing through the remaining term of the Agreement, **the second paragraph under the Witnesseth provision on the first page of the Agreement** is hereby amended to read in its entirety as follows:

**WHEREAS**, Company agrees to occupy at least 20,000 square feet of space at the Real Property and maintain or create up to 75 Job Equivalents to be located on the Real Property for the term of this Agreement; and

**II.**

Beginning on the effective date of this First Amendment and continuing through the remaining term of the Agreement, **the fourth paragraph under the Witnesseth**

**provision on the first page of the Agreement** is hereby amended to read in its entirety as follows:

**WHEREAS**, the Council finds that the occupancy of at least 20,000 square feet of space at the Real Property, and the retention, creation or transfer of up to 75 Job Equivalents within the City will promote economic development, stimulate commercial activity and enhance the tax base and economic vitality of the City; and

### **III.**

Beginning on the effective date of this First Amendment and continuing through the remaining term of the Agreement, **Article III, Obligations of Company, Section (b)** is hereby amended to read in its entirety as follows:

(b) Retain, create or transfer at least 75 Job Equivalents to the Real Property by December 31, 2011, and maintain those Job Equivalents on the Real Property throughout the term of the Agreement; and

### **IV.**

Beginning on the effective date of this First Amendment and continuing through the remaining term of the Agreement, **Article IV, Economic Development Grant, Section 4.01** is hereby amended to read in its entirety as follows:

4.01 **Grant.** The City agrees to provide the Company a cash grant of Sixty Thousand Dollars (\$60,000.00) (the "Economic Development Program Grant") as long as Company meets each of the obligations set out in Article III above and complies with the certification schedule and requirements set out in 4.02 below.

### **V.**

Beginning on the effective date of this First Amendment and continuing through the remaining term of the Agreement, **Article IV, Economic Development Grant, Section 4.02** is hereby amended to read in its entirety as follows:

4.02 **Grant Payment Requirements and Schedule.** Except as otherwise indicated, the Company shall be entitled to the grant award in accordance with the following requirements and schedule:

(a) By December 31, 2011, occupy not less than 20,000 square feet of commercial space and retain, transfer, or create at least 75 Job Equivalents at the Real Property to be eligible to receive a lump sum payment of Sixty Thousand Dollars (\$60,000.00). The payment will not be pro-rated. **Company must submit the Initial Certification form attached hereto as Exhibit "A" verifying compliance with the obligations set forth in this provision not later than May 31, 2012. A failure to provide this form by that date is an event of default and, if not cured as provided**

**in Section 5.01(b) below, results in an immediate and complete forfeiture of the entire grant.**

City will make the payment within thirty (30) days of receipt of the Initial Certification unless the City reasonably objects to the Initial Certification due to the Company not being in compliance with the obligations set out in Section 4.02(a) above.

(b) Beginning January 2013, Company must submit an annual certification on the form attached hereto as Exhibit "B" not later than January 31 of each year for the duration of this Agreement verifying compliance with Article III above. The certification must be based upon the number of Job Equivalents for which the Company has received a grant. A failure to file the annual certification by the January 31 deadline during the remaining years of the Agreement shall result in a default and a right to a full refund of all grant amounts previously paid as set out in 4.03.

(c) All certifications must be verified by the Company's chief executive or financial officer.

**VI.**

Beginning on the effective date of this First Amendment and continuing through the remaining term of the Agreement, **Exhibit "A"** attached to this First Amendment supersedes and replaces Exhibit "A" of the Agreement in its entirety.

**IN WITNESS WHEREOF**, the effective date of this First Amendment shall be the date on which all of the parties have executed this First Amendment as indicated below.

**EXECUTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

CITY OF PLANO, TEXAS, a home-rule  
municipal corporation

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

By: \_\_\_\_\_  
Bruce D. Glasscock, CITY MANAGER

APPROVED AS TO FORM:

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

ATTEST:

SEARS HOLDINGS MANAGEMENT  
CORPORATION, a Delaware  
Corporation

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

(Must be signed by CEO or CFO)

**EXHIBIT "A"**

**INITIAL CERTIFICATE OF COMPLIANCE**

Real Property: Plano Corporate Center, Suite 201  
2301 West Plano Parkway  
Plano, Texas 75075

Please select one of the options below before signing and returning the certification:

\_\_\_\_\_ a. I hereby certify that Sears Holdings Management Corporation has occupied 20,000 square feet of commercial space and retained, transferred or added at least 75 Job Equivalent positions at the Real Property by December 31, 2011, and is in compliance with the Agreement and is entitled to receive payment in accordance with Section 4.02 (a) of that Agreement. The actual number of job equivalents is \_\_\_\_\_.

\_\_\_\_\_ b. I hereby certify that Sears Holdings Management Corporation has failed to occupy 20,000 square feet of commercial space and failed to retain, transfer or add at least 75 Job Equivalent positions at the Property by December 31, 2011, and is not in compliance with the Agreement and is not entitled to receive payment in accordance with Section 4.02 (a) of that Agreement. The actual number of job equivalents is \_\_\_\_\_.

ATTEST:

**Sears Holdings Management  
Corporation, a Delaware Corporation**

\_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

(Must be signed by CEO or CFO)

\_\_\_\_\_

Date

**This Certification is due by May 31, 2012.**

This Certificate of Compliance should be mailed to the following address for overnight or personal delivery:

City of Plano  
Attn: Finance Director  
1520 Avenue K, Suite 370  
Plano, Texas 75074



**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:		04/09/12		
Department:		Economic Development		
Department Head		Sally Bane		
Agenda Coordinator (include phone #): <b>Linda Thomason x8301</b>				
<b>CAPTION</b>				
A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a Second Amendment to Tax Abatement Agreement by and between the City of Plano, Texas, Plano Tech Center Partners, Ltd., and GE Power Electronics, Inc. formerly Lineage Power Corporation; and 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>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
<b>BALANCE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FUND(S):    ECONOMIC DEVELOPMENT INCENTIVE FUND</b>				
<b>COMMENTS:</b> This item has no fiscal impact. Strategic Plan Goal: Providing economic development incentives relates to the City's goal of strong local economy.				
<b>SUMMARY OF ITEM</b>				
To clarify the date range for qualifying new improvements added to the real property for abatement purposes and to reflect the name change of Lineage Power Corporation to GE Power Electronics, Inc.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Resolution 2 <sup>nd</sup> Amended Tax Abatement Agreement				

**A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a Second Amendment to Tax Abatement Agreement by and between the City of Plano, Texas, Plano Tech Center Partners, Ltd., and GE Power Electronics, Inc. formerly Lineage Power Corporation; and 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 Second Amendment of Tax Abatement Agreement by and between the City of Plano, Texas, Plano Tech Center Partners, Ltd., a Texas limited partnership, and GE Power Electronics, Inc. formerly Lineage Power Corporation, a Nevada corporation, to clarify the date range for qualifying new improvements added to the real property for abatement purposes and to reflect the name change of Lineage Power Corporation to GE Power Electronics, Inc., a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Second Amendment"); and

**WHEREAS**, upon full review and consideration of the Second 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:**

**Section I.** The terms and conditions of the Second Amendment having been reviewed by the City Council of the City of Plano, Texas, 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 Second 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 Second Amendment.

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

**DULY PASSED AND APPROVED** this the 9<sup>th</sup> day of April, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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

<p>THE STATE OF TEXAS</p>	<p>§ § § § § §</p>	<p><u>Second Amendment of Tax Abatement Agreement by and between City of Plano, Plano Tech Center Partners, Ltd. and GE Power Electronics, Inc. formerly Lineage Power Corporation</u></p>
<p>COUNTY OF COLLIN</p>	<p>§</p>	

THIS Second Amendment to Tax Abatement Agreement (hereinafter "Second Amendment") is made by and between **PLANO TECH CENTER PARTNERS, LTD.**, a Texas limited partnership (hereinafter "Owner"), **GE POWER ELECTRONICS, INC.** formerly **LINEAGE POWER CORPORATION**, a Nevada corporation (hereinafter "Lessee"), and the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation (hereinafter "City"), acting by and through its City Manager or his designee.

**WITNESSETH:**

**WHEREAS**, City, Owner, and Lessee entered into a Tax Abatement Agreement on July 27, 2009 (hereinafter "Agreement") to enhance the economic and employment base of City; and

**WHEREAS**, City, Owner and Lessee executed the First Amendment on December 1, 2011; and

**WHEREAS**, City, Owner and Lessee desire to further amend such Agreement in certain respects as set forth herein in this Second Amendment.

**NOW THEREFORE**, the Agreement is incorporated herein as if written word for word. Except as provided below, all other terms and conditions of the Agreement shall remain unchanged and shall remain in full force and effect. In the event of any conflict or inconsistency between the provisions set forth in this Second Amendment, the First Amendment and the Agreement, priority of interpretation shall be in the following order: Second Amendment, First Amendment, and Agreement.

IN CONSIDERATION of the foregoing, and for other good and valuable consideration, the parties agree as follows:

I.

Beginning on the effective date of this Second Amendment, and continuing through the remaining term of the Agreement the name of the Lessee, Lineage Power Corporation, is changed to GE Power Electronics, Inc. and any reference in the Agreement or First Amendment to Lineage Power Corporation shall be replaced with GE Power Electronics, Inc.

II.

Beginning on July 27, 2009, the effective date of the Agreement, and continuing through the remaining term of the Agreement, number 5 listed under the Paragraph entitled **IMPROVEMENTS** is hereby modified to read in its entirety as follows:

**IMPROVEMENTS**

By December 31, 2009 the Owner or Lessee shall make or cause to be made improvements to the real property, as shown in Exhibit "B", consisting of a new building(s) and/or building improvements that are at least 100,000 gross square feet of office and/or warehouse space with an assessed taxable value of not less than Four Million Seven Hundred and Twenty One Thousand Dollars (\$4,721,000.00) for new improvements added to the Real Property, as shown in Exhibit "B", between the dates of January 1, 2008 through December 31, 2009 as determined by the Collin County Central Appraisal District. The real property abatement for the new improvements shall begin in the January 2010 tax year pursuant to Section 13(a) herein unless an extension as a result of an Event of Force Majeure has been approved by the City in writing. The abatement shall not include any existing real property taxable value assessed on the property, as shown in Exhibit "B", as of December 31, 2007.

**IN WITNESS WHEREOF**, the effective date of this Second Amendment shall be the date on which all of the parties have executed this Second Amendment as indicated below.

**EXECUTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST: CITY OF PLANO, TEXAS, a home-rule  
municipal corporation

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

By: \_\_\_\_\_  
Bruce D. Glasscock, CITY MANAGER

APPROVED AS TO FORM:

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

ATTEST: PLANO TECH CENTER PARTNERS,  
LTD., a Texas limited partnership  
By: Peloton PTC, Inc., a Texas  
corporation, General Partner

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST: GE POWER ELECTRONICS, INC.  
formerly LINEAGE POWER  
CORPORATION, a Nevada corporation

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ACKNOWLEDGMENTS**

**STATE OF TEXAS**       §  
                                  §  
**COUNTY OF COLLIN**   §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by **BRUCE D. GLASSCOCK**, City Manager of the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

**STATE OF TEXAS**       §  
                                  §  
**COUNTY OF \_\_\_\_\_** §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_, (*Authorized Representative*) \_\_\_\_\_ (*Title*) of **PELTON PTC, INC.**, a Texas corporation, General Partner of **PLANO TECH CENTER PARTNERS, LTD.**, a Texas Limited Partnership, on behalf of said limited partnership.

\_\_\_\_\_  
Notary Public, State of Texas

**STATE OF \_\_\_\_\_** §  
                                  §  
**COUNTY OF \_\_\_\_\_** §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_, (*Authorized representative*) \_\_\_\_\_ (*Title*) of **GE POWER ELECTRONICS, INC.** formerly **LINEAGE POWER CORPORATION**, a Nevada corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_



**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:		April 9, 2012			
Department:		Public Information			
Department Head		Dana Conklin - 7321			
Agenda Coordinator (include phone #): <b>Kimberly Simmons - 7307</b>					
<b>CAPTION</b>					
A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a First Modification of Agreement By and Between the City of Plano and Legends Sales & Marketing, LLC, successor to CSL Marketing Group, LLC, authorizing its execution by the City Manager or his 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>2011-2012</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
<b>BALANCE</b>		0	0	0	0
<b>FUND(s):</b>					
<b>COMMENTS:</b> This item has no fiscal impact					
STRATEGIC PLAN GOAL: Contract modifications relate to the the City's Goal of Financially Strong City with Service Excellence.					
<b>SUMMARY OF ITEM</b>					
First Modification of Agreement by and between City of Plano and Legends Sales & Marketing, LLC, successor to CSL Marketing Group, LLC.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Resolution					

**A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a First Modification of Agreement By and Between the City of Plano and Legends Sales & Marketing, LLC, successor to CSL Marketing Group, LLC, authorizing its execution by the City Manager or his designee; and providing an effective date.**

**WHEREAS**, the City Council has been presented a proposed First Modification of Agreement By and Between the City of Plano and Legends Sales & Marketing, LLC, successor to CSL Marketing Group, LLC, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "First Modification"); and

**WHEREAS**, the City of Plano and CSL Marketing Group, LLC entered into an Agreement on April 8, 2011, for professional services in connection with marketing of sponsorship opportunities; and

**WHEREAS**, Legends Sales & Marketing, LLC acquired CSL Marketing Group, LLC on or about November 2011; and

**WHEREAS**, the City of Plano and Legends Sales & Marketing, LLC, successor to CSL Marketing Group, LLC, desire to modify said agreement to change the name from CSL Marketing Group, LLC to Legends Sales & Marketing, LLC, a Delaware limited liability company to reflect the change in ownership; and

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

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

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

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

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

**DULY PASSED AND APPROVED** this the 9th day of April, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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

**EXHIBIT "A"**

THE STATE OF TEXAS	§	<b><u>First Modification of Agreement</u></b>
	§	<b><u>By and Between City of Plano and</u></b>
	§	<b><u>Legends Sales &amp;</u></b>
	§	<b><u>Marketing, LLC, successor to</u></b>
COUNTY OF COLLIN	§	<b><u>CSL Marketing Group, LLC</u></b>

THIS FIRST MODIFICATION OF Agreement (hereinafter "First Modification") is made and entered into on this the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between **LEGENDS SALES & MARKETING, LLC**, a Delaware limited liability company, **successor to CSL MARKETING GROUP, LLC**, (hereinafter "Professional") and the **CITY OF PLANO, TEXAS**, a home rule municipal corporation (hereinafter "City"), acting by and through its City Manager or his designee.

**WITNESSETH:**

**WHEREAS**, City and Professional entered into an Agreement on April 8, 2011, (hereinafter "Agreement") for professional services in connection with marketing of sponsorship opportunities (hereinafter "Services"); and

**WHEREAS**, **CSL MARKETING GROUP, LLC** was acquired by **LEGENDS SALES & MARKETING, LLC** on or about November 2011.

**WHEREAS**, City and Professional desire to amend such Agreement in certain respects as set forth herein in this First Modification.

**NOW THEREFORE**, the Agreement is incorporated herein as if written word for word. Except as provided below, all other terms and conditions of the Agreement shall remain unchanged and shall remain in full force and effect. In the event of any conflict or inconsistency between the provisions set forth in this First Modification and the Agreement, priority of interpretation shall be in the following order: First Modification, Agreement. In consideration of the foregoing, and for other good and valuable consideration, the parties hereto agree as follows:

**I.**

Beginning on the effective date of this Modification and continuing through the remaining term of the Agreement, the name of Professional is changed from

**CSL MARKETING GROUP, LLC** to **LEGENDS SALES & MARKETING, LLC**, a Delaware limited liability company. **LEGENDS SALES & MARKETING, LLC** agrees to assume all rights, responsibilities, obligations and duties of **CSL MARKETING GROUP, LLC** pursuant to the original agreement signed on April 8, 2011 and to fully comply with all the terms and conditions therein.

**IN WITNESS WHEREOF**, the parties enter into this First Modification on the date first written above.

**LEGENDS SALES & MARKETING,  
LLC**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CITY OF PLANO, TEXAS**

By: \_\_\_\_\_  
BRUCE D. GLASSCOCK  
CITY MANAGER

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 type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		4/09/2012			
Department:	Public Works				
Department Head	Gerald Cosgrove				
Agenda Coordinator (include phone #): <b>Linda Sweeney (X-7157)</b>					
<b>CAPTION</b>					
<p>A resolution of the City of Plano, Texas, authorizing a Partial Release of Public Improvement Agreement dated March 7, 1995, by HAGGAR-JEZZEEN PARTNERS, a Texas general partnership ("Hagggar-Jezzeen"), J.M. HAGGAR, JR., an individual ("Mr. Hagggar") (collectively, "Hagggar") and THE CITY OF PLANO, TEXAS, a home rule municipal corporation ("City"), authorizing the City Manager or his authorized designee, to execute the Release; and providing an effective date.</p>					
<b>FINANCIAL SUMMARY</b>					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>2011-12</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	<b>0</b>	0	<b>0</b>
<b>FUND(S):</b> N/A					
<b>COMMENTS:</b> This item has no fiscal impact.					
<b>STRATEGIC PLAN GOAL:</b> Authorizing a partial release of Public Agreement dated March 7, 1995 relates to the City's Goal of Financially Strong City with Service Excellence.					
<b>SUMMARY OF ITEM</b>					
<p>The Agreement requires Hagggar and the City to complete certain obligations related to the construction of certain improvements and sharing the cost of such improvements. The Public Works Department has determined that the obligations contained in the Improvement Agreement have been completed as to that certain approximately 27.1 acre parcel of property described in Exhibit "A". Additionally, the owner has entered into a contract of sale which conveys a portion of the land which is the subject of the Agreement, and the parties desire to terminate, release, relinquish, and discharge any and all obligations, conditions and covenants set forth in the Agreement that arise from, encumber, or in any way relate to the Released Property. The Public Works Department concurs with this request.</p>					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Partial Release of Public Improvement Agreement			N/A		

**A Resolution of the City of Plano, Texas, authorizing a Partial Release of Public Improvement Agreement dated March 7, 1995, by Haggar-Jezzeen Partners, a Texas general partnership ("Haggar-Jezzeen"), J.M. Haggar, Jr., an individual ("Mr. Haggar") (collectively, "Haggar") and The City Of Plano, Texas, a home rule municipal corporation ("City"), authorizing the City Manager or his authorized designee, to execute the Release; and providing an effective date.**

**WHEREAS**, Haggar and the City previously executed that certain Public Improvement Agreement dated effective as of March 7, 1995 (the "Agreement"), recorded in the Real Property Records of Collin County, Texas under file number 95-0022122, which sets forth the terms and conditions by which the City will construct certain improvements (the "Improvements") and the parties will share the cost of said Improvements;

**WHEREAS**, The Agreement requires Haggar and the City to complete certain obligations related to the construction of certain improvements and sharing the cost of such improvements;

**WHEREAS**, obligations contained in the Improvement Agreement have been completed as to that certain approximately 27.1 acre parcel of property described in Exhibit "1" to the Partial Release of the Agreement, (the "Released Property") attached hereto and incorporated by reference;

**WHEREAS**, the City Council has been presented a proposed Partial Release of Public Improvement Agreement, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference to terminate, release, relinquish, and discharge any and all obligations, conditions and covenants set forth in the Agreement that arise from, encumber, or in any way relate to the Released Property.

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

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

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

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

**DULY PASSED AND APPROVED** this the 9th day of April, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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

**PARTIAL RELEASE OF  
PUBLIC IMPROVEMENT AGREEMENT**  
*(Haggar Interests)*

This Partial Release of Public Improvement Agreement is executed effective as of the \_\_\_\_ day of \_\_\_\_\_, 2012, by Haggar-Jezzeen partners, a Texas general partnership (“Haggar-Jezzeen”), J.M. Haggar, Jr., an individual (“Mr. Haggar”) and The City Of Plano, Texas, a home rule municipal corporation (“City”).

WHEREAS, Haggar and the City previously executed that Public Improvement Agreement dated March 7, 1995 (the “Improvement Agreement”), recorded in the Real Property Records of Collin County, Texas under document number 95-0022122;

WHEREAS, The Agreement requires Haggar-Jezzeen, Mr. Haggar, and the City to complete certain obligations related to the construction of certain improvements and sharing the cost of such improvements;

WHEREAS, obligations contained in the Improvement Agreement have been completed as to that certain approximately 27.1 acre parcel of property described in Exhibit 1, (the “Released Property”) attached hereto and incorporated by reference; and

WHEREAS, Haggar-Jezzeen, Mr. Haggar, and the City desire to terminate, release, relinquish, and discharge any and all obligations, conditions and covenants set forth in the Improvement Agreement which concern, relate to or otherwise encumber the Released Property.

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

THAT, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, Haggar-Jezzeen, Mr. Haggar, and the City do hereby AGREE AND CONFIRM that the obligations contained in the Improvement Agreement which concern, relate to or otherwise encumber the Released Property have been fully performed;

FURTHER, that Haggar-Jezzeen, Mr. Haggar, and the City do hereby TERMINATE, RELEASE, RELINQUISH, AND DISCHARGE the Improvement Agreement as to the Released Property, more particularly described in Exhibit 1, and do further declare and acknowledge that the provisions of the Improvement Agreement are of no further force and effect as to the Released Property.

All other remaining terms, conditions and provisions of the Improvement Agreement shall remain in full force and effect and the only modifications of the Improvement Agreement are those set forth and expressed herein.

This Partial Release may be executed in several counterparts, each of which shall be deemed an original, and all of such counterparts together shall constitute one and the same instrument.



**MR. HAGGAR:**

\_\_\_\_\_  
J.M. Hagggar, Jr.

STATE OF TEXAS                    §  
   §  
COUNTY OF \_\_\_\_\_ §

The foregoing Partial Release was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2012, by J.M. Hagggar, Jr., an individual known to me.

(Seal)

\_\_\_\_\_  
Notary Public, State of Texas

My commission expires: \_\_\_\_\_

**CITY:**

CITY OF PLANO,  
a home rule municipal corporation

By: \_\_\_\_\_  
Name:  
Title:



## Exhibit 1

### LEGAL DESCRIPTION

**BEING** a tract of land situated in the McKinney and Williams Survey, Abstract No. 650, City of Plano, Collin County, Texas and being part of a tract of land described in Special Warranty Deed to Hagggar-Jezzeen Partners recorded in Volume 3048, Page 380, Land Records of Collin County, Texas and part of a tract of land described in Special Warranty Deed to Hagggar-Jezzeen Partners recorded in Volume 3048, Page 393, Land Records of Collin County, Texas and being more particularly described as follows:

**BEGINNING** at a 1/2" Iron rod with "RPLS 4613" cap found at the northwest corner of the westerly terminus of National Drive (a 60-foot wide right-of-way);

**THENCE** with said terminus, South 01°31'07" East, a distance of 30.00 feet to a "X" cut in concrete set for corner;

**THENCE** continuing with said terminus, South 01°31'02" East, at a distance of 30.00 feet, passing the northwest corner of Lot 1, Block A, Portia Taylor Elementary School, an addition to the City of Plano, Texas according to the plat thereof recorded in Instrument No. 20060607010002390, Land Records of Collin County, Texas, continuing with the west line of said Lot 1, Block A, in all a total distance of 693.52 feet to a 1/2" Iron rod with broken cap found in the north line of a 15-foot wide alley according to the plat of Ridgeview Villas, an addition to the City of Plano, Texas according to the plat thereof recorded in Cabinet R, Page 174, Map Records of Collin County, Texas; said point being at the southwest corner of said Lot 1, Block A;

**THENCE** with the north line of said 15-foot wide alley, the following courses and distances:

South 28°03'05" West, a distance of 564.71 feet to a 5/8" Iron rod with "Roome" cap found for corner;  
South 24°48'45" East, a distance of 0.38 feet to a 5/8" iron rod with "KHA" cap set at the northeast corner of Lot 1R, Block A, Coit/Ridgeview Apartments, an addition to the City of Plano, Texas according to the plat thereof recorded in Instrument No. 20080507010001780, an in Volume 2008, Page 282, Land Records of Collin County, Texas; said point also being at the beginning of a non-tangent curve to the right having a central angle of 25°43'35", a radius of 2000.00 feet, a chord bearing and distance of South 75°42'30" West, 890.50 feet;

**THENCE** with the north line of said Lot 1R, Block A, in a southwesterly direction, with said curve to the right, an arc distance of 898.03 feet to a 5/8" Iron rod with "KHA" cap set at the end of said curve and also being the southeast corner of Lot 1, Block A, Signature Plaza, an addition to the City of Plano, Texas according to the plat thereof recorded in Cabinet Q, Page 158, Map Records of Collin County, Texas;

**THENCE** departing said north line of Lot 1R and with the east line of said Lot 1, Block A, Signature Plaza, North 00°45'04" West, passing at a distance of 274.43 feet, a 5/8" iron rod with "KHA" cap found at the easternmost northeast corner of said Lot 1R and the southeast corner of Lot 2, Block A, Signature Plaza, continuing with the east line of said Lot 2, Block A, in all a total distance of 966.99 feet to a 5/8" iron rod with "KHA" cap set for corner; from said point, a 5/8" Iron rod with "KHA" cap found bears North 00°45'04" West, a distance of 40.89 feet;

**THENCE** departing said east line, the following courses and distances:

North 63°24'37" East, a distance of 983.47 feet to a 5/8" iron rod with "KHA" cap set at the beginning of a tangent curve to the right having a central angle of 25°04'21", a radius of 300.00 feet, a chord bearing and distance of North 75°56'47" East, 130.23 feet;  
In a northeasterly direction, with said curve to the right, an arc distance of 131.28 feet to a 5/8" iron rod with "KHA" cap set at the end of said curve;  
North 88°28'58" East, a distance of 116.12 feet to the **POINT OF BEGINNING** and containing 27.926 acres or 1,216,467 square feet of land.

The bearings for this survey are based grid north of the Texas Coordinate System of 1983. All dimensions shown are ground distances. To obtain a grid distance, multiply the ground distance by the Project Combined Factor (PCF) of 0.999842665.



STATE HIGHWAY NO. 121  
C.C.C.F.# 2007-000186 L.R.C.C.T.  
WIDE AREA TRUCK STOP

DENIAL OF ACCESS LINE  
C.C.C.F.# 16-07260  
L.R.C.C.T.

HAGGAR-JEZZEEN  
PARTNERS  
VOL. 3048, PG. 380  
L.R.C.C.T.

$\Delta=28^{\circ}18'20''$   
 $R=30.00'$   
 $L=162.84'$   
 $CB=74^{\circ}22'48''E$   
 $C=161.18'$

$N88^{\circ}25'56''E$   
111.88'

NATIONAL DRIVE

WATER METER WEST OF  
PROPERTY LINE  
CONCRETE FINISHMENT  
AND CONCRETE  
MEDIAN L&F WEST OF  
PROPERTY LINE

15' UTILITY EASEMENT  
INST. NO. 20060607010002390  
L.R.C.C.T.

LOT 1, BLOCK A  
PORTIA TAYLOR  
ELEMENTARY SCHOOL  
INST. NO. 20060607010002390  
L.R.C.C.T.

27.460 ACRES  
1,196,148 SQ.FT.

HAGGAR-JEZZEEN  
PARTNERS  
VOL. 3048, PG. 380  
L.R.C.C.T.

18' DRAINAGE EASEMENT  
INST. NO. 20060607010002390  
L.R.C.C.T.

25' WATER & SANI SEWER  
EASEMENT  
INST. NO. 20060607010002390  
L.R.C.C.T.

FENCE AND WALL L&F  
WEST OF PROPERTY LINE

DE LOACH DRIVE

15' UTILITY  
EASEMENT  
WEST OF  
PROPERTY LINE

FLAT CREEK DRIVE

LIGHTCATCHER DRIVE

PORTER CREEK DRIVE

HAGGAR-JEZZEEN  
PARTNERS  
VOL. 3048, PG. 383  
L.R.C.C.T.

C.C.C.F.# 2003-020106  
VOL. 3646, PG. 281  
L.R.C.C.T.

C.C.C.F.# 2003-020106  
VOL. 3646, PG. 281  
L.R.C.C.T.

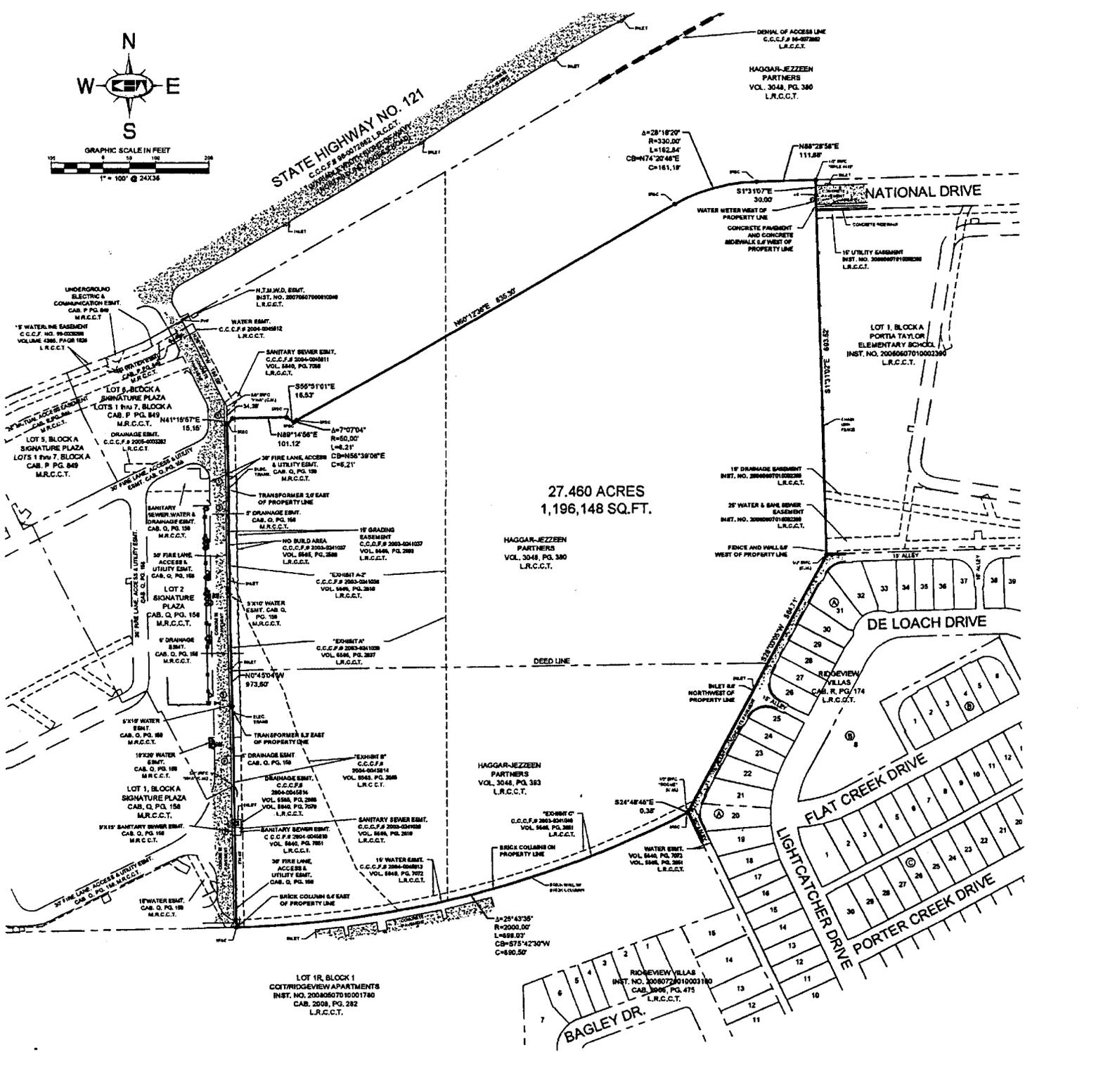
15' WATER EMT.  
C.C.C.F.# 2004-004619  
VOL. 3646, PG. 281  
L.R.C.C.T.

$\Delta=28^{\circ}43'35''$   
 $R=2000.00'$   
 $L=898.00'$   
 $CB=57^{\circ}12'30''W$   
 $C=890.50'$

LOT 1R, BLOCK 1  
COTTLEDGEVIEW APARTMENTS  
INST. NO. 20080607010001780  
CAB. 2008, PG. 282  
L.R.C.C.T.

RISEVIEW VILLAS  
INST. NO. 2008072010003110  
CAB. 2008, PG. 475  
L.R.C.C.T.

BAGLEY DR.





**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:		4/9/12			
Department:		Legal			
Department Head		Diane Wetherbee			
Agenda Coordinator (include phone #): <b>Betsy # 7545</b>					
<b>CAPTION</b>					
<p>A Resolution of the City Council of the City of Plano, Texas approving expenditures for required and customary payroll contributions in the settlement of the lawsuit styled Billy Horton, Robert Morris, Robert Prunty, Alan Spurgin, David Ratcliff, and Sam Bigham, individually and on behalf of similarly situated individuals v. City of Plano, Civil Action No. 4:10-cv-372, United States District Court, Eastern District of Texas, Sherman Division in addition to the previously approved amount of FIVE HUNDRED FIFTY FOUR THOUSAND THREE HUNDRED THIRTY THREE AND NO/100 DOLLARS (\$554,333.00); authorizing the City Manager or his authorized designee to execute any and all documents necessary to authorize such expenditure; and providing an effective date.</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>2011-12</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget		0	900,000	0	<b>900,000</b>
Encumbered/Expended Amount		0	-161,537	0	<b>-161,537</b>
This Item		0	-65,000	0	<b>-65,000</b>
BALANCE		0	673,463	0	<b>673,463</b>
<b>FUND(S):    PROPERTY &amp; LIABILITY LOSS FUND</b>					
<p><b>COMMENTS:</b> This item, in the estimated amount of \$65,000, for city contributions associated with employee wages, will be paid out of the 2011-12 Property &amp; Liability Loss Fund's Judgments &amp; Damages. These are additional funds required for the Billy Horton, et al v. City of Plano lawsuit settlement.</p> <p><b>STRATEGIC PLAN GOAL:</b> The settlement of the lawsuit relates to the City's goal of Financially Strong City with Service Excellence.</p>					
<b>SUMMARY OF ITEM</b>					
<p>Council previously authorized the settlement of this case for claims for unpaid wages under the Fair Labor Standards Act. The settlement amount previously authorized did not calculate the amount of employer contributions that are required to be paid as part of wages owed. The purpose of this item is to authorize the expenditures required for city contributions associated with employee wages, such as retirement, medicare, etc. The total anticipated contributions are between \$60-65,000.</p>					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		

**A Resolution of the City Council of the City of Plano, Texas approving expenditures for required and customary payroll contributions in the settlement of the lawsuit styled Billy Horton, Robert Morris, Robert Prunty, Alan Spurgin, David Ratcliff, and Sam Bigham, individually and on behalf of similarly situated individuals v. City of Plano, Civil Action No. 4:10-cv-372, United States District Court, Eastern District of Texas, Sherman Division in addition to the previously approved amount of FIVE HUNDRED FIFTY FOUR THOUSAND THREE HUNDRED THIRTY THREE AND NO/100 DOLLARS (\$554,333.00); authorizing the City Manager or his authorized designee to execute any and all documents necessary to authorize such expenditure; and providing an effective date.**

**WHEREAS**, there is pending in the United States District Court, Eastern District of Texas, Sherman Division, a lawsuit styled, Billy Horton, Robert Morris, Robert Prunty, Alan Spurgin, David Ratcliff, and Sam Bigham, individually and on behalf of similarly situated individuals v. City of Plano, Civil Action No. 4:10-cv-372 (“Lawsuit”); and

**WHEREAS**, the parties agreed to settle this Lawsuit for the amount of **FIVE HUNDRED FIFTY FOUR THOUSAND THREE HUNDRED THIRTY THREE AND NO/100 DOLLARS (\$554,333.00)** and other good and valuable consideration subject to approval of the City Council; and

**WHEREAS**, a settlement of this Lawsuit is not an admission of fault or liability, but a decision to avoid future expenses and litigation;

**WHEREAS**, the City Council of the City of Plano previously approved the settlement by Resolution no. 2012-1-7(R);

**WHEREAS**, the previous settlement amount only included attorney fees, wages, and liquidated damages but did not take into consideration the required payroll contributions that are made on behalf of the employer; and

**WHEREAS**, the City Council of the City of Plano hereby finds that it is in the public interest to approve additional expenditure to cover customary and required payroll contributions and authorizes the City Manager or his authorized designee to approve such expenditure.

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

**Section I.** As related to the settlement of this Lawsuit, City Council approves the additional expenditures to cover the required and customary payroll contributions for that portion of the settlement that is for gross wages, and specifically excludes any contributions or deductions related to payments that constitute liquidated damages, attorney fees or any other payment.

**Section II.** The City Manager or his authorized designee is hereby authorized to approve any additional expenditures.

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

**DULY PASSED AND APPROVED** this the 9<sup>th</sup> day of April, 2012.

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

ATTEST:

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

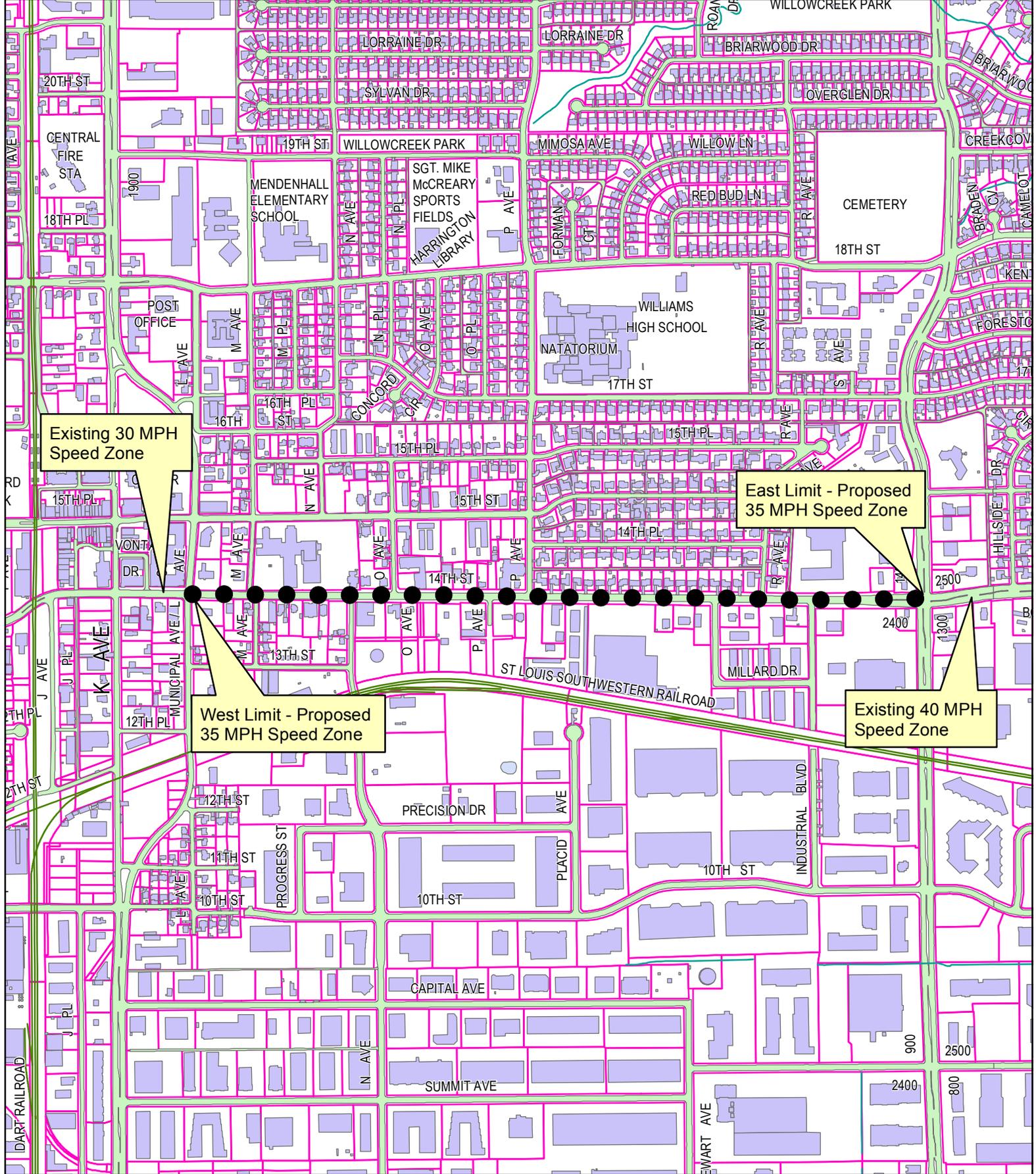
APPROVED AS TO FORM:

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

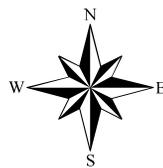


## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		4/9/12		
Department:	Public Works			
Department Head	Gerald Cosgrove			
Agenda Coordinator (include phone #): <b>Linda Sweeney (X-7157)</b>				
<b>CAPTION</b>				
<p>An Ordinance of the City of Plano, Texas, amending Section 12-74(b) of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to amend the prima facie maximum speed limits for motor vehicles operating on certain sections of 14<sup>th</sup> Street within the corporate limits of the City of Plano; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a penalty clause, a severability clause, a savings clause, a publication clause, and an effective date.</p>				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2011-12	<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):     GENERAL FUND</b>				
<b>COMMENTS:</b> Any revenue received is undeterminable at this time.				
<b>STRATEGIC PLAN GOAL:</b> Amending the Code of Ordinances relates to the City's Goal of Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
<p>The City of Plano Transportation Engineering Division (TED) received a request to review the speed limit on 14<sup>th</sup> Street from Jupiter Road west to U.S. Highway 75. The TED performed an engineering and traffic investigation and determined that the section of 14th Street between Jupiter Road and Municipal Avenue/L Avenue should be speed zoned for 35 miles per hour and the section of 14<sup>th</sup> Street west of Municipal Avenue/L Avenue should remain speed zoned at 30 miles per hour. The TED supports speed zoning 14<sup>th</sup> Street from its intersection with Jupiter Road to its intersection with Municipal Avenue/L Avenue at 35 miles per hour and has prepared the attached ordinance for City Council consideration.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map			N/A	



14th Street  
35 MPH Speed Zoning  
Recommendation



**An Ordinance of the City of Plano, Texas, amending Section 12-74(b) of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to amend the prima facie maximum speed limits for motor vehicles operating on certain sections of 14<sup>th</sup> Street within the corporate limits of the City of Plano; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a penalty clause, a severability clause, a savings clause, a publication clause, and an effective date.**

**WHEREAS**, Section 545.356 of the Texas Transportation Code, as amended, grants to cities operating under a Home Rule Charter the authority to control the operation of motor vehicles using its streets and to prescribe reasonable and safe prima facie maximum speed limits for the same; and

**WHEREAS**, traffic and engineering studies of 14<sup>th</sup> Street have been completed, and the City Council is of the opinion that the speed limits applicable to certain portions of this roadway should be altered.

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

**Section I.** The following prima facie maximum speed limits hereafter indicated for motor vehicles are hereby determined and declared to be reasonable and safe, and such maximum speed limits are hereby fixed at the rate of speed indicated for motor vehicles traveling upon the named streets or highways or parts thereof. No motor vehicle shall be operated along or upon said portions of said named streets or highways within the corporate limits of the City of Plano in excess of the speeds now set forth.

**Section II.** Section 12-74(b) of Chapter 12, Motor Vehicles and Traffic, of the City of Plano Code of Ordinances is hereby amended by the repeal of the following Subsections:

*“14<sup>th</sup> Street:*

- (1)** Forty-five (45) miles per hour along and upon 14<sup>th</sup> Street from east city limits to the west curb line of Los Rios Boulevard;
- (2)** Forty (40) miles per hour along and upon 14<sup>th</sup> Street from west curb line of Los Rios Boulevard to the west curb line of Jupiter Road;
- (3)** Thirty (30) miles per hour along and upon 14<sup>th</sup> Street from west curb line of Jupiter Road to the east curb line of G Avenue;
- (4)** Thirty (30) miles per hour along and upon 14<sup>th</sup> Street from east curb line of G Avenue to the west curb line of northbound Central Expressway.”

**Section III.** Section 12-74(b) of Chapter 12, Motor Vehicles and Traffic, of the City of Plano Code of Ordinances is hereby amended by the addition of the following Subsections to read as follows:

*“14<sup>th</sup> Street:*

- (1)** Forty-five (45) miles per hour along and upon 14<sup>th</sup> Street from the east city limits to its intersection with Los Rios Boulevard;
- (2)** Forty (40) miles per hour along and upon 14<sup>th</sup> Street from its intersection with Los Rios Boulevard to its intersection with Jupiter Road;
- (3)** Thirty-five (35) miles per hour along and upon 14<sup>th</sup> Street from its intersection with Jupiter Road to its intersection with Municipal Avenue/L Avenue;
- (4)** Thirty (30) miles per hour along and upon 14<sup>th</sup> Street from its intersection with Municipal Avenue/L Avenue to its intersection with the northbound frontage road of U.S. Highway 75, Central Expressway.”

**Section IV.** The Traffic Engineer of Plano is hereby authorized to cause to be erected appropriate signs indicating such speed zone.

**Section V.** All provisions of the Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, except that an ordinance of the City establishing a school zone and speed limit therefore within the zones changed herein, shall not be repealed but shall prevail over this Ordinance. All other provisions of the Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and full effect.

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

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

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

under any section or provisions of any ordinances at the time of passage of this Ordinance.

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

**DULY PASSED AND APPROVED** this 9<sup>th</sup> day of April, 2012.

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

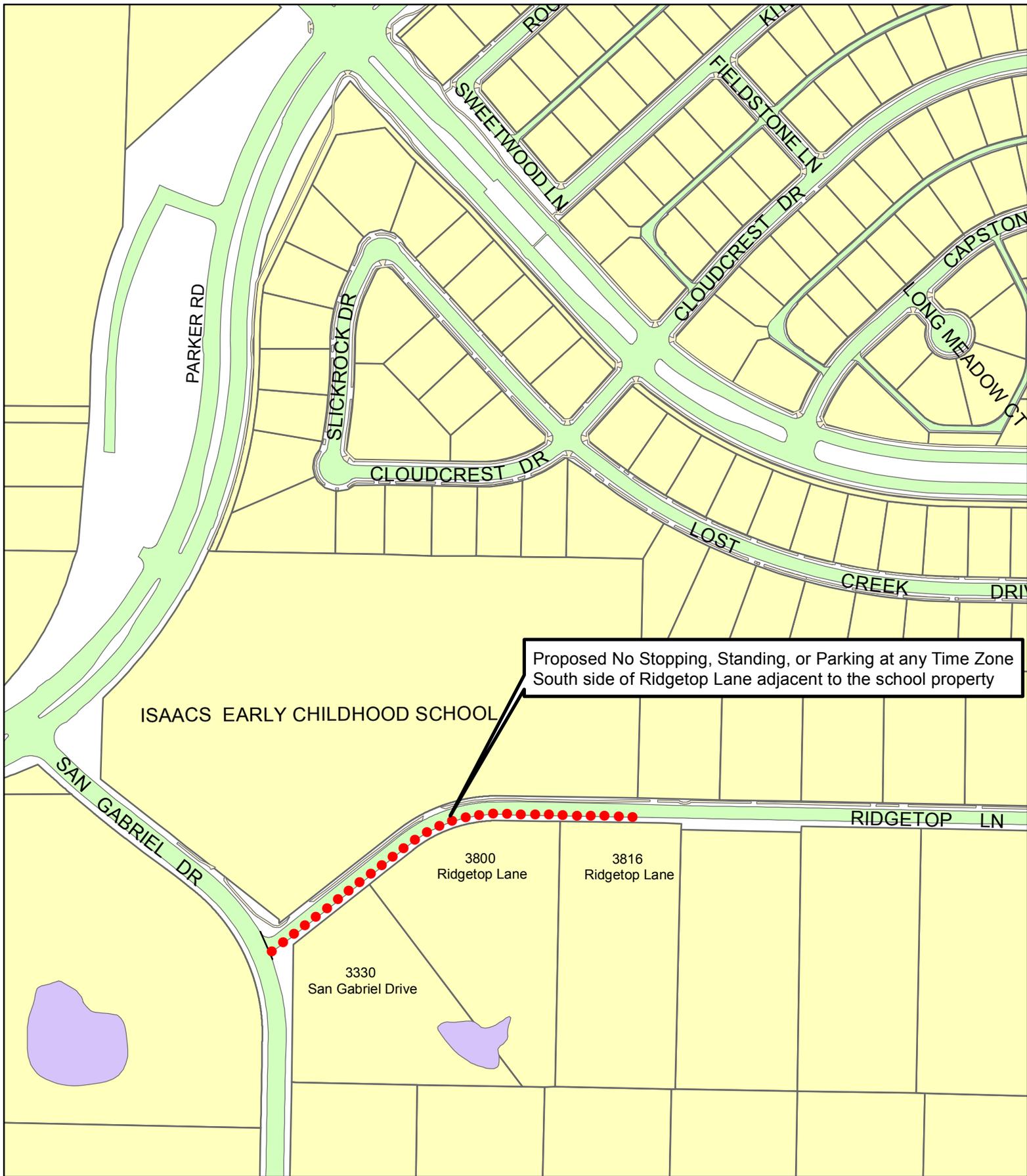
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Diane C. Wetherbee, CITY ATTORNEY



# 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:		4/09/2012		
Department:	Public Works			
Department Head	Gerald Cosgrove			
Agenda Coordinator (include phone #): <b>Linda Sweeney X-7157</b>				
<b>CAPTION</b>				
<p>An Ordinance of the City of Plano, Texas amending section 12-101 of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to prohibit stopping, standing, or parking of motor vehicles on certain sections of Ridgetop Lane, within the city limits of the City of Plano; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadway within the limits herein defined; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a penalty clause, a severability clause, a savings clause, a publication clause, and an effective date.</p>				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>2011-12</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):    GENERAL FUND</b>				
<b>COMMENTS:</b> Any revenue received via fines as a result of this Ordinance is undeterminable at this time.				
<b>STRATEGIC PLAN GOAL:</b> Amending the Code of Ordinances relates to the City's Goal of Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
<p>The Isaacs Early Childhood Learning Center is bordered by three roadways: Parker Road, San Gabriel Drive, and Ridgetop Lane – a 26-foot wide local residential street. When school-wide events are held, the school often has insufficient parking to park all of the attendees on-site and parking spills out onto the adjacent roadways. Recently a complaint was received regarding the width of Ridgetop Lane and the present allowance of parking on both sides of the street. Prohibiting parking on the south side of Ridgetop Lane would provide for simultaneous two-way traffic flow and reduce pedestrian crossings of the street. The two affected property owners were contacted via U.S. Mail by staff and neither objected to their lot frontage being posted for No Stopping, Standing, or Parking at any Time. The Transportation Engineering Division (TED) has prepared the attached Ordinance prohibiting the stopping, standing, or parking of vehicles on the south side of Ridgetop Lane adjacent to the school for City Council consideration. The TED recommends approval of this Ordinance.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map			N/A	



Proposed No Stopping, Standing, or Parking at any Time Zone South side of Ridgetop Lane adjacent to the school property

ISAACS EARLY CHILDHOOD SCHOOL

SAN GABRIEL DR

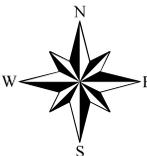
RIDGETOP LN

3800 Ridgetop Lane

3816 Ridgetop Lane

3330 San Gabriel Drive

Proposed Ridgetop Lane No Stopping, Standing, or Parking at any Time Zone



Transportation Engineering Division

**An Ordinance of the City of Plano, Texas amending section 12-101 of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to prohibit stopping, standing, or parking of motor vehicles on certain sections of Ridgetop Lane, within the city limits of the City of Plano; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadway within the limits herein defined; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a penalty clause, a severability clause, a savings clause, a publication clause, and an effective date.**

**WHEREAS**, Isaacs Early Childhood Learning Center is a public school in the City of Plano; and

**WHEREAS**, school-wide events at Isaacs Early Childhood Learning Center often result in the parking of attendee's vehicles on both sides of Ridgetop Lane, a 26-foot wide local residential street adjacent to the school; and

**WHEREAS**, the parking of vehicles on both sides of Ridgetop Lane adjacent to the school affects the flow of traffic by the general public on the street and increases the potential for pedestrian – vehicle collisions when south side vehicle occupants cross the street to access the school property; and

**WHEREAS**, the City Council of the City of Plano finds it necessary to prohibit parking of motor vehicles along and upon certain sections of Ridgetop Lane within the city limits of the City of Plano in order to provide for the safety of the general public within the area.

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

**Section I.** It shall be unlawful for any person to stop, stand, or park a motor vehicle along the sections of Ridgetop Lane described herein, except when necessary to avoid conflict with other traffic or in compliance with law or directions of a police officer.

**Section II.** Section 12-101 of Chapter 12, Motor Vehicles and Traffic, of the City of Plano Code of Ordinances is hereby amended by the addition of the following Subsection entitled and to read as follows:

*“Ridgetop Lane, along the south side of Ridgetop Lane from its intersection with San Gabriel Drive to a point 825 feet east of its intersection with San Gabriel Drive.”*

**Section III.** The Traffic Engineer of Plano is hereby authorized and directed to cause placement of traffic control signs at each approach to the portions of the

roadways described herein, and such sign shall give notice to all persons of the prohibition against stopping, standing, or parking in this area.

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

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

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

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

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

**DULY PASSED AND APPROVED this 9<sup>th</sup> day of April, 2012.**

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

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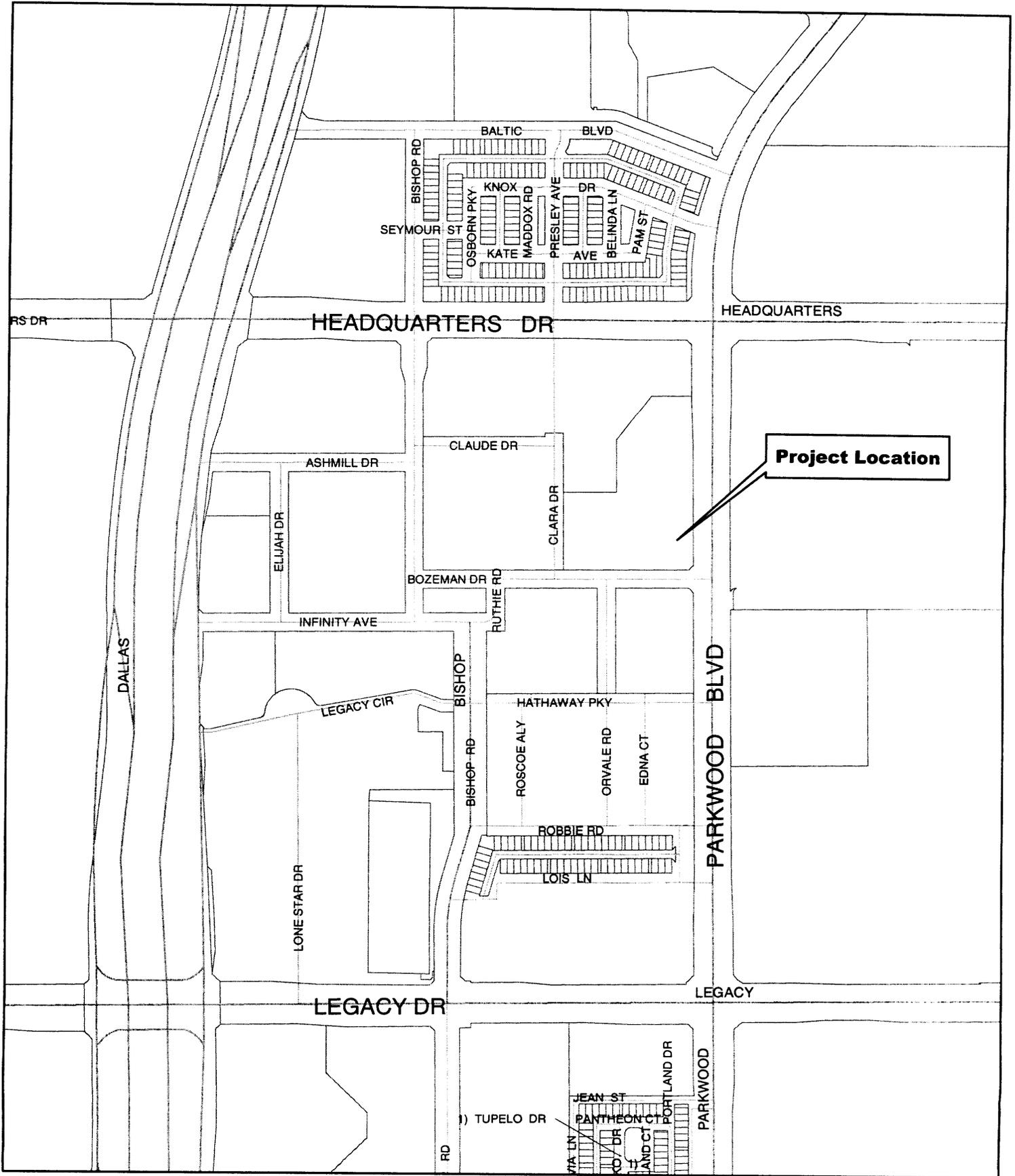
Diane C. Wetherbee, CITY ATTORNEY



**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:		4/09/12			
Department:	Public Works				
Department Head	Gerald Cosgrove				
Agenda Coordinator (include phone #):		Linda Sweeney (X-7157)		Proj. #5537-12	
<b>CAPTION</b>					
<p>An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to that certain 15' Temporary Drainage Easement recorded in Volume 4590, Page 950, of the Land Records of Collin County, Texas and being situated in the Samuel Brown Survey, Abstract No. 108, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Legacy North PT MFA V, L.P., to the extent of its interest; authorizing the City Manager or his authorized designee, to execute any documents deemed necessary; and providing an effective date.</p>					
<b>FINANCIAL SUMMARY</b>					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>2011-12</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
<b>FUND(S):</b> N/A					
<b>COMMENTS:</b> This item has no fiscal impact.					
<b>STRATEGIC PLAN GOAL:</b> Abandoning all right, title and interest of the City to the easement relates to the City's Goal of Financially Strong City with Service Excellence.					
<b>SUMMARY OF ITEM</b>					
<p>The property that the Temporary Easement served is now under development. The existing storm inlet in the Easement has been removed. A roof drain system and subsurface drainage system has been provided with the development to capture the storm water that used to surface drain to this inlet. This system drains into the existing storm sewer in Parkwood Boulevard. The existing Easement is no longer needed.</p>					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Location Map			N/A		

# Easement Abandonment Project # 5537-12



**Location Map**

**An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to that certain 15' Temporary Drainage Easement recorded in Volume 4590, Page 950, of the Land Records of Collin County, Texas and being situated in the Samuel Brown Survey, Abstract No. 108, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Legacy North PT MFA V, L.P., to the extent of its interest; authorizing the City Manager or his authorized designee, to execute any documents deemed necessary; and providing an effective date.**

**WHEREAS**, the City Council of the City of Plano has been requested to abandon all right, title and interest of the City in that certain 15' Temporary Drainage Easement recorded in Volume 4590, Page 950, of the Land Records of Collin County, Texas and being situated in the Samuel Brown Survey, Abstract No. 108, which is located within the city limits of Plano, Collin County, Texas, and which is more particularly described in Exhibit "A-1" attached hereto and incorporated herein by reference; and

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

**WHEREAS**, the Public Works Department has determined that there will be no detrimental effect on the City if the Easement is abandoned and quitclaimed to the abutting Property Owner; and has advised that the Easement should be abandoned.

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

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

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

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

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

**DULY PASSED AND APPROVED** this the 9<sup>th</sup> day of April, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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

## EXHIBIT "B"

### PETITION FOR ABANDONMENT

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting **15' Temp. Drainage Easement, Vol. 4590, Pg. 950 L.R.C.C.T.**, (hereinafter called "Easement"), more particularly described by metes and bounds in the field note description attached hereto and incorporated herein as **Exhibit "A-1"** do hereby request that the City of Plano, Texas (called "City") abandon the Easement.

1. The Owners are requesting the abandonment of the Easement for the following reasons:  
**The property that the Easement was serving is being developed. The existing Easement is no longer needed.**
2. The following public interest will be served as a result of the abandonment:  
**The property that the Easement served is now under development. The existing storm inlet in the Easement has been removed. A roof drain system and subsurface drainage system has been provided with the development to capture the storm water that used to surface drain to this inlet. This system drains into the existing storm sewer in Parkwood Boulevard.**
3. Unless the City determines that this abandonment is exempt from payment of fair market value, the Owners agree to pay to the City the fair market value of the Easement as determined by an appraisal obtained by the City (called "Price"). The appraisal shall be conclusive as to the fair market value. The Owners shall reimburse the City for the cost of the appraisal and other costs incident to the abandonment (called "Costs"). The Price and Costs shall be paid to the City prior to the abandonment. Should the Plano City Council decide not to abandon the Easement, the Price shall be returned to the Owners, but the Costs shall be retained by the City. Each Owner's share of the Price and Costs shall be in the same proportion as their abutting ownership as hereinafter defined.
4. If the Owners are providing a replacement easement for the Easement requested to be abandoned herein, Owners will attach a metes and bounds description or plat identifying the replacement easement and attach same to this Petition as **Exhibit "B-1"**.
5. The Owners hereby represent and affirm to the City that no other property owner, lessee, tenant or easement or license holder uses the Easement to access or to serve their property.
6. **The Owners further agree to release, defend, indemnify and hold the City, its officers, agents and employees harmless from and against any and all**

**claims, losses, demands, suits, judgments and costs, including reasonable and necessary attorney's fees and expenses, arising out of, related to or resulting from the abandonment of the Easement by City.**

7. The Owners understand and agree that the abandonment is in the sole discretion of the Plano City Council. The Owners also understand and agree that the Easement will be abandoned to them in proportion to their abutting ownership. The abutting ownership will be determined by the number of linear feet of frontage adjacent to the Easement owned by each property owner. Based on the foregoing, the Owners hereby represent and affirm that they have searched the public land records and determined that the abutting ownership is in the following proportions:  

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8. Owners shall also prepare a map or drawing showing the Easement to be abandoned along with a designation of all abutting property owners. This map or drawing shall be attached hereto and incorporated herein as **Exhibit "C-1"**.
9. Owners shall also prepare a separate field note description for each portion of the Easement to be released to each abutting property owner. This description shall be attached hereto and incorporated herein as **Exhibit "D-1"**.

[Remainder of page blank]

10. The undersigned officers and/or agents of the Owners hereby represent and affirm that they have the necessary authority to execute this Petition for Abandonment on behalf of the Owners.

Legacy North PT MFA V, L.P.  
**Typed Name of Owner**

8343 Douglas Avenue, Suite 360  
**Address**

Dallas, TX 75225  
**City, State and Zip**

Dated: 03.26.12

[Signature]  
**Signature of Owner**

**Contact Person for Property Owners:**

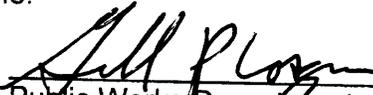
**Name:** David Meyers, P.E.

**Phone No:** 972.770.1300

-----  
**FOR DEPARTMENTAL USE ONLY**

The Easement to be abandoned is to one or more abutting property owners and is exempt from the requirement that fair market value be paid for the following reason(s):

- The Easement consists of narrow strips of land, or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development code ordinances;
- The Easement consists of streets or alleys, owned in fee or used by easement;
- The Easement consists of land or a real property interest originally acquired for streets, rights-of-way, or easements that the City of Plano has decided to exchange with Owner for other land to be dedicated and used for streets, rights of way, easements, or other public purposes, including transactions partly for cash;
- The Easement contains land that the City wants to have developed by an independent foundation;
- The Easement is located within a reinvestment zone designated by law that the City desires to have developed under a project plan adopted by the municipality for the zone.

  
\_\_\_\_\_  
Public Works Department  
City of Plano, Texas

**LEGAL DESCRIPTION  
DRAINAGE EASEMENT ABANDONMENT  
0.007 ACRE**

**BEING** a tract of land out of the Samuel Brown Survey, Abstract No. 108, in the City of Plano, Collin County, Texas, being part of Lot 6R, Block A of Legacy Town Center (North), Lots 6R and 8R, Block A, an addition to the City of Plano according to the plat thereof recorded in Cabinet 2010, Page 134 of the Map Records of Collin County, Texas, being all of the 15' Temporary Drainage Easement dedicated to the City of Plano recorded in Volume 4590, Page 950 of the Land Records of Collin County, Texas, and being more particularly described as follows:

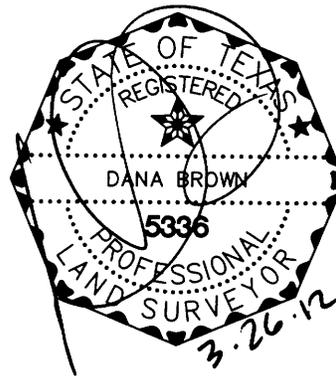
**BEGINNING** at a point in the west right-of-way line of Parkwood Boulevard (121' ROW at this point) from which an aluminum monument set in concrete for the north end of a corner clip the intersection of the north right-of-way line of Bozeman Drive and the west right-of-way line of said Parkwood Boulevard bears South 00°37'12" East, a distance of 310.54 feet;

**THENCE** leaving said west right-of-way line, the following courses and distances to wit:  
South 59°26'48" West, a distance of 16.72 feet to a point for corner;  
North 30°33'12" West, a distance of 15.00 feet to a point for corner;  
North 59°26'48" East, a distance of 25.36 feet to a point in the west line of said Parkwood Boulevard;

**THENCE** with said west right-of-way line, South 00°37'12" East, a distance of 17.31 feet to the **POINT OF BEGINNING** and containing 316 square feet or 0.007 acre of land.

Bearing system based on the plat of Legacy Town Center (North), Lots 4R, 5, 6, and 7, Block A, an addition to the City of Plano according to the plat thereof recorded in Cabinet 2008, Page 607 of the Map Records of Collin County, Texas;

Dana Brown R.P.L.S. #5336  
**KIMLEY-HORN AND ASSOCIATES, INC.**  
12700 Park Central Drive, Suite 1800  
Dallas, Texas 75251  
Phone: (972) 770-1300  
Fax: (972) 239-3820



**DRAINAGE EASEMENT ABANDONMENT  
SAMUEL H. BROWN SURVEY ABSTRACT 108  
CITY OF PLANO, COLLIN COUNTY, TEXAS**

		<b>Kimley-Horn and Associates, Inc.</b>			
5750 Genesis Court, Suite 200 Frisco, Texas 75034		Tel. No. (972) 335-3580 Fax No. (972) 335-3779			
<u>Scale</u>	<u>Drawn by</u>	<u>Checked by</u>	<u>Date</u>	<u>Project No.</u>	<u>Sheet No.</u>
N/A	DAB	KHA	MARCH 2012	064316007	1 OF 2

EXHIBIT A-1

15' TEMP.  
DRAINAGE ESMT.  
VOL. 4590 PG. 950  
L.R.C.C.T.

25.36'  
N59°26'48"E

17.31'  
S00°37'12"E

15.00'  
N30°33'12"W

16.72'  
S59°26'48"W

**POB**

CITIZENS  
CAB. L PG. 655  
M.R.C.C.T.

LOT 6R, BLOCK A  
LEGACY TOWN CENTER (NORTH)  
LOTS 6R AND 8R  
BLOCK A  
CABINET 2010, PAGE 134  
M.R.C.C.T.

S00°37'12"E 310.54'

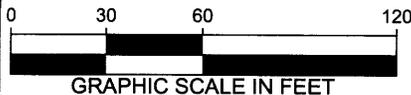
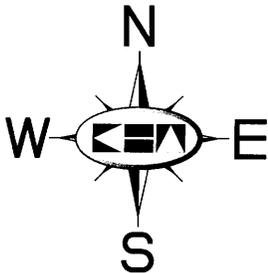
**PARKWOOD BOULEVARD**  
VARIABLE WIDTH ROW

ALUM. MONUMENT  
SET IN CONCRETE

5/8"IRF

**BOZEMAN DRIVE**

60' ROW  
CAB. 2009, PAGE 121  
M.R.C.C.T.



**DRAINAGE EASEMENT ABANDONMENT  
SAMUEL H. BROWN SURVEY ABSTRACT 108  
CITY OF PLANO, COLLIN COUNTY, TEXAS**



**Kimley-Horn  
and Associates, Inc.**

5750 Genesis Court, Suite 200  
Frisco, Texas 75034

Tel. No. (972) 335-3580  
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	DAB	KHA	MARCH 2012	064316007	2 OF 2



**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:		4/9/2012		
Department:		Human Resources		
Department Head		Jim Parrish		
Agenda Coordinator (include phone #): <b>Billy Bailey (x) 5411</b>				
<b>CAPTION</b>				
An Ordinance of the City of Plano, Texas repealing Ordinance No. 2011-9-32; establishing the number of certain classifications within the Police Department for fiscal year 2011-12; establishing the authorized number and effective dates of such positions for each classification effective April 9, 2012 respectively; establishing a salary plan for the Police Department effective April 9, 2012; and providing a repealer clause, a severability clause and an effective date.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2011-2012</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	229,483	0	<b>229,483</b>
Encumbered/Expended Amount	0	-96,513	0	<b>-96,513</b>
This Item	0	-60,371	0	<b>-60,371</b>
<b>BALANCE</b>	0	72,599	0	<b>72,599</b>
<b>FUND(S):     TRAFFIC SAFETY FUND</b>				
<p><b>COMMENTS:</b> This item adds one full-time Police Officer position to the 2011-12 Civil Service Police Compensation Plan. Funds are included in the Traffic Safety Fund Operating Budget for two (2) Police Officer positions. One (1) position is currently filled. This agenda item adds (1) Police Officer position to the Plano Police Department effective April 9, 2012 and is projected to add an additional salary and benefits cost of \$60,371 for the remaining pay periods in the 2011-12 Operating Budget.</p> <p><b>STRATEGIC PLAN GOAL:</b> Adding staff to support Red Light Camera Program relates to the City's Goal of Financially Strong City with Service Excellence and Safe Large City.</p>				
<b>SUMMARY OF ITEM</b>				
Increase the number of classifications from 284 to 285 for sworn police officers. This position is for a second Red Light Camera coordinator and will be funded by the Traffic Safety Fund.				
List of Supporting Documents: Memorandum and Ordinance			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:** March 27, 2012  
**TO:** LaShon Ross, Deputy City Manager  
**FROM:** Gregory W. Rushin, Chief of Police  
**SUBJECT:** Second Red Light Camera Coordinator Position

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The Red Light Camera (RLC) Program began with the installation of cameras at four intersections in March 2006. In March 2007, the first RLC Coordinator position was requested and approved to be funded from the Traffic Safety Fund. As more cameras were installed the work load increased and became too much for one officer to handle. There are currently 19 cameras installed in the City. In April 2010, Mr. Glasscock approved a second position for the Red Light Camera Program, also to be funded from the Traffic Safety Fund. We were able to postpone the need for this position by assigning an officer who was on restricted duty due to legal issues. That officer is now cleared to return to his regular duties in Patrol, leaving only one officer to accomplish all of the duties.

Duties of the position include selection of camera locations, monitoring performance of the cameras, coordinating business rules between the City and the vendor, preparing statistical reports, responding to Open Records and media requests, reviewing invoices submitted by the vendor and reviewing all violations before citations are sent.

Last Fiscal Year, 2010-2011, 95,895 violations were reviewed by the officers, 70,632 citations were issued by Redflex and the net revenue from the program was \$1,589,103. The initial officer is already being funded from the Traffic Safety Fund. The officer who has been on restricted duties has also been funded from the Traffic Safety Fund. The full cost of the two officers will be covered by the Traffic Safety Fund and would be \$229,483. Below is the breakdown.

<b>Red Light Camera Officers</b>	<b>Amt Budgeted</b>
Civil Service Salaries	151,598
Certification Pay	2,942
Comp Plan Contingency	4,180
Overtime	3,000
Longevity	1,200
RSP	5,284
TMRS	29,348
Group Insurance- Health	23,630
Group Insurance- Life	1,750
Medicare	2,476
Long Term Disability	115
OPEB Contribution (GASB)	3,960
<b>FY 11-12 Total Budgeted</b>	<b>229,483</b>

I am requesting that Council approve the addition of one officer to the Police Department staffing. The position would be fully funded from the Traffic Safety Fund.

**An Ordinance of the City of Plano, Texas repealing Ordinance No. 2011-9-32; establishing the number of certain classifications within the Police Department for fiscal year 2011-12; establishing the authorized number and effective dates of such positions for each classification effective April 9, 2012 respectively; establishing a salary plan for the Police Department effective April 9, 2012; and providing a repealer clause, a severability clause and an effective date.**

**Whereas**, on September 26, 2011 by Ordinance No. 2011-9-32, the City Council of the City of Plano, Texas, established classification and salaries for each of the sworn personnel positions within the Police Department of the City of Plano; and

**Whereas**, the City Council has since reviewed the classification positions within the rank of Police Officer for the City of Plano and is of the opinion that the number of such positions should be increased effective April 9, 2012, as reflected in Exhibit "A" attached hereto; and

**Whereas**, in compliance with Chapter 143 of the Texas Local Government Code, V.T.C.A., as amended, the City Council desires to adopt the specified number of classified positions effective April 9, 2012 respectively, and the classification and salary plan for the sworn personnel of the Police Department of the City of Plano, Texas as set forth in attached Exhibit "A" with such salary plan effective April 9, 2012; and

**Whereas**, the salary plan adopted by this ordinance does not, in any way, limit the ability or authority of the City to implement a reduction in salary due to business or other fiscal needs, nor does it prevent the City Manager or Department Head from reducing, on an individual or a group basis, the number of hours worked per week or per work cycle due to fiscal needs, disciplinary actions, or other allowable reasons.

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

**Section I.** Ordinance No. 2011-9-32 duly passed and approved by the City Council of the City of Plano, Texas on September 26, 2011 is repealed in its entirety effective April 9, 2012.

**Section II.** The number of positions in the City of Plano Police Department effective April 9, 2012 respectively and the classification of the City of Plano Police Department for City of Plano fiscal year 2011-12, effective April 9, 2012 all as set out in attached Exhibit "A", are hereby approved, adopted, and established.

**Section III.** Any and all advancements from one service plateau to the next, within the salary structure set out in Exhibit "A", are hereby approved, adopted, and established, and shall thereafter be permitted at the start of the first payroll period following completion of the required number of continuous service months.

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

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

**Section VI.** Upon passage, this Ordinance shall become effective April 9, 2012.

**DULY PASSED AND APPROVED** this the 9th day of April, 2012.

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

---

Diane C. Wetherbee, CITY ATTORNEY

**CITY OF PLANO  
2011-2012 CIVIL SERVICE  
COMPENSATION PLAN  
Effective 4/9/12**

**POLICE**

<b>RANGE</b>	<b>POSITION</b>	<b># POSITIONS Effective</b>	<b>Step:</b>	<b>BASE</b>	<b>6 Mos.</b>	<b>12 Mos.</b>	<b>18 Mos.</b>	<b>24 Mos.</b>	<b>30 Mos.</b>	<b>36 Mos.</b>	<b>60 Mos.</b>	<b>120 Mos.</b>	<b>180 Mos.</b>	<b>240 Mos.</b>
				<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>
001	Police Officer	4/9/12 - 285	<b>Hourly:</b> <b>Monthly:</b> <b>Annual:</b>	27,7710 4,814 57,764	28,7071 4,976 59,711	29,6535 5,140 61,679	30,9630 5,367 64,403	31,9819 5,544 66,522	33,0741 5,733 68,794	34,7528 6,024 72,286	35,7336 6,194 74,326	35,9788 6,236 74,836	36,2240 6,279 75,346	36,4692 6,321 75,856
002	Sergeant	9/26/11 - 38	<b>Hourly:</b> <b>Monthly:</b> <b>Annual:</b>	39,4508 6,838 82,058		40,9673 7,101 85,212								
003	Lieutenant	9/26/11 - 13	<b>Hourly:</b> <b>Monthly:</b> <b>Annual:</b>	44,0414 7,634 91,606		46,6812 8,091 97,097								
004	Captain	9/26/11 - 4	<b>Hourly:</b> <b>Monthly:</b> <b>Annual:</b>	50,1830 8,698 104,381		53,1910 9,220 110,637								
005	Assistant Police Chief	9/26/11 - 1	<b>Hourly:</b> <b>Monthly:</b> <b>Annual:</b>	57,1776 9,911 118,929		60,9180 10,559 126,709								
	Recruit:		<b>Hourly:</b>	25,7324										
	01A		<b>Monthly:</b>	4,460										
			<b>Annual:</b>	53,523										

The hourly rate shown above is the base hourly rate at which pay is calculated. The monthly and annual rates shown are for informational purposes only and illustrate potential pay based on hours which are not guaranteed. The City Council can change pay, pay periods, and total hours scheduled at any time.



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		04/09/2012		
Department:		City Secretary		
Department Head		Diane Zucco		
Agenda Coordinator (include phone #): <b>Sharon Kotwitz X7120</b>				
<b>CAPTION</b>				
An Ordinance of the City of Plano, Texas adopting and enacting Supplement Number 98 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; 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>2011-2012</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>
<b>BALANCE</b>	0	0	0	<b>0</b>
<b>FUND(s):     NA</b>				
<b>COMMENTS:</b> This item has no fiscal impact.				
STRATEGIC PLAN GOAL: Adoption of the Quarterly Code Supplement relates to the City's goal of Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
Adoption of this ordinance enables this supplement to be admissible in court.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

**An Ordinance of the City of Plano, Texas adopting and enacting Supplement Number 98 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date.**

**WHEREAS**, the City Council of the City of Plano, Texas adopted a new Code of Ordinances upon adoption of Ordinance No. 87-3-14, on March 9, 1987; and

**WHEREAS**, Sections V and VI of Ordinance No. 87-3-14 provide for amendment to said Code of Ordinances; and

**WHEREAS**, the Code of Ordinances of the City of Plano, Texas has been revised by previous amendments duly passed as individual ordinances by the City Council and such amendments are reflected on Supplement Number 98; and

**WHEREAS**, the City Council wishes to adopt the ordinance codification version appearing in Supplement Number 98 of the Plano Code of Ordinances in order for the printed Code form to be considered identical to the original ordinance and to eliminate any confusion or differences in the format of the original ordinance.

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

**Section I.** The City Council hereby adopts the printed Code form of the ordinances contained in Supplement Number 98 as prepared by the codifier.

**Section II.** This Ordinance shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED** this the 9th day of April, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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

**DATE:** March 20, 2012  
**TO:** Honorable Mayor & City Council  
**FROM:** Chris Caso, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of March 19, 2012

**AGENDA ITEM NO. 9 - PUBLIC HEARING  
COMPREHENSIVE PLAN AMENDMENT  
APPLICANT: CITY OF PLANO**

Request to amend the Land Use Element of the Comprehensive Plan to include new and revised policies pertaining to redevelopment and use of undeveloped land.

**APPROVED:** 6-1 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**STIPULATIONS:**

Recommended for approval as submitted. First Vice Chair Hazelbaker voted in opposition to the motion because he is concerned that the policy recommendations are too limiting for creative development.

**FOR CITY COUNCIL MEETING OF:** April 9, 2012 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

SS/dc

CITY OF PLANO  
PLANNING & ZONING COMMISSION

March 19, 2012

**Agenda Item No. 9**

**Public Hearing:** Comprehensive Plan Amendment

**Applicant:** City of Plano

---

**DESCRIPTION:**

Request to amend the Land Use Element of the Comprehensive Plan to include new and revised policies pertaining to redevelopment and use of undeveloped land.

**REMARKS:**

**Background**

In the fall of 2010, the Planning & Zoning Commission began reviewing the city's policies in the Comprehensive Plan regarding redevelopment and undeveloped land. The purpose of the review was to determine if the existing policies were still appropriate as the city and Commission began the process of updating the Comprehensive Plan. The Commission upheld the city's current policy recommendations with some revisions.

The City Council considered the policies from the Comprehensive Plan along with the recommendations from the Commission in early 2011 and requested additional time and information before providing direction on the various policies. Staff provided two policy papers to the Council and the Commission, along with six recommendations for consideration at a joint meeting on February 23, 2012. The Council directed staff and the Commission to move forward with each recommendation.

**Redevelopment and Undeveloped Land Recommendations**

The six recommendations for redevelopment and undeveloped land are proposed as an interim amendment to the Land Use Element of the Comprehensive Plan, since staff continues to work on the update of the document and supporting individual policy statements. The interim amendments are necessary to guide future development within the city. The recommendations along with an explanation are included within the staff report and appear in the attached copy of the proposed amendment to the Land Use Element. The recommendations are found beginning on page 15 of the document in underlined text. The remaining text of the Land Use Element has not changed since adoption in June 2008 by Council.

## RECOMMENDED POLICIES

### **1. All residential rezoning requests should be evaluated to determine the impact on infrastructure, public safety response, school capacity, and access to and availability of amenities and services.**

The development of sound, sustainable neighborhoods has been a cornerstone of Plano's success and attractiveness to families and businesses. Areas being considered for rezoning to residential uses should have an adequate infrastructure system and the amenities and services to support the requested use. Roads, utilities, schools, parks, libraries, and fire stations are important to support residential development. Some of this infrastructure is needed immediately, such as roads and utilities, and can be provided by the developer. Depending upon the capacity of the infrastructure needed to serve the development, the city may have to participate financially to upgrade the utility system.

For other services, such as schools, fire stations, parks, and libraries, there may be an immediate need but a delay in providing facilities and services. There is a lag time due to capital and operational expenditures incurred by the city and school district. Additionally, there is the potential for increased cost to the city and school district if these facilities and services were not anticipated within certain areas of the city.

The land along the expressway corridors and within the Legacy Business Park and the Research Technology Crossroads area has been planned for nonresidential development for many years. Therefore, infrastructure and services needed to support residential development have not been planned or programmed into capital and operational budgets. Infrastructure and facilities can be provided for these areas if residential uses are introduced, but at additional cost to the city and school districts.

### **2. Isolated residential development should not be permitted; residential rezoning requests need to establish a complete new neighborhood or expand an existing neighborhood or an urban mixed-use center. Special needs housing (i.e. senior housing) could be an exception.**

"Isolated" residential development refers to small residential neighborhoods surrounded by nonresidential development with no amenities, or separated by a major thoroughfare or natural feature from existing residential developments. This type of development should not be permitted since it does not promote sustainable residential neighborhoods long term. The proposed residential development needs to have reasonable access to community amenities; be located in a suitable environment free of noise, glare, traffic congestion, and other noxious factors; be part of a larger neighborhood where social interaction can occur; and not be separated from other residential developments by a six-lane divided roadway (Type C) or larger thoroughfare.

Plano's traditional residential neighborhood design is a successful model to be emulated. With schools and parks located within or near the neighborhood, a well-designed street system, and retail and service uses conveniently located nearby to support resident needs, these neighborhoods remain vital and desirable. With few large tracts of land left for residential development, it will be increasingly difficult to duplicate

this pattern. However, the basic characteristics should not be abandoned, and new residential development, both multifamily and single-family, should:

- Expand an existing neighborhood or mixed-use development where the infrastructure, amenities, and nonresidential uses are in place to support the new housing being created; or
- Create a new complete neighborhood unit where a school and park site could be located to serve the neighborhood as well as have nearby supporting retail/service uses; or
- Create an urban mixed-use development that has all of the key components that make a mixed-use development successful.

Special needs housing situated close to businesses which could provide services to the residents (i.e. medical, dental, grocery stores, pharmacies, etc.) would be an exception to this recommendation.

**3. The 1,200-foot setback for residential uses from the centerline of State Highway 121 should be retained and applied to the Dallas North Tollway, State Highway 190/President Bush Turnpike, and U.S. Highway 75. Factors including topography, creeks, vegetation, and existing development patterns should be considered in applying this standard.**

The recommended 1,200-foot setback for residential uses was adopted at a time when the construction and expansion of State Highway 121 to a major expressway was being considered. Residential development in close proximity to the tollway, especially single-family subdivisions, could have increased opposition to the widening of the highway and necessitated the construction of costly sound walls. The setback also sought to address the need to reserve adequately sized properties in this corridor for large commercial developments, instead of just a row of pad sites. It also recognizes that land immediately adjacent to a major expressway may not provide the best living environment.

These are worthy goals for development in any major corridor, and staff recommends that the 1,200-foot setback be retained for the State Highway 121 corridor and expanded to include the Dallas North Tollway, State Highway 190/President Bush Turnpike, and U.S. Highway 75 corridors. The issues are the same when it comes to preserving areas of the city to encourage economic development, employment growth and other commercial uses, as well as providing for viable residential neighborhoods.

Since the 1,200-foot setback is measured from the centerline of the expressway, the actual setback as measured from the right-of-way line could be closer to the frontage roads. As property lines and natural features do not always run in a straight line, judicious application of the setback is needed. There will be some instances, as has happened in the State Highway 121 corridor, where it is reasonable for residential development to be located closer to an expressway than 1,200 feet. Urban mixed-use centers could also be considered, since they offer the opportunity for residential development to be shielded by taller office buildings.

The chart below illustrates the application of the 1,200-foot distance setback in each corridor. The average land depth indicates the land that should be maintained for non-residential development.

Expressway	Average land depth*
SH 121	960 feet
SH 190	1,038 feet
Dallas North Tollway	1,033 feet
U.S. Highway 75	1,035 feet

\*As measured from the expressway centerline:  
 1,200 feet - one-half of the expressway ROW =  
 average land depth

**4. No new low-rise multifamily development less than five stories in height should be allowed south of Tennyson Parkway, along the Dallas North Tollway between Communications Parkway and Parkwood Boulevard. However, mid-rise multifamily development (5 to 12 stories) may be considered by specific use permit (SUP) in this area of the corridor.**

This recommendation reaffirms preserving land for economic development along the Dallas North Tollway. The tollway, as a major regional corridor and the main entrance to the Legacy Business Park, continues to be in demand for office and commercial development. Properties located between Communications Parkway and Parkwood Boulevard are in many areas very narrow and do not provide sufficient space to effectively blend multifamily development with other uses. The increased number of stories for mid-rise residential uses is necessary to accommodate the number of units required to make the project viable and to reduce the land area dedicated to the building footprint to provide additional land to accommodate other uses.

North of Tennyson Parkway, the mixed-use development of Legacy Town Center could be expanded onto properties in the Central Business-1 zoning district. Of the 3,500 multifamily units allowed within this district, there are several hundred that have not been developed.

**5. New multifamily zoning should require a minimum density of 40 dwelling units per acre on the project site. Phased development should have a minimum average density of 40 dwelling units per acre. However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with a phase which maintains the minimum 40 dwelling units for the overall project.**

For many years, Plano has promoted a wide mix of housing types and densities. The vast majority of the city's apartments (over 26,000 units) have been built at suburban, garden-style densities of 16-28 units per acre. These developments have provided and will continue to provide much needed housing in the city. But it may be time to consider a new type of multifamily development that addresses the evolution of the city, in which

a limited number of areas will be developed or redeveloped in a more urban form. Also, if the city wishes to encourage true mixed-use development, a higher minimum density for multifamily units must be established to facilitate compact development. This is consistent with the minimum density required in Legacy Town Center and Downtown Plano. At this density, parking usually will be provided in structured garages; however, there are a few apartment developments in Legacy Town Center built at this density but with surface parking and enclosed individual garages. Some surface parking may be desirable, especially for commercial tenants and visitors. Parking requirements for multifamily development may also need to be reduced in higher density developments.

Recent zoning requests have featured multifamily developments with a minimum of 30-35 units per acre; however, developers have exempted open spaces and quasi-public streets from the density calculations, resulting in a much lower effective density. While the developments have used reduced setbacks and wider sidewalks as techniques to provide a more “urban” streetscape, they continue the traditional suburban form.

In order to help visualize density, below are examples of existing apartment developments in Plano at various densities. Also provided is the maximum densities permitted in the city’s multifamily zoning districts that have resulted traditional garden style apartments, and the densities of recent approved preliminary site plans from recent projects.

- Haggard Square (McDermott Drive and Ohio Drive): 24.7 units per acre
- Legacy Town Center - phases with surface parking: 61.1 units per acre
- Legacy Town Center - phases with structured parking: 90.9 units per acre
- Eastside Village I (west of city hall on K Avenue): 88.6 units per acre
- 15th Street Village (Southeast Corner of 15th Street and G Ave): 84.0 units per acre
- Turnpike Commons (Northwest corner of Renner Road and Shiloh Road) - phase I: 25.9 units per acre
- Coit Crossing - Phase I (Northeast Corner of Mapleshade Drive at Coit Road): 43.1 units per acre

MF-1 zoning district: 12 units per acre

MF-2 zoning district: 18 units per acre

MF-3 zoning district: 21.5 units per acre

**6. Establish two new zoning districts - an urban mixed-use district and neighborhood mixed-use district. An option to allow mid-rise residential buildings (5 to 12 stories) by Specific Use Permit should be available in major corridors (State Highway 121, Dallas North Tollway, State Highway 190/President Bush Turnpike, and U.S. Highway 75) and in urban mixed-use districts where designated as appropriate in the Comprehensive Plan.**

Two new zoning districts should be added to the city’s Zoning Ordinance - an urban mixed-use district and a neighborhood mixed-use district. There are several benefits to the creation of these districts. The urban mixed-use district could be used to expand existing urban centers or applied to Collin Creek Mall and around the DART rail stations. The Urban Centers Study identifies these areas as future urban centers. A

neighborhood mixed-use district could be applied to certain areas of the city where appropriate to facilitate redevelopment of aging shopping centers and commercial areas. This district could also be used to encourage redevelopment of aging apartments.

The creation of these two districts would provide developers with additional development options. The districts would formalize the desired development form and create consistent standards, rather than the method used today through the creation of customized planned development districts. Lastly, it also saves developers time and money. If the development standards have already been predetermined, the zoning discussions then become focused on the appropriateness of the land use being requested.

The Urban Centers Study identified three areas within the city where additional urban centers should be developed. The three areas were the intersection of Park Boulevard and Preston Road, Collin Creek Mall, and the Parker Road DART station and will be shown on the Future Land Use Plan Map during the Comprehensive Plan Update. These three areas might serve as possible locations for the proposed urban center mixed-use zoning district. The retail corner sites at the major thoroughfare intersections could be considered possible sites for the neighborhood mixed-use zoning districts

Additionally, there may be areas where mid-rise residential development (5 to 12 stories) may be appropriate within the State Highway 190/President Bush Turnpike, State Highway 121, and U.S. Highway 75 corridors. However, not all properties within these corridors may be appropriate for this use and should be evaluated carefully. The Commercial Employment, Central Business-1, Regional Employment, Regional Commercial, and Corridor Commercial zoning districts could be amended to allow this use with a Specific Use Permit (SUP).

**RECOMMENDATION:**

Recommended for approval as submitted.

# COMPREHENSIVE PLAN LAND USE ELEMENT

## INTRODUCTION

### *Purpose*

This Land Use Element analyzes land use and development patterns occurring in the city today, provides a general guide for the development and use of all land within the City of Plano, and establishes a vision for the city's future land use patterns. This text is supported by the Land Use Plan, which provides a graphical representation of the city's objectives regarding land use.

### *Major Issues*

As Plano continues its transition from a developing to a developed city and from an outer tier to a first tier suburb, policies and land uses must be adapted to address these changing conditions. Despite the fact that much of Plano's residential land has been developed, there are a number of issues related to land use that warrant policy discussion. The Dallas-Forth Worth Metroplex is projected to continue to grow quite rapidly - adding three million people by 2030. Much of this growth will likely take place in cities on the urban fringe. However, Plano should play a leadership role in assuming some of this growth and searching for strategies that can help mitigate impacts, such as road congestion and air and water pollution, as well as to improve the quality of life for Plano's citizens. This will require housing outside of traditional neighborhood areas, redevelopment, urban centers and new and likely denser housing types. It is essential to accommodate this growth while retaining Plano's basic development pattern and character.

Preserving suitable, well located land for economic development is important to Plano's long term viability. Although it may seem expedient to convert land currently undeveloped and zoned for nonresidential use for residential development, properties in major corridors and employment centers should generally be reserved for employment generating uses. The limited availability of undeveloped land will require that its future development is carefully aligned with the City's economic development objectives.

This document addresses ways that Plano can maintain and enhance its position in the region as well as adapt to changing conditions. Striking a balance between competing demands and accommodating some of the population growth projected for the region will be a challenge for the City. This document addresses ways that Plano can maintain and enhance its position in the region as well as adapt to changing conditions. Plano's ability to effectively address infill development and redevelopment will also become increasingly important.

## **MAJOR THEMES**

Three major themes are used throughout the Comprehensive Plan: Livable City, City of Organized Development, and City in Transition. These themes are used here to organize land use strategies according to various goals. The first theme, “Livable City”, addresses issues that impact the sustainability of the city as it relates to Plano remaining an attractive place to live and work. “City of Organized Development” considers existing and future land use patterns. “City in Transition” focuses on the changing regional context, technology and similar influences on Plano’s future. These themes are used to analyze current and future land use needs for the city based on current conditions and trends.

### **Theme I - Livable City**

Quality of life is one of the top priorities of the City of Plano’s planning efforts. A careful balance of land use activities helps create a sustainable physical environment which, in turn, enhances the daily lives of those who live and work in Plano. This theme establishes ways in which the City will maintain its livability by effectively integrating daily activities - residence, work, education, culture and leisure - into a diverse environment.

### **Theme II – City of Organized Development**

Plano has experienced significant growth over the past three decades but today that growth is leveling off. The City has relied on a comprehensive planning strategy, supported by the future land use plan, to guide this growth and its physical arrangement. This ongoing process of assessing needs, setting objectives, implementing programs and monitoring progress has resulted in an organized land use pattern. This section examines how existing and future development patterns can be used to further enhance the community.

### **Theme III – City in Transition**

For many years Plano has been a “developing” community and its planning efforts have been primarily focused on addressing issues related to this new growth. Now that the majority of the City’s development and infrastructure is in place, infill development, redevelopment and revitalization are becoming Plano’s primary opportunities for new development. In its new role as an inner tier suburb, the City is also seeing new types of development, including mixed use and higher density projects such as Legacy Town Center. This theme examines factors contributing to and resulting from the transition to a maturing city.

### **Key Factors**

Key factors have been identified for each of the major themes. The discussion of these factors in each section will further explain the major themes as well as provide a basis

for the objectives and strategies outlined for each theme.

## **THEME I – LIVABLE CITY**

### **Regional and Local Changes**

As noted earlier, Plano is located in one of the fastest growing regions and counties in the country. The population of the DFW area is projected to grow by three million by 2030. Collin County, with Plano and rapidly developing cities such as Allen, Frisco, and McKinney, is going to be home to a major portion of this growth. Between 1990 and 2000, Collin County increased in population by over eight percent annually, reaching a total of 491,675 persons. Forecasts for Collin County project more than 1.1 million residents by 2030.

Despite the limited availability of raw land, Plano's location and multitude of assets - including the availability of mass transit, proximity to post-secondary educational institutions and abundant employment opportunities - will continue to make it a very desirable place to live and work. As regional growth and development proceeds Plano must continue to work with neighboring cities to address land use, transportation, environmental issues and other matters of mutual concern.

### **Mobility**

Quality of life is heavily influenced by the level of local and regional mobility. For many years Plano has benefited from a very efficient roadway system that has made it easy to travel within the City and to make connections to other cities in the region. Projected local and regional growth, coupled with limited opportunities to expand the roadway system, will increase interdependence between land use and transportation.

Expanded employment opportunities through economic development can actually have a positive impact on mobility. More Plano residents can travel shorter distances to and from work and wide array of shopping, dining, and entertainment establishments. Persons living in other cities and working in Plano can also travel in the opposite direction of the primary traffic flow during peak hours.

### **Environmental Impacts**

The City of Plano values the environment and actively seeks ways to enhance the quality of life by improving air quality as well as protecting and conserving water resources. Air pollution comes from many sources including factories, power plants, dry cleaners, cars, buses, trucks and even windblown dust and wildfires. Because it is diffused, air quality is a concern that impacts all residents in the DFW region. This pollution can threaten the health of human beings, trees, lakes, crops, and animals, as well as damage the ozone layer and buildings. Under the Clean Air Act, the Environmental Protection Agency (EPA) regulates air pollution for the region as a whole.

Water pollution impacts the use of water for drinking, household needs, recreation, fishing, transportation and commerce. Because of this, water quality is a concern shared by many cities in the Metroplex. Water quality is affected by the design and layout of development. Plano's Zoning and Subdivision Ordinances have recently been updated to include storm water management practices and additional updates may be necessary in the future.

Water is supplied to Plano and many other cities in the region by the North Texas Municipal Water District (NTMWD). However, each city is responsible for implementing its own policies governing local water consumption. Contracts with the water district are often structured so that cities must commit to purchasing a set amount of water, which provides little financial incentive for water conservation. At the same time, NTMWD must have a dependable return on investment in order to meet the current and future needs of the cities it serves. The district must cover the costs of its fixed assets and develop new water resources for its growing customer base. This would not be possible with fluctuating revenues. Therefore, NTMWD and its member cities will need to continue exploring alternatives that encourage water conservation without inhibiting system maintenance, upgrades, and capacity increases.

The availability of natural resources will have an increased impact on the ability of the region and individual cities to support livability. It will become increasingly incumbent upon the City of Plano to facilitate the efficient use of water, energy, and other critical resources. The availability of natural resources also impacts building design and construction materials. Properly formulated codes and ordinances can support the use of energy efficient and sustainable development and construction practices while promoting quality and cost effectiveness.

### **Objectives for Theme I – Livable City**

- **Objective A.1** Provide for local land use strategies that reflect changing regional and local trends and conditions.
- **Objective A.2** Continue to implement development policies that ensure the protection of the environment and the supply of essential resources.

### **Strategies for Theme I – Livable City**

- **Strategy A.1** Regularly monitor, review, and update the Comprehensive Plan, Zoning Ordinance, and related documents to ensure their effectiveness in meeting the needs of the community. Update the Land Use and Transportation Elements every three years.
- **Strategy A.2** Where possible, zone property and configure development to provide complementary uses and to foster good connections between them using a combination of streets, trails, and sidewalks for vehicular, pedestrian, and bicycle circulation.
- **Strategy A.3** Regularly monitor development and building regulations to ensure that they provide for the efficient use of natural resources and promote

environmental quality. When possible, incorporate sustainable building and design practices into development regulations.

- **Strategy A.4** Continue to work with adjacent cities and regional agencies to develop land use patterns that promote enhanced regional mobility.

## **THEME II – CITY OF ORGANIZED DEVELOPMENT**

### **Local Context**

Today, much of the residentially zoned land in Plano is developed and there are few large undeveloped properties of any type remaining in the city. As Plano matures, the focus of development is shifting towards infill tracts that have been passed over for development for various reasons, as well as the redevelopment of under-performing and obsolete properties.

Careful consideration should be given to compatibility when new uses are being introduced into developed areas. This is especially true when nonresidential uses are developed in close proximity to residential uses. The City currently has zoning standards for certain types of activities when placed in proximity to residential districts (residential adjacency standards). These standards should be monitored regularly to ensure that they provide the desired guidance for infill development.

### **Land Use Absorption**

Plano experienced development at an extremely rapid pace during the 1970s, 1980s and 1990s. Today, over 95 percent of the land zoned for residential use in the city has been developed. Further residential development is expected over the next few years, albeit at a slower rate. Retail and office development typically trail residential because these uses are generally dependent on the number of households within a certain distance. Plano still has a significant amount of nonresidential land available for development. In fact, only about 60 percent of “Commercial” land has been developed to date. As this land is absorbed, it will be important to monitor any shifts in the land use mix as this information will be a key indicator of the need for city services including the provision of parks and open space. (The Land Use Absorption Table can be found in the appendix).

### **Variety of Land Uses Opportunities**

A community’s land use system should accommodate a wide range of opportunities for its existing and future residents. Sometimes, efforts to create more pleasant and appealing surroundings can result in a narrow range of land uses that actually detract from the “Livable City” concept. For example, opportunities for persons of various ages and life styles to live in a community can be hampered by limited the range of housing types permitted in a city. In addition, residents require the availability of a broad range of services. Some of these services, such as automobile repair, are less than attractive and appealing than others and there is a tendency to reduce or isolate their locations.

Plano's Zoning Ordinance and Atlas generally provides for a broad range of residential and nonresidential uses. The ordinance also includes development standards that reduce the impacts of certain uses on their surroundings. The Residential Adjacency Standards are a good example of this approach. As Plano reaches full development, there will be more situations in which uses that traditionally considered less desirable are more desirable uses. It will be important for the City to find ways to enhance the transitions between uses as opposed to reducing the opportunities for uses that are necessary to serve the needs of Plano residents.

### **Balanced, Consistent Zoning\***

Plano's land use pattern is generally organized around a system of major, east-west and north-south thoroughfares spaced at one mile intervals. Each one square mile of land area has developed as a neighborhood with low density single-family housing surrounding an elementary school and city park. The outer edges of the neighborhoods often include higher density housing with direct access to the major thoroughfares. Most of the corners of the intersections of the thoroughfares are zoned for retail uses. (This typical neighborhood format is described in more detail in the Housing Element.)

Although this arrangement is very efficient and easy to navigate, it has contributed to a zoning imbalance. The City currently has more land zoned for retail and office uses than is likely to be supported by the market over time. Much of this land is located at major thoroughfare intersections. In the past, all four corners at many of these intersections were zoned for some form of retail or commercial use. This resulted in the development of almost 60 square feet of retail per capita (approximately three times the national average). As new retail centers are developed in surrounding cities, this amount of retail can no longer be fully supported and some retail facilities have become vacant or underused. It is unlikely that the City will need to rezone additional property for retail use unless a certain market area is clearly lacking locations for shopping and service facilities.

Economic conditions and the development market trends sometimes change quickly resulting in an imbalance in the amount of land for a given use. Periodic monitoring of development activity and the zoning classifications of remaining undeveloped properties assists the City in projecting and preparing for future land use needs. It will be necessary to convert some of the undeveloped or under-producing retail properties to other uses. While residential development may be difficult to accommodate because of the limited size of these parcels (as defined in the Housing Element), it may be possible to create mixed-use environments including mutually supportive uses such as residential and neighborhood retail or office.

As Plano matures, some zoning imbalances are becoming more apparent. As the supply of undeveloped land diminishes, properties that were previously overlooked are being considered for development. Many of these properties will require rezoning to accommodate development supported by the market. Some of these sites, because of their size, shape, location, and/or access will not be well suited for their proposed uses.

The City will have to make difficult decisions regarding the long-term use of these “leftover” tracts.

*\*Please refer to Policy Statement No. 2.0 for detailed strategies on addressing this issue.*

### **Coordination with Public Infrastructure, Facilities and Services**

Plano’s development pattern is carefully intertwined with its system of public infrastructure, facilities and services. As noted previously, most neighborhoods are organized around an elementary school and neighborhood park. The City has also made a concerted effort to acquire flood plains and adjacent properties to create an elaborate system of greenbelts, hike and bike trails, and parks of various sizes and types. Other facilities such as libraries, recreation centers, fire stations, and police stations are carefully located to serve efficient, effective service to Plano residents and businesses. (For more information, see the Parks and Recreation and Public Services and Facilities Elements.)

Changes to the City’s development pattern can impact the public sector’s ability to provide the level of services that its citizens have come to expect. They can even affect health safety, and welfare. For instance, adding residential units to an area may impact the ability of the Police and Fire Departments to provide adequate and timely emergency services. Similar issues arise in regard to roadways, utilities, and related public infrastructure. High intensity nonresidential uses typically generate more traffic trips than low intensity residential areas. On the other hand residential uses sometimes have a greater impact on utility requirements like sanitary sewer. (See Utilities Element.) Therefore, land use and development decisions must be carefully coordinated with the public sector’s ability to provide public infrastructure, facilities and services in an orderly and timely fashion.

### **Continuous Planning Process**

The city's planning program is necessarily an ongoing and cyclical process of assessing needs, setting goals, implementing programs, and monitoring progress. The Land Use and Transportation Elements are regularly updated. An extensive effort to identify and prioritize key issues is an integral part of the plan revision process, as is community participation and regional coordination. This effort includes public meetings to solicit concerns and ideas from the citizens. Modifications to the Land Use Element often lead to changes in development review procedures, zoning, and other City policies. The Zoning Ordinance, Subdivision Ordinance, Master Facilities Plan, and the Community Investment Program (CIP) are examples of “next step” documents and are critical to the success of the City’s planning and development process. The Comprehensive Plan should continue to be utilized for general guidance for policy formulation in these areas.

## **Objectives for Theme II – City of Organized Development**

- **Objective B.1** Ensure that the provision of City infrastructure, facilities and services is coordinated with development and maintained or modified as needed to meet required service levels and the needs of a changing population.
- **Objective B.2** Provide for a balanced and efficient arrangement of Plano's land resources to accommodate housing, employment, shopping, entertainment, and recreation.
- **Objective B.3** Ensure land use compatibility by grouping complementary land use activities, especially those that are mutually supportive, and continuing to implement policies that minimize the impact of potentially incompatible activities.

## **Strategies for Theme II – City of Organized Development**

- **Strategy B.1** Maintain the Master Facilities Plan as the interdepartmental guide to coordinate the planning, development and redevelopment of City of Plano facilities in concert with changing community needs and expectations. Coordinate the Community Investment Program (CIP) process with the objectives in the Master Facilities Plan.
- **Strategy B.2** Annually formulate and update a five-year CIP based on the Comprehensive Plan. Review annual updates to the CIP with the Planning & Zoning Commission.
- **Strategy B.3** Consider requests for rezoning areas planned or zoned for nonresidential use to residential districts based on the guidelines included in Policy Statement 2.0.
- **Strategy B.4** Use Plano's Comprehensive Plan, particularly the Land Use Plan, and related policies, to guide the zoning of properties in a manner that minimizes incompatibilities between uses.
- **Strategy B.5** Regularly meet with city departments and other local government entities to ensure development and redevelopment within the city can be supported with the necessary facilities and services
- **Strategy B.6** Make amendments to the Zoning Ordinance (text and atlas) based on the strategies of the Comprehensive Plan. This consideration should include evaluation of the following:
  - Intent of the plan in its entirety;
  - Physical character of the property affected;
  - Adequacy of public facilities (existing and proposed); and
  - Relationship to adjacent land uses (existing and proposed).

## **THEME III – CITY IN TRANSITION**

Cities evolve over time and as they do new challenges and opportunities emerge. Plano developed very rapidly during the 1970s, 1980s and 1990s. Today that growth is slowing and the City is challenged with some aging and dated development. The City also has an overabundance of retail development that, in some cases, is struggling. The long-term vitality of the City will depend on its ability to address issues such as these in

a timely and appropriate manner.

In 1998, the City initiated a Neighborhood Planning Program focused on older, at-risk neighborhoods. This program creates partnerships with residents to develop strategies for improving and sustaining their neighborhoods. Another project that is helping the City gracefully evolve is the enhancement of downtown Plano and the older neighborhoods surrounding it. This example is illustrative of both historic preservation and redevelopment. The original business core and the Haggard Park neighborhood have been designated as Heritage Resource Districts. Compatible mixed-use projects, Eastside Village I and II, have been developed alongside older downtown structures. New single-family homes have also been constructed in Haggard Park and in the Douglass Community. These neighborhood planning and revitalization efforts have contributed to extensive improvements to the downtown and surrounding neighborhoods. These range from investment in infrastructure to loans and grants for the rehabilitation of private homes. Funds for the latter often originate from federal programs. While these exact strategies are not appropriate for all areas of Plano, the City should continue to ensure that policies and regulations support redevelopment efforts.

The City's workforce housing initiative focuses additional attention on the need to preserve and enhance Plano's older housing stock and neighborhoods, in addition to creating viable housing options within a reasonable driving distance of Plano's employment centers. The relationship between land uses should be balanced and mutually supportive. Plano's housing stock must be varied enough to support a broad range of income levels and household preferences. This will help to ensure that the supply of housing continues to accommodate the needs of those employed by local businesses. Most of Plano's more affordable housing stock is comprised of older homes (25 years or older); these are not always compatible with the expectations of modern buyers. Further, these homes are typically less energy efficient than newer homes and more costly to maintain. It is important that Plano continue with proactive strategies to ensure the health of neighborhoods while providing for a wide range of housing options within the City.

### **Changing Demographics**

As the City matures, its population and employment characteristics are changing. Plano's population and employment are not only growing in number but also in diversity. Factors such as age, ethnicity, culture, and income directly impact the types of public and private services and facilities which a community must provide to its residents and workforce. The 2005 ACS data suggests continued significant growth among minority populations in Plano. Hispanic and Asian sectors have grown significantly in recent years. The white population now represents approximately 65% of Plano's population compared to almost 85% in 1990. As Plano becomes a more diverse community of different backgrounds and cultures, it will need to offer a wider range of public and private services and programs. Joint efforts with the school districts and other entities will be necessary to celebrate and take advantage of Plano's diversity.

Plano's population is also aging; the population over age 65 was approximately 16,000 at the time of the 2005 American Community Survey (ACS) and is expected to more than double by 2020 (to a projected 40,000 residents). This will have an impact on Plano's housing requirements and land use demands. Currently Plano's Zoning Ordinance provides for a range of senior housing options in several district categories. It also includes reduced requirements for parking, dwelling size, and similar accommodations based on the actual needs of senior residents. The city should also encourage the development of senior housing in urban centers which can provide a variety of services within walking distance.

### **Economic Development**

In the 1980s Plano began to attract a number of corporate citizens and emerge as an employment center. Today, Plano has a significant amount of office development in the Legacy area, along U.S. Highway 75 and within the Plano Parkway/President George Bush Turnpike (S.H. 190) corridor (including the Research/Technology Crossroads area). There are about 125,000 jobs in Plano and recent employment data indicates that number is expected to grow to approximately 167,000 by 2025.

Plano's economy also has a significant retail and service sector component. New competition from retail development is emerging in outer tier suburbs and Plano is challenged with maintaining its retail market share. The Tri-City Retail study, completed in 2003, explored this issue in-depth and identified challenges such as municipal planning practices which led to retail over-zoning; rapidly changing retail formats (nationally and regionally); and dramatic shifts in demographic characteristics, particularly age and ethnicity. Continued success of the City's retail sector will depend on its ability to address these issues appropriately.

Plano has four regional development corridors running through it or along its boundaries (S.H. 121, U.S. 75, the Bush Turnpike, and the Dallas North Tollway). These are generally comprised of the expressways themselves, two parallel arterial streets, and the land in between. Properties in these corridors tend to be highly visible, readily accessible, and suitable for many types of commercial uses. The resulting land areas are typically adequate to provide flexibility in the design and orientation of development and therefore a variety of uses are appropriate. However, the noise and traffic generated by major expressways are often not conducive to residential uses.

Two other major areas (Legacy and Research/Technology Crossroads) in northwest and southeast Plano combine with the four regional development corridors to comprise Plano's primary bases for economic development. A significant portion of Plano's undeveloped land also lies within these six areas. Because of this and the current demand for residential development, the city has fielded a number of requests to convert properties in these locations to residential use. It is important for the city to retain an adequate supply of undeveloped nonresidential land for future economic development opportunities. Therefore residential rezoning in these prime economic development bases is generally not recommended. Accommodating immediate

development opportunities is not an adequate reason alone for rezoning nonresidential properties for residential purposes.

### **Development Trends**

Changes in business operations and marketing approaches often affect development and land use patterns. This is particularly evident in the retail industry where major grocery, appliance, computer, discount department, and home improvement chains are building stores in locations where they can attract business from regional or community-wide service areas. In the past, this type of store typically anchored a small- to medium-sized neighborhood shopping center. Smaller retail stores and shops in these same centers often depend on anchor stores to attract customers. As these stores move to more regionally accessible locations, the resulting vacant spaces can be hard to fill. Creative strategies for filling these vacant “big-box” stores will be important to continued success of smaller retail centers. In some cases, the lack of demand and market saturation may make it necessary to redevelop these properties for different uses that cannot be accommodated by the current building configuration.

Another development trend that warrants discussion is the concept of “new urbanism.” Proponents of new urbanism suggest that a return to more traditional forms of urban development could provide better living environments. Plano, like most suburbs, predominantly consists of a low-density, automobile-oriented development pattern. However, the successes of urban centers in Downtown Plano and the Legacy Town Center have demonstrated that new urbanist concepts can be successfully incorporated into the city.

The Urban Centers Study states that development of additional urban centers may be appropriate in a few additional locations in Plano. These compact, mixed use environments can not only increase the variety of land uses within the City, but can support additional mass transit service and reduce automobile traffic. However, this style of development should not be used merely as a means of gaining additional density and zoning flexibility. This Study defines the key characteristics and design elements of urban centers and the site attributes that should be used in finding suitable locations for this form of development. True urban centers should provide opportunities for residence, employment, shopping, and entertainment in a pedestrian oriented neighborhood environment. Such centers will typically require fifty acres or more to create a successful, balanced development.

The development community is increasingly interested in mixed-use developments. Plano currently has more retail uses that can be supported in the long-term and some existing retail centers are experiencing difficulties. In recent years, the City has received inquiries and some rezoning applications for mixed-use projects on properties that are currently zoned for nonresidential use. The inclusion of residential and nonresidential uses on the same site does not constitute mixed-use development. A typical in-line shopping center or big box store with parking in front and apartments in the rear connected by a street or driveway is more representative of two separate projects

sharing a common property line. The proposed apartments or other forms of residence should be more than just “filler” for the portion of the property that cannot be marketed for retail use. Instead, the vehicular and pedestrian circulation systems, parking configuration, building layout, and architectural design should all be integrated in a manner that creates a single development project.

In some cases, the subject sites may be appropriate for urban center development in accordance with the criteria established in the Urban Centers Study. In other cases, the size, location, and other factors may make such sites appropriate for a condensed mixed-use development that does not result in a fully functional neighborhood like an urban center. Mixed-use development outside the context of an urban center should occur only when there is reasonable evidence to indicate that development of the site for nonresidential uses would not add to current market saturation and the proposed uses are integrated into a cohesive development plan.

Plano is also becoming a major medical center within the Dallas/Fort Worth region. With three major hospitals and another under construction, medical services are becoming a major component of the City’s economy. This emerging trend will ensure that Plano’s residents have access to excellent health care and expand the City’s employment base.

### **Changing Technology**

Technological advances have greatly impacted the design and development of cities over the decades. The most obvious example is the automobile, which has affected both the overall development of cities and the design of individual site plans and subdivision plats. Other technological advances have been more subtle.

Today, advances in telecommunications and information technology are reinventing the way we live, work, and play, making it possible for more Americans to work, shop, and even socialize at home. This in turn impacts the form of our cities and service needs. For example, the ability to telecommute allows residents to reduce trips to and from work and in turn, helps reduce traffic congestion and air pollution. These technological advances have facilitated an increased number of home-based businesses. Home-based businesses could greatly benefit the viability of Plano’s neighborhoods by increasing the “daytime population” and, in effect, helping deter crime. Plano should work to ensure that its codes and ordinances accommodate home-based businesses, without compromising the character and integrity of its neighborhoods. (The Technology Element of the Comprehensive Plan contains a more detailed description of this issue).

### **Objectives for Theme III – City in Transition**

- **Objective C.1** Ensure continued vitality of existing residential neighborhoods throughout the City.
- **Objective C.2** Ensure that zoning and development regulations are consistent

with changing land use needs

- **Objective C.3** Ensure development standards and zoning are consistent with City-wide goals established in other policy documents, such as sustainability, workforce housing, economic development and urban centers.
- **Objective C.4** Encourage continued growth of Plano's economy by supporting appropriate infill and redevelopment initiatives.

### **Strategies for Theme III – City in Transition**

- **Strategy C.1** Utilize the Neighborhood Planning Program and other initiatives to facilitate the stabilization of existing neighborhoods. Continue to evaluate and update the program as needed to ensure its success as a planning tool.
- **Strategy C.2** Consider the use of creative and alternative suburban land use concepts, including mixed-use development in appropriate infill and redevelopment areas of the city. Review requests to rezone properties for mixed-use development in accordance with the following:
  - Finding that the conversion of nonresidential property for residential or another nonresidential use would not adversely impact the planned land use pattern for the surrounding area.
  - A plan that provides for the integration of vehicular and pedestrian circulation systems, parking, building location, and architectural design into a cohesive development.
- **Strategy C.3** Regularly monitor and report on changing population and employment characteristics to determine if public and private services and facilities are consistent with needs and expectations of the community. Make adjustments to applicable ordinances, policies, and programs as needed to address these changes.
- **Strategy C.4** Where appropriate, support opportunities and efforts to develop and redevelop properties in ways that are consistent with established policy goals, such as enhancing the local economy, providing jobs to Plano residents, and improving the City's tax base.
- **Strategy C.5** Work with developers to ensure that infill and redevelopment occur in appropriate locations. In particular, the location and design of urban centers should be consistent with the guidelines established by the Urban Centers Study.
- **Strategy C.6** Regularly monitor zoning, development and building regulations to ensure that they do not inadvertently deter redevelopment or prevent business relocation or expansion.
- **Strategy C.7** Preserve land for future employment generating opportunities, particularly within major development corridors and business parks.
- **Strategy C.8** Continue to identify and consider initiatives for Plano's existing urban centers in terms of their impact on the viability of these locations for residential, employment, entertainment and cultural activities.
- **Strategy C.9** Develop and implement specific initiatives to encourage infill and redevelopment. These initiatives should seek to promote land use compatibility

and connectivity especially between residential and nonresidential uses.

- **Strategy C.10** Conduct periodic evaluations of the changing demographics, market trends, and regional influences and determine their potential impacts on infrastructure and facilities.
- **Strategy C.11** Monitor and evaluate growth in Plano's population and employment and changes in population characteristics to determine their impact on service and facility requirements.

## **2012 INTERIM AMENDMENT** **REDEVELOPMENT AND UNDEVELOPED LAND POLICIES**

Since 2007, the Planning & Zoning Commission and City Council have been asked to consider approval of requests to rezone land located within the city's expressway corridors and major employment areas to allow for additional residential development. City policies regarding undeveloped land in the Comprehensive Plan were written from 2004 to 2009 and encouraged preservation of land within the expressway corridors and major employment areas for economic development and employment opportunities. Since that time, numerous requests to rezone land for additional housing has challenged the relevance of the current policies and prompted a study starting in the fall of 2010 to determine if changes were necessary to the policies. The results of this study and discussions with the Council and the Commission produced six recommendations regarding undeveloped land and redevelopment. The recommendations with supporting explanations are found in the following text.

- 1. All residential rezoning requests should be evaluated to determine the impact on infrastructure, public safety response, school capacity, and access to and availability of amenities and services.**

The development of sound, sustainable neighborhoods has been a cornerstone of Plano's success and attractiveness to families and businesses. Areas being considered for rezoning to residential uses should have an adequate infrastructure system and the amenities and services to support the requested use. Some of this infrastructure is needed immediately such as roads and utilities, and can be provided by the developer. For other services, such as schools, fire stations, parks, and libraries, there may be an immediate need but a delay in providing facilities and services by the city and school district.

The land along the expressway corridors and within the Legacy Business Park and the Research Technology Crossroads area has been planned for nonresidential development for many years. Therefore, infrastructure and services needed to support residential development have not been planned or programmed into capital and operational budgets. Infrastructure and facilities can be provided for these areas if residential uses are introduced, but at additional cost to the city and school districts.

- 2. Isolated residential development should not be permitted; residential rezoning requests need to establish a complete new neighborhood or expand an existing neighborhood or an urban mixed-use center. Special needs housing (i.e. senior housing) could be an exception.**

"Isolated" residential development refers to small residential neighborhoods surrounded by nonresidential development with no amenities, or separated by a major thoroughfare or natural feature from existing residential developments.

This type of residential development should not be permitted since it does not promote sustainable residential neighborhoods long term. The proposed residential development needs to have reasonable access to community amenities; be located in a suitable environment free of noise, glare, traffic congestion, and other noxious factors; be part of a larger neighborhood where social interaction can occur; and not be separated from other residential developments by a six-lane divided roadway (Type C) or larger thoroughfare.

With few large tracts of land left for residential development, it will be increasingly difficult to duplicate Plano's traditional neighborhood concept of low density housing with schools and parks in the center with service retail on the exterior of the neighborhood. However, the basic characteristics should not be abandoned, and new residential development, both multifamily and single-family, should:

- Expand an existing neighborhood or mixed-use development where the infrastructure, amenities, and nonresidential uses are in place to support the new housing being created; or
- Create a new complete neighborhood unit where a school and park site could be located to serve the neighborhood as well as have nearby supporting retail/service uses; or
- Create an urban mixed-use development that has all of the key components that make a mixed-use development successful.

Special needs housing situated close to businesses which could provide services to the residents (i.e. medical, dental, grocery stores, pharmacies, etc.) would be an exception to this recommendation.

**3. The 1,200-foot setback for residential uses from the centerline of State Highway 121 should be retained, and applied to the Dallas North Tollway, State Highway 190/President Bush Turnpike, and U.S. Highway 75. Factors including topography, creeks, vegetation, and existing development patterns should be considered in applying this standard.**

The recommended 1,200-foot setback for residential uses was adopted at a time when the construction and expansion of State Highway 121 to a major expressway was being considered. Residential development in close proximity to the tollway, especially single-family subdivisions, could have increased opposition to the widening of the highway and necessitated the construction of costly sound walls. The setback also sought to address the need to reserve adequately sized properties in this corridor for large commercial developments, instead of just a row of pad sites. It also recognizes that land immediately adjacent to a major expressway may not provide the best living environment.

The 1,200-foot setbacks from the expressway centerline should be retained for the State Highway 121 corridor and expanded to include the Dallas North Tollway, State Highway 190/President Bush Turnpike, and U.S. Highway 75 corridors. The issues are the same in all four expressway corridors when it comes to preserving areas of the city to encourage economic development, employment growth, and other commercial uses as well as providing for viable residential neighborhoods. As property lines and natural features do not always run in a straight line, judicious application of the setback is needed. There will be some instances, as has happened in the State Highway 121 corridor, where it is reasonable for residential development to be located closer to an expressway than 1,200 feet. Urban mixed-use centers could also be considered, since they offer the opportunity to be shielded by taller office buildings.

- 4. No new low-rise multifamily development less than five stories in height should be allowed south of Tennyson Parkway, along the Dallas North Tollway between Communications Parkway and Parkwood Boulevard. However, mid-rise multifamily development (5 to 12 stories) may be considered by specific use permit (SUP) in this corridor.**

This policy reaffirms preserving land for economic development along the Dallas North Tollway. The tollway, as a major regional corridor and the main entrance to the Legacy Business Park, continues to be in demand for office and commercial development. Properties located between Communications Parkway and Parkwood Boulevard are in many areas very narrow and do not provide sufficient space to effectively blend multifamily development with other uses. The increased number of stories for mid-rise residential uses is necessary to accommodate the number of units required to make the project viable and to reduce the land area dedicated to the building footprint to provide additional land to accommodate other uses.

- 5. New multifamily zoning should require a minimum density of 40 dwelling units per acre on the project site. Phased development should have a minimum average density of 40 dwelling units per acre. However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with a phase which maintains the minimum 40 dwelling units for the overall project.**

As the city continues to evolve, a limited number of areas will be developed or redeveloped in a more urban form. If the city wishes to encourage true mixed-use development, a higher minimum density for multifamily units must be established to facilitate compact development. This is consistent with the minimum density required in Legacy Town Center and Downtown Plano. At this density, parking usually will be provided in structured garages; some surface parking may be desirable, especially for commercial tenants and visitors. Parking requirements for multifamily development may also need to be reduced in higher density developments.

6. **Establish two new zoning districts - an urban mixed-use district and neighborhood mixed-use district. An option to allow mid-rise residential buildings (5 to 12 stories) by specific use permit should be available in major corridors (State Highway 121, Dallas North Tollway, State Highway 190/President Bush Turnpike, and U.S. Highway 75) and in urban mixed-use districts where designated as appropriate in the Comprehensive Plan.**

Two new zoning districts should be added to the city's Zoning Ordinance - an urban mixed-use district and a neighborhood mixed-use district. There are several benefits to the creation of these districts. The urban mixed-use district could be used to expand existing urban centers or applied to Collin Creek Mall and around the DART rail stations. The Urban Centers Study identifies these areas as future urban centers. A neighborhood mixed-use district could be applied to certain areas of the city such as retail corner sites at the major thoroughfare intersections, where appropriate to facilitate redevelopment of aging shopping centers and commercial areas. This district could also be used to encourage redevelopment of aging apartments.

The creation of these two districts would provide developers with additional development options. The districts would formalize the desired development form, and create consistent standards, rather than the method used today through the creation of customized planned development districts. Lastly, it also saves developers time and money. If the development standards have already been predetermined, the zoning discussions then become focused on the appropriateness of the land use being requested.

Additionally, there may be areas within the expressway corridors where mid-rise residential development (5 to 12 stories) may be appropriate. However, not all properties within these corridors may be appropriate for this use and should be evaluated carefully. Zoning districts within the expressway corridors could be amended to allow mid-rise residential developments with a specific use permit (SUP).

## **APPENDIX**

### **Land Use Categories**

The Land Use Element and Plan establish categories of land use for the city as well as the general pattern in which these will occur. Unlike the zoning map, it is not parcel specific. The map, together with the policies of the plan, is used to determine the appropriate zoning classifications for individual tracts of land.

### **Residential**

#### Neighborhoods

The City seeks attractive, inclusive and cohesive residential neighborhoods with a mix of housing opportunities. Low-, medium-, and high-density residential uses are not individually designated. Specific proposals regarding housing are included in the Housing Element of the Comprehensive Plan.

#### Non-Neighborhood

With few large tracts left for residential development, many infill and redevelopment opportunities may not fit the traditional neighborhood context. Because of this, some residential development may occur in non-neighborhood settings such as in mixed-use developments and specialized housing complexes.

### **Service and Production**

#### Downtown Business Government Center

Downtown Plano is becoming a 24-hour mixed-use community. Housing, shops, restaurants, cultural facilities, and government offices comprise the major uses. Infill and redevelopment projects should be compatible with the historic character of the area. Urban density and transit-oriented design is encouraged.

#### General Commercial

General Commercial areas are intended to provide a wide range of retail, service, office, light production, and research and development uses. Residential adjacency standards must be considered when general commercial areas are near residential areas.

#### Major Corridor Development

This designation applies to three areas that are served by major expressway facilities: the Dallas North Tollway Corridor, President George Bush Turnpike, and the State Highway 121 Corridor. Development in these corridors is expected to include a mix of commercial, office, and technical production uses. Floor area ratios (FAR) should range

from 0.4:1 to 1:1, and heights should be limited by proximity to residential areas. Residential development is generally not appropriate within these corridors, although residential development may be considered along the southern edge of the State Highway 121 corridor. This corridor is wider than the others, but residential uses should not be closer than 1200 feet south of the future center line of State Highway 121.

### Freeway Commercial

The Freeway Commercial category is intended to define the unique character of the U.S. Highway 75 corridor. This corridor includes major retail development including Collin Creek Mall, along with general commercial, entertainment, lodging, and office uses. Basic components of the category include 1:1 floor area ratios and a 20-story maximum height limit. Lower FAR's and maximum heights are recommended for areas located within 500 feet of residential areas.

### Major Commercial

Major commercial centers may include malls and large shopping centers anchored by department stores, along with specialty shops, restaurants, theaters, offices, and other uses. These centers serve both a local and regional population, and are located along regional thoroughfares. Major commercial centers usually contain 500,000 square feet plus of floor area on sites of 50 acres or more. Multi-story buildings with an overall FAR of up to 1:1 may be appropriate in conjunction with retail development.

### Community Commercial

Community commercial centers generally serve a neighborhood area of three to five miles, and include department or discount stores, grocery stores, specialty shops and restaurants along with office uses. These centers are located on sites 15 to 35 acres in size along regional expressways or at intersections of major arterial streets. Typical FAR's are less than 0.4:1. Two or three corners may be developed at intersections designated as community commercial centers on the land use plan.

### Neighborhood Commercial

Neighborhood commercial centers are intended to serve adjacent residential neighborhoods, and include grocery stores, drugstores and small retail and service uses. These centers serve a one to one and one-half mile radius and contain 100,000 to 150,000 square feet of floor area (at a rate of 30 square feet per resident of the service area). They require a site of 10 to 15 acres, and development intensity less than 0.3:1 FAR.

Neighborhood commercial centers are located at the intersections of major arterial streets. One or two corners may develop with commercial uses at intersections designated as a neighborhood commercial center on the Land Use Plan, based on the size and population of the service area.

The population of some areas of Plano will not support a typical neighborhood commercial center, and smaller neighborhood convenience centers may be appropriate for such areas. Neighborhood convenience centers contain a convenience store with gas pumps and small shops, with total retail space less than 25,000 square feet. Sites are less than five acres, yet they are larger than a single corner convenience store. Neighborhood commercial centers provide an option for partially developed retail corners where there is little chance of additional retail development, and the remainder property is being converted to another use.

### Office

The office categories include a variety of employment uses, including office towers, medical centers, corporate campuses and small neighborhood offices. There are three categories of office development designated on the Land Use Plan - High Intensity Office, Medium Intensity Office and Low Intensity Office. High Intensity Office should include offices with FAR's up to 1:1 and building heights up to 12 stories. Medium Intensity Office areas should include development up to 0.75:1 FAR and eight story building heights. Low Intensity Office development serves local needs and heights are typically less than four stories with FAR's less than 0.4:1.

### Light Industrial

The light industrial category includes a variety of industries such as research facilities, assembly or production operations, warehousing and associated administrative offices. Industrial development is limited to a 0.5:1 FAR and a maximum building height of four stories. Light industrial and associated development is appropriate in areas with access to the arterial street system and, where possible, access to the railroad system. Light industrial development is most appropriate in industrial parks or other suitable planned settings.

### Research/Technology Center (RT)

The Research/Technology Center area provides for low-density office, research, and development facilities, and limited assembly operations. It is intended to attract high technology businesses similar to those currently in operation south of the President George Bush Turnpike. This area is intended to accommodate multiple users in a campus environment. Warehousing is planned to serve a supporting role in the RT area. Warehousing should generally be an accessory use to limited assembly operation and office/showroom facilities.

### Public and Semi Public (PSP)

The public and semi-public category includes a wide range of public and private uses such as colleges and universities, public and private schools, golf courses, country clubs, and large private open spaces. Locations should be provided for institutional and public uses that are appropriate for the intensity and character of each.

## Parks and Recreation (P)

The parks and recreation category includes major public open spaces as well as parks and recreation facilities serving the community. Included are floodplain areas to be preserved such as major parks, linear parks, athletic complexes and City-owned golf courses.

## Special Areas

There are several major transportation and land use corridors throughout the City. The four primary corridors are: U.S. 75, Plano Parkway/President George Bush Turnpike, Dallas North Tollway and State Highway 121. Spring Creek Parkway and Preston Road serve as secondary corridors. Legacy and Spring Creekwalk are two other unique land use areas in Plano. Highly visible, these corridors serve as activity centers within the City.

**An Ordinance of the City of Plano, Texas, amending the Land Use Element of the Comprehensive Plan originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said chapter as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date.**

**WHEREAS**, the Comprehensive Plan of the City of Plano provides for regular monitoring and updating, as needed; and

**WHEREAS**, the Land Use Element was last updated on January 14, 2008, (Ordinance No. 2008-1-10); and

**WHEREAS**, the City Council desires to adopt interim amendments to the Land Use Element, pertaining to redevelopment and use of undeveloped land;

**WHEREAS**, the Planning & Zoning Commission has reviewed the updated Land Use Element to the Comprehensive Plan during a public hearing held on March 19, 2012; and

**WHEREAS**, City Council has provided an opportunity for public review and input on the proposed update to the Comprehensive Plan, and after receipt of the same wishes to approve the update to the Comprehensive Plan as a tool to provide guidance in land use regulations; and

**WHEREAS**, the City Council held a public hearing on April 9, 2012, open to all persons wishing to comment on the proposed chapter update; and

**WHEREAS**, the City Council, having been presented the proposed chapter update, upon full review and consideration thereof, and all matters attendant and related thereto, is of the opinion that the updated Land Use Element of the Comprehensive Plan, should be approved, adopted and utilized by the City of Plano;

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

**Section I.** The updated Land Use Element, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interest of the City of Plano and its citizens, are hereby approved and adopted.

**Section II.** The Comprehensive Plan provides a general framework of objectives and strategies for the long range development of the City. It provides a basis for establishing requirements for the development and redevelopment of public and private property, including land uses, streets, and public facilities.

**Section III.** Development regulations and their application should be generally consistent with the Comprehensive Plan as they relate to overall city standards and specific area or project requirements. In determining whether or not a regulation or its application is consistent with the Comprehensive Plan, the City Council, the Planning & Zoning Commission, or other City body should consider:

1. The Comprehensive Plan in its entirety;
2. Immediate or near-term constraints affecting the timing or phasing of development or redevelopment of a property in accordance with the plan;
3. The existing and planned capacities of public infrastructure and facilities serving a given site or location; and
4. Unanticipated changes in conditions or new information occurring since the last update of the plan or one of its elements.

**Section IV.** This Comprehensive Plan does not constitute zoning regulations nor does it establish zoning district boundaries. In addition, adoption of the plan as attached does not require the City to rezone property or amend development standards.

**Section V.** The Comprehensive Plan does not obligate the City to expend funds on any of the recommendations for possible activities, projects or studies.

**Section VI.** The City Council may amend the Comprehensive Plan following a public hearing held before the City Council and receipt of a report and recommendation of the Planning & Zoning Commission pertaining to the amendment. The Planning & Zoning Commission shall conduct a public hearing before making its report and recommendation to the City Council. Notice of a public hearing pertaining to consideration of an amendment to the Comprehensive Plan shall be given in a newspaper of general circulation not less than ten days prior to the hearing.

**Section VII.** City staff is permitted to add to or modify the literary and exhibit contents of the amended Land Use Element with such materials as graphs, tables, indexes, maps, background materials, additional policy statements, etc., so long as they are consistent with the policies and recommendations of the Comprehensive Plan, without the need for further City Council approval.

**Section VIII.** This ordinance shall become effective immediately from and after its passage.

**DULY PASSED AND APPROVED THIS 9TH DAY OF APRIL, 2012.**

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

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Diane C. Wetherbee, CITY ATTORNEY

# COMPREHENSIVE PLAN LAND USE ELEMENT

## INTRODUCTION

### Purpose

This Land Use Element analyzes land use and development patterns occurring in the city today, provides a general guide for the development and use of all land within the City of Plano, and establishes a vision for the city's future land use patterns. This text is supported by the Land Use Plan, which provides a graphical representation of the city's objectives regarding land use.

### Major Issues

As Plano continues its transition from a developing to a developed city and from an outer tier to a first tier suburb, policies and land uses must be adapted to address these changing conditions. Despite the fact that much of Plano's residential land has been developed, there are a number of issues related to land use that warrant policy discussion. The Dallas-Forth Worth Metroplex is projected to continue to grow quite rapidly - adding three million people by 2030. Much of this growth will likely take place in cities on the urban fringe. However, Plano should play a leadership role in assuming some of this growth and searching for strategies that can help mitigate impacts, such as road congestion and air and water pollution, as well as to improve the quality of life for Plano's citizens. This will require housing outside of traditional neighborhood areas, redevelopment, urban centers and new and likely denser housing types. It is essential to accommodate this growth while retaining Plano's basic development pattern and character.

Preserving suitable, well located land for economic development is important to Plano's long term viability. Although it may seem expedient to convert land currently undeveloped and zoned for nonresidential use for residential development, properties in major corridors and employment centers should generally be reserved for employment generating uses. The limited availability of undeveloped land will require that its future development is carefully aligned with the City's economic development objectives.

This document addresses ways that Plano can maintain and enhance its position in the region as well as adapt to changing conditions. Striking a balance between competing demands and accommodating some of the population growth projected for the region will be a challenge for the City. This document addresses ways that Plano can maintain and enhance its position in the region as well as adapt to changing conditions. Plano's ability to effectively address infill development and redevelopment will also become increasingly important.

## **MAJOR THEMES**

Three major themes are used throughout the Comprehensive Plan: Livable City, City of Organized Development, and City in Transition. These themes are used here to organize land use strategies according to various goals. The first theme, “Livable City”, addresses issues that impact the sustainability of the city as it relates to Plano remaining an attractive place to live and work. “City of Organized Development” considers existing and future land use patterns. “City in Transition” focuses on the changing regional context, technology and similar influences on Plano’s future. These themes are used to analyze current and future land use needs for the city based on current conditions and trends.

### **Theme I - Livable City**

Quality of life is one of the top priorities of the City of Plano’s planning efforts. A careful balance of land use activities helps create a sustainable physical environment which, in turn, enhances the daily lives of those who live and work in Plano. This theme establishes ways in which the City will maintain its livability by effectively integrating daily activities - residence, work, education, culture and leisure - into a diverse environment.

### **Theme II – City of Organized Development**

Plano has experienced significant growth over the past three decades but today that growth is leveling off. The City has relied on a comprehensive planning strategy, supported by the future land use plan, to guide this growth and its physical arrangement. This ongoing process of assessing needs, setting objectives, implementing programs and monitoring progress has resulted in an organized land use pattern. This section examines how existing and future development patterns can be used to further enhance the community.

### **Theme III – City in Transition**

For many years Plano has been a “developing” community and its planning efforts have been primarily focused on addressing issues related to this new growth. Now that the majority of the City’s development and infrastructure is in place, infill development, redevelopment and revitalization are becoming Plano’s primary opportunities for new development. In its new role as an inner tier suburb, the City is also seeing new types of development, including mixed use and higher density projects such as Legacy Town Center. This theme examines factors contributing to and resulting from the transition to a maturing city.

### **Key Factors**

Key factors have been identified for each of the major themes. The discussion of these factors in each section will further explain the major themes as well as provide a basis

for the objectives and strategies outlined for each theme.

## **THEME I – LIVABLE CITY**

### **Regional and Local Changes**

As noted earlier, Plano is located in one of the fastest growing regions and counties in the country. The population of the DFW area is projected to grow by three million by 2030. Collin County, with Plano and rapidly developing cities such as Allen, Frisco, and McKinney, is going to be home to a major portion of this growth. Between 1990 and 2000, Collin County increased in population by over eight percent annually, reaching a total of 491,675 persons. Forecasts for Collin County project more than 1.1 million residents by 2030.

Despite the limited availability of raw land, Plano's location and multitude of assets - including the availability of mass transit, proximity to post-secondary educational institutions and abundant employment opportunities - will continue to make it a very desirable place to live and work. As regional growth and development proceeds Plano must continue to work with neighboring cities to address land use, transportation, environmental issues and other matters of mutual concern.

### **Mobility**

Quality of life is heavily influenced by the level of local and regional mobility. For many years Plano has benefited from a very efficient roadway system that has made it easy to travel within the City and to make connections to other cities in the region. Projected local and regional growth, coupled with limited opportunities to expand the roadway system, will increase interdependence between land use and transportation.

Expanded employment opportunities through economic development can actually have a positive impact on mobility. More Plano residents can travel shorter distances to and from work and wide array of shopping, dining, and entertainment establishments. Persons living in other cities and working in Plano can also travel in the opposite direction of the primary traffic flow during peak hours.

### **Environmental Impacts**

The City of Plano values the environment and actively seeks ways to enhance the quality of life by improving air quality as well as protecting and conserving water resources. Air pollution comes from many sources including factories, power plants, dry cleaners, cars, buses, trucks and even windblown dust and wildfires. Because it is diffused, air quality is a concern that impacts all residents in the DFW region. This pollution can threaten the health of human beings, trees, lakes, crops, and animals, as well as damage the ozone layer and buildings. Under the Clean Air Act, the Environmental Protection Agency (EPA) regulates air pollution for the region as a whole.

Water pollution impacts the use of water for drinking, household needs, recreation, fishing, transportation and commerce. Because of this, water quality is a concern shared by many cities in the Metroplex. Water quality is affected by the design and layout of development. Plano's Zoning and Subdivision Ordinances have recently been updated to include storm water management practices and additional updates may be necessary in the future.

Water is supplied to Plano and many other cities in the region by the North Texas Municipal Water District (NTMWD). However, each city is responsible for implementing its own policies governing local water consumption. Contracts with the water district are often structured so that cities must commit to purchasing a set amount of water, which provides little financial incentive for water conservation. At the same time, NTMWD must have a dependable return on investment in order to meet the current and future needs of the cities it serves. The district must cover the costs of its fixed assets and develop new water resources for its growing customer base. This would not be possible with fluctuating revenues. Therefore, NTMWD and its member cities will need to continue exploring alternatives that encourage water conservation without inhibiting system maintenance, upgrades, and capacity increases.

The availability of natural resources will have an increased impact on the ability of the region and individual cities to support livability. It will become increasingly incumbent upon the City of Plano to facilitate the efficient use of water, energy, and other critical resources. The availability of natural resources also impacts building design and construction materials. Properly formulated codes and ordinances can support the use of energy efficient and sustainable development and construction practices while promoting quality and cost effectiveness.

### **Objectives for Theme I – Livable City**

- **Objective A.1** Provide for local land use strategies that reflect changing regional and local trends and conditions.
- **Objective A.2** Continue to implement development policies that ensure the protection of the environment and the supply of essential resources.

### **Strategies for Theme I – Livable City**

- **Strategy A.1** Regularly monitor, review, and update the Comprehensive Plan, Zoning Ordinance, and related documents to ensure their effectiveness in meeting the needs of the community. Update the Land Use and Transportation Elements every three years.
- **Strategy A.2** Where possible, zone property and configure development to provide complementary uses and to foster good connections between them using a combination of streets, trails, and sidewalks for vehicular, pedestrian, and bicycle circulation.
- **Strategy A.3** Regularly monitor development and building regulations to ensure that they provide for the efficient use of natural resources and promote

environmental quality. When possible, incorporate sustainable building and design practices into development regulations.

- **Strategy A.4** Continue to work with adjacent cities and regional agencies to develop land use patterns that promote enhanced regional mobility.

## **THEME II – CITY OF ORGANIZED DEVELOPMENT**

### **Local Context**

Today, much of the residentially zoned land in Plano is developed and there are few large undeveloped properties of any type remaining in the city. As Plano matures, the focus of development is shifting towards infill tracts that have been passed over for development for various reasons, as well as the redevelopment of under-performing and obsolete properties.

Careful consideration should be given to compatibility when new uses are being introduced into developed areas. This is especially true when nonresidential uses are developed in close proximity to residential uses. The City currently has zoning standards for certain types of activities when placed in proximity to residential districts (residential adjacency standards). These standards should be monitored regularly to ensure that they provide the desired guidance for infill development.

### **Land Use Absorption**

Plano experienced development at an extremely rapid pace during the 1970s, 1980s and 1990s. Today, over 95 percent of the land zoned for residential use in the city has been developed. Further residential development is expected over the next few years, albeit at a slower rate. Retail and office development typically trail residential because these uses are generally dependent on the number of households within a certain distance. Plano still has a significant amount of nonresidential land available for development. In fact, only about 60 percent of “Commercial” land has been developed to date. As this land is absorbed, it will be important to monitor any shifts in the land use mix as this information will be a key indicator of the need for city services including the provision of parks and open space. (The Land Use Absorption Table can be found in the appendix).

### **Variety of Land Uses Opportunities**

A community’s land use system should accommodate a wide range of opportunities for its existing and future residents. Sometimes, efforts to create more pleasant and appealing surroundings can result in a narrow range of land uses that actually detract from the “Livable City” concept. For example, opportunities for persons of various ages and life styles to live in a community can be hampered by limited the range of housing types permitted in a city. In addition, residents require the availability of a broad range of services. Some of these services, such as automobile repair, are less than attractive and appealing than others and there is a tendency to reduce or isolate their locations.

Plano's Zoning Ordinance and Atlas generally provides for a broad range of residential and nonresidential uses. The ordinance also includes development standards that reduce the impacts of certain uses on their surroundings. The Residential Adjacency Standards are a good example of this approach. As Plano reaches full development, there will be more situations in which uses that traditionally considered less desirable are more desirable uses. It will be important for the City to find ways to enhance the transitions between uses as opposed to reducing the opportunities for uses that are necessary to serve the needs of Plano residents.

### **Balanced, Consistent Zoning\***

Plano's land use pattern is generally organized around a system of major, east-west and north-south thoroughfares spaced at one mile intervals. Each one square mile of land area has developed as a neighborhood with low density single-family housing surrounding an elementary school and city park. The outer edges of the neighborhoods often include higher density housing with direct access to the major thoroughfares. Most of the corners of the intersections of the thoroughfares are zoned for retail uses. (This typical neighborhood format is described in more detail in the Housing Element.)

Although this arrangement is very efficient and easy to navigate, it has contributed to a zoning imbalance. The City currently has more land zoned for retail and office uses than is likely to be supported by the market over time. Much of this land is located at major thoroughfare intersections. In the past, all four corners at many of these intersections were zoned for some form of retail or commercial use. This resulted in the development of almost 60 square feet of retail per capita (approximately three times the national average). As new retail centers are developed in surrounding cities, this amount of retail can no longer be fully supported and some retail facilities have become vacant or underused. It is unlikely that the City will need to rezone additional property for retail use unless a certain market area is clearly lacking locations for shopping and service facilities.

Economic conditions and the development market trends sometimes change quickly resulting in an imbalance in the amount of land for a given use. Periodic monitoring of development activity and the zoning classifications of remaining undeveloped properties assists the City in projecting and preparing for future land use needs. It will be necessary to convert some of the undeveloped or under-producing retail properties to other uses. While residential development may be difficult to accommodate because of the limited size of these parcels (as defined in the Housing Element), it may be possible to create mixed-use environments including mutually supportive uses such as residential and neighborhood retail or office.

As Plano matures, some zoning imbalances are becoming more apparent. As the supply of undeveloped land diminishes, properties that were previously overlooked are being considered for development. Many of these properties will require rezoning to accommodate development supported by the market. Some of these sites, because of their size, shape, location, and/or access will not be well suited for their proposed uses.

The City will have to make difficult decisions regarding the long-term use of these “leftover” tracts.

*\*Please refer to Policy Statement No. 2.0 for detailed strategies on addressing this issue.*

### **Coordination with Public Infrastructure, Facilities and Services**

Plano’s development pattern is carefully intertwined with its system of public infrastructure, facilities and services. As noted previously, most neighborhoods are organized around an elementary school and neighborhood park. The City has also made a concerted effort to acquire flood plains and adjacent properties to create an elaborate system of greenbelts, hike and bike trails, and parks of various sizes and types. Other facilities such as libraries, recreation centers, fire stations, and police stations are carefully located to serve efficient, effective service to Plano residents and businesses. (For more information, see the Parks and Recreation and Public Services and Facilities Elements.)

Changes to the City’s development pattern can impact the public sector’s ability to provide the level of services that its citizens have come to expect. They can even affect health safety, and welfare. For instance, adding residential units to an area may impact the ability of the Police and Fire Departments to provide adequate and timely emergency services. Similar issues arise in regard to roadways, utilities, and related public infrastructure. High intensity nonresidential uses typically generate more traffic trips than low intensity residential areas. On the other hand residential uses sometimes have a greater impact on utility requirements like sanitary sewer. (See Utilities Element.) Therefore, land use and development decisions must be carefully coordinated with the public sector’s ability to provide public infrastructure, facilities and services in an orderly and timely fashion.

### **Continuous Planning Process**

The city's planning program is necessarily an ongoing and cyclical process of assessing needs, setting goals, implementing programs, and monitoring progress. The Land Use and Transportation Elements are regularly updated. An extensive effort to identify and prioritize key issues is an integral part of the plan revision process, as is community participation and regional coordination. This effort includes public meetings to solicit concerns and ideas from the citizens. Modifications to the Land Use Element often lead to changes in development review procedures, zoning, and other City policies. The Zoning Ordinance, Subdivision Ordinance, Master Facilities Plan, and the Community Investment Program (CIP) are examples of “next step” documents and are critical to the success of the City’s planning and development process. The Comprehensive Plan should continue to be utilized for general guidance for policy formulation in these areas.

### **Objectives for Theme II – City of Organized Development**

- **Objective B.1** Ensure that the provision of City infrastructure, facilities and services is coordinated with development and maintained or modified as needed to meet required service levels and the needs of a changing population.
- **Objective B.2** Provide for a balanced and efficient arrangement of Plano's land resources to accommodate housing, employment, shopping, entertainment, and recreation.
- **Objective B.3** Ensure land use compatibility by grouping complementary land use activities, especially those that are mutually supportive, and continuing to implement policies that minimize the impact of potentially incompatible activities.

### **Strategies for Theme II – City of Organized Development**

- **Strategy B.1** Maintain the Master Facilities Plan as the interdepartmental guide to coordinate the planning, development and redevelopment of City of Plano facilities in concert with changing community needs and expectations. Coordinate the Community Investment Program (CIP) process with the objectives in the Master Facilities Plan.
- **Strategy B.2** Annually formulate and update a five-year CIP based on the Comprehensive Plan. Review annual updates to the CIP with the Planning & Zoning Commission.
- **Strategy B.3** Consider requests for rezoning areas planned or zoned for nonresidential use to residential districts based on the guidelines included in Policy Statement 2.0.
- **Strategy B.4** Use Plano's Comprehensive Plan, particularly the Land Use Plan, and related policies, to guide the zoning of properties in a manner that minimizes incompatibilities between uses.
- **Strategy B.5** Regularly meet with city departments and other local government entities to ensure development and redevelopment within the city can be supported with the necessary facilities and services
- **Strategy B.6** Make amendments to the Zoning Ordinance (text and atlas) based on the strategies of the Comprehensive Plan. This consideration should include evaluation of the following:
  - Intent of the plan in its entirety;
  - Physical character of the property affected;
  - Adequacy of public facilities (existing and proposed); and
  - Relationship to adjacent land uses (existing and proposed).

### **THEME III – CITY IN TRANSITION**

Cities evolve over time and as they do new challenges and opportunities emerge. Plano developed very rapidly during the 1970s, 1980s and 1990s. Today that growth is slowing and the City is challenged with some aging and dated development. The City also has an overabundance of retail development that, in some cases, is struggling. The long-term vitality of the City will depend on its ability to address issues such as these in

a timely and appropriate manner.

In 1998, the City initiated a Neighborhood Planning Program focused on older, at-risk neighborhoods. This program creates partnerships with residents to develop strategies for improving and sustaining their neighborhoods. Another project that is helping the City gracefully evolve is the enhancement of downtown Plano and the older neighborhoods surrounding it. This example is illustrative of both historic preservation and redevelopment. The original business core and the Haggard Park neighborhood have been designated as Heritage Resource Districts. Compatible mixed-use projects, Eastside Village I and II, have been developed alongside older downtown structures. New single-family homes have also been constructed in Haggard Park and in the Douglass Community. These neighborhood planning and revitalization efforts have contributed to extensive improvements to the downtown and surrounding neighborhoods. These range from investment in infrastructure to loans and grants for the rehabilitation of private homes. Funds for the latter often originate from federal programs. While these exact strategies are not appropriate for all areas of Plano, the City should continue to ensure that policies and regulations support redevelopment efforts.

The City's workforce housing initiative focuses additional attention on the need to preserve and enhance Plano's older housing stock and neighborhoods, in addition to creating viable housing options within a reasonable driving distance of Plano's employment centers. The relationship between land uses should be balanced and mutually supportive. Plano's housing stock must be varied enough to support a broad range of income levels and household preferences. This will help to ensure that the supply of housing continues to accommodate the needs of those employed by local businesses. Most of Plano's more affordable housing stock is comprised of older homes (25 years or older); these are not always compatible with the expectations of modern buyers. Further, these homes are typically less energy efficient than newer homes and more costly to maintain. It is important that Plano continue with proactive strategies to ensure the health of neighborhoods while providing for a wide range of housing options within the City.

### **Changing Demographics**

As the City matures, its population and employment characteristics are changing. Plano's population and employment are not only growing in number but also in diversity. Factors such as age, ethnicity, culture, and income directly impact the types of public and private services and facilities which a community must provide to its residents and workforce. The 2005 ACS data suggests continued significant growth among minority populations in Plano. Hispanic and Asian sectors have grown significantly in recent years. The white population now represents approximately 65% of Plano's population compared to almost 85% in 1990. As Plano becomes a more diverse community of different backgrounds and cultures, it will need to offer a wider range of public and private services and programs. Joint efforts with the school districts and other entities will be necessary to celebrate and take advantage of Plano's diversity.

Plano's population is also aging; the population over age 65 was approximately 16,000 at the time of the 2005 American Community Survey (ACS) and is expected to more than double by 2020 (to a projected 40,000 residents). This will have an impact on Plano's housing requirements and land use demands. Currently Plano's Zoning Ordinance provides for a range of senior housing options in several district categories. It also includes reduced requirements for parking, dwelling size, and similar accommodations based on the actual needs of senior residents. The city should also encourage the development of senior housing in urban centers which can provide a variety of services within walking distance.

### **Economic Development**

In the 1980s Plano began to attract a number of corporate citizens and emerge as an employment center. Today, Plano has a significant amount of office development in the Legacy area, along U.S. Highway 75 and within the Plano Parkway/President George Bush Turnpike (S.H. 190) corridor (including the Research/Technology Crossroads area). There are about 125,000 jobs in Plano and recent employment data indicates that number is expected to grow to approximately 167,000 by 2025.

Plano's economy also has a significant retail and service sector component. New competition from retail development is emerging in outer tier suburbs and Plano is challenged with maintaining its retail market share. The Tri-City Retail study, completed in 2003, explored this issue in-depth and identified challenges such as municipal planning practices which led to retail over-zoning; rapidly changing retail formats (nationally and regionally); and dramatic shifts in demographic characteristics, particularly age and ethnicity. Continued success of the City's retail sector will depend on its ability to address these issues appropriately.

Plano has four regional development corridors running through it or along its boundaries (S.H. 121, U.S. 75, the Bush Turnpike, and the Dallas North Tollway). These are generally comprised of the expressways themselves, two parallel arterial streets, and the land in between. Properties in these corridors tend to be highly visible, readily accessible, and suitable for many types of commercial uses. The resulting land areas are typically adequate to provide flexibility in the design and orientation of development and therefore a variety of uses are appropriate. However, the noise and traffic generated by major expressways are often not conducive to residential uses.

Two other major areas (Legacy and Research/Technology Crossroads) in northwest and southeast Plano combine with the four regional development corridors to comprise Plano's primary bases for economic development. A significant portion of Plano's undeveloped land also lies within these six areas. Because of this and the current demand for residential development, the city has fielded a number of requests to convert properties in these locations to residential use. It is important for the city to retain an adequate supply of undeveloped nonresidential land for future economic development opportunities. Therefore residential rezoning in these prime economic development bases is generally not recommended. Accommodating immediate

development opportunities is not an adequate reason alone for rezoning nonresidential properties for residential purposes.

### **Development Trends**

Changes in business operations and marketing approaches often affect development and land use patterns. This is particularly evident in the retail industry where major grocery, appliance, computer, discount department, and home improvement chains are building stores in locations where they can attract business from regional or community-wide service areas. In the past, this type of store typically anchored a small- to medium-sized neighborhood shopping center. Smaller retail stores and shops in these same centers often depend on anchor stores to attract customers. As these stores move to more regionally accessible locations, the resulting vacant spaces can be hard to fill. Creative strategies for filling these vacant “big-box” stores will be important to continued success of smaller retail centers. In some cases, the lack of demand and market saturation may make it necessary to redevelop these properties for different uses that cannot be accommodated by the current building configuration.

Another development trend that warrants discussion is the concept of “new urbanism.” Proponents of new urbanism suggest that a return to more traditional forms of urban development could provide better living environments. Plano, like most suburbs, predominantly consists of a low-density, automobile-oriented development pattern. However, the successes of urban centers in Downtown Plano and the Legacy Town Center have demonstrated that new urbanist concepts can be successfully incorporated into the city.

The Urban Centers Study states that development of additional urban centers may be appropriate in a few additional locations in Plano. These compact, mixed use environments can not only increase the variety of land uses within the City, but can support additional mass transit service and reduce automobile traffic. However, this style of development should not be used merely as a means of gaining additional density and zoning flexibility. This Study defines the key characteristics and design elements of urban centers and the site attributes that should be used in finding suitable locations for this form of development. True urban centers should provide opportunities for residence, employment, shopping, and entertainment in a pedestrian oriented neighborhood environment. Such centers will typically require fifty acres or more to create a successful, balanced development.

The development community is increasingly interested in mixed-use developments. Plano currently has more retail uses that can be supported in the long-term and some existing retail centers are experiencing difficulties. In recent years, the City has received inquiries and some rezoning applications for mixed-use projects on properties that are currently zoned for nonresidential use. The inclusion of residential and nonresidential uses on the same site does not constitute mixed-use development. A typical in-line shopping center or big box store with parking in front and apartments in the rear connected by a street or driveway is more representative of two separate projects

sharing a common property line. The proposed apartments or other forms of residence should be more than just “filler” for the portion of the property that cannot be marketed for retail use. Instead, the vehicular and pedestrian circulation systems, parking configuration, building layout, and architectural design should all be integrated in a manner that creates a single development project.

In some cases, the subject sites may be appropriate for urban center development in accordance with the criteria established in the Urban Centers Study. In other cases, the size, location, and other factors may make such sites appropriate for a condensed mixed-use development that does not result in a fully functional neighborhood like an urban center. Mixed-use development outside the context of an urban center should occur only when there is reasonable evidence to indicate that development of the site for nonresidential uses would not add to current market saturation and the proposed uses are integrated into a cohesive development plan.

Plano is also becoming a major medical center within the Dallas/Fort Worth region. With three major hospitals and another under construction, medical services are becoming a major component of the City’s economy. This emerging trend will ensure that Plano’s residents have access to excellent health care and expand the City’s employment base.

### **Changing Technology**

Technological advances have greatly impacted the design and development of cities over the decades. The most obvious example is the automobile, which has affected both the overall development of cities and the design of individual site plans and subdivision plats. Other technological advances have been more subtle.

Today, advances in telecommunications and information technology are reinventing the way we live, work, and play, making it possible for more Americans to work, shop, and even socialize at home. This in turn impacts the form of our cities and service needs. For example, the ability to telecommute allows residents to reduce trips to and from work and in turn, helps reduce traffic congestion and air pollution. These technological advances have facilitated an increased number of home-based businesses. Home-based businesses could greatly benefit the viability of Plano’s neighborhoods by increasing the “daytime population” and, in effect, helping deter crime. Plano should work to ensure that its codes and ordinances accommodate home-based businesses, without compromising the character and integrity of its neighborhoods. (The Technology Element of the Comprehensive Plan contains a more detailed description of this issue).

### **Objectives for Theme III – City in Transition**

- **Objective C.1** Ensure continued vitality of existing residential neighborhoods throughout the City.
- **Objective C.2** Ensure that zoning and development regulations are consistent

with changing land use needs

- **Objective C.3** Ensure development standards and zoning are consistent with City-wide goals established in other policy documents, such as sustainability, workforce housing, economic development and urban centers.
- **Objective C.4** Encourage continued growth of Plano's economy by supporting appropriate infill and redevelopment initiatives.

### **Strategies for Theme III – City in Transition**

- **Strategy C.1** Utilize the Neighborhood Planning Program and other initiatives to facilitate the stabilization of existing neighborhoods. Continue to evaluate and update the program as needed to ensure its success as a planning tool.
- **Strategy C.2** Consider the use of creative and alternative suburban land use concepts, including mixed-use development in appropriate infill and redevelopment areas of the city. Review requests to rezone properties for mixed-use development in accordance with the following:
  - Finding that the conversion of nonresidential property for residential or another nonresidential use would not adversely impact the planned land use pattern for the surrounding area.
  - A plan that provides for the integration of vehicular and pedestrian circulation systems, parking, building location, and architectural design into a cohesive development.
- **Strategy C.3** Regularly monitor and report on changing population and employment characteristics to determine if public and private services and facilities are consistent with needs and expectations of the community. Make adjustments to applicable ordinances, policies, and programs as needed to address these changes.
- **Strategy C.4** Where appropriate, support opportunities and efforts to develop and redevelop properties in ways that are consistent with established policy goals, such as enhancing the local economy, providing jobs to Plano residents, and improving the City's tax base.
- **Strategy C.5** Work with developers to ensure that infill and redevelopment occur in appropriate locations. In particular, the location and design of urban centers should be consistent with the guidelines established by the Urban Centers Study.
- **Strategy C.6** Regularly monitor zoning, development and building regulations to ensure that they do not inadvertently deter redevelopment or prevent business relocation or expansion.
- **Strategy C.7** Preserve land for future employment generating opportunities, particularly within major development corridors and business parks.
- **Strategy C.8** Continue to identify and consider initiatives for Plano's existing urban centers in terms of their impact on the viability of these locations for residential, employment, entertainment and cultural activities.
- **Strategy C.9** Develop and implement specific initiatives to encourage infill and redevelopment. These initiatives should seek to promote land use compatibility

and connectivity especially between residential and nonresidential uses.

- **Strategy C.10** Conduct periodic evaluations of the changing demographics, market trends, and regional influences and determine their potential impacts on infrastructure and facilities.
- **Strategy C.11** Monitor and evaluate growth in Plano's population and employment and changes in population characteristics to determine their impact on service and facility requirements.

**2012 INTERIM AMENDMENT**  
**REDEVELOPMENT AND UNDEVELOPED LAND POLICIES**

Since 2007, the Planning & Zoning Commission and City Council have been asked to consider approval of requests to rezone land located within the city's expressway corridors and major employment areas to allow for additional residential development. City policies regarding undeveloped land in the Comprehensive Plan were written from 2004 to 2009 and encouraged preservation of land within the expressway corridors and major employment areas for economic development and employment opportunities. Since that time, numerous requests to rezone land for additional housing has challenged the relevance of the current policies and prompted a study starting in the fall of 2010 to determine if changes were necessary to the policies. The results of this study and discussions with the Council and the Commission produced six recommendations regarding undeveloped land and redevelopment. The recommendations with supporting explanations are found in the following text.

- 1. All residential rezoning requests should be evaluated to determine the impact on infrastructure, public safety response, school capacity, and access to and availability of amenities and services.**

The development of sound, sustainable neighborhoods has been a cornerstone of Plano's success and attractiveness to families and businesses. Areas being considered for rezoning to residential uses should have an adequate infrastructure system and the amenities and services to support the requested use. Some of this infrastructure is needed immediately such as roads and utilities, and can be provided by the developer. For other services, such as schools, fire stations, parks, and libraries, there may be an immediate need but a delay in providing facilities and services by the city and school district.

The land along the expressway corridors and within the Legacy Business Park and the Research Technology Crossroads area has been planned for nonresidential development for many years. Therefore, infrastructure and services needed to support residential development have not been planned or programmed into capital and operational budgets. Infrastructure and facilities can be provided for these areas if residential uses are introduced, but at additional cost to the city and school districts.

- 2. Isolated residential development should not be permitted; residential rezoning requests need to establish a complete new neighborhood or expand an existing neighborhood or an urban mixed-use center. Special needs housing (i.e. senior housing) could be an exception.**

"Isolated" residential development refers to small residential neighborhoods surrounded by nonresidential development with no amenities, or separated by a major thoroughfare or natural feature from existing residential developments.

This type of residential development should not be permitted since it does not promote sustainable residential neighborhoods long term. The proposed residential development needs to have reasonable access to community amenities; be located in a suitable environment free of noise, glare, traffic congestion, and other noxious factors; be part of a larger neighborhood where social interaction can occur; and not be separated from other residential developments by a six-lane divided roadway (Type C) or larger thoroughfare.

With few large tracts of land left for residential development, it will be increasingly difficult to duplicate Plano's traditional neighborhood concept of low density housing with schools and parks in the center with service retail on the exterior of the neighborhood. However, the basic characteristics should not be abandoned, and new residential development, both multifamily and single-family, should:

- Expand an existing neighborhood or mixed-use development where the infrastructure, amenities, and nonresidential uses are in place to support the new housing being created; or
- Create a new complete neighborhood unit where a school and park site could be located to serve the neighborhood as well as have nearby supporting retail/service uses; or
- Create an urban mixed-use development that has all of the key components that make a mixed-use development successful.

Special needs housing situated close to businesses which could provide services to the residents (i.e. medical, dental, grocery stores, pharmacies, etc.) would be an exception to this recommendation.

**3. The 1,200-foot setback for residential uses from the centerline of State Highway 121 should be retained, and applied to the Dallas North Tollway, State Highway 190/President Bush Turnpike, and U.S. Highway 75. Factors including topography, creeks, vegetation, and existing development patterns should be considered in applying this standard.**

The recommended 1,200-foot setback for residential uses was adopted at a time when the construction and expansion of State Highway 121 to a major expressway was being considered. Residential development in close proximity to the tollway, especially single-family subdivisions, could have increased opposition to the widening of the highway and necessitated the construction of costly sound walls. The setback also sought to address the need to reserve adequately sized properties in this corridor for large commercial developments, instead of just a row of pad sites. It also recognizes that land immediately adjacent to a major expressway may not provide the best living environment.

The 1,200-foot setbacks from the expressway centerline should be retained for the State Highway 121 corridor and expanded to include the Dallas North Tollway, State Highway 190/President Bush Turnpike, and U.S. Highway 75 corridors. The issues are the same in all four expressway corridors when it comes to preserving areas of the city to encourage economic development, employment growth, and other commercial uses as well as providing for viable residential neighborhoods. As property lines and natural features do not always run in a straight line, judicious application of the setback is needed. There will be some instances, as has happened in the State Highway 121 corridor, where it is reasonable for residential development to be located closer to an expressway than 1,200 feet. Urban mixed-use centers could also be considered, since they offer the opportunity to be shielded by taller office buildings.

- 4. No new low-rise multifamily development less than five stories in height should be allowed south of Tennyson Parkway, along the Dallas North Tollway between Communications Parkway and Parkwood Boulevard. However, mid-rise multifamily development (5 to 12 stories) may be considered by specific use permit (SUP) in this corridor.**

This policy reaffirms preserving land for economic development along the Dallas North Tollway. The tollway, as a major regional corridor and the main entrance to the Legacy Business Park, continues to be in demand for office and commercial development. Properties located between Communications Parkway and Parkwood Boulevard are in many areas very narrow and do not provide sufficient space to effectively blend multifamily development with other uses. The increased number of stories for mid-rise residential uses is necessary to accommodate the number of units required to make the project viable and to reduce the land area dedicated to the building footprint to provide additional land to accommodate other uses.

- 5. New multifamily zoning should require a minimum density of 40 dwelling units per acre on the project site. Phased development should have a minimum average density of 40 dwelling units per acre. However, no phase having less than 40 units per acre may be constructed, unless preceded by or concurrently built with a phase which maintains the minimum 40 dwelling units for the overall project.**

As the city continues to evolve, a limited number of areas will be developed or redeveloped in a more urban form. If the city wishes to encourage true mixed-use development, a higher minimum density for multifamily units must be established to facilitate compact development. This is consistent with the minimum density required in Legacy Town Center and Downtown Plano. At this density, parking usually will be provided in structured garages; some surface parking may be desirable, especially for commercial tenants and visitors. Parking requirements for multifamily development may also need to be reduced in higher density developments.

- 6. Establish two new zoning districts - an urban mixed-use district and neighborhood mixed-use district. An option to allow mid-rise residential buildings (5 to 12 stories) by specific use permit should be available in major corridors (State Highway 121, Dallas North Tollway, State Highway 190/President Bush Turnpike, and U.S. Highway 75) and in urban mixed-use districts where designated as appropriate in the Comprehensive Plan.**

Two new zoning districts should be added to the city's Zoning Ordinance - an urban mixed-use district and a neighborhood mixed-use district. There are several benefits to the creation of these districts. The urban mixed-use district could be used to expand existing urban centers or applied to Collin Creek Mall and around the DART rail stations. The Urban Centers Study identifies these areas as future urban centers. A neighborhood mixed-use district could be applied to certain areas of the city such as retail corner sites at the major thoroughfare intersections, where appropriate to facilitate redevelopment of aging shopping centers and commercial areas. This district could also be used to encourage redevelopment of aging apartments.

The creation of these two districts would provide developers with additional development options. The districts would formalize the desired development form, and create consistent standards, rather than the method used today through the creation of customized planned development districts. Lastly, it also saves developers time and money. If the development standards have already been predetermined, the zoning discussions then become focused on the appropriateness of the land use being requested.

Additionally, there may be areas within the expressway corridors where mid-rise residential development (5 to 12 stories) may be appropriate. However, not all properties within these corridors may be appropriate for this use and should be evaluated carefully. Zoning districts within the expressway corridors could be amended to allow mid-rise residential developments with a specific use permit (SUP).

## **APPENDIX**

### **Land Use Categories**

The Land Use Element and Plan establish categories of land use for the city as well as the general pattern in which these will occur. Unlike the zoning map, it is not parcel specific. The map, together with the policies of the plan, is used to determine the appropriate zoning classifications for individual tracts of land.

### **Residential**

#### Neighborhoods

The City seeks attractive, inclusive and cohesive residential neighborhoods with a mix of housing opportunities. Low-, medium-, and high-density residential uses are not individually designated. Specific proposals regarding housing are included in the Housing Element of the Comprehensive Plan.

#### Non-Neighborhood

With few large tracts left for residential development, many infill and redevelopment opportunities may not fit the traditional neighborhood context. Because of this, some residential development may occur in non-neighborhood settings such as in mixed-use developments and specialized housing complexes.

### **Service and Production**

#### Downtown Business Government Center

Downtown Plano is becoming a 24-hour mixed-use community. Housing, shops, restaurants, cultural facilities, and government offices comprise the major uses. Infill and redevelopment projects should be compatible with the historic character of the area. Urban density and transit-oriented design is encouraged.

#### General Commercial

General Commercial areas are intended to provide a wide range of retail, service, office, light production, and research and development uses. Residential adjacency standards must be considered when general commercial areas are near residential areas.

#### Major Corridor Development

This designation applies to three areas that are served by major expressway facilities: the Dallas North Tollway Corridor, President George Bush Turnpike, and the State Highway 121 Corridor. Development in these corridors is expected to include a mix of commercial, office, and technical production uses. Floor area ratios (FAR) should range

from 0.4:1 to 1:1, and heights should be limited by proximity to residential areas. Residential development is generally not appropriate within these corridors, although residential development may be considered along the southern edge of the State Highway 121 corridor. This corridor is wider than the others, but residential uses should not be closer than 1200 feet south of the future center line of State Highway 121.

### Freeway Commercial

The Freeway Commercial category is intended to define the unique character of the U.S. Highway 75 corridor. This corridor includes major retail development including Collin Creek Mall, along with general commercial, entertainment, lodging, and office uses. Basic components of the category include 1:1 floor area ratios and a 20-story maximum height limit. Lower FAR's and maximum heights are recommended for areas located within 500 feet of residential areas.

### Major Commercial

Major commercial centers may include malls and large shopping centers anchored by department stores, along with specialty shops, restaurants, theaters, offices, and other uses. These centers serve both a local and regional population, and are located along regional thoroughfares. Major commercial centers usually contain 500,000 square feet plus of floor area on sites of 50 acres or more. Multi-story buildings with an overall FAR of up to 1:1 may be appropriate in conjunction with retail development.

### Community Commercial

Community commercial centers generally serve a neighborhood area of three to five miles, and include department or discount stores, grocery stores, specialty shops and restaurants along with office uses. These centers are located on sites 15 to 35 acres in size along regional expressways or at intersections of major arterial streets. Typical FAR's are less than 0.4:1. Two or three corners may be developed at intersections designated as community commercial centers on the land use plan.

### Neighborhood Commercial

Neighborhood commercial centers are intended to serve adjacent residential neighborhoods, and include grocery stores, drugstores and small retail and service uses. These centers serve a one to one and one-half mile radius and contain 100,000 to 150,000 square feet of floor area (at a rate of 30 square feet per resident of the service area). They require a site of 10 to 15 acres, and development intensity less than 0.3:1 FAR.

Neighborhood commercial centers are located at the intersections of major arterial streets. One or two corners may develop with commercial uses at intersections designated as a neighborhood commercial center on the Land Use Plan, based on the size and population of the service area.

The population of some areas of Plano will not support a typical neighborhood commercial center, and smaller neighborhood convenience centers may be appropriate for such areas. Neighborhood convenience centers contain a convenience store with gas pumps and small shops, with total retail space less than 25,000 square feet. Sites are less than five acres, yet they are larger than a single corner convenience store. Neighborhood commercial centers provide an option for partially developed retail corners where there is little chance of additional retail development, and the remainder property is being converted to another use.

### Office

The office categories include a variety of employment uses, including office towers, medical centers, corporate campuses and small neighborhood offices. There are three categories of office development designated on the Land Use Plan - High Intensity Office, Medium Intensity Office and Low Intensity Office. High Intensity Office should include offices with FAR's up to 1:1 and building heights up to 12 stories. Medium Intensity Office areas should include development up to 0.75:1 FAR and eight story building heights. Low Intensity Office development serves local needs and heights are typically less than four stories with FAR's less than 0.4:1.

### Light Industrial

The light industrial category includes a variety of industries such as research facilities, assembly or production operations, warehousing and associated administrative offices. Industrial development is limited to a 0.5:1 FAR and a maximum building height of four stories. Light industrial and associated development is appropriate in areas with access to the arterial street system and, where possible, access to the railroad system. Light industrial development is most appropriate in industrial parks or other suitable planned settings.

### Research/Technology Center (RT)

The Research/Technology Center area provides for low-density office, research, and development facilities, and limited assembly operations. It is intended to attract high technology businesses similar to those currently in operation south of the President George Bush Turnpike. This area is intended to accommodate multiple users in a campus environment. Warehousing is planned to serve a supporting role in the RT area. Warehousing should generally be an accessory use to limited assembly operation and office/showroom facilities.

### Public and Semi Public (PSP)

The public and semi-public category includes a wide range of public and private uses such as colleges and universities, public and private schools, golf courses, country clubs, and large private open spaces. Locations should be provided for institutional and public uses that are appropriate for the intensity and character of each.

## Parks and Recreation (P)

The parks and recreation category includes major public open spaces as well as parks and recreation facilities serving the community. Included are floodplain areas to be preserved such as major parks, linear parks, athletic complexes and City-owned golf courses.

## Special Areas

There are several major transportation and land use corridors throughout the City. The four primary corridors are: U.S. 75, Plano Parkway/President George Bush Turnpike, Dallas North Tollway and State Highway 121. Spring Creek Parkway and Preston Road serve as secondary corridors. Legacy and Spring Creekwalk are two other unique land use areas in Plano. Highly visible, these corridors serve as activity centers within the City.