

PLANO CITY COUNCIL

WILL CONVENE INTO PRELIMINARY OPEN MEETING AT 5:00 P.M. ON MAY 22, 2006, FOLLOWED BY EXECUTIVE SESSION AND RESUMPTION OF PRELIMINARY OPEN MEETING IMMEDIATELY THEREAFTER, IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:

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

PRELIMINARY OPEN MEETING

- I. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, CANVASSING THE ELECTION RETURNS OF THE JOINT GENERAL ELECTION OF MAY 13, 2006, FOR THE ELECTION OF FOUR MEMBERS OF COUNCIL [PLACES 2, 4, 6 (MAYOR) AND 8] FOR A TERM OF THREE YEARS; DECLARING THE RESULTS; AND RESOLVING OTHER MATTERS ON THE SUBJECT.

- II. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, CANVASSING THE ELECTION RETURNS OF THE SPECIAL ELECTION HELD IN CONJUNCTION WITH THE JOINT GENERAL ELECTION OF MAY 13, 2006 FOR THE PURPOSE OF APPROVING THE SALE OF A PORTION OF PARK PROPERTY TO THE ABUTTING LANDOWNER AT 3200 GARY DRIVE, PLANO, TEXAS AS REQUIRED BY CHAPTER 253 OF THE LOCAL GOVERNMENT CODE; DECLARING THE RESULTS; AND RESOLVING OTHER MATTERS ON THE SUBJECT.

- III. Administer Oaths of Office for Newly Elected Council Members

EXECUTIVE SESSION

- | | | | |
|----|---|-----------|---------|
| I. | Legal Advice | Wetherbee | 10 min. |
| A. | Respond to questions and receive legal advice on agenda items | | |
| B. | Discussion regarding Mayor Pro Tem and Deputy Mayor Pro Tem | Council | 10 min. |

PRELIMINARY OPEN MEETING

I.	Consideration and action resulting from executive session discussion:	Council	5 min.
A.	Selection of Mayor Pro Tem and Deputy Mayor Pro Tem	Council	5 min.
II.	DART Status Report	Pope	5 min.
III.	Mobility Report	Neal	5 min.
IV.	Report on U.S. 75 Widening	Jaynes	5 min.
V.	Discussion and Direction re Willowbrook Estates HOA Screening Wall	Garrison	5 min.
VI.	Comprehensive Monthly Financial Report	McGrane	5 min.
VII.	Discussion and Direction Re Water Conservation Plan	Foster	10 min.
VIII.	Sustainability Concept Recommendation	Nevil	10 min.
IX.	Discussion and Direction Re Options for Temporary Off-Site Signs	Wetherbee	10 min.
X.	Personnel Appointments	Council	5 min.
A.	Community Relations Commission		
B.	Retirement Security Plan Committee		
XI.	Council items for discussion/action on future agendas	Council	5 min.
XII.	Consent and Regular Agenda	Council	5 min.
XIII.	Council Reports	Council	5 min.
A.	Council May Receive Information, discuss and provide direction on the following reports:		
B.	Council may receive reports from its other members who serve as liaisons to boards, commissions, and committees		

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

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



CITY COUNCIL

1520 AVENUE K

DATE: May 22, 2006

CALL TO ORDER: 7:00 p.m.

INVOCATION: Pastor Barry Gin
Plano Chinese Alliance Church

PLEDGE OF ALLEGIANCE: Brownie Troop 2194
Thomas Elementary School

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>THE MISSION OF THE CITY OF PLANO IS TO PROVIDE OUTSTANDING SERVICES AND FACILITIES, THROUGH COOPERATIVE EFFORTS WITH OUR CITIZENS THAT CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</p> <p><u>CERTIFICATES OF APPRECIATION</u></p> <p><u>Community Relations Commission</u> Victoria Hoyos Arango</p> <p><u>PROCLAMATIONS AND SPECIAL RECOGNITION</u></p> <p>Proclamation: National Public Works Week – 2006</p> <p>Proclamation: DART – 10th Anniversary of Light Rail</p> <p><u>GENERAL DISCUSSION</u></p> <p>In accordance with the Open Meeting Act, the City Council will hear comments of public interest, but any discussion shall be limited to placing the item on a future agenda for further consideration.</p> <p>Remarks are limited to five (5) minutes per speaker, with a maximum of 30 total minutes of testimony. Other time restraints may be directed by the Mayor.</p> <p>Specific factual information or an explanation of current policy may be made in response to an inquiry; but any discussion or decision must be limited to a proposal to place the item on a future agenda. Speakers will be notified when speaking time has expired.</p> <p><u>BOARD/COMMISSION REPORTS</u></p> <p>Plano Transition/Revitalization Commission – Russ Kissick, Chair</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>CONSENT AGENDA</p> <p><u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial.</u></p> <p><u>Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. The Council will then take action on the remainder of the Consent Agenda items. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></p> <p>(a) <u>Approval of Minutes</u> May 8, 2006</p> <p><u>Approval of Expenditures</u></p> <p>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</p> <p>(b) Bid No. 2006-131-B for the 2005-2006 Residential Street & Alley Pavement Rehabilitation Project, Zones M7, L8 & K8 to Jerusalem Corporation in the amount of \$1,042,450. This project involves the replacement of street and alley pavement in the residential areas bounded by Legacy Drive on the south, Central Expressway on the east, Hedgcoxe Road on the north and Custer Road on the west.</p> <p>(c) Bid No. 2006-137-B for Riverbend Lakes Dredging to Rimrock Enterprises, Inc. in the amount of \$299,950. The project consists of dewatering, dredging and disposal of approximately 3,000 cubic yards of silt and soil from eight existing lakes, seeding and sodding of disturbed areas, site stabilization, clean-up and associated items.</p> <p>Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)</p> <p>(d) To approve a contract for Broker and Loss Control Services with Merit Insurance Services, Inc. and authorizing the City Manager to execute all necessary documents. (C112-03).</p> <p>(e) To approve the terms and conditions of an engineering services contract by and between the City and Freeman-Millican, Inc. in the amount of \$114,500 for Cloisters Water Rehabilitation and authorizing the City Manager to execute all necessary documents.</p> <p>Reimbursement of Oversize Participation</p> <p>(f) To approve and authorize reimbursement to Wal-Mart Real Estate Business Trust for oversize participation for oversize paving improvements on Park Boulevard in the amount of \$32,319.</p> <p>Adoption of Resolutions</p> <p>(g) To authorize the City to satisfy the mortgage lien for the property located at 2109 Los Rios Boulevard in the amount not to exceed \$90,000; authorizing the City Manager to execute any and all documents necessary to satisfy such lien and transfer title to the City; and providing an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(h)	To redesignate the deferred compensation plan administered by the ICMA Retirement Corporation for participation by part-time, seasonal, and temporary employees (PTS) into two separate accounts as Plan 1 for those employees whose positions normally require less than a 1000 hours annually and Plan 2 for those employees whose positions normally require more than a 1000 hours in a year; and providing an effective date.	
(i)	To approve a drainage easement to the City of Parker, Texas being located in the Charles F.M. Gooderin Survey, Abstract Number 353, City of Plano, Collin County, Texas and being a portion of Lot 79, Block A, Stoney Hollow, Phase Six, an addition to the City of Plano, Texas recorded in Volume N, Page 328, Plat Records, Collin County, Texas, across a portion of undeveloped park land; and authorizing the execution of the easement by the City Manager; and providing an effective date.	
(j)	To approve a gas line easement to Atmos Energy Corporation, a Texas corporation, being located in the Charles F.M. Gooderin Survey, Abstract Number 353, City of Plano, Collin County, Texas and being a portion of Lot 79, Block A, Stoney Hollow, Phase Six, an addition to the City of Plano, Texas recorded in Volume N, Page 328, Plat Records, Collin County, Texas across a portion of undeveloped park land, and authorizing the execution of the easement by the City Manager; and providing an effective date.	
(k)	To approve the purchase of a Gas Tight Option Upgrade in the amount of \$72,500 from NABCO, Inc., the sole source vendor of such equipment and services; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase; and providing an effective date.	
(l)	To adopt and implement a Clean Fleet Vehicle Policy to improve air quality within the City; and providing an effective date.	
	<p><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></p> <p><u>The purpose of a Public Hearing is to receive input and information with the clarification that the focus of the City Council is on the singularly presented position, and not on repetition. To more effectively consider all presentations, applicants will limit their presentations to 15 minutes with a five (5) minute rebuttal time, if needed. All other speakers will be limited to a maximum of 30 total minutes of testimony, and three minutes per individual on any single issue. Other time restraints may be imposed at the discretion of the Mayor.</u></p>	
(1)	<p>Council discussion and direction on whether the Tax Increment Financing Board qualifies as a City Board and is subject to Charter Section 4.07.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(2)	<p>Public Hearing and consideration of an ordinance repealing Ordinance No. 2001-12-19, codified as Division 4, Drought Contingency Plan, of Article II, Water of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano; adopting a new drought contingency plan; establishing procedures and criteria for declaring a water emergency and implementing and terminating drought response stages; establishing restrictions on certain water uses during drought response stages; establishing penalties for violating the restrictions and provisions for enforcement of these restrictions; establishing procedures for granting variances; and providing a repealer clause, a severability clause, a savings clause; an effective date; and providing for the publication of the caption hereof.</p>	
(3)	<p>Public Hearing and consideration of an ordinance as requested in Zoning Case 2006-08 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, amending H-1 Designation to grant additional development standards for fences on one lot on 4.0± acres located at the southeast corner of 15th Street and Pitman Drive in the City of Plano, Collin County, Texas, zoned Single-Family Residence-9 (SF-9) with Heritage Resource Designation (H-1), to allow for a taller fence; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano</p>	
(4)	<p>Public Hearing and consideration of an ordinance as requested in Zoning Case 2006-07 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 9.9± acres located on the north side of Legacy Drive, 748± feet east of Chase Oaks Boulevard in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-277-Retail/General Office; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Fellowship Bible Church – North</p> <p><u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Training Room A/Building Inspections Training Room are located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</u></p>	



May 17, 2006

Pat Evans
Mayor

Scott Johnson
Mayor Pro Tem

Sally Magnuson
Deputy Mayor Pro Tem

Shep Stahel
Place 1

Loretta Ellerbe
Place 3

Harry LaRosiliere
Place 5

Jean Callison
Place 7

Thomas H. Muehlenbeck
City Manager

Mayor Pat Evans
City Council Members
City of Plano
Plano, TX 75074

Honorable Mayor and City Council:

We will begin Monday evening in Preliminary Open Meeting by canvassing the returns of the elections and administering the oaths of office for our newly elected members.

Afterwards, we will convene into Executive Session where we will receive advice from the City Attorney and discuss appointments of Mayor Pro Tem and Deputy Mayor Pro Tem.

Resuming Preliminary Open Meeting, the agenda consists of the selection of Mayor Pro Tem and Deputy Mayor Pro Tem as well as reports on DART, Mobility, U.S. 75 Widening and the Comprehensive Monthly Financial Report. Presentations will be done regarding the Willowbrook Estates HOA screening wall, the City's water conservation plan, the City's sustainability concept and discussion and direction regarding options for temporary off-site signs. Two personnel appointments will also be considered: Community Relations Commission and Retirement Security Plan Committee.

I look forward to seeing you Monday evening.

Sincerely yours,

Thomas H. Muehlenbeck
City Manager

THM/cp



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	5/22/06	Reviewed by Legal <i>aw</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	City Secretary	Initials	Date	
Department Head	Elaine Bealke	Executive Director		
Dept Signature:	<i>Elaine Bealke</i>	City Manager	<i>DM</i>	4/21/06
Agenda Coordinator (include phone #):		Di Zucco - X7551		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, CANVASSING THE ELECTION RETURNS OF THE JOINT GENERAL ELECTION OF MAY 13, 2006, FOR THE ELECTION OF FOUR MEMBERS OF COUNCIL [PLACES 2, 4, 6 (MAYOR) AND 8] FOR A TERM OF THREE YEARS; DECLARING THE RESULTS; AND RESOLVING OTHER MATTERS ON THE SUBJECT.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

I.a

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, CANVASSING THE ELECTION RETURNS OF THE JOINT GENERAL ELECTION OF MAY 13, 2006, FOR THE ELECTION OF FOUR MEMBERS OF COUNCIL [PLACES 2, 4, 6 (MAYOR) AND 8] FOR A TERM OF THREE YEARS; DECLARING THE RESULTS; AND RESOLVING OTHER MATTERS ON THE SUBJECT.

WHEREAS, for the purpose of electing four members of Council [Places 2, 4, 6 (Mayor) and 8] for a three (3) year term of office on the Plano City Council, the City Council called a Joint General Election to be held on May 13, 2006, by Ordinance No. 2006-2-8, passed February 13, 2006; and

WHEREAS, the City Council met on May 22, 2006, and canvassed the election returns of the above-mentioned election; and

WHEREAS, it was found that the persons herein named received the stated number of votes for said term of office on the Plano City Council:

MEMBER OF COUNCIL, PLACE NO. 2

Linda "Lynn" Johnson 2,080

Scott Johnson 4,280

MEMBER OF COUNCIL, PLACE NO. 4

Sally Magnuson 4,775

MEMBER OF COUNCIL, PLACE NO. 6 (MAYOR)

Pat Evans 4,517

Ken Lambert 3,346

MEMBER OF COUNCIL, PLACE NO. 8

Lee Dunlap 4,641

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

16

Section I. That in the Joint General Election held on May 13, 2006, for Member of Council, Place No. 2, Scott Johnson received a majority of all votes cast for such place; for Member of Council, Place No. 4, Sally Magnuson received a majority of all votes cast for such place; for Member of Council, Place No. 6 (Mayor), Pat Evans received a majority of all votes cast for such place; and for Member of Council, Place No. 8, Lee Dunlap received a majority of all votes cast for such place.

Section II. Scott Johnson is hereby declared to be elected Council Member for Place No. 2; Sally Magnuson is hereby declared to be elected Council Member for Place No. 4; Pat Evans is hereby declared to be elected Council Member for Place No. 6 (Mayor) and; Lee Dunlap is hereby declared to be elected Council Member for Place 8;

Section III. The City Council hereby finds and determines, as a result of this Canvass, that a total of 8,020 persons voted in the Joint General Election held on May 13, 2006.

DULY PASSED AND APPROVED THIS THE 22nd DAY OF MAY, 2006.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

Approved as to form:

Diane C. Wetherbee, CITY ATTORNEY

Tc



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	5/22/06	Reviewed by Legal <i>llw</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Legal		Initials	Date
Department Head	Diane Wetherbee	Executive Director	<i>[Signature]</i>	5/17/06
Dept Signature:	<i>[Signature]</i>	City Manager		
Agenda Coordinator (include phone #): Lynne Jones - 7109				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, CANVASSING THE ELECTION RETURNS OF THE SPECIAL ELECTION HELD IN CONJUNCTION WITH THE JOINT GENERAL ELECTION OF MAY 13, 2006 FOR THE PURPOSE OF APPROVING THE SALE OF A PORTION OF PARK PROPERTY TO THE ABUTTING LANDOWNER AT 3200 GARY DRIVE, PLANO, TEXAS AS REQUIRED BY CHAPTER 253 OF THE LOCAL GOVERNMENT CODE; DECLARING THE RESULTS; AND RESOLVING OTHER MATTERS ON THE SUBJECT.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
This resolution canvasses the election returns of the special election held on May 13, 2006 for the purpose of approving the sale of a portion of park property to the abutting landowner at 3200 Gary Drive, Plano, Texas as required by Chapter 253 of the Local Government Code.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
n/a		n/a		

lla

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, CANVASSING THE ELECTION RETURNS OF THE SPECIAL ELECTION HELD IN CONJUNCTION WITH THE JOINT GENERAL ELECTION OF MAY 13, 2006 FOR THE PURPOSE OF APPROVING THE SALE OF A PORTION OF PARK PROPERTY TO THE ABUTTING LANDOWNER AT 3200 GARY DRIVE, PLANO, TEXAS AS REQUIRED BY CHAPTER 253 OF THE LOCAL GOVERNMENT CODE; DECLARING THE RESULTS; AND RESOLVING OTHER MATTERS ON THE SUBJECT.

WHEREAS, the City Council called a Special Election for the purpose of approving the sale of a portion of park property to the abutting landowner at 3200 Gary Drive, Plano, Texas as required by Section 253.001(b) of Chapter 253 of the Local Government Code to be held in conjunction with the General Election to be held on May 13, 2006, by Ordinance 2006-2-32, passed February 27, 2006; and

WHEREAS, the City Council met on May 22, 2006, and canvassed the election returns of the above-mentioned election; and

WHEREAS, it was found that the item received the stated number of votes.

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

Section I. In the Special Election held on May 13, 2006 for the purpose of approving the sale of a portion of park property to the abutting landowner at 3200 Gary Drive, Plano, Texas as required by Section 253.001(b) of Chapter 253 of the Local Government Code, the votes were received as follows:

For the Proposition	6,432	Against the Proposition	1,203
---------------------	-------	-------------------------	-------

Section II. The City Council hereby finds and determines, as a result of this Canvass, that a total of 8,020 persons voted in this Special Election held on May 13, 2006.

DULY PASSED AND APPROVED this the ____ day of _____, 2006.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Preliminary Open Meeting Agenda Item II

DART Status Report
Robert Pope

IIa



Transportation Mobility / Safety Report

April 2006

- Traffic Signals:

- New Signal Construction/Design:*

- Designing traffic signal at 14th Street and Plano Pkwy (**90% complete**)
 - Developing As-Built drawings for 200 signalized intersections (5% completed)
 - Design traffic signal at Spring Creek and Parkwood (**45% completed**)

- Traffic Safety:

- ✓ **SH-121 – Traffic being switched to the new service roads (from east of Preston to Custer). Service road (btwn Preston to Dallas North Tollway) will open to traffic in July**
 - Records Management - Working with Police Department on an interface between their new crash data system (**60% completed**)
 - Haggard Park Neighborhood - **Parking restriction ordinance approved by city council 5/8/06**
 - Analyzing employee commute patterns (35% completed)
 - 2006 HAL/HARS program (**90% completed**)
 - Revising Sections 12.72 & 12.73 of the Code of Ordinances (school zones)

- Safe Streets Program (SSP)

- ✓ **USA Drive - A waiver to consider allowing the eastern end of USA Drive to participate in the SSP was considered by TAC at their 5-11-06 meeting. The decision was tabled pending further information from staff.**
 - The annual contract for traffic calming devices is being rewritten and re-bid (**85% complete**).

Participating Neighborhoods

- Winding Hollow Lane (new participating neighborhood)
- Hawkhurst Drive (Permanent Plan devices ordered)
- Russell Creek Drive (**Permanent Plan approved**)
- Seabrook (Permanent Plan approved by residents)
- Cumberland Trail (Permanent Plan approved by residents)
- Crossbend from Tumbil Lane to Coit (Permanent Plan mailed 3/06)
- Sailmaker Drive (Temporary *substitution* devices installed 12/05)
- Travis Drive (Permanent Plan mailed 3/06)
- Ranier Road south of Spring Creek Parkway (Temporary devices installed 12/05)
- Lexington Drive (Temporary Devices installed 2/06)
- Country Place Drive north of Park Boulevard (Temporary devices installed 12/05)
- Mission Ridge North of Spring Creek (Temporary Devices installed 2/06)
- Peachtree Lane (Work Order sent to Public Works for installation of temporary devices)
- Silverstone Drive (Work Order sent to Public Works for installation of temporary devices)
- Parkhaven Drive (Temporary Plan installation pending)
- Mission Ridge from Parker to Matterhorn (**Temporary Plan installed**)
- Royal Oaks Drive (Temporary Plan to be mailed in May)
- Kimble Drive (Petition forms sent to neighborhood sponsor 10/05. None returned)
- Old Pond Drive (Heavy enforcement begins 4/06)
- Micarta Drive (**Heavy Enforcement begins this summer**)
- Robinson Road (New participating neighborhood; survey forms sent to sponsor)

IIIa

- Long Range Planning:
 - ✓ **Determining service provider interest in providing taxi voucher based transportation services to senior citizens**
 - Preston Road @ Legacy Drive – **Met with TxDOT about proposed design concept (median Left-turn)**
 - Revise Plano Thoroughfare Standards (Graphics work 50% complete)
 - Attended monthly DRMC, RTC, TAC, STTC, and ITE meetings

III 6

Preliminary Open Meeting Agenda Item IV

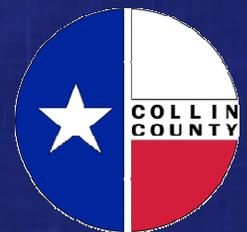
Report on U.S. 75 Widening
Joe Jaynes

IVa

Collin County / US 75

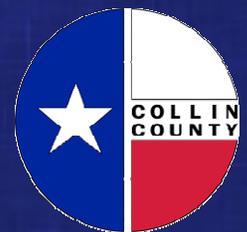
Pass-Through Finance Program

Update: Phase I



Today's Update

- **What Improvements to US 75 Corridor**
- **Why this Approach**
- **Pass-Through Concept**
- **Schedule for Implementation**
- **Cost / Financing**



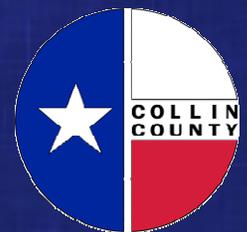
US 75 Corridor Needs

- **Improve Safety and Mobility**
- **Respond to Urbanization**
- **Support Economic Development**



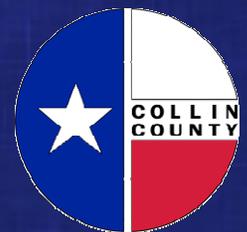
US 75 Corridor Improvements 3 Segments

- **North: From SH 121 (N) to Grayson County**
- **McKinney: From SH 121 (S) to SH 121 (N)**
- **South: From Spring Creek to SH 121 (S)**



Why this Approach?

- **TxDOT / NCTCOG funding not available**
- **More projects than money**
- **A long delay in implementing needed projects**
- **New Opportunity under HB 3588**



Pass-Through Concept

Phase I

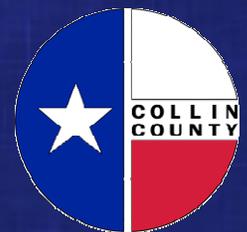
Collin County and the cities of Allen, Anna, Fairview, McKinney, Melissa and Plano agree to develop a proposal to forward to TxDOT for improving US 75 .



Pass-Through Concept

Phase II

Details of the delivery, including project costs, proposed financing and implementation, are negotiated between TxDOT and Collin County. Separate agreements will be negotiated between the County and the Cities.

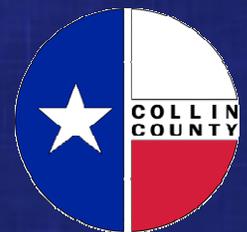


Pass-Through Concept

Phase III

The segments are developed (ROW, ENV.CLR, PLANS, Construction) by the County and opened to traffic.

As each segment is completed and opened, TxDOT repays the agreed amount over a period of years.

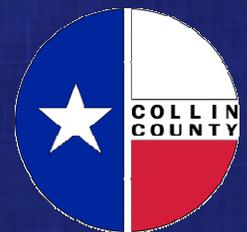


Implementation Schedule

Phase I – Proposal being readied to submit to TxDOT

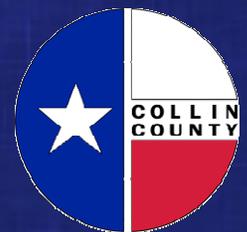
Phase II – Negotiations expected to be complete by March 2007

Phase III – Unless financially constrained, McKinney segment to construction late 2008, South 2011, and North 2011.



Financing

- **NO COMMITMENT AT THIS TIME**
- **The funding solution will consist of a number of sources**
- **A Financial Plan will be developed in Phase II as the Program Cost is developed.**





P.O. Box 860358
Plano, Texas 75086-0358
972-769-4140
Fax No. 972-769-4172



MEMORANDUM

DATE: May 16, 2006

TO: Mayor and the City Council
Cc: Tom Muehlenbeck, City Manager
Rod Hogan, Executive Director

FROM: Jimmy B. Foster, P.E., Director of Public Works

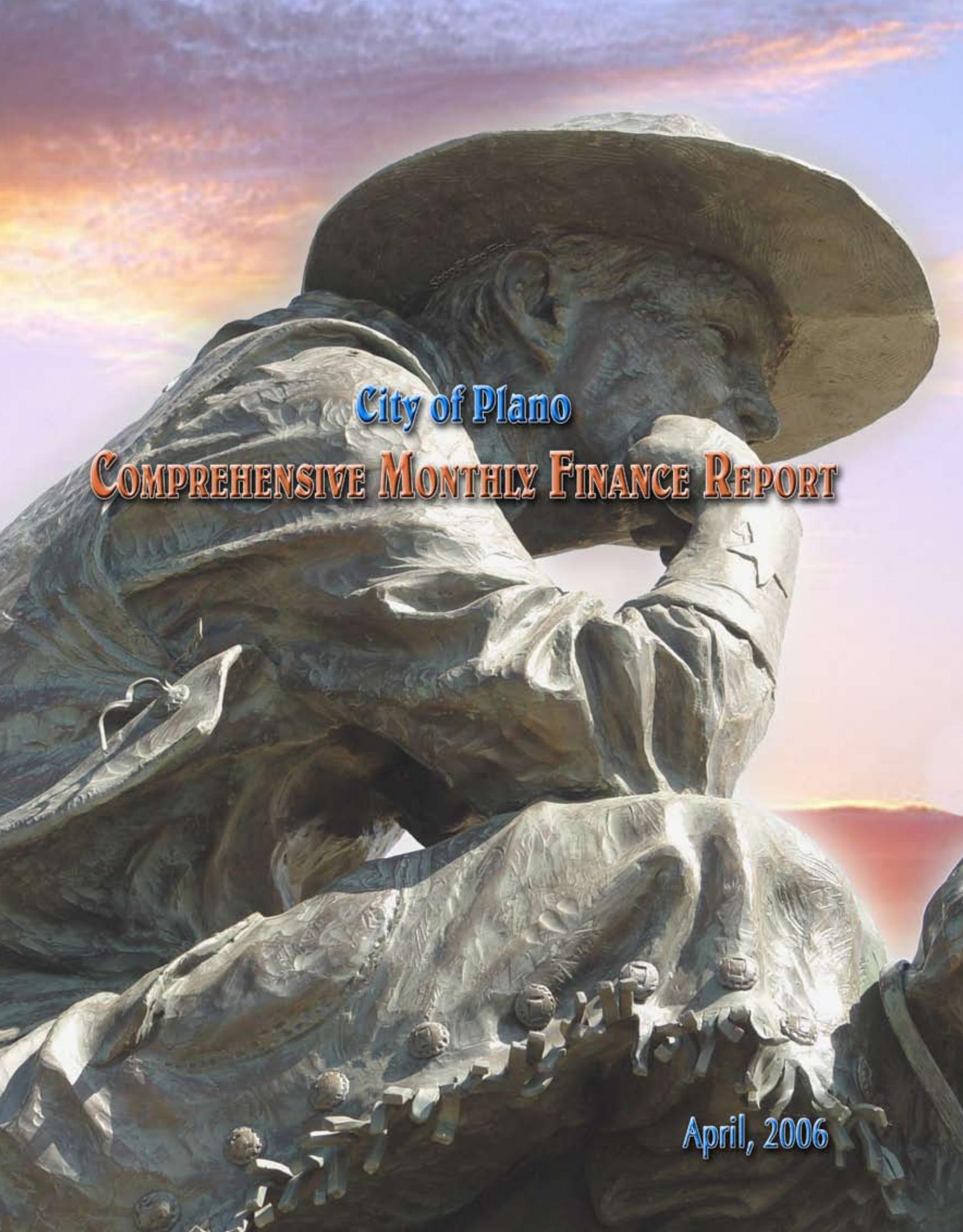
SUBJECT: Screening Wall on Park Blvd.

The City of Plano currently has a project to replace sections of the screening wall on Independence Pkwy., north of Parker Rd., and Park Blvd., west of Custer Rd. The two sections proposed to be replaced on Independence Pkwy. are 320 and 160 feet in length. The section along Park Blvd. is 210 feet in length. Some of the property owners near the screening wall along Park Blvd. have requested that the entire wall (1,000 feet in length) be replaced and that the project be halted until their request can be reviewed and evaluated. This request is proposed to be discussed at the City Council meeting on May 22, 2006.

The subject screening wall is located on the north side of Park Blvd. between Willowbrook Way and Cedar Elm Drive. Constructed in the mid-1970's, this screening wall is constructed of concrete with a false brick finish. Of the 1,000 feet of subject screening wall, only 210 feet meets the City's criteria for replacement; it is eight (8) inches out of vertical alignment. Generally, the Public Works Department limits the replacement of screening walls to those that are structurally unsound. Recognizing that the City is responsible for the maintenance of 70 miles of screening wall having a replacement value of approximately \$40 million and having received a report (presented to the City Council) from a consulting engineer in 2003, the Public Works Department developed the following criteria:

1. Concrete screening walls must be out of vertical alignment by more than six (6) inches, and funding must be available.
2. Only sections of concrete screening wall meeting criteria # 1 will be replaced to the point where the existing concrete screening wall is two (2) inches out of vertical alignment.
3. As a general rule, entire walls being replaced between two points will be reconstructed as a brick thin wall. If only sections of a wall are being replaced, those sections will be reconstructed to match the existing wall in material and appearance.
4. Aesthetic enhancement of structurally sound screening walls will be considered along thoroughfares where there is a minimum of fifteen (15) feet of right-of-way (parkway) for landscaping and pedestrian pathways (sidewalks). Sidewalks will not be placed adjacent to curb lines.

The replacement of the 210 feet of wall along Park Blvd. will cost \$20,000. If the entire 1,000 feet of screening wall were to be replaced, the cost estimate is \$136,000.



City of Plano

COMPREHENSIVE MONTHLY FINANCE REPORT

April, 2006

ABOUT THIS REPORT

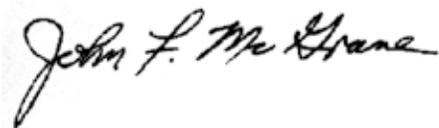
The City of Plano Finance Department is dedicated to excellence in local government, comprehensive fiscal management, compliance and reporting. The Comprehensive Monthly Finance Report (CMFR) is a unique document, directed at providing our audience (internal and external users), with the general awareness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

This report is comprised of five sections:

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

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

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

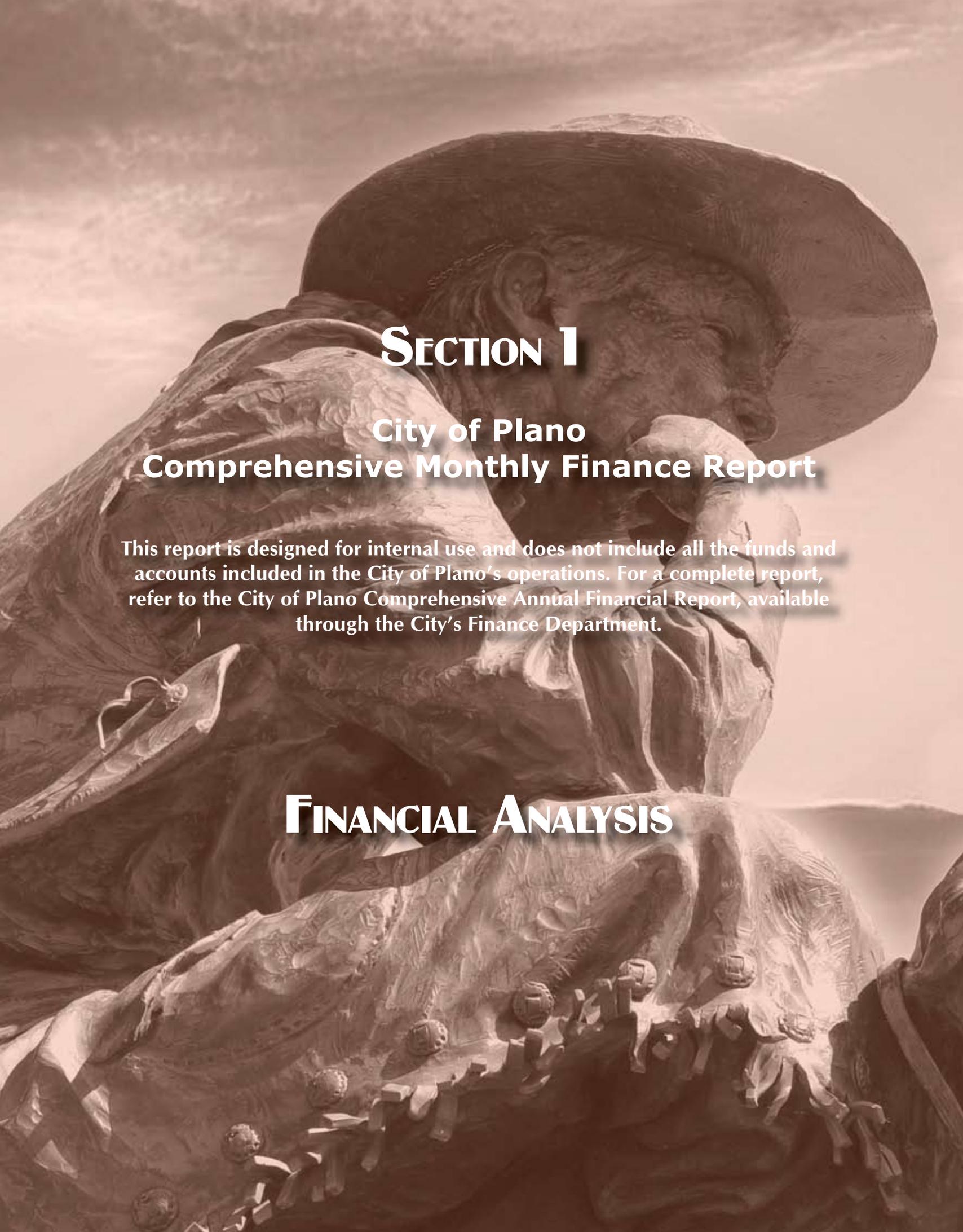


John F. McGrane
Director of Finance
P.O. Box 860358
Plano, TX 75006-0358
972-941-7135



THIS PAGE INTENTIONALLY LEFT BLANK





SECTION 1

City of Plano Comprehensive Monthly Finance Report

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

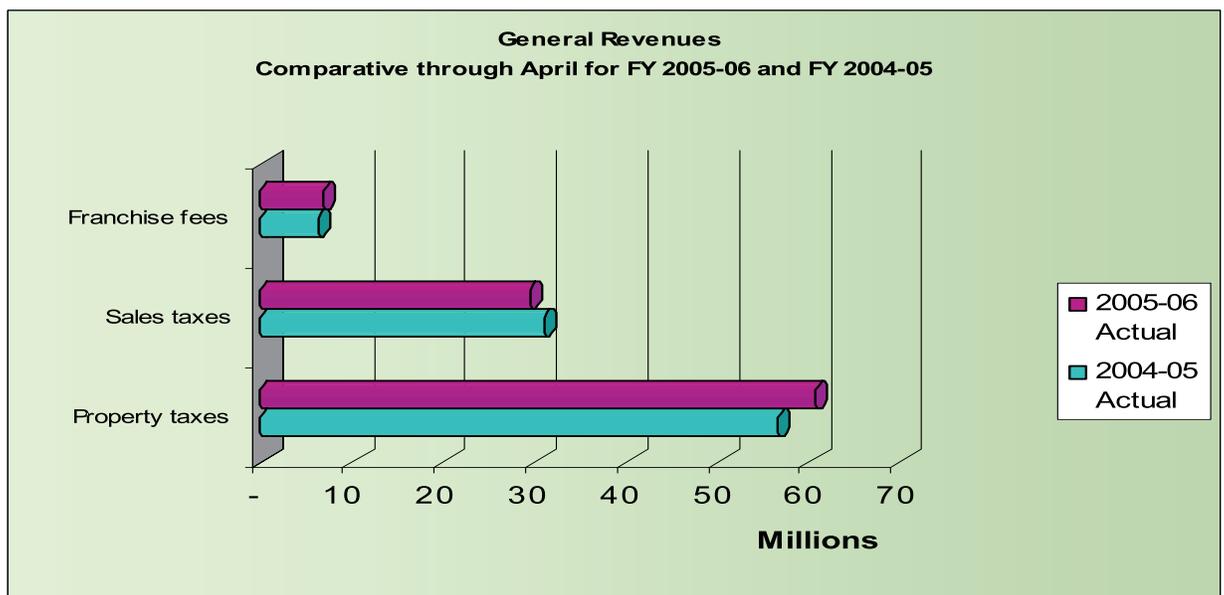
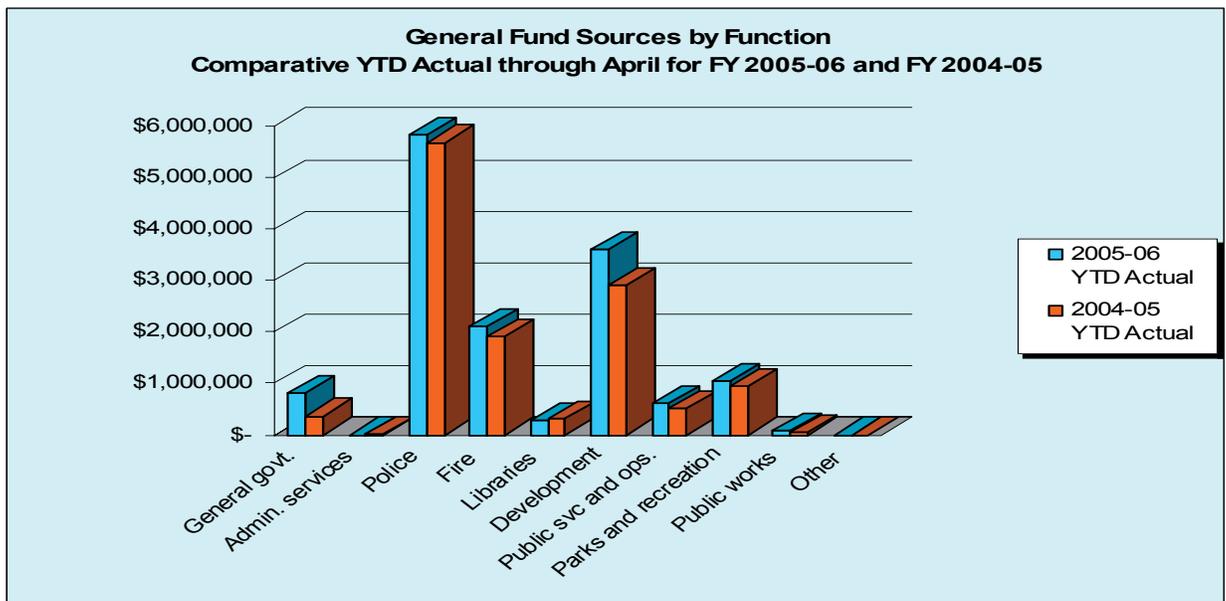
FINANCIAL ANALYSIS

REPORT NOTES APRIL, 2006

The information represented in the graphs below is derived from the statement of activities which is located after this section. The statement of activities presents information demonstrating how the City's net assets are changing during the current fiscal year. The format of the statement of activities reports General Fund and Business-type revenues and expenses by function which provides readers with a broad overview of the City of Plano's finances.

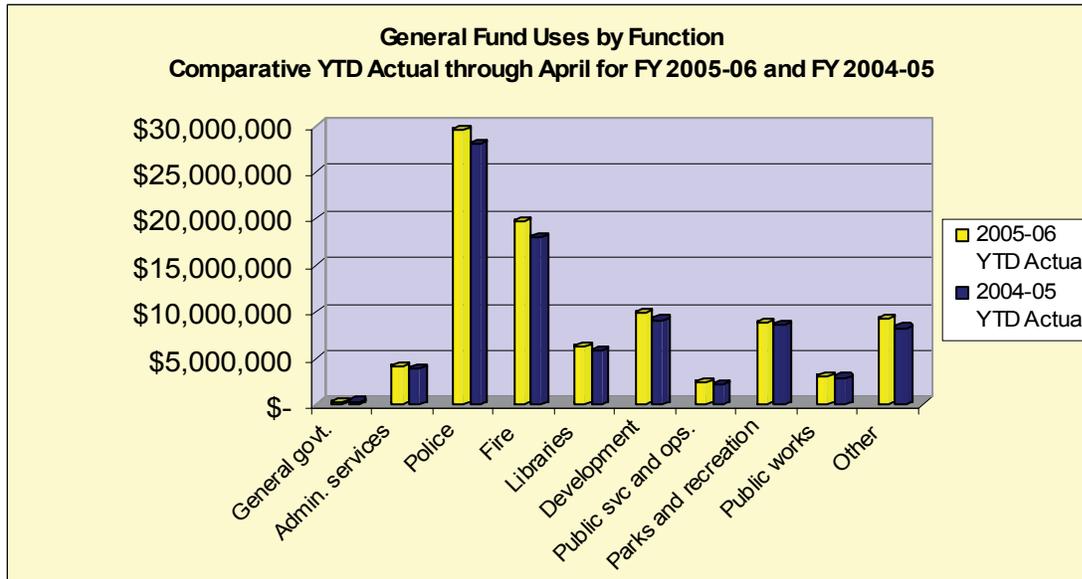
The information in this section compares year to date activity in the current fiscal year to the same time period in prior year. Please note that beginning fund balances in all funds are subject to final audit adjustments.

HIGHLIGHTS OF GENERAL FUND VARIANCES



REPORT NOTES CONTINUED

APRIL, 2006



GENERAL GOVERNMENT

- The General Fund recorded proceeds of \$353,936 from the gain of the sale of Rice Field in January 2006.
- In prior year, \$24,900 was spent for the 2005 bond pamphlets that were distributed to citizens discussing the bonds that were on the ballot for that specific election.
- According to a funding agreement between the City and Plano Sister Cities, Inc., approved in September 2004, disbursement of funds was made in prior year in the amount of \$20,400. The agreement from prior year provides Plano Sister Cities, Inc., as an organization, to expend such funds to promote, foster, coordinate and publicize international municipal programs for the purpose of enhancing international relationships with the City.

ADMINISTRATIVE SERVICES

- Audit fees for the City's annual audit, performed by Deloitte & Touche LLP, have increased \$21,908 attributed to higher fees assessed in the current year's contract.
- Election costs decreased over prior year by \$41,435 attributed to sharing of costs with other entities (Plano Independent School District and Collin County Community College District).
- Personal services for administrative service departments increased over the prior year in the amount of \$221,622 or 7% primarily attributed to salary increases and mid-year increases to correct compression issues within salary ranges.
- The Human Resource department purchases consulting services, rendered by Dr. Picchioni, which have increased in contract amount by \$19,200 as compared to prior year.

REPORT NOTES CONTINUED

APRIL, 2006

POLICE

- Court fines and forfeiture revenues increased \$106,945 over last year due to more citations issued in the current year. In fiscal year 2005-06, 53,980 citations have been issued through April, whereas 52,004 were issued in the same time period in the prior year. Another factor attributing to the increase is the new Collections and Compliance Unit in the Courts department.
- Personal services increased over prior year by \$1,344,647 or 5% attributed to increased salary and benefit related expenditures as well as an increase in retiree payouts of \$336,912.
- Replacement charges for Police department equipment decreased \$176,374 primarily due to larger budgeted payments made in the prior year to the equipment replacement fund to finance replacements.
- Replacement charges for police rolling stock increased over prior year by \$77,772 due to timing of scheduled replacements budgeted in the current fiscal year.
- In the current year, the Police department purchased two new additions to the fleet. A Chevrolet Tahoe was purchased for \$27,542 for park police security and a Ford pickup truck was acquired costing \$23,400. In addition, 2 new patrol units were added to the fleet in the amount of \$34,556.
- Radio purchases increased over prior year by \$18,123.
- The annual contract for radio and mobile data system maintenance, related to public safety communications, increased \$15,741 over prior year attributed to added equipment coming out of warranty to be covered under the current contract.
- The Public Safety Communications department incurred expenditures for adding offices for two positions that were filled in the current fiscal year. The cost of these improvements was \$25,610.

FIRE

- Ambulance service revenues increased \$154,521 as compared to prior year due to a 15% increase in rates effective October 1, 2005.
- Personal services increased \$1,100,365 over prior year primarily attributed to increased salary and benefit related expenditures in the current year.
- In the current fiscal year, seven replacement carbon fiber cylinders were purchased to operate the self-contained breathing apparatus (SCBA). Fifteen new SCBA were purchased for assigned personnel that will be stationed at Fire Station No.11 opening June 2006. The cost of this purchase was \$18,939.
- Radio purchases were made in the current year in the amount of \$23,260, whereas no funds were spent for radios last fiscal year.
- Replacement charges for fire equipment decreased \$150,000 over prior year due to a decrease in budgeted amounts to repay the equipment replacement fund for equipment purchased in prior years.
- Payment made to the equipment replacement fund for fire rolling stock increased over prior year by \$180,963 attributed to replacement of two ambulances, two pumper fire trucks and one aerial ladder fire truck in the current year.
- Expenditures for municipal garage charges, which are incurred for maintaining fire fleet by

REPORT NOTES CONTINUED

APRIL, 2006

equipment services, increased \$122,621 due to increased labor rates and fuel costs.

- A new ambulance was added to the fleet in the current year that cost \$182,929.
- New structural collapse training classes have occurred in the current year costing \$22,500. This training is for the City's regional response team to become part of the Dallas Regional Urban Search and Rescue Task Force.

LIBRARIES

- Collin County Community College and Allen Public Library's portion of maintenance costs associated with the Dynix System has not been billed as of April 2006. Each entity's portion is expected to be billed in May 2006. Once billed, the total amount to be collected is \$44,652. Last fiscal year, payment was received in April in the amount of \$34,524.
- Personal services expenditures are greater over prior year by \$196,189 or 5% primarily attributed to increased salary and benefit related costs.
- Capital outlay expenditures and encumbrances for library books have increased \$117,218 over prior year due to timing of orders received and encumbered. The current year budget as compared to the prior year budget for library books and non-print media remained unchanged at \$800,000.

DEVELOPMENT

- Building inspection fee revenues increased over prior year by \$535,366 due to an increasing number of down payments for required plan reviews of large projects for commercial building development and multi-family dwelling units.
- Engineering inspection fee revenues increased \$140,782 attributed to an increased number of inspections for roadway, residential and commercial projects performed in the current year.
- Rental registration revenues have incurred in the current year reported at \$29,910. This new program is the result of the recently adopted City ordinance requiring registration of multi family complexes that are twenty years old and older with five or more dwelling units.
- Facilities maintenance payments increased over prior year by \$225,411 and \$82,704, respectively, for electric and gas, primarily driven by higher natural gas prices.
- The Property Standards department experienced an increase over prior year in replacement charges in the amount of \$19,510. Three vehicles are scheduled to be replaced in this current fiscal year. Another increase in the Property Standards department's expenditures is the addition of six new vehicles to the fleet in the current year totaling \$132,685. The Property Standards department purchased 3 Toyota Prius and 3 Chevrolet trucks, all of which are hybrid vehicles.
- Janitorial services have increased attributed to timing of actual receipt and encumbrance of funds in the current year. The overall annual contract is comparable to the amount spent in prior year.

REPORT NOTES CONTINUED

APRIL, 2006

PUBLIC SERVICES AND OPERATIONS

- Salary and benefit related expenditures increased \$112,537 or 6% primarily due to increased salary and benefit costs.

PARKS AND RECREATION

- In the current year, the park support services department has received \$54,833 in insurance and damage receipts from the Property Liability Loss Fund pertaining to events that have resulted in damage to City property. As compared to prior year, this is an increase of \$43,794.
- The Park Field Services department has experienced an increase in contractual service amounts for restroom and litter cleaning and median and right of way mowing. The City is requiring the contractor to use a lightweight turf truckster to prevent turf damage to the fields, increasing the contractual amount as compared to last year. Payment for median and right of way mowing has increased primarily attributed to an increase in territory coverage.
- Payment to Plano Independent School District has decreased by \$281,815 due to the City being invoiced later than in prior year. Payment is expected to be made in the month May in the amount of \$385,346. PISD charges the City for utility and custodial services for Williams and Clark Recreation Centers.
- The Athletics Fields Maintenance department has purchased, in the current year, a new pickup truck in the amount of \$18,108.
- Municipal garage charges increased over prior year by \$55,187 attributed to labor and fuel rate increases in the current year.
- Replacement charges for parks and recreation rolling stock and large equipment increased \$79,045 due to an increased volume of items replaced or scheduled to be replaced in the current fiscal year in addition to timing of when the vehicle or equipment is replaced.
- In March 2006, the Parks division purchased new hardware and software for a work management program that cost \$21,407.
- The infield areas for specific ballfields at Heritage Yards and Carpenter Park have had improvements performed in the current year costing \$43,710. This type of service began in the current year and is on an as needed basis.
- The Recreation Administration department and Courtyard Theater purchased defibrillators in the prior fiscal year costing \$34,352. The defibrillators are stationed at all recreation center facilities and Courtyard Theater.

PUBLIC WORKS

- In the current year, the streets department has received \$52,082 in insurance and damage receipts from the Property Liability Loss Fund pertaining to events that have resulted in damage to City property. As compared to prior year, this is an increase of \$36,566.
- Purchases of miscellaneous maintenance parts and supplies, used in the Streets and Signals department increased \$35,790 and \$56,463, respectively. The current year budget for these expenditures are comparable to prior year's budget.

REPORT NOTES CONTINUED

APRIL, 2006

- The cost of maintaining the street department's rolling stock and large equipment increased \$14,723 due to increased labor and fuel rates in the current fiscal year.
- Replacement charges for rolling stock and large capital assets for the streets department increased \$56,247 attributed to more items replaced or scheduled to be replaced in the current year in addition to timing of when the vehicle or equipment is replaced.

OTHER

- Payments made to support social service agencies increased over last fiscal year by \$273,022. Annual funding for social service agencies increased \$253,890 as compared to prior year.
- Electric utility payments increased \$110,559 over prior year due to an increase in natural gas prices.
- Interdepartmental billings to the Water & Sewer fund increased \$355,896 due to increased rates and meters, continued consumption during the on-going drought and the impact of Hurricane Katrina.
- Technology services charges increased over prior year by \$242,686 due to higher fees budgeted in the current year.

PROPERTY TAX REVENUES

- Ad valorem tax revenues increased \$4,094,988 attributed to increased assessed property values in the current year.

SALES TAX REVENUES

- Sales tax revenues increased over prior year by \$4,243,511. When comparing the months of April 2006 and April 2005, an increase of 8.1% in sales tax revenues occurred due a continued rise of consumer confidence.

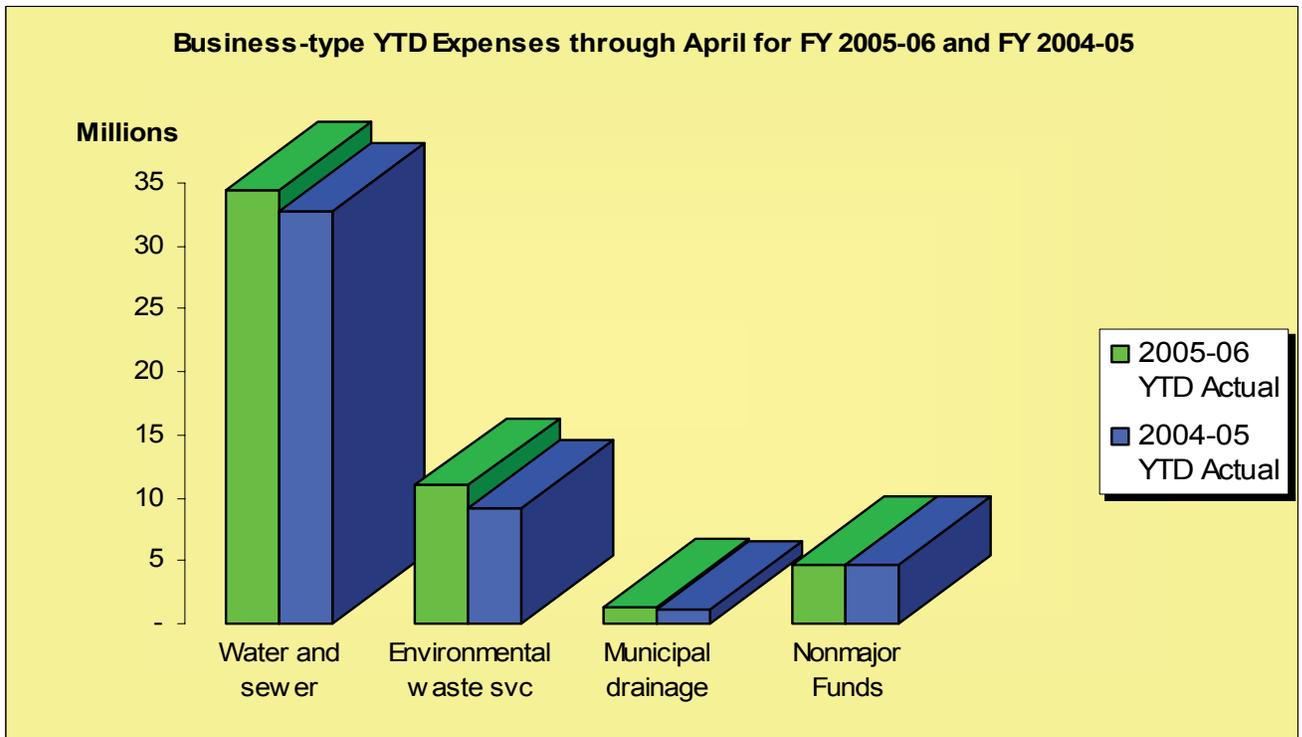
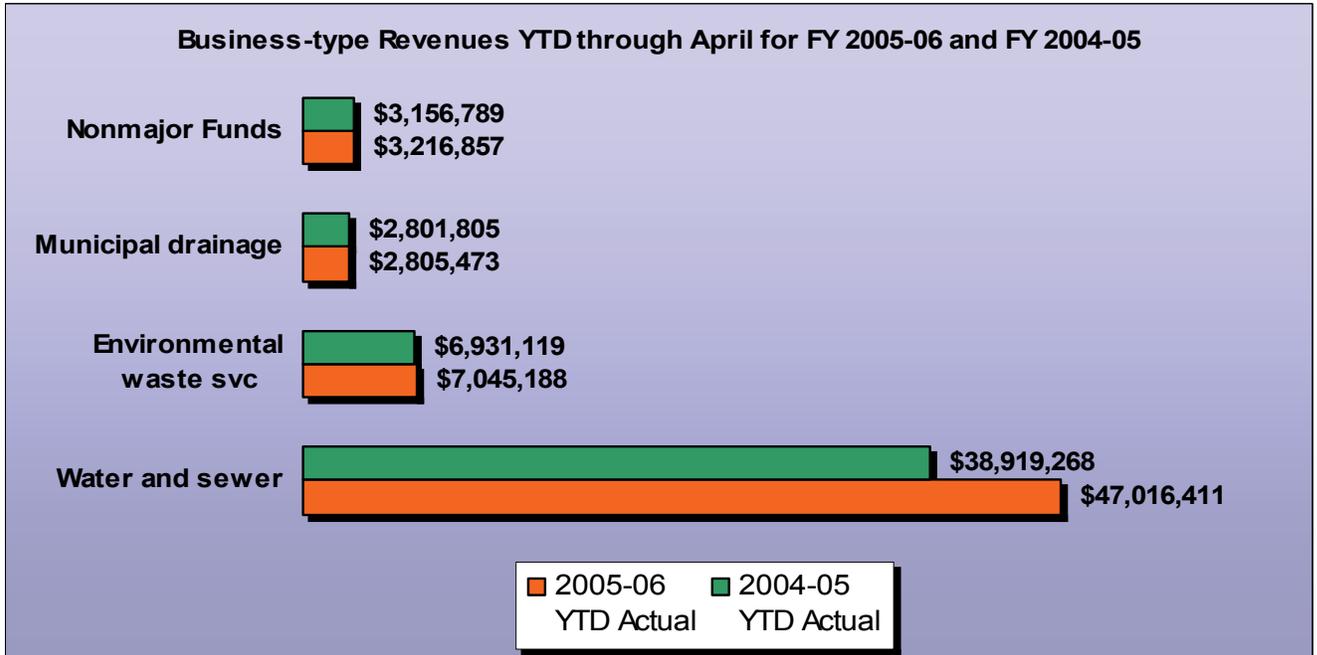
FRANCHISE FEE REVENUES

- Electrical Franchise revenues increased over prior year in the amount of \$513,083 primarily attributed to increased natural gas prices which impact electric rates.
- Gas Franchise revenues increased over prior year by \$464,946 primarily attributed to increased natural gas prices.
- Cable Television Franchise revenues decreased over prior year by \$386,494 due to timing of payment received from Comcast. Payment was received in May in the current year, while it was received in April last year.
- General Fund interest income increased \$791,640 over last year due to the recording of an unrealized loss of \$2,700,918 through second quarter 2005 to adjust investments to fair value. An adjustment is done quarterly to comply with Governmental Accounting Standards Board (GASB) Statement No. 31.

REPORT NOTES CONTINUED

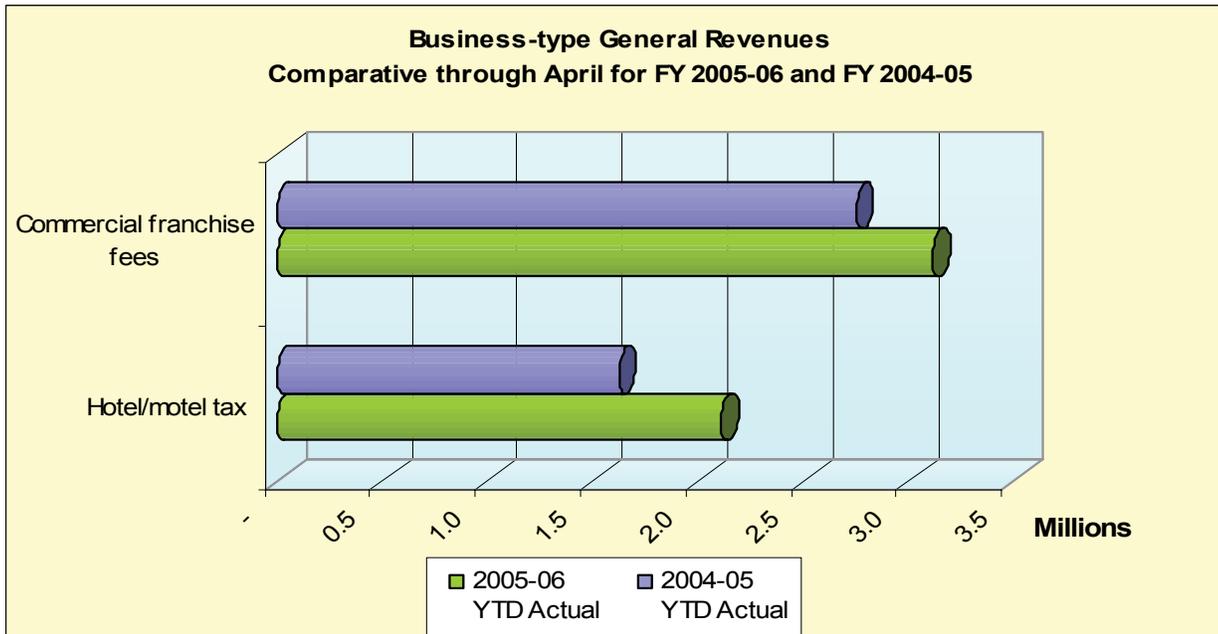
APRIL, 2006

HIGHLIGHTS OF BUSINESS-TYPE VARIANCES



REPORT NOTES CONTINUED

APRIL, 2006



WATER & SEWER

- Water and sewer revenues increased \$5,636,923 and \$1,640,043, respectively. The increase in water and sewer revenues is attributed to increased rates implemented May 1, 2005. In addition, consumption continues to increase due to the on-going drought.
- The purchase of Rice Field in February 2005 resulted in expenses increasing \$550,750 in the prior year. In January 2006, Rice Field sold for \$904,686. The General Fund recorded proceeds of \$353,936 from the gain on the sale of land.
- Payment to North Texas Municipal Water District (NTMWD) for wastewater increased over prior year by \$274,733 based on contractual amounts. Contractual amounts for water increased over last year by \$2,160,233 due to timing of payment made to NTMWD.
- Electric utility payments increased \$358,562 over prior year due to an increase in natural gas prices.
- Payments and encumbered funds to Link 2 Gov for internet processing services have increased \$57,070 due to higher usage of on-line bill payments by citizens.
- Capital outlay expenses and encumbrances decreased over prior year by \$686,048 primarily due to the automated meter reading project nearing completion. The project is expected to complete by the end of this fiscal year.

ENVIRONMENTAL WASTE SERVICES

- Compost sales are higher than last fiscal year by \$51,923 which is due to the increased compost market and production.
- Recycling revenues are lower than last year by \$43,782 primarily due to a pricing adjustment made by Trinity in the last year. Due to the nature of the recycling business, the recycling market fluctuates and when comparing year to date revenues over last year, the recycling market has dropped.

REPORT NOTES CONTINUED

APRIL, 2006

- Tipping fee revenues are \$90,286 greater than the same period in the prior year. These revenues are collected when other cities and commercial businesses bring yard waste, wood and other types of material used to make compost products to the City, which is the regional composter for NTMWD.
- Personal services increased \$157,485, or 6%, primarily attributed to increased salary and benefit related costs.
- Payment to NTMWD increased \$417,842 over prior year due to increased contractual amounts.
- Garage charges for maintaining environmental waste services fleet increased \$296,108 over prior year primarily due to higher labor and fuel costs.
- Capital outlay expenses increased due to purchase of a trommel screen in the current year in the amount of \$307,549. In addition, composting operations purchased a tractor trailer and Mack tractor in the current month in the amounts of \$64,267 and \$95,510, respectively.
- Encumbered funds of \$138,500 will be utilized in the current year for architectural services related to the Environmental Education Complex.

MUNICIPAL DRAINAGE

- Debris hauling services increased over prior year by \$125,392 as this type of service is a new expense in the current year.
- Reimbursements from the Municipal Drainage Fund for work from staff in other departments increased \$68,261. The Municipal Drainage Fund is utilizing two Environmental Health Specialists as opposed to one in the prior year. In addition, one Senior Construction Inspector and one Construction Inspector is being used by the Drainage Fund in the current year that was not budgeted in the prior year.
- Expenses and encumbrances of \$47,917 have been incurred in the current year for expansion of offices for the storm water technician. For 2006-07, one additional full time position is budgeted.
- A new Ford Hybrid SUV has been added to the Municipal Drainage fleet in the amount of \$24,124 in the current year.

CIVIC CENTER

- Since the ratification by voters at an election in May 2005 for the legal sale of mixed beverages in restaurants by food and beverage certificate holders only, revenues for mixed beverages have increased \$39,940 as compared to prior year.
- Since the closure of the cafeteria at the Municipal Center in September 2005, cafeteria sales decreased \$48,760 over prior year. Although revenues have ceased due to the closure of this operation, the staffing levels remain constant and were not reduced.
- Inside catering sales have increased \$47,086 as compared to prior year due to increased scheduled events and spending at Plano Center.
- Hotel/motel tax revenues increased over prior year by \$487,849 due to increased utilization of hotels within the City.
- Contractual services in support of the arts and historic preservation has increased \$13,915 and

REPORT NOTES CONTINUED

APRIL, 2006

\$34,999, respectively. As compared to prior years budget, funding for these services has increased \$142,400.

GOLF COURSE

- Golf fees are \$13,172 lower than prior year which is the result of decreased play due to the recent rainfall.
- Golf Fund miscellaneous revenues decreased over prior year primarily attributed to the appreciation payment of \$84,000 for American Golf's management lease sale of a portion of Ridgeview Ranch.

PROPERTY MANAGEMENT

- Contractual services decreased \$20,439 primarily due to expenditures spent to install a new roof for Downtown Center North in the prior year.



SECTION 1A

City of Plano Comprehensive Monthly Finance Report

FINANCIAL SUMMARY

CITY OF PLANO, TEXAS
STATEMENT OF ACTIVITIES
FOR THE PERIOD ENDED APRIL 30, 2006

Function/Program Activities	Expenses/Expenditures			Program Revenues			Net (Expense) Revenue and Changes in Net Assets				
	Budget	Actual/Encumb.	Actual & Encumb. /Budget	Budget	Actual	Actual/Budget	General Fund		Business-type Activities		Actual Total
							Budget	Actual	Budget	Actual	
General Fund											
General Fund Activities:											
General government	\$ 652,235	\$ 301,007	46.2%	\$ 962,470	\$ 812,018	84.4%	\$ 310,235	\$ 511,011			\$ 511,011
Administrative services	7,618,546	4,132,727	54.2%	-	-		(7,618,546)	(4,132,727)			(4,132,727)
Police	55,350,345	29,549,536	53.4%	10,652,797	5,812,976	54.6%	(44,697,548)	(23,736,561)			(23,736,561)
Fire	36,871,932	19,708,855	53.5%	3,641,837	2,118,368	58.2%	(33,230,095)	(17,590,488)			(17,590,488)
Libraries	10,322,462	6,167,357	59.7%	529,840	286,959	54.2%	(9,792,622)	(5,880,398)			(5,880,398)
Development	17,778,108	9,817,639	55.2%	4,252,745	3,631,793	85.4%	(13,525,363)	(6,185,846)			(6,185,846)
Public services and operations	4,738,407	2,335,999	49.3%	893,093	572,274	64.1%	(3,845,314)	(1,763,725)			(1,763,725)
Parks and recreation	17,432,182	8,828,833	50.6%	2,124,662	1,028,615	48.4%	(15,307,520)	(7,800,218)			(7,800,218)
Public works	5,555,101	3,101,072	55.8%	117,718	89,284	75.8%	(5,437,383)	(3,011,788)			(3,011,788)
Other	18,972,061	9,297,493	49.0%	-	-		(18,972,061)	(9,297,493)			(9,297,493)
Total General Fund	175,291,379	93,240,518	53.2%	23,175,162	14,352,286	61.9%	(152,116,217)	(78,888,232)			(78,888,232)
Business-type Activities:											
Water and sewer	58,857,612	34,362,118	58.4%	85,159,814	47,016,411	55.2%			\$ 26,302,202	\$ 12,654,293	12,654,293
Environmental waste services	17,575,201	10,957,376	62.3%	12,472,583	7,045,188	56.5%			(5,102,618)	(3,912,188)	(3,912,188)
Municipal drainage	2,587,588	1,316,160	50.9%	4,811,906	2,805,473	58.3%			2,224,318	1,489,313	1,489,313
Civic center	6,133,579	2,986,116	48.7%	2,184,914	1,221,849	55.9%			(3,948,665)	(1,764,267)	(1,764,267)
Municipal golf course	866,028	485,936	56.1%	1,096,850	418,980	38.2%			230,822	(66,956)	(66,956)
Property management	19,500	16,744	85.9%	68,500	43,386	63.3%			49,000	26,642	26,642
Recreation revolving	2,460,542	1,086,784	44.2%	2,606,601	1,498,803	57.5%			146,059	412,019	412,019
Downtown center development	45,000	42,668	94.8%	67,678	33,839	50.0%			22,678	(8,829)	(8,829)
Total business-type activities	88,545,050	51,253,902	57.9%	108,468,846	60,083,929	55.4%	-	-	19,923,796	8,830,027	8,830,027
Total	\$ 263,836,429	\$ 144,494,420		\$ 131,644,008	\$ 74,436,215		(152,116,217)	(78,888,232)	19,923,796	8,830,027	(70,058,205)

General revenues:	General Revenues			
	Budget	Actual	Budget	Actual
Property taxes	61,823,004	60,639,896	-	-
Sales taxes	50,589,530	35,228,014	-	-
Other taxes	772,689	444,546	-	-
Hotel/Motel tax	-	-	3,411,137	2,111,639
Franchise fees	19,084,469	6,861,330	5,307,371	3,114,093
Investment income	1,600,000	856,045	292,500	208,274
Total general revenues	133,869,692	104,029,831	9,011,008	5,434,006
Change in net assets	(18,246,525)	25,141,599	28,934,804	14,264,033
Net assets - beginning		39,224,186		348,951,116
Net assets - ending		\$ 64,365,785		\$ 363,215,149
				\$ 427,580,934

MONTHLY FINANCIAL SUMMARY REPORT
THROUGH APRIL 30 OF FISCAL YEARS 2006, 2005, AND 2004
GENERAL FUND

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>7 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
REVENUES:					
Ad valorem tax	2006	\$ 61,823,000	60,640,000	98.1%	168.15
	2005	58,007,000	56,545,000	97.5%	167.11
	2004	58,761,000	58,336,000	99.3%	170.19
Sales tax	2006	50,590,000	35,228,000	69.6%	119.37
	2005	48,668,000	30,984,000	63.7%	109.14
	2004	44,279,000	30,091,000	68.0%	116.50
Other revenue	2006	44,632,000	22,514,000	50.4%	86.47
	2005	44,335,000	19,369,000	43.7%	74.89
	2004	<u>42,091,000</u>	<u>20,705,000</u>	49.2%	84.33
TOTAL REVENUE	2006	157,045,000	118,382,000	75.4%	129.22
	2005	151,010,000	106,898,000	70.8%	121.35
	2004	<u>145,131,000</u>	<u>109,132,000</u>	75.2%	128.91
EXPENDITURES & ENCUMBRANCES:					
Current operating	2006	\$ 173,594,000	91,657,000	52.8%	N/A
	2005	165,432,000	86,163,000	52.1%	N/A
	2004	152,598,000	78,283,000	51.3%	N/A
Capital outlay	2006	1,697,000	1,584,000	93.3%	160.01
	2005	1,458,000	1,155,000	79.2%	135.80
	2004	<u>1,100,000</u>	<u>1,240,000</u>	112.7%	193.25
Total expenditures and encumbrances	2006	175,291,000	93,241,000	53.2%	91.19
	2005	166,890,000	87,318,000	52.3%	89.69
	2004	<u>153,698,000</u>	<u>79,523,000</u>	51.7%	88.70
Excess (deficiency) of revenues over (under) expenditures	2006	(18,246,000)	25,141,000	-	-
	2005	(15,880,000)	19,580,000	-	-
	2004	(8,567,000)	29,609,000	-	-
OTHER FINANCING SOURCES (USES)					
Transfers in	2006	15,153,000	8,839,000	58.3%	100.00
	2005	13,789,000	8,043,000	58.3%	99.99
	2004	13,158,000	7,676,000	58.3%	100.01
Transfers out	2006	(13,270,000)	(8,686,000)	65.5%	112.21
	2005	(13,339,000)	(8,032,000)	60.2%	103.22
	2004	<u>(12,879,000)</u>	<u>(7,884,000)</u>	61.2%	104.94
NET CHANGE IN FUND BALANCES	2006	(16,363,000)	25,294,000		
	2005	(15,430,000)	19,591,000		
	2004	(8,288,000)	29,401,000		
FUND BALANCES-BEGINNING	2006		39,224,000		
	2005		39,497,000		
	2004		<u>29,802,000</u>		
FUND BALANCES-ENDING APRIL 30	2006		64,518,000		
	2005		59,088,000		
	2004		<u>59,203,000</u>		

MONTHLY FINANCIAL SUMMARY REPORT
 THROUGH APRIL 30 OF FISCAL YEARS 2006, 2005, AND 2004
 WATER AND SEWER FUND

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>7 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
REVENUES:					
Water and sewer revenue	2006	\$ 83,000,000	45,160,000	54.4%	93.27
	2005	80,656,000	37,764,000	46.8%	80.26
	2004	80,768,000	38,365,000	47.5%	81.43
Other fees and service charges	2006	2,360,000	1,949,000	82.6%	141.57
	2005	2,188,000	1,181,000	54.0%	92.53
	2004	2,382,000	1,260,000	52.9%	90.68
TOTAL REVENUE	2006	85,360,000	47,109,000	55.2%	94.61
	2005	82,844,000	38,945,000	47.0%	80.59
	2004	83,150,000	39,625,000	47.7%	81.69
EXPENSES & ENCUMBRANCES:					
Capital outlay	2006	70,000	408,000	582.9%	999.18
	2005	1,064,000	1,599,000	150.3%	257.63
	2004	2,020,000	1,880,000	93.1%	159.55
Other expenses & encumbrances	2006	58,788,000	33,954,000	57.8%	99.01
	2005	57,630,000	31,112,000	54.0%	92.55
	2004	56,335,000	29,046,000	51.6%	88.39
Total expenses and encumbrances	2006	58,858,000	34,362,000	58.4%	100.08
	2005	58,694,000	32,711,000	55.7%	95.54
	2004	58,355,000	30,926,000	53.0%	90.85
Excess (deficiency) of revenues over (under) expenses	2006	26,502,000	12,747,000	-	-
	2005	24,150,000	6,234,000	-	-
	2004	24,795,000	8,699,000	-	-
TRANSFERS IN (OUT)					
Transfers in	2006	230,000	134,000	58.3%	99.88
	2005	469,000	273,000	58.2%	99.79
	2004	469,000	273,000	58.2%	99.79
Transfers out	2006	(28,082,000)	(16,381,000)	58.3%	100.00
	2005	(28,413,000)	(16,574,000)	58.3%	100.00
	2004	(27,782,000)	(16,206,000)	58.3%	100.00
CHANGE IN NET ASSETS	2006	\$ (1,350,000)	(3,500,000)		
	2005	(3,794,000)	(10,067,000)		
	2004	(2,518,000)	(7,234,000)		
TOTAL NET ASSETS-BEGINNING	2006		317,131,000		
	2005		319,626,000		
	2004		324,442,000		
TOTAL NET ASSETS-ENDING APRIL 30	2006		313,631,000		
	2005		309,559,000		
	2004		317,208,000		

MONTHLY FINANCIAL SUMMARY REPORT
THROUGH APRIL 30 OF FISCAL YEARS 2006, 2005, AND 2004
ENVIRONMENTAL WASTE SERVICES FUND

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>7 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
REVENUES:					
Commerical solid waste franchise	2006	\$ 5,307,000	3,114,000	58.7%	100.59
	2005	5,161,000	2,750,000	53.3%	91.34
	2004	4,963,000	2,839,000	57.2%	98.06
Refuse collection revenue	2006	11,106,000	6,472,000	58.3%	99.90
	2005	11,035,000	6,520,000	59.1%	101.29
	2004	10,444,000	6,295,000	60.3%	103.33
Other fees and service charges	2006	1,367,000	570,000	41.7%	71.48
	2005	1,113,000	411,000	36.9%	63.30
	2004	913,000	391,000	42.8%	73.42
TOTAL REVENUE	2006	17,780,000	10,156,000	57.1%	97.92
	2005	17,309,000	9,681,000	55.9%	95.88
	2004	16,320,000	9,525,000	58.4%	100.05
EXPENSES & ENCUMBRANCES:					
Capital outlay	2006	532,000	610,000	114.7%	196.56
	2005	436,000	92,000	21.1%	36.17
	2004	14,000	43,000	307.1%	526.53
Other expenses & encumbrances	2006	17,043,000	10,347,000	60.7%	104.08
	2005	15,683,000	9,116,000	58.1%	99.65
	2004	15,044,000	8,843,000	58.8%	100.77
Total expenses and encumbrances	2006	17,575,000	10,957,000	62.3%	106.88
	2005	16,119,000	9,208,000	57.1%	97.93
	2004	15,058,000	8,886,000	59.0%	101.16
Excess (deficiency) of revenues over (under) expenses	2006	205,000	(801,000)	-	-
	2005	1,190,000	473,000	-	-
	2004	1,262,000	639,000	-	-
TRANSFERS OUT:					
Operating transfers out	2006	(1,176,000)	(686,000)	58.3%	100.00
	2005	(1,160,000)	(677,000)	58.4%	100.05
	2004	(1,282,000)	(748,000)	58.3%	100.02
CHANGE IN NET ASSETS	2006	\$ (971,000)	(1,487,000)		
	2005	30,000	(204,000)		
	2004	(20,000)	(109,000)		
TOTAL NET ASSETS-BEGINNING	2006		2,578,000		
	2005		2,902,000		
	2004		2,305,000		
TOTAL NET ASSETS-ENDING APRIL 30	2006		1,091,000		
	2005		2,698,000		
	2004		2,196,000		

MONTHLY FINANCIAL SUMMARY REPORT
THROUGH APRIL 30 OF FISCAL YEARS 2006, 2005, AND 2004
MUNICIPAL DRAINAGE FUND

	Fiscal Year	Annual Budget	7 Months Actual	Actual/ Budget	Performance Index
REVENUES:					
Fees and service charges	2006	\$ 4,812,000	2,803,000	58.3%	99.86
	2005	4,788,000	2,796,000	58.4%	100.11
	2004	4,782,000	2,714,000	56.8%	97.29
Miscellaneous revenue	2006	47,000	65,000	138.3%	237.08
	2005	35,000	12,000	34.3%	58.78
	2004	20,000	22,000	110.0%	188.57
TOTAL REVENUE	2006	4,859,000	2,868,000	59.0%	101.18
	2005	4,823,000	2,808,000	58.2%	99.81
	2004	4,802,000	2,736,000	57.0%	97.67
EXPENSES & ENCUMBRANCES:					
Capital outlay	2006	27,000	72,000	266.7%	457.14
	2005	-	2,000	-	-
	2004	-	-	-	-
Other expenses & encumbrances	2006	2,561,000	1,244,000	48.6%	-
	2005	1,969,000	1,062,000	-	-
	2004	1,859,000	936,000	-	-
Total expenses and encumbrances	2006	2,588,000	1,316,000	50.9%	87.17
	2005	1,969,000	1,064,000	54.0%	92.64
	2004	1,859,000	936,000	50.3%	86.31
Excess (deficiency) of revenues over (under) expenses	2006	2,271,000	1,552,000	-	-
	2005	2,854,000	1,744,000	-	-
	2004	2,943,000	1,800,000	-	-
TRANSFERS OUT:					
Operating transfers out	2006	(2,441,000)	(1,248,000)	51.1%	87.65
	2005	(2,514,000)	(1,280,000)	50.9%	87.28
	2004	(2,493,000)	(1,454,000)	58.3%	99.98
CHANGE IN NET ASSETS	2006	(170,000)	304,000		
	2005	340,000	464,000		
	2004	450,000	346,000		
TOTAL NET ASSETS-BEGINNING	2006		17,924,000		
	2005		14,995,000		
	2004		13,749,000		
TOTAL NET ASSETS-ENDING APRIL 30	2006		18,228,000		
	2005		15,459,000		
	2004		14,095,000		

MONTHLY FINANCIAL SUMMARY REPORT
THROUGH APRIL 30 OF FISCAL YEARS 2006, 2005, AND 2004
NONMAJOR BUSINESS-TYPE FUNDS

	Fiscal Year	Annual Budget	7 Months Actual	Actual/ Budget	Performance Index
REVENUES:					
Hotel/motel tax	2006	\$ 3,411,000	2,112,000	61.9%	106.14
	2005	2,936,000	1,624,000	55.3%	94.82
	2004	2,805,000	1,435,000	51.2%	87.70
Other revenue	2006	6,071,000	3,273,000	53.9%	92.42
	2005	6,243,000	3,166,000	50.7%	86.94
	2004	6,350,000	3,065,000	48.3%	82.74
TOTAL REVENUE	2006	9,482,000	5,385,000	56.8%	97.36
	2005	9,179,000	4,790,000	52.2%	89.46
	2004	9,155,000	4,500,000	49.2%	84.26
EXPENSES & ENCUMBRANCES:					
Capital outlay	2006	5,000	-	-	-
	2005	6,000	8,000	133.3%	228.57
	2004	1,561,000	1,493,000	95.6%	163.96
Other expenses & encumbrances	2006	9,521,000	4,619,000	48.5%	83.17
	2005	9,069,000	4,624,000	51.0%	87.41
	2004	8,910,000	4,266,000	47.9%	82.08
Total expenses and encumbrances	2006	9,526,000	4,619,000	48.5%	83.12
	2005	9,075,000	4,632,000	51.0%	87.50
	2004	10,471,000	5,759,000	55.0%	94.28
Excess (deficiency) of Revenues over (under) expenses	2006	(44,000)	766,000	-	-
	2005	104,000	158,000	-	-
	2004	(1,316,000)	(1,259,000)	-	-
TRANSFERS IN (OUT):					
Operating transfers in	2006	-	684,000	-	-
	2005	-	-	-	-
	2004	-	-	-	-
Operating transfers out	2006	(558,000)	(325,000)	0.58	-
	2005	(619,000)	(361,000)	58.3%	99.98
	2004	(451,000)	(263,000)	58.3%	99.97
CHANGE IN NET ASSETS	2006	(602,000)	1,125,000		
	2005	(515,000)	(203,000)		
	2004	(1,767,000)	(1,522,000)		
TOTAL NET ASSETS-BEGINNING	2006		11,317,000		
	2005		11,620,000		
	2004		12,069,000		
TOTAL NET ASSETS-ENDIN G APRIL 30	2006		12,442,000		
	2005		11,417,000		
	2004		10,547,000		

EQUITY IN TREASURE POOL

APRIL, 2006

FUND NO.	FUND NAME	CASH	EQUITY IN TREASURY POOL	TOTAL 4/30/06	TOTAL 10/01/05	TOTAL 4/30/05
GENERAL FUND:						
01	General	\$ 80,000	56,125,000	56,205,000	34,010,000	51,031,000
77	Payroll	-	1,831,000	1,831,000	1,687,000	1,641,000
24	City Store	-	7,000	7,000	6,000	6,000
994	Plano All-America City	-	(29,000)	(29,000)	(29,000)	(29,000)
		<u>80,000</u>	<u>57,934,000</u>	<u>58,014,000</u>	<u>35,674,000</u>	<u>52,649,000</u>
DEBT SERVICE FUND:						
03	G.O. Debt Service	-	29,213,000	29,213,000	1,933,000	26,868,000
		<u>-</u>	<u>29,213,000</u>	<u>29,213,000</u>	<u>1,933,000</u>	<u>26,868,000</u>
CAPITAL PROJECTS:						
22	Recreation Center Facilities	-	319,000	319,000	610,000	753,000
23	Street Enhancement	-	1,243,000	1,243,000	1,220,000	1,175,000
25	1991 Police & Courts Facility	-	978,000	978,000	961,000	872,000
27	1991 Library Facility	-	313,000	313,000	377,000	373,000
28	1991 Fire Facility	-	1,077,000	1,077,000	1,059,000	1,031,000
31	Municipal Facilities	-	362,000	362,000	354,000	344,000
32	Park Improvements	-	3,615,000	3,615,000	3,542,000	3,457,000
33	Street & Drainage Improvement	-	343,000	343,000	(132,000)	(116,000)
35	Capital Reserve	-	30,482,000	30,482,000	26,902,000	27,050,000
38	DART L.A.P.	-	689,000	689,000	677,000	605,000
39	Spring Creekwalk	-	21,000	21,000	20,000	20,000
52	Park Service Areas	-	4,520,000	4,520,000	4,190,000	3,984,000
53	Creative & Performing Arts	-	1,526,000	1,526,000	1,499,000	1,391,000
54	Animal Control Facilities	-	189,000	189,000	187,000	202,000
60	Joint Use Facilities	-	510,000	510,000	501,000	484,000
85	Public Arts	-	(7,000)	(7,000)	-	-
110	G.O. Bond Clearing - 1999	-	1,966,000	1,966,000	2,478,000	2,808,000
190	G.O. Bond Clearing - 2000	-	3,708,000	3,708,000	3,641,000	3,654,000
230	G.O. Bond Clearing - 2001	-	2,397,000	2,397,000	2,558,000	2,672,000
240	G.O. Bond Clearing - 2001-A	-	186,000	186,000	182,000	193,000
250	Tax Notes Clearing - 2001-A	-	247,000	247,000	253,000	370,000
92	G.O. Bond Refund/Clearing - 2002	-	1,000	1,000	266,000	334,000
270	G.O. Bond Refund/Clearing - 2003	-	1,477,000	1,477,000	1,818,000	3,658,000
310	G.O. Bond Refund/Clearing - 2005	-	11,846,000	11,846,000	27,403,000	-
093	G.O. Bond Clearing - 2006	-	42,461,000	42,461,000	-	-
089	C.O. Bond Clearing - 2006	-	3,778,000	3,778,000	-	-
		<u>-</u>	<u>114,247,000</u>	<u>114,247,000</u>	<u>80,566,000</u>	<u>55,314,000</u>
ENTERPRISE FUNDS:						
26	Municipal Drainage CIP	-	83,000	83,000	81,000	226,000
34	Sewer CIP	-	4,210,000	4,210,000	4,361,000	7,196,000
36	Water CIP	-	4,849,000	4,849,000	5,108,000	7,195,000
37	Downtown Center Development	-	48,000	48,000	41,000	21,000
41	Water & Sewer - Operating	451,000	201,000	652,000	3,676,000	(5,321,000)
42	Water & Sewer - Debt Service	-	3,587,000	3,587,000	1,594,000	3,535,000
43	Municipal Drainage - Debt Service	-	3,110,000	3,110,000	2,481,000	2,825,000
44	W & S Impact Fees Clearing	-	2,188,000	2,188,000	1,131,000	359,000
45	Environmental Waste Services	30,000	(794,000)	(764,000)	1,193,000	446,000
46	Convention & Tourism	4,000	2,227,000	2,231,000	1,902,000	1,423,000
81	Friends of Plano Centre	-	3,000	3,000	3,000	3,000
47	Municipal Drainage	10,000	3,611,000	3,621,000	3,295,000	3,341,000
48	Municipal Golf Course	-	692,000	692,000	69,000	92,000
49	Property Management	-	331,000	331,000	287,000	263,000
51	Recreation Revolving	-	781,000	781,000	778,000	584,000
95	W & S Bond Clearing - 1990	-	180,000	180,000	177,000	174,000
96	W & S Bond Clearing - 1991	-	100,000	100,000	98,000	96,000
101	W & S Bond Clearing - 1993A	-	268,000	268,000	264,000	260,000
103	Municipal Bond Drain Clearing-1995	-	255,000	255,000	251,000	247,000
104	Municipal Drain Bond Clearing-1996	-	160,000	160,000	157,000	155,000
107	Municipal Drain Bond Clearing-1997	-	227,000	227,000	223,000	220,000
108	Municipal Drain Bond Clearing-1998	-	76,000	76,000	75,000	74,000
210	Municipal Drain Bond Clearing-1999	-	142,000	142,000	139,000	137,000
260	Municipal Drain Rev Bond Clearing - 2001	-	118,000	118,000	116,000	114,000
280	Municipal Drain Rev Bond Clearing - 2003	-	31,000	31,000	31,000	30,000
320	Municipal Drain Rev Bond Clearing - 2005	-	2,163,000	2,163,000	2,302,000	-
094	Municipal Drain Rev Bond Clearing - 2006	-	1,427,000	1,427,000	-	-
		<u>495,000</u>	<u>30,274,000</u>	<u>30,769,000</u>	<u>29,833,000</u>	<u>23,695,000</u>

EQUITY IN TREASURE POOL

APRIL, 2006

FUND NO.	FUND NAME	CASH	EQUITY IN TREASURY POOL	TOTAL 4/30/06	TOTAL 10/01/05	TOTAL 4/30/05
SPECIAL REVENUE FUNDS:						
2	Sproles Library	-	262,000	262,000	257,000	253,000
4	TIF-Mall	-	40,000	40,000	30,000	4,086,000
5	TIF-East Side	-	6,824,000	6,824,000	4,374,000	6,038,000
11	LLEBG-Police Grant	-	79,000	79,000	37,000	123,000
12	Criminal Investigation	-	786,000	786,000	756,000	680,000
13	Grant	-	(559,000)	(559,000)	-	(487,000)
14	Wireline Fees	-	223,000	223,000	301,000	246,000
15	Judicial Efficiency	-	90,000	90,000	86,000	75,000
16	Industrial	-	16,000	16,000	16,000	15,000
17	Intergovernmental	-	276,000	276,000	262,000	264,000
18	Government Access/CATV	-	322,000	322,000	322,000	421,000
19	Teen Court Program	-	26,000	26,000	22,000	19,000
20	Municipal Courts Technology	-	1,168,000	1,168,000	1,050,000	1,013,000
55	Municipal Court-Building Security Fees	-	1,087,000	1,087,000	996,000	937,000
56	911 Reserve Fund	-	5,308,000	5,308,000	4,771,000	4,360,000
57	State Library Grants	-	(6,000)	(6,000)	-	(10,000)
67	Disaster Relief	-	235,000	235,000	-	-
68	Animal Shelter Donations	-	51,000	51,000	31,000	-
73	Memorial Library	-	188,000	188,000	166,000	171,000
86	Juvenile Case Manager	-	36,000	36,000	-	-
87	Traffic Safety	-	9,000	9,000	-	-
88	Child Safety	-	539,000	539,000	-	-
		-	17,000,000	17,000,000	13,477,000	18,204,000
INTERNAL SERVICE FUNDS:						
6	Public Safety Technology	-	2,984,000	2,984,000	1,495,000	2,675,000
9	Technology Infrastructure	-	4,271,000	4,271,000	3,671,000	4,115,000
58	PC Replacement	-	1,263,000	1,263,000	825,000	824,000
59	Service Center	-	116,000	116,000	115,000	113,000
61	Equipment Maintenance	-	(4,039,000)	(4,039,000)	-	(3,497,000)
62	Information Technology	-	2,029,000	2,029,000	3,060,000	2,907,000
63	Office Services	-	(375,000)	(375,000)	-	(403,000)
64	Warehouse	-	147,000	147,000	309,000	147,000
65	Property/Liability Loss	-	5,601,000	5,601,000	5,398,000	5,344,000
66	Technology Services	-	9,690,000	9,690,000	8,991,000	7,913,000
71	Equipment Replacement	-	9,720,000	9,720,000	6,777,000	9,490,000
78	Health Claims	-	16,124,000	16,124,000	12,412,000	10,697,000
79	Parkway Service Ctr. Expansion	-	480,000	480,000	2,048,000	2,933,000
		-	48,011,000	48,011,000	45,101,000	43,258,000
FIDUCIARY FUNDS:						
7	Unclaimed Property	-	40,000	40,000	35,000	35,000
8	Library Training Lab	-	12,000	12,000	7,000	3,000
69	Collin County Seized Assets	-	256,000	256,000	232,000	139,000
74	Developers' Escrow	-	3,789,000	3,789,000	6,812,000	6,859,000
76	Economic Development	-	1,120,000	1,120,000	977,000	992,000
84	Rebate	-	1,648,000	1,648,000	1,630,000	1,614,000
		-	6,865,000	6,865,000	9,693,000	9,642,000
TOTAL		\$ 575,000	303,544,000	304,119,000	216,277,000	229,630,000
TRUST FUNDS						
		CASH	TRUST INVESTMENTS	TOTAL 4/30/06	TOTAL 10/01/05	TOTAL 4/30/05
42	Water & Sewer Reserve	\$ -	946,000	946,000	913,000	924,000
72	Retirement Security Plan	-	53,866,000	53,866,000	42,016,000	46,976,000
TOTAL TRUST FUNDS		\$ -	54,812,000	54,812,000	42,929,000	47,900,000

A Treasury Pool fund has been created for the purpose of consolidating cash and investments. All City funds not restricted or held in trust are included in this consolidated fund. Each fund's "Equity in Treasury Pool" represents the fund's proportionate share of the Treasury Pool Fund. At April 30, 2006 the Treasury Pool, including an adjustment to Fair Value as required by GASB 31, consisted of the following:

Cash	(1,439,000)
Local Government Investment Pool	46,356,000
Federal Securities	231,233,000
Certificates of Deposit	29,500,000
Fair Value Adjustment	(4,344,000)
Interest Receivable	2,238,000
	<u>303,544,000</u>

HEALTH CLAIMS FUND

THROUGH APRIL 30 OF FISCAL YEARS 2006 AND 2005

Health Claims Fund	Quarterly Variance Favorable			Quarterly Variance Favorable			1 month Variance Favorable			Year to Date Variance Favorable		
	FY 05-06 1st Quarter	FY 04-05 1st Quarter	(Unfavorable)	FY 05-06 2nd Quarter	FY 04-05 2nd Quarter	(Unfavorable)	FY 05-06 April	FY 04-05 April	(Unfavorable)	FY 05-06 Total	FY 04-05 Total	(Unfavorable)
Revenues												
Employees Health Ins. Contributions	\$ 523,000	\$ 512,000	11,000	\$ 533,000	\$ 513,000	20,000	\$ 179,000	\$ 173,000	6,000	\$ 1,235,000	\$ 1,198,000	37,000
Employers Health Ins. Contributions	4,409,000	5,051,000	(642,000)	4,474,000	4,319,000	155,000	1,496,000	1,457,000	39,000	10,379,000	10,827,000	(448,000)
Contributions for Retirees	117,000	105,000	12,000	124,000	110,000	14,000	43,000	37,000	6,000	284,000	252,000	32,000
Cobra Insurance Receipts	5,000	13,000	(8,000)	12,000	9,000	3,000	2,000	2,000	-	19,000	24,000	(5,000)
Retiree Insurance Receipts	66,000	79,000	(13,000)	100,000	74,000	26,000	28,000	25,000	3,000	194,000	178,000	16,000
City Council Receipts	3,000	3,000	-	1,000	2,000	(1,000)	-	1,000	(1,000)	4,000	6,000	(2,000)
Plano Housing Authority	7,000	18,000	(11,000)	16,000	10,000	6,000	4,000	3,000	1,000	27,000	31,000	(4,000)
Interest	89,000	20,000	69,000	125,000	(21,000)	146,000	48,000	25,000	23,000	262,000	24,000	238,000
Total Revenues	5,219,000	5,801,000	(582,000)	5,385,000	5,016,000	369,000	1,800,000	1,723,000	77,000	12,404,000	12,540,000	(136,000)
Expenses												
Insurance	284,000	270,000	(14,000)	357,000	282,000	(75,000)	121,000	94,000	(27,000)	762,000	646,000	(116,000)
Contracts- Professional Svc.	37,000	80,000	43,000	80,000	48,000	(32,000)	8,000	7,000	(1,000)	125,000	135,000	10,000
Contracts- Other	214,000	214,000	-	236,000	211,000	(25,000)	69,000	68,000	(1,000)	519,000	493,000	(26,000)
Health Claims Paid Reinsurance	(198,000)	(130,000)	68,000	(59,000)	37,000	96,000	(20,000)	-	20,000	(277,000)	(93,000)	184,000
Health Claims - Prescription	562,000	-	(562,000)	568,000	361,000	(207,000)	225,000	191,000	(34,000)	1,355,000	552,000	(803,000)
Health Claims Paid -UHC	2,665,000	2,834,000	169,000	2,511,000	2,581,000	70,000	723,000	864,000	141,000	5,899,000	6,279,000	380,000
Health Claims Paid-EBS	-	28,000	28,000	-	7,000	7,000	-	-	-	-	35,000	35,000
Cobra Insurance Paid	1,000	1,000	-	1,000	2,000	1,000	-	-	-	2,000	3,000	1,000
Retiree Insurance Paid	22,000	18,000	(4,000)	24,000	21,000	(3,000)	9,000	7,000	(2,000)	55,000	46,000	(9,000)
Plano Housing Authority	1,000	1,000	-	3,000	2,000	(1,000)	-	-	-	4,000	3,000	(1,000)
Total Expenses	3,588,000	3,316,000	(272,000)	3,721,000	3,552,000	(169,000)	1,135,000	1,231,000	96,000	8,444,000	8,099,000	(345,000)
Net increase (decrease)	\$ 1,631,000	\$ 2,485,000	(854,000)	1,664,000	1,464,000	200,000	665,000	492,000	173,000	\$ 3,960,000	\$ 4,441,000	(481,000)
Health Claims Fund Balance - Cumulative	\$ 11,426,000	\$ 6,232,000	5,194,000	\$ 13,089,000	\$ 7,695,000	5,394,000	\$ 13,754,000	\$ 8,187,000	5,567,000			

ANALYSIS OF PROPERTY LIABILITY LOSS FUND THROUGH APRIL 30 OF FISCAL YEARS 2006, 2005 AND 2004

	Fiscal Year 2006	Fiscal Year 2005	Fiscal Year 2004
<u>PROPERTY LIABILITY LOSS FUND</u>			
Claims Paid per General Ledger	\$ 698,000	833,000	763,000
Net Judgments/Damages/Attorney Fees	475,000	225,000	466,000
Total Expenses	\$ 1,173,000	1,058,000	1,229,000
Fund Balance	\$ 2,004,000	2,192,000	2,400,000

**CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
APRIL, 2006**

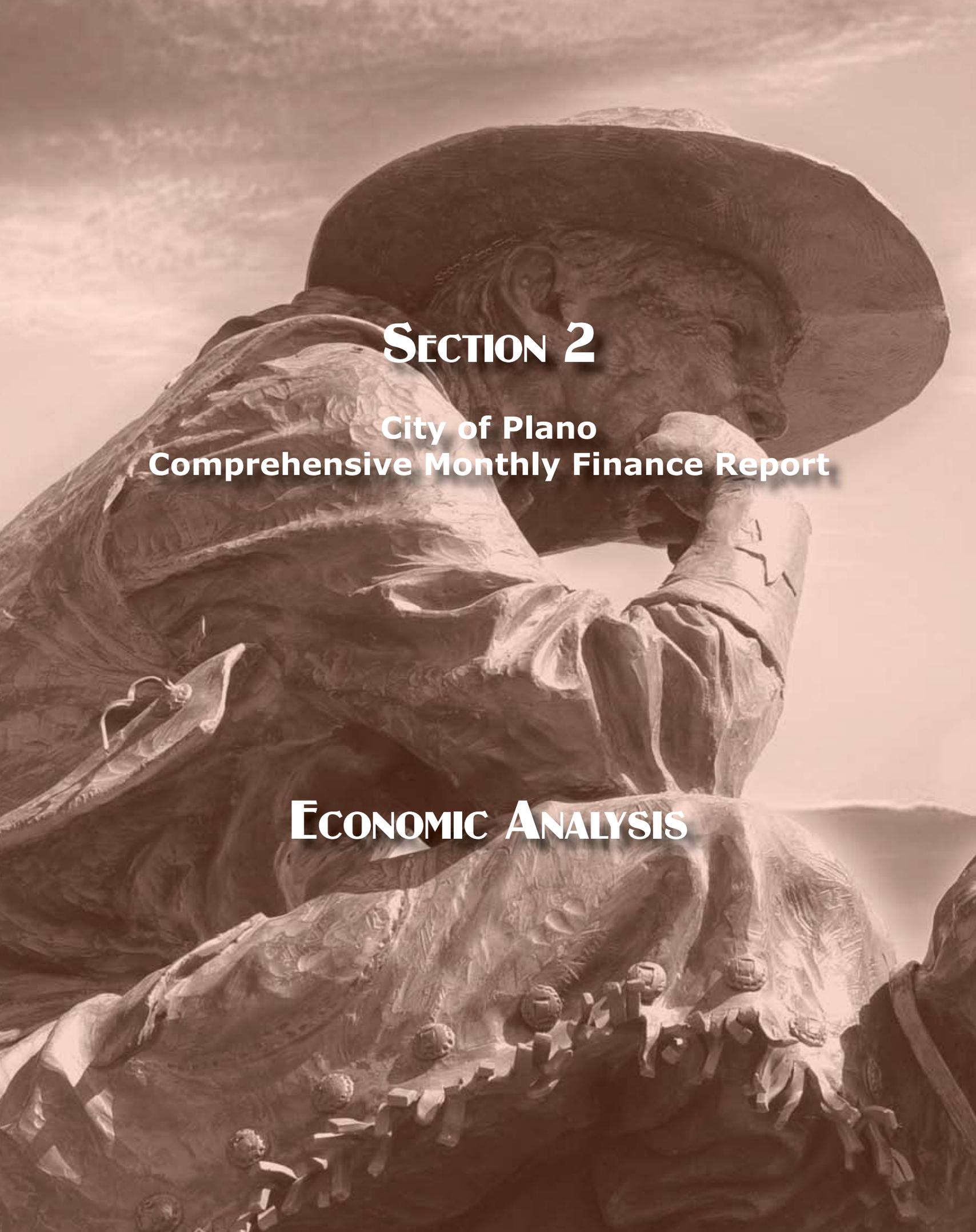
Project Description	Construction Start (Est.) Complete (Est.)	2005-06 Budget (thousands)	Total Project Budget (thousands)	Inception to Date Cost (thousands)	Encumbrances (thousands)	Comments:
<u>12th STREET, 12th PLACE, J AVENUE</u>	11/05 09/06	300	710	390	597	Work on the intersection improvements is complete. All street paving is complete, contractor is working on driveways and clean-up.
<u>15th STREET – Avenue G to Avenue I</u>	01/07 10/07	953	1,195	266	6	Approval of the final bid package has been received from TxDOT (Austin) but we are holding construction start until January 1 st .
<u>ALMA ROAD WHITETOPPING - Plano Parkway to 15th Street</u>	07/06 12/06	1,376	1,526	107	1,555	Contract was awarded to Duit Construction Co., Inc. for the base bid of \$1,730,643 at the April 24 th City Council meeting. Pre-construction meeting is scheduled for May 16 th .
<u>ANIMAL SHELTER EXPANSION</u>	01/07 10/07	200	1,155	12	145	Preliminary design is underway.
<u>COMMUNICATIONS - Falls to Parker</u>	04/06 11/06	700	780	59	553	Notice to Proceed issued March 30 th . Paving construction is underway.
<u>COMMUNICATIONS Spring Creek to Tennyson</u>	11/06 11/07	200	1,500	29	164	Field survey work is complete. Preliminary plans are in review by City staff.
<u>FIRE STATION 11</u>	01/05 09/06	-	3,337	2,085	790	Underground utilities and grade beam complete. Fire lane complete. Roofing complete. Interior finish out underway.
<u>FIRE STATION 12/LOGISTICS FACILITY</u>	01/07 03/08	1,800	7,702	68	1,049	Architectural contract approved by City Council March 16 th . Closing on land purchase is scheduled for May 16 th .
<u>INTERSECTION IMPROVEMENTS – 2004</u>	09/06 05/07	762	1,247	134	23	Pre-final plans have been reviewed for three locations and returned to the consultant for correction. Pre-final plans have been reviewed on the Coit at Legacy intersection and returned to the consultant for correction.
<u>INTERSECTION IMPROVEMENTS – 2005</u>	09/06 04/07	764	850	183	35	Pre-final plans and bid schedule have been submitted for approval and setting bid advertisement date.
<u>INTERSECTION IMPROVEMENTS - JUPITER/PLANO PARKWAY</u>	09/07 02/08	590	723	73	48	Final revised schematics and ESA (Categorical Exclusion) under review by TxDOT. Meeting with TransSystems held April 4 th to discuss Jupiter and PBGT alternatives.
<u>INTERSECTION IMPROVEMENTS – Preston and Legacy</u>	12/07 10/08	120	2,500	58	5	City Council presentation made March 27 th on modified median left turn alternative.
<u>INTERSECTION IMPROVEMENTS - PRESTON/PLANO PARKWAY</u>	12/07 10/08	120	2,000	63	1	Median left alternative presentations are complete. City staff is in negotiation for design engineering services.

**CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
APRIL, 2006**

Project Description	Construction Start (Est.) Complete (Est.)	2005-06 Budget (thousands)	Total Project Budget (thousands)	Inception to Date Cost (thousands)	Encumbrances (thousands)	Comments:
<u>INTERSECTION IMPROVEMENTS – Spring Creek Parkway and K Avenue</u>	09/06 02/07	75	75	50	25	Preliminary review comments have been returned to the consultant and the design work is continuing. An informational meeting with neighboring businesses is scheduled to be held on May 10 th .
<u>INTERSECTION IMPROVEMENTS – Spring Creek Parkway and Coit</u>	01/08 10/08	100	2,000	84	-	The original traffic study and alternate study are complete. City staff is now in negotiation with the consultant for an engineering design contract.
<u>LOS RIOS - Parker to Jupiter</u>	07/04 06/06	141	8,397	5,648	1,369	Landscaping and ground stabilization operations are continuing. The lake level control structures are approximately 75% complete.
<u>MCDERMOTT – Coit To Custer</u>	07/06 04/07	2,529	2,709	197	1,770	Contract was awarded to McMahon, L.P. in the amount of \$1,759,394 at April 24 th City Council meeting. Contracts are being processed.
<u>MCDERMOTT – Coit To Ohio</u>	03/07 03/08	200	4,065	343	25	90% plans have been received and are being reviewed by City staff. We have received TXDOT comments on the schematic.
<u>MIDWAY ROAD WIDENING - Parker to Spring Creek Parkway</u>	09/06 07/07	10	2,052	85	48	Bids open May 25 th .
<u>TOM MUEHLENBECK RECREATION CENTER</u>	04/06 07/07	12,153	21,000	1,533	19,660	Site work is underway.
<u>OAK POINT PARK VISITOR CENTER COMPLEX</u>	02/07 02/08	200	8,000	58	1,218	Schematic design underway.
<u>P AVENUE – 18th to Park</u>	03/06 02/07	2,705	2,985	451	1,886	Ridgetop Lane is complete. TriCon is constructing Phase I water main. Traffic control is one way south for P Avenue.
<u>PARKER ROAD – K Ave. to P Ave.</u>	10/06 02/08	2,255	4,065	317	63	Pre-final plans have been reviewed by City staff and returned to the consultant for correction. Right of way acquisition is now underway.
<u>PARKER ROAD ESTATES WEST WATER REHAB</u>	09/06 06/07	-	1,650	132	20	Under design.
<u>PARKWOOD BOULEVARD - Park Boulevard to Spring Creek Parkway</u>	10/06 10/07	250	3,000	95	140	Preliminary plans have been reviewed and returned to the engineer.

**CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
APRIL, 2006**

<u>Project Description</u>	<u>Construction Start (Est.) Complete (Est.)</u>	<u>2005-06 Budget (thousands)</u>	<u>Total Project Budget (thousands)</u>	<u>Inception to Date Cost (thousands)</u>	<u>Encumbrances (thousands)</u>	<u>Comments:</u>
<u>PLANO PARKWAY – Los Rios to 14th</u>	06/05 06/06	1,968	3,859	3,046	651	Glen Thurman started construction on the part north of the railroad to 14 th Street. Phase II paving is complete. Phase III will commence shortly to construct 14 th Street – Plano Parkway connection. Traffic and railroad signal construction to commence shortly. Project completion expected in June.
<u>PLANO PARKWAY – Tollroad to Park</u>	11/06 06/07	1,861	2,526	299	62	Plans are complete except right-of-way acquisition from Billingsley.
<u>POLICE ACADEMY RANGE EXPANSION</u>	11/06 06/07	20	2,800	457	74	Schematic design being prepared.
<u>RAILROAD CROSSINGS –Quiet Zones</u>	07/06 10/06	100	1,117	514	6	Bids open May 30 th .
<u>RIDGEVIEW DRIVE Custer to Independence</u>	08/05 06/06	2,000	3,000	1,922	928	The westbound bridge is 95% complete and the contractor has put traffic on the westbound side and is working on the eastbound bridge and roadway completion. Paving is complete on the City of Allen side.
<u>SPRING CREEK PARKWAY (SHILOH) – Royal Oaks to Parker</u>	10/05 06/06	1,100	1,880	1,983	579	The contractor is working on the bridge walk area and railing. The majority of the paving is complete. Signal relocation at the intersection of Spring Creek and Parker is about 50% complete.
<u>STEWART MAIN Capital to Plano Parkway</u>	06/06 10/06	-	433	27	5	Project has been awarded and accepted by Jim Bowman Construction Co. Preconstruction meeting to be held May 15 th .
<u>US 75 RAMP IMPROVEMENTS</u>	01/06 01/07	1,000	2,099	2,102	6	Work began on February 6 th .
<u>US 75/PARKER ROAD INTERCHANGE</u>	06/07 10/08	1,000	6,250	449	1,075	Design kick-off meeting with TxDOT and design engineer was held January 10 th .
<u>WHIFFLETREE WATER REHAB</u>	02/06 12/06	1,450	1,600	564	1,062	Construction is complete on Town Bluff. Construction is underway on Hilltop, Laguna and Malibu.
<u>WYATT NORTH ADDITION PAVING & WATER</u>	01/07 01/08	-	-	35	178	Preliminary plans due in May 15 th .



SECTION 2

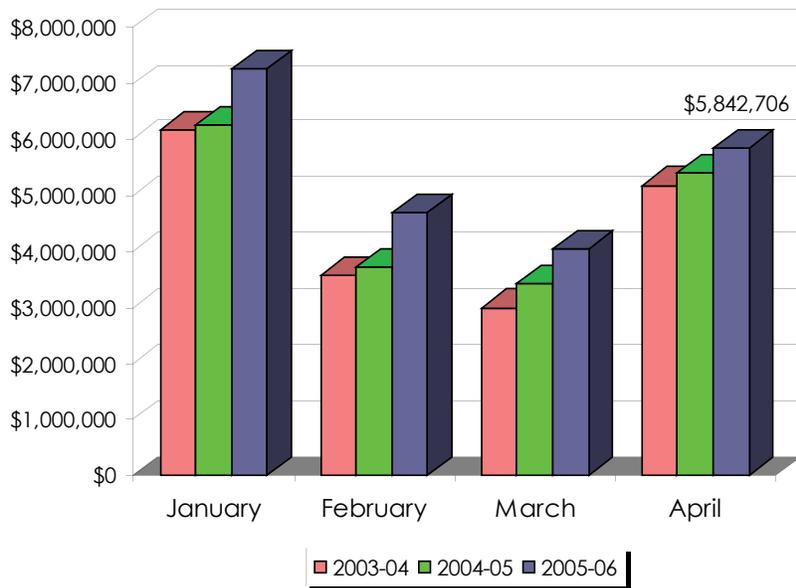
**City of Plano
Comprehensive Monthly Finance Report**

ECONOMIC ANALYSIS

Economic Analysis

Sales tax of \$5,842,706 was reported in April for the City of Plano. This amount represents an increase of 8.11% over the amount reported in April 2005. Sales tax revenue is generated from the

Sales Tax
Actual Monthly Revenue
Figure I



1% tax on applicable business activity within the City. These taxes were collected in March by businesses filing monthly returns, reported in April to the State, and received in May by the City of Plano.

Figure I represents actual sales and use tax receipts for the months of January through April for fiscal years 2003-04, 2004-2005 and 2005-2006.

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

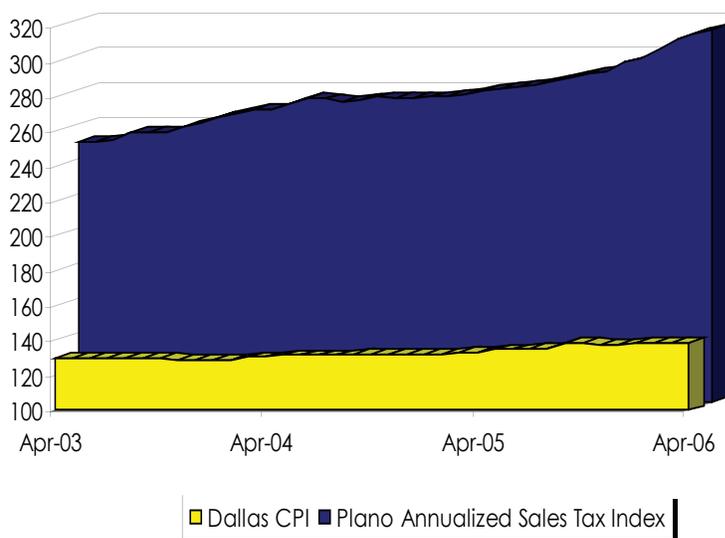


Figure II, left, tracks the percentage change in annualized sales tax revenues compared to the percentage change in the Dallas-area CPI, using 1982-84 as the base period. For April 2006, the adjusted CPI was 138.43 and the Sales Tax Index was 314.06.

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

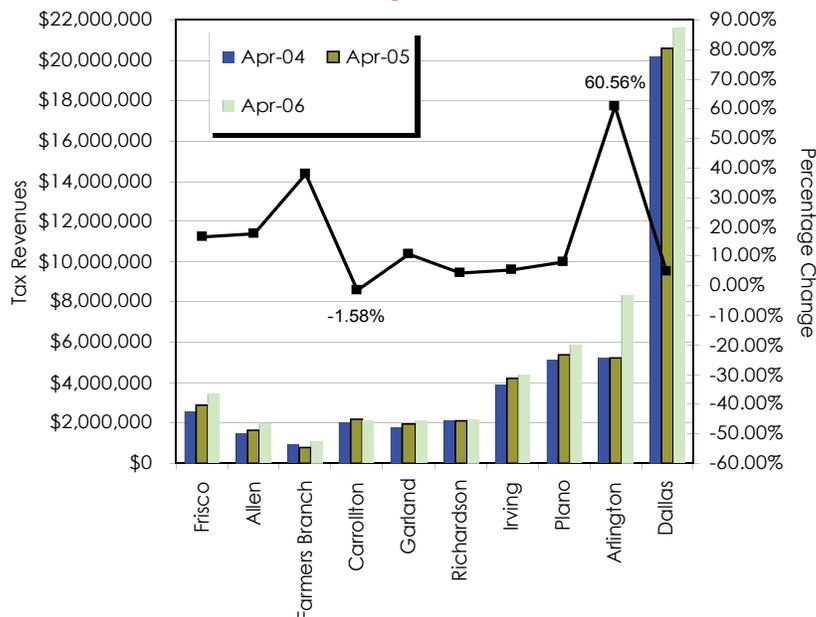
Economic Analysis

Figure III shows sales tax receipts from April 2004 – April 2006 for the City of Plano and nine area cities. Each of the cities shown has a sales tax rate of 1%, except for the cities of Allen and Frisco, which have a 2% rate, but distribute half of the amount shown in the graph to 4A and 4B development corporations within their respective cities, and the City of Arlington which has a 1.75% sales tax rate with .25% dedicated to road maintenance and .50% for funding of the Dallas Cowboys Complex Development Project. For the April reporting month, the City of Plano received \$5,842,706 from this 1% tax.

Sales Tax Comparisons

City of Plano and Area Cities

Figure III



The percentage change in sales tax collections for the area cities from April 2005 to April 2006 ranged from 60.56% for the City of Arlington to -1.58% for the City of Carrollton.

In April 2006, a total of 45 actual single-family housing permits, representing a value of \$11,568,787, were issued. This value represents a -13.30% increase from the same period a year ago. Annualized single-family housing starts of 718 represent a value of \$146,646,679.

Single Family Housing Starts

Figure IV

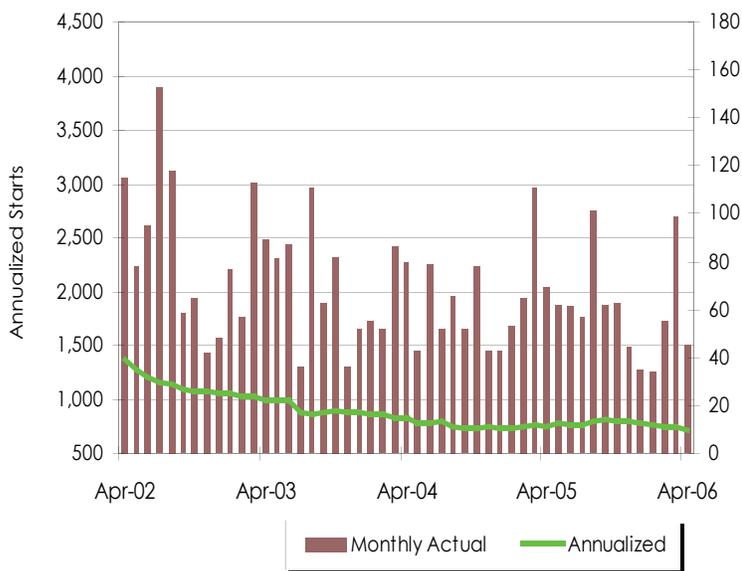


Figure IV above shows actual single-family housing starts versus annualized housing starts for April 2002 through April 2006.



Economic Analysis

Yield Curve
Figure V

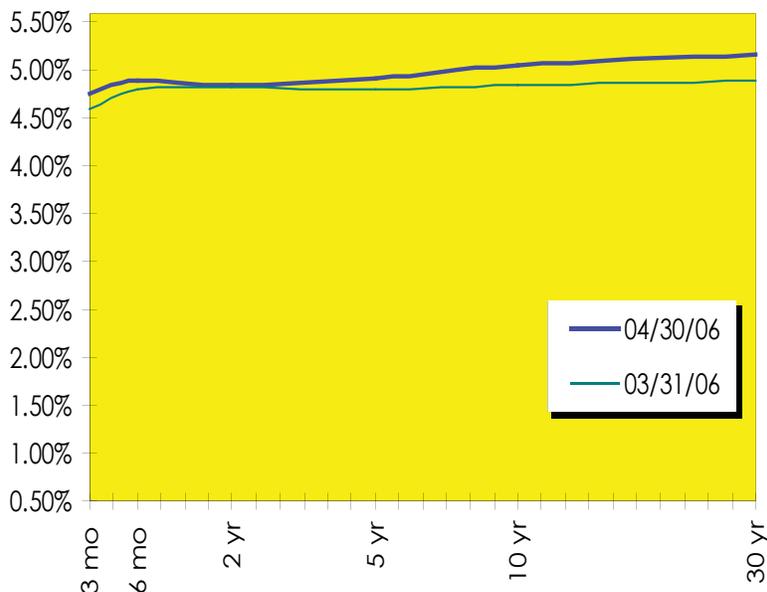


Figure V, left, shows the U.S. Treasury yield curve for April 30, 2006 in comparison to March 31, 2006. All of the reported treasury yields increased in the month of April, with the greatest increase in reported rates occurring in the 30-year sector at +27 basis points.

Unemployment Rates
Unadjusted Rate Comparison
Figure VI*

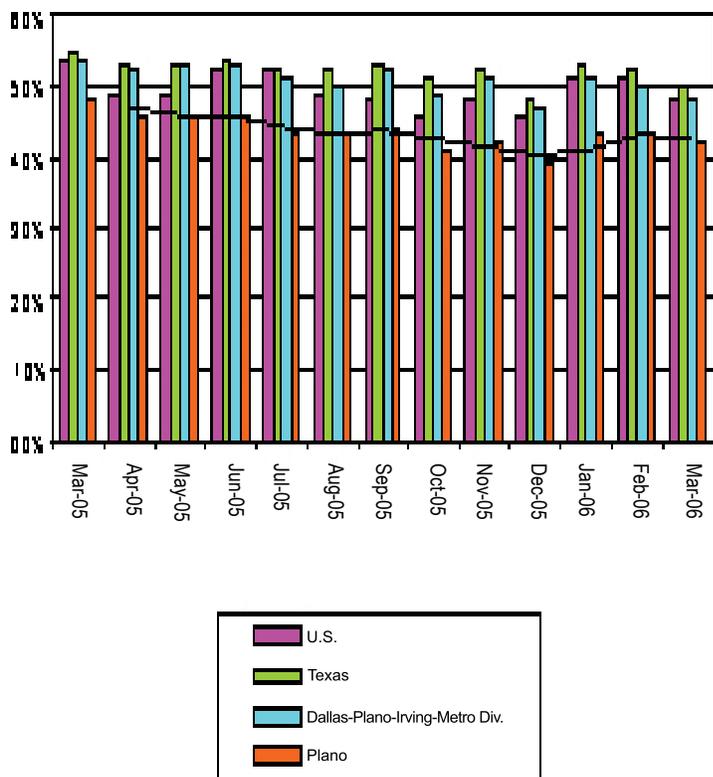


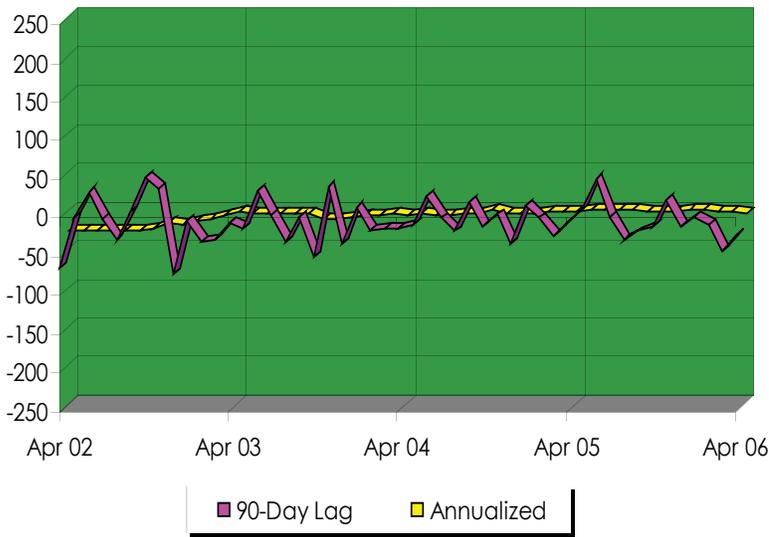
Figure VI shows unadjusted unemployment rates based on the BLS U.S. City Average, and LAUS estimates for the State of Texas, the Dallas-Plano-Irving Metropolitan Division and the City of Plano from March 2005 to March 2006.

*Due to recent changes in labor force estimation methodology by the BLS and the TWC, sub-state unemployment rate data prior to January 2005 are no longer comparable with current estimates. As a result, statistically significant changes in the reported unemployment rates may have occurred.

Economic Analysis

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

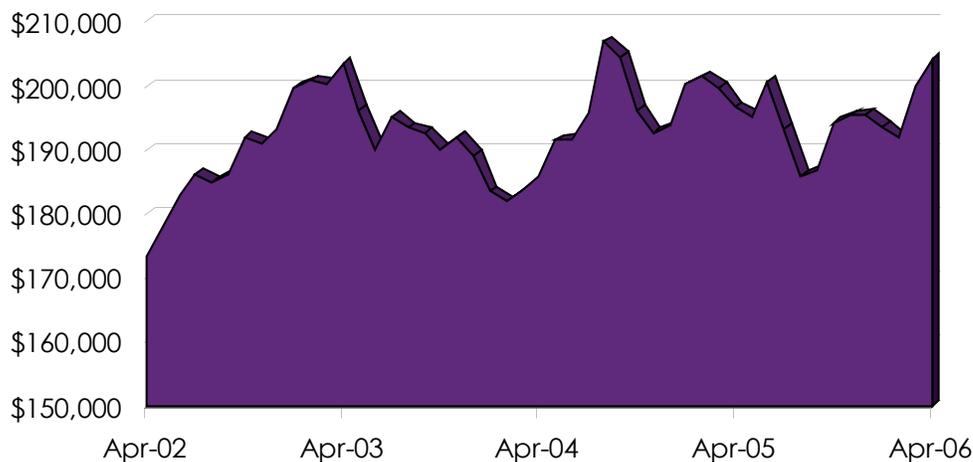
Housing Absorption
90-Day Lag From Permit Date
Figure VII



For the current month, the 90-day lag is -22 homes, meaning that in January 2006 there were 22 less housing starts than new refuse customers in April 2006. The annualized rate is -6 which means there was an average of 6 less housing starts than new garbage customers per month over the past year.

The annualized average declared construction value of new homes increased 3.88% to \$204,243 when compared to April 2005.

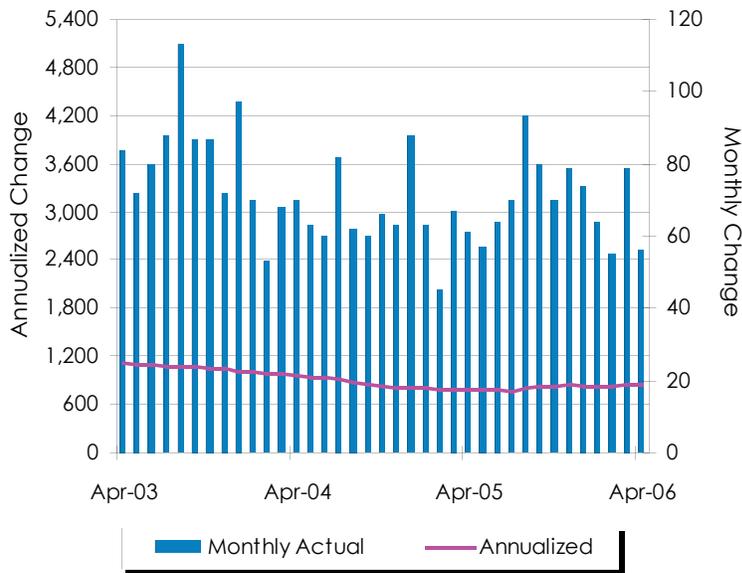
Single-Family New Home Value
Figure VIII



Economic Analysis

REFUSE COLLECTIONS ACCOUNTS NET GAINS/LOSSES

FIGURE IX

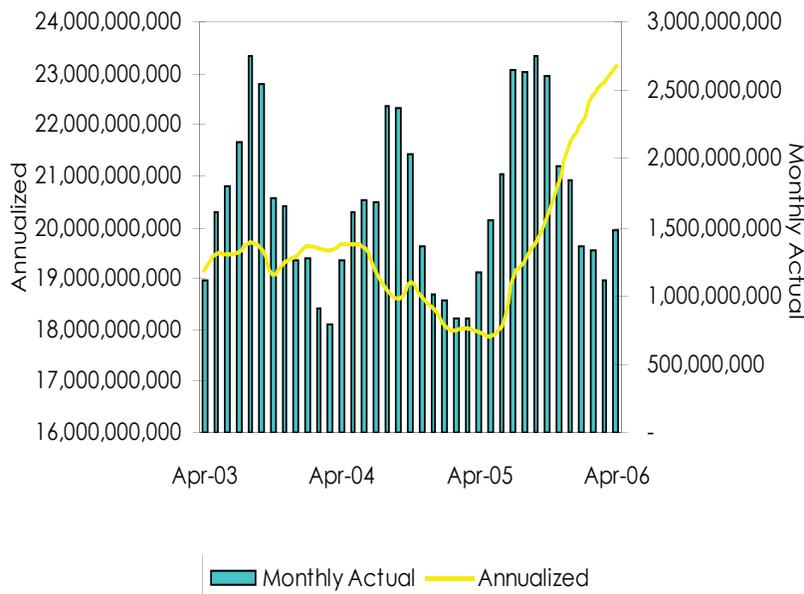


In April, net new refuse collection accounts totaled 56, in comparison to 61 new accounts in April of 2005. This change represents a decrease of 8.20% year-to-year. Annualized new refuse accounts totaled 841, showing an increase of 61, or a 7.82% change when compared to the same time last year.

Figure IX shows actual versus annualized new refuse collection accounts.

LOCAL WATER CONSUMPTION (GALLONS)

FIGURE X



In April, the City of Plano pumped 1,952,991,000 gallons of water from the North Texas Municipal Water District (NTMWD). Consumption was 1,482,339,000 gallons among 76,462 billed water accounts while billed sewer accounts numbered 72,911. The minimum daily water pumpage was 50,407,000 gallons, which occurred on Saturday, April 29th. Maximum daily pumpage was 83,007,000 gallons and occurred on Wednesday, April 19th. This month's average daily pumpage was 65,100,000 gallons.

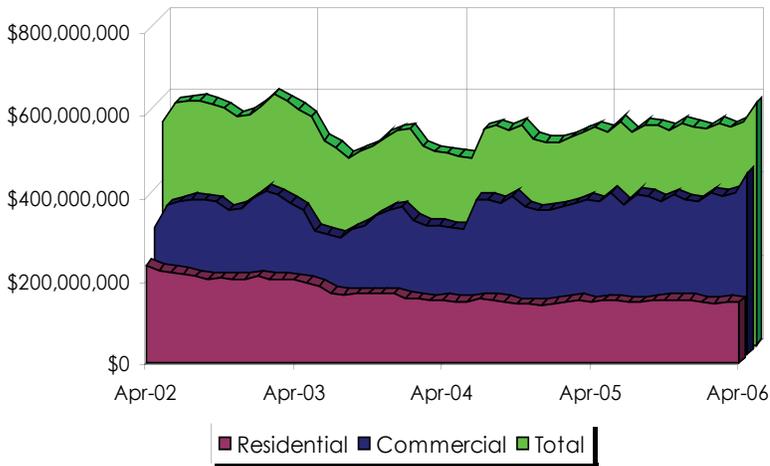
Figure X shows the monthly actual and annualized average for local water consumption.

Economic Analysis

In April, a total of 127 new construction permits were issued, valued at \$71,388,802. This includes 45 single-family residences, 2 apartment buildings, 1 recreation center, 1 parking garage, 2 hospital projects, 4 office/bank buildings, 1 retail/restaurant/other, 2 other, 33 commercial additions/alterations, and 24 interior finish-outs. There were 39 permits issued for pools/spas.

ANNUALIZED BUILDING PERMIT VALUES

FIGURE XI



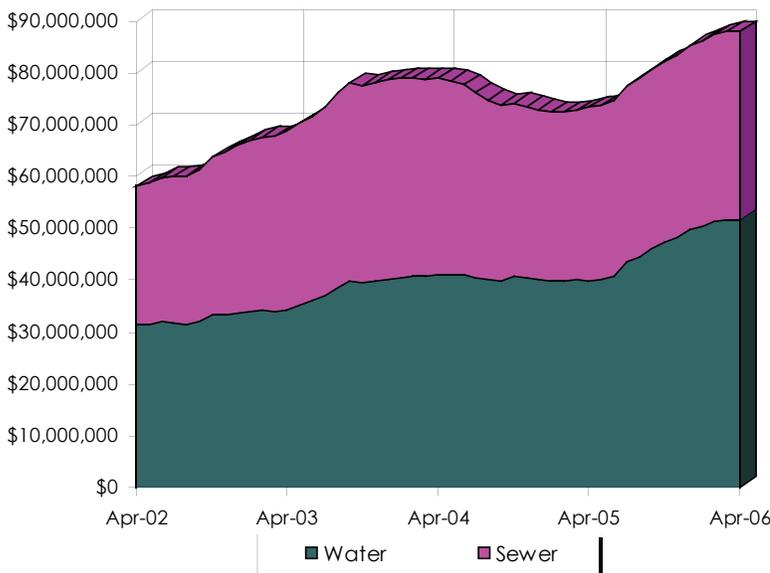
The overall annualized value was \$584,716,963, up 13.32% from the same period a year ago. The annualized value of new residential construction decreased to a value of \$146,646,679, down 1.08% from a year ago. The annualized value of new commercial construction increased 19.12% to \$438,070,284.*

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

The actual water and sewer customer billing revenues in April were \$2,608,836 and \$3,233,757, an increase of 2.53% and a decrease of 2.05% respectively, compared to April 2005 revenues. The aggregate water and sewer accounts netted \$5,842,593 for a decrease of 0.06%.

ANNUALIZED WATER & SEWER BILLINGS

FIGURE XII



April consumption brought annualized revenue of \$51,752,940 for water and \$36,227,703 for sewer, totaling \$87,980,643. This total represents an increase of 19.92% compared to last year's annualized revenue.

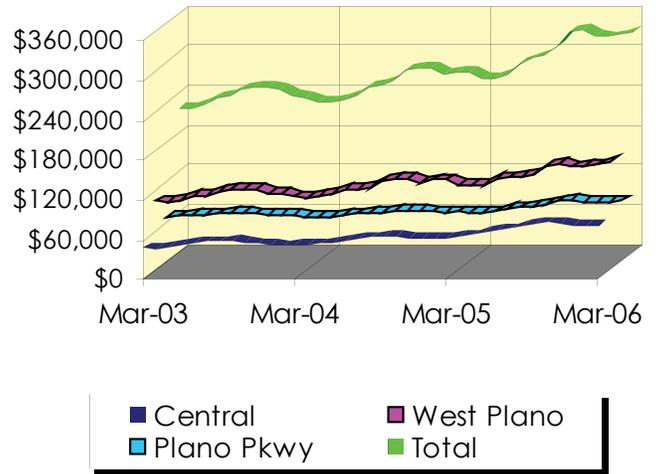
Figure XII presents the annualized billing history of water and sewer revenues for April 2002 through April 2006.

Economic Analysis

March revenue from hotel/motel tax was \$367,069. This represents an increase of \$92,837 or 33.85% compared to March 2005. The average monthly revenue for the past six months (see graph) was \$331,127, an increase of 27.25% from the previous year's average. The six-month average for the Central area increased to \$79,837, the West Plano average increased to \$161,523, and the Plano Pkwy average increased to \$89,767 from the prior year.

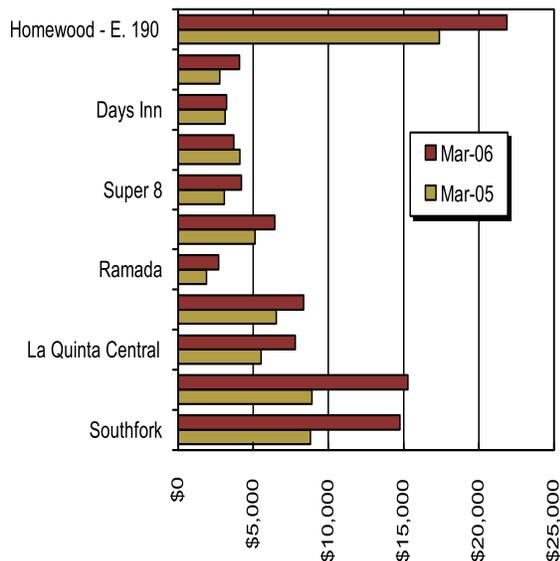
*This amount will not always equal the hotel/motel taxes reported in the financial section. The economic report is based on the amount of taxes earned during a month, while the financial report indicates when the City received the tax.

HOTEL/MOTEL OCCUPANCY TAX
SIX MONTH TREND
FIGURE XIII

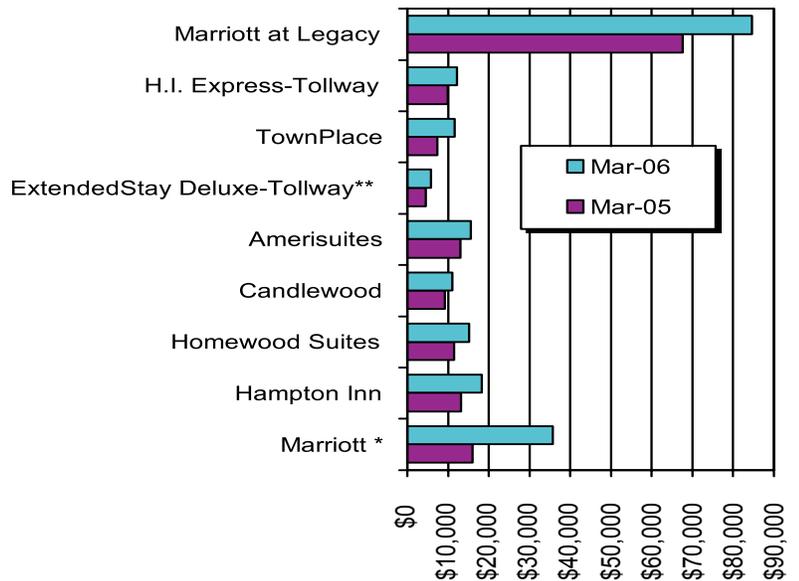


Figures XIV, XV and XVI show the actual occupancy tax revenue from each hotel/motel in Plano for March 2006 compared to the revenue received in March 2005.

HOTEL/MOTEL OCCUPANCY TAX
MONTHLY COMPARISON BY HOTEL - CENTRAL
FIGURE XIV



HOTEL/MOTEL OCCUPANCY TAX
MONTHLY COMPARISON BY HOTEL - WEST PLANO
FIGURE XV

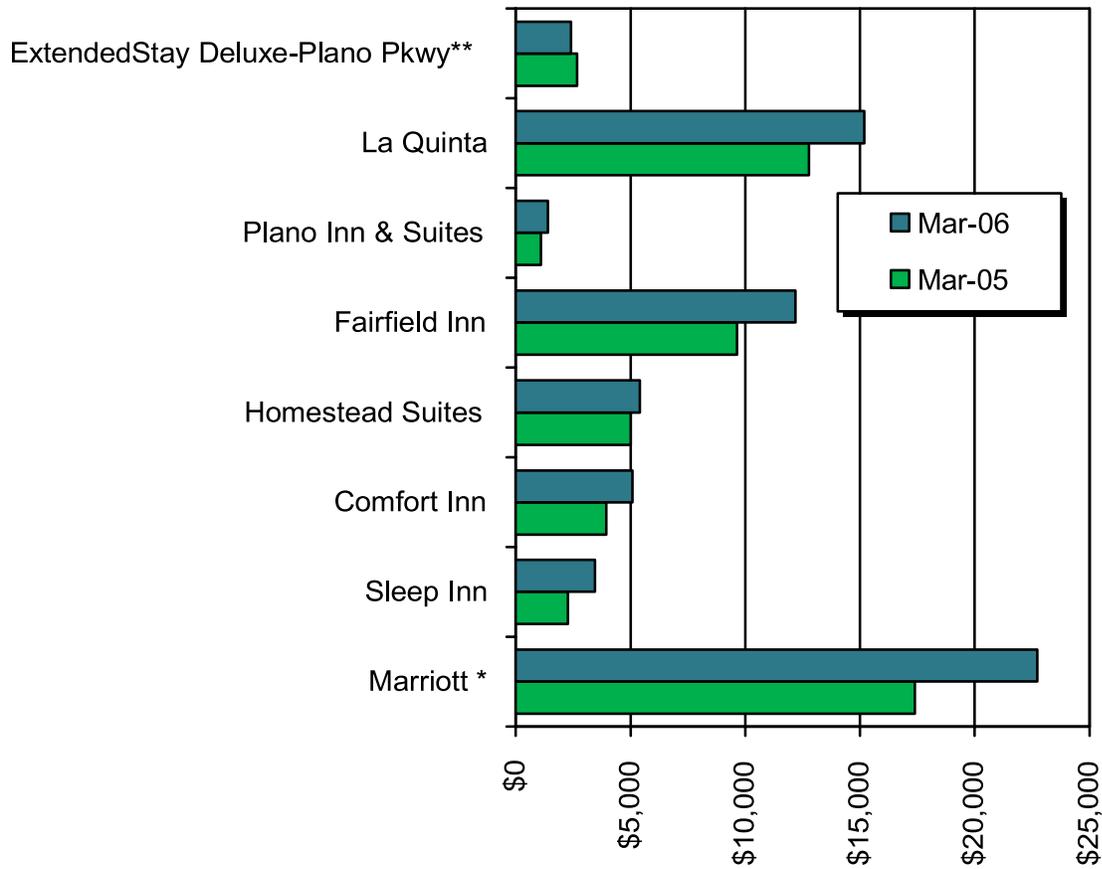


*Wellesley Inn & Suites and Studio Plus became Extended-Stay Deluxe hotels in 2005.

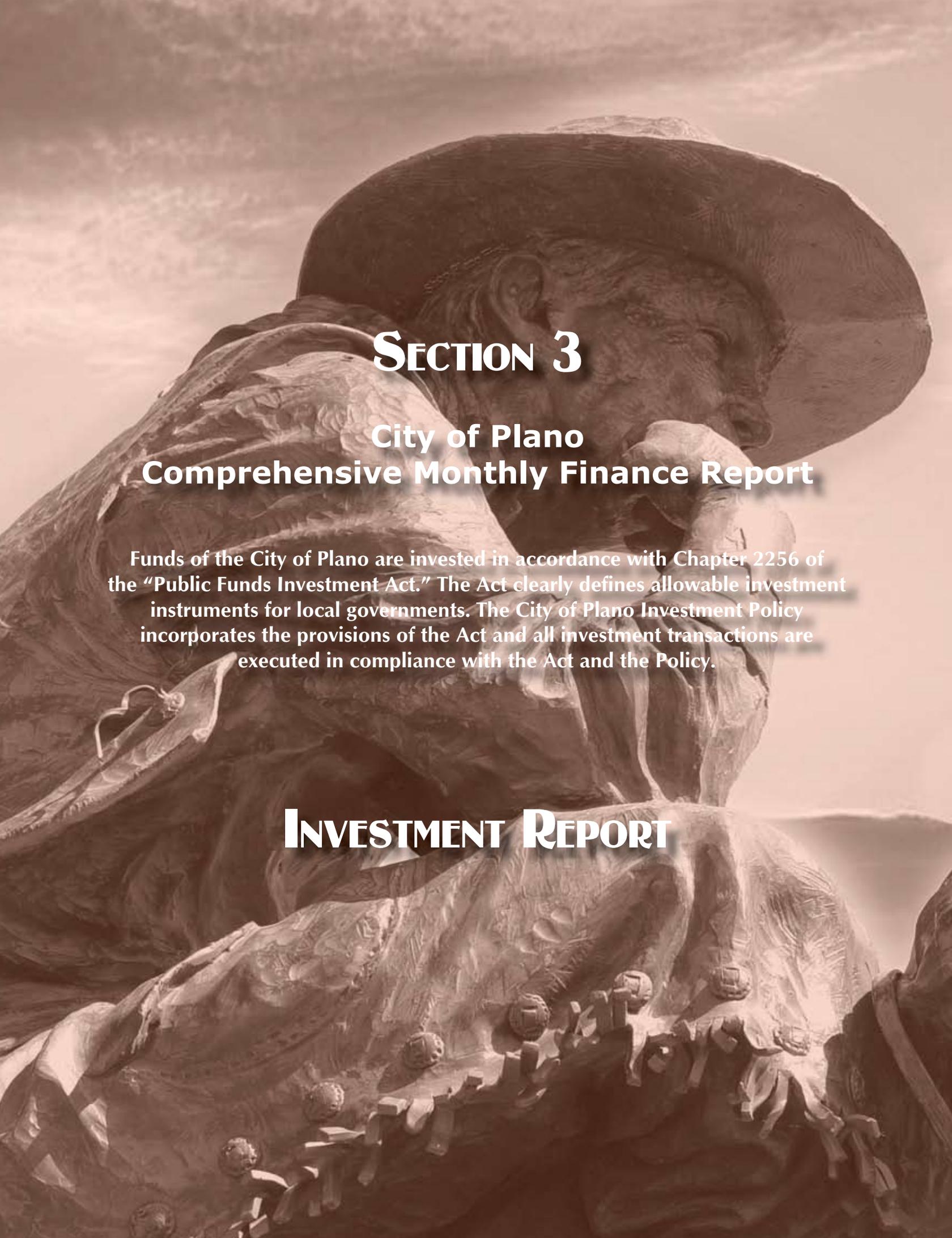
* Since August 2005, Marriott International Tax Revenue Numbers On This Graph Represent Two (2) Marriott-Owned Hotels (Courtyard By Marriott 1ND and Residence Inn #323)

Economic Analysis

HOTEL/MOTEL OCCUPANCY TAX
 MONTHLY COMPARISON BY HOTEL-PLANO PKWY
 FIGURE XVI



* Since August 2005, Marriott International Tax Revenue Numbers On This Graph Represent One (1) Marriott-Owned Hotel (Courtyard By Marriott #1N4)



SECTION 3

City of Plano Comprehensive Monthly Finance Report

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

INVESTMENT REPORT

Investment Report

April, 2006

Interest received during April totaled \$917,356 and represents interest paid on maturing investments and coupon payments on investments. Interest allocation is based on average balances within each fund during the month.

During April, the two-year Treasury note yield increased throughout the month, starting at 4.82 and ending at 4.90.

As of April 30, a total of \$294.0 million was invested in the Treasury Fund. Of this amount, \$78.2 million was General Obligation Bond Funds, \$.5 million was Water & Sewer Revenue Bond Funds, and \$215.3 million was in the remaining funds.

Investments	Current Month Actual	Fiscal Y-T-D	Prior Fiscal Y-T-D	Prior Fiscal Year Total
(1) Funds Invested	\$15,500,000	\$131,182,000	\$92,052,000	\$151,353,000
(2) Interest Received	\$917,356	\$4,924,891*	\$3,309,081	\$6,338,580
(3) Earnings Potential Factor	124.6%	128.1%	118.8%	119.4%
(4) Investment Potential	105.7%	104.5%	105.8%	108.8%
(5) Actual Aggressive Dividend	\$181,668	\$135,134	\$436,686	\$653,700
(6) Average 2 Year T-Note Yield	4.87		2.04	

* See interest allocation footnote on Page C-3.

- (1) Does not include funds on deposit earning an "earnings credit" rate and/or moneys in investment pools or cash accounts.
- (2) Cash basis.
- (3) Comparison of actual yield of investments to average yield of 2 year Treasury notes for current month.
- (4) Measures the percent of funds invested at month end compared to total available investable funds.
- (5) Difference between amount of interest earned due to aggressive investing of funds, when compared to passive use of funds earning an "earnings credit" rate, during current month.
- (6) Compares 2006 to 2005.

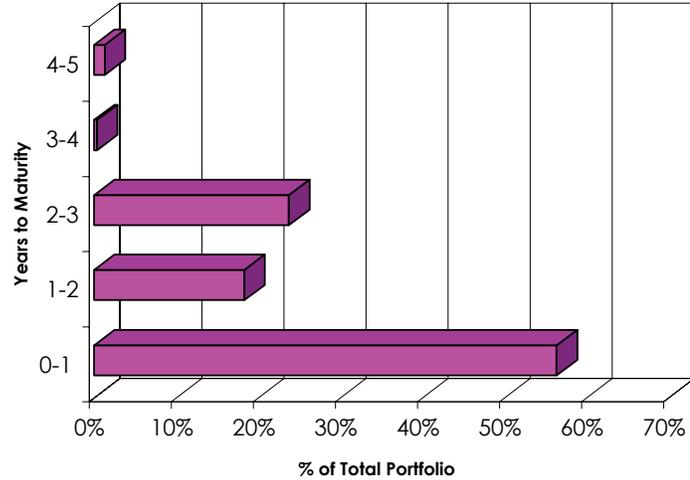
Month-to-Month Comparison

	Mar 06	Apr 06	Difference
Portfolio Holding Period Yield	3.89	3.91	.02 (2 basis points)
Avg. 2-Year T-Note Yield	4.72	4.87	.15 (15 basis points)

Investment Report

Portfolio Maturity Schedule Figure I

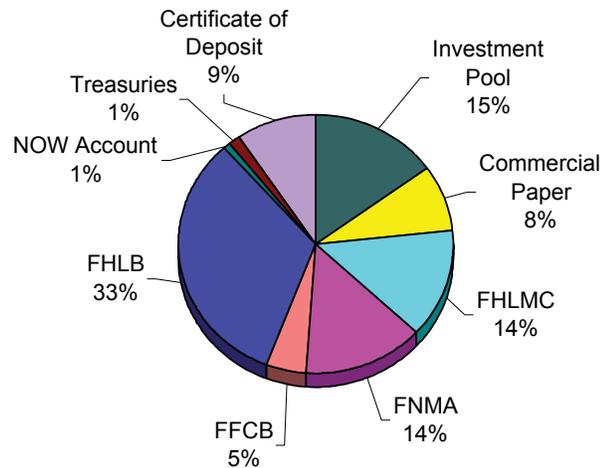
Years to Maturity*	Face Value	% Total
0-1	\$ 175,500,085	56.35%
1-2	57,040,000	18.32%
2-3	73,890,000	23.73%
3-4	1,000,000	0.32%
4-5	4,000,000	1.28%
Total	<u>\$ 311,430,085</u>	100.00%



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

Portfolio Diversification Figure II

Type	Face Value	% Total
Investment Pool	\$ 46,356,086	14.88%
Commercial Paper	25,954,000	8.33%
FHLMC	42,415,000	13.62%
FNMA	44,500,000	14.29%
FFCB	14,695,000	4.72%
FHLB	100,780,000	32.36%
NOW Account	3,229,999	1.04%
Treasuries	4,000,000	1.28%
Certificate of Deposit	29,500,000	9.47%
Total	<u>\$ 311,430,085</u>	100.00%



Investment Report

Allocated Interest/Fund Balances April 2006

Fund	Allocated Interest		Fund Balance	
	Current Month	Fiscal Y-T-D	End of Month	% of Total
General	181,216.50	856,045.06	\$ 55,943,544.84	19.03%
G.O. Debt Service	89,631.32	345,206.00	29,123,406.13	9.91%
Street & Drainage Improvements	910.77	(3,277.69)	342,391.95	0.12%
Sewer CIP	12,597.08	76,434.26	4,196,888.11	1.43%
Capital Reserve	89,151.18	508,530.89	30,392,719.77	10.34%
Water & Sewer Operating	7,015.53	92,658.74	193,881.38	0.07%
Water & Sewer Debt Service	10,403.17	49,196.44	3,576,367.78	1.22%
W & S Impact Fees Clearing	6,126.62	27,884.81	2,182,135.84	0.74%
Park Service Area Fees	13,536.38	79,118.07	4,506,293.45	1.53%
Property / Liability Loss	16,836.78	98,511.18	5,584,464.40	1.90%
Information Services	29,007.18	169,899.94	9,661,253.33	3.29%
Equipment Replacement	29,815.45	176,316.87	9,690,101.79	3.30%
Developers' Escrow	16,226.64	120,971.75	3,773,159.95	1.28%
G.O. Bond Funds	241,447.11	953,378.94	78,154,358.94	26.59%
Municipal Drainage Bond Clearing	13,965.42	64,696.70	4,585,305.10	1.56%
Other	158,478.36	918,329.94	51,958,783.75	17.68%
Total	\$ 913,925.57	\$ 4,516,822.46	\$ 293,962,200.61	100.00%

Footnote: All City funds not restricted or held in trust are included in the Treasury Pool. As of April 30, 2006, allocated interest to these funds may include an adjustment to fair value as required by GASB 31.

Portfolio Statistics

Month	Total Invested (End of Month)	Portfolio Yield	# Securities		Maturities/ Sold/Called	Weighted Avg Maturity (Days)	# Securities
			Purchased*				
Nov-04	184,228,731	2.80%	7		8	921	125
Dec-04	206,210,169	2.77%	5		2	801	128
Jan-05	239,173,039	2.75%	13		2	672	139
Feb-05	253,145,268	2.87%	9		4	809	144
Mar-05	239,564,985	2.83%	2		4	639	142
Apr-05	234,335,664	2.92%	2		5	628	139
May-05	222,340,943	2.93%	8		4	643	143
Jun-05	253,295,488	3.04%	4		4	544	143
Jul-05	248,309,619	3.08%	7		3	534	147
Aug-05	256,490,797	3.16%	4		12	491	139
Sep-05	220,697,804	3.15%	3		6	550	136
Oct-05	213,238,232	3.18%	3		4	549	135
Nov-05	206,838,872	3.22%	8		4	571	139
Dec-05	231,473,520	3.40%	13		3	507	149
Jan-06	259,337,641	3.57%	5		5	437	149
Feb-06	282,073,077	3.70%	6		3	429	152
Mar-06	318,399,324	3.89%	13		4	383	161
Apr-06	311,430,085	3.91%	9		5	374	165

* Does not include investment pool purchases or NOW account balances.

Investment Report

**Equity in Treasure Pool
By Major Category
Figure IV**

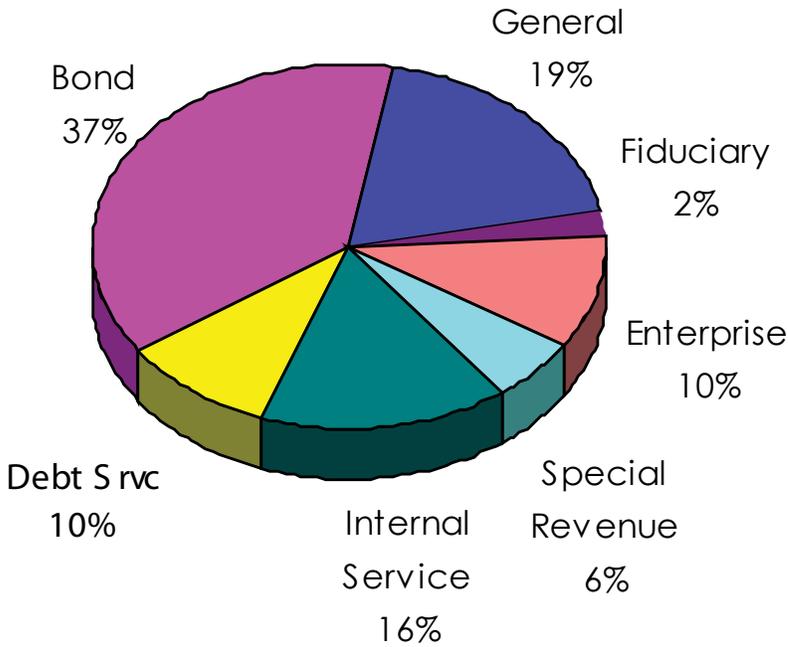
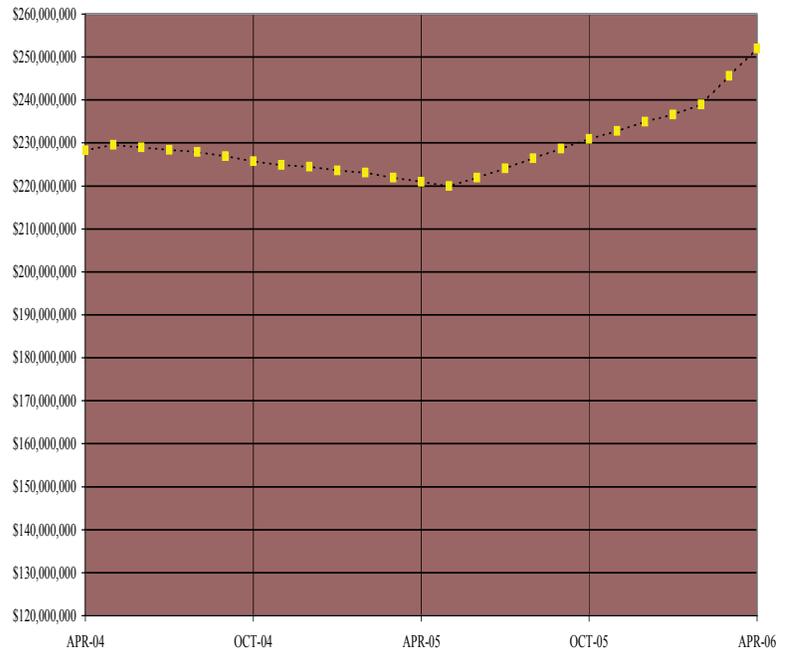
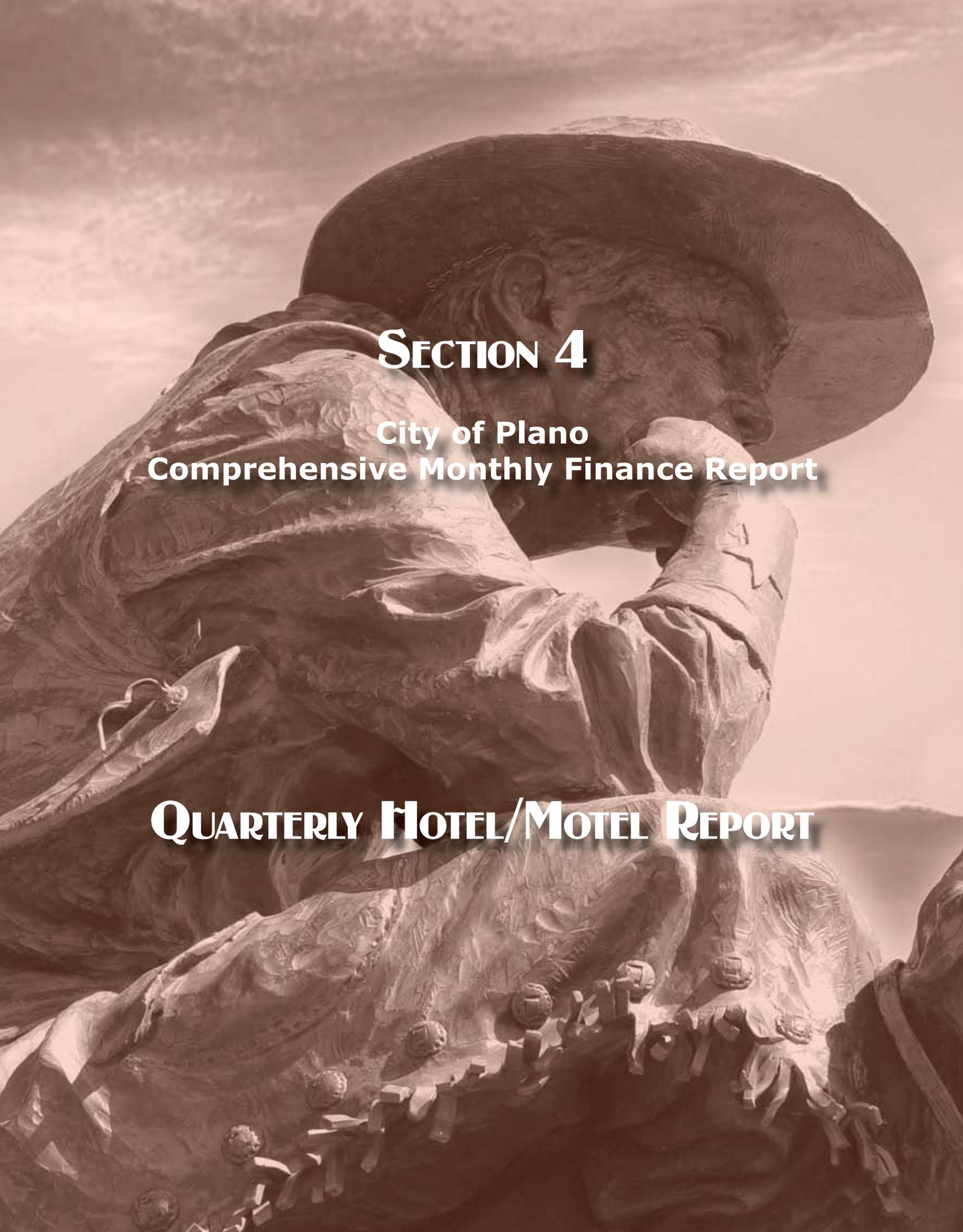


Figure IV shows a breakdown of the various sources of funds for the City's Treasury Pool as of April 30, 2006. The largest category are the Bond Funds in the amount of \$114.2 million. Closest behind is the General Fund with a total of \$57.9 million, and the Internal Service Funds with \$48.0 million.

**Annualized Average Portfolio
Figure V**

The annualized average portfolio for April 30, 2006 was \$251,993,783. This is an increase of \$31,039,594 when compared to the April 2005 average of \$220,954,189.





SECTION 4

**City of Plano
Comprehensive Monthly Finance Report**

QUARTERLY HOTEL/MOTEL REPORT

Hotel/Motel Occupancy Tax Revenue Report

Comparative Quarterly Statistics Quarter Ending 03/31/06 Table I

	2003-04 Third	2003-04 Fourth	2004-05 First	2004-05 Second	2004-05 Third	2004-05 Fourth	2005-06 First	2005-06 Second
Quarterly Total (Actual)*	\$789,712	\$854,389	\$746,703	\$814,641	\$892,505	\$956,242	\$998,924	\$987,838
Number of Rooms	3,569	3,706	3,706	3,706	3,705	3,705	3,705	3,705
Average Daily Occupancy	2,388	2,479	2,343	2,391	2,555	2,759	2,662	2,555
Actual Revenue per Room	\$221	\$231	\$201	\$220	\$241	\$258	\$270	\$267
Annualized Revenue	\$2,897,275	\$2,999,606	\$3,088,122	\$3,205,445	\$3,308,238	\$3,410,091	\$3,662,312	\$3,835,510
Average Room Rate	\$67	\$71	\$67	\$70	\$71	\$72	\$79	\$78
Average Occupancy Rate	59.56%	59.63%	55.67%	58.06%	61.38%	65.56%	63.25%	62.05%

Quarterly Hotel/Motel Tax Revenue

Total tax receipts of \$987,838 were received in the quarter ending March 31, 2006. The number of rooms available in Plano remained static in the second quarter of fiscal year 2005-06. Occupancy tax revenues increased by 21.26% when compared to the second quarter of fiscal year 2004-2005.

Table I contains the actual quarterly hotel occupancy revenue and data for the third quarter of fiscal year 2003-04 through the second quarter of fiscal year 2005-06.

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

Comparative Quarterly Statistics

Quarter Ending 03/31/06

Table I

City of Plano Hotel Occupancy Revenues

Table II

	First Quarter						Second Quarter*					
	2003-04	Percent Change	2004-05	Percent Change	2005-06	Percent Change	2003-04	Percent Change	2004-05	Percent Change	2005-06	Percent Change
Ramada	\$ 6,390	-25.53%	\$ 5,552	-13.12%	\$ 8,519	53.45%	\$ 7,276	-13.34%	\$ 5,243	-27.94%	\$ 7,088	35.19%
Harvey House	\$ 20,033	-46.49%	\$ 31,387	56.68%	\$ 42,482	35.35%	\$ 27,874	-22.14%	\$ 27,880	0.02%	\$ 37,354	33.98%
H. I. Express Central	\$ 23,930	28.96%	\$ 21,627	-9.62%	\$ 39,965	84.79%	\$ 1,458	-41.59%	\$ 27,884	1812.34%	\$ 38,547	38.24%
La Quinta Central	\$ 16,724	15.54%	\$ 15,804	-5.50%	\$ 22,623	43.15%	\$ 16,383	-35.52%	\$ 15,087	-7.91%	\$ 22,604	49.82%
Marriott	\$ 118,635	2.22%	\$ 116,556	-1.75%	\$ 148,455	27.37%	\$ 115,052	-1.90%	\$ 126,933	10.33%	\$ 154,062	21.37%
Motel 6	\$ 15,904	1.37%	\$ 16,759	5.38%	\$ 17,224	2.77%	\$ 15,538	-16.09%	\$ 15,608	0.46%	\$ 16,059	2.89%
Sleep Inn	\$ 6,644	-23.44%	\$ 7,371	10.95%	\$ 10,671	44.76%	\$ 7,513	-14.76%	\$ 6,383	-15.04%	\$ 8,499	33.16%
H.I Express	\$ 7,754	-17.94%	\$ 9,346	20.53%	\$ 12,328	31.91%	\$ 7,964	-14.24%	\$ 11,167	40.21%	\$ 13,179	18.02%
Best Western	\$ 16,411	15.57%	\$ 18,578	13.20%	\$ 21,046	13.29%	\$ 19,427	-14.76%	\$ 16,149	-16.87%	\$ 20,018	23.96%
Super 8	\$ 6,426	-29.93%	\$ 7,362	14.56%	\$ 10,596	43.93%	\$ 5,653	-13.03%	\$ 8,286	46.57%	\$ 11,002	32.77%
Hampton Inn	\$ 27,229	1.48%	\$ 29,652	8.90%	\$ 41,095	38.59%	\$ 28,181	-5.76%	\$ 35,917	27.45%	\$ 44,725	24.52%
Mainstay Suites	\$ 6,940	-20.21%	\$ 11,393	64.15%	\$ 13,468	18.22%	\$ 7,307	2.07%	\$ 11,291	54.52%	\$ 15,413	36.51%
Red Roof Inn	\$ 12,943	3.79%	\$ 12,602	-2.63%	\$ 14,323	13.66%	\$ 11,726	-7.86%	\$ 11,162	-4.80%	\$ 9,923	-11.10%
Days Inn	\$ 8,230	-2.42%	\$ 8,257	0.32%	\$ 9,744	18.02%	\$ 6,870	-28.96%	\$ 7,271	5.83%	\$ 8,985	23.58%
Fairfield Inn	\$ 18,580	10.09%	\$ 24,529	32.02%	\$ 26,832	9.39%	\$ 19,183	-5.98%	\$ 25,502	32.94%	\$ 31,762	24.55%
Plano Inn & Suites	\$ 7,041	1.43%	\$ 3,090	-56.11%	\$ 4,416	42.89%	\$ 4,796	-30.63%	\$ 3,382	-29.49%	\$ 4,368	29.17%
Homewood	\$ 29,872	-11.44%	\$ 30,469	2.00%	\$ 34,448	13.06%	\$ 34,609	-10.70%	\$ 35,186	1.67%	\$ 41,953	19.23%
La Quinta	\$ 26,530	5.33%	\$ 30,766	15.97%	\$ 39,131	27.19%	\$ 27,531	-24.14%	\$ 33,459	21.54%	\$ 41,272	23.35%
ESA - Plano Pkwy	\$ 5,515	-15.55%	\$ 7,779	41.04%	\$ 6,929	-10.93%	\$ 6,871	19.20%	\$ 9,147	33.12%	\$ 7,812	-14.59%
Amerisuites	\$ 33,303	31.90%	\$ 36,515	9.64%	\$ 39,833	9.09%	\$ 34,210	-20.81%	\$ 38,291	11.93%	\$ 42,295	10.46%
Candlewood	\$ 17,412	12.71%	\$ 22,462	29.00%	\$ 25,597	13.96%	\$ 19,989	-9.44%	\$ 25,213	26.14%	\$ 30,094	19.36%
Sun Suites	\$ 7,538	6.49%	\$ 9,246	22.67%	\$ 11,382	23.10%	\$ 6,895	-9.43%	\$ 8,805	27.71%	\$ 12,562	42.66%
ESA - Tollway	\$ 18,108	23.44%	\$ 18,154	0.25%	\$ 13,211	-27.23%	\$ 17,909	-20.08%	\$ 14,125	-21.13%	\$ 13,615	-3.61%
Town Place Suites	\$ 12,412	-10.37%	\$ 20,475	64.97%	\$ 27,925	36.39%	\$ 14,392	24.02%	\$ 21,328	48.19%	\$ 32,938	54.43%
H.I Express Tollway	\$ 23,024	1.66%	\$ 24,257	5.36%	\$ 28,871	19.02%	\$ 24,363	10.47%	\$ 26,205	7.56%	\$ 32,161	22.73%
Marriott at Legacy	\$ 143,290	-5.43%	\$ 180,538	25.99%	\$ 280,708	55.48%	\$ 175,883	14.48%	\$ 203,970	15.97%	\$ 239,670	17.50%
Homewood - E. 190	\$ 21,367	n/a	\$ 26,176	22.51%	\$ 47,099	79.93%	\$ 32,465	n/a	\$ 43,765	34.81%	\$ 49,876	13.96%
Quarter Total	\$ 658,187	1.50%	\$ 746,703	13.45%	\$ 998,924	33.78%	\$ 697,317	7.89%	\$ 814,641	16.83%	\$ 987,838	21.26%
Y-T-D Revenues	\$ 658,187	1.50%	\$ 746,703	13.45%	\$ 998,924	33.78%	\$ 1,355,504	4.69%	\$ 1,561,344	15.19%	\$ 1,986,762	27.25%

	Third Quarter*						Fourth Quarter*					
	2003-04	Percent Change	2004-05	Percent Change	2005-06	Percent Change	2003-04	Percent Change	2004-05	Percent Change	2005-06	Percent Change
Ramada	\$ 8,349	-21.02%	\$ 7,639	-8.50%	\$ -	0.00%	\$ 8,479	-10.06%	\$ 9,911	16.88%	\$ -	0.00%
Southfork	\$ 33,105	-21.65%	\$ 37,470	13.19%	\$ -	0.00%	\$ 31,618	8.94%	\$ 45,000	42.32%	\$ -	0.00%
H. I. Express Central	\$ -	0.00%	\$ 33,456	n/a	\$ -	0.00%	\$ 10,057	-56.34%	\$ 35,887	256.85%	\$ -	0.00%
La Quinta Central	\$ 19,985	19.33%	\$ 20,720	3.67%	\$ -	0.00%	\$ 19,562	4.72%	\$ 22,654	15.81%	\$ -	0.00%
Marriott	\$ 130,065	3.78%	\$ 123,874	-4.76%	\$ -	0.00%	\$ 136,091	8.28%	\$ 153,814	13.02%	\$ -	0.00%
Motel 6	\$ 17,628	-7.69%	\$ 17,867	1.35%	\$ -	0.00%	\$ 18,147	-5.13%	\$ 19,606	8.04%	\$ -	0.00%
Sleep Inn	\$ 7,489	-30.32%	\$ 8,344	11.42%	\$ -	0.00%	\$ 8,049	-22.51%	\$ 10,194	26.64%	\$ -	0.00%
Comfort Inn	\$ 9,882	15.35%	\$ 14,120	42.88%	\$ -	0.00%	\$ 10,141	52.30%	\$ 11,804	16.40%	\$ -	0.00%
Best Western	\$ 21,883	16.95%	\$ 18,993	-13.21%	\$ -	0.00%	\$ 20,866	12.48%	\$ 22,676	8.68%	\$ -	0.00%
Super 8	\$ 6,129	-30.80%	\$ 10,723	74.95%	\$ -	0.00%	\$ 6,929	-16.81%	\$ 12,458	79.79%	\$ -	0.00%
Hampton Inn	\$ 30,767	21.71%	\$ 39,348	27.89%	\$ -	0.00%	\$ 33,500	17.81%	\$ 41,541	24.01%	\$ -	0.00%
Homestead Suites	\$ 10,225	-16.70%	\$ 14,370	40.53%	\$ -	0.00%	\$ 10,484	13.76%	\$ 13,262	26.50%	\$ -	0.00%
Red Roof Inn	\$ 14,436	-12.49%	\$ 13,642	-5.50%	\$ -	0.00%	\$ 14,098	1.06%	\$ 14,634	3.80%	\$ -	0.00%
Days Inn	\$ 9,361	-10.29%	\$ 8,525	-8.93%	\$ -	0.00%	\$ 9,430	-0.89%	\$ 9,119	-3.30%	\$ -	0.00%
Fairfield Inn	\$ 22,253	31.60%	\$ 28,685	28.90%	\$ -	0.00%	\$ 22,923	35.48%	\$ 27,852	21.50%	\$ -	0.00%
Plano Inn & Suites	\$ 4,928	-35.08%	\$ 4,992	1.30%	\$ -	0.00%	\$ 4,603	-28.97%	\$ 4,649	0.99%	\$ -	0.00%
Homewood Suites	\$ 35,314	-5.99%	\$ 38,965	10.34%	\$ -	0.00%	\$ 37,484	-2.12%	\$ 41,407	10.47%	\$ -	0.00%
La Quinta	\$ 33,750	13.14%	\$ 42,082	24.69%	\$ -	0.00%	\$ 31,282	-1.18%	\$ 40,027	27.96%	\$ -	0.00%
ESA - Plano Pkwy	\$ 8,516	-9.98%	\$ 8,704	2.20%	\$ -	0.00%	\$ 8,543	-3.02%	\$ 8,624	0.96%	\$ -	0.00%
Amerisuites	\$ 38,825	15.84%	\$ 40,307	3.82%	\$ -	0.00%	\$ 35,869	-3.22%	\$ 41,876	16.75%	\$ -	0.00%
Candlewood	\$ 27,776	84.85%	\$ 22,611	-18.60%	\$ -	0.00%	\$ 20,484	21.37%	\$ 26,348	28.63%	\$ -	0.00%
Sun Suites	\$ 9,279	-3.50%	\$ 11,445	23.34%	\$ -	0.00%	\$ 10,720	33.53%	\$ 12,893	20.27%	\$ -	0.00%
ESA - Tollway	\$ 20,810	9.47%	\$ 20,304	-2.43%	\$ -	0.00%	\$ 20,566	0.03%	\$ 19,654	-4.43%	\$ -	0.00%
Town Place Suites	\$ 19,258	39.09%	\$ 25,864	34.31%	\$ -	0.00%	\$ 25,764	20.07%	\$ 34,688	34.64%	\$ -	0.00%
H.I Express Tollway	\$ 27,082	15.58%	\$ 28,772	6.24%	\$ -	0.00%	\$ 25,324	2.21%	\$ 29,374	15.99%	\$ -	0.00%
Marriott at Legacy	\$ 181,839	2.38%	\$ 202,050	11.11%	\$ -	0.00%	\$ 229,161	20.62%	\$ 200,902	-12.33%	\$ -	0.00%
Homewood - E. 190	\$ 40,776	0.00%	\$ 48,634	19.27%	\$ -	0.00%	\$ 44,218	100.00%	\$ 45,389	2.65%	\$ -	0.00%
Quarter Total	\$ 789,712	6.47%	\$ 892,505	13.02%	\$ -	0.00%	\$ 854,389	13.61%	\$ 956,242	11.92%	\$ -	0.00%
Y-T-D Revenues	\$ 2,145,217	5.34%	\$ 2,453,849	14.39%	\$ -	0.00%	\$ 2,999,606	7.57%	\$ 3,410,091	13.68%	\$ -	0.00%

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



P.O. Box 860358
Plano, Texas 75086-0358
972-769-4140
Fax No. 972-769-4172

MEMORANDUM



DATE: May 15, 2006

TO: Mayor and the City Council
Cc: Tom Muehlenbeck, City Manager
Rod Hogan, Executive Director

FROM: Jimmy B. Foster, P.E., Director of Public Works

SUBJECT: Drought Contingency Ordinance and Plan

In 2004, the Plano City Council adopted by resolution the North Texas Municipal Water District's (NTMWD) Model Water Conservation Plan as the City's Water Conservation Plan. The City of Plano has had a Drought Contingency Plan since 1997, however, staff recommends that an adaptation of the NTMWD Model Drought Contingency Plan now be adopted in order to provide uniformity across the NTMWD service area.

The current crisis facing the NTMWD and the City of Plano is triggered by several factors. The sources of water for the NTMWD are Lake Lavon, Lake Chapman and Lake Texoma. The availability of water from all three lakes is limited, but the extended drought has taxed the availability of water from Lake Chapman and Lake Texoma. At its current level below 484 feet, Lake Lavon is also at a critical level. If the taking of water from Lake Texoma and Lake Chapman is reduced or held to permitted levels, then the water level in Lake Lavon will drop even more rapidly, and this will occur at a time when our use is the greatest. Projected usage for the remainder of the 2006 calendar year, without substantial reduction, could potentially force the NTMWD to exceed authorized water rights granted by the State of Texas.

In meetings with the NTMWD, the Member Cities have been told that, without significant spring rainfall, coping with the ongoing drought situation could necessitate a significant reduction in water production and use by the time late spring and early summer arrive in north Texas. Thus far, we have not had that significant spring rainfall. NTMWD has announced that it will go to Stage 3 on June 1, 2006. This ordinance will allow the City of Plano to follow suit within a short period of time after this date.

The initiation of the four stages in the Drought Contingency Plan is linked to a declaration of water supply emergency by either the NTMWD or by the Plano City Manager. Each stage puts in place increasingly stringent water conservation measures. The measures at Stage 1 are optional and the measures at Stages 2 - 4 are mandatory.

The goal of Stage 1 (Mild) is to raise water conservation awareness and does not have an associated reduction goal in water production by NTMWD. The goal of Stage 2 (Moderate) is to continue to raise water conservation awareness and is associated with a desired two (2) percent decrease in water production. The goal of Stage 3 (Severe) is to reduce water production by five (5) percent. The goal of Stage 4 (Emergency) is to reduce water production by ten (10) percent. Logically, if NTMWD reduces its water production by two, five, or ten percent, the Member Cities will need to follow suit in terms of water consumption.

MEMO

Mayor and City Council
May 8, 2006
Page 2

Stage 3 restricts landscape irrigation uses to once every seven (7) days on a schedule tied to a zonal map, a copy of which is included with the proposed ordinance. Stage 4 prohibits all residential and commercial landscape irrigation using potable water, except for 2 hours daily by the use of a soaker hose or hand held hose to water building foundations.

The Drought Contingency Plan measures are designed to increasingly reduce water consumption by the Member Cities and the other customers of the NTMWD. Consumption may be reduced by water conservation education and by increasingly severe restrictions on water usage.

A long-term severe drought situation may result in greater reductions than the 10% reduction goal of Stage 4 of the Drought Contingency Plan. In this case, the NTMWD may have such a limited supply of water to distribute that it would ration the daily amount of water that is delivered to each of its customers. The water district would be forced to limit the water supply to a predetermined quantity of water by ceasing to pump water into its customers' ground storage tanks. In order to maintain the ability to provide water for essential human consumption and to maintain the capability to maintain a water supply for fire fighting, the City at that point would have to step up enforcement of violations of usage restrictions and possibly implement rate surcharges to encourage reduced water use. (Note: Rate surcharges would require separate City Council action.)



Drought Contingency Plan and Water Emergency Plan



Lake Lavon: January 2006



2005 the Driest Year Since the 1950s in DFW

Driest Years for DFW

Rank	Rainfall (in.)	Year
1	17.91	1921
2	17.97	1910
3	18.11	1899
4	18.55	1956
5	18.97	2005

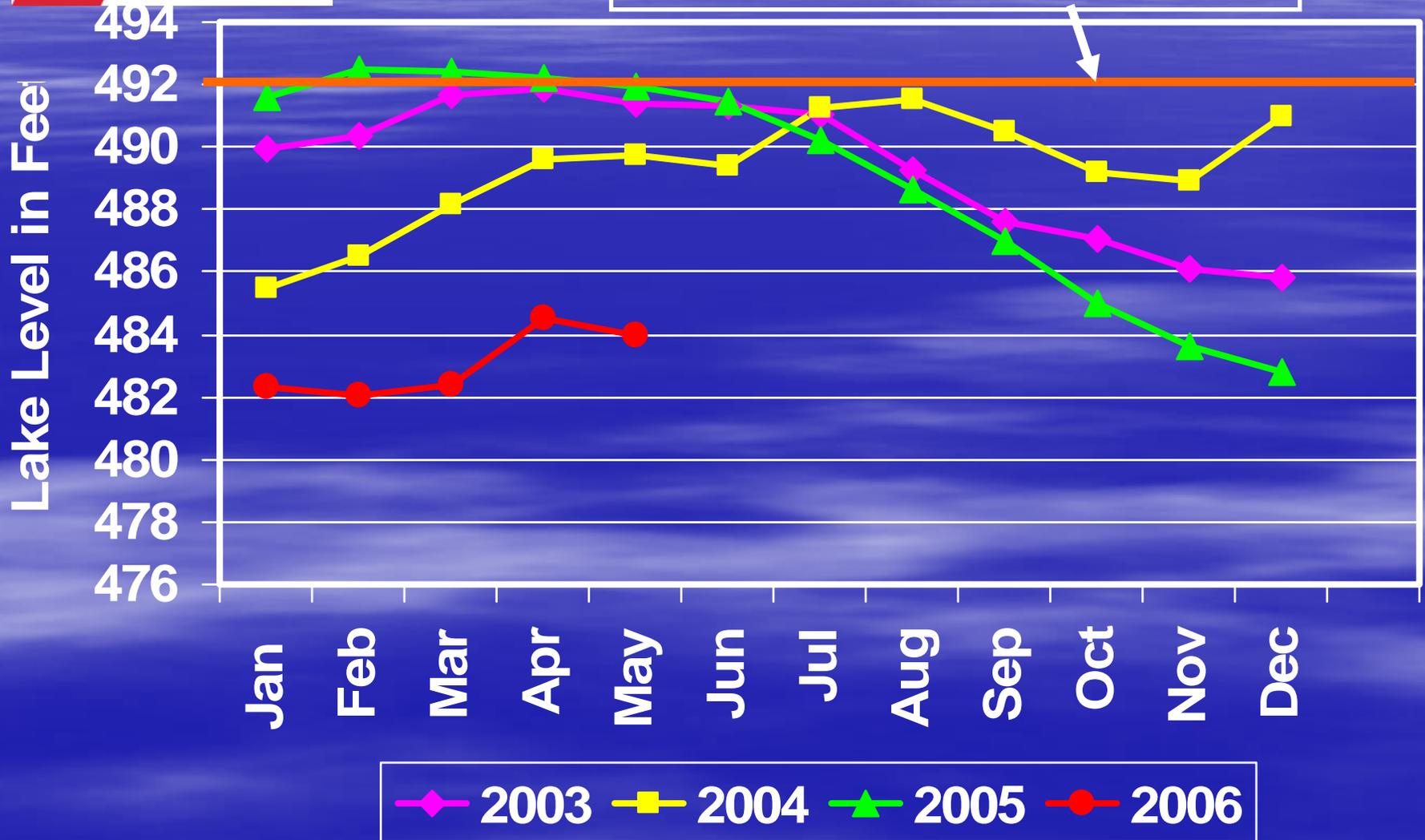
Driest Since the 50s Drought

Rank	Rainfall (in.)	Year
1	18.97	2005
2	20.46	1963
3	22.08	1980
4	22.23	1972
5	23.59	1999



Lake Lavon Elevation

Conservation Pool- 492'





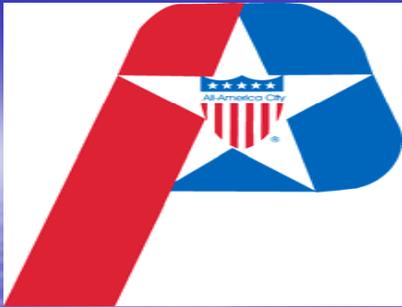
NTMWD Reservoir Levels

Lake	Conservation	Current (5/9/06)	Down
Lavon	492.0	483.90	-8.10
Cooper	440.0	431.62	-8.38
Texoma	618.38	617.43	-0.95



Other Reservoirs (5/9/06)

Dallas			
Roberts	632.5	630.05	-2.45
Lewisville	522.0	515.74	-6.26
Grapevine	535.0	530.39	-4.61
Hubbard	438.8	435.51	-3.29
Tawakoni	437.5	432.17	-5.33
TRWD/Ft. Worth			
Bridgeport	836.0	826.51	-9.49
Eagle Mountain	649.0	645.41	-3.59
Lake Worth	594.0	593.39	-0.61
Benbrook	694.0	691.65	-2.35
Cedar Creek	322.0	320.33	-1.67
Richland Chambers	315.0	310.04	-4.96



Drought & Emergency Response Stages

- Lavon Full- 492' above MSL
- Stage 1, Mild
 - Lavon 484'
- Stage 2, Moderate
 - Lavon 481'
- Stage 3, Severe
 - Lavon 478'
- Stage 4, Emergency
 - Lavon 475'

Voluntary
Conservation
Measure



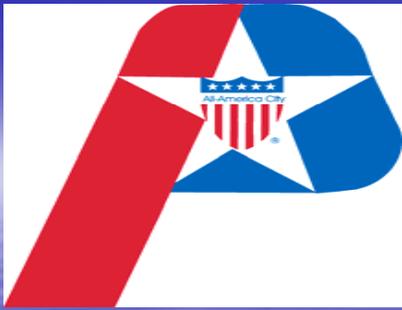
Mandatory
Conservation
Measures





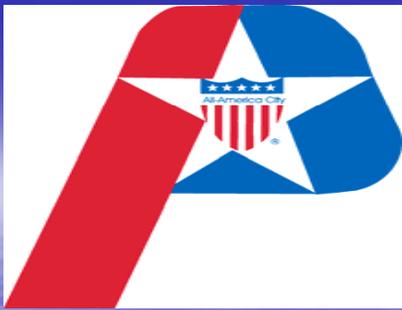
Stage 3: Why Now?

- **NTMWD has water rights in 3 lakes – Lavon, Texoma, and Chapman.**
- **The availability of water in Lake Texoma and Lake Chapman is limited.**
- **If water cannot be taken in needed quantities from Lake Texoma and Lake Chapman, then larger volumes must come from Lake Lavon, which is already critically low.**



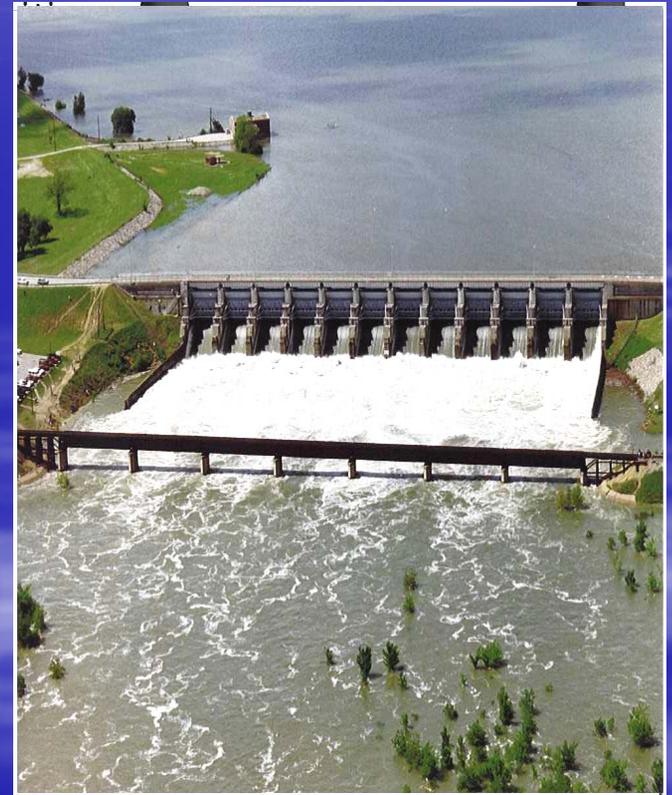
Stage Initiation & Termination

- North Texas Municipal Water District notifies wholesale customers of drought or emergency supply condition.
- **City Manager, upon recommendation of the Director of Public Works and in consultation with City Council, initiates/terminates a particular emergency stage:**
 - Media announcement, website, Cable TV, mass mailing to citizens
- **City can initiate/terminate an emergency stage for issues in its own water distribution system.**



Stage 1, Mild NTMWD Initiation

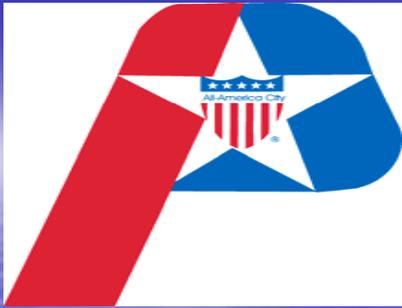
- Water withdrawal near permitted amount.
- Lake Lavon or Lake Chapman 8' below conservation storage
- NTMWD demand exceeds 90% water production capacity for 7 days
- NTMWD demand exceeds delivery capability
- Source contamination
- Delivery system component failure





Stage 1, Mild City Initiation

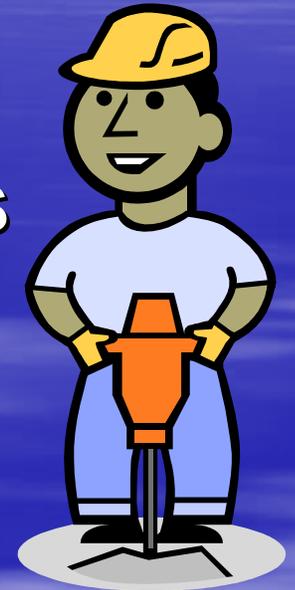
- Demand exceeds 90% of finished water production or delivery capacity 3 consecutive days
- Demand exceeds delivery capacity
- Supply source contamination
- Delivery system component failure
- **City cannot recover 90% of storage in ground storage tanks and elevated water tanks in a 24-hour period**

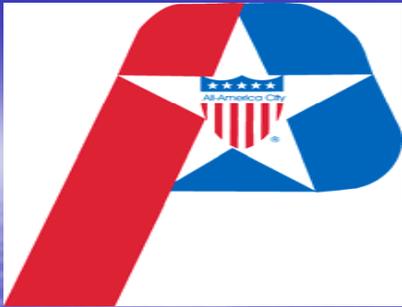


Stage 1, Mild Actions Available

Goal- *Raise Awareness*

- Increase public education
- Request voluntary use reductions
- Intensify City leak detection and water line repair efforts
- Review non-essential City uses
- Encourage public to reduce landscape watering.
- Work with major water users to get voluntary reductions in use





Stage 2, Moderate NTMWD Initiation

- *Water withdrawal near permitted amount.*
- *Lake Lavon 11' below conservation storage or Lake Chapman 10' below*
- Demand exceeds 90% of finished water production or delivery capacity 7 consecutive days
- NTMWD demand exceeds delivery capability
- Source contamination
- Delivery system component failure



Stage 2, Moderate City Initiation

- *Demand exceeds 95% of finished water delivery capability for 5 consecutive days*
- Demand exceeds delivery capability
- Contamination (storage tank or water line)
- Delivery system component failure
- *City cannot recover 90% of storage in a 48-hour period*

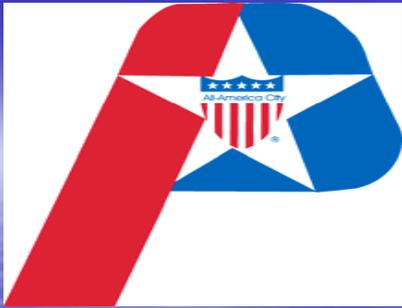


Stage 2, Moderate Actions Available

**Goal- 2% reduction in water
produced by NTMWD**

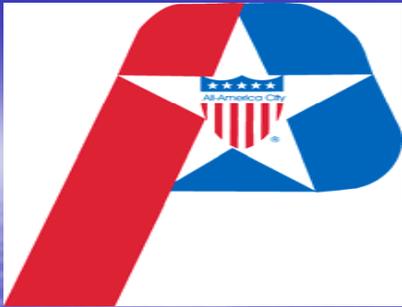
- Continue Stage 1 actions
- Prohibit outdoor watering between 7:00 p.m. and 9:00 a.m.
- Prohibit excessive run-off from irrigation
- Prohibit washing/Hosing of buildings or paved surfaces
- Encourage public to delay installation of new landscape
- Reduce non-essential government use





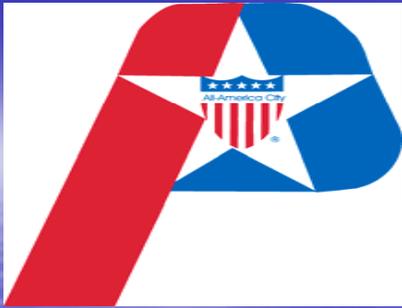
Stage 3, Severe NTMWD Initiation

- Water withdrawal near permitted amount
- Lake Lavon and Lake Chapman 14' below conservation storage
- NTMWD demand exceeds 98% of water production capacity for 3 consecutive days
- NTMWD demand exceeds delivery capability
- Source contamination
- Delivery system component failure



Stage 3, Severe City Initiation

- *Demand exceeds 98% of finished water delivery capacity for 3 consecutive days*
- Demand exceeds delivery capability
- Contamination (storage tank or water line)
- Delivery system component failure
- *City cannot recover 90% of storage in a 72-hour period*

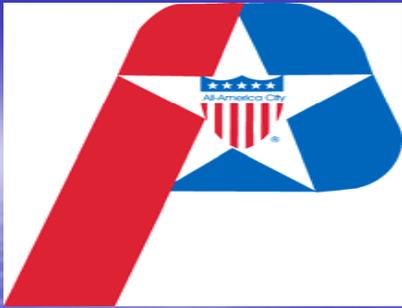


Stage 3, Severe Actions Available

**Goal- 5% reduction in water
produced by NTMWD**

- Continue actions under stages 1 & 2
- Landscape watering is limited to one day per week (7:00 p.m. to 9:00 a.m. only)
- Landscape beds may be hand watered anytime.
- Foundations may be watered with soaker hoses only.
- Excessive run-off continues to be prohibited





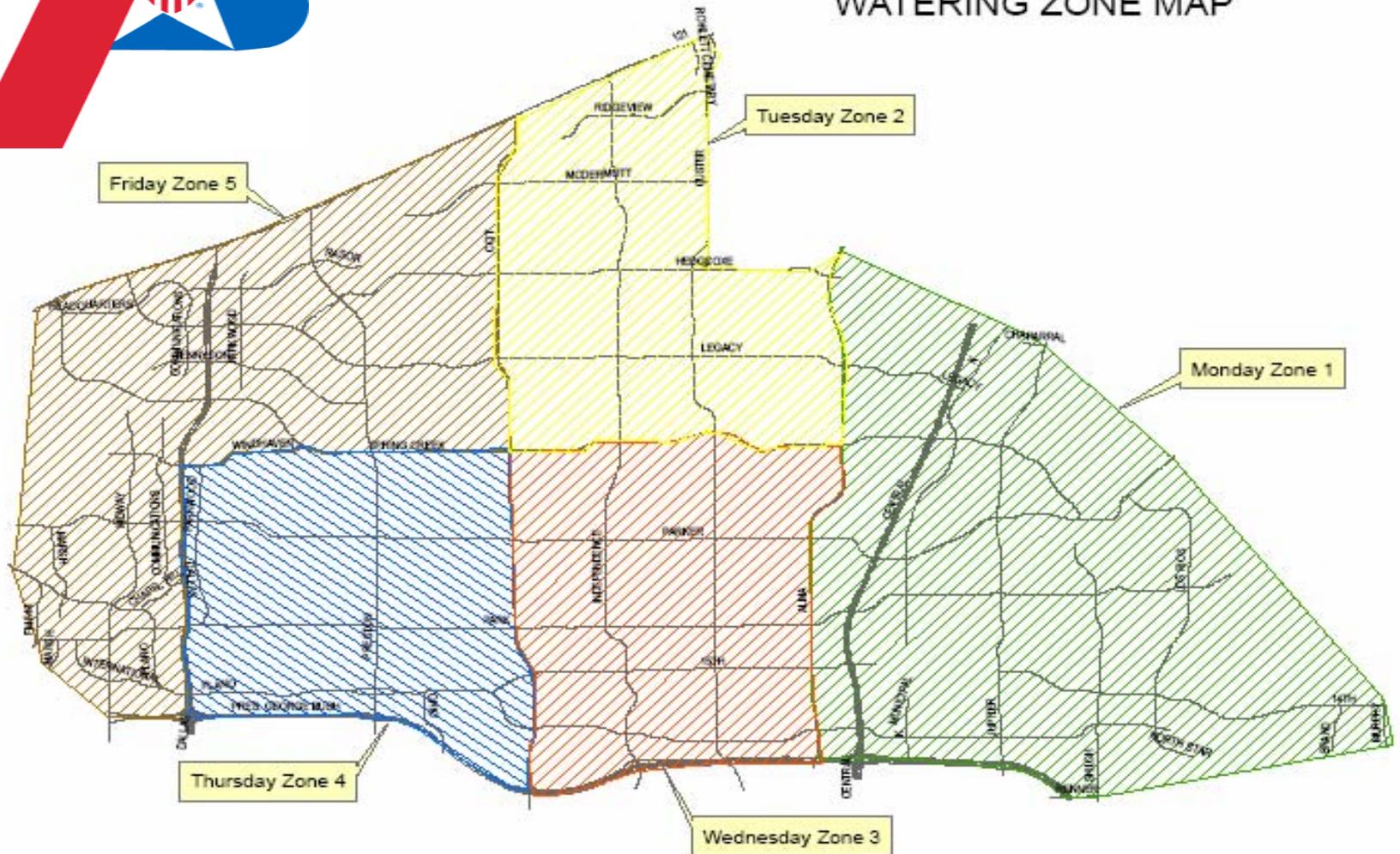
Stage 3, Severe Actions Available Cont'd

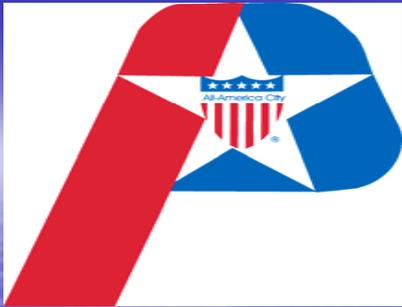
- Pools may be replenished to maintain operational levels.
- Golf course irrigation will be limited to greens and tee boxes
- COP parks will be irrigated on Sunday p.m. to Monday a.m.





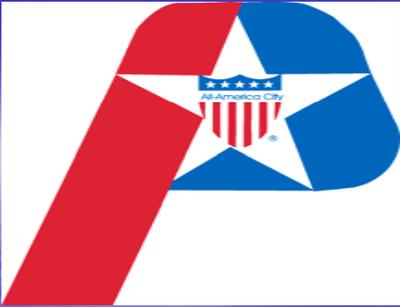
WATERING ZONE MAP





Stage 4- Emergency NTMWD Initiation

- Water withdrawal equals or exceeds permitted amount.
- Lake Lavon or Lake Chapman 17' below conservation storage
- NTMWD demand exceeds 100% of water production capacity
- NTMWD delivery system demand exceeds delivery capability
- Source contamination
- Delivery system component failure



Stage 4, Emergency City Initiation

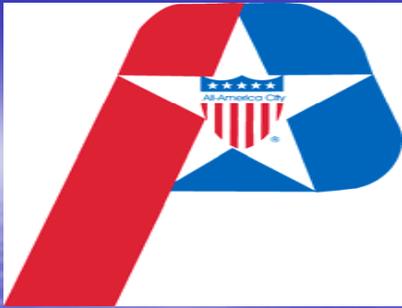
- *Demand exceeds 100% of finished water delivery capability*
- Demand exceeds delivery capability
- Contamination (storage tank or water line)
- Delivery system component failure
- *City cannot recover storage in a reasonable period beyond 72 hours.*



Stage 4- Emergency Actions Available

***Goal- 10% reduction in water
produced by NTMWD***

- Continue actions under Stages 1, 2 & 3
- Prohibit all commercial & residential landscape watering
- Foundations may be watered
- Prohibit irrigation of all parks and athletic fields that utilize potable water
- Prohibit construction of new water lines
- Prohibit use of potable water for construction purposes



Stage 4- Emergency Exceptions

- Building foundations may be watered with a soaker hose only
- Only golf course tees and greens may be watered with treated water
- May replace water loss in existing public and private pools



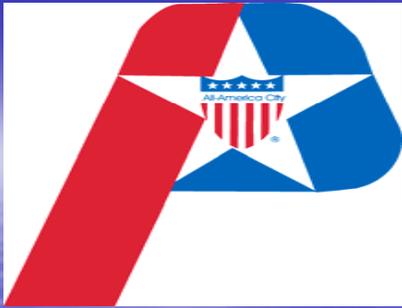


Enforcement

- **Mandatory water restrictions will be enforced by:**
 - **1st Violation- Citations may be issued**
 - **After 3rd violation - water service may be cut off**

Up to a \$2,000 Fine!





Variances

- **The City may approve meritorious variances to a NTMWD or City provision, requirement, or action if:**
 - Failure to grant the variance causes an emergency condition affecting health, sanitation, or fire safety
 - Compliance cannot be accomplished due to technical or other limitations
 - Alternative methods to achieve the same reduction in water use can be implemented

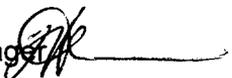


Recommendation

City Council approve this ordinance adopting the City's Drought Contingency Plan

MEMORANDUM

TO: Mayor and City Council

FROM: Thomas H. Muehlenbeck, City Manager 

DATE: May 10, 2006

On February 27, 2006 the 2004/2005 Management Preparation Program (mP3) Class presented the concept of sustainability and recommended the City adopt this concept as an organizational priority. The mP3 class included a long list of current accomplishments and recommendations for future consideration.

Based on a positive response from the Council that evening, the Manager's office initiated an internal request for proposals (RFP). The RFP gave departments the opportunity to take on a number of new responsibilities and create an organizational leadership team to address sustainable concepts. Three departments responded and Mrs. Nancy Nevil and the Environmental Waste Division were selected to head up this program. Nancy's outstanding accomplishments in recycling, composting, and environmental education are considered industry benchmarks and her passion for this program will be significant for success. Like most successful programs, our program will start small and concentrate on communicating our current efforts and engaging our organization and community to develop and implement long-term sustainable solutions.

Throughout time our Council's have actively supported many of the concepts of sustainable programs including proactive environmental programs in Public Works, Fleet, Engineering, Planning, Building Inspections and Environmental Health.

For the City to continue to be a regional leader and support a vibrant community, it is important to set organization priorities regarding sustainability. Sustainable concepts address three of the Council's goals including: Premier City for Families, Livable Neighborhoods and Service Excellence. We believe that by becoming an advocate for sustainable practices in the community our organization will enhance our ranking in the regional as a progressive municipal entity.

Mrs. Nevil will make a short presentation to the Council on May 22, 2006, outlining the program and will be available to answer questions.

VIII 2

MEMORANDUM

TO: Honorable Mayor and Members of City Council

FROM: Paige Mims, Assistant City Attorney III,
by and through Diane Wetherbee, City Attorney *DW*

DATE: May 8, 2006

RE: Temporary Off-Site Signs

The following information addresses the possible amendments to the temporary sign ordinance for off-site signs. Also included are excerpts of the current ordinances regarding real estate and temporary signs.

Each of the options expands the ability to place temporary off site signs on residential property. Option 1 has two alternatives, "a" and "b", and is the most limited approach as the alternatives are only applicable to real estate signs. The current ordinance allows real estate signs to be placed in non-residential and residential zoning districts. (Chapter 6, Section 6-492) The proposed change provides specific rules for off-site real estate signs and limits them to residential property with time and size limitations. There are two alternatives, Option 1a limits the frequency to four times per year, and Option 1b allows off-site real estates signs on weekends only throughout the year. In each alternative, consent of the owner is required and the off site real estate sign is limited to one per lot.

Option 2 creates a new section entitled Temporary Off-Site Signs. This provision is the least restrictive and allows any temporary off-site sign on residential property without regard to the content of what is printed on the sign but with other limitations. Consent of the owner is required; the size is limited to eight square feet; and, no more than one off site sign per lot is allowed. If this option is adopted, Section 6-495, Garage Sale Signs, would be removed as the new provision would cover the off-site garage sale signs. The general garage sale sign regulation will also be revised to clarify that the time limit is limited to on-site signs only. (City Code section 11-368).

OPTIONS

Option 1a – Minimum Frequency Real Estate Signs Sec. 6-492. Real Estate Signs

Real estate signs may be erected in non-residential and residential zoning districts. Required setback shall be a minimum of eight (8) feet from the property line to eliminate visibility problems. On site signs shall not exceed thirty-two (32) square feet with a maximum height of fifteen (15) feet and shall be limited to one per lot. An on-site real estate sign shall be removed upon the sale or lease of the property.

An off site real estate sign size is limited to eight (8) square feet with a maximum height of thirty (30) inches and may be placed on residential property with the consent of

the owner. Temporary off site real estate signs will only be allowed for up to four (4) days per calendar year. Signs shall be limited to one per lot.

Real estate signs advertising the lease of individual units in multifamily districts shall be allowed upon issuance of a Certificate of Occupancy for a period not to exceed one year.

Option 1b – Weekend Real Estate Signs*
Sec. 6-492. Real Estate Signs

Real estate signs may be erected in non-residential and residential zoning districts. Required setback shall be a minimum of eight (8) feet from the property line to eliminate visibility problems. On site sign size shall not exceed thirty-two (32) square feet with a maximum height of fifteen (15) feet and shall be limited to one per lot. An on-site real estate sign shall be removed upon the sale or lease of the property.

An off site real estate sign size is limited to eight (8) square feet with a maximum height of thirty (30) inches and may be placed on residential property with the consent of the owner. Temporary off site real estate signs will only be allowed from 9:00 am on Saturday to 6:00 pm on the following Sunday in the same weekend. Temporary off site real estate signs shall not be displayed on weekdays. Signs shall be limited to one per lot.

Real estate signs advertising the lease of individual units in multifamily districts shall be allowed upon issuance of a Certificate of Occupancy for a period not to exceed one year.

Option 2
Sec. 6-495. Off-Site Temporary Signs

Off-site temporary signs may be erected only on residential property for up to four (4) days per calendar year. The sign size shall not exceed eight (8) square feet with a maximum height of thirty (30) inches. Consent of the property owner must be obtained to display an off-site temporary sign. Signs shall be limited to one per lot.

*This alternative is preferred by the Building Inspections Department because it simplifies the criteria and proof for enforcement and should promote ease in public understanding of the regulation.

Cc: Thomas H. Muehlenbeck, City Manager
Selso Mata, Chief Building Official

Attachments: Current regulations for temporary signs for real estate, off-site temporary signs, and off-site garage sale signs

IXb

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS AMENDING CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS OF THE CITY OF PLANO CODE OF ORDINANCES, BY ADDING ARTICLE XII, TEMPORARY SIGNS, PROVIDING TEMPORARY SIGNS REGULATIONS AND DEFINITIONS; PROVIDING A PENALTY CLAUSE; A SEVERABILITY CLAUSE; A REPEALING CLAUSE; A PUBLICATION CLAUSE; AND AN EFFECTIVE DATE.

WHEREAS, the City Council has enacted regulations regarding temporary signs in the City of Plano, which regulations are now part of the Comprehensive Zoning Ordinance of the City of Plano; and

WHEREAS, to allow enforcement by the Building Official, or his respective designee(s), any peace officer, and any code enforcement officer, the City Council must add temporary signs regulations to Chapter 6 of the City Code of Ordinances.

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

Section I. Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano is hereby amended by adding Article XII to read in its entirety as follows:

“ARTICLE XII. TEMPORARY SIGNS

DIVISION 1. DEFINITIONS

Sec. 6-486. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Banner means a temporary sign made of cloth, canvas, or other light fabric.

Dilapidated or Deteriorated Condition means:

176

- (1) Where elements of the surface or background have portions of the finished material missing, broken, or otherwise existing such that they are illegible.
- (2) Where the structural support or frame members are visibly bent, broken, dented, or torn.
- (3) Where the panel is visibly cracked or, in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition.
- (4) Where the sign or its elements are twisted, leaning, or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support).
- (5) Where the message or wording can no longer be clearly read.
- (6) Where the sign or its elements are not in compliance with the requirements of the current Electrical Code and/or the Building Code of the City of Plano.

Public right-of-way means the surface of, and the space above and below a public street, road, highway, freeway, land, path, public way or place, alley, court, boulevard, parkway, drive, or other easement now or hereafter held by or under the control of the city to which the city holds the property rights. The term is synonymous with "street," "public way," and "right-of-way." Private property does not include the area that is between the curb and outside edge of the sidewalk.

Sign means any device conveying either commercial or noncommercial messages or both commercial and noncommercial messages for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public but not including any lawful display of merchandise. The term "sign" shall also mean and include any display of one or more of the following:

- (1) Any letter, numeral, figure, emblem, picture, outline, character, spectacle delineation, announcement, trademark, or logo.
- (2) Multicolored bands, stripes, patterns, outlines, or delineations displayed for the purpose of commercial identification.
- (3) Anything specified above in part or in combination by any means whereby the same are made visible from beyond the boundaries of the lot or parcel of property on which the same are displayed for the purpose of attracting attention outdoors to make anything known.

Sign – A-frame/Sandwich Board means self-supporting A-shaped sign with two visible sides that is situated on or adjacent to a sidewalk.

Sign – Amenity means any sign advertising options, features, or conveniences offered by a business and installed in a manner which is temporary as defined by this ordinance.

Sign – Development/Construction means any onsite temporary sign pertaining to the development of land or construction of buildings and/or the identity of a developer or any related party, for such building or land.

Sign – Freestanding means an onsite sign or three-dimensional representation of a figure or object not attached to any building, supported by uprights, braces or some other approved support, which is capable of withstanding the stress from weight and wind load.

Sign – Garage Sale means any sign advertising the sale of personal household goods in a residential zoning district or on the property of a nonprofit organization for which a garage sale permit has been issued.

Sign – Model Home means any sign identifying a new home, either furnished or unfurnished, as being a builder's or contractor's model open to the public for inspection.

Sign – Noncommercial means any sign used for a noncommercial purpose.

Sign – Political means any sign relating to a particular candidate for a partisan or nonpartisan office, or to a political proposition or measure.

Sign – Portable means any sign that is not permanently attached to or affixed to the ground, a building, an object, or other fixed structure. This term specifically includes an advertising display affixed to or installed on a vehicle or other mobile unit, such as trailer, wheel, or skid.

Sign – Promotional means any temporary advertising items used to promote a business. Such items include banners, flags, pennants, streamers, balloons, inflatable signs, and any legal sign allowed by this ordinance.

Sign – Real Estate means any onsite temporary sign pertaining to the sale or rental of property and advertising property only for the use for which it is legally zoned.

Sign – Sandwich Board See Sign – A-frame.

Sign – Special Event means signage allowed in conjunction with a Special Event Permit.

142

Sign – Temporary means any sign used to display information relating to a land use or event of limited duration which is not rigidly and permanently installed in the ground, attached to a building, or as identified in this ordinance.

Sign – Temporary Directional means any temporary sign used to direct potential customers to a legal business location within the city limits of Plano.

Sign – Setback means the horizontal distance between a sign and the front or side property line, as measured from that part of the sign, including its extremities and supports nearest to any point on any imaginary vertical plane projecting vertically from the front or side property line.

DIVISION 2. PROHIBITED SIGNS

Sec. 6-487. Prohibited Signs

Except as otherwise expressly allowed by this ordinance, the following signs and conditions are prohibited:

- (a) Signs displaying materials determined to be obscene by a court of law or prohibited by law, subject to the appeal and judicial review proceedings provided for in Subsection 3.1601.9.f of the Comprehensive Zoning Ordinance.
- (b) Signs placed in any location which by reason of their location will obstruct the view of any authorized traffic sign, signal, or other traffic control device by vehicular or pedestrian traffic. No sign shall be erected which, by reason of shape, color, size, design, or position, would be reasonably likely to create confusion with, to be confused as, or to interfere with any traffic signal or device which is authorized by the appropriate state or local government authorities. Further, no sign shall be placed in a location that will obstruct vision of a vehicle operator while entering, exiting, or traveling upon the public right-of-way.
- (c) Signs placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the Building Code of the City of Plano or by Fire Department regulations.
- (d) Portable signs, including those on vehicles where the intent is to use the vehicle as advertising. This provision does not restrict identification signs on vehicles or other signs attached to vehicles, which are legally licensed and operated upon public streets.

- (e) A-frame and sandwich board signs except where allowed in a zoning district.
- (f) Signs that are animated by any means not providing constant illumination, except time and temperature units. Signs which rotate or emit audible sound or visible matter. No sign shall be illuminated to such intensity or in such a manner so as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance to vehicular traffic, pedestrians, or adjacent properties.
- (g) Signs located on public property including, but not limited to, signs attached to any public utility pole or structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property.
- (h) Balloons, flags, pennants, or other floating or inflatable signs or devices anchored to the ground or to any other structure, except, as allowed under the provisions of this article.
- (i) Roof signs.
- (j) Temporary signs except as allowed by this article.
- (k) Amenity signs.
- (l) Billboard signs.
- (m) Signs attached to a standpipe or fire escape.
- (n) Signs erected on or over public property or in the right-of-way of any thoroughfare within the City of Plano, unless the same is erected by the city or with the permission of the city for public purposes. (Exception: Signs located in the Downtown Business/Government district may be erected over the public sidewalk provided the sign projects no more than the width of the sidewalk minus one foot and provided the clearance between the bottom of the sign and the sidewalk below is a minimum of seven feet.)
- (o) No person shall attach any sign, paper, or other material, or paint, stencil, or write any name, number (except house numbers), or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, or structure, except as otherwise allowed by this ordinance.

- (p) No person shall place on or suspend from any building, light fixture, pole structure, sidewalk, parkway, driveway, or parking area any goods, wares, merchandise, or other advertising object or structure for the purpose of advertising such items other than a sign, as defined, regulated, and prescribed by this ordinance, except as otherwise allowed by this ordinance.
- (q) It shall be unlawful for any person to place or cause to be placed any private temporary directional sign(s) within the city of Plano on any public right-of-way of any major or minor thoroughfare (street designated as Type A, B, C, D, E, F, or G in the City of Plano Thoroughfare Plan). The Building Official may impound all signs in violation of this section.
- (r) Searchlights.
- (s) Offsite/Premise signs (except as allowed in Subsection 3.1503.5.i of the City of Plano Comprehensive Zoning Ordinance). 

DIVISION 3. PERMITTED SIGNS

Sec. 6-488. Banners

A temporary banner is allowed and shall be securely attached to the front or side of a building face. Each business shall be allowed two banner permits per calendar year, and each permit shall be good for a maximum of 30 days. A minimum of 30 days shall be required between each banner permit. Banners shall be kept in good repair and remain firmly anchored or secured. Commercial banners are prohibited in single-family residential districts.

Sec. 6-489. Development/Construction Signs

Development or construction signs may be erected in nonresidential and residential zoning districts. Such signs shall relate only to the property or subdivision on which they are located and shall not exceed 100 square feet with a maximum height of 20 feet. Required setback shall be 20 feet from the front property line. Each property or subdivision may have one such sign or one for each 50 acres or portion thereof. A development or construction sign shall be removed upon completion of the project or subdivision.

Sec. 6-490. Model Home Signs

Model home signs may be erected in residential zoning districts and shall not exceed 16 square feet with a maximum height of six feet. Required setback

shall be 50% of the distance between the front property line and the building but no less than ten feet from the front property line. Model home signs are limited to one per premise. Each builder in a subdivision may have one model home sign, and the permit for such sign shall be granted for a period of time to coincide with the validity of the model home's Certificate of Occupancy.

Sec. 6-491. Political Signs/Noncommercial Purpose Signs

Political and noncommercial purpose signs 36 square feet or less are allowed on private property with the consent of the property owner, but are prohibited on public property, including the rights-of-way. Political signs may be placed on private property no earlier than 120 days prior to the election for which the sign is applicable and must be removed not later than the 15th day following the election. City personnel may remove and dispose of any sign placed on public property or within the rights-of-way.

Sec. 6-492. Real Estate Signs

Real estate signs may be erected in nonresidential and residential zoning districts and shall not exceed 32 square feet with a maximum height of 15 feet. Required setback shall be eight feet from front property line, and signs are limited to one per street front. A real estate sign shall be removed upon the sale of the property. Real estate signs advertising the lease of individual units in multifamily districts shall be allowed upon issuance of a Certificate of Occupancy for a period not to exceed one year.



Sec. 6-493. Promotional Signage

- (a) Promotional signage is allowed for two, two-week periods each calendar year per legal business. A two-week period will commence on the first day promotional signage is displayed. The two, two-week periods shall not occur in the same or consecutive months. A legal business shall include any commercial, industrial, or institutional use for which the Building Inspection Department has issued a Certificate of Occupancy. In the case of a special promotion for a grand opening celebration, one period may be extended to a three-week period provided the promotion commences within the first three months of the date of issuance of a Certificate of Occupancy, and the grand opening is limited to the address noted on the Certificate of Occupancy.
- (b) Promotional signage may include banners, flags, pennants, streamers, balloons, inflatable signs, and any legal signs allowed by this ordinance. Any device described as promotional signage shall not exceed an overall height of 35 feet.

- (c) A separate permit is required for each two-week period promotional signage will be used. If any device described as promotional signage in the above paragraph is installed prior to issuance of a permit, and investigation fee will be assessed in addition to the permit fee.
- (d) Promotional signage shall be contained on the property of the legal business and shall not extend into the city right-of-way. Signage shall not be located in any sight visibility triangle nor shall any combustible materials be placed in contact with lighted signs or any electrical fixtures.

Sec. 6-494. Signage for Temporary/Seasonal Businesses

Seasonal business signs are reviewed as part of the issuance of a seasonal business permit as set out in Section 11-156 of Chapter 11, Licenses and Building Regulations of this Code, and shall be limited to one of the following:

- (a) A temporary, freestanding sign, maximum 32 square feet in area with an eight foot setback from the front property line.
- (b) An onsite banner, maximum 32 square feet in area with an eight foot setback from the front property line. The banner must be securely installed and be completely mounted on a rigid surface.

Sec. 6-495. Garage Sale Signs

Garage sale signs may be displayed on private property with the consent of the owner on the day of the sale and shall not exceed a maximum of eight square feet. Private property does not include the area that is between the curb and outside edge of the sidewalk.



Sec. 6-496. Special Event Signage

Special event signage shall be reviewed as part of the overall Special Event Permit as set out in Section 11-311 of Chapter 11, Licenses and Building Regulations of this Code, and shall be limited to the following:

- (a) Any signage allowed under promotional signage.
- (b) One, maximum 100 square foot sign, maximum height of 15 feet.

- (c) All special event signage shall be limited to the property holding the event.
- (d) The sign shall be allowed up to 14 days prior to the event and shall be removed within 24 hours at the end of the event.

DIVISION 4. PERMIT REQUIREMENTS AND EXEMPTIONS

Sec. 6-497. Exempt Signs

All signs allowed under this article must obtain a permit from the Building Official of the City of Plano unless specifically exempt. The following signs are exempt from the permit requirement; however, such signs shall comply with all other ordinance requirements:

- (a) Signs not exceeding eight square feet in area which advertise the sale, rental, or lease of the premises on which such signs are located.
- (b) Signs not exceeding 16 square feet in area when located upon the premises of a public, charitable, or religious organization.
- (c) Signs located inside a building and which are not displayed so as to be visible from outside the building including, but not limited to, signs located in covered mall buildings.
- (d) Temporary contractor signs not exceeding 16 square feet in area provided they comply with all other requirements of this ordinance.
- (e) Political and noncommercial purpose signs on private property.
- (f) Incidental signs provided they comply with all other requirements of this ordinance.
- (g) Memorial signs or tablets, names of buildings, and date of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- (h) Temporary or seasonal sale signage provided that they comply with all other requirements of this ordinance.
- (i) Traffic or street signs, legal notices, railroad crossing signs, danger, and such emergency, temporary or non-advertising signs as approved by the City of Plano.

- (j) Window signs provided all other requirements of the ordinance are met.
- (k) Garage sale signs provided that they comply with all other requirements of this ordinance.
- (l) Copy change only for signs otherwise allowed under this ordinance.
- (m) Nameplates not exceeding one square foot in area.
- (n) Onsite directional signs provided that they comply with all other requirements of this ordinance.
- (o) Occupational signs provided then they comply with all other requirements of this ordinance.
- (p) Flags and flagpoles under 20 feet in height provided that they comply with all other requirements of this ordinance.
- (q) Signage for Special Event Permits shall be reviewed with the Special Events Permits and shall comply with all requirements of this ordinance.
- (r) Sign facings when replaced for the same business.
- (s) Replacement of letters on non-illuminated wall signs with identical letters (same shape and size).

DIVISION 5. VIOLATIONS AND ENFORCEMENT

Sec. 6-498. Violations

- (a) A person is responsible for a violation of this ordinance if the person is:
(1) the permit holder, owner, agent, or person(s) having the beneficial use of the sign, (2) the owner of the land or structure on which the sign is located, or (3) the person in charge of erecting the sign.
- (b) It shall be unlawful for any person to erect, replace, alter, or relocate any sign within the City of Plano, or cause the same to be done, without first obtaining a permit to do so from the Building Official of the City of Plano, except for those signs exempt from a permit under Section 6-497 of this Article.

- (c) It shall be unlawful for any person to use, maintain, or otherwise allow the continued existence of any sign for which the required permit was not obtained.
- (d) It shall be unlawful for any person to install, construct, or display a prohibited sign, as defined herein, or any sign in violation of the provisions of this ordinance within the City of Plano.
- (e) It shall be unlawful for any person to violate any term or provision of this ordinance.

Sec. 6-499. Enforcement

- (a) **Authority.** The Building Official, or his respective designee(s), any peace officer, and any code enforcement officer is hereby authorized to issue a citation and to order the repair or removal of any dilapidated, deteriorated, abandoned, illegal, or prohibited signs from property within the corporate city limits of Plano, in accordance with the enforcement mechanisms set forth in this section.
- (b) **Removal of Sign.**
 - (1) Signs placed on public or city-owned property within the corporate limits of the City of Plano in violation of the law shall be removed and disposed of immediately without notice to interested parties.
 - (2) The City may remove a sign from private property which the Building Official finds to be an immediate and imminent threat to the public safety because of its dilapidated, deteriorated, or structural condition. If an emergency removal is required, within five (5) business days of the removal, the official shall notify in writing the owner of the sign, if known, and property owner where the sign was found of the grounds for removal. If impounded, the official shall notify in writing the owner of the sign, if known, and property owner of the process for retrieval. Notice to the owner is not a prerequisite to the removal of the sign."

Section II. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

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

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

DULY PASSED AND APPROVED this the ____ day of _____, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

1/12

MEMO

DATE: May 11, 2006

TO: Honorable Mayor and City Council
City Manager Muehlenbeck

FROM: Di Zucco, Assistant City Secretary 

RE: Personnel Appointment - Executive and Worksession Meetings

The following appointments will be considered at the May 22, 2006 Council Meeting.

<u>Executive Session</u>	<u>Worksession Meeting</u>
No items to consider	<u>Community Relations Commission</u> One Interim Position – exp. 10-07 Resignation of Victoria Hoyos Arango <u>Retirement Security Plan Committee</u> One Interim Position – exp. 10-06 Consideration of Chair Resignation of Mike Busch

70

**Discussion/Action Items for Future Council Agendas
(as of May 16, 2006)**

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

May 22

Canvass Vote
Dart Report
Mobility Report
U.S. 75 Widening
Comprehensive Monthly Financial Report
Water Conservation Plan
Transition/Revitalization Report
Real Estate Signs

May 25 – District 3 Roundtable, Davis Library Program Room, 7 p.m.

May 29 – Memorial Day Holiday

June 2 – 5, Texas City Managers Association – Corpus Christi

June 5 – 7, Council Workshop – Lyle Sumek

June 12

Board of Adjustment Report

Public Hearing: Comprehensive Plan Revision - Request to amend the Parks and Recreation Element of the Comprehensive Plan. **Applicant: City of Plano**

Public Hearing: Comprehensive Plan Revision - Request to amend the Public Services and Facilities Element of the Comprehensive Plan. **Applicant: City of Plano**

June 26

Dart Report
Mobility Report
Comprehensive Monthly Financial Report
Parks and Recreation Report

July 4 – Independence Day Holiday

July 24

Dart Report
Mobility Report
Comprehensive Monthly Financial Report
Building Standards Report

July 26

Budget Presentation

August 14

Technology Commission

August 17 - Board/Commission Reception, PSA Star Center, 6 p.m.-7p.m.

August 19

Council Budget Worksession
Board/Commission Reception (2 p.m. – 3 p.m.)

August 24 – District 4 Roundtable, Haggard Library Program Room, 7 p.m.

August 28

Dart Report
Mobility Report
Comprehensive Monthly Financial Report
Retirement Security Plan Committee

September 4 – Labor Day Holiday

September 10 – 13, International City Management Association, San Antonio

September 11

Self Sufficiency Report
Adopt Operating Budget, Community Investment Program, Set Tax Rate

VLD

September 25

Dart Report
Mobility Report
Comprehensive Monthly Financial Report
Plano Housing Report

October 9

TIF 1 and 2 Report

October 23

Dart Report
Mobility Report
Comprehensive Monthly Financial Report
Youth Advisory Committee Report

October 25-28, Texas Municipal League, Austin, Texas

November 9 – District 2 Roundtable Plano Sports Authority StarCenter, 7 p.m.

November 13

November 23, 24 – Thanksgiving Holidays

November 27

Dart Report
Mobility Report
Comprehensive Monthly Financial Report

December 5 - 9, National League of Cities, Reno, Nevada

December 11

December 14, City of Plano Employee Holiday Luncheon, Plano Centre, 11 am – 1 pm

December 19

Dart Report

Mobility Report

Comprehensive Monthly Financial Report

December 22, 25 Christmas Holidays

January 1, 2007 – New Year Holiday

11/1



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY			Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:		<i>05/22/06</i>	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager's Office			Initials	Date
Department Head	Tom Muehlenbeck		Executive Director		
Dept Signature:			City Manager	<i>[Signature]</i>	<i>[Signature]</i>
Agenda Coordinator (include phone #): Sharon Wright ext. 7107					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER					
CAPTION					
Proclamation: National Public Works Week - 2006					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget	0	0	0	0	
Encumbered/Expended Amount	0	0	0	0	
This Item	0	0	0	0	
BALANCE	0	0	0	0	
FUND(S):					
COMMENTS:					
SUMMARY OF ITEM					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 5/22/06		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager's Office		Initials	Date
Department Head	Tom Muehlenbeck		Executive Director	
Dept Signature:			City Manager	<i>[Signature]</i> <i>5/15/06</i>
Agenda Coordinator (include phone #): Sharon Wright ext. 7107				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER				
CAPTION				
Proclamation: DART - 10 th Anniversary of Light Rail				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

MEMORANDUM

DATE: May 9, 2006

TO: Honorable Mayor and City Council

FROM: Russ Kissick, Transition and Revitalization Commission Chairperson

SUBJECT: Transition and Revitalization Commission Annual Report

I am pleased to provide you with the Transition and Revitalization Commission's 2006 Annual Report. During the past year, TRC has worked on a number of projects including the Urban Centers Study, a Workforce Housing Study and implementation of the *Plano at Maturity Report*. Progress on these items is summarized below.

1. For over a year, TRC has been studying urban centers and considering what role this type of development might play in Plano's future. This past winter we met with both the Planning and Zoning Commission and City Council to present Phase I and to solicit feedback on and approval of the three sites recommended for further study in Phase II. For the past few months, TRC has focused on Phase II which includes case studies of the three sites and recommendations for implementation. We expect to present the final Urban Center Report including Phase II to the Planning and Zoning Commission and City Council early this summer for your consideration and adoption.
2. In response to City Council's 2006 Strategic Plan, TRC is currently studying workforce housing in Plano. Even though we have encountered difficulties locating detailed statistics on this topic, the study is progressing well and we look forward to meeting with you in early August to present an interim report.
3. TRC will begin its annual review of implementation activities related to the *Plano at Maturity Report* next month. We expect to issue a report summarizing our findings and recommendations in August or September.

As always, we appreciate the opportunity to apprise you of our activities. If you have any questions please let me know. We look forward to making a brief presentation during your May 22nd meeting.

Attachment

cc: Thomas H Muehlenbeck, City Manager
Rod Hogan, Executive Director for Public Services
Frank F. Turner, Executive Director for Development
Phyllis Jarrell, Planning Director
Jeff Zimmerman, Long Range Planning Manager
Kate Tovell, Senior Planner

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
May 8, 2006**

COUNCIL MEMBERS

Pat Evans, Mayor
Scott Johnson, Mayor Pro Tem
Sally Magnuson, Deputy Mayor Pro Tem
Shep Stahel
Loretta Ellerbe
Harry LaRosilieri
Jean Callison

STAFF

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

Mayor Evans called the meeting to order at 5:08 p.m., Monday, May 8, 2006, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Stahel. Council Member Callison arrived at 5:09. Mayor Evans then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071, and to discuss Personnel, Section 551.074 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting at 6:06 p.m. in the Council Chambers where the following matters were discussed:

Consideration and Action Resulting From Executive Session Discussion

No items were brought forward.

Discussion and Direction Regarding a Proposed Real Estate Transaction by the Collin County Central Appraisal District

City Manager Muehlenbeck stated that the Collin County Central Appraisal District has made a request of the taxing units to support a request to move their office to the City of McKinney.

Chief Appraiser Jimmy Honea spoke to the existing lease and to consideration to purchase a permanent location for the appraisal district. He stated that bids were received identifying one property in Allen and one property in McKinney. Mr. Honea stated that the board of directors recommended the McKinney site, and spoke to tax code requirements to pass a resolution.

City Manager Muehlenbeck spoke to the appraisal district's cost sharing table of comparisons for budget revenues between the entities and stated that the Plano Independent School District (PISD) would carry the larger share of all the entities. Mr. Honea responded to the City Manager that should school tax rates be lowered, the City's rate would go up. The City Manager advised that PISD supports the resolution and recommended that the Council approve the applicable resolution on the Consent Agenda.

Council Items for Discussion/Action on Future Agendas

No items were brought forward.

Consent Agenda

Mayor Evans advised that she will be stepping down on portions of Regular Item One, Public Hearing and resolution to adopt the 2006-07 Action Plan, and Regular Item Three, Resolution to approve agreements with various community organizations, which have to do with Christ United Methodist Church due to possible conflicts of interest should there be a vote on these items.

Council Reports

Deputy Mayor Pro Tem Magnuson stated that she attended the Plano Education Foundation awards event.

Mayor Pro Tem Johnson stated that he and Mayor Evans, Deputy Mayor Pro Tem Magnuson and Council Member Ellerbe attended the Asian American Festival.

Deputy Mayor Pro Tem Magnuson spoke to the annual Plano Firefighters awards picnic. Mayor Evans stated that she and Mayor Pro Tem Johnson, Deputy Mayor Pro Tem Magnuson, and City Manager Muehlenbeck attended the event.

Council Member Callison stated that she attended the Youth Advisory Committee dinner.

Mayor Evans stated that she attended the Plano Baseball Association Parade.

Nothing further was discussed. Mayor Evans adjourned the Preliminary meeting at 6:20 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary

PLANO CITY COUNCIL
May 8, 2006

COUNCIL MEMBERS

Pat Evans, Mayor
Scott Johnson, Mayor Pro Tem
Sally Magnuson, Deputy Mayor Pro Tem
Shep Stahel
Jean Callison
Loretta L. Ellerbe
Harry LaRosiliere

STAFF

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

Mayor Evans convened the Council into the Regular Session on Monday, May 8, 2006, at 7:00 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Stahel.

The invocation was led by Sr. Pastor Gary Mueller of First United Methodist Church Plano.

The Pledge of Allegiance was led by Tiger Cub Scout Pack 1225 – Den 2 of Jackson Elementary School.

ITEMS FOR INDIVIDUAL CONSIDERATION:

Public Hearing and adoption of Resolution No. 2006-5-1(R) to adopt the 2006-07 Action Plan, including the Final Statement of Community Development Block Grant (CDBG) and HOME Program Objectives and Proposed Use of Funds for Program Year 2006-2007; and declaring an effective date. Tabled 04/24/06 [Regular Agenda Item (1)]

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member LaRosiliere, the Council voted 6-0 to remove the item from the table.

Community Relations Commission Chair Moss spoke regarding condensing the grant process which provides for a comprehensive review of all requests, one cycle for agencies and the commission and a reduction in the number of contracts for the City. She spoke to the criteria used for determining whether an agency is in the CDBG or Community Service Grant (CSG) group.

Ms. Moss advised regarding the total amount of funding available for public service funds and the requests received. She stated that the ratio of requested funding to the monies available was 65% for both CDBG and CSG. Ms. Moss spoke regarding additional funding provided by the Council following the hurricanes in 2005 and stated that this year's grants are comparative to pre-Katrina statistics.

Ms. Moss responded to Council Member LaRosiliere advising that three agencies were added to the CDBG category based on the amounts they requested. Neighborhood Services Manager Buffington spoke to the Plano Housing Authority not making a request last year and to Homeless Prevention being a City program, not an agency so that it would not comply with CSG requirements. Ms. Moss spoke to the Commission's focus on emergency services and to additional monies provided for shelter/food items following Hurricane Katrina with a resultant drop back to normal funding levels for this year. She spoke to the Commission providing specific direction with regard to those programs being funded by agencies.

Mr. Buffington responded to Council Member LaRosiliere advising that following Council's direction, CDBG funding is used primarily for housing and stated that the three agencies were added because their requests provided a ratio of 65% between requests and funding available. He spoke regarding the balance of emergency service requests between the two funding sources. Ms. Moss spoke to consideration of the merits of each request and the total dollars the Commission has to work with.

City Attorney Wetherbee clarified that following the Public Hearing, the Council would consider a resolution to adopt the Commission's Action Plan including a list of services funded. She stated that Mayor Evans would be stepping down for consideration of Christ United Methodist Church's portion of the recommendation and that she will do the same for Regular Agenda Item No. 3 (approval of agreements). Ms. Wetherbee stated that Regular Agenda Item No. 2 approves the filing of applications. She noted that Mayor Evans does not have a prohibited financial interest, but would step down based on her membership in the church.

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

Upon a motion made by Council Member LaRosiliere and seconded by Mayor Pro Tem Johnson, the Council voted 6-0 to adopt the 2006-07 Action Plan, including the Final Statement of Community Development Block Grant (CDBG) and HOME Program Objectives and Proposed Use of Funds for Program Year 2006-2007; and declaring an effective date and further to adopt Resolution No. 2006-5-1(R) with the exception of Christ United Methodist Church.

Mayor Evans stepped down from the bench on consideration of Christ United Methodist Church due to a possible conflict of interest.

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member Ellerbe, the Council voted 5-0 to approve the proposed use of funds for Program Year 2006-2007 for Christ United Methodist Church.

Mayor Evans resumed her place at the bench.

Resolution No. 2006-5-2(R): To authorize the filing of applications for federal funds in an amount not to exceed \$1,756,176 under the Housing and Community Development Act, the Home Investment Partnership Act, and the American Dream Downpayment Act; designating Thomas H. Muehlenbeck as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. Tabled 04/24/06 [Regular Agenda Item (2)]

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 6-0 to remove the request from the table.

Neighborhood Services Manager Buffington advised the Council that approval of this resolution authorizes the City to make application for the federal funds being discussed.

Upon a motion made by Mayor Pro Tem Johnson and seconded by Council Member Callison, the Council voted 6-0 to authorize the filing of applications for federal funds in an amount not to exceed \$1,756,176 under the Housing and Community Development Act, the Home Investment Partnership Act, and the American Dream Downpayment Act; designating Thomas H. Muehlenbeck as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date; and further to adopt Resolution No. 2006-5-2(R).

Resolution No. 2006-5-3(R): To approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of Community Development Block Grant funds in the amount of \$713,454 and HOME funds in the amount of \$130,531 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date. Tabled 04/24/06 [Regular Agenda Item (3)]

Upon a motion made by Council Member Callison and seconded by Council Member LaRosiliere, the Council voted 6-0 to remove the item from the table.

Neighborhood Services Manager Buffington advised the Council that this item authorizes contracts with non-profit agencies. He stated that it would have no bearing on Community Service Grants as these will be brought for consideration after the budget hearings. City Attorney Wetherbee spoke to removing consideration of the request for Christ United Methodist Church to allow Mayor Evans to step down on that portion of the request.

Resolution No. 2006-5-3(R) (cont'd)

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Mayor Pro Tem Johnson, the Council voted 6-0 to approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of Community Development Block Grant funds in the amount of \$713,454 and HOME funds in the amount of \$130,531 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2006-5-3(R) with the exception of Christ United Methodist Church.

Mayor Evans stepped down from the bench on consideration of Christ United Methodist Church due to a possible conflict of interest.

Upon a motion made by Mayor Pro Tem Johnson and seconded by Council Member LaRosiliere, the Council voted 5-0 to approve the terms and conditions of an agreement between the City of Plano and United Methodist Church.

Mayor Evans resumed her place at the bench.

Mayor Evans presented special recognition to the Council's Volunteer of the Month – Mabrie Jackson, the Plano Senior High School Wildcats Decathlon Team –State 5-A Champions, Marine Recruiters Station Plano Poolees, and Employee of the Year – Tony Han. She made presentations regarding the 2006 Outdoor Air Quality Poster Contest Winners and the 2006 Paul L. Standberry Scholarship Award. Mayor Evans read proclamations recognizing National Historic Preservation Month – 2006, American Legion Auxiliary Poppy Month – 2006, Neurofibromatosis Awareness Month – 2006 and Public Service Recognition Week – 2006. She recognized Don Wendell, Director of Parks and Recreation for his 25 Years of Service to the City of Plano.

GENERAL DISCUSSION

Sonja Hammar, citizen of the City, stated concern that the City's web site contains links to sites containing political endorsements and spoke regarding information provided on other cities' web sites. She requested the formation of a task force or an agenda item for discussion of the information requested by citizens. City Manager Muehlenbeck advised that while the City may have links to newspapers or other organizations that have made endorsements, the City site carries no political advertising or endorsements. He spoke to e-mail listserves created by the City to provide information to citizens automatically and the opportunity for citizens to pose questions via the internet. Mr. Muehlenbeck spoke to citizens directly contacting not only the Council but administrative staff and department heads. He advised that the City will continue to work to improve the web site and City Secretary Bealke spoke to providing adopted ordinances and resolutions on the site. Ms. Hammar spoke to including *Conflict of Interest* forms and looking into who is permitted to link into the City's web site.

Jack Lagos, citizen of the City, spoke regarding the Arts of Collin County property being listed as tax exempt in appraisal district records. He stated concern regarding the Articles of Incorporation being presented to the appraisal district, the Internal Revenue Service (IRS) in an application for 501(c)(3) charitable status and the County Commissioners as part of an application for grant funding. Mr. Lagos spoke the possible effect of rollback taxes and requested discussion. City Attorney Wetherbee advised that the Articles of Incorporation have been adopted by the three participating cities and spoke to the process for determination by the IRS which could take as long as nine to twelve months. She stated that the Arts of Collin County had filed within the time period required for them to be considered a not-for-profit organization and that they have complied in all respects of the law and can be treated as such.

BOARD/COMMISSION REPORTS

Planning and Zoning Commission Chair Kalchthaler spoke regarding recent activities including work on the Comprehensive Plan, implementation of the Retail Study and review of the Traffic Impact Analysis Ordinance as well as parking and lot coverage regulations. She advised that since January 2006 the Commission has completed work on the Stormwater Management Plan and Infill Housing Study. She spoke to new issues and trends including redevelopment and revitalization, new housing types and revision to worksession rules allowing for more input from homeowners. Ms. Kalchthaler reviewed areas of redevelopment and spoke to the increase in requests for townhomes and condominiums. She spoke regarding zoning cases becoming more site specific and regarding the Commission's consideration of land use and not the applicant. Ms. Kalchthaler responded to the Council, stating that the residential component of redevelopment is increasing and spoke to adapting housing styles to the City's aging population and the challenges of addressing infill housing.

Upon a motion made by Council Member LaRosiliere and seconded by Mayor Pro Tem Johnson the Council voted 6-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

CONSENT AGENDA

Approval of Minutes [Consent Agenda Item (A)]

April 24, 2006

Approval of Expenditures

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

Bid No. 2006-95-C for an annual fixed price contract for Professional Kitchen Personnel for Food Services at Plano Centre to Dixie Staffing in the estimated annual amount of \$35,000. This will establish a one year contract with two City optional one-year renewals. [Consent Agenda Item (A)]

Bid No. 2006-113-B for Emergency Outdoor Warning System FPU 4008 Front Panel Upgrade to SAFER Services Corporation in the amount of \$82,057. [Consent Agenda Item (A)]

Bid No. 2006-128-C for an annual fixed price contract for Public Works Mowing and Landscaping Services (Rebid) to Priority Landscape Management in the estimated annual amount of \$70,396. This will establish a one year contract with two City optional one year renewals for Public Works Mowing and Landscaping Services. [Consent Agenda Item (A)]

Bid No. 2006-93-C for an annual fixed price contract for Concrete Mix to Redi-Mix in the estimated annual amount of \$323,054. This will establish a one year contract with two City optional one year renewals for Concrete Mix. [Consent Agenda Item (A)]

Bid No. 2006-114-B for the Purchase of ten Heavy Duty Equipment Trailers from Red River Truck Repair and Big Tex Trailers in the amount of \$45,581. [Consent Agenda Item (A)]

Bid No. 2006-124-C for Auto & Truck Non-OEM Parts to Plano Auto Supply & Machine, Inc. in the estimated annual amount of \$100,000. This will establish an annual contract with a fixed percentage discount off list price, with two optional one-year renewals. [Consent Agenda Item (A)]

Bid No. 2006-110-C for an annual fixed price contract for Collection Services and Verification of Financial Responsibility Services to Municipal Services Bureau in the estimated annual amount of \$92,594. This will establish a one year contract with four City optional one year renewals for collection of outstanding fines and verification of Failure to Maintain Financial Responsibility cases for Municipal Courts. [Consent Agenda Item (A)]

Purchase from Existing Contract/Agreement: (Purchase of products/services through Cooperative Purchasing Interlocal Contract with another governmental/quasi-governmental agency or an additional purchase from current City of Plano annual purchase agreement).

To authorize the purchase of one Bobcat Skid Loader in the amount of \$28,741 from Bobcat Company through the Texas Association of School Board Cooperative Purchasing Program contract and authorizing the City Manager to execute all necessary documents. (225-05). [Consent Agenda Item (A)]

To authorize the purchase of three Kustom Signal Smart I Radar Trailers in the amount of \$30,124 from Kustom Signals, Inc. through the H-GAC Cooperative Purchasing Program contract and authorizing the City Manager to execute all necessary documents. (EF 04-05) [Consent Agenda Item (A)]

To authorize the purchase of IP based hardware and software upgrades to the telephone switching infrastructure for \$234,565 from Affiliated Communications through an existing Contract/Agreement with the Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-VPC-03-029) [Consent Agenda Item (A)]

To authorize the purchase and installation of personal computers and laptops with related software, in the amount not to exceed \$728,253 from Gateway Companies, Inc. through the Department of Information Resources (DIR) and authorizing the City Manager to execute all necessary documents. (DIR-VPC-03-016) [Consent Agenda Item (A)]

Change Order: (Change to current City of Plano contract allowable under State law)

To Northstar Construction, Inc., increasing the contract by \$100,749 for the 2004-2005 Arterial Concrete Replacement Project, Independence Parkway – S.H. 190 to Parker Road and Willow Bend Drive from Plano Parkway to Park Boulevard, Project No. 5592, Change Order No. 1, Bid No. B132-05.

Reimbursement of Oversize Participation

To approve and authorize reimbursement to Windhaven Development, Ltd. for oversize participation for paving improvements in Windhaven Parkway associated with the construction of Avignon on Windhaven in the amount of \$38,861.

Adoption of Resolutions

Resolution No. 2006-5-4(R): To approve the purchase of Paratech Pneumatic Shoring Rescue Equipment and High Pressure Air Bags in the amount of \$78,585 from Metro Fire Apparatus Specialists Inc., the sole source vendor of such equipment and services; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase; and providing an effective date.

Resolution No. 2006-5-5(R): To approve and authorize refunds of property tax overpayments; and providing an effective date.

Resolution No. 2006-5-6(R): To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for a “Click It or Ticket” project, to be conducted during the Memorial Day Holiday period; authorizing the City Manager to execute any other documents necessary to effectuate the action taken; and providing an effective date.

Resolution No. 2006-5-7(R): To provide for a determination by the Plano City Council regarding the real estate transaction requested by the Board of Directors of the Central Appraisal District of Collin County; and providing an effective date.

Resolution No. 2006-5-8(R): To approve the dedication of a 0.0224 acre tract of land owned by the City of Plano, Texas for dedication as public right-of-way for 15th Street, said parcel situated in the Joseph Klepper Survey, Abstract No. 213, City of Plano, Collin County, Texas, and providing an effective date. The reconstruction of 15th Street from Avenue G to Avenue I requires additional right-of-way width (a total of 65 feet) for the planned roadway, sidewalk and landscape improvements.

Adoption of Ordinances

Ordinance No. 2006-5-9: To amend, in its entirety, Article VIII. Special Events of Chapter 11 Licenses and Business Regulations of the Code of Ordinances of the City of Plano; related to definitions, fees, filing periods, applications, appeals, parking, police protection, insurance, and other related matters; providing a repealer clause, a savings clause, a severability clause; and providing an effective date.

Ordinance No. 2006-5-10: To amend Ordinance No. 2005-7-5 to clarify the frequency of fee revenues for linear and street crossing fees for licensed use of the City's Rights of Way; and providing a repealer clause, a severability clause, and an effective date.

Ordinance No. 2006-5-11: To amend Section 12-101, Prohibited on certain streets at all times, and adding Section 12-102.7, No stopping, standing, or parking during specified periods to Article V, Stopping, Standing, and Parking, Chapter 12, Motor Vehicles and Traffic, of the Plano Code of Ordinances to include additional parking restrictions along and upon specified portions of 16th Street and I Avenue within the City limits of the City of Plano; providing a penalty clause, a repealer clause, a severability clause, a savings clause, and an effective date.

Ordinance No. 2006-5-12: To abandon all right, title and interest of the City, in and to that certain 0.546 acre drainage easement recorded in County Clerk's File No. 94-0096715 of the Deed Records of Collin County, Texas and being situated in the John M. Salmons Survey, Abstract No. 815, located north of Parker Road and approximately 1700 feet east of Jupiter Road which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Standard Pacific of Texas, L.P., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date.

Ordinance No. 2006-5-13: To approve a Communications Facilities License Agreement by and between the City of Plano, Texas and Dallas MTA, L.P., a Texas Limited Partnership, d/b/a/ Verizon Wireless, requiring the use or taking of a portion of City of Plano public park land, known as the Wellington site; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date.

Ordinance No. 2006-5-14: To approve a Communications Facilities License Agreement by and between the City of Plano, Texas and Dallas MTA, L.P., a Texas Limited Partnership, d/b/a/ Verizon Wireless, requiring the use or taking of a portion of City of Plano public park land, known as Jack Carter Park; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date.

There being no further discussion, Mayor Evans adjourned the meeting at 8:48 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	5/22/06	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Public Works Administration / Michael Rapplear <i>MR</i>	Initials	Date	
Department Head	Jimmy Foster	Executive Director	<i>[Signature]</i>	5-15-06
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	5/15/06
Agenda Coordinator (include phone #): Margie Stephens (X4104)				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
<i>Award, Rejection of Bids/Proposals, Bid No. 2006-131-B for the 2005- 2006 Residential Street & Alley Pavement Rehabilitation Project, , Zones M7, L8 & K8 to Jerusalem Corporation in the amount of \$1,042,450.00.</i>				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2005-06	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	2,403,550	4,500,000	4,000,000	10,903,550
Encumbered/Expended Amount	-2,403,550	-3,305,728	0	-5,709,278
This Item	0	-1,042,450	0	-1,042,450
BALANCE	0	151,822	4,000,000	4,151,822
FUND(S):				
COMMENTS: Funds are included in the Re-Estimated 2005-06 Capital Reserve CIP. This item, in the amount of \$1,042,450, will leave a current year balance of \$151,822 for the Residential Street & Alley Replacement program.				
STRATEGIC PLAN GOAL: Residential street & alley replacement relates to the City's Goals of Safe, Livable Neighborhoods and Safe and Efficient Travel.				
SUMMARY OF ITEM				
Staff recommends the bid of Jerusalem Corporation in the amount of \$ 1,042,450.00 be accepted as the lowest responsible bid for the project conditioned upon timely execution of all necessary documents.				
This project involves the replacement of street and alley pavement in the residential areas bounded by Legacy Drive on the south, Central Expressway on the east, Hedgcoxe Road on the north and Custer Road on the west.				
The secondary vendor being recommended is Santos Construction in the amount of \$1,238,325.00.				
Engineer's estimate for this project is \$1,145,450.00.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Bid Tabulation Location Map				

b-1

**CITY OF PLANO
BID TABULATION
2006-131-B**

**2005-06 Residential Street and Alley Pavement Rehabilitation
Project-Zones M7, L8 and K8
PROJECT NO. 5711
Thursday, May 4, 2006 @ 3:00 PM**

CONTRACTOR	BID BOND	TOTAL BID
Jerusalem Corp.	Yes	\$1,042,150.00
Santos Construction	Yes	\$1,238,325.00
McMahon Contracting, L.P.	Yes	\$1,291,400.00
Jim Bowman Construction Co., L.P.	Yes	\$1,300,200.00

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

Sharron Mason

Sharron Mason, Buyer

May 4, 2006

Date

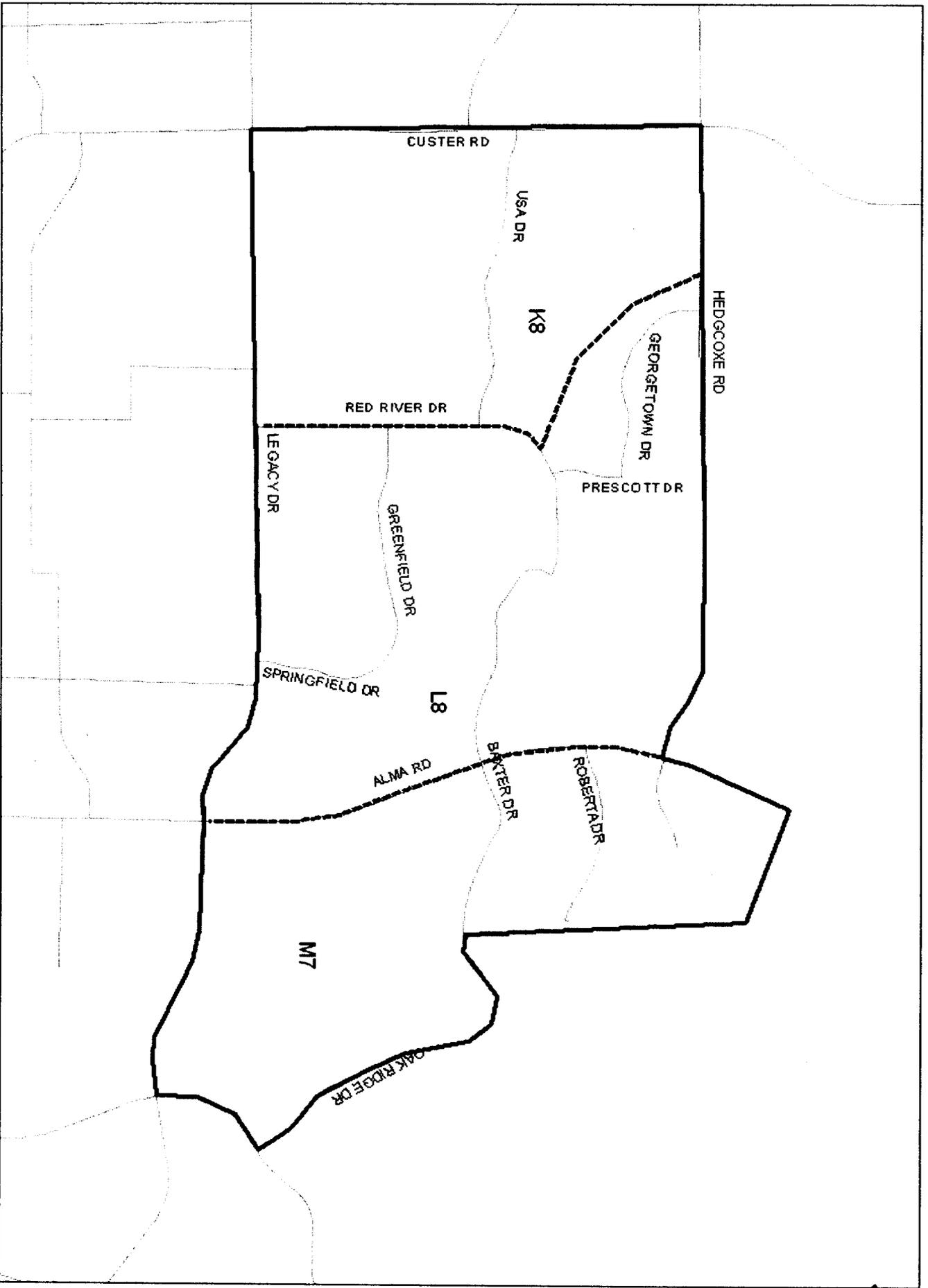
“BID TABULATION STATEMENT”

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

PURCHASING DIVISION
CITY OF PLANO TEXAS

b-2

2005-2006 RESIDENTIAL STREET & ALLEY PAVEMENT REHABILITATION PROJECT. PROJECT NO. 5711
LOCATION MAP



b-3



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date:	05/22/06	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Engineering	Initials	Date		
Department Head	Upchurch	Executive Director	<i>[Signature]</i> 5/15/06		
Dept Signature:	<i>[Signature]</i>	City Manager			
Agenda Coordinator (include phone #):		Irene Pegues (7198)	Project No. 5392		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Award/Rejection of Base Bid for Bid No. 2006-137-B for Riverbend Lakes Dredging to Rimrock Enterprises, Inc. in the amount of \$299,950.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	2005-06	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		6,625	340,375	100,000	447,000
Encumbered/Expended Amount		-6,625	-53,279	0	-59,904
This Item		0	-299,950	0	-299,950
BALANCE		0	-12,854	100,000	87,146
FUND(S): MUNICIPAL DRAINAGE CIP					
COMMENTS: Funds are included in the 2005-06 Re-Estimated Municipal Drainage Community Investment Program. This item, in the amount of \$299,950, will be encumbered during the current fiscal year and carry forward into the cash allocation of FY 2006-07 for the Riverbend Lakes project.					
STRATEGIC PLAN GOAL: Lake dredging relates to the City's Goal of Livable Neighborhoods and Urban Centers.					
SUMMARY OF ITEM					
Staff recommends base bid of Rimrock Enterprises, Inc., in the amount of \$299,950.00 be accepted as lowest responsible bid conditioned upon timely execution of any necessary contract documents.					
The second vendor being recommended is Paula Construction, Inc. in the amount of \$336,200.00.					
Engineers' estimate was \$278,800.00.					
The project consists of dewatering, dredging and disposal of approximately 3,000 cubic yards of silt and soil from eight existing lakes, seeding and sodding of disturbed areas, site stabilization, clean-up and associated items. Alternate A was for the use of a City supplied spoil site. Due to conflicts with a TXU transmission line, this alternative cannot be used. The Riverbend Lakes Homeowners Association will reimburse half the project cost.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Bid Summary		N/A			
Location Map					

C-1

CITY OF PLANO
BID TABULATION

2006-137-B

RIVERBEND LAKES DREDGING – PROJECT NO. 5392

MAY 11, 2006 @ 3:30 P.M.

BID TABULATION

BIDDER:	BID BOND	TOTAL FOR BASE BID	TOTAL BID WITH ALTERNATE A
RIMROCK ENTERPRISES, INC.	YES	\$299,950.00	\$312,950.00
PAULA CONSTRUCTION, INC.	YES	\$336,200.00	\$321,200.00
ARK CONTRACTING SERVICES, INC.	YES	\$458,500.00	\$408,500.00
SLUDGE TECHNOLOGY, INC.	YES	\$477,400.00	\$507,400.00
CRAIG OLDEN, INC.	YES	\$576,600.00	\$576,600.00

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

Dianna Wike

Dianna Wike, Buyer

May 11, 2006

Date

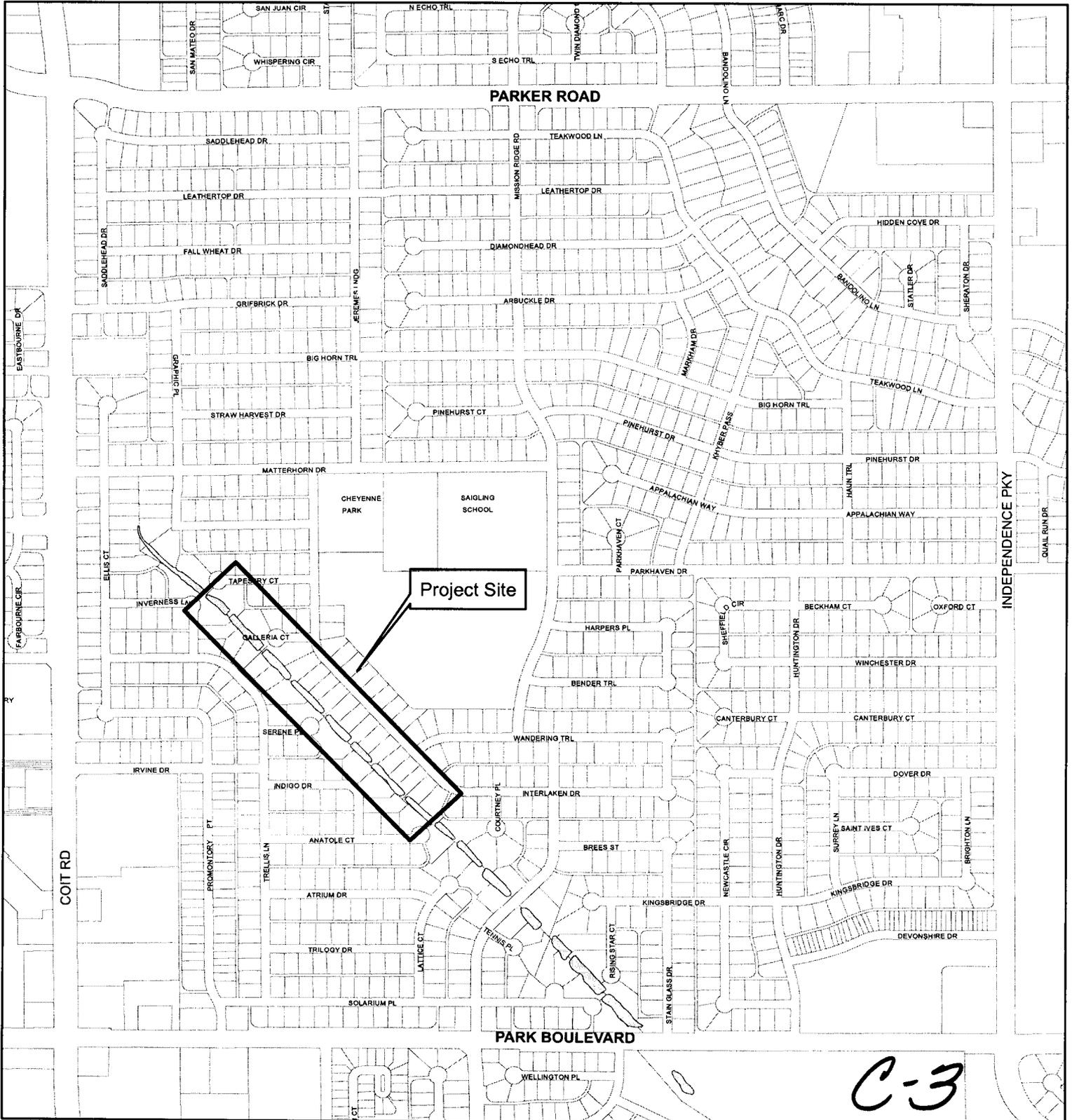
“BID TABULATION STATEMENT”

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

PURCHASING DIVISION
 CITY OF PLANO TEXAS

C-2

RIVERBEND LAKES DREDGING PROJECT NO. 5392 VICINITY MAP





**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	5/22/06		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Purchasing		Initials	Date	
Department Head	Mike Ryan		Executive Director	<i>[Signature]</i> 5/18/06	
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 5/16/06	
Agenda Coordinator (include phone #): January M. Cook, Ext. 7376					

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

CAPTION

Approval of contract for Broker and Loss Control Services with Merit Insurance Services, Inc. and authorizing the City Manager or his designee to execute all necessary documents. (C112-03)

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 06/07, 07/08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	663,137	0	663,137
Encumbered/Expended Amount	0	-587,059	0	-587,059
This Item	0	-38,973	0	-38,973
BALANCE	0	37,105	0	37,105

FUND(S): PROPERTY, LIABILITY & LOSS

COMMENTS: This established a contract for Broker and Loss Control Services. The new contract will replace the existing contract already in place and will require an additional \$38,973 for 1/1/06 to 12/31/06. This also establishes a 5% annual increase in premiums and fees for Broker and Loss Control Services.

STRATEGIC PLAN GOAL: Establishing a contract for Broker and Loss Control Services relates to the City's Goal of "Service Excellence".

SUMMARY OF ITEM

On 11/10/03 Council approved a contract with Merit Insurance Services, Inc. for Broker and Loss Control Services. The original contract was awarded in an amount not to exceed \$426,815 annually for insurance premiums and in an amount not to exceed \$212,000 annually for Broker and Loss Control Services.

On 12/21/04 Council approved an increase in insurance premiums for 1/1/05 to 12/31/05 in the amount of \$44,535.

Request Council approve an increase in insurance premiums for 1/1/06 to 12/31/06 in the amount of \$38,973.42. Additionally, request that Council approve an increase in insurance premiums not to exceed 5% annually and an increase in fees for Broker and Loss Control Services not to exceed 5% annually for the remainder of the contract term. (C112-03)

List of Supporting Documents:

Other Departments, Boards, Commissions or Agencies



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	5/22/06	Reviewed by Legal <i>PR</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering		Initials	Date
Department Head	Alan L. Upchurch	Executive Director	<i>[Signature]</i>	<i>5/16/06</i>
Dept Signature:	<i>[Signature]</i>	City Manager		
Agenda Coordinator (include phone #):		Pegues (7198)		(Project No. 5636)
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input checked="" type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
Approval of contract to approve the terms and conditions of an engineering services contract by and between the City and Freeman-Millican, Inc. in the amount of \$114,500.00 for Cloisters Water Rehabilitation and authorizing the City Manager or his designee to execute all necessary documents.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	2005-06	Prior Year (CIP Only)	Current Year	Future Years
Budget		0	70,000	1,250,000
Encumbered/Expended Amount		0	0	0
This Item		0	-114,500	0
BALANCE		0	-44,500	1,250,000
FUND(S): WATER CIP				
COMMENTS: Funds are included in the Re-Estimated 2005-06 Water CIP. This item, in the amount of \$114,500, will exceed the current year balance of \$44,500 for the Cloisters Water Rehab project. The overage will be encumbered during the current year and carry forward into the 2006-07 cash allocations.				
STRATEGIC PLAN GOAL: Water rehab relates to the City's Goals of Safe, Livable Neighborhoods.				
SUMMARY OF ITEM				
This agreement with Freeman-Millican, Inc. is for the engineering design for the replacement of approximately 10,000 linear feet of water main at thirteen (13) locations.				
The contract fee is for \$114,500.00 and is detailed as follows:				
Design Survey			\$ 15,500.00	
Preliminary Design			\$ 61,500.00	
Final Design			\$ 23,000.00	
Bid Phase Services			\$ 3,000.00	
Printing and other reimbursables			\$ 5,000.00	
Construction Phase Services (including control staking)			\$ 6,500.00	
TOTAL			\$114,500.00	
Funding is available from the Water Community Investment Program. Staff feels the fee is reasonable for this project estimated to cost \$1,500,000.00.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Engineering Services Agreement		N/A		
Location Map				

e-1

CLOISTERS WATER REHABILITATION

PROJECT NO. 5636

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 **FREEMAN-MILLICAN, 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 **CLOISTERS WATER REHABILITATION** 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

e-2

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.

VII. Indemnity

Engineer shall release, defend, indemnify and hold City and its officers, agents and employees harmless from and against all damages, injuries (including death), claims, property damages (including loss of use), losses, demands, suits, judgments and costs, including reasonable attorney's fees and expenses, in any way arising out of, related to, or resulting from the services provided by Engineer and to the extent caused by the negligent act or omission or intentional wrongful act or omission of Engineer, its officers, agents, employees, subcontractors, licensees, invitees or any other third parties for whom Engineer is legally responsible (hereinafter "Claims"). Engineer is expressly required to defend City against all such Claims.

In its sole discretion, City shall have the right to approve defense counsel to be retained by Engineer in fulfilling its obligation hereunder to defend and indemnify City, unless such right is expressly waived by City in writing. 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 City approved 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 such 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 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
Engineering Department
P.O. Box 860358
Plano, TX 75086-0358

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

Michael K. Stacey
Freeman-Millican, Inc.
9500 Forest Lane #115
Dallas TX 75243

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.

e-6

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.

SIGNED on the date indicated below.

FREEMAN-MILLICAN, INC.
A Texas Corporation

DATE: 27 Apr 06

BY: J. Terry Millican
J. Terry Millican, P.E., PRESIDENT

CITY OF PLANO, TEXAS

DATE: _____

BY: _____
Thomas H. Muehlenbeck
CITY MANAGER

APPROVED AS TO FORM:

Diane C. Wetherbee
CITY ATTORNEY

e-7

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 27th day of April, 2006, by **J. TERRY MILLICAN, P.E., PRESIDENT**, of **FREEMAN-MILLICAN, INC.**, a **TEXAS** corporation, on behalf of said corporation.



Louise S. Ebaugh
Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____, 2_____, by **THOMAS H. MUEHLENBECK, City Manager**, of the **City of Plano, Texas**, a Home-Rule Municipal Corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

e-8

**EXHIBIT A
SCOPE OF SERVICES**

**CLOISTERS WATER REHABILITATION
PROJECT NUMBER 5636
CIP NUMBERS: 36-68469**

PROJECT DESCRIPTION:

The design and preparation of construction plans for the replacement of the existing water mains and appurtenances along the following streets within the City of Plano:

- Glencliff Drive – 1260 feet of 8" main from Highedge to Wilson
- Kelsey Court – 1300 feet of 8" main from Highedge to Wilson
- Grandview Drive – 1540 feet of 8" main from Highedge to Wilson
- Longworth Drive – 530 feet of 6" and 8" main from Grandview past Kelsey Court
- Desco Drive – 600 feet of 8" main from Kelsey to Glencliff
- Parkhaven Drive – 675 feet of 8" main from Mission Ridge to Khyber Pass
- Parkhaven Court – 200 feet of 6" and 8" main from Parkhaven
- Canterbury Court – 420 feet of 6" and 8" main from Huntington
- Hillbrier Circle – 1610 feet of 8" main from Deep Valley to Deep Valley
- Macao Place – 1565 feet of 8" main from Las Palmas to Ports O Call
- Macao Court – 290 feet of 6" and 8" main from Macao Place
- Las Palmas Lane – 310 feet of 8" main from Ports O Call to Macao
- Padre Court – 275 feet of 6" and 8" main from Macao

BASIC SERVICES:

A. Design Standards

1. This project shall be designed in accordance with the following:

Geodetic Monumentation Manual
Manual for Right-of-Way Management
Storm Drainage Design Manual
Stream Bank Stabilization Manual
Erosion & Sediment Control Manual
Thorough Fare Standards Rules & Regulations
Manual for the Design of Water & Sanitary Sewer Lines

Standard Construction Details

Barrier Free Ramp Details

NCTCOG Standard Specifications for Public Works
Construction

Special Provisions to Standard Specifications for Public
Works Construction

2. All plans submitted to the City shall be signed and sealed in accordance with state law.

B. Research and Data Collection –

1. Meet with City of Plano engineering staff and obtain design criteria, pertinent utility plans, street plans, plats and right-of-way maps, existing easement information, and other information available for the project area.
2. Meet with the City of Plano project manager and conduct an on-site review and walk through.

C. Design Survey –

1. Establish a horizontal and vertical control network and project control baseline for the project areas. The network and baseline are to be tied into the existing City of Plano control network.
2. Establish horizontal and vertical project control monumentation.
3. Tie right-of-way lines and corners, property lines and corners, buildings, fence lines, trees 4-inches in diameter and larger, edges of pavements and all other visible surface features to the project control baseline. Existing utility structures shall be located and referenced by utility name (i.e. T.U. Elec., GTE Telephone, Lone Star Gas, Etc.).
4. Vertical topographic information tying pavement, drives, walls, manholes (top and inverts), storm drain inlets (top and inverts), and other improvements as needed within the project areas for the design.
5. When underground utilities are exposed, tie to project control baseline.
6. Identify the street address of all adjacent properties to the proposed construction and show on drawings.
7. Survey existing top of curb, if curb will be removed during construction.

D. Preliminary Design –

1. Prepare preliminary construction plans. Prepare the following sheets at the engineering scale indicated:
 - Cover sheet.
 - Project layout control sheet(s). Scale 1"= 100'.
 - General Notes

- Quantity sheet.
- Detail sheets.
- Construction phasing and temporary traffic control sheets. Scale 1"= 20'.
- Plan & profile sheets. Scale 1"= 20'.
- SWPPP sheets meeting EPA and City of Plano requirements. Scale 1"= 40'.

Information required can be combined on sheets if the information can be clearly shown and is approved by the City of Plano project manager.

2. Profile proposed curb line if existing curb is to be replaced.
3. Profile water lines greater than 12 inch in diameter and all crossings of Type "D" thoroughfares and larger.
4. Coordinate with affected utilities such as water, gas, telephone, cable TV and electric to obtain accurate information for the location of their facilities.
5. Prepare outline of any special technical specifications needed for the project (if any).
6. Prepare an estimate of construction quantities and develop the preliminary statement of probable construction cost.
7. Submit sets of preliminary plans, outline of special technical specifications and preliminary statement of probable construction cost to the City for review.
 - Engineering
 - Public Works
 - Inspectors
 - Transportation
 - Other
8. Meet with City of Plano staff to discuss City comments on preliminary plans, specifications and cost estimates.
9. Distribute the preliminary plans and proposed schedule for bidding and start of construction to local utility companies to obtain information regarding impacts to their facilities. **Copy City of Plano with all correspondence with franchise utilities.**

E. Final Design –

1. Revise preliminary plans incorporating comments from the City of Plano.
2. Incorporate comments from the utility companies.
3. Finalize construction plans for proposed improvements.
4. Finalize special technical specifications and special conditions (if any).
5. Incorporate standard details into the construction plans and prepare additional details as required.
6. Take off final construction quantities and prepare final construction cost estimates.
7. Submit two sets of pre-final plans, special technical specifications, draft bid schedule and final statement of probable construction cost to the City for review.

8. Incorporate City final comments into the plans and bid documents.
9. Attend a utility coordination meeting to start relocation process with affected franchise utilities. Distribute copy of final plans and proposed schedule for bid letting and construction to all affected franchise utilities. **Copy City of Plano with all correspondence with franchise utilities.**

F. Bid Phase Services –

1. Assist the City staff in advertising for bids.
2. Submit one set of final blue line prints, two bound copies of the bid documents and one unbound original bid document set to the City of Plano.
3. Submit one set of final blue line prints and one bound copies of the bid documents to the designated Material Testing Laboratory.
4. Furnish plans and specifications for bidding. Cost for these to be recouped by non-refundable deposit from contractors. Maintain a list of plan holders.
5. Furnish 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.
6. Assist City staff in conducting a pre-bid conference, if required.
7. Prepare and distribute addenda to bid documents as necessary.
8. Assist City staff as required in bid opening. Submit list of plan holders to the City, 48-hours prior to the bid letting.
9. Submit a CD-ROM disk of the bid set plans in a PDF format.
10. Provide bid tabulation to the City of Plano within four working days of the bid letting.
11. Evaluate the low and second low bidders. Prepare letter of recommendation to the City of Plano for awarding a contract to the lowest responsible bidder within four working days of the bid letting.
12. Assist City staff in a pre-construction conference.
13. Furnish twelve sets of full size and four half size sets final construction plans and three sets of the contract documents manual to the City for construction.

G. Construction Administration –

1. Provide site visits by the design engineer with a written inspection report submitted to the City for each visit (as requested).
2. Provide written responses to requests for information or clarifications.
3. Assist the City staff in conducting the final inspection (if requested).
4. Recommend final acceptance of work when acceptable (if requested).
5. Prepare construction "Record Drawings" based upon mark-ups and information provided by the construction contractor(s). Submit one blackline set to the City and a CD-ROM disk containing scanned images of the 24" x 36" final "as constructed" blackline drawings (with "record drawing 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.

H. Construction Control Survey –

1. Set vertical and horizontal control stakes for construction at 500' intervals, or a minimum of one at each end of the project.

EXHIBIT B – ENGINEERING AND CONSTRUCTION SCHEDULE
City of Plano
Cloisters Water Rehabilitation Project
Project Number 5636
CIP Number 36-68469

Activity	Description	Date
A	Research and Data Collection	May 29, 2006
B	Design Survey	July 1, 2006
C	Preliminary Design	September 15, 2006
D	City Review of Preliminary Design	October 1, 2006
E	Final Design	December 1, 2006
F	Project Bid	February 1, 2007
G	Contractor Notice to Proceed	March 15, 2007
H	End of Construction	September 15, 2007
I	Record Drawings	November 1, 2007

e-14

EXHIBIT C - ENGINEERING AND SURVEYING COST ESTIMATE

City of Plano

Cloisters Water Rehabilitation Project

Project Number 5636

CIP Numbers 36-68469

Item	Description	Estimated Cost
A	Research and Data Collection	\$ 1,500.00
B	Design Survey	15,500.00
C	Preliminary Design	60,000.00
D	Final Design	23,000.00
E	Bid Phase Services	3,000.00
F	Construction Administration	4,500.00
G	Construction Control Survey	2,000.00
H	Reproduction and Reimbursable Expenses	5,000.00
Total Engineering and Survey Cost		\$ 114,500.00

e-15

EXHIBIT C - CONSTRUCTION COST ESTIMATE

City of Plano

Cloisters Water Rehabilitation Project

Project Number 5636

CIP Numbers 36- 68469

4/9/2006

Item	Description	No. of Units	Units	Unit Cost	Total Cost
P.1	8-inch Water Line	9,625	L.F.	\$ 35.00	\$ 336,875.00
P.2	6-inch Water Line	700	L.F.	\$ 30.00	\$ 21,000.00
P.3	8-inch Water Line by bore with encasement	150	L.F.	\$ 160.00	\$ 24,000.00
P.4	8 x 8 Tapping Sleeve and Valve	4	Ea.	\$ 2,100.00	\$ 8,400.00
P.5	6 x 6 Tapping Sleeve and Valve	6	Ea.	\$ 1,800.00	\$ 10,800.00
P.6	8 x 6 Tapping Sleeve and Valve	4	Ea.	\$ 2,000.00	\$ 8,000.00
P.7	8" Gate Valves	15	Ea.	1,430.00	21,450.00
P.8	6" Gate Valves	6	Ea.	1,200.00	7,200.00
P.9	Fittings	4	Ton	4,000.00	16,000.00
P.10	Cut and Plug Existing Water Line	18	Ea.	500.00	9,000.00
P.11	Corp Stops and Saddles	235	Ea.	500.00	117,500.00
P.11	Install New Fire Hydrants Assemblies	15	Ea.	2,750.00	41,250.00
P.12	Reconnect Existing Long Water Services	135	Ea.	1,000.00	135,000.00
P.13	Reconnect Existing Short Water Services	100	Ea.	600.00	60,000.00
P.14	Replace Concrete Street and Curb	7,800	S.Y.	55.00	429,000.00
P.15	Remove Existing Concrete Pavement	7,800	S.Y.	5.00	39,000.00
P.16	Remove and Replace Concrete Sidewalk	500	S.Y.	30.00	15,000.00
P.17	Remove and Replace Brick Mailboxes	60	Ea.	500.00	30,000.00
P.18	Replace Grass Sod	5,000	S.Y.	5.00	25,000.00
P.19	Crushed Stone for Trench Foundation	40	C.Y.	25.00	1,000.00
P.20	SWPPP/Erosion Control Plan	1	L.S.	2,000.00	2,000.00
P.21	Trench Safety	10,575	L.F.	1.25	13,218.75
Construction Cost					\$ 1,370,693.75
Contingency (10 %)					\$ 137,069.38
Total Construction Cost					\$ 1,507,763.13

e-16

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, material change, or reduction in coverage without first providing the Risk Manager, City of Plano, at least ten (10) days prior written notice."

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

- 1.3 No acceptance and/or approval of any insurance by the City shall be construed as relieving or excusing the 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.

2.2 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

ENGINEERING

City of Plano - Insurance Checklist

("X" means the coverage is required.)

Coverages Required

Limits (Figures Denote Minimums)

<input 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 type="checkbox"/> 4. General Liability	Complete entry No. 26 Minimum \$500,000 each occurrence \$1,000,000 general aggregate
<input type="checkbox"/> 5. General aggregate applies per project (CGL)	
<input type="checkbox"/> 6. Premises/Operations	(Items No. 3-10 & 12 require)
<input 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 type="checkbox"/> 10. Contractual Liability	
<input type="checkbox"/> 11. Personal Injury Liability	\$500,000 each offense & aggregate
<input type="checkbox"/> 12. XCU Coverages	
<input type="checkbox"/> 13. Automobile Liability	\$500,000 Bodily Injury & Property
<input 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 and aggregate
<input type="checkbox"/> 17. Garage Liability	\$_____ BI & PD each occurrence

e-20

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE
04/21/2006

PRODUCER
McLaughlin Brunson Insurance Agency
9535 Forest Lane
Suite 118
Dallas TX 75243

INSURED
Freeman-Millican, Inc.
9500 Forest Lane
Suite 115
Dallas TX 75243

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURER A: Zurich American Insurance Company
INSURER B:
INSURER C:
INSURER D:
INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ FIRE DAMAGE (Any one fire) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
	EXCESS LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	OTHER Professional Liab.	EOC 5346929-00	06/01/2005	06/01/2006	\$1,000,000 Per Claim/ Annual Aggregate

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
 RE: Engineering Services Agreement- Cloisters Water Rehabilitation- Project #5636. The claims made professional liability coverage is the total aggregate limit for all claims presented within the annual policy period and is subject to a deductible.

CERTIFICATE HOLDER
 City of Plano
 PO Box 860358
 Plano TX 75086-0358

e-22

CANCELLATION
 SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT; BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.
 AUTHORIZED REPRESENTATIVE
Joe A. Bergant

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 <i>(Provided by Professional Liability Policy)</i> | (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 <i>(Provided by Separate Professional Liability Policy)</i> | \$1,000,000 each claim and aggregate |
| <input type="checkbox"/> 17. Garage Liability | \$ _____ BI & PD each occurrence |

CERTIFICATE OF INSURANCE

- STATE FARM FIRE AND CASUALTY COMPANY
- STATE FARM GENERAL INSURANCE COMPANY
- STATE FARM LLOYDS



BLOOMINGTON, ILLINOIS

This is to certify that the Company indicated above has the following insurance in force:

POLICY NUMBER 93-GC-7757-5 L POLICY EXPIRATION DATE 05/04/07 MORTGAGEE LOAN NUMBER (IF APPLICABLE) _____

NAME AND ADDRESS OF PARTY TO WHOM CERTIFICATE IS ISSUED: **ADDITIONAL INSURED:**
 CITY OF PLANO
 PLANO, TEXAS

NAME AND ADDRESS OF OTHER INTERESTED PARTY

LOCATION OF UNIT (IF DIFFERENT THAN SHOWN ABOVE)

NAME OF INSURED (ASSOCIATION) FREEMAN MILLICAN INC

ADDRESS 9500 FOREST LN STE115 DALLAS, TEXAS 75243-6188

LOCATION OF PREMISES: (IF DIFFERENT THAN SHOWN ABOVE)

- No. 1 CLOISTERS WATER REHABILITATION PROJECT NO. 5636
- No. 2
- No. 3
- No. 4



JOHN HARBUS, Agent
 7522 Campbell Road, Suite 105
 Dallas, Texas 75248
 Bus. 972-380-0618

Premises described above and with respect to those coverages and kinds of property for which a specific limit of insurance is shown below are subject to all the terms of the original policy available at the Office of the Association or Named Insured including forms and endorsements made a part thereof:

COVERAGE	LIMIT OF INSURANCE								
	Loc. No.	Bldg. No.	Loc. No.	Bldg. No.	Loc. No.	Bldg. No.	Loc. No.	Bldg. No.	Coinsurance Percentage Applicable
PROPERTY COVERAGE	Building(s)	\$		\$		\$		\$	
	Personal property	\$		\$		\$		\$	
	Addl. Cov. (Specify by Name)								
	WORKERS COMPENSATION	\$	INCLUDED	\$		\$		\$	
	AUTO NON OWNED COVERAGE	\$	INCLUDED	\$		\$		\$	
	PERSONAL INJURY LIABILITY	\$	INCLUDED	\$		\$		\$	
	NOTICE OF CANCELLATION	\$	INCLUDED	\$		\$		\$	
LIABILITY COVERAGE	Each Occurrence Limit	\$	1,000,000						
	General Aggregate Limit (Other than Products/Completed Operations)	\$	2,000,000						
	Products/Completed Operations Limit	\$							
	Personal/Advertising Injury Limit	\$							
	Fire Damage Limit - Any One Fire	\$	INCLUDED						
	Medical Expense Limit - Any One Person	\$	5000						

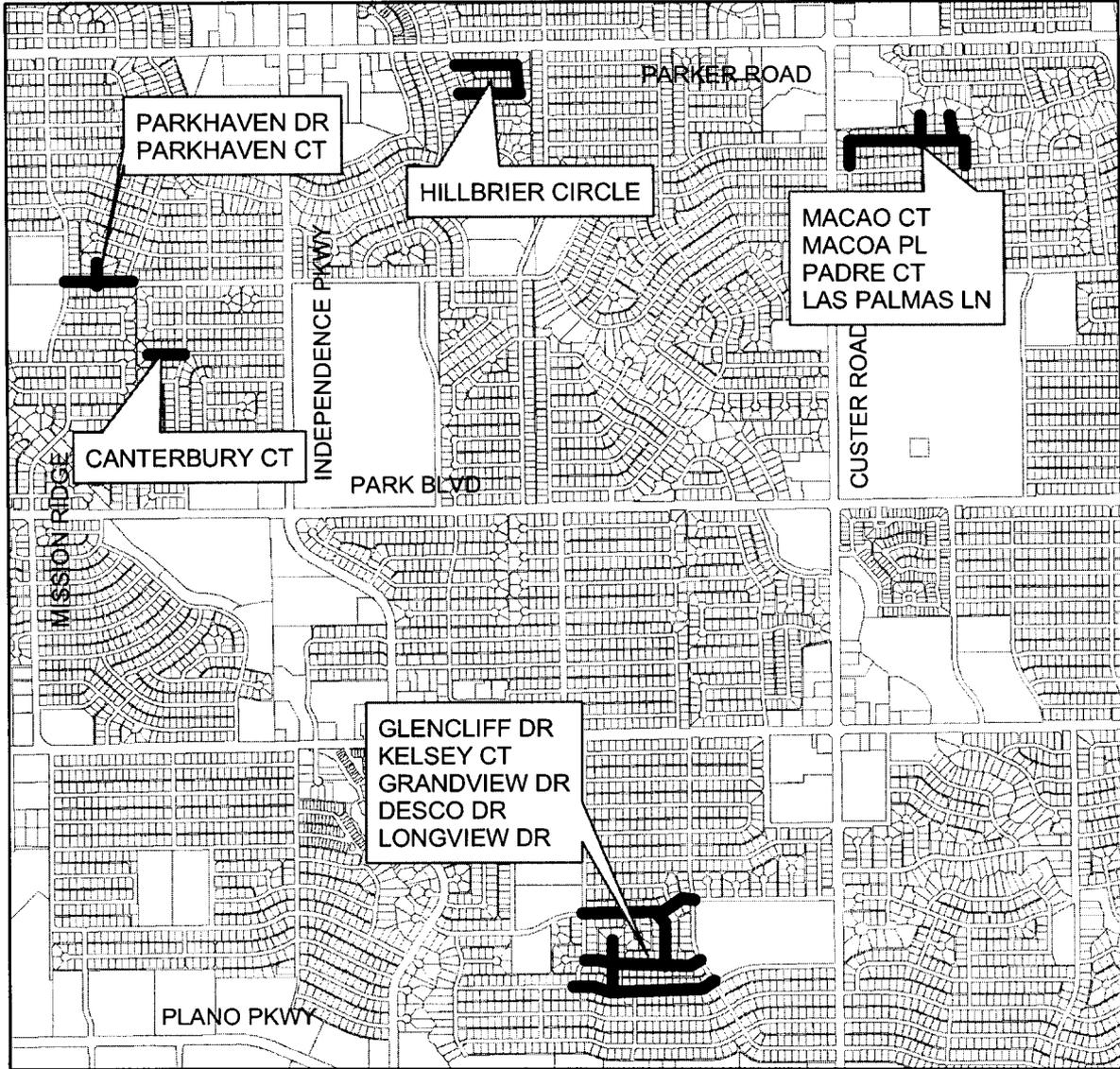
THIS CERTIFICATE OF INSURANCE IS NOT A CONTRACT OF INSURANCE AND NEITHER AFFIRMATIVELY NOR NEGATIVELY AMENDS, EXTENDS OR ALTERS THE COVERAGE AFFORDED BY THE POLICY DESCRIBED HEREIN.

AGENT

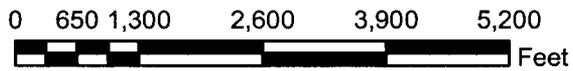
e-25
4731706

CLOISTERS WATER REHABILITATION

PROJECT # 5636



CITY OF PLANO ENGINEERING DEPARTMENT



e-27



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 05/22/06		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Engineering		Initials	Date	
Department Head	Alan L. Upchurch		Executive Director	<i>[Signature]</i> 5-10-06	
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 5/10/06	
Agenda Coordinator (include phone #): Irene Pegues (7198)			Project No. 5472		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER REIMBURSEMENT OF OVERSIZE					
CAPTION					
Approving and authorizing reimbursement to Wal-Mart Real Estate Business Trust for oversize participation for oversize paving improvements on Park Boulevard in the amount of \$32,319.00					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	2005-06	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		1,160,239	763,761	600,000	2,524,000
Encumbered/Expended Amount		-1,160,239	-245,125	0	-1,405,364
This Item		0	-32,319	0	-32,319
BALANCE		0	486,317	600,000	1,086,317
FUND(S): STREET IMPROVEMENT CIP					
COMMENTS: Funds are included in the 2005-06 Street Improvement CIP. This item, in the amount of \$32,319 will leave a current year balance of \$486,317 for the Oversized Participation projects. STRATEGIC PLAN GOAL: Oversized participation relates to the City's Goals of Safe, Efficient Travel and Safe, Livable Neighborhoods.					
SUMMARY OF ITEM					
In accordance with the Subdivision Ordinance and a Subdivision Improvement Agreement, reimbursement to the Wal-Mart Real Estate Business Trust is due for a construction of a right turn lane at Park Boulevard and Parkwood Boulevard. The construction was inspected and found to be in conformance with the executed Agreement. Staff recommends the City Council authorize payment for the oversize participation					
List of Supporting Documents: Memo dated 5/2/06 from Chief Engineer Memo dated 5/1/06 from City Engineer Exhibit A Location Map			Other Departments, Boards, Commissions or Agencies n/a		

B-1

MEMORANDUM

Date: May 2, 2006
To: Melody Morgan, CIP Budget Coordinator
From: Charles Davis, Chief Engineer/Private Development 
Subject: Wal-Mart DNT
Project No. 5472

We have now accepted the improvements in subject addition. In accordance with our Subdivision Improvement Agreement dated March 30, 2005, reimbursement for oversize paving improvements in the amount of \$32,319.00 is due to Wal-Mart Real Estate Business Trust.

CD/eh

xc: Alan Upchurch, City Engineer
Ricky Lindley, Mapping & Information Supervisor
Charles Davis, Chief Engineer/Private Development





May 1, 2006

Wal-Mart Stores Texas, L.P.
2001 Southeast 10th Street
Bentonville, Arkansas 75712-6489

**Re: Wal-Mart DNT Addition, Lot 1, Block A
1700 Dallas Parkway (Project No. 5472)**

Gentlemen:

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

Maintenance Bonds have been received from Cal-Har Construction, Inc., and Construction Supervisors, Inc. Therefore, the improvements noted above are accepted by the City of Plano subject to the one-year maintenance requirements.

A Certificate of Occupancy is released by this department subject to approval by the Building Inspection Department.

Sincerely,

Alan Upchurch, P.E.
City Engineer

Is

cc: Building Inspection - Keith Schmidt, Anthony Han, Charles Hart, Mamie Free, Cliff Bormann
Planning - Charles Alexander, Melody Spencer
Engineering - Warren Laney, Irene Pegues
Public Works - Dale Pettit
Utility Operations - David Ratcliff
Parks - Jim Fox
Verizon
Southwestern Bell (2 locations)
Kimley-Horn & Associates, Inc.
Cal-Har Construction, Inc.
Construction Supervisors, Inc.
Potter Concrete, Ltd.

ALU4021

Evans
Mayor
Johnson
Mayor Pro Tem
Magnuson
Deputy Mayor Pro Tem
Stahel
Alderman
Ellerbe
Alderman
LaRosiliere
Alderman
Callison
Alderman
H. Muehlenbeck
City Manager

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

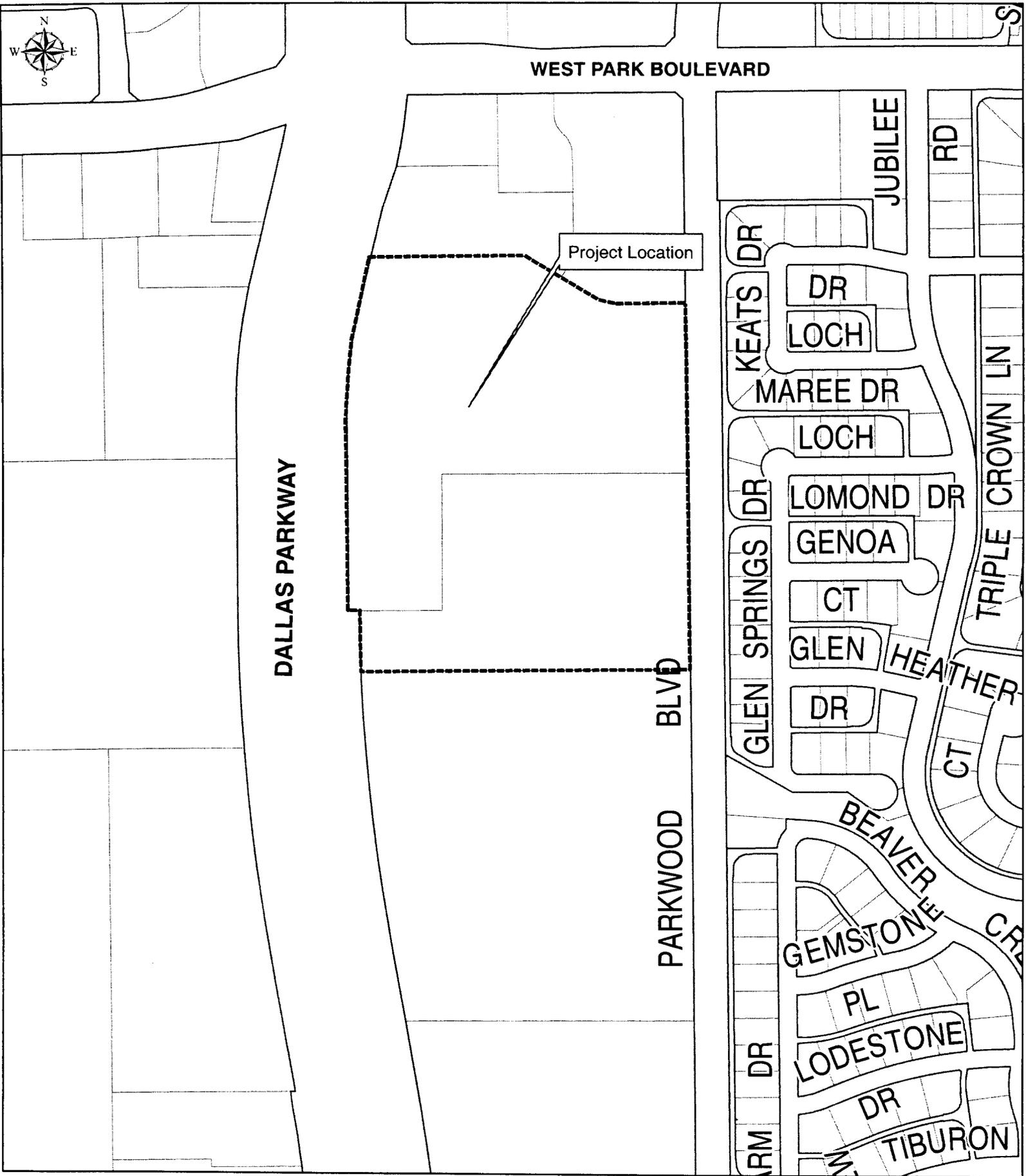
EXHIBIT "A"

OFFSITE IMPROVEMENTS

	<u>Quantity</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Cost</u>
Heavy duty concrete (Incl. Base)	340	S.Y.	\$35.00	\$11,900
Connect to existing pavement	1	EA	\$1,000.00	\$1,000
Relocate existing fire hydrant	1	L.S.	\$2,500.00	\$2,500
Slotted Drain & Inlet modifications	40	L.S.	\$125.00	\$5,000
Sidewalk	1,130	S.F.	\$3.00	\$3,390
Barrier Free Ramp	1	EA	\$700.00	\$700
2' High concrete wall	400	FF	\$15.00	\$6,000
Sub-total				\$30,490
Off-Site Sub-total				\$30,490
Sub-total + 6%				\$32,319
OFF-SITE TOTAL				\$32,319

f-4

WAL- MART DNT ADDITION



Project Location

DALLAS PARKWAY

WEST PARK BOULEVARD

PARKWOOD BLVD

LOCATION MAP

8-5 05/02/06



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	5/22/06	Reviewed by Legal <i>JA</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Legal	Initials	Date	
Department Head	Diang Wetherbee	Executive Director		
Dept Signature:	<i>Diang Wetherbee</i>	City Manager	<i>DAE</i>	<i>5/15/06</i>
Agenda Coordinator (include phone #):		Betsy Allen # 7545		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, AUTHORIZING THE CITY TO SATISFY THE MORTGAGE LIEN FOR THE PROPERTY LOCATED AT 2109 LOS RIOS BOULEVARD IN THE AMOUNT NOT TO EXCEED NINETY THOUSAND AND 00/100 DOLLARS (\$90,000.00); AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO SATISFY SUCH LIEN AND TRANSFER TITLE TO THE CITY; AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
To allow the City to pay off the outstanding mortgage and take title to property.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

9-1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, AUTHORIZING THE CITY TO SATISFY THE MORTGAGE LIEN FOR THE PROPERTY LOCATED AT 2109 LOS RIOS BOULEVARD IN THE AMOUNT NOT TO EXCEED NINETY THOUSAND AND 00/100 DOLLARS (\$90,000.00); AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO SATISFY SUCH LIEN AND TRANSFER TITLE TO THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is in the process of recovering a judgment lien it obtained against the property owners of 2109 Los Rio Boulevard, Plano, Texas for their failure to maintain said property up to Code; and

WHEREAS, the Sheriff executed the City's Judgment and conducted a sale of the property on April 4, 2006; however, there was no bidder for the property at said sale and the property was struck off to the City of Plano; and

WHEREAS, said property has an outstanding mortgage lien of approximately \$90,000 that must be satisfied before the City can take title to the property; and

WHEREAS, by Ordinance No. 2006-2-24 passed on February 27, 2006, the City Council approved the transfer of funds for satisfying said mortgage lien if necessary; and

WHEREAS, the City Council of the City of Plano hereby finds that it is in the best interest of the City to satisfy the mortgage lien and execute any and all documents necessary to transfer title of the property to the City.

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

Section I. The City is hereby authorized to satisfy the mortgage lien in the amount not to exceed Ninety Thousand Dollars (\$90,000.00) and take title to the property located at 2109 Los Rios Boulevard, Plano, Texas.

Section II. The City Manager or his designee is hereby authorized to execute any and all documents necessary to satisfy such mortgage lien and transfer title to the City.

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

DULY PASSED AND APPROVED on this the _____ day of _____, 2006.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	5/22/06	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Human Resources	Initials	Date	
Department Head	LaShon Ross	Executive Director	5/12/06	
Dept Signature:	<i>LaShon Ross</i>	City Manager	5/12/06	
Agenda Coordinator (include phone #):		Daryll McCarthy x5216		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A resolution of the City Council of the City of Plano, Texas, redesignating the deferred compensation plan administered by the ICMA Retirement Corporation for participation by part-time, seasonal, and temporary employees (PTS) into two separate accounts as Plan 1 for those employees whose positions normally require less than a 1000 hours annually and Plan 2 for those employees whose positions normally require more than a 1000 hours in a year; and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
A redesignation of the "OBRA" deferred compensation plan administered by the ICMA Retirement Corporation for participation by part-time, seasonal, and temporary employees into two separate accounts. Plan 1 is for those employees whose positions normally require less than 1000 hours annually. Plan 2 is for those employees whose positions normally require more than 1000 hours in a year. The City Manager, or his designee, shall be the coordinator for this program and is authorized to execute all necessary agreements with ICMA Retirement Corporation incidental to the administration of the plan and to effectuate the redesignation of the plan accounts. This Resolution shall become effective immediately upon its passage.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Copy of the Resolution and LaShon Ross' Memorandum to the City Council dated 5/15/06.				

A-1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, REDESIGNATING THE DEFERRED COMPENSATION PLAN ADMINISTERED BY THE ICMA RETIREMENT CORPORATION FOR PARTICIPATION BY PART-TIME, SEASONAL, AND TEMPORARY EMPLOYEES (PTS) INTO TWO SEPARATE ACCOUNTS AS PLAN 1 FOR THOSE EMPLOYEES WHOSE POSITIONS NORMALLY REQUIRE LESS THAN A 1000 HOURS ANNUALLY AND PLAN 2 FOR THOSE EMPLOYEES WHOSE POSITIONS NORMALLY REQUIRE MORE THAN A 1000 HOURS IN A YEAR AND; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Plano (hereinafter "Employer" or "City") has part-time, temporary, and seasonal employees rendering valuable services; and

WHEREAS, part time employees have participated in retirement plans pursuant to the *Omnibus Budget Reconciliation Act of 1990 (OBRA)*; which are currently being administered as Deferred Compensation Plans by the ICMA Retirement Corporation; and,

WHEREAS, the City has determined that it is necessary to segregate the deferred compensation accounts based upon those employees who duties require more than a 1000 hours a year since those employees now limit their contributions to the Texas Municipal Retirement System and no longer make contributions to their PTS accounts; and

WHEREAS, for part-time, temporary, and seasonal employees whose positions normally require them to work less than 1000 hours per year and make contributions to their PTS accounts, their accounts shall be designated as Plan 1; and

WHEREAS, for part-time employees whose positions normally requires them to work at least 1000 hours per year and as of January 1, 2006, no longer make contributions to their OBRA accounts and are now enrolled with and are contributing to their retirement accounts through the *Texas Municipal Retirement System*, their accounts shall be designated as Plan 2.

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

Section I. The City is authorized to establish PTS Plan #1 and PTS Plan #2 to be administered by ICMA Retirement Corporation for participation by part time, temporary, and seasonal employees depending on the job classification. A list of PTS Plan #2 participants shall be kept on file with the Human Resources Department.

h-2

Section II. PTS Plan #1 shall be established for part-time, temporary, and seasonal employees whose positions normally require them to work less than 1000 hours per year. PTS Plan #2 shall be established for part-time, temporary and seasonal employees whose positions normally requires them to work at least 1000 hours per year and as of January 1, 2006, no longer make contributions to their OBRA accounts and are now enrolled with and are contributing to their retirement accounts through the *Texas Municipal Retirement System*.

Section III. The assets of PTS Plans #1 and #2 shall be held in trust, with the Employer serving as trustee, for the exclusive benefit of the Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose.

Section IV. The City Manager, or his designee, shall be the coordinator for this program; and is authorized to execute all necessary agreements with ICMA Retirement Corporation incidental to the administration of the Plan and to effectuate the redesignation of the Plan accounts. Administrative duties to carry out the Plan may be assigned to the appropriate departments.

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

DULY PASSED AND APPROVED this the ____ day of _____, 2006.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

h-3



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 5/22/06		Reviewed by Legal <i>WJ</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Parks and Recreation		Initials	Date
Department Head	Don Wendell	Executive Director	<i>DW</i>	<i>5-22-06</i>
Dept Signature:	<i>Don Wendell</i>	City Manager	<i>[Signature]</i>	<i>5/22/06</i>
Agenda Coordinator (include phone #): Linda Benoit (7255)				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				

CAPTION

APPROVING A DRAINAGE EASEMENT TO THE CITY OF PARKER, TEXAS BEING LOCATED IN THE CHARLES F.M. GOODERIN SURVEY, ABSTRACT NUMBER 353, CITY OF PLANO, COLLIN COUNTY, TEXAS AND BEING A PORTION OF LOT 79, BLOCK A, STONEY HOLLOW, PHASE SIX, AN ADDITION TO THE CITY OF PLANO, TEXAS RECORDED IN VOLUME N, PAGE 328, PLAT RECORDS, COLLIN COUNTY, TEXAS, ACROSS A PORTION OF UNDEVELOPED PARK LAND; AND AUTHORIZING THE EXECUTION OF THE EASEMENT BY THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

FINANCIAL SUMMARY

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

FUND(S):

COMMENTS:

SUMMARY OF ITEM

The proposed 20 foot wide drainage easement will serve a proposed single family residential development within the City of Parker. The development is adjacent to the boundary line with Plano. The natural drainage in this area flows to Cottonwood Creek which is completely within the City of Plano at this particular location. The property along the creek is an undeveloped City of Plano park site dedicated as part of the Stoney Hollow Phase Six development.

The proposed drainage easement is for a storm sewer line. There is no feasible alternative to taking the storm sewer to Cottonwood Creek. There are no trees on the park site except immediately adjacent to the creek. The project engineer has worked with City of Plano staff to adjust the storm sewer alignment to minimize the impact on trees adjacent to the creek. The easement document requires the City of Parker (through the project developer) to compensate the City of Plano for any damaged or removed trees in accordance with the City of Plano's Tree Ordinance.



CITY OF PLANO COUNCIL AGENDA ITEM

Future improvements at the park will include a recreational trail with associated improvements such as benches and drinking fountains. No other significant improvements are planned. The proposed storm sewer will not impact any of the planned park improvements.

List of Supporting Documents:

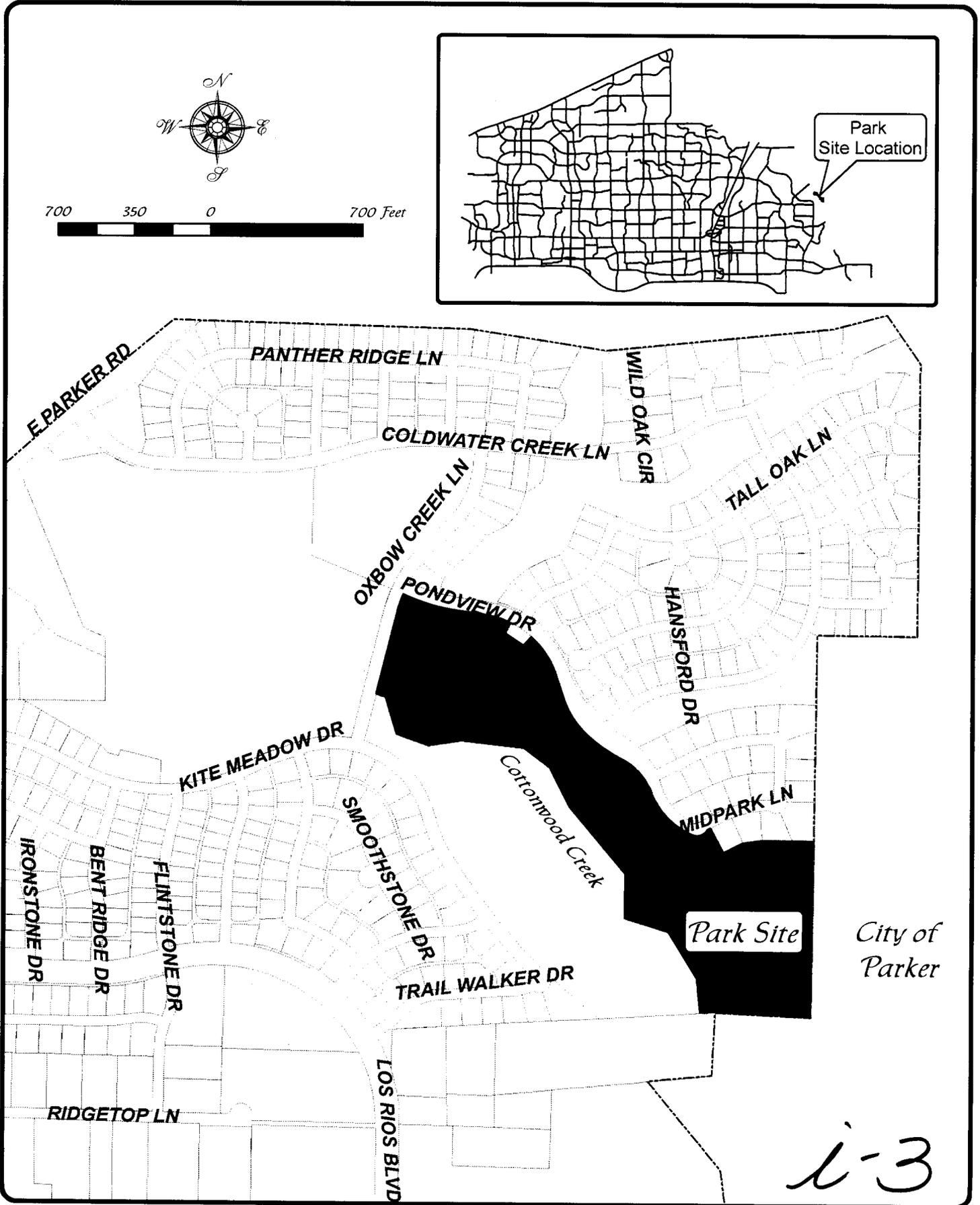
Location Map

Drainage Easement

Other Departments, Boards, Commissions or Agencies

i-2

Location Map



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING A DRAINAGE EASEMENT TO THE CITY OF PARKER, TEXAS BEING LOCATED IN THE CHARLES F.M. GOODERIN SURVEY, ABSTRACT NUMBER 353, CITY OF PLANO, COLLIN COUNTY, TEXAS AND BEING A PORTION OF LOT 79, BLOCK A, STONEY HOLLOW, PHASE SIX, AN ADDITION TO THE CITY OF PLANO, TEXAS RECORDED IN VOLUME N, PAGE 328, PLAT RECORDS, COLLIN COUNTY, TEXAS, ACROSS A PORTION OF UNDEVELOPED PARK LAND; AND AUTHORIZING THE EXECUTION OF THE EASEMENT BY THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented a proposed Drainage Easement to City of Parker, Texas across a portion of an undeveloped park land located in the Stoney Hollow Phase Six Addition, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, (called the "Easement"); and,

WHEREAS, upon full review and consideration of the Easement, and all matters attendant and related hereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager, or in his absence an Executive Director, shall be authorized to execute the Easement 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 City Council hereby authorizes the dedication of the Easement to The City of Parker, Texas, and determines that the Easement is acceptable and is hereby in all things approved.

Section II. The City Manager, or in his absence, an Executive Director, is hereby authorized to execute the Easement and all documents in connection with said Easement on behalf of the City of Plano.

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

DULY ADOPTED this the _____ day of _____, 2006.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

i-4

DRAINAGE EASEMENT

THE STATE OF TEXAS
COUNTY OF COLLIN

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

THAT, CITY OF PLANO, TEXAS, a home rule municipal corporation, hereinafter called "Grantor," for and in consideration of the sum of **TEN DOLLARS (\$10.00)** and other good and valuable consideration to Grantor in hand paid by the **CITY OF PARKER, TEXAS**, the receipt and sufficiency of which is hereby acknowledged, does **GIVE, GRANT, and CONVEY** to the City of Parker, Texas, a Type A general law municipality, hereinafter called "Grantee," the easement and right to construct, reconstruct, and perpetually maintain drainage facilities as approved by Grantor's City Engineer (the "Facilities"), together with all incidental improvements, and all necessary laterals in, upon, and across certain real property located in the City of Plano, Collin County, Texas, as more particularly described in Exhibit "A", which is attached hereto and made a part hereof by reference as if fully set forth herein (the "Easement Property").

TO HAVE AND TO HOLD the same perpetually unto the Grantee, its successors and assigns, together with the right and privilege at all times to enter the Easement Property, or any part thereof, and with the right of access across Grantor's adjacent property for ingress and egress to the Easement Property for the purpose of constructing, reconstructing and maintaining the Facilities, and all incidental improvements and for making connections therewith. Grantee, its successors and assigns, shall have the right to construct, reconstruct and perpetually maintain additional Facilities at all times in the future within the Easement Property.

Grantee will at all times after doing any work in connection with the construction, operation or repair of the Facilities, restore the surface of the Easement Property as close to the condition in which it was found before such work was undertaken as is

i-5

reasonably practicable. In addition, Grantee agrees to compensate Grantor for any trees that are damaged or removed from the Easement Property in accordance with the City of Plano Tree Ordinance.

SIGNED this _____ day of _____, 2006.

CITY OF PLANO, TEXAS, a home rule municipal corporation

By: _____
Thomas H. Muehlenbeck
CITY MANAGER
P. O. Box 860358
Plano, TX 75086-0358

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____, 2006, by **THOMAS H. MUEHLENBECK**, City Manager of the **CITY OF PLANO, TEXAS**, a home rule municipal corporation, on behalf of said corporation.

Notary Public, State of Texas

After Recording Return To:
City Attorney's Office
City of Plano, Texas
P. O. Box 860358
Plano, TX 75086-0358

i-6

EXHIBIT "A"
20' DRAINAGE EASEMENT

BEING all that certain tract of land located in the Charles F.M. Gooderin Survey, Abstract Number 353; City of Plano; Collin County, Texas and being a portion of that certain tract of land known as Lot 79, Block A, Stoney Hollow, Phase Six, an addition to the City of Plano recorded in Volume N, Page 328, Plat Records, Collin County, Texas, subject tract being more particularly described by metes and bounds as follows;

BEGINNING at a point for corner in the east line of said Lot 79, said point also being in the west line of that certain tract of land known as Lot 10, Dublin Creek Estates, an addition to the City of Parker recorded in Volume H, Page 656, Plat Records, Collin County, Texas, from whence a 1 inch pipe found for the southeast corner of said Lot 79 bears S 01°39'58" W, 417.72 feet;

THENCE North 89°28'01" West, crossing said Lot 79, a distance of 73.49 feet to a point for corner at the beginning of a curve to the left having a central angle of 27°30'18", a radius of 90.00 feet, a tangent length of 22.03 feet and a chord which bears S 76°46'50" W, 42.79 feet;

THENCE with said curve to the left an arc distance of 43.20 feet to a point for corner;

THENCE South 63°01'41" West, a distance of 462.95 feet to a point for corner;

THENCE North 26°58'19" West, a distance of 20.00 feet to a point for corner;

THENCE North 63°01'41" East, a distance of 462.95 feet to a point for corner at the beginning of a curve to the right having a central angle of 27°30'18", a radius of 110.00 feet, a tangent length of 26.92 feet and a chord which bears N 76°46'50" E, 52.30 feet;

THENCE with said curve to the right an arc distance of 52.81 feet to a point for corner;

THENCE South 89°28'01" East, a distance of 73.96 feet to a point for corner in the east line of said Lot 79 and the west line of that certain tract of land described in deed to Parker SJD Preserve, Inc. as recorded in Collin County Clerk's File Number 20060403000427110, Official Public Records, Collin County, Texas, from whence a 1/2 inch iron rod found for the northwest corner of said Parker SJD Preserve, Inc. tract bears N 01°54'22" E, 376.08 feet;

THENCE South 01°52'55" West, with the east line of said Lot 79 and the west line of said Parker SJD Preserve, Inc. tract, passing at a distance of 16.50 feet a 1/2 inch iron rod with NDM cap found for the southwest corner of said Parker SJD Preserve, Inc. tract, in all a total distance of 20.01 feet to the POINT OF BEGINNING of herein described tract, containing 0.2684 acres (or 11,694 square feet) of land, more or less, as surveyed by Nathan D. Maier Consulting Engineers, Inc., March, 2006.

Note: The bearings shown and recited hereon are according to Grid North, WGS 84, based on field observations performed in January, 2000.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

Candy Hone, RPLS

Candy Hone, R.P.L.S. No. 5867
Registered Professional Land Surveyor

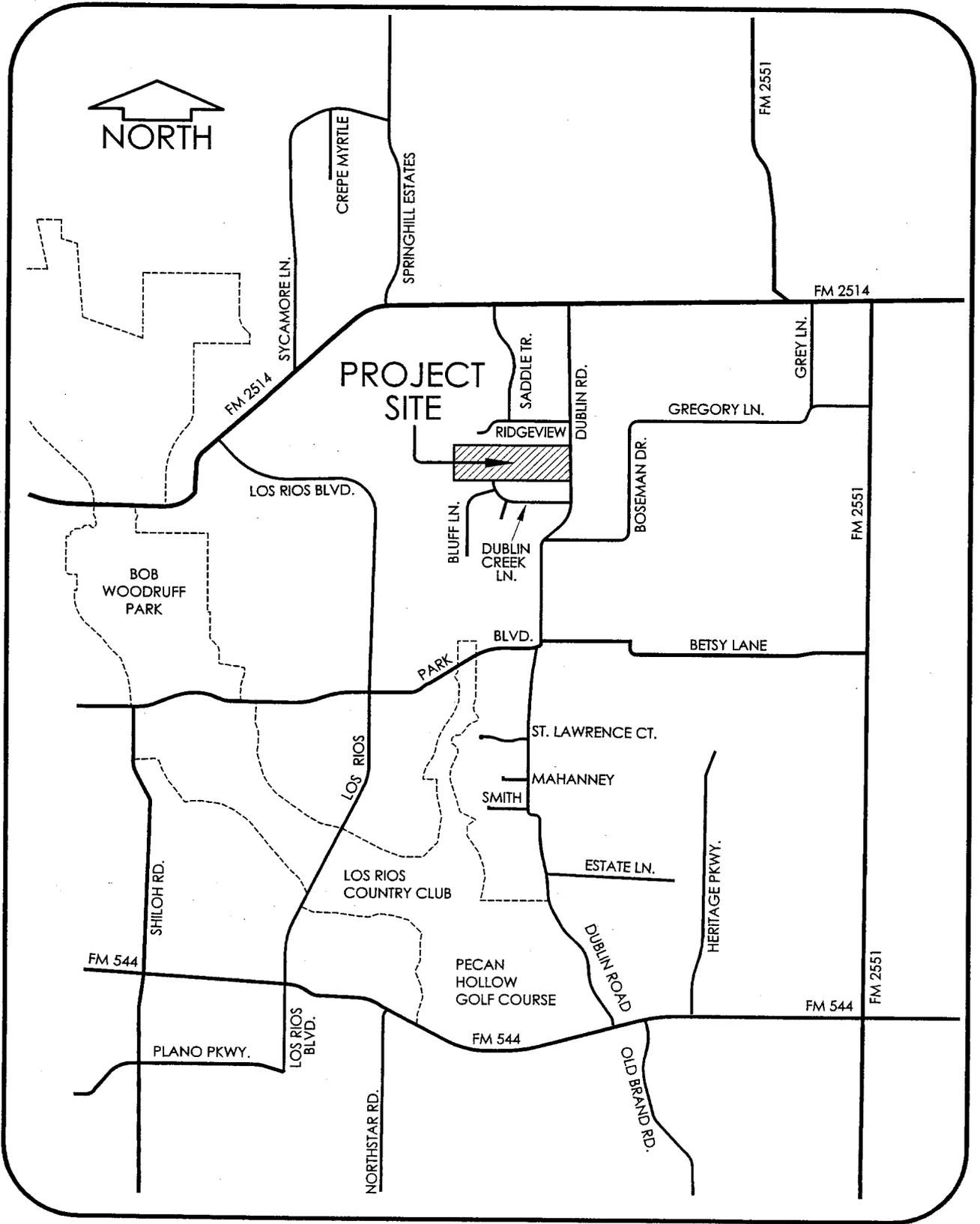


u-7

NDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

DATE: MAY 10, 2006
NDM JOB: 00-01-007
0007ES02-R.dwg



VICINITY MAP
 NTS

i-9



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 5/22/06		Reviewed by Legal <i>YDD</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Parks and Recreation		Initials	Date
Department Head	Don Wendell	Executive Director	<i>YDD</i>	5-12-06
Dept Signature:	<i>Don Wendell</i>	City Manager	<i>[Signature]</i>	5/16/06
Agenda Coordinator (include phone #): Linda Benoit (7255)				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
Approving a gas line easement to Atmos Energy Corporation, a Texas corporation, being located in the Charles F.M. Gooderin Survey, Abstract Number 353, City of Plano, Collin County, Texas and being a portion of Lot 79, Block A, Stoney Hollow, Phase Six, an addition to the City of Plano, Texas recorded in Volume N, Page 328, plat records, Collin County, Texas across a portion of undeveloped park land, and authorizing the execution of the easement by the City Manager, or in his absence, an Executive Director; and providing an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
<p>The proposed gas line easement will serve a proposed single family residential development within the City of Parker. The development is adjacent to the boundary line with Plano. The nearest available gas service to the development is on the City of Plano side of the boundary. Atmos Energy Corporation is requesting a 10 foot wide gas line easement across a portion of undeveloped Plano park land in order to provide service to the development in Parker.</p> <p>Future improvements at the park will include a recreational trail with associated improvements such as benches and drinking fountains. No other significant improvements are planned. The gas line easement will not impact any of the planned park improvements. No existing trees within the park are in the path of the gas line easement.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Location Map				
Gas Line Easement				

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS APPROVING A GAS LINE EASEMENT TO ATMOS ENERGY CORPORATION, A TEXAS CORPORATION, BEING LOCATED IN THE CHARLES F.M. GOODERIN SURVEY, ABSTRACT NUMBER 353, CITY OF PLANO, COLLIN COUNTY, TEXAS AND BEING A PORTION OF LOT 79, BLOCK A, STONEY HOLLOW, PHASE SIX, AN ADDITION TO THE CITY OF PLANO, TEXAS RECORDED IN VOLUME N, PAGE 328, PLAT RECORDS, COLLIN COUNTY, TEXAS ACROSS A PORTION OF UNDEVELOPED PARK LAND, AND AUTHORIZING THE EXECUTION OF THE EASEMENT BY THE CITY MANAGER, OR IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City Council has been presented a proposed gas line easement to Atmos Energy Corporation across a portion of undeveloped park land located in the Stoney Hollow, Phase Six Addition, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, (called the "Easement"); and

WHEREAS, upon full review and consideration of the Easement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager, or in his absence an Executive Director, shall be authorized to execute the Easement 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 City Council hereby authorizes the dedication of the Easement to Atmos Energy Corporation and determines that the Easement is acceptable and is hereby in all things approved.

Section II. The City Manager, or in his absence, an Executive Director, is hereby authorized to execute the Easement and all other documents in connection with said Easement on behalf of the City of Plano.

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

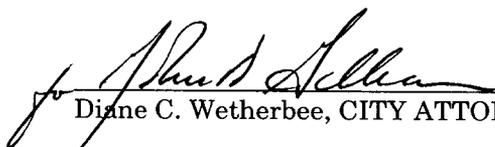
DULY ADOPTED this the _____ day of _____, 2006.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

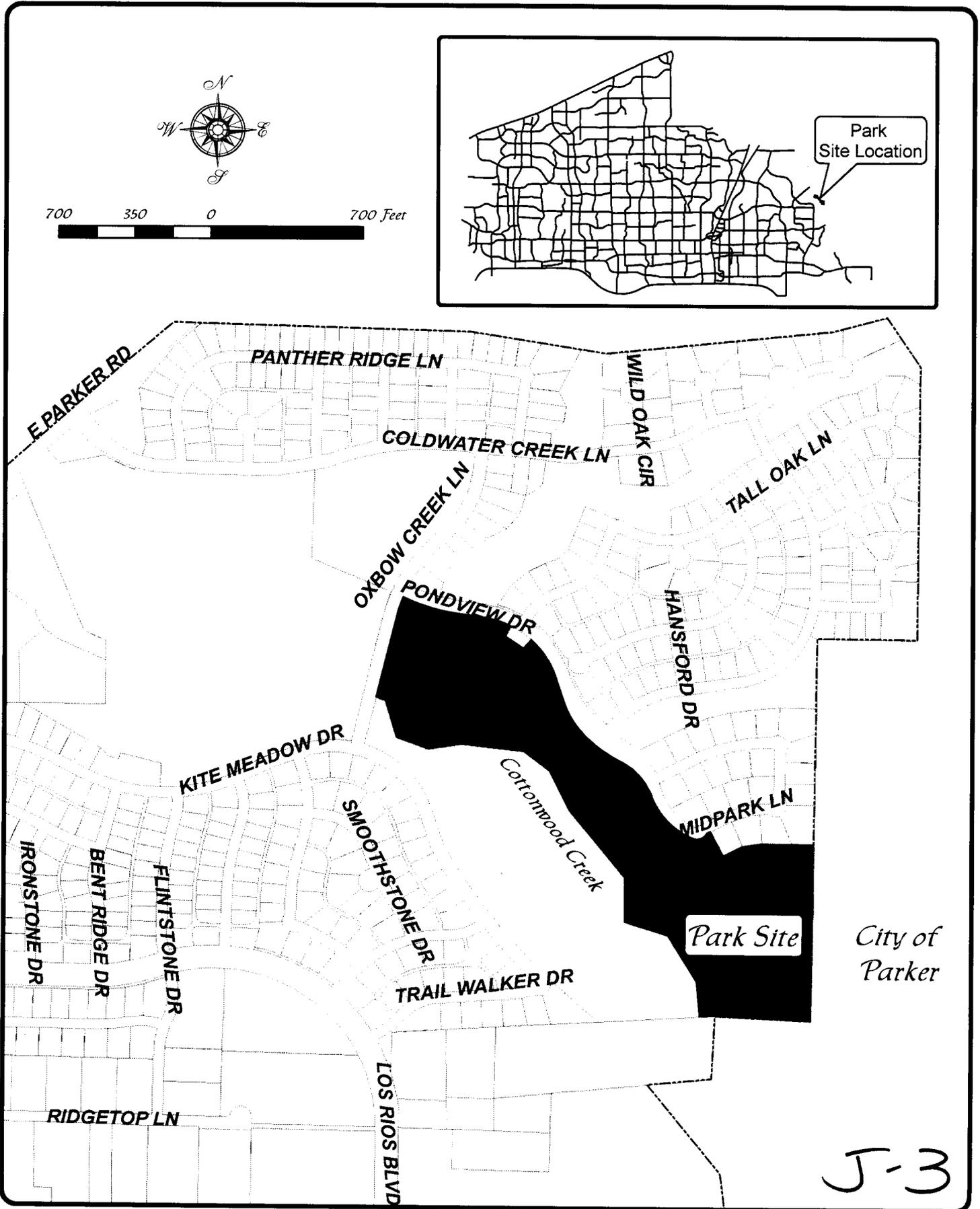
APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY

J-2

Location Map



J-3

GAS LINE EASEMENT

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF COLLIN

§

That **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, hereinafter referred to as Grantor, for and in consideration of **TEN DOLLARS (\$10.00)**, and other good and valuable consideration to it in hand paid by the **ATMOS ENERGY CORPORATION**, a Texas corporation, hereinafter referred to as Grantee, has GIVEN, GRANTED and CONVEYED and by these presents does hereby give, grant and convey unto said Grantee a nonexclusive Easement and right of way for the purpose of constructing, maintaining and operating underground gas facilities, hereinafter referred to as Grantee's Facilities, in, under, across and along the following described property:

AS DESCRIBED AND SHOWN ON EXHIBIT "A" ATTACHED

There is also granted to Grantee, its successors or assigns, a nonexclusive easement to use only so much of Grantor's adjoining land, during temporary periods, as may be necessary for the construction, maintenance, and repair of said Grantee's Facilities. Such use shall not interfere with Grantor's use of such property in the operation of its business and Grantee shall properly maintain such property during construction and at the conclusion of such construction remove all construction debris and other materials from such property and restore such property to the same condition it was in prior to the commencement of Grantee's construction thereon or in proximity thereto.

Grantee shall locate its Facilities within the Easement so as not to interfere with any of Grantor's facilities. Grantee shall reimburse Grantor for any and all costs and expenses incurred by Grantor for any repair, replacement, relocation or alteration of its facilities located on or near the Easement that Grantor, in its sole discretion, determines are subject to interference from the said Grantee's Facilities or from the exercise by Grantee of any of its rights hereunder. Grantee shall repair or replace all irrigation equipment, hike and bike trails, landscaping and any other park improvements that are damaged or removed as a result of Grantee's work in the Easement.

This Easement is granted upon the condition that Grantee's Facilities to be constructed shall be maintained and operated by Grantee at no expense to Grantor and Grantor shall not be responsible for any costs of construction, reconstruction, operation, maintenance or removal of Grantee's Facilities.

J-4

Grantor shall not be liable to Grantee for any damage to said Easement or Grantee's Facilities or other contents thereof, except when caused by the willful misconduct of Grantor, its agents, servants or employees. Grantee agrees to defend, indemnify, protect, and hold harmless Grantor from and against any and all liability, claims, loss, cost, damage or expense (including, without limitation, as incurred, reasonable attorney's and paralegal's fees and expenses and court costs) resulting in any manner from the exercise by Grantee, or anyone acting on Grantee's behalf, of the rights granted hereunder, including without limitation, from the construction, maintenance, use, installation, operation, condition or presence of any Facilities or other improvements of Grantee. Grantor and Grantee each agree that if any claim or liability shall arise from the joint or concurring negligence of both parties hereto, it shall be borne by them in proportion to their negligence. It is understood that it is not the intention of the parties hereto to create liability for the benefit of third parties but that this agreement shall be solely for the benefit of the parties hereto. Notwithstanding anything contained herein to the contrary, neither party is waiving any of its rights under the Texas Tort Claims Act.

Grantee shall, at its own cost and expense comply with all applicable laws, including but not limited to existing zoning ordinances, governmental rules and regulations enacted or promulgated by any governmental authority and shall promptly execute and fulfill all orders and requirements imposed by such governmental authorities for the correction, prevention and abatement of nuisances in or upon or connected with said premises because of Grantee's use thereof.

This Easement shall continue only so long as Grantee shall use this Easement for the purposes herein described and the same shall immediately lapse and terminate upon cessation of such use. Upon termination of this Easement for any reason, Grantee shall remove its Facilities and restore the property hereinabove described to the same condition that such property was in at the beginning of the term of this agreement, ordinary wear and tear for the purposes herein authorized excepted.

TO HAVE AND TO HOLD the above described Easement and rights unto the Grantee, its successors and assigns, for the purposes aforesaid and upon the conditions herein stated until the same shall be abandoned for use by the Grantee for the purpose herein stated, then and thereupon this conveyance shall be null and void and the use of said land and premises shall absolutely revert to Grantor herein, its successors and assigns, and no act or omission on the part of them shall be construed as a waiver of the enforcement of such condition.

This Easement is executed without warranty either express or implied.

EXECUTED as of this _____ day of _____, 2006.

GRANTOR:

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

By:

THOMAS H. MUEHLENBECK
CITY MANAGER
P. O. Box 860358
Plano, TX 75086-0358

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

GRANTEE:

ATMOS ENERGY CORPORATION, a
Texas corporation

By:

Name _____

Title _____

5420 LBJ Freeway, Suite 1800
Dallas, TX 75240

After Recording Return To:

City Attorney's Office
City of Plano, Texas
P. O. Box 860358
Plano, TX 75086-0358

J-6

ACKNOWLEDGMENTS

STATE OF TEXAS

§
§
§

COUNTY OF COLLIN

This instrument was acknowledged before me on the _____ day of _____, 2006, by **THOMAS H. MUEHLENBECK**, City Manager of the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, on behalf of said corporation.

Notary Public, State of Texas

STATE OF TEXAS

§
§
§

COUNTY OF DALLAS

This instrument was acknowledged before me on the _____ day of _____, 2006, by _____ of **ATMOS ENERGY CORPORATION**, a Texas corporation, for and on behalf of said corporation.

Notary Public, State of Texas

J-7

EXHIBIT "A"
6,070 SQ. FT. / 0.1393 ACRE TRACT
10' UTILITY EASEMENT
out of the
CHARLES F.M. GOODERIN SURVEY – ABSTRACT NO. 353
CITY OF PLANO, COLLIN COUNTY, TEXAS

BEING all that certain tract of land located in the Charles F.M. Gooderin Survey, Abstract Number 353, City of Plano, Collin County, Texas and being a portion of that certain tract of land known as Lot 79, Block A, Stoney Hollow, Phase Six, an addition to the City of Plano recorded in Volume N, Page 328, Plat Records, Collin County, Texas, subject tract being more particularly described by metes and bounds as follows;

BEGINNING at a point for corner in the east line of said Lot 79, said point also being in the west line of that certain tract of land described in deed to Parker SJD Preserve, Inc. recorded in Collin County Clerk File Number 20060403000427110, Official Public Records, Collin County, Texas, from whence a 5/8 inch iron rod found for the northwest corner of said Parker SJD tract and the southwest corner of that certain tract of land known as Lot 8, Cottonwood Acres, an addition to Collin County as recorded in Volume 5, Page 5, Map Plat Records, Collin County, Texas bears N 01°54'22" E, 11.53 feet;

THENCE South 01°54'22" West, with said east line of Lot 79 and the west line of said Parker SJD tract, a distance of 10.00 feet to a point for corner;

THENCE leaving said west line of the Parker SJD tract and crossing said Lot 79, the following calls;

North 88°15'17" West, a distance of 235.71 feet;

South 82°12'46" West, a distance of 81.02 feet;

South 64°06'03" West, a distance of 135.73 feet;

North 26°05'46" West, a distance of 160.45 feet to a point for corner in the southerly right-of-way line of Midpark Lane (50' right-of-way per said Stoney Hollow, Phase Six) at the beginning of a non-tangent curve to the left having a central angle of 12°10'17", a radius of 50.00 feet, a tangent length of 5.33 feet and a chord which bears N 44°30'39" E, 10.60 feet;

THENCE with said southerly right-of-way line and said non-tangent curve to the left, an arc distance of 10.62 feet to a point for corner, from whence a 1/2 inch iron rod found for the most westerly corner of Lot 78, Block A of said Stoney Hollow, Phase Six bears N 46°36'23" E, 36.66 feet;

THENCE leaving said southerly right-of-way line and crossing the aforementioned Lot 79, the following calls;

South 26°05'46" East, a distance of 154.01 feet;

J-8

NDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

DATE: MAY 03, 2006
NDM JOB: 00-01-007
007ES01-R.dwg

EXHIBIT "A" CONTINUED
6,070 SQ. FT. / 0.1393 ACRE TRACT
10' UTILITY EASEMENT
out of the

CHARLES F.M. GOODERIN SURVEY – ABSTRACT NO. 353
CITY OF PLANO, COLLIN COUNTY, TEXAS

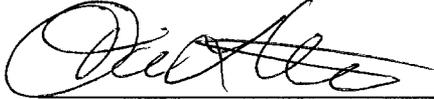
North 64°06'03" East, a distance of 127.36 feet;

North 82°12'46" East, a distance of 83.45 feet;

THENCE South 88°15'17" East, a distance of 236.57 feet to
the POINT OF BEGINNING of herein described tract, containing
0.1393 acres (or 6,070 square feet) of land, more or less,
as surveyed by Nathan D. Maier Consulting Engineers, Inc.,
March, 2006.

Note: The bearings shown and recited hereon are according to
Grid North, WGS 84, based on GPS field observations
performed in January, 2000.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, R.P.L.S. No. 4268
Registered Professional Land Surveyor



J-9

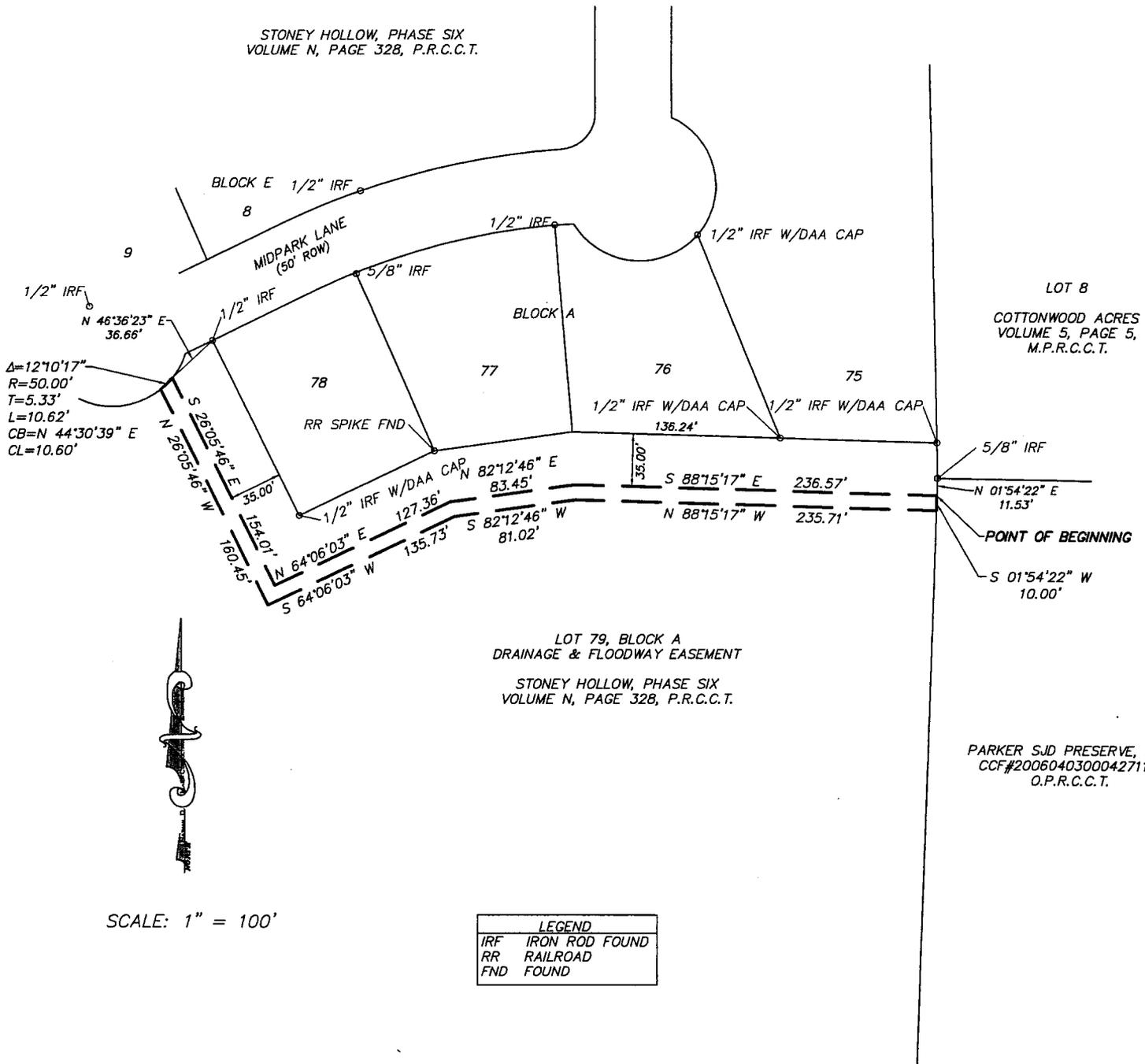
NDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

DATE: MAY 03, 2006
NDM JOB: 00-01-007
007ES01-R.dwg

EXHIBIT "B"
6,070 SQ. FT. / 0.1393 ACRE TRACT
10' UTILITY EASEMENT
 out of the
CHARLES F.M. GOODERIN SURVEY – ABSTRACT NO. 353
CITY OF PLANO, COLLIN COUNTY, TEXAS

STONEY HOLLOW, PHASE SIX
 VOLUME N, PAGE 328, P.R.C.C.T.



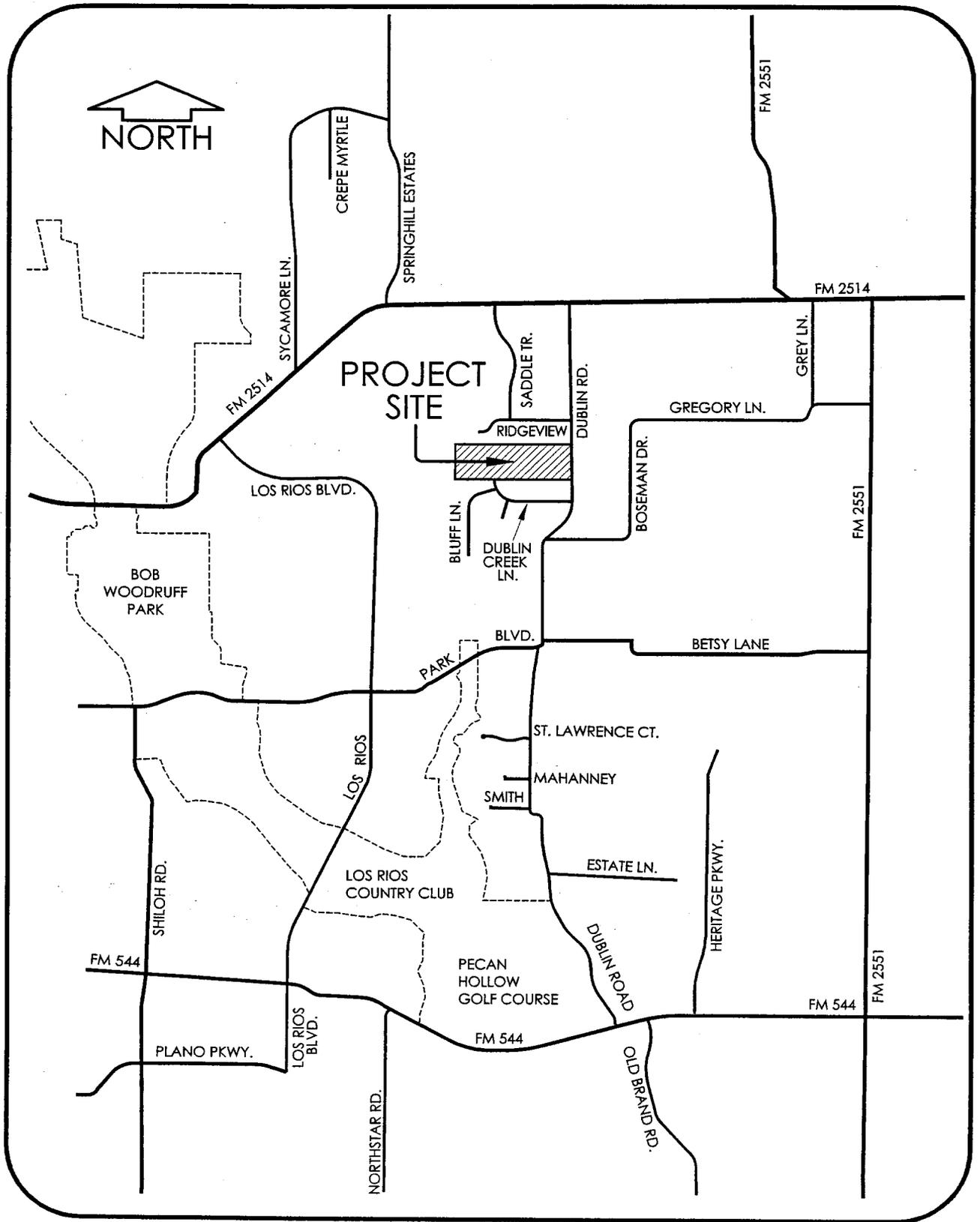
SCALE: 1" = 100'

J-10

NDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
 Two Northpark / 8080 Park Lane / Suite 600
 Dallas, Texas 75231 / Ph. (214) 739-4741

DATE: MAY 03, 2006
 NDM JOB: 00-01-007
 007ES01-R.dwg



VICINITY MAP
 NTS

J-11



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 5/22/06		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Purchasing		Initials	Date	
Department Head	Mike Ryan	Executive Director	<i>[Signature]</i>	05/24/06	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	5/24/06	
Agenda Coordinator (include phone #): Glenna Hayes x 7074					

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

CAPTION

A resolution of the City Council of the City of Plano, Texas, approving the purchase of Gas Tight Upgrade, to the Total Containment Vessel, from NABCO Inc., a sole-source provider; authorizing the City Manager or his designee to take such action as necessary to effectuate the purchase; and providing an effective date.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 05/06	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0		0	
Encumbered/Expended Amount	0	0	0	0
This Item	0	72,500	0	72,500
BALANCE	0	72,500	0	72,500

FUND(S): GRANT FUND: 2005 LETPP GRANT (568) \$68,675; GENERAL FUND (532) \$3,825

Comments: Funds are available in the 2005 LETPP Grant and in the 2005/06 Police Department budget for upgrades to the containment (bomb) vessel for the Police Department

STRAGIC PLAN GOAL: The use of State and Federal grant funds for the purchase of upgrades to the bomb disposal systems relates to the City's Goal of "Service Excellence".

SUMMARY OF ITEM

Staff requests Council approval to purchase gas tight upgrade to total containment vessel from NABCO Inc., a sole source provider; as a part of a 2005 LETPP Homeland Security Grant project.

List of Supporting Documents:
Sole Source Resolution; Quote

Other Departments, Boards, Commissions or Agencies

k-1



1001 Corporate Drive
 Suite 205
 Canonsburg, PA 15317
 724-746-9617 Phone
 724-746-9709 Fax
www.nabcoinc.com

April 21, 2006

Lt Ed Drain
 Plano Police Department
 909 14th Street
 Plano, TX 75074

Re: Nabco Quote #4-2106-01
 WMD Kit Upgrade Package

Sir,

As a follow up to your request of today, please find below our formal quotation for the equipment we discussed.

Equipment Description:

1. Upgrade your TCV with the Nabco WMD kit to operate in both the vented mode and the gas-tight mode. An on-board vapor phase sample system will be included. The ability to decontaminate the on-board piping is provided. Repainting and certification of your TCV is included. Note: This quote only covers the work necessary to upgrade your TCV and does not cover any time and or materials to repair damage to your TCV. This quote is being made based on verbal assurances that your TCV is in working order. Upon receipt by Nabco we will issue a written inspection report of any damage or rework that may be required and will not undertake the repair without written permission.

* Total Cost Item #1:	\$64,548
** Roundtrip Freight:	\$7,952

TCV Upgrades

- | | | |
|----|--|----------|
| 1. | 1. Programmable Logic Control for door and yoke operation:
Allows 100% Standoff Capability: | \$7,500 |
| | 2. Nabco Model Rad-42-Bikt-01 Radiation Shielding for Dirty Bombs: | \$40,000 |
| 1. | 3. Upgrade generator to an Onan 7000 kW fully enclosed portable generator. Quiet run generator rated at 70 (db) at 10' versus 78.5 (db) at 23' for our standard Winco Generator. | \$4,500 |

In addition this quote does not include labor or material cost to refurbish, repaint or repair your trailer. Upon receipt of your trailer we will issue an inspection report documenting any damage which Nabco recommends being repaired and that which may pose a safety threat to users of the equipment. No rework will be performed without a written authorization and issuance of a purchase order by our customer.

The following notes apply to this quotation.

1. The above price is quoted firm for any order received prior to 6/30/06.

B-2

2. Delivery quoted at time of order.
3. One day of training included in quoted price.

I have attached specifications and a data sheet with this quotation. Please let me know if you need any additional information. We appreciate the opportunity to quote on your requirements.

Sincerely,

Randy Markey
Executive Vice President

R-3

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE PURCHASE OF A GAS TIGHT OPTION UPGRADE IN THE AMOUNT OF SEVENTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$72,500.00) FROM NABCO INC., THE SOLE SOURCE VENDOR OF SUCH EQUIPMENT AND SERVICES; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE SUCH ACTION AND EXECUTE SUCH DOCUMENTS AS NECESSARY TO EFFECTUATE THE PURCHASE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented with a quotation from NABCO Inc., for the purchase of a gas tight option upgrade; and

WHEREAS, the City relies on NABCO Inc. to provide upgrade equipment that has complete compatibility with their original equipment; and

WHEREAS, the City Council thus finds that the components, service and equipment needed is available from only one source, NABCO Inc., and therefore the purchase is exempt from competitive bid as provided for in *V.T.C.A., Local Governmental Code, Section 252.022(a)(7)*.

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

Section I. The City Council hereby finds and determines that NABCO Inc. is the sole source provider for the purchase of a gas tight option upgrade, and said purchase is exempt from competitive bid as provided for in *V.T.C.A., Local Government Code, Section 252.022(a)(7)*.

Section II. The City Manager or his designee is hereby authorized to take such action and execute such documents with NABCO Inc., the sole source provider, as necessary to effectuate the purchase of additional such rescue and safety products in an amount not to exceed the sum of **SEVENTY-TWO THOUSAND, FIVE HUNDRED DOLLARS (\$72,500.00)**.

R-4

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

DULY PASSED AND APPROVED this the _____ day of _____, 2006.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

R-5



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	5/22/06	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Fleet & Equipment Services Division		Initials	Date
Department Head:	Karl Henry	Jimmy Foster	Executive Director	<i>KA</i> 5-11-06
Dept Signature:	<i>Karl Henry</i>		City Manager	<i>JLF</i> 5/11/06
Agenda Coordinator (include phone#):		Linda M. Robinson x4180		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS ADOPTING AND IMPLEMENTING A CLEAN FLEET VEHICLE POLICY TO IMPROVE AIR QUALITY WITHIN THE CITY; AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
<p>The North Central Texas Council of Governments, Transportation Department took action on October 13, 2005 on a resolution in support of a Clean Fleet Vehicle Policy. This comprehensive policy covers ways fleets can have a positive impact on air quality through vehicle acquisition, maintenance, operations and compliance verification.</p> <p>If the Clean Fleet Vehicle Policy is adopted it would entitle entities to compete for clean vehicle funding and allow them to participate in procurement assistance programs.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, ADOPTING AND IMPLEMENTING A CLEAN FLEET VEHICLE POLICY TO IMPROVE AIR QUALITY WITHIN THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments, and has been and continues to be a forum for cooperative decisions on transportation; and,

WHEREAS, the Regional Transportation Council by Resolution dated October 13, 2005, supports the adoption and implementation of a Clean Fleet Vehicle Policy by the City of Plano; and,

WHEREAS, the Dallas-Fort Worth area is a federally designated non-attainment area for the pollutant ozone and air quality impacts the public health of the entire region; and,

WHEREAS, approximately fifty percent of the nitrogen oxide (NOx) emissions in the Dallas-Fort Worth non-attainment area come from on-road vehicles; and

WHEREAS, the Regional Transportation Council is responsible for air quality conformity, and the Clean Air Act Amendments of 1990 require that in air quality non-attainment areas transportation plans and improvement programs must conform to the applicable air quality implementation plan; and,

WHEREAS, the City of Plano wants to set achievable goals and provide workable, cost effective solutions to improve the air in the Dallas-Fort Worth Metropolitan Area, and implement those measures as soon as practicable to improve air quality.

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

Section I. Vehicle acquisitions for fleet expansion or replacement of model year 2004 or newer shall be newest model year or engine standard only. Vehicle acquisitions to replace model year 2003 or older vehicles must show at least 25% reduction in Nitrogen Oxides (NOx) emissions rate compared to the vehicle being replaced. (Waivers are possible when new technologies or achievements of the required emission reduction are not possible). Aftermarket technologies and conversions are acceptable for fleet expansion and fleet replacements.

Aftermarket technologies and conversions must be Environmental Protection Agency (EPA) and/or California Air Research Board (CARB) verified or certified or technology equivalent or better, as determined by the North Central Texas Council of Governments (NCTCOG) staff. Conversions must comply with the provisions of EPA Memorandum 1A and Addendum Revision (June 25, 1974 and June 1, 1998).

l-2

Section II. Vehicle idling is allowed only for safety, emergency response, vehicle maintenance, equipment activity, warm-up/operations in cold temperature, and manufacturer recommended minimum idle/warm-up times. Vehicles with the lowest NOx emissions that are capable of performing the required operational demands shall drive the most miles. Fleet manager shall abide by latest refueling time/season guidelines published by NCTCOG Air Quality Planning. Non-emergency vehicles shall drive no more than the posted speed limit and avoid rapid acceleration. All drivers shall be trained on air quality appropriate operational requirements.

Section III. City shall perform annual emission and safety inspections for all vehicles, even for vehicles with no state mandated inspection requirement. All vehicles with over 100,000 miles must have emission inspections every 25,000 miles thereafter. City shall perform all manufacturer's recommended maintenance. Mandatory participation in any diesel or other Texas Commission on Environmental Quality (TCEQ) or NCTCOG inspection/maintenance program, including applicable test or pilot programs.

Section IV. City shall provide NCTCOG with an annual electronic update of fleet size and activity in a format established by NCTCOG. The City acknowledges that entities not adopting and complying with the Clean Fleet Vehicle Policy and/or reporting requirements will not be eligible for future clean vehicle funding and RTC may evaluate the City's compliance when considering other RTC funding actions.

Section V. That this resolution shall become effective immediately from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Plano, Texas, on this _____ day of _____, 2006.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

l-3



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	5/22/06	Reviewed by Legal <i>aw</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Legal		Initials	Date
Department Head	Diane Wetherbee	Executive Director		
Dept Signature:	<i>Diane Wetherbee</i>	City Manager	<i>[Signature]</i>	<i>[Signature]</i>
Agenda Coordinator (include phone #): Lynne Jones - 7109				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER				
CAPTION				
Council discussion and direction whether the Tax Increment Financing Board qualifies as a City Board and is subject to Charter Section 4.07.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
<p>Sec. 4.07 of the City Charter limits a person's membership to two permanent boards or commissions of the City of Plano at any one time. An issue arose as to whether the Tax Increment Financing Board ("TIF"), which is created by state law and agreement of the taxing participants, qualifies as a "City board" under Section 4.07. Board members are appointed by the City Council as well as the taxing units. Attached is a memo that outlines these issues in more detail. The City Council may make reasonable interpretation of its City Charter. If it is Council's interpretation that the TIF board is not a City board, a resolution providing for that interpretation will be prepared for your next meeting.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
May 5, 2006 Memo		n/a		

MEMORANDUM

DATE: May 5, 2006

TO: Bruce Glasscock, Executive Director

FROM: Diane C. Wetherbee, City Attorney *DW*

RE: Whether the TIF 2 board is considered a City of Plano board for purposes of 4.07.

You wish to know whether section 4.07 precludes the appointment of a person to the International Relations Advisory Commission since the person already serves as a board of director to TIF 2 as the Collin County Community College's representative, and on the City's Transition and Revitalization Commission. City Charter section 4.07 restricts persons from serving on more than two permanent boards or commissions of the city of Plano. In this situation, the question is whether the TIF Board is considered a permanent City of Plano board for purposes of section 4.07.

In order to address this question, it is important to understand how the TIF board is constituted. TIF 2 was initiated by the City creating a reinvestment zone, and culminated in an agreement between each participating taxing unit and the City to participate in the district.¹ By state law, a TIF district must have a board of directors and it sets forth the process for their appointment and eligibility. To be eligible to serve as a director for a city created reinvestment zone, the appointee must be a qualified voter of the city or, be at least 18 years old and own real property in the zone-

¹ In the initial formation of a TIF, each of the taxing units approves the financing plan, project plan and other documents related to the TIF. Any amendments to those documents are then reviewed by the Board of Directors for recommendation to the City for final approval; however, the amendments are not subject to approval by the other participating taxing units. The participants are Plano, Collin County, and Collin County Community College.

1-2

residency is not required.² The municipality that creates the reinvestment zone appoints a certain number of directors. Each taxing unit that participates in the TIF district is eligible to appoint a director to the Board.

Since the existence of TIF 2 requires the commitment of other taxing units, there is a logical argument that it is not considered a city board for purposes of section 4.07 because it is not subject to the unilateral decision of the City to terminate the TIF at any time. The TIF board is more akin to agencies such as DART and NTMWD in that it is not solely subject to City control; and, state law requirements determine eligibility to be a director of the board. Another distinction to consider is where appointment authority is created by state law, and the appointee is named from a taxing unit other than the City.

Council is entitled to make reasonable interpretations of the City Charter and it is appropriate for them to decide whether Section 4.07 should be limited to only those boards that the City has complete authority for establishing and continuing their existence. Since the TIF board is constituted with appointees other than those selected by the City and is subject to the agreement of the taxing units participation in the TIF, it may be deemed a "non-city" board so that 4.07 is not applicable to it. If the Council adopts this interpretation, it may choose to apply it to situations where the appointment is made by an entity other than the City.

² City Charter requires residency in Plano for its appointees to boards and commissions except as permitted by Resolution No. 96-5-07.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	5/22/06		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Public Works		Initials	Date	
Department Head	Jimmy B. Foster	Executive Director	<i>[Signature]</i>	5-15-06	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	5/16/06	
Agenda Coordinator (include phone #): Margie Stephens (X4104)					

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

CAPTION

A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING ORDINANCE NO. 2001-12-19, CODIFIED AS DIVISION 4, DROUGHT CONTINGENCY PLAN, OF ARTICLE II, WATER OF CHAPTER 21, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF PLANO; ADOPTING A NEW DROUGHT CONTINGENCY PLAN; ESTABLISHING PROCEDURES AND CRITERIA FOR DECLARING A WATER EMERGENCY AND IMPLEMENTING AND TERMINATING DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES DURING DROUGHT RESPONSE STAGES; ESTABLISHING PENALTIES FOR VIOLATING THE RESTRICTIONS AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE; AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

FINANCIAL SUMMARY

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

FUND(S):
COMMENTS:

SUMMARY OF ITEM

The service area of the North Texas Municipal Water District (NTMWD) has been in a drought since at least June 2005. NTMWD receives water from three lakes: Lake Lavon, Lake Chapman, and Lake Texoma. The availability of water from all three lakes is limited. Recognizing the water may not be available in the quantities desired during the ensuing summer months, the NTMWD and the City of Plano staff recommends the adoption of this Drought Contingency Ordinance.

The City of Plano has had a Drought Contingency Plan since 1997; however, staff recommends that an adaptation of the North Texas Municipal Water District (NTMWD) Model Drought Contingency Plan now be adopted in order to provide uniformity across the NTMWD service area. **(Continued on Next Page)**



CITY OF PLANO COUNCIL AGENDA ITEM

Summary of Item (Cont'd)

The initiation of the four stages in the Drought Contingency Plan is linked to a declaration of water supply emergency by either the NTMWD or by the Plano City Manager. Each stage puts in place increasingly stringent water conservation measures. The measures at Stage 1 are optional and the measures at Stages 2 to 4 are mandatory. The goal of Stage 1 (Mild) is to raise water conservation awareness and does not have an associated reduction goal in water production by NTMWD. The goal of Stage 2 (Moderate) is to continue to raise water conservation awareness and is associated with a desired two (2) percent decrease in water production. The goal of Stage 3 (Severe) is to reduce water production by five (5) percent. The goal of Stage 4 (Emergency) is to reduce water production by ten (10) percent. Logically, if NTMWD reduces its water production by two, five, or ten percent, the Member Cities will need to follow suit in terms of water consumption. Stage 3 restricts landscape irrigation use to once every seven (7) days on a schedule tied to a zonal map, a copy of which is included with the proposed ordinance. Stage 4 prohibits all residential and commercial landscape irrigation using potable water, except for 2 hours daily by the use of a soaker hose or hand held hose to water building foundations.

The Drought Contingency Plan measures are designed to increasingly reduce water consumption by the Member Cities and the other customers of the NTMWD. Consumption may be reduced by water conservation education and by increasingly severe restrictions on water usage.

A long-term severe drought situation may result in greater reductions than the ten (10) percent reduction goal of Stage 4 of the Drought Contingency Plan. In this case, the NTMWD may have such a limited supply of water to distribute that it would need to ration the daily amount of water that is delivered to each of its customers. The water district would be forced to limit the water supply to a predetermined quantity of water by ceasing to pump water into its customers' ground storage tanks. In order to maintain the ability to provide water for essential human consumption and to maintain the capability to maintain a water supply for fire fighting, the City at that point would both have to step up enforcement of violations of usage restrictions and possibly implement rate surcharges to encourage reduced water use. (Note: Rate surcharges would require separate City Council action).

In meetings with the NTMWD the Member Cities have been told that, without significant spring rainfall, coping with the ongoing drought situation could necessitate a significant reduction in water production and use by the time late spring and early summer arrive in north Texas. Thus far, we have not had that significant spring rainfall. NTMWD has announced that it will go to Stage 3 on June 1, 2006. This ordinance will allow the City of Plano to follow suit within a short period of time after this date.

List of Supporting Documents:

Other Departments, Boards, Commissions or Agencies

2-2

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING ORDINANCE NO. 2001-12-19, CODIFIED AS DIVISION 4, DROUGHT CONTINGENCY PLAN, OF ARTICLE II, WATER OF CHAPTER 21, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF PLANO; ADOPTING A NEW DROUGHT CONTINGENCY PLAN; ESTABLISHING PROCEDURES AND CRITERIA FOR DECLARING A WATER EMERGENCY AND IMPLEMENTING AND TERMINATING DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES DURING DROUGHT RESPONSE STAGES; ESTABLISHING PENALTIES FOR VIOLATING THE RESTRICTIONS AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE; AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, on December 17, 2001, by Ordinance No. 2001-12-19, the City Council of the City of Plano adopted a Drought Contingency Plan to be implemented in the event of a water shortage, such Ordinance was codified as Division 4, Article II, Chapter 21 of the City of Plano Code of Ordinances; and

WHEREAS, in April, 2004, the North Texas Municipal Water District ("NTMWD") developed a model drought contingency plan in accordance with state law and has requested all member cities to adopt this plan; and

WHEREAS, a public hearing was conducted on May 22, 2006 to require input from the public on this drought ordinance plan; and

WHEREAS the City Council for the City of Plano, Texas ("City Council") has determined that the current drought contingency plan created by City Ordinance No. 2001-12-19 should be repealed; and

WHEREAS, the City Council hereby finds and determines that the model drought contingency plan is in the best interest of the City of Plano and its citizens and should be adopted as set forth below.

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

Section I. Ordinance No. 2001-12-19 duly passed approved by the City Council of the City of Plano, Texas, on December 17, 2001 is hereby repealed.

Section II. A new Drought Contingency Plan which follows the NTMWD model and complies with the regulations and requirements of the Texas Water Code and Texas Commission on Environmental Quality ("TCEQ") is hereby adopted and codified as Division

2-3,

4, Drought Contingency Plan, of Article II, Water, of Chapter 21, Utilities of the Code of Ordinances of the City of Plano shall read as follows:

“DIVISION 4. DROUGHT CONTINGENCY PLAN

Sec. 21-53. Purpose and scope.

(a) The North Texas Municipal Water District (NTMWD) supplies treated water to the City of Plano, as well as other member cities and customers. A model drought contingency plan was developed by NTMWD in accordance with the regulations and requirements of the Texas Administration Code and the Texas Commission on Environmental Quality ("TCEQ") and consultation with its member cities. The NTMWD model plan calls for member cities and customers to adopt similar criteria and procedures for declaring a water emergency and implementing drought or emergency response stages as used by NTMWD. Member cities and customers may also adopt more stringent drought stages than NTMWD if conditions warrant. The following ordinance is written in accordance with TAC and the NTMWD's model drought contingency plan.

(b) There is hereby established a City of Plano Drought Contingency Plan (in this division called "the Plan") to provide procedures for:

- (1) Conserving the available water supply in times of drought and emergency;
- (2) Maintaining supplies for domestic water use, sanitation, and fire protection;
- (3) Protecting and preserving public health, safety, and welfare; and
- (4) Minimizing the adverse impacts of water supply shortages.

(c) The plan applies to:

- (1) All persons and premises within the city using water from the city's water system ("the system");
- (2) All wholesale contract customers; and
- (3) All retail customers who live in unincorporated areas within the city's extraterritorial jurisdiction and are served by the system.

Sec. 21-54. Exemption.

The governmental use of water for essential services such as police, fire, and emergency services which is necessary to preserve or protect the health, safety and welfare of the citizens of Plano are exempt from any and all restrictions or mandates set forth in the Plan.

2-4

Sec. 21-55. Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

'City Manager' means the City Manager of the City of Plano or his authorized designee.

'Customer' means a person, company or other entity connected to the City's water system and contracting with the City of Plano to receive potable water service.

'Director' means the Director of Public Works of the City of Plano or his authorized designee.

'General emergency' means a condition in which the existing or projected water supply available to the city is not anticipated to meet the normal water requirements of metered water users. This condition may be the result of factors including, but not limited to, natural emergency conditions (i.e., drought, etc.) and/or a failure of the city's or its supplier's water distribution systems.

'Geographical emergency' means a condition in which the existing or projected water supply available to the city is not anticipated to meet the normal water requirements of a section or sections of the metered water users. This condition may be the result of factors including, but not limited to, natural emergency conditions (i.e., drought, fire, etc.) and/or a failure of the city's or its supplier's water distribution systems.

'Landscape' means natural plant materials around buildings or on grounds (i.e., trees, shrubbery, grasses and flowers).

'Landscape beds' means plants and shrubs that are separated from turf.

'North Texas Municipal Water District' or *"NTMWD"* refers to the North Texas Municipal Water District.

'Plan' refers to the City of Plano Drought Contingency Plan.

'Person' means owner, occupant, or person in control of the premises or a person authorized by the owner, occupant, or person in control of the premises.

'Potable water' means any public water supply, which has been investigated and approved by the TCEQ as satisfactory for drinking, culinary and domestic purposes.

'System' means the City of Plano water works system and shall include, but not be limited to, all reservoirs, storage tanks, elevated tanks, pipelines, pumps, hydrants,

2-5

meters, valves, connections, engines, and all other property and machinery used in connection with the City's water works system.

Sec. 21-56. Authority to declare water emergency.

Upon the occurrence of any one of the criteria listed below, the City Manager or an Executive Director in his absence is hereby authorized to declare a water emergency and to implement any of the drought or emergency response stages in accordance with the provisions of this Division:

- (a) General or geographical emergency;
- (b) Water system failures/emergencies (i.e., pressure zone deficiencies, chemical spills, broken water mains, power outages, electrical failure, failure of storage tanks or other equipment, treatment plant breakdown, and/or water contamination);
- (c) Supply failure from North Texas Municipal Water District or initiation of any stage in its drought contingency plan;
- (d) An inability to recover approximately ninety percent (90%) in all storage facilities within a twenty-four (24) hour period;
- (e) Notification by the North Texas Municipal Water District of a significant decrease in reservoir levels resulting in NTMWD's inability, presently or in the immediate future, to recover resources sufficient to provide services necessary for public health, safety, and welfare.

Sec. 21-57. Notification and termination of water emergency.

(a) Notification of Water Emergency – The public will be notified of a water emergency through one or more of the following methods: press release to local media, publication in a newspaper in general circulation in the City of Plano, publication on Plano Television Network ("PTN") and publication on the City's website. Wholesale customers will be notified first by telephone call or electronic mail and then by letter that provides detailed information regarding the reasons for the drought stage.

(b) Violations following Notification - No criminal citation for violating any of the water use restrictions set forth in Drought or Emergency Response Stages 2, 3 or 4 will be issued until the notice of a water emergency or notice of drought response stage has been published in at least one issue of a newspaper in general circulation in the City of Plano.

(c) Termination of Water Emergency – The water emergency shall remain in effect until the City Manager or an Executive Director in his absence determines that the condition(s) that triggered the water emergency have been alleviated or no longer exist. The public and wholesale customers will be informed of the termination of the water emergency in the same manner as provided in subsection (a) above.

2-60

Sec. 21-58. Provisions for Continuing Public Education and Information

The City will take steps to inform and educate the public about water emergencies and the drought contingency plan by the following means:

- (a) At any time that the drought contingency plan is activated or the drought or emergency response stage changes, the City will notify the local media of the implementation, issues, the drought response stage, and the specific actions required of the public;
- (b) The information will also be publicized on the city's web site;
- (c) Billing inserts and other communication devices will also be used as appropriate;
- (d) A copy of the plan will be available to the public at the City Secretary's office;
- (e) Local organizations, schools, churches, and civic groups will be notified that City staff is available to make presentations on the drought contingency plan (usually in conjunction with presentations on water conservation programs).

Sec 21-59. Initiation and Termination of Drought or Emergency Response Stages

(a) Initiation of a Drought or Emergency Response Stage - The City Manager or an Executive Director in his absence is authorized to initiate a drought or emergency response stage when one or more of the criteria applicable to that stage are triggered.

(b) Notification of Public - The following actions will be taken to notify the public when a drought emergency response stage is initiated or raised.

- (1) The public will be notified of the implementation or amendment of a drought or emergency response stage in the manner set forth in Sec. 21-57 above;
- (2) Wholesale customers and the NTMWD will be notified by telephone with a follow-up letter, e-mail or facsimile transmission;
- (3) If any mandatory provisions of the drought or emergency response contingency plan are activated, notification will be sent to the Executive Director of the TCEQ within five (5) business days:

(c) Drought or Emergency Response Stages Imposed by NTMWD The City Manager or his authorized designee may elect not to implement a drought or emergency response stage depending on all relevant factors. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

2-7'

(d) Termination of a Drought or Emergency Response Stage – The drought or emergency response stage shall remain in effect until the City Manager or an Executive Director in his absence determines that the conditions that triggered the drought response stage have been alleviated or no longer exist or lake levels established by NTMWD for termination are met.

(e) Notification of Public. The following actions will be taken to notify the public when a drought or emergency response stage is terminated or lowered:

- (1) The public will be notified of the termination or lowering of a drought or emergency response stage in the manner provided in Sec. 21-57 herein;
- (2) Wholesale customers and the NTMWD will be notified by telephone with a follow-up letter, e-mail, or facsimile transmission;
- (3) If any mandatory provisions of the drought response contingency plan are terminated, the Executive Director of the TCEQ will be notified within five (5) business days.

21-60. Drought or Emergency Response Stages

(a) **Triggers for Stage 1, Mild (Voluntary) Drought or Emergency Response Stage (hereinafter referred to as “Stage 1”)** - the City Manager or an Executive Director in his absence may implement Stage 1 when one or more of the following criteria are met:

- (1) The NTMWD initiates Stage 1 drought or emergency response stage;
- (2) The water level in Lake Lavon falls below an elevation of 484.0 msl (8 feet below the top of conservation storage);
- (3) The water level in Lake Chapman falls below an elevation of 432.0 msl (8 feet below top of conservation storage);
- (4) Regional water use is projected to approach the limit of the permitted supply;
- (5) NTMWD determines that Lake Texoma or some other NTMWD water supply source may have limited availability in the next 6 months;
- (6) NTMWD demand exceeds ninety percent (90%) of the amount that can be delivered to customers for seven (7) consecutive days;
- (7) Water demand for all or part of NTMWD’s delivery system approaches delivery capacity because delivery capacity is inadequate;
- (8) NTMWD’s supply source becomes contaminated;

2-8

- (9) NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components;
- (10) Demand on the City's system exceeds ninety percent (90%) of the amount that can be delivered to customers for three (3) consecutive days;
- (11) Demand on the City's system exceeds the system's ability to recover approximately ninety percent (90%) in all storage facilities within a 24-hour period;
- (12) Water demand on all or part of the City's delivery system approaches delivery capacity because delivery capacity is inadequate;
- (13) The City's supply source becomes contaminated;
- (14) The City's water supply system is unable to deliver water due to the failure or damage of major water system components.

(b) **Goal for Use Reduction and Actions Available under Stage 1** - The goal for water use reduction under Stage 1 is to raise public awareness of potential drought or water supply problems. The City Manager or an Executive Director in his absence may implement any or all of the actions or programs listed below:

- (1) Request voluntary reductions in water use by the public and by wholesale customers;
- (2) Increase public education on ways to reduce water usage;
- (3) Notify major water users and work with them to achieve voluntary water use reductions;
- (4) Review non-essential city government water use and reduce when possible. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.);
- (5) Reduce city government water use for landscape irrigation;
- (6) Recommend to all City of Plano water users:
 - i. Use soaker hoses to maintain foundation moisture;
 - ii. Irrigate landscaping with a hand operated hose equipped with a positive shut off nozzle;
 - iii. Operate sprinkler system only once per week and only if necessary, irrigate between 7:00 pm and 9:00 am only;

2-9

- iv. Notify wholesale customers of actions being taken and require implementation of similar procedures.

(c) **Stage 1** may be terminated when the level of Lake Lavon rises above an elevation of 488.0 msl and/or when Lake Chapman rises above an elevation of 435.0 msl and/or when the circumstances that caused the implementation of Stage 1 no longer prevail.

(d) **Triggers for Stage 2, Moderate (Mandatory) Drought or Emergency Response Stage (hereinafter referred to as "Stage 2")** - the City Manager or an Executive Director in his absence may implement Stage 2 when one or more of the following criteria are met:

- (1) NTMWD implements Stage 2 drought or emergency response stage;
- (2) The water level in Lake Lavon falls below an elevation of 481.0 msl (11 feet below the top of conservation storage);
- (3) The water level in Lake Chapman falls below an elevation of 430.0 msl (10 feet below top of conservation storage);
- (4) Regional water use is projected to approach the limit of the permitted supply;
- (5) NTMWD determines that Lake Texoma or some other NTMWD water supply source may have limited availability in the next three (3) months;
- (6) NTMWD demand exceeds ninety five percent (95%) of the amount that can be delivered to customers for five consecutive days;
- (7) NTMWD demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate;
- (8) NTMWD's supply source becomes contaminated;
- (9) NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components;
- (10) Demand on the City's system exceeds ninety-five percent (95%) of the amount that can be delivered to customers for three consecutive days;
- (11) Demand on the City's system exceeds the system's ability to recover approximately ninety percent (90%) in all storage facilities within a 48-hour period;
- (12) Water demand on all or part of the City's delivery system equals delivery capacity because delivery capacity is inadequate;

2-10

- (13) The City's supply source becomes contaminated;
- (14) The City's water supply system is unable to deliver water due to the failure or damage of major water system components.

(e) **Goal for Use Reduction and Actions Available Under Stage 2, Moderate (Mandatory)** - The goal for water use reduction under Stage 2 is a two percent (2 %) reduction in the amount of water produced by NTMWD. The City Manager, or an Executive Director in his absence, may implement any or all of the following actions or programs under Stage 2:

- (1) Continue with water conservation actions and programs provided under Stage 1;
- (2) Encourage the public to wait until the current drought or water emergency has passed before establishing new landscaping. New landscaping installed during any drought response stage will be subject to any additional water use restrictions implemented under drought response Stages 3 or 4. Financial loss will not constitute justification for a variance;
- (3) Reduce non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.). Initiate studies to evaluate alternatives should conditions worsen;
- (4) Notify wholesale customers of actions being taken and require them to implement similar procedures.

(f) **Water Use Restrictions Under Stage 2** – Upon implementation of Stage 2 and notification of the public as provided herein, the following water use restrictions shall apply to all customers, users and other persons connected to the City of Plano Water System:

- (1) Washing or hosing of buildings, sidewalks, driveways, patios, porches, parking areas or any other paved surfaces is prohibited;
- (2) Excessive water run-off from any landscaped area onto streets, alleys, parking lots or other paved surfaces is prohibited. Water run-off is excessive when it extends for a distance greater than ten (10) feet from the property's boundary lines; onto an adjacent property; or, ten (10) feet past the targeted irrigation area for commercial sites;
- (3) Outdoor watering or irrigation is prohibited except between the hours of 7:00 p.m. to 9:00 a.m.

(g) **Stage 2** may be terminated when the level of Lake Lavon rises above an elevation of 485.0 msl and/or when Lake Chapman rises above an elevation of 433.0 msl and/or when the circumstances that caused the implementation of Stage 2 no longer prevail.

2-11

(h) **Triggers for Stage 3, Severe (Mandatory) Drought or Emergency Response Stage (hereinafter referred to as "Stage 3")** – The City Manager, or an Executive Director in his absence, may implement Stage 3 when one or more of the following criteria are met:

- (1) NTMWD implements Stage 3 drought or emergency response stage;
- (2) The water level in Lake Lavon falls below an elevation of 478.0 msl (14 feet below the top of conservation storage);
- (3) The water level in Lake Chapman falls below an elevation of 426.0 msl (14 feet below the top of conservation storage);
- (4) Regional water use is approaching or exceeding the limit of permitted supply;
- (5) The supply from Lake Texoma or some other NTMWD water supply source has become limited in availability;
- (6) NTMWD demand exceeds ninety eight percent (98%) of the amount that can be delivered to customers for three consecutive days;
- (7) NTMWD demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate;
- (8) NTMWD's supply source becomes contaminated;
- (9) NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components;
- (10) Demand on the City's system exceeds ninety-eight percent (98%) of the amount that can be delivered to customers for three consecutive days;
- (11) Demand on City's system exceeds the system's ability to recover approximately ninety percent (90%) in all storage facilities within a 72-hour period;
- (12) Demand on all or part of the delivery system exceeds City's delivery capacity because delivery capacity from NTMWD is inadequate;
- (13) The City's supply source becomes contaminated;
- (14) The City's water supply system is unable to deliver water due to the failure or damage to major water system components.

2-12

(i) **Goal for Water Use Reduction and Actions Available Under Stage 3** - The goal for water use reduction under Stage 3 is a reduction of five percent (5%) in the amount of water produced by NTMWD. The City Manager or an Executive Director in his absence may implement any or all of the following actions or programs under Stage 3:

- (1) Continue with water conservation actions or programs implemented under Stages 1 and 2;
- (2) Drastically reduce city government water use for landscape irrigation, except as needed to prevent foundation damage, keep golf course greens and tee boxes alive, and preserve new plantings;
- (3) Require city landscape irrigation to adhere to implemented landscape watering schedule;
- (4) Notify wholesale customers of actions being taken and require them to implement similar procedures;

(j) **Water Use Restrictions Under Stage 3** – Upon implementation of Stage 3 and notification of the public as provided herein, the following water use restrictions shall apply to all customers, users and other persons connected to the City of Plano Water System:

- (1) All of the water use restrictions implemented during Stages 1 and 2 shall continue in force except as amended or replaced by the restrictions set out herein;
- (2) Existing pools may be replenished to maintain operation levels. The use of potable water to refill ponds and lakes is prohibited;
- (3) Landscape watering is limited to one day per week between the hours of 7:00 p.m. and 9:00 a.m. at each service address located within the City of Plano. Landscape watering shall comply with the following mandatory five day watering schedule. Watering shall take place on the day indicated based upon the location of the service address as indicated on the Watering Zone Map attached hereto as “Exhibit A”:

ZONE

Allowed Landscape Water Days

1	Monday
2	Tuesday
3	Wednesday
4	Thursday
5	Friday

2-13

Note: Landscape watering will be enforced as follows:**12:00 am to 9:00 a.m. on assigned day watering is allowed;****9:01 am to 6:59 p.m. – watering is not allowed;****7:00 pm to 11:59 p.m. on assigned day watering is allowed.**

- (4) Except as otherwise provided herein, landscape watering is prohibited on weekends;
- (5) Landscape beds may be watered on any day between the hours of 7:00 p.m. and 9:00 a.m. by using a hand-operated hose equipped with a positive shut off nozzle. Soaker hoses for foundation maintenance are authorized as necessary. In all instances, excessive run-off is prohibited. Water run-off is excessive when it extends for a distance greater than ten (10) feet from the property's boundary lines; onto an adjacent property; or, ten (10) feet past the targeted irrigation area for commercial sites;
- (6) Golf course watering and irrigation shall be limited to greens and tee boxes as needed; excessive run-off is prohibited for all water users. (Restrictions do not apply to golf courses using non-potable water for landscape irrigation);
- (7) Watering of athletic complexes by the City's Parks and Recreation Department will be allowed one day per week, on Sundays beginning at 7:00 pm and ending at 9:00 am Monday.

(k) **Stage 3** may be terminated when the level of Lake Lavon rises above an elevation of 482.0 msl and/or when Lake Chapman rises above an elevation of 430.0 msl and/or when the circumstances that caused the implementation of Stage 3 no longer prevail.

(l) **Triggers for Stage 4, Emergency (Mandatory) Drought Response Stage (hereinafter referred to as "Stage 4")** – The City Manager, or an Executive Director in his absence, may implement Stage 4 when one or more of the following criteria are met:

- (1) NTMWD implements Stage 4 drought or emergency response stage;
- (2) The water level in Lake Lavon falls below an elevation of 475.0 msl (17 feet below the top of conservation storage);
- (3) The water level in Lake Chapman falls below an elevation of 423.0 msl (17 feet below top of conservation storage);
- (4) Regional water use is exceeding the limit of the permitted supply;
- (5) The supply from Lake Texoma or some other NTMWD water supply source has become severely limited in availability;
- (6) NTMWD demand exceeds the amount that can be delivered to customers;

2-14

- (7) NTMWD demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate;
- (8) NTMWD's supply source becomes contaminated;
- (9) NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components;
- (10) Demand on City's system exceeds the amount that can be delivered to customers;
- (11) Demand on City's system for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity from NTMWD is inadequate;
- (12) The City's supply source becomes contaminated;
- (13) The City's water supply system is unable to deliver water due to the failure of or damage to major water system components.

(m) **Goal for Water Use Reduction and Actions Available under Stage 4** - the goal for water use reduction under Stage 4 is a reduction of ten percent (10%) in the amount of water produced by NTMWD. The City Manager, or an Executive Director in his absence, may implement any or all of the following actions or programs under Stage 4:

- (1) Continue with water conservation actions or programs implemented under Stages 1, 2, and 3.

(n) **Water Use Restrictions Under Stage 4** - Upon implementation of Stage 4 and notification to the public as provided herein, the following water use restrictions shall apply to all customers, users and other persons connected to the City of Plano Water System:

- (1) All of the water use restrictions implemented during Stages 1, 2, and 3 shall continue in force except as amended or replaced by the restrictions set out herein;
- (2) Watering of landscape and landscape bedding is prohibited throughout the City. Foundations may be watered as needed with soaker hose only;
- (3) Use of potable water for landscape watering and irrigation of public parks and athletic fields is prohibited, except where necessary to protect the public health or safety;
- (4) Construction of new water lines or testing of existing water lines is prohibited except where necessary for public health, welfare or safety reasons;

2-15

- (5) The use of potable water for construction purposes is prohibited except where necessary for public health or safety reasons;
- (6) Municipal water use necessary to maintain the public health, safety, and welfare including, but not limited to: fire-fighting, fire prevention and water system maintenance is allowed;
- (7) Notify wholesale customers of actions being taken and require them to implement similar procedures.

(o) Stage 4 may be terminated when Lake Lavon rises above an elevation of 479.0 msl and/or when Lake Chapman rises above an elevation of 427.0 msl and/or when the circumstances that caused the implementation of Stage 4 no longer prevail.

21-64. Procedures for Granting Variances to the Plan

(a) The City Manager, or an Executive Director in his absence may grant a temporary variance for an existing water use otherwise prohibited under this drought contingency plan if one or more of the following conditions are met:

- (1) Failure to grant such a variance would create an emergency condition adversely affecting the health, sanitation, or safety of the applicant (or the applicant's tenants, occupants or residents) or an emergency condition adversely affecting the health, sanitation or safety of the public at large;
- (2) Strict compliance with the drought contingency plan or the water use restrictions set out in the drought or emergency response stages cannot be achieved due to serious mechanical or technical limitations which cannot be corrected;
- (3) Alternative water conservation methods that achieve the same level of reduction in potable water use for applicant can be implemented;

(b) The City Manager, or an Executive Director in his absence, shall hear and decide all petitions for variances from the requirements of this ordinance. All petitions for variances must be in writing, addressed to the Public Works Department, City of Plano, P.O. Box 860358, Plano, Texas 75086 and should include the following information:

- (1) Name and address of the petitioners;
- (2) Purpose of water use;
- (3) Specific provisions from which relief is requested;
- (4) Detailed statement of the adverse effect of the provision from which relief is requested;

2-16

- (5) Description of the relief requested;
- (6) Period of time for which the variance is sought;
- (7) Alternative measures that will be taken to reduce water use;
- (8) Other pertinent information.

(c) The Director shall forward all information pertinent to the variance request to the City Manager along with a recommendation within three (3) business days following receipt of a completed petition for variance. The City Manager may conduct an informal hearing on the variance request, or he may decide the variance request on basis of the petition, written materials and recommendations received. If a hearing is called, the Manager must provide ten (10) days written notice of the date, time and place of the hearing to petitioner at petitioner's service address as indicated in the City's utility billing records.

(d) The City Manager, or an Executive Director in his absence, shall render a decision on the variance petition within ten (10) business days following the hearing or within ten (10) business days following receipt of all information needed to render a decision. A copy of the City Manager's decision on the variance petition shall be delivered in writing to applicant and to the Director of Public Works.

21-65. Penalty

Any person, firm or corporation who violates any term or provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Each day a violation continues shall constitute a separate offense.

21-66. Discontinuance of water service to irrigation system.

(a) In addition to the criminal penalties that may be imposed for a violation of this ordinance as set out above; upon a person's third citation of any provision of this ordinance within a ninety (90) day period during a Stage 2, 3 or 4 drought or emergency response stage, the city may also terminate water service to the residential or commercial irrigation system by locking down the backflow prevention device at the location where the violations occurred.

(a) Prior to such termination, the customer shall be given seventy-two (72) hours notice of the city's intent to terminate service and be afforded, if requested, a hearing on the termination. A hearing must be requested in writing within seventy-two (72) hours of receipt of the notice. The request for hearing shall be made to the Director of Public Works, City of Plano, P.O. Box 860358, Plano, Texas 75086. Notice of the date, time and place of the hearing will be sent by hand-delivery or certified mail, return receipt requested, to the last known address of the water utility customer. Following the hearing, the Director shall make a written determination as to whether the water service to the customer's irrigation system should be terminated and a copy of this decision shall be sent to the customer at the

2-17

customer's last known address. The water service to the customer's irrigation system shall not be terminated during the appeal process. The decision of the Director shall be final as to administrative remedies.

(c) In order to have water service to an irrigation system restored after being terminated in accordance with this ordinance, a customer must attend and complete a water conservation course sponsored by the City and pay a fee of five hundred dollars (\$500.00) to have the lock on the backflow prevention device removed. Such fee shall be paid each time a lock from a backflow prevention device is removed in order to restore water service to an irrigation system pursuant to this section.

(d) It shall be unlawful for a person to remove through the use of any means or otherwise cause damage to a lock that has been placed on a backflow prevention device by the director or his designee pursuant to this section.

(e) *Administrative remedy for customers outside city.* The Director of Public Works shall advise wholesale water customers outside the city limits receiving water service from the city of actions taken under the plan by telephone and/or by letter. Noncompliance with any requirement in any stage may result in termination of service and removal of meter. Prior to such termination, the wholesale water customer shall be given notice of the city's intent to terminate service and shall have five (5) business days from the mailing of such notice to appeal the decision to the Director. Notice shall be sufficient if sent by certified mail to the last known address of the customer. If service is terminated, customer shall be liable for all costs of reinstallation. Termination of service to a wholesale water customer under this provision is subject also to the terms of any written contract between the city and the customer.

Section III. All wholesale water contracts entered into or renewed after adoption of this ordinance, including contract extensions, shall include a provision that requires all wholesale water customers of the City to comply with the provisions of this ordinance.

Section IV. This plan shall be coordinated with the Region C Water Planning Group and with North Texas Municipal Water District, as required by TCEQ, to insure consistency with the appropriate approved regional water plan.

Section V. All provisions of the ordinances of the City of Plano, codified or uncoded, in conflict with the provisions of this Ordinance are hereby repealed upon the effective date of this Ordinance, and all other provisions of the ordinances of the City of Plano, codified or uncoded, not in conflict with the provisions of this Ordinance, shall remain in full force and 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 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.

2-18

Section VII. 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 affecting any rights of the municipality under any section or provision of any ordinance at the time of passage this Ordinance.

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

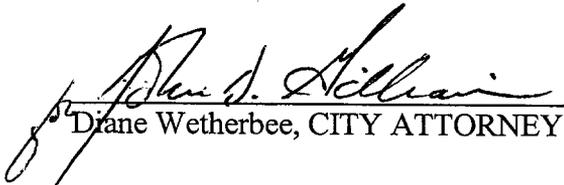
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, on this the _____ day of _____, 2006.

Pat Evans, MAYOR
CITY OF PLANO, TEXAS

ATTESTED TO:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:



Diane Wetherbee, CITY ATTORNEY

2-19

DATE: May 2, 2006
TO: Honorable Mayor & City Council
FROM: Joyce Beach, 1st Vice Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of May 1, 2006

**AGENDA ITEM NO. 8 - PUBLIC HEARING
ZONING CASE 2006-08
APPLICANT: CITY OF PLANO**

DESCRIPTION:

A request for an amendment to the Heritage Resource designation H-1 (Ammie Wilson House) on one lot on 4.0± acres located at the southeast corner of 15th Street and Pitman Drive. Zoned Single-Family Residence-9 (SF-9) with Heritage Resource designation (H-1).

APPROVED: 7-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as follows: (Additions are indicated by underlined text.)

Heritage Resource designation H-1 is amended as follows:

The maximum height of a fence in a required front yard shall not exceed eight feet, and the 50% open construction requirement shall not apply.

FOR CITY COUNCIL MEETING OF: May 22, 2006 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

MW/pp

xc: Lynn Woodall, Administrative Support Supervisor

CITY OF PLANO
PLANNING & ZONING COMMISSION

MAY 1, 2006

Agenda Item No. 8

Public Hearing: Zoning Case 2006-08

Applicant: City of Plano

DESCRIPTION:

A request for an amendment to the Heritage Resource designation H-1 (Ammie Wilson House) on one lot on 4.0± acres located at the southeast corner of 15th Street and Pitman Drive. Zoned Single-Family Residence-9 (SF-9) with Heritage Resource designation (H-1).

REMARKS:

The property is the site of Heritage Farmstead and is a working farm museum. It was designated as a heritage resource in February 1982, with the additional uses of incidental retail sales, museum, periodic fund raising activities, related charitable and/or educational activities, and incidental office uses. The structures on the property are historic artifacts. Animals are kept on the site as part of the exhibit of the working farm.

The applicant is proposing to replace the existing living screen and wire fence along the north, west, and south sides of the property with an eight-foot tall tubular steel and masonry column fence. The purpose of the fence is to protect the animals and to mitigate noise and other potential negative impacts of the museum to the adjacent neighborhood. The museum operators have discussed noise issues and other concerns with the neighbors, and the fence proposal appears to be the most appropriate solution. Accordingly, in July 2005, the Heritage Commission approved a concept plan for the proposed fencing along the north, west, and south property lines.

By Section 3.1002 of the Zoning Ordinance, "The maximum height of a fence or wall in a required front yard shall not exceed 40 inches and shall be at least 50% open in construction." As part of Heritage Resource Designation, the Heritage Commission may recommend adding provisions that differ from those of the base zoning if they are necessary for the long-term preservation of the property. The request, therefore, is to

3-2

amend the existing H-1 designation to permit the construction of an eight-foot tall fence along the northern, southern, and western property lines. The Heritage Commission and staff support the request for the following reasons:

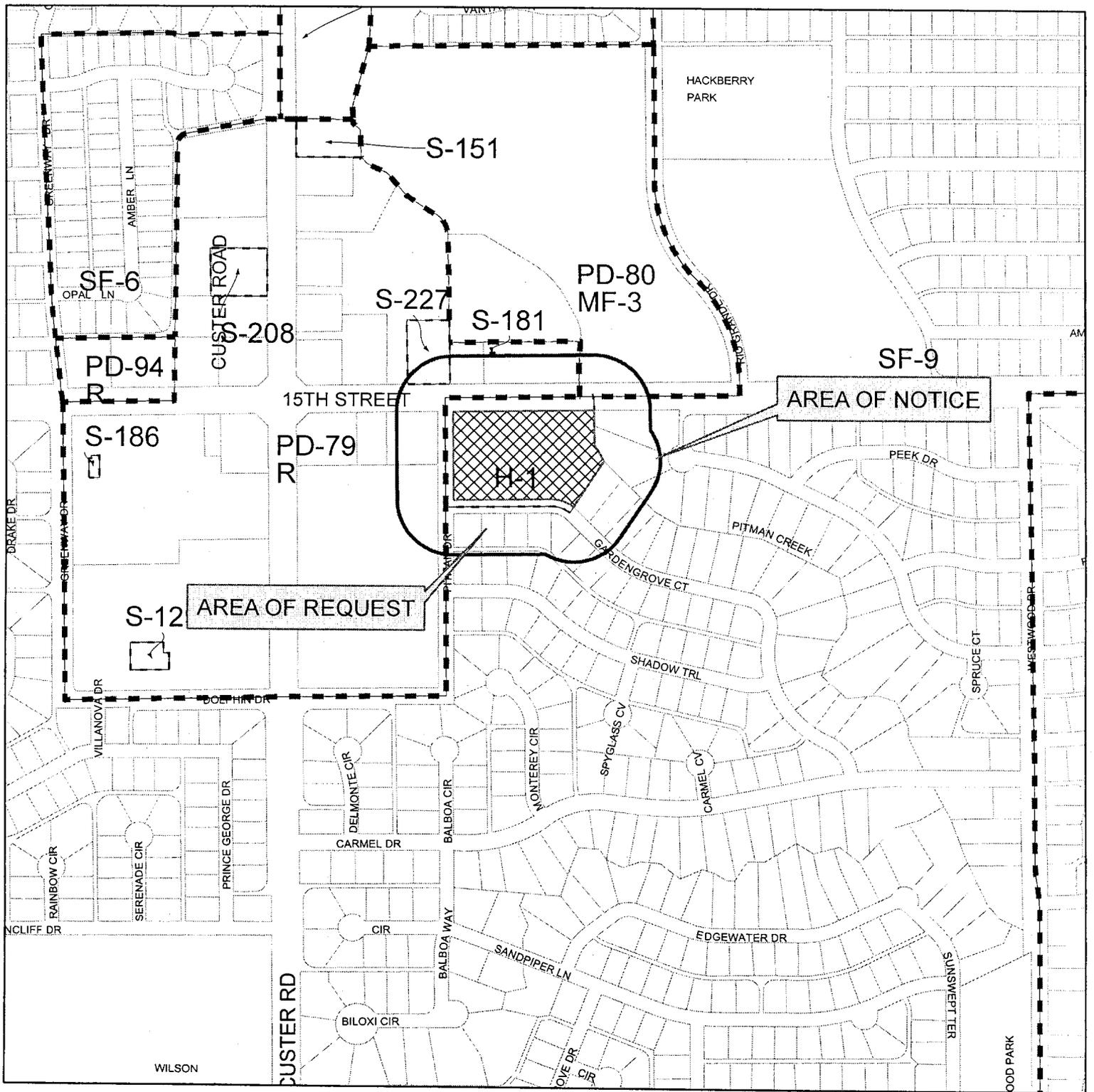
1. The western boundary of the property is the eastern right-of-way line of Pitman Drive. Across Pitman Drive is a retail development. The proposed fence is compatible with the existing screening wall of the retail development on the western right-of-way line of Pitman Drive.
2. The southern boundary of the property abuts Garden Grove Court, a residential street in the Pitman Creek Estates neighborhood. The proposed fence will function similar to the required screening wall between nonresidential and residential developments. It will help mitigate noise and other potential negative impacts of the museum on the adjacent neighborhood.
3. The proposed fence on the property will help protect the farm animals kept on the property.

RECOMMENDATION:

Recommended for approval as follows: (Additions are indicated by underlined text.)

Heritage Resource designation H-1 is amended as follows:

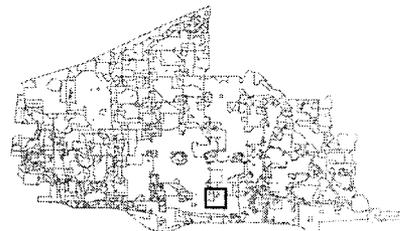
The maximum height of a fence in a required front yard shall not exceed eight feet, and the 50% open construction requirement shall not apply.



Zoning Case #: 2006-08

Existing Zoning: SINGLE-FAMILY RESIDENCE-9
w/HERITAGE RESOURCE DESIGNATION-1

3-4



200' Notification Buffer



ORDINANCE NO. _____
(Zoning Case 2006-08)

AN ORDINANCE OF THE CITY OF PLANO AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, AMENDING H-1 DESIGNATION TO GRANT ADDITIONAL DEVELOPMENT STANDARDS FOR FENCES ON ONE LOT ON 4.0± ACRES OUT OF THE AMMIE WILSON ADDITION, BLOCK A, LOT 1 LOCATED AT THE SOUTHEAST CORNER OF 15TH STREET AND PITMAN DRIVE IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, ZONED SINGLE-FAMILY RESIDENCE-9 (SF-9) WITH HERITAGE RESOURCE DESIGNATION (H-1), TO ALLOW FOR A TALLER FENCE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 22nd day of May, 2006, for the purpose of considering a change in the Zoning Ordinance; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 22nd day of May, 2006; and

WHEREAS, the Heritage Commission considered this item on the 28th day of March, 2006, and recommended approval; and

WHEREAS, the Planning and Zoning Commission considered this item in a public hearing on the 1st day of May, 2006, and recommended approval; and

WHEREAS, the City Council is of the opinion and finds that such change would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

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

Section I. The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended as set out below as to the following property: One lot on 4.0± acres out of the Ammie Wilson Addition, Block A, Lot 1 located at the Southeast Corner of 15th Street and Pitman Drive in the City of Plano, Collin County, Texas.

Section II. Heritage Resource designation H-1 is amended granting the additional development standard as follows:

The maximum height of a fence in a required front yard shall not exceed (8) eight feet, and the 50% open construction requirement shall not apply.

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

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

Section V. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

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

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

PASSED AND APPROVED THIS THE 22ND DAY OF MAY, 2006.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



DATE: May 2, 2006
TO: Honorable Mayor & City Council
FROM: Joyce Beach, 1st Vice Chair, Planning & Zoning Commission ~~TJE~~
SUBJECT: Results of Planning & Zoning Commission Meeting of May 1, 2006

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2006-07
APPLICANT: FELLOWSHIP BIBLE CHURCH-NORTH**

DESCRIPTION:

A request to rezone 9.9± acres located on the north side of Legacy Drive, 748± feet east of Chase Oaks Boulevard **from** Corridor Commercial **to** Planned Development-277-Retail/General Office.

APPROVED: 6-1 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as submitted. The Commissioner voting in opposition expressed concern about the change to the taxable value of the property.

FOR CITY COUNCIL MEETING OF: May 22, 2006 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

BT/pp

xc: Fellowship Bible Church-North
Arthur Beck, BSM Engineers, Inc.
Lynn Woodall, Administrative Support Supervisor

4-1

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 1, 2006

Agenda Item No. 7A

Public Hearing: Zoning Case 2006-07

Applicant: Fellowship Bible Church-North

DESCRIPTION:

A request to rezone 9.9± acres located on the north side of Legacy Drive, 748± feet east of Chase Oaks Boulevard **from** Corridor Commercial **to** Planned Development-277-Retail/General Office.

REMARKS:

The applicant is proposing Planned Development-277-Retail/General Office (PD-277-R/O-2) zoning for church campus development. The R district is intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services, including convenience stores, shopping centers, and regional malls not including wholesaling or warehousing. The O-2 district is intended to allow for a variety of low-, mid- and high-rise office developments providing for professional, financial, medical, and similar services to local residents. A PD district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off and onsite conditions. PD-277-R/O-2 provides restrictions to the height, parking structure levels, floor area, lot coverage, and floor area ratio of the R and O-2 districts. A preliminary site plan has been submitted in conjunction with this request as Agenda Item No. 7B.

The current zoning is Corridor Commercial (CC). The CC district is intended to provide for retail, service, office, and limited manufacturing uses within major regional transportation corridors.

Fellowship Bible Church purchased a total of 27.7± acres located at the northeast corner of Chase Oaks Boulevard and Legacy Drive. Of the 27.7± acres, 17.8± acres is zoned PD-277-R/O-2, and the remaining 9.9± acres is zoned CC. The applicant is therefore proposing to rezone 9.9± acres from CC to PD-277-R/O-2 to have a uniform zoning district for the entire site.

4-2

Surrounding Land Use and Zoning

The area of the request is undeveloped. The site has gentle sloping terrain with trees on the northeast corner of the property.

The property is bounded on the south by Legacy Drive. South of Legacy Drive, the properties are zoned CC and have been developed as a variety of general office and retail uses. To the north, east, and west, properties are zoned CC and PD-277-R/O-2. They have been partially developed for regional theater, convenience store with gas pumps, retail, and restaurant uses.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Freeway Commercial. The requested zoning is in conformance with the Freeway Commercial land use designation.

Adequacy of Public Facilities - Water and sanitary sewer services are available.

Traffic Impact Analysis (TIA) - A TIA is not required for this zoning request since the amount/intensity of the proposed church development would not exceed the 5,000 trips per day threshold.

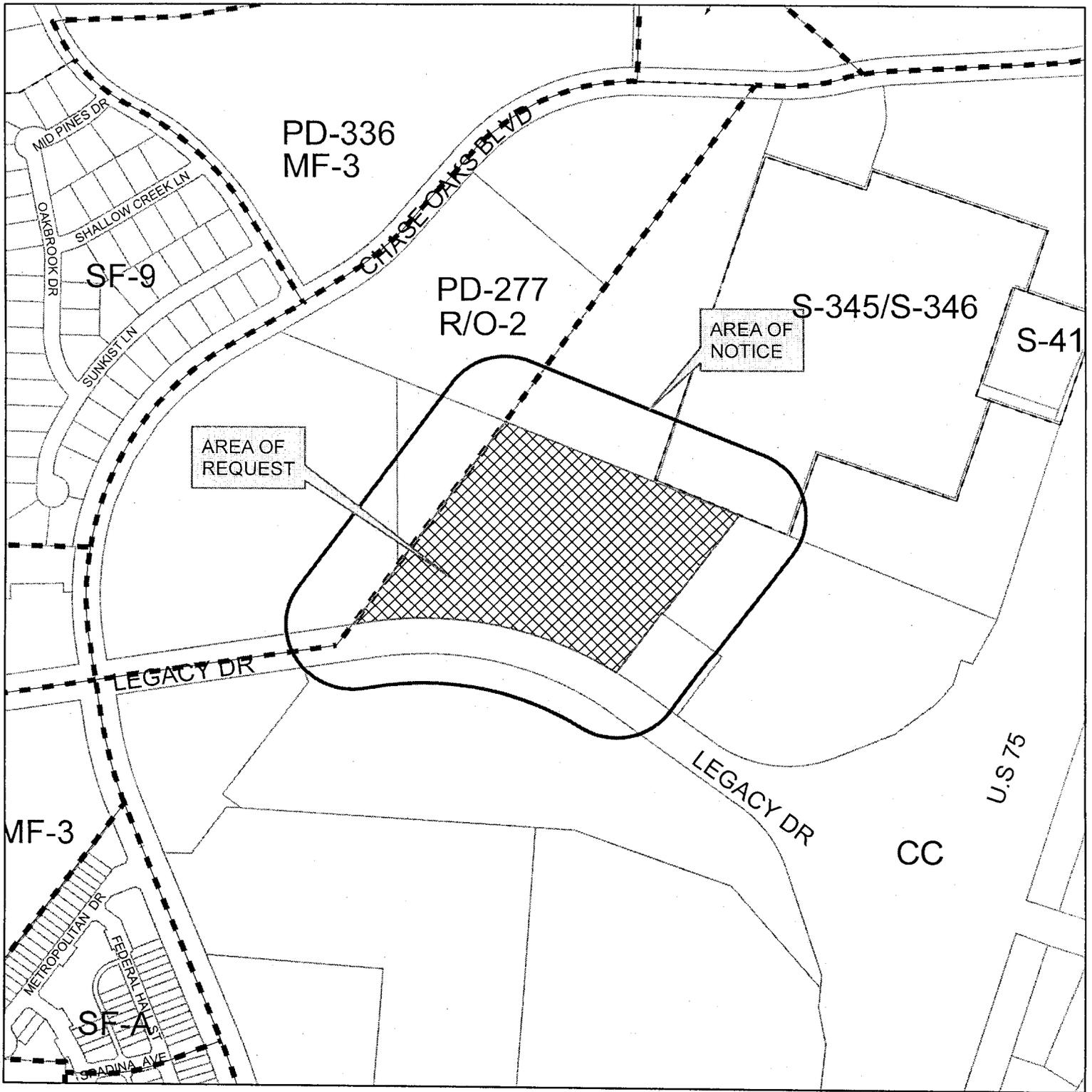
SUMMARY:

The requested zoning is in conformance with the Comprehensive Plan. The physical characteristics of the property are suitable for the proposed development. The proposed PD-277-R/O-2 zoning will create a uniform zoning district for the entire site.

RECOMMENDATION:

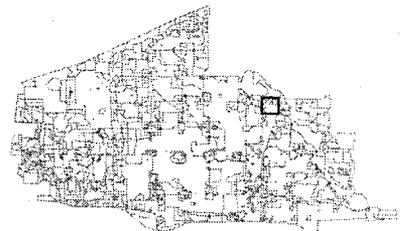
Recommended for approval as submitted.

4-3



Zoning Case #: 2006-07

Existing Zoning: CORRIDOR COMMERCIAL



4-4

○ 200' Notification Buffer

ORDINANCE NO. _____
(Zoning Case 2006-07)

AN ORDINANCE OF THE CITY OF PLANO AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, SO AS TO REZONE 9.9± ACRES OUT OF THE DANIEL ROWLETT SURVEY, ABSTRACT NO. 738 LOCATED ON THE NORTH SIDE OF LEGACY DRIVE, 748± FEET EAST OF CHASE OAKS BOULEVARD IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, FROM CORRIDOR COMMERCIAL TO PLANNED DEVELOPMENT-277-RETAIL/GENERAL OFFICE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 22nd day of May, 2006, for the purpose of considering rezoning 9.9± acres out of the Daniel Rowlett Survey, Abstract No. 738, located on the north side of Legacy Drive, 748± feet east of Chase Oaks Boulevard in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-277-Retail/General Office; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 22nd day of May, 2006; and

WHEREAS, the City Council is of the opinion and finds that such rezoning would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

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

Section I. The Comprehensive Zoning Ordinance No. 2004-9-37, as the same has been heretofore amended, is hereby further amended so as to rezone 9.9± acres out of the Daniel Rowlett Survey, Abstract No. 738, located on the north side of Legacy Drive, 748± feet east of Chase Oaks Boulevard in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-277-Retail/General Office, said property being described in the legal description on Exhibit "A" attached hereto.

Section II. The change granted in Section I is granted subject to:

1. Maximum Height: Eight story (120 feet)
2. Maximum of four parking structure levels above ground (including ground level); maximum height of 33 feet to top of parapet.
3. Maximum Floor Area: 1,550,000 square feet
4. Maximum Lot Coverage: 80% for main plus accessory buildings
5. Maximum Floor Area Ratio: 0.5:1 overall; 1:1 on any lot

Section III. It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

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

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

Section VI. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

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

4-6

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

PASSED AND APPROVED THIS THE 22ND DAY OF MAY, 2006.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a tract of land located in the Daniel Rowlett Survey, Abstract No. 738, Collin County, Texas, and being a part of a tract of land described as Tract Two in deed to Central Expressway & Legacy Drive (Dallas) Investors, LP, recorded in Document No. 94-0006935, Deed Records, Collin County, Texas, and being part of that tract of land described in Special Warranty Deed with Vendor's Lien sold by Central Expressway & Legacy Drive Investors L.P. to Fellowship Bible Church-North, recorded in Volume 5891, Page 3409 of the Deed Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING at a "+" cut in concrete sidewalk at the intersection of the north right-of-way line of Legacy Drive (110 feet wide) with the east right-of-way line of Chase Oaks Boulevard (85 feet wide), said point being the southwest corner of said Tract Two;

THENCE North, $82^{\circ} 00' 13''$ East, a distance of 746.41 feet following the north right-of-way line of Legacy Drive to a point on the west line of a TP&L easement recorded in Volume 644, Page 297, Deed Records, Collin County, Texas, and the POINT OF BEGINNING;

THENCE North, $37^{\circ} 01' 30''$ East, a distance of 774.01 feet following the west line of said TP&L easement to the north line of said Tract Two and a point for corner;

THENCE South, $67^{\circ} 04' 46''$ East, a distance of 495.42 feet following the north line of said Tract Two to a 1/2 inch capped iron rod found for corner;

THENCE South, $67^{\circ} 04' 46''$ East, a distance of 229.19 feet following the north line of said Tract Two to a 1/2 inch capped iron rod found for corner;

THENCE South, $30^{\circ} 55' 52''$ West, a distance of 36.99 feet following the west line of a 0.280 acre Access Easement (Volume 5891, Page 3418 of the Deed Records of Collin County, Texas) to the beginning of a curve and a 1/2 inch capped iron rod found for corner;

THENCE following the west line of said Access Easement on a curve to the right having a central angle of $24^{\circ} 13' 13''$, radius of 260.00 feet, arc length of 109.91 feet, chord distance of 109.09 feet, and chord bearing South, $43^{\circ} 02' 28''$ West, to a 1/2 inch capped iron rod found for corner;

THENCE South, $55^{\circ} 09' 05''$ West, a distance of 21.58 feet following the west line of said Access Easement to the beginning of a curve and a 1/2 inch capped iron rod found for corner;

4-8

THENCE following the west line of said Access Easement on a curve to the right having a central angle of $18^{\circ} 18' 16''$, radius of 365.00 feet, arc length of 116.61 feet, chord distance of 116.11 feet, and chord bearing South, $45^{\circ} 59' 57''$ West, to a 1/2 inch capped iron rod found for corner;

THENCE South, $36^{\circ} 50' 49''$ West, a distance of 36.87 feet following the west line of said Access Easement to a 1/2 inch capped iron rod found for corner;

THENCE North, $53^{\circ} 09' 11''$ West, a distance of 3.87 feet following the west line of said Access Easement to a 1/2 inch capped iron rod found for corner;

THENCE South, $36^{\circ} 50' 49''$ West, a distance of 286.69 feet following the west line of said Access Easement to the north right-of-way line of Legacy Drive and the beginning of a curve and a 1/2 inch capped iron rod found for corner;

THENCE following the north right-of-way line of Legacy Drive on a non-tangent curve to the left having a central angle of $37^{\circ} 24' 27''$, radius of 1,105.00 feet, arc length of 721.44 feet, chord distance of 708.69 feet, and chord bearing North, $79^{\circ} 17' 34''$ West to a 1/2 inch capped iron rod found for corner;

THENCE South, $82^{\circ} 00' 13''$ West, a distance of 45.74 feet following the north right-of-way line of Legacy Drive to the POINT OF BEGINNING and CONTAINING 430,846 square feet or 9.8909 acres, more or less.

Basis of bearings derived from the plat of Wagner Way, Carpenter Road (Legacy Drive), Chase Oaks Boulevard, and Stadium Drive recorded in Cabinet 4, Slide 29, Map Records of Collin County, Texas.