# PLANO CITY COUNCIL

**WILL CONVENE INTO EXECUTIVE SESSION AT 5:00 P.M., July 25, 2005 AND PRELIMINARY OPEN MEETING IMMEDIATELY THEREAFTER, IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:**

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

## EXECUTIVE SESSION

| | | | |
|---|---|---|---|
| I. | Legal Advice<br>A. Respond to questions and receive legal advice on agenda items | Wetherbee | 10 min |
| II. | Personnel<br>A. Arts of Collin County Commission Board of Directors<br>Maher Maso (term exp. 09/30/05)<br>Joint At-large Director<br><br>B. Reappointments:<br>Board of Adjustment<br>Building Standards Commission<br>Planning & Zoning Commission | Council | 20 min. |

## PRELIMINARY OPEN MEETING

| | | | |
|---|---|---|---|
| I. | Consideration and action resulting from executive session discussion: Personnel Appointments – Arts of Collin County Commission Board of Directors Board of Adjustment, Building Standards Commission, Planning & Zoning Commission | Council | 5 min. |
| II. | DART Status Report | Pope | 5 min. |
| III. | Mobility Report | Neal | 5 min. |
| IV. | Discussion and Direction regarding use of city of Plano logo on Preston Ridge HOA website | Kirk | 5 min. |

| | | | |
|---|---|---|---|
| V. | Personnel Appointments<br>Reappointments: | Council | 20 min. |

Animal Shelter Advisory Committee
Civil Service Commission
Community Relations Commission
Cultural Affairs Commission
Heritage Commission
International Relations Advisory Commission
Keep Plano Beautiful Commission
Library Advisory Board
Parks and Recreation Planning Board
Plano Housing Authority
Plano Transition & Revitalization Comm.
Public Arts Committee
Retirement Security Plan Committee
Self Sufficiency Committee
Senior Citizens Advisory Board
Tax Increment Financing Reinvestment
Zone No. 2 Board
Technology Commission
Transportation Advisory Committee

| | | | |
|---|---|---|---|
| VI. | Comprehensive Monthly Financial Report | McGrane | 10 min. |
| VII. | Discussion and Direction re Natural Gas Drilling | Mayor | 10 min. |
| VIII. | Discussion and Direction re Establishment of Task Force for the Downtown Area | Mayor | 10 min. |
| IX. | Council items for discussion/action on future agendas | Council | 3 min. |
| X. | Consent and Regular Agenda | Council | 3 min. |
| XI. | Council Reports | Council | 2 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:** **July 25, 2005**

**CALL TO ORDER:** **7:00 p.m.**

**INVOCATION:** **Dr. Leon Aduddell**
**First Baptist Church Plano**

**PLEDGE OF ALLEGIANCE:** **Representatives of Boys & Girls Clubs of Collin County Plano**

| ITEM NO. | EXPLANATION | ACTION TAKEN |
|---|---|---|
| | 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.<br><br>**The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.**<br><br>**PROCLAMATIONS AND SPECIAL RECOGNITION**<br><br>Special Recognition: Council's Volunteer of the Month – James Edwards<br><br>Presentation: Silver Excellence Award for Communications to Environmental Waste Department<br><br>**OATHS OF OFFICE**<br><br>Tax Increment Financing Reinvestment Zone No. 2 Board<br>Harry LaRosiliere<br><br>**GENERAL DISCUSSION**<br><br>**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.**<br><br>**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.**<br><br>**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.** | |

| ITEM NO. | EXPLANATION | ACTION TAKEN |
|---|---|---|
| * | **BOARD/COMMISSION PRESENTATIONS**<br>Community Relations Commission - Jane Stephenson, Chair<br>Cultural Affairs Commission – Patricia Madigan, Chair | |
| | **CONSENT AGENDA** | |
| | **The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial.** | |
| | **Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. 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.** | |
| (a) | **Approval of Minutes** | |
| | June 27, 2005 | |
| | **Approval of Expenditures** | |
| | **Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)** | |
| (b) | To approve Bid No. B144-05 for Portable Trommel Screen to Norton Environmental Equipment in the amount of $307,549. | |
| (c) | To approve Bid No. C183-05 for Linen Service for Plano Centre to Metro Linen, in the estimated annual amount of $39,329. This will establish a one-year contract with two City optional one-year renewals. | |
| (d) | To approve Bid No. B197-05 for High Point Tennis Center Resurfacing to Courts-N-Stuff in the amount of $97,468. | |
| (e) | To approve Bid No. C196-05 for Chevrolet Automotive & Light Truck OEM Parts to Bankston Chevrolet in the estimated annual amount of $36,000. This will establish an annual fixed price contract with two optional one-year renewals. | |
| | **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).** | |
| (f) | To authorize the purchase of two (2) Ford One-Half Ton Extended Cab Pickups in the amount of $38,917 from Philpott Motors, Inc., through H-GAC Cooperative Purchasing Program contract and authorizing the City Manager to execute any and all documents necessary to effectuate this purchase. (VE10-03) | |
| (g) | To authorize the purchase of material testing services for the Ridgeview Drive Widening from Custer Road to Independence Parkway in the amount of $32,330.00 from Engineering Consulting Services, Ltd. through a City of Plano contract, and authorizing the City Manager to execute all necessary documents. (DO21-05 Entity's Contract Number). | |

| ITEM NO. | EXPLANATION | ACTION TAKEN |
|---|---|---|
| (h) | To authorize the purchase of four (4) Ford One Ton Utility Cargo Vans in the amount of $81,364 from Philpott Motors, Inc., through H-GAC Cooperative Purchasing Program contract and authorizing the City Manager to execute any and all documents necessary to effectuate this purchase (VE10-03) | |
| (i) | To authorize the purchase of material testing services for Briarcreek Sanitary Sewer, Phase II in the amount of $26,845 from Terracon Consultants, Inc. through a City of Plano contract, and authorizing the City Manager to execute all necessary documents. (DO21-05) | |
| | **Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)** | |
| (j) | To approve the terms and conditions of a Landscape Architect Services Agreement contract by and between the City of Plano and Schrickel, Rollins and Associates, Inc., in the amount of $327,000, for landscape architectural services in connection with Archgate Park – Phase II and authorizing the City Manager to execute all necessary documents. | |
| | **Change Order: (Change to current City of Plano contract allowable under State law)** | |
| (k) | To Mario Sinacola & Sons Excavating, Inc., increasing the contract by $218,940 for Los Rios Boulevard Extension, Phase I, Change Order No. 6 (Original Bid #B096-04) | |
| | **Adoption of Resolutions** | |
| (l) | To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for a STEP – Impaired Driving Mobilization (IDM 402) Project, to be conducted during Labor Day Holiday Period; authorizing the City Manager to execute any other documents necessary to effectuate the action taken; and providing an effective date. | |
| (m) | To approve the terms and conditions of a Local Transportation Project advance Funding Agreement between the State of Texas and the City of Plano for replanking the crossing at Plano Parkway with the DART Railroad; authorizing its execution by the City Manager; and providing an effective date. | |
| (n) | To approve and authorize refunds of property tax overpayments; and providing an effective date. | |
| | **Adoption of Ordinances** | |
| (o) | To amend Ordinance No. 2004-12-14, codified as Section 3-6 of Chapter 3, Alcoholic Beverages, of the Code of Ordinances, by removing language "on or adjacent to," and correcting a spelling error; and providing repealing, severability and penalty clauses; providing an effective date. | |

| ITEM NO. | EXPLANATION | ACTION TAKEN |
|---|---|---|
| (p) | To establish linear and street crossing fees for licensed use of the City rights of way and providing an effective date. | |
| (q) | To deny the request of Atmos Energy Corp., Mid-Tex Division, for an annual Gas Reliability Infrastructure Program (GRIP) rate increase in this municipality, as a part of the company's statewide gas utility distribution system; approving cooperation with other cities within the Atmos Energy Corp., Mid-Tex Division Distribution System as part of the Atmos Cities Steering Committee (ACSC); authorizing ACSC to hire legal and consulting services and to negotiate with the company and direct any necessary litigation; authorizing intervention as part of ACSC in any appeal of the City's action to the Railroad Commission; approving costs incurred as reasonable and providing a requirement for prompt reimbursement of costs; finding that the meeting at which this ordinance is passed is open to the public as required by law; and providing for notice of this ordinance to Atmos Energy Corp., Mid-Tex Division; and providing an effective date. | |
| (r) | To transfer the sum of $117,549 from the Environmental Waste Services Fund Unappropriated Fund Balance to the Environmental Waste Services Fund Operating Appropriation for fiscal year 2004-05 for the purpose of additional funding for a trommel screen; amending the budget of the City and Ordinance 2004-9-15, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. | |
| | **ITEMS FOR INDIVIDUAL CONSIDERATION:** | |
| | **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.** | |
| (1) | **Discussion and direction** of funding options for SH 121 main lanes from Dallas North Toll Road to US 75. Public Hearings held 06-13-05 and 06-27-05 | |
| (2) | **Discussion and consideration of an ordinance** amending Chapter Three (Alcoholic Beverages) of the City of Plano Code of Ordinances, as has been previously amended, to add a new Section 3-7 (Late Hours Operation) providing extended operating hours for mixed beverage late hours permit holders and Section 3-8 (Late Hours Permit & Fees) setting forth permit and fee requirements; providing a penalty clause, repealer clause, savings clause, severability clause and an effective date. | |

| ITEM NO. | EXPLANATION | ACTION TAKEN |
|---|---|---|
| (3) | **Public Hearing and an ordinance as requested in Zoning Case 2005-09** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, amending Specific Use Permit No. 137 so as to expand the Day Care Center on 1.8+ acres of land located on one lot at the southwest corner of Hedgcoxe Road and Georgetown Drive in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7/Planned Residential Development-2 with Specific Use Permit No. 137 for Day Care Center; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #12. Applicant: Montessori Children's House Tabled 05-09-05 and 06-13-05 | |
| (4) | **Public Hearing and an ordinance as requested in Zoning Case 2005-22** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 559 so as to allow the additional use of Household Care Institution on one lot on 1.7± acres of land located on the west side of Independence Parkway, 117± feet south of Crickett Drive in the City of Plano, Collin County, Texas, presently zoned Neighborhood 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: Collin Intervention to Youth, Inc. | |
| (5) | **Public Hearing and an ordinance as requested in Zoning Case 2005-24** – To amend Section 1.600 (Definitions) of Article 1 (General Regulations); Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses); and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, to permit winery use with approval of a specific use permit; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano<br><br>**Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Training Room A is located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.** | |

city of plano

*Pat Evans*
Mayor

*Ken Lambert*
Mayor Pro Tem

*Scott Johnson*
Deputy Mayor Pro Tem

*Shep Stahel*
Place 1

*Loretta Ellerbe*
Place 3

*Sally Magnuson*
Place 4

*Harry LaRosiliere*
Place 5

*Jean Callison*
Place 7

**Thomas H. Muehlenbeck**
City Manager

July 20, 2005

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

Honorable Mayor and City Council:

We will begin our meeting Monday evening in Executive Session with legal advice and personnel appointments.

The Preliminary Open Meeting agenda consists of the DART Status Report, Mobility Report, and discussion and direction regarding a request to use the City logo on a homeowner association website. There are personnel appointments/reappointments and the Comprehensive Monthly Financial Report. You also have discussion and direction items regarding natural gas drilling and the establishment of a downtown area task force.

I look forward to seeing you Monday evening.

Sincerely yours,

Thomas H. Muehlenbeck
City Manager

THM/bn

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

# MEMO

**DATE:** July 8, 2005

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

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

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

The following appointments will be considered on July 25, 2005.

| **Executive Session** | **Worksession Meeting** |
|---|---|
| Arts of Collin County Commission<br>Board of Directors<br>Maher Maso (term exp. 09/30/05)<br>Joint At-large Director<br><br>Reappointments:<br>Board of Adjustment<br>Building Standards Commission<br>Planning & Zoning Commission | Reappointments:<br><br>Animal Shelter Advisory Committee<br>Civil Service Commission<br>Community Relations Commission<br>Cultural Affairs Commission<br>Heritage Commission<br>International Relations Advisory Commission<br>Keep Plano Beautiful Commission<br>Library Advisory Board<br>Parks and Recreation Planning Board<br>Plano Housing Authority<br>Plano Transition & Revitalization Comm.<br>Public Arts Committee<br>Retirement Security Plan Committee<br>Self Sufficiency Committee<br>Senior Citizens Advisory Board<br>Tax Increment Financing Reinvestment Zone No. 2 Board<br>Technology Commission<br>Transportation Advisory Committee |

BRDSCOM/PERSMEMO

Ex IIa

Preliminary Open Meeting Item II.

DART Status Report
Robert Pope

Pom II a

plano
Transportation Division

# Transportation Mobility / Safety Report

June 2005

- Traffic Signals:

  *New Signal Construction/Design*:
  - ✓ **Completed signal upgrade at Independence/Mollimar**
  - ✓ **Constructing a traffic signal at Independence/Glencliff**
  - ✓ **Continued installing new 2070 controllers - 97 intersections now complete (49% of project total)**
  - ✓ **Met with developers to discuss redevelopment of the shopping center at Parker/Custer. Developer will prepare a TIA although the current criterion does not require one.**
  - ✓ **Met with developers to discuss a TIA for Children's Medical Center at Legacy Park**
  - ✓ **Worked with TxDOT to modify construction traffic control on Ohio at S.H. 121, and a traffic switch at Coit/121**
  - ✓ **Requested bids on "Audible" pedestrian signal equipment**
  - o Design traffic signal at Custer and Ridgeview (**50%** complete)

- Traffic Safety:

  - ✓ **Opened new southbound DNT service road lane between Legacy and Tennyson 6/14/05**
  - ✓ **Opened southbound DNT service road lane between Tennyson and Spring Creek 7/1/05**
  - ✓ Analyzing two completed CIP intersection improvement projects to determine their effectiveness (**25%** completed)
  - ✓ **Developing "On-Line" customer satisfaction survey (10% completed)**
  - ✓ **Analyzing employee commute patterns (5% completed)**
  - ✓ **Processed Collision Records for 01/05 - 05/05**
  - o Revising Sections 12.72 & 12.73 of the Code of Ordinances (school zones) (95% completed)
  - o Attended monthly TAC meeting
  - o Attended monthly DRMC, TAC, STTC, and ITE meetings

- Safe Streets Program (SSP)

  - ✓ **Neighborhood concerns about the Hawkhurst Drive chicane are being resolved before the device is offered as an option. Once resolved a Permanent Plan will be mailed to residents for their review and approval.**
  - ✓ **Mailed Temporary Plan to residents on Peachtree Lane, North of Park Boulevard.**
  - ✓ **Residents approve the Temporary Plan for Country Place Drive, North of Park Boulevard (72% response and 57% approval).**
  - ✓ **Residents approve the Temporary Plan for Mission Ridge Road, North of Spring Creek (68% response and 74% approval).**

Participating Neighborhoods
- o Royal Oaks Drive (**Heavy enforcement phase ends 7/2005**)
- o Mission Ridge from Parker to Matterhorn (**Heavy enforcement phase ended 5/05**)
- o Blue Ridge Trail north of Spring Creek (Temporary Plan under development)
- o Parkhaven Drive (Temporary Plan under development)
- o Winding Hollow Lane (new participating neighborhood)

Pomilla

- Russell Creek Drive (Temporary devices installed 5/05)
- Hawkhurst Drive (Permanent Plan under development)
- Ranier Road (north of Spring Creek Parkway) (**Permanent Plan devices ordered**)
- Seabrook (Temporary devices installed)
- Cumberland Trail (Temporary devices installed)
- Crossbend from Tumbril Lane to Coit (Temporary devices installed)
- Ranier Road south of Spring Creek Parkway (Temporary devices to be installed)
- Sailmaker Drive (Temporary *substitution* devices to be installed)
- Travis Drive (**Temporary devices installed 5/05**)
- Lexington Drive (Temporary Plan approved by residents)
- Country Place Drive north of Park Boulevard (**Temporary Plan approved**)
- Peachtree Lane (Temporary Plan mailed to residents)
- Parkhaven Drive (**Temporary Plan vote response due 8/2005**)
- Silverstone Drive (**Temporary Plan to be mailed 8/2005**)
- Mission Ridge North of Spring Creek (**Temporary Plan approved**)

- Long Range Planning:
  - US-75 Ramp Reversal project. (Working with TxDOT (Austin) on Environmental Assessment document approval)
  - Revise Plano Thoroughfare Standards (Graphics work **40%** complete)
  - Attended DRMC, RTC, STTC meetings

Pam Th

**Barbara Newell**

**From:** Elaine Bealke
**Sent:** Tuesday, July 19, 2005 1:29 PM
**To:** Tom Muehlenbeck; Barbara Newell
**Subject:** FW: permission to use the plano P

Tom, would you like to place this on a Preliminary Meeting for discussion?

**From:** Rob & Tory Kirk [mailto:robandtory@robandtory.com]
**Sent:** Tuesday, July 19, 2005 11:13 AM
**To:** Elaine Bealke
**Subject:** FW: permission to use the plano P

Elaine,

I would like to obtain permission to incorporate the Plano "P" into our Plano HOA's website logo (http://prestonridgeiii.com) ... I am currently building the website ... it hasn't gone into "production" yet (nobody has seen it).

**Preston Ridge III**
**Plano, TX**

If you deny me permission to use this logo, please let me know how I can use the Plano "P" on our website ... I am currently thinking of using it to link to the http://planotx.org website.

Thank you,
Rob Kirk
214.340.5114

-----Original Message-----
**From:** Susan Beckley Helt [mailto:Susanb@plano.gov]
**Sent:** Tuesday, July 19, 2005 11:01 AM
**To:** Rob & Tory Kirk
**Cc:** Elaine Bealke
**Subject:** RE: permission to use the plano P

As Diane stated, the logo is trademarked. If you would like to use the logo, you will need to ask permission from the City Council.

To do that, you will need to contact the City Secretary's Office and get on a future Council agenda.

I know this seems like a long process but we are very protective of our logo and Council has to grant permission for its use.



Pom | Va

To contact the City Secretary's office, call Elaine Bealke at 972-941-7121 or email her at elaineb@plano.gov

Thanks so much.

==========

Susan Beckley Helt
Public Information Director
City of Plano
1520 Ave K
Plano TX 75074
(work) 972-941-7315
(voice) 972-941-7409

(fax) 972-941-5189
email: susanb@plano.gov

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**From:** Rob & Tory Kirk [mailto:robandtory@robandtory.com]
**Sent:** Tuesday, July 19, 2005 10:42 AM
**To:** Susan Beckley Helt
**Subject:** FW: permission to use the plano P

Susan,

I would like to obtain permission to use the Plano "P" in our Plano HOA's website logo (http://prestonridgeiii.com) ... I am currently building the website.

I have attached the current logo that I would like to use.

Thank you,
Rob Kirk
214.340.5114

-----Original Message-----
**From:** Diane Wetherbee [mailto:Dianew@plano.gov]
**Sent:** Tuesday, July 19, 2005 8:49 AM
**To:** Rob & Tory Kirk; Web Master; Edward Jenkins; Patricia Clark (FD); Carol Jasien; Dortha Dougal; Edie Zygan; Elaine Nickelson
**Cc:** Diane Wetherbee; Susan Beckley Helt; Paige Glicksman
**Subject:** RE: permission to use the plano P

 PamWe

The Plano "P" logo is a state registered trademark. Section 2-1 of the City Code requires permission to use the logo. Please contact the Public Information office for obtaining this permission. The contact person is Susan Helt at 972-941-7315.

Diane C. Wetherbee
City Attorney
P.O. Box 860358
Plano, Texas 75086-0358
Tel. 972.941.7126
Fax.972.424.0099

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# MEMO

**DATE:** July 8, 2005

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

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

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

The following appointments will be considered on July 25, 2005.

| **Executive Session** | **Worksession Meeting** |
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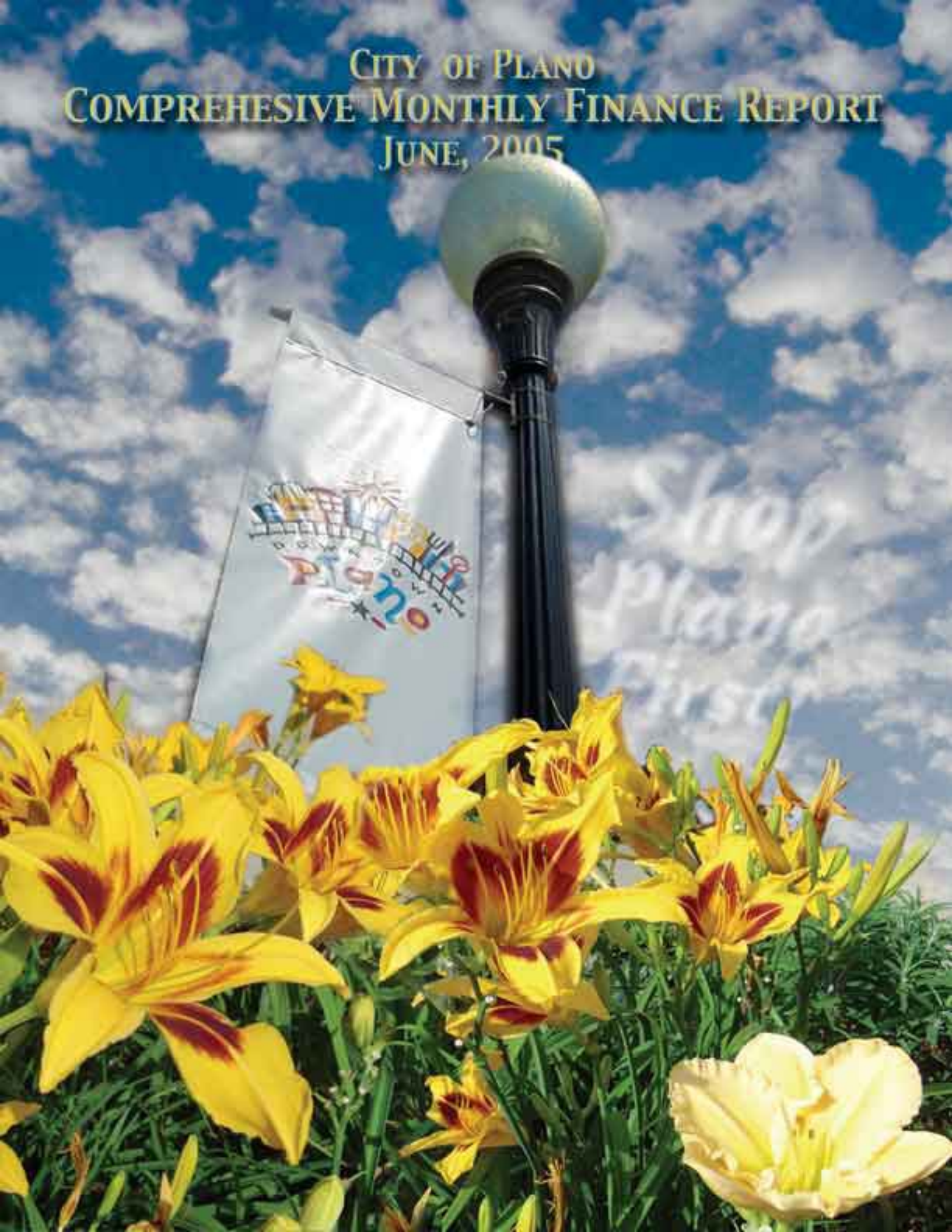
BRDSCOM/PERSMEMO

fom Va

# City of Plano
# Comprehesive Monthly Finance Report
## June, 2005



# About This Report

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

This report is comprised of five sections:

I. The **Financial Analysis** reports the performance of the major operating funds of the City. Narrative disclosures are used to highlight any significant changes or fluctuations.

1A. The **Financial Summary** provides comparative data for major revenue sources and expenditure items.

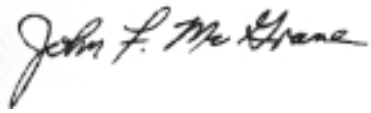
2. The **Economic Analysis** section contains a summary of the key economic indicators and an in-depth review with graphic illustrations.

3. The **Investment Report** provides a description of investment activity during the month and a summary of interest earnings.

4. The **Quarterly Investment Report** summarizes investment activity for the previous fiscal quarter, and also provides various data on portfolio performance.

We would like to acknowledge those responsible for this report: Allison Friloux for the Financial Summary, Brent Yowell for the Economic Analysis 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

# Section 1

## City of Plano
## Comprehensive Monthly Finance Report

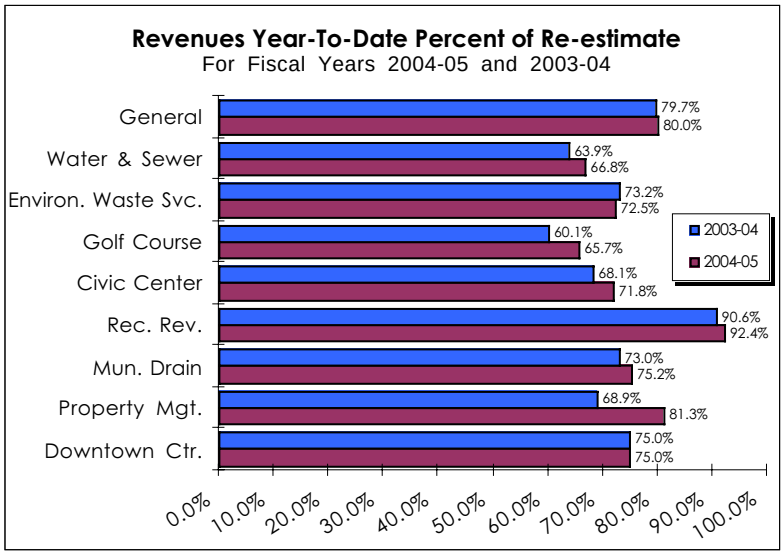
This report is designed for internal use and does not include all the funds and accounts included in the City of Plano's operations. For a complete report, refer to the City of Plano Comprehensive Annual Financial Report, available through the City's Finance Department.

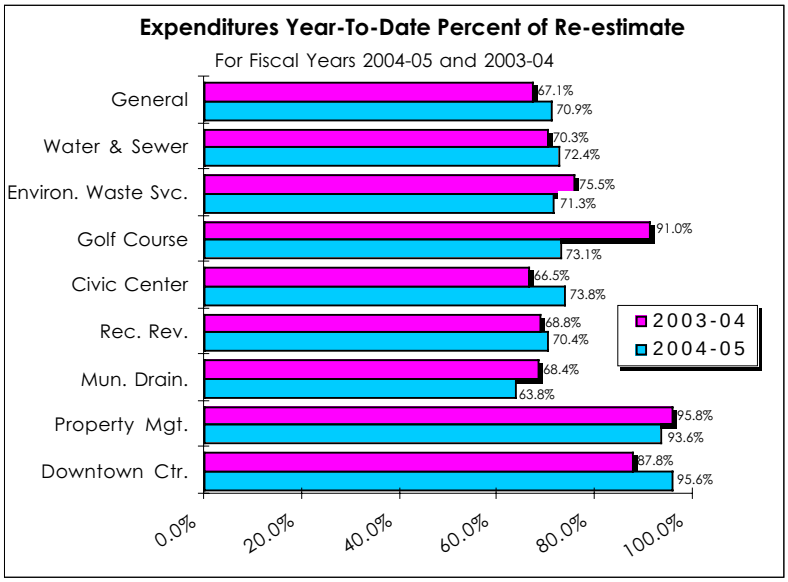
# Financial Analysis

# REPORT NOTES JUNE, 2005

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

The graph right compares revenue received to date as a percent of re-estimate for this year and last. The funds representing increases in expenditures as a percent of re-estimate are the Property Management Fund, 12.4%; Golf Course Fund, 5.6%; Civic Center Fund, 3.7%; Water & Sewer Fund, 2.9%; Municipal Drainage Fund, 2.2%; Recreation Revolving Fund, 1.8% and the General Fund, 0.3%. The Environmental Waste Services Fund decreased 0.7% as a percent of re-estimate. The Downtown Center Development Fund remained the same as a percent of re-estimate as compared to prior fiscal year.




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

The funds representing increases in expenditures as a percent of re-estimate are the Downtown Center Development Fund, 7.8%; Civic Center Fund, 7.3%; General Fund, 3.8%; Water & Sewer Fund, 2.1% and the Recreation Revolving Fund, 1.6%. Funds representing decreases in expenditures as a percent of re-estimate are the Golf Course Fund, 17.9%; Municipal Drainage Fund, 4.6%; Environmental Waste Services Fund, 4.2% and the Property Management Fund, 2.2%.

# General Fund

## Revenues

General Fund total revenues were $632,000 greater than the same period in the prior year. As a percent of re-estimate, revenues increased 0.3%. The increase in revenue over prior year is due to an increase in sales tax, fees and service charges, and interest income revenues. Sales tax revenues increased over prior year by $1,255,000. When comparing the month of June 2005 and June 2004, a 4.5% increase in sales tax revenues occurred. Fees and service charge revenues increased $605,000 as compared to prior year. Engineering inspection fee revenues increased $249,000 attributed to a larger volume of inspections for roadway, residential and commercial projects performed in the current fiscal year. Interlocal-Plan review revenues increased $129,000 in the current year due to a rise in inspection hours and hourly service rate charged to the City of Murphy. Ambulatory service revenues increased $101,000 as compared to prior year due to an increase in allowable rates since the Medicare Prescription Drug Act which went into effect July 1, 2004. In addition, there has been an increase of $63,000 over prior year in membership card fees revenue as a result of opening the new Liberty Park Recreation Center in June 2004. Miscellaneous revenue increased $422,000 as compared to prior year mainly due to an increase in interest income of $421,000 for the quarterly adjustment to current market value as required by Governmental Accounting Standards Board Statement 31. Other taxes also increased in the current year by $36,000, mainly attributed to an increase of $33,000 in mixed drink tax. A decrease in General Fund revenues occurred in Ad valorem tax revenues, fines and forfeitures and license and permits revenues. Ad valorem tax revenue decreased $951,000, as compared to the previous year due to timing and processing of current year payments. Court fines and forfeitures declined $715,000 as compared to prior year due to a decrease of citations issued in the current year. The number of citations issued through June in the current fiscal year is 69,630 as compared to 78,158 issued in the same time period in the prior fiscal year.

## Expenditures

Expenditures and encumbrances increased $13,377,000 as compared to prior year. Personal services increased over prior year by $9,514,000 primarily due to increases in salary and health insurance costs, as well as an additional pay period occurring in the current fiscal year. Contractual / professional services increased $3,521,000 due to payments for electric utilities rising $1,052,000 because of higher rates in the current year. An increase over prior year of $1,957,000 occurred in technology services charges which are reflective of the 2004-05 budgeted amounts. Replacement charges for police and fire equipment increased $482,000 over prior year due to budgeted amounts to repay the replacement fund for equipment purchased in prior years. Materials and supplies increased $214,000 as compared to prior year primarily due to an increase of $118,000 in minor apparatus as a result of a $59,000 increase in police purchases, a $32,000 recreation administration purchase of an automated external defibrillator and an increase in fire encumbrances mainly attributable to an order for purchase of EZ Radios. In addition, wearing apparel expenditures increased $42,000 and $98,000 in the police and fire departments, respectively. Sundry expenditures increased $189,000 over prior year because of payment made for the $40,000 sponsorship of the summer 2005 Engineer It! museum exhibit and the Legacy Town Center 2004 Holiday Lighting Festival of $39,000. In addition, there was an increase in expenditures of $86,000 attributable to the May 7, 2005 elections. The City also experienced an increase in expenditures of $19,000 for the Blackland Prairie Festival in the current year. Capital outlay decreased $111,000 as compared to prior year attributable to the purchase of a skid steer loader and aerifier for the athletics maintenance department in addition to an encumbrance for the fire department to upgrade a decontamination trailer.

## Water and Sewer Fund

Water and Sewer revenues have increased by $737,000 when compared to prior fiscal year. Water revenues increased $1,274,000 while sewer revenues decreased $506,000 over prior year. The result of the decrease in sewer revenues is attributed to winter quarter average billing. As a percent of re-estimate, revenues increased 2.9%.

Total expenses increased $2,182,000 as compared to prior year. Contractual / professional services increased $1,810,000 primarily due to increased payments to North Texas Municipal Water District in the current fiscal year. A portion of the increase is attributed to encumbered funds of $60,000 for internet processing payment services due to popularity increasing for on-line payments. Personal services increased $586,000 over prior fiscal year due to increased salary and health insurance costs and an additional pay period in the current year. Materials and supplies increased $133,000 as compared to prior year attributable to purchase of water meters and water meter accessories in the amount of $166,000. Capital outlay decreased over prior year by $369,000 due to purchase of equipment for the automated meter reading project in the prior fiscal year decreasing by $896,000. This decrease is offset by an increase in capital outlay for the purchase of Rice Field in the current year in the amount of $551,000. Expenses and encumbrances increased 2.1% as a percent of re-estimate.

## Environmental Waste Services Fund

Revenues in the Environmental Waste Services Fund increased $388,000 over the prior year. Residential and recycling revenues increased $175,000 and $145,000, respectively, as compared to last fiscal year. Residential revenues increased $175,000 due to an increase in customers serviced, while recycling revenues increased in the current year attributed to a rise in the recycling market. As a percent of re-estimate, revenues decreased 0.7%.

Total expenses and encumbrances increased $639,000 over the prior year. The variance is primarily attributed to salary, health insurance cost increases and an additional pay period in the current year in the amount of $496,000. In addition, capital outlay increased $120,000 as a result of the approved fiscal year 04-05 budgeted purchase of a tractor, trailer and a tilt cab truck with a dump body in the amount of $151,000. As a percent of re-estimate, expenses and encumbrances decreased 4.2%.

## Golf Course Fund

Revenues in the Golf Course Fund increased $104,000 as compared to prior year. Golf Fund miscellaneous revenues increased $75,000 due to the $84,000 appreciation payment for American Golf's management lease sale of a portion of Ridgeview Ranch. In addition, there has been an increase in fees ranging from $1.00-$4.00 per round in the current year. Although in the current year more rainfall has occurred, participation has increased on playable days. As a percent of re-estimate, revenues increased 5.6%.

Total expenses and encumbrances decreased $1,442,000 as compared to prior year. Capital outlay decreased $1,441,000 over prior year due to completion of the clubhouse. The certificate of occupancy for the clubhouse was issued in March 2004. As a percent of re-estimate, expenses and encumbrances decreased 17.9%.

## Civic Center Fund

Revenues in the Civic Center Fund increased $477,000 as compared to the prior year. Hotel/motel tax revenue increased $263,000 as compared to the prior year in addition to inside catering revenues increasing $130,000 due to an increase of catered events being booked at the Plano Centre. Concession revenues also increased $31,000 due to the opening of the clubhouse at Pecan Hollow. As a percent of re-estimate, revenues increased 3.7%.

Total expenses and encumbrances increased $509,000 as compared to prior fiscal year. The rise in expenses is primarily attributed to increased salary and health insurance costs in the current year in the amount of $304,000 in addition to an additional pay period. Contractual services have increased $180,000 as compared to the prior year attributable to electric payments increasing by $96,000 due to higher rates experienced in the current year. Expenses and encumbrances increased 7.3% as a percent of re-estimate.

## Recreation Revolving Fund

Total revenues are $19,000 greater than prior fiscal year primarily due to an increase in recreation revenues for the Liberty Recreation Center since the opening in June 2004. However, an overall decline in program participants has occurred in the current fiscal year. As a percent of re-estimate, revenues increased1.8%.

Total expenses and encumbrances increased $52,000 as compared to prior year. Personal services increased $92,000 due to increased salary and health insurance costs as well as an additional pay period in the current fiscal year. Due to an overall decrease in participation for recreation programs, contractual labor and educational and recreational materials and supplies has declined $39,000 and $18,000, respectively, in the current year. This decrease is offset by an increase in contractual labor services since the opening of Liberty Recreation Center in June 2004. As a percent of re-estimate, expenses and encumbrances increased 1.6%.

## Municipal Drainage Fund

Municipal Drainage Fund revenues increased $145,000 over prior year. Drainage fee revenues increased $93,000, as well as interest income increasing $47,000 in the current fiscal year. As a percent of re-estimate, revenues increased 2.2%.

Expenses and encumbrances increased $94,000 over the prior year. Personal services increased $72,000 over prior year to due an increase in salary and health insurance costs as well as an additional pay period. Materials and supplies have increased by $24,000, mainly attributable to purchases made for the public landscape class and various maintenance parts. In addition, an increase of $15,000 in contractual / professional services as compared to prior year occurred, relating primarily to increased encumbrances for street sweeping services due to various factors such as weather conditions and special assignments where these services are needed. As a percent of re-estimate, expenses and encumbrances decreased 4.6%.

## Property Management Fund

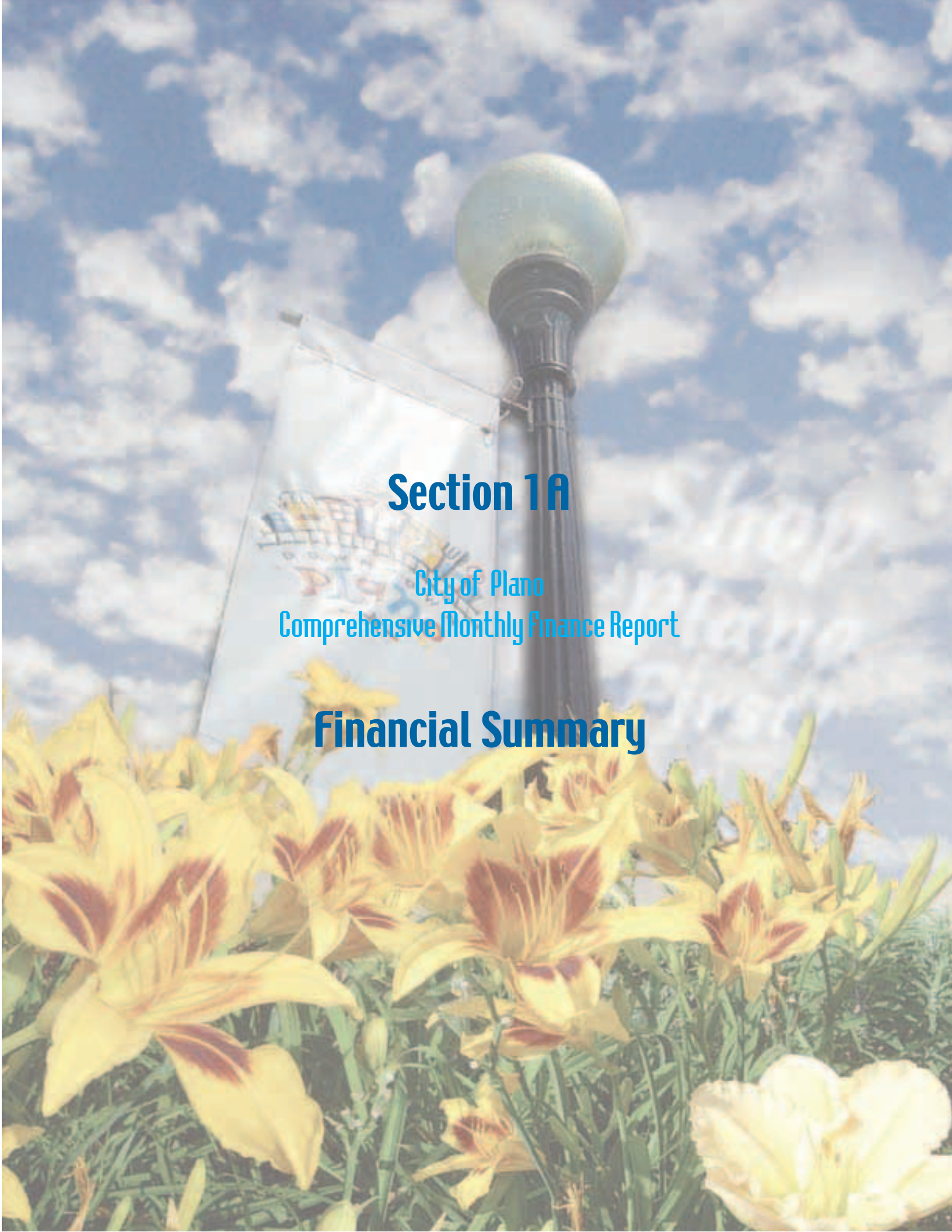
Rental revenues increased $10,000 as compared to prior year. As a percent of re-estimate, revenues increased 12.4%.

Expenses and encumbrances decreased $2,000 due to funds in the prior year used to resurface Downtown Center South's parking lot in the amount of $16,000. An increase occurred in the contractual / professional services in the amount of $15,000 primarily attributed to a new roof system related to Downtown Center North. As a percent of re-estimate, expenses and encumbrances decreased 2.2%.

## Downtown Center Development Fund

Rental revenues remained the same as compared to prior year. As a percent of re-estimate, revenues were unchanged.

Expenses and encumbrances remained unchanged as compared to prior year. As a percent of re-estimate, expenses and encumbrances increased 7.8%.



# Section 1A

City of Plano
Comprehensive Monthly Finance Report

# Financial Summary

## MONTHLY FINANCIAL SUMMARY REPORT
## THROUGH JUNE 30 OF FISCAL YEARS 2005, 2004 AND 2003
## GENERAL FUND

| | Fiscal Year | Annual Budget | Preliminary Re-estimated Budget | 9 Months Actual | Actual/ Re-estimate | Performance Index |
|---|---|---|---|---|---|---|
| **REVENUES:** | | | | | | |
| **Ad valorem tax** | 2005 | $ 58,007,000 | 58,007,000 | 57,212,000 | 98.6% | 131.51 |
| | 2004 | 58,761,000 | 58,761,000 | 58,163,000 | 99.0% | 131.98 |
| | 2003 | 57,432,000 | 57,432,000 | 57,126,000 | 99.5% | 132.62 |
| **Sales tax** | 2005 | 48,668,000 | 50,590,000 | 38,701,000 | 76.5% | 102.00 |
| | 2004 | 44,279,000 | 48,668,000 | 37,446,000 | 76.9% | 102.59 |
| | 2003 | 45,129,000 | 44,279,000 | 33,969,000 | 76.7% | 102.29 |
| **Other taxes** | 2005 | 688,000 | 769,000 | 412,000 | 53.6% | 71.43 |
| | 2004 | 631,000 | 685,000 | 376,000 | 54.9% | 73.19 |
| | 2003 | 589,000 | 619,000 | 331,000 | 53.5% | 71.30 |
| **Franchise fees** | 2005 | 19,973,000 | 18,864,000 | 7,710,000 | 40.9% | 54.50 |
| | 2004 | 19,001,000 | 20,027,000 | 7,660,000 | 38.2% | 51.00 |
| | 2003 | 18,565,000 | 19,465,000 | 7,707,000 | 39.6% | 52.79 |
| **Fines and forfeitures** | 2005 | 9,858,000 | 8,510,000 | 6,207,000 | 72.9% | 97.25 |
| | 2004 | 9,216,000 | 9,449,000 | 6,920,000 | 73.2% | 97.65 |
| | 2003 | 8,749,000 | 8,790,000 | 6,625,000 | 75.4% | 100.49 |
| **Licenses and permits** | 2005 | 4,483,000 | 4,937,000 | 3,921,000 | 79.4% | 105.89 |
| | 2004 | 3,820,000 | 5,037,000 | 4,008,000 | 79.6% | 106.09 |
| | 2003 | 3,955,000 | 4,386,000 | 3,318,000 | 75.6% | 100.87 |
| **Fees and service charges** | 2005 | 7,098,000 | 7,732,000 | 5,948,000 | 76.9% | 102.57 |
| | 2004 | 7,254,000 | 7,176,000 | 5,343,000 | 74.5% | 99.28 |
| | 2003 | 7,613,000 | 7,078,000 | 5,099,000 | 72.0% | 96.05 |
| **Intergovernmental revenue** | 2005 | 566,000 | 643,000 | 486,000 | 75.6% | 100.78 |
| | 2004 | 562,000 | 613,000 | 471,000 | 76.8% | 102.45 |
| | 2003 | 558,000 | 671,000 | 531,000 | 79.1% | 105.51 |
| **Miscellaneous revenue** | 2005 | 1,669,000 | 2,135,000 | 1,096,000 | 51.3% | 68.45 |
| | 2004 | 1,607,000 | 1,415,000 | 674,000 | 47.6% | 63.51 |
| | 2003 | 1,889,000 | 1,596,000 | 1,040,000 | 65.2% | 86.88 |
| **TOTAL REVENUE** | 2005 | 151,010,000 | 152,187,000 | 121,693,000 | 80.0% | 106.62 |
| | 2004 | 145,131,000 | 151,831,000 | 121,061,000 | 79.7% | 106.31 |
| | 2003 | 144,479,000 | 144,316,000 | 115,746,000 | 80.2% | 106.94 |

## MONTHLY FINANCIAL SUMMARY REPORT
## THROUGH JUNE 30 OF FISCAL YEARS 2005, 2004 AND 2003
## GENERAL FUND, continued

| | Fiscal Year | Annual Budget | Preliminary Re-estimated Budget | 9 Months Actual | Actual/ Re-estimate | Performance Index |
|---|---|---|---|---|---|---|
| **EXPENDITURES & ENCUMBRANCES:** | | | | | | |
| **Personal services** | 2005 | $ 127,026,000 | 120,298,000 | 87,300,000 | 72.6% | N/A |
| | 2004 | 117,516,000 | 113,848,000 | 77,786,000 | 68.3% | N/A |
| | 2003 | 109,062,000 | 108,357,000 | 76,651,000 | 70.7% | N/A |
| **Materials and supplies** | 2005 | 5,482,000 | 5,779,000 | 3,595,000 | 62.2% | 82.94 |
| | 2004 | 5,000,000 | 5,507,000 | 3,381,000 | 61.4% | 81.86 |
| | 2003 | 5,338,000 | 5,208,000 | 3,325,000 | 63.8% | 85.13 |
| **Contractual / professional** | 2005 | 33,375,000 | 34,043,000 | 23,071,000 | 67.8% | 90.36 |
| | 2004 | 30,663,000 | 30,747,000 | 19,550,000 | 63.6% | 84.78 |
| | 2003 | 28,806,000 | 28,557,000 | 17,339,000 | 60.7% | 80.96 |
| **Sundry** | 2005 | 981,000 | 1,110,000 | 742,000 | 66.8% | 89.13 |
| | 2004 | 838,000 | 892,000 | 553,000 | 62.0% | 82.66 |
| | 2003 | 873,000 | 1,196,000 | 573,000 | 47.9% | 63.88 |
| **Reimbursements** | 2005 | (1,432,000) | (1,347,000) | (973,000) | 72.2% | 96.31 |
| | 2004 | (1,419,000) | (1,377,000) | (1,023,000) | 74.3% | 99.06 |
| | 2003 | (1,176,000) | (1,119,000) | (889,000) | 79.4% | 105.93 |
| **Capital outlay** | 2005 | 1,458,000 | 2,365,000 | 1,290,000 | 54.5% | 72.73 |
| | 2004 | 1,100,000 | 1,962,000 | 1,401,000 | 71.4% | 95.21 |
| | 2003 | 1,287,000 | 2,629,000 | 2,118,000 | 80.6% | 107.42 |
| **Total Expenditures and Encumbrances** | 2005 | 166,890,000 | 162,248,000 | 115,025,000 | 70.9% | 94.53 |
| | 2004 | 153,698,000 | 151,579,000 | 101,648,000 | 67.1% | 89.41 |
| | 2003 | 144,190,000 | 144,828,000 | 99,117,000 | 68.4% | 91.25 |
| **Excess (Deficiency) of Revenues Over Expenditures** | 2005 | (15,880,000) | (10,061,000) | 6,668,000 | - | - |
| | 2004 | (8,567,000) | 252,000 | 19,413,000 | - | - |
| | 2003 | 289,000 | (512,000) | 16,629,000 | - | - |
| **TRANSFERS IN (OUT):** | | | | | | |
| **Operating transfers in** | 2005 | 13,789,000 | 14,213,000 | 10,342,000 | 72.8% | 97.02 |
| | 2004 | 13,158,000 | 13,126,000 | 9,869,000 | 75.2% | 100.25 |
| | 2003 | 11,598,000 | 12,559,000 | 8,698,000 | 69.3% | 92.34 |
| **Operating transfers out** | 2005 | (13,339,000) | (13,373,000) | (10,275,000) | 76.8% | 102.45 |
| | 2004 | (12,879,000) | (14,222,000) | (10,121,000) | 71.2% | 94.89 |
| | 2003 | (13,508,000) | (14,179,000) | (10,481,000) | 73.9% | 98.56 |
| **Excess (Deficiency) of Revenues Transfers In Over Expenditures Transfers Out** | 2005 | (15,430,000) | (9,221,000) | 6,735,000 | | |
| | 2004 | (8,288,000) | (844,000) | 19,161,000 | | |
| | 2003 | (1,621,000) | (2,132,000) | 14,846,000 | | |
| **OPERATING FUND BALANCE OCTOBER 1** | 2005 | | | 39,497,000 | | |
| | 2004 | | | 29,802,000 | | |
| | 2003 | | | 22,879,000 | | |
| **OPERATING FUND BALANCE JUNE 30** | 2005 | | | 46,232,000 | | |
| | 2004 | | | 48,963,000 | | |
| | 2003 | | | 37,725,000 | | |

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.
Encumbrances in current year equal $1,528,000

# MONTHLY FINANCIAL SUMMARY REPORT
# THROUGH JUNE 30 OF FISCAL YEARS 2005, 2004 AND 2003
# WATER AND SEWER FUND

| | Fiscal Year | Annual Budget | Preliminary Re-estimated Budget | 9 Months Actual | Actual/ Re-estimate | Performance Index |
|---|---|---|---|---|---|---|
| **REVENUES:** | | | | | | |
| **Water and sewer revenue** | 2005 | $ 80,656,000 | 76,775,000 | 51,345,000 | 66.9% | 89.17 |
| | 2004 | 80,768,000 | 79,244,000 | 50,563,000 | 63.8% | 85.08 |
| | 2003 | 75,086,000 | 77,042,000 | 50,360,000 | 65.4% | 87.16 |
| **Other fees and service charges** | 2005 | 2,188,000 | 2,286,000 | 1,458,000 | 63.8% | 85.04 |
| | 2004 | 2,382,000 | 2,245,000 | 1,503,000 | 66.9% | 89.27 |
| | 2003 | 2,742,000 | 2,381,000 | 1,567,000 | 65.8% | 87.75 |
| **TOTAL REVENUE** | 2005 | 82,844,000 | 79,061,000 | 52,803,000 | 66.8% | 89.05 |
| | 2004 | 83,150,000 | 81,489,000 | 52,066,000 | 63.9% | 85.19 |
| | 2003 | 77,828,000 | 79,423,000 | 51,927,000 | 65.4% | 87.17 |
| **EXPENSES & ENCUMBRANCES:** | | | | | | |
| **Personal services** | 2005 | 8,215,000 | 7,877,000 | 5,722,000 | 72.6% | N/A |
| | 2004 | 7,819,000 | 7,558,000 | 5,136,000 | 68.0% | N/A |
| | 2003 | 7,464,000 | 7,620,000 | 5,114,000 | 67.1% | N/A |
| **Materials and supplies** | 2005 | 1,672,000 | 1,846,000 | 1,425,000 | 77.2% | 102.93 |
| | 2004 | 1,585,000 | 1,728,000 | 1,292,000 | 74.8% | 99.69 |
| | 2003 | 1,304,000 | 1,446,000 | 1,106,000 | 76.5% | 101.98 |
| **Contractual / professional and other** | 2005 | 47,595,000 | 46,284,000 | 33,276,000 | 71.9% | 95.86 |
| | 2004 | 46,754,000 | 45,241,000 | 31,466,000 | 69.6% | 92.74 |
| | 2003 | 44,104,000 | 42,739,000 | 30,116,000 | 70.5% | 93.95 |
| **Reimbursements** | 2005 | 148,000 | 151,000 | 111,000 | 73.5% | 98.01 |
| | 2004 | 177,000 | 120,000 | 89,000 | 74.2% | 98.89 |
| | 2003 | (71,000) | (1,000) | (54,000) | 5400.0% | 7200.00 |
| **Capital outlay** | 2005 | 1,064,000 | 1,958,000 | 1,529,000 | 78.1% | 104.12 |
| | 2004 | 2,020,000 | 2,100,000 | 1,898,000 | 90.4% | 120.51 |
| | 2003 | 1,994,000 | 3,839,000 | 3,832,000 | 99.8% | 133.09 |
| **Total Expenses and Encumbrances** | 2005 | 58,694,000 | 58,116,000 | 42,063,000 | 72.4% | 96.50 |
| | 2004 | 58,355,000 | 56,747,000 | 39,881,000 | 70.3% | 93.70 |
| | 2003 | 54,795,000 | 55,643,000 | 40,114,000 | 72.1% | 96.12 |
| **Excess (Deficiency) of Revenues Over Expenses** | 2005 | 24,150,000 | 20,945,000 | 10,740,000 | - | - |
| | 2004 | 24,795,000 | 24,742,000 | 12,185,000 | - | - |
| | 2003 | 23,033,000 | 23,780,000 | 11,813,000 | - | - |
| **TRANSFERS IN (OUT):** | | | | | | |
| **Operating transfers in** | 2005 | 469,000 | 328,000 | 351,000 | 107.0% | 142.68 |
| | 2004 | 469,000 | 469,000 | 351,000 | 74.8% | 99.79 |
| | 2003 | 469,000 | 469,000 | - | 0.0% | - |
| **Operating transfers out** | 2005 | (28,413,000) | (25,053,000) | (21,310,000) | 85.1% | 113.41 |
| | 2004 | (27,782,000) | (27,876,000) | (20,837,000) | 74.7% | 99.67 |
| | 2003 | (26,122,000) | (27,334,000) | (19,592,000) | 71.7% | 95.57 |

## MONTHLY FINANCIAL SUMMARY REPORT
## THROUGH JUNE 30 OF FISCAL YEARS 2005, 2004 AND 2003
## WATER AND SEWER FUND, continued

| | Fiscal Year | Annual Budget | Preliminary Re-estimated Budget | 9 Months Actual | Actual/ Re-estimate | Performance Index |
|---|---|---|---|---|---|---|
| **Excess (Deficiency) of Revenues and Transfers In Over Expenses and Transfers Out** | 2005 | $ (3,794,000) | (3,780,000) | (10,219,000) | | |
| | 2004 | (2,518,000) | (2,665,000) | (8,301,000) | | |
| | 2003 | (2,620,000) | (3,085,000) | (7,779,000) | | |
| **OPERATING FUND BALANCE OCTOBER 1** | 2005 | | | 319,626,000 | | |
| | 2004 | | | 324,442,000 | | |
| | 2003 | | | 326,581,000 | | |
| **OPERATING FUND BALANCE JUNE 30** | 2005 | | | 309,407,000 | | |
| | 2004 | | | 316,141,000 | | |
| | 2003 | | | 318,802,000 | | |

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.
Encumbrances in current year equal $682,000

# MONTHLY FINANCIAL SUMMARY REPORT
# THROUGH JUNE 30 OF FISCAL YEARS 2005, 2004 AND 2003
# ENVIRONMENTAL WASTE SERVICES FUND

| | Fiscal Year | Annual Budget | Preliminary Re-estimated Budget | 9 Months Actual | Actual/ Re-estimate | Performance Index |
|---|---|---|---|---|---|---|
| **REVENUES:** | | | | | | |
| **Commerical solid waste franchise** | 2005 | $ 5,161,000 | 5,210,000 | 3,709,000 | 71.2% | 94.92 |
| | 2004 | 4,963,000 | 5,069,000 | 3,663,000 | 72.3% | 96.35 |
| | 2003 | 4,806,000 | 4,944,000 | 3,610,000 | 73.0% | 97.36 |
| **Refuse collection revenue** | 2005 | 11,035,000 | 11,238,000 | 8,409,000 | 74.8% | 99.77 |
| | 2004 | 10,444,000 | 10,946,000 | 8,084,000 | 73.9% | 98.47 |
| | 2003 | 9,273,000 | 9,290,000 | 6,767,000 | 72.8% | 97.12 |
| **Other fees and service charges** | 2005 | 1,113,000 | 1,193,000 | 673,000 | 56.4% | 75.22 |
| | 2004 | 913,000 | 938,000 | 656,000 | 69.9% | 93.25 |
| | 2003 | 932,000 | 634,000 | 530,000 | 83.6% | 111.46 |
| **TOTAL REVENUE** | 2005 | 17,309,000 | 17,641,000 | 12,791,000 | 72.5% | 96.68 |
| | 2004 | 16,320,000 | 16,953,000 | 12,403,000 | 73.2% | 97.55 |
| | 2003 | 15,011,000 | 14,868,000 | 10,907,000 | 73.4% | 97.81 |
| **EXPENSES & ENCUMBRANCES:** | | | | | | |
| **Personal services** | 2005 | 4,938,000 | 4,676,000 | 3,402,000 | 72.8% | N/A |
| | 2004 | 4,673,000 | 4,379,000 | 2,906,000 | 66.4% | N/A |
| | 2003 | 4,384,000 | 4,435,000 | 2,879,000 | 64.9% | N/A |
| **Materials and supplies** | 2005 | 265,000 | 266,000 | 194,000 | 72.9% | 97.24 |
| | 2004 | 266,000 | 262,000 | 173,000 | 66.0% | 88.04 |
| | 2003 | 352,000 | 271,000 | 165,000 | 60.9% | 81.18 |
| **Contractual / professional** | 2005 | 10,361,000 | 10,892,000 | 7,939,000 | 72.9% | 97.18 |
| | 2004 | 9,979,000 | 9,940,000 | 7,895,000 | 79.4% | 105.90 |
| | 2003 | 9,302,000 | 9,195,000 | 7,065,000 | 76.8% | 102.45 |
| **Sundry** | 2005 | 80,000 | 76,000 | 54,000 | 71.1% | 94.74 |
| | 2004 | 77,000 | 91,000 | 66,000 | 72.5% | 96.70 |
| | 2003 | 121,000 | 82,000 | 50,000 | 61.0% | 81.30 |
| **Reimbursements** | 2005 | 39,000 | 42,000 | 13,000 | 31.0% | 41.27 |
| | 2004 | 49,000 | 15,000 | 43,000 | 286.7% | 382.22 |
| | 2003 | 48,000 | 47,000 | 24,000 | 51.1% | 68.09 |
| **Capital outlay** | 2005 | 436,000 | 552,000 | 169,000 | 30.6% | 40.82 |
| | 2004 | 14,000 | 66,000 | 49,000 | 74.2% | 98.99 |
| | 2003 | 21,000 | 88,000 | 35,000 | 39.8% | 53.03 |
| **Total Expenses and Encumbrances** | 2005 | 16,119,000 | 16,504,000 | 11,771,000 | 71.3% | 95.10 |
| | 2004 | 15,058,000 | 14,753,000 | 11,132,000 | 75.5% | 100.61 |
| | 2003 | 14,228,000 | 14,118,000 | 10,218,000 | 72.4% | 96.50 |
| **Excess (Deficiency) of Revenues Over Expenses** | 2005 | 1,190,000 | 1,137,000 | 1,020,000 | - | - |
| | 2004 | 1,262,000 | 2,200,000 | 1,271,000 | - | - |
| | 2003 | 783,000 | 750,000 | 689,000 | - | - |
| **TRANSFERS OUT:** | | | | | | |
| **Operating transfers out** | 2005 | (1,160,000) | (1,166,000) | (870,000) | 74.6% | 99.49 |
| | 2004 | (1,282,000) | (1,099,000) | (961,000) | 87.4% | 116.59 |
| | 2003 | (1,130,000) | (1,327,000) | (847,000) | 63.8% | 85.10 |

## MONTHLY FINANCIAL SUMMARY REPORT
## THROUGH JUNE 30 OF FISCAL YEARS 2005, 2004 AND 2003
## ENVIRONMENTAL WASTE SERVICES FUND, continued

| | Fiscal Year | Annual Budget | Preliminary Re-estimated Budget | 9 Months Actual | Actual/ Re-estimate | Performance Index |
|---|---|---|---|---|---|---|
| **Excess (Deficiency) of Revenues Over Expenses and Transfers Out** | 2005 | $ 30,000 | (29,000) | 150,000 | | |
| | 2004 | (20,000) | 1,101,000 | 310,000 | | |
| | 2003 | (347,000) | (577,000) | (158,000) | | |
| **OPERATING FUND BALANCE OCTOBER 1** | 2005 | | | 2,902,000 | | |
| | 2004 | | | 2,305,000 | | |
| | 2003 | | | 2,824,000 | | |
| **OPERATING FUND BALANCE JUNE 30** | 2005 | | | 3,052,000 | | |
| | 2004 | | | 2,615,000 | | |
| | 2003 | | | 2,666,000 | | |

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.
Encumbrances in current year equal $378,000

# MONTHLY FINANCIAL SUMMARY REPORT
# THROUGH JUNE 30 OF FISCAL YEARS 2005, 2004 AND 2003
# MUNICIPAL GOLF COURSE FUND

| | Fiscal Year | Annual Budget | Preliminary Re-estimated Budget | 9 Months Actual | Actual/ Re-estimate | Performance Index |
|---|---|---|---|---|---|---|
| **REVENUES:** | | | | | | |
| **Fees and service charges** | 2005 | $ 1,011,000 | 1,000,000 | 641,000 | 64.1% | 85.47 |
| | 2004 | 1,025,000 | 994,000 | 612,000 | 61.6% | 82.09 |
| | 2003 | 1,072,000 | 848,000 | 579,000 | 68.3% | 91.04 |
| **Miscellaneous revenue** | 2005 | 61,000 | 106,000 | 86,000 | 81.1% | 108.18 |
| | 2004 | 74,000 | 42,000 | 11,000 | 26.2% | 34.92 |
| | 2003 | 48,000 | 60,000 | 49,000 | 81.7% | 108.89 |
| **TOTAL REVENUE** | 2005 | 1,072,000 | 1,106,000 | 727,000 | 65.7% | 87.64 |
| | 2004 | 1,099,000 | 1,036,000 | 623,000 | 60.1% | 80.18 |
| | 2003 | 1,120,000 | 908,000 | 628,000 | 69.2% | 92.22 |
| **EXPENSES & ENCUMBRANCES:** | | | | | | |
| **Personal services** | 2005 | 614,000 | 578,000 | 440,000 | 76.1% | N/A |
| | 2004 | 550,000 | 547,000 | 371,000 | 67.8% | N/A |
| | 2003 | 532,000 | 500,000 | 361,000 | 72.2% | N/A |
| **Materials and supplies** | 2005 | 151,000 | 139,000 | 85,000 | 61.2% | 81.53 |
| | 2004 | 157,000 | 133,000 | 147,000 | 110.5% | 147.37 |
| | 2003 | 157,000 | 135,000 | 61,000 | 45.2% | 60.25 |
| **Contractual / professional and other** | 2005 | 171,000 | 167,000 | 114,000 | 68.3% | 91.02 |
| | 2004 | 234,000 | 174,000 | 122,000 | 70.1% | 93.49 |
| | 2003 | 216,000 | 201,000 | 99,000 | 49.3% | 65.67 |
| **Capital outlay** | 2005 | - | - | 7,000 | - | - |
| | 2004 | 1,440,000 | 1,440,000 | 1,448,000 | 100.6% | 134.07 |
| | 2003 | 1,695,000 | 2,375,000 | 1,250,000 | 52.6% | 70.18 |
| **Total Expenses and Encumbrances** | 2005 | 936,000 | 884,000 | 646,000 | 73.1% | 97.44 |
| | 2004 | 2,381,000 | 2,294,000 | 2,088,000 | 91.0% | 121.36 |
| | 2003 | 2,600,000 | 3,211,000 | 1,771,000 | 55.2% | 73.54 |
| **Excess (Deficiency) of Revenues Over Expenses** | 2005 | 136,000 | 222,000 | 81,000 | - | - |
| | 2004 | (1,282,000) | (1,258,000) | (1,465,000) | - | - |
| | 2003 | (1,480,000) | (2,303,000) | (1,143,000) | - | - |
| **TRANSFERS OUT:** | | | | | | |
| **Operating transfers out** | 2005 | (54,000) | - | (40,000) | - | - |
| | 2004 | (55,000) | (52,000) | (41,000) | 78.8% | 105.13 |
| | 2003 | (56,000) | (45,000) | (42,000) | 93.3% | 124.44 |
| **Excess (Deficiency) of Revenues Over Expenses and Transfers Out** | 2005 | 82,000 | 222,000 | 41,000 | | |
| | 2004 | (1,337,000) | (1,310,000) | (1,506,000) | | |
| | 2003 | (1,536,000) | (2,348,000) | (1,185,000) | | |
| **OPERATING FUND BALANCE OCTOBER 1** | 2005 | | | 2,333,000 | | |
| | 2004 | | | 2,663,000 | | |
| | 2003 | | | 2,717,000 | | |
| **OPERATING FUND BALANCE JUNE 30** | 2005 | | | 2,374,000 | | |
| | 2004 | | | 1,157,000 | | |
| | 2003 | | | 1,532,000 | | |

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.
Encumbrances in current year equal $19,000

# MONTHLY FINANCIAL SUMMARY REPORT
# THROUGH JUNE 30 OF FISCAL YEARS 2005, 2004 AND 2003
# CIVIC CENTER FUND

| | Fiscal Year | Annual Budget | Preliminary Re-estimated Budget | 9 Months Actual | Actual/ Re-estimate | Performance Index |
|---|---|---|---|---|---|---|
| **REVENUES:** | | | | | | |
| **Hotel occupancy tax** | 2005 | $ 2,936,000 | 3,328,000 | 2,239,000 | 67.3% | 89.70 |
| | 2004 | 2,805,000 | 2,805,000 | 1,976,000 | 70.4% | 93.93 |
| | 2003 | 3,124,000 | 2,805,000 | 1,936,000 | 69.0% | 92.03 |
| **Fees and service charges** | 2005 | 2,467,000 | 2,157,000 | 1,700,000 | 78.8% | 105.08 |
| | 2004 | 2,535,000 | 2,278,000 | 1,486,000 | 65.2% | 86.98 |
| | 2003 | 2,812,000 | 2,171,000 | 1,556,000 | 71.7% | 95.56 |
| **TOTAL REVENUE** | 2005 | 5,403,000 | 5,485,000 | 3,939,000 | 71.8% | 95.75 |
| | 2004 | 5,340,000 | 5,083,000 | 3,462,000 | 68.1% | 90.81 |
| | 2003 | 5,936,000 | 4,976,000 | 3,492,000 | 70.2% | 93.57 |
| **EXPENSES & ENCUMBRANCES:** | | | | | | |
| **Personal services** | 2005 | 2,477,000 | 2,395,000 | 1,641,000 | 68.5% | N/A |
| | 2004 | 2,219,000 | 2,101,000 | 1,337,000 | 63.6% | N/A |
| | 2003 | 2,250,000 | 2,048,000 | 1,354,000 | 66.1% | N/A |
| **Materials and supplies** | 2005 | 753,000 | 610,000 | 413,000 | 67.7% | 90.27 |
| | 2004 | 803,000 | 670,000 | 393,000 | 58.7% | 78.21 |
| | 2003 | 939,000 | 586,000 | 404,000 | 68.9% | 91.92 |
| **Contractual / professional and other** | 2005 | 2,408,000 | 2,336,000 | 1,879,000 | 80.4% | 107.25 |
| | 2004 | 2,492,000 | 2,329,000 | 1,699,000 | 72.9% | 97.27 |
| | 2003 | 2,595,000 | 2,305,000 | 1,652,000 | 71.7% | 95.56 |
| **Capital outlay** | 2005 | - | 8,000 | 12,000 | 150.0% | - |
| | 2004 | 99,000 | 69,000 | 7,000 | 10.1% | 13.53 |
| | 2003 | 119,000 | 22,000 | 16,000 | 72.7% | 96.97 |
| **Total Expenses and Encumbrances** | 2005 | 5,638,000 | 5,349,000 | 3,945,000 | 73.8% | 98.34 |
| | 2004 | 5,613,000 | 5,169,000 | 3,436,000 | 66.5% | 88.63 |
| | 2003 | 5,903,000 | 4,961,000 | 3,426,000 | 69.1% | 92.08 |
| **Excess (Deficiency) of Revenues Over Expenses** | 2005 | (235,000) | 136,000 | (6,000) | - | - |
| | 2004 | (273,000) | (86,000) | 26,000 | - | - |
| | 2003 | 33,000 | 15,000 | 66,000 | - | - |
| **TRANSFERS OUT :** | | | | | | |
| **Operating transfers out** | 2005 | (437,000) | (441,000) | (328,000) | 74.4% | 99.17 |
| | 2004 | (267,000) | (254,000) | (200,000) | 78.7% | 104.99 |
| | 2003 | (544,000) | (496,000) | (408,000) | 82.3% | 109.68 |
| **Excess (Deficiency) of Revenues Over Expenses and Transfers Out** | 2005 | (672,000) | (305,000) | (334,000) | | |
| | 2004 | (540,000) | (340,000) | (174,000) | | |
| | 2003 | (511,000) | (481,000) | (342,000) | | |
| **OPERATING FUND BALANCE OCTOBER 1** | 2005 | | | 7,504,000 | | |
| | 2004 | | | 7,756,000 | | |
| | 2003 | | | 8,526,000 | | |
| **OPERATING FUND BALANCE JUNE 30** | 2005 | | | 7,170,000 | | |
| | 2004 | | | 7,582,000 | | |
| | 2003 | | | 8,184,000 | | |

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.
Encumbrances in current year equal $68,000

# MONTHLY FINANCIAL SUMMARY REPORT
# THROUGH JUNE 30 OF FISCAL YEARS 2005, 2004 AND 2003
# RECREATION REVOLVING FUND

| | Fiscal Year | Annual Budget | Preliminary Re-estimated Budget | 9 Months Actual | Actual/ Re-estimate | Performance Index |
|---|---|---|---|---|---|---|
| **REVENUES:** | | | | | | |
| **Fees and service charges** | 2005 | $ 2,522,000 | 2,493,000 | 2,292,000 | 91.9% | 122.58 |
| | 2004 | 2,543,000 | 2,523,000 | 2,314,000 | 91.7% | 122.29 |
| | 2003 | 2,551,000 | 2,498,000 | 2,264,000 | 90.6% | 120.84 |
| **Miscellaneous revenue** | 2005 | 35,000 | 36,000 | 46,000 | 127.8% | 170.37 |
| | 2004 | 29,000 | 36,000 | 5,000 | 13.9% | 18.52 |
| | 2003 | 26,000 | 41,000 | 31,000 | 75.6% | 100.81 |
| **TOTAL REVENUE** | 2005 | 2,557,000 | 2,529,000 | 2,338,000 | 92.4% | 123.26 |
| | 2004 | 2,572,000 | 2,559,000 | 2,319,000 | 90.6% | 120.83 |
| | 2003 | 2,577,000 | 2,539,000 | 2,295,000 | 90.4% | 120.52 |
| **EXPENSES & ENCUMBRANCES:** | | | | | | |
| **Personal services** | 2005 | 1,004,000 | 907,000 | 615,000 | 67.8% | N/A |
| | 2004 | 987,000 | 974,000 | 523,000 | 53.7% | N/A |
| | 2003 | 891,000 | 889,000 | 517,000 | 58.2% | N/A |
| **Materials and supplies** | 2005 | 174,000 | 167,000 | 120,000 | 71.9% | 95.81 |
| | 2004 | 203,000 | 181,000 | 144,000 | 79.6% | 106.08 |
| | 2003 | 212,000 | 208,000 | 151,000 | 72.6% | 96.79 |
| **Contractual / professional** | 2005 | 1,220,000 | 1,245,000 | 917,000 | 73.7% | 98.21 |
| | 2004 | 1,179,000 | 1,162,000 | 932,000 | 80.2% | 106.94 |
| | 2003 | 1,116,000 | 1,157,000 | 939,000 | 81.2% | 108.21 |
| **Sundry** | 2005 | 32,000 | 53,000 | 18,000 | 34.0% | 45.28 |
| | 2004 | 21,000 | 35,000 | 18,000 | 51.4% | 68.57 |
| | 2003 | 36,000 | 33,000 | 22,000 | 66.7% | 88.89 |
| **Capital outlay** | 2005 | - | - | - | - | - |
| | 2004 | - | - | 1,000 | - | - |
| | 2003 | - | 4,000 | 4,000 | 100.0% | - |
| **Total Expenses and Encumbrances** | 2005 | 2,430,000 | 2,372,000 | 1,670,000 | 70.4% | 93.87 |
| | 2004 | 2,390,000 | 2,352,000 | 1,618,000 | 68.8% | 91.72 |
| | 2003 | 2,255,000 | 2,291,000 | 1,633,000 | 71.3% | 95.04 |
| **Excess (Deficiency) of Revenues Over Expenses** | 2005 | 127,000 | 157,000 | 668,000 | - | - |
| | 2004 | 182,000 | 207,000 | 701,000 | - | - |
| | 2003 | 322,000 | 248,000 | 662,000 | - | - |
| **TRANSFERS OUT:** | | | | | | |
| **Operating transfers out** | 2005 | (128,000) | (126,000) | (96,000) | 76.2% | 101.59 |
| | 2004 | (129,000) | (128,000) | (96,000) | 75.0% | 100.00 |
| | 2003 | (129,000) | (127,000) | (97,000) | 76.4% | 101.84 |
| **Excess (Deficiency) of Revenues Over Expenses and Transfers Out** | 2005 | (1,000) | 31,000 | 572,000 | | |
| | 2004 | 53,000 | 79,000 | 605,000 | | |
| | 2003 | 193,000 | 121,000 | 565,000 | | |
| **OPERATING FUND BALANCE OCTOBER 1** | 2005 | | | 123,000 | | |
| | 2004 | | | 7,000 | | |
| | 2003 | | | 11,000 | | |
| **OPERATING FUND BALANCE JUNE 30** | 2005 | | | 695,000 | | |
| | 2004 | | | 612,000 | | |
| | 2003 | | | 576,000 | | |

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.
Encumbrances in current year equal $13,000

# MONTHLY FINANCIAL SUMMARY REPORT
# THROUGH JUNE 30 OF FISCAL YEARS 2005, 2004 AND 2003
# MUNICIPAL DRAINAGE FUND

| | Fiscal Year | Annual Budget | Preliminary Re-estimated Budget | 9 Months Actual | Actual/ Re-estimate | Performance Index |
|---|---|---|---|---|---|---|
| **REVENUES:** | | | | | | |
| **Fees and service charges** | 2005 | $ 4,788,000 | 4,788,000 | 3,585,000 | 74.9% | 99.83 |
| | 2004 | 4,782,000 | 4,752,000 | 3,492,000 | 73.5% | 97.98 |
| | 2003 | 4,415,000 | 4,728,000 | 3,440,000 | 72.8% | 97.01 |
| **Miscellaneous revenue** | 2005 | 35,000 | 50,000 | 53,000 | 106.0% | 141.33 |
| | 2004 | 20,000 | 30,000 | 1,000 | 3.3% | 4.44 |
| | 2003 | 5,000 | 20,000 | 17,000 | 85.0% | 113.33 |
| **TOTAL REVENUE** | 2005 | 4,823,000 | 4,838,000 | 3,638,000 | 75.2% | 100.26 |
| | 2004 | 4,802,000 | 4,782,000 | 3,493,000 | 73.0% | 97.39 |
| | 2003 | 4,420,000 | 4,748,000 | 3,457,000 | 72.8% | 97.08 |
| **EXPENSES & ENCUMBRANCES:** | | | | | | |
| **Personal services** | 2005 | 1,005,000 | 971,000 | 681,000 | 70.1% | N/A |
| | 2004 | 912,000 | 897,000 | 609,000 | 67.9% | N/A |
| | 2003 | 864,000 | 824,000 | 515,000 | 62.5% | N/A |
| **Materials and supplies** | 2005 | 120,000 | 153,000 | 106,000 | 69.3% | 92.37 |
| | 2004 | 119,000 | 127,000 | 82,000 | 64.6% | 86.09 |
| | 2003 | 124,000 | 137,000 | 66,000 | 48.2% | 64.23 |
| **Contractual / professional and other** | 2005 | 844,000 | 988,000 | 559,000 | 56.6% | 75.44 |
| | 2004 | 828,000 | 810,000 | 561,000 | 69.3% | 92.35 |
| | 2003 | 798,000 | 898,000 | 529,000 | 58.9% | 78.54 |
| **Capital outlay** | 2005 | - | 2,000 | 2,000 | 100.0% | - |
| | 2004 | - | - | 2,000 | - | - |
| | 2003 | - | - | - | - | - |
| **Total Expenses and Encumbrances** | 2005 | 1,969,000 | 2,114,000 | 1,348,000 | 63.8% | 85.02 |
| | 2004 | 1,859,000 | 1,834,000 | 1,254,000 | 68.4% | 91.17 |
| | 2003 | 1,786,000 | 1,859,000 | 1,110,000 | 59.7% | 79.61 |
| **Excess (Deficiency) of Revenues Over Expenses** | 2005 | 2,854,000 | 2,724,000 | 2,290,000 | - | - |
| | 2004 | 2,943,000 | 2,948,000 | 2,239,000 | - | - |
| | 2003 | 2,634,000 | 2,889,000 | 2,347,000 | - | - |
| **TRANSFERS IN (OUT):** | | | | | | |
| **Operating transfers in** | 2005 | - | 1,300,000 | 1,315,000 | 101.2% | - |
| | 2004 | - | - | - | - | - |
| | 2003 | - | - | - | - | - |
| **Operating transfers out** | 2005 | (2,514,000) | (2,546,000) | (1,860,000) | 73.1% | 97.41 |
| | 2004 | (2,493,000) | (2,493,000) | (1,870,000) | 75.0% | 100.01 |
| | 2003 | (2,614,000) | (2,630,000) | (1,961,000) | 74.6% | 99.42 |
| **Excess (Deficiency) of Revenues Over Expenses and Transfers Out** | 2005 | 340,000 | 178,000 | 1,745,000 | | |
| | 2004 | 450,000 | 455,000 | 369,000 | | |
| | 2003 | 20,000 | 259,000 | 386,000 | | |
| **OPERATING FUND BALANCE OCTOBER 1** | 2005 | | | 14,995,000 | | |
| | 2004 | | | 13,749,000 | | |
| | 2003 | | | 13,068,000 | | |
| **OPERATING FUND BALANCE JUNE 30** | 2005 | | | 16,740,000 | | |
| | 2004 | | | 14,118,000 | | |
| | 2003 | | | 13,454,000 | | |

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.
Encumbrances in current year equal $54,000

## MONTHLY FINANCIAL SUMMARY REPORT
## THROUGH JUNE 30 OF FISCAL YEARS 2005, 2004 AND 2003
## PROPERTY MANAGEMENT FUND

| | Fiscal Year | Annual Budget | Preliminary Re-estimated Budget | 9 Months Actual | Actual/ Re-estimate | Performance Index |
|---|---|---|---|---|---|---|
| **REVENUES:** | | | | | | |
| **Rental and other revenue** | 2005 | $ 79,000 | 75,000 | 61,000 | 81.3% | 108.44 |
| | 2004 | 76,000 | 74,000 | 51,000 | 68.9% | 91.89 |
| | 2003 | 76,000 | 76,000 | 70,000 | 92.1% | 122.81 |
| **EXPENSES & ENCUMBRANCES** | | | | | | |
| **Materials and supplies** | 2005 | 1,000 | 3,000 | 3,000 | 100.0% | 133.33 |
| | 2004 | 1,000 | 3,000 | 5,000 | 166.7% | 222.22 |
| | 2003 | - | 1,000 | 1,000 | 100.0% | 133.33 |
| **Contractual / professional** | 2005 | 19,000 | 44,000 | 41,000 | 93.2% | 124.24 |
| | 2004 | 19,000 | 29,000 | 25,000 | 86.2% | 114.94 |
| | 2003 | 47,000 | 22,000 | 5,000 | 22.7% | 30.30 |
| **Capital Outlay** | 2005 | - | - | - | - | - |
| | 2004 | 16,000 | 16,000 | 16,000 | 100.0% | 133.33 |
| | 2003 | - | 46,000 | 1,000 | 2.2% | 2.90 |
| **Total Expenses and Encumbrances** | 2005 | 20,000 | 47,000 | 44,000 | 93.6% | 124.82 |
| | 2004 | 36,000 | 48,000 | 46,000 | 95.8% | 127.78 |
| | 2003 | 47,000 | 69,000 | 7,000 | 10.1% | 13.53 |
| **Excess (Deficiency) of Revenues Over Expenses** | 2005 | 59,000 | 28,000 | 17,000 | - | - |
| | 2004 | 40,000 | 26,000 | 5,000 | - | - |
| | 2003 | 29,000 | 7,000 | 63,000 | - | - |
| **OPERATING FUND BALANCE OCTOBER 1** | 2005 | | | 1,607,000 | | |
| | 2004 | | | 1,615,000 | | |
| | 2003 | | | 1,591,000 | | |
| **OPERATING FUND BALANCE JUNE 30** | 2005 | | | 1,624,000 | | |
| | 2004 | | | 1,620,000 | | |
| | 2003 | | | 1,654,000 | | |

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

# MONTHLY FINANCIAL SUMMARY REPORT
# THROUGH JUNE 30 OF FISCAL YEARS 2005, 2004 AND 2003
# DOWNTOWN CENTER DEVELOPMENT FUND

| | Fiscal Year | Annual Budget | Preliminary Re-estimated Budget | 9 Months Actual | Actual/ Re-estimate | Performance Index |
|---|---|---|---|---|---|---|
| **REVENUES:** | | | | | | |
| **Rental and other revenue** | 2005 | $ 68,000 | 68,000 | 51,000 | 75.0% | 100.00 |
| | 2004 | 68,000 | 68,000 | 51,000 | 75.0% | 100.00 |
| | 2003 | 68,000 | 68,000 | 62,000 | 91.2% | 121.57 |
| **EXPENSES & ENCUMBRANCES** | | | | | | |
| **Contractual / professional** | 2005 | 45,000 | 45,000 | 43,000 | 95.6% | 127.41 |
| | 2004 | 45,000 | 43,000 | 43,000 | 100.0% | 133.33 |
| | 2003 | 53,000 | 55,000 | 43,000 | 78.2% | 104.24 |
| **Capital outlay** | 2005 | 6,000 | - | - | - | - |
| | 2004 | 6,000 | 6,000 | - | - | - |
| | 2003 | 3,000 | 3,000 | 8,000 | 266.7% | 355.56 |
| **Total Expenses and Encumbrances** | 2005 | 51,000 | 45,000 | 43,000 | 95.6% | 127.41 |
| | 2004 | 51,000 | 49,000 | 43,000 | 87.8% | 117.01 |
| | 2003 | 56,000 | 58,000 | 51,000 | 87.9% | 117.24 |
| **Excess (Deficiency) of Revenues Over Expenses** | 2005 | 17,000 | 23,000 | 8,000 | - | - |
| | 2004 | 17,000 | 19,000 | 8,000 | - | - |
| | 2003 | 12,000 | 10,000 | 11,000 | - | - |
| **OPERATING FUND BALANCE OCTOBER 1** | 2005 | | | 53,000 | | |
| | 2004 | | | 28,000 | | |
| | 2003 | | | (14,000) | | |
| **OPERATING FUND BALANCE JUNE 30** | 2005 | | | 61,000 | | |
| | 2004 | | | 36,000 | | |
| | 2003 | | | (3,000) | | |

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

# EQUITY IN TREASURY POOL
## JUNE, 2005

| FUND NO. | FUND NAME | CASH | EQUITY IN TREASURY POOL | TOTAL 6/30/05 | TOTAL 10/01/04 | TOTAL 6/30/04 |
|---|---|---|---|---|---|---|
| GENERAL FUND: | | | | | | |
| 01 | General | $ 74,000 | 40,332,000 | 40,406,000 | 31,510,000 | 41,098,000 |
| 77 | Payroll | - | 3,030,000 | 3,030,000 | 1,547,000 | 1,449,000 |
| 24 | City Store | - | 6,000 | 6,000 | 5,000 | 5,000 |
| 994 | Plano All-America City | - | (29,000) | (29,000) | - | - |
| | | 74,000 | 43,339,000 | 43,413,000 | 33,062,000 | 42,552,000 |
| DEBT SERVICE FUND: | | | | | | |
| 03 | G.O. Debt Service | - | 27,483,000 | 27,483,000 | 218,000 | 25,021,000 |
| | | - | 27,483,000 | 27,483,000 | 218,000 | 25,021,000 |
| CAPITAL PROJECTS: | | | | | | |
| 22 | Recreation Center Facilities | - | 686,000 | 686,000 | 750,000 | 715,000 |
| 23 | Street Enhancement | - | 1,189,000 | 1,189,000 | 1,170,000 | 1,242,000 |
| 25 | 1991 Police & Courts Facility | - | 882,000 | 882,000 | 869,000 | 808,000 |
| 27 | 1991 Library Facility | - | 155,000 | 155,000 | 371,000 | 310,000 |
| 28 | 1991 Fire Facility | - | 1,043,000 | 1,043,000 | 1,027,000 | 995,000 |
| 31 | Municipal Facilities | - | 342,000 | 342,000 | 342,000 | 330,000 |
| 32 | Park Improvements | - | 2,728,000 | 2,728,000 | 3,446,000 | 3,308,000 |
| 33 | Street & Drainage Improvement | - | (2,045,000) | (2,045,000) | 7,837,000 | 10,241,000 |
| 35 | Capital Reserve | - | 26,977,000 | 26,977,000 | 26,370,000 | 24,600,000 |
| 38 | DART L.A.P. | - | 591,000 | 591,000 | - | 1,449,000 |
| 39 | Spring Creekwalk | - | 20,000 | 20,000 | 20,000 | 20,000 |
| 52 | Park Service Areas | - | 4,079,000 | 4,079,000 | 3,910,000 | 3,717,000 |
| 53 | Creative & Performing Arts | - | 1,408,000 | 1,408,000 | 1,386,000 | 1,273,000 |
| 54 | Animal Control Facilities | - | 202,000 | 202,000 | 236,000 | 244,000 |
| 60 | Joint Use Facilities | - | 489,000 | 489,000 | 482,000 | 468,000 |
| 110 | G.O. Bond Clearing - 1999 | - | 2,767,000 | 2,767,000 | 3,009,000 | 3,062,000 |
| 190 | G.O. Bond Clearing - 2000 | - | 3,697,000 | 3,697,000 | 3,642,000 | 3,572,000 |
| 220 | G.O. Bond Clearing - 2001 | - | - | - | - | 138,000 |
| 230 | G.O. Bond Clearing - 2001 | - | 2,602,000 | 2,602,000 | 2,765,000 | 3,050,000 |
| 240 | G.O. Bond Clearing - 2001-A | - | 192,000 | 192,000 | 210,000 | 242,000 |
| 250 | Tax Notes Clearing - 2001-A | - | 264,000 | 264,000 | 548,000 | 572,000 |
| 92 | G.O. Bond Refund/Clearing - 2002 | - | 336,000 | 336,000 | 592,000 | 700,000 |
| 270 | G.O. Bond Refund/Clearing - 2003 | - | 2,896,000 | 2,896,000 | 8,736,000 | 10,363,000 |
| 310 | G.O. Bond Refund/Clearing - 2005 | - | 37,190,000 | 37,190,000 | - | - |
| | | - | 88,690,000 | 51,500,000 | 67,718,000 | 71,419,000 |
| ENTERPRISE FUNDS: | | | | | | |
| 26 | Municipal Drainage CIP | - | (97,000) | (97,000) | 1,661,000 | 2,035,000 |
| 34 | Sewer CIP | - | 7,334,000 | 7,334,000 | 6,581,000 | 6,216,000 |
| 36 | Water CIP | - | 7,236,000 | 7,236,000 | 7,973,000 | 7,464,000 |
| 37 | Downtown Center Development | - | 35,000 | 35,000 | 16,000 | 19,000 |
| 41 | Water & Sewer - Operating | 255,000 | (7,598,000) | (7,343,000) | 5,423,000 | 2,991,000 |
| 42 | Water & Sewer - Debt Service | | 3,065,000 | 3,065,000 | 1,514,000 | 2,947,000 |
| 43 | Municipal Drainage - Debt Service | - | 2,098,000 | 2,098,000 | 4,278,000 | 3,062,000 |
| 44 | W & S Impact Fees Clearing | - | 502,000 | 502,000 | 428,000 | 593,000 |
| 45 | Environmental Waste Services | 34,000 | 525,000 | 559,000 | 903,000 | (149,000) |
| 46 | Convention & Tourism | 4,000 | 1,510,000 | 1,514,000 | 1,587,000 | 1,440,000 |
| 47 | Municipal Drainage | 12,000 | 3,316,000 | 3,328,000 | 1,575,000 | 1,468,000 |
| 48 | Municipal Golf Course | - | 164,000 | 164,000 | 122,000 | 517,000 |
| 49 | Property Management | - | 278,000 | 278,000 | 257,000 | 239,000 |
| 51 | Recreation Revolving | - | 898,000 | 898,000 | 621,000 | 786,000 |
| 95 | W & S Bond Clearing - 1990 | - | 176,000 | 176,000 | 174,000 | 171,000 |
| 96 | W & S Bond Clearing - 1991 | - | 98,000 | 98,000 | 96,000 | 95,000 |
| 101 | W & S Bond Clearing - 1993A | - | 263,000 | 263,000 | 259,000 | 255,000 |
| 103 | Municipal Bond Drain Clearing-1995 | - | 250,000 | 250,000 | 246,000 | 242,000 |
| 104 | Municipal Drain Bond Clearing-1996 | - | 157,000 | 157,000 | 154,000 | 152,000 |
| 107 | Municipal Drain Bond Clearing-1997 | - | 222,000 | 222,000 | 219,000 | 215,000 |
| 108 | Municipal Drain Bond Clearing-1998 | - | 74,000 | 74,000 | 73,000 | 92,000 |
| 210 | Municipal Drain Bond Clearing-1999 | - | 139,000 | 139,000 | 137,000 | 234,000 |
| 260 | Municipal Drain Rev Bond Clearing - 20( | - | 116,000 | 116,000 | 114,000 | 394,000 |
| 280 | Municipal Drain Rev Bond Clearing - 20( | - | 31,000 | 31,000 | 30,000 | 216,000 |
| 320 | Municipal Drain Rev Bond Clearing - 20( | - | 2,775,000 | 2,775,000 | - | - |
| | | 305,000 | 23,567,000 | 21,097,000 | 34,441,000 | 31,694,000 |

# EQUITY IN TREASURY POOL
## JUNE, 2005

| FUND NO. | FUND NAME | CASH | EQUITY IN TREASURY POOL | TOTAL 6/30/05 | TOTAL 10/01/04 | TOTAL 6/30/04 |
|---|---|---|---|---|---|---|
| SPECIAL REVENUE FUNDS: | | | | | | |
| 2 | Sproles Library | - | 256,000 | 256,000 | 252,000 | 248,000 |
| 4 | TIF-Mall | - | 30,000 | 30,000 | 20,000 | 20,000 |
| 5 | TIF-East Side | - | 6,038,000 | 6,038,000 | 3,326,000 | 3,326,000 |
| 11 | LLEBG-Police Grant | - | 124,000 | 124,000 | 142,000 | 210,000 |
| 12 | Criminal Investigation | - | 731,000 | 731,000 | 737,000 | 665,000 |
| 13 | Grant | - | (787,000) | (787,000) | - | (226,000) |
| 14 | Wireline Fees | - | 280,000 | 280,000 | 220,000 | 187,000 |
| 15 | Judicial Efficiency | - | 80,000 | 80,000 | 73,000 | 67,000 |
| 16 | Industrial | - | 16,000 | 16,000 | 15,000 | 15,000 |
| 17 | Intergovernmental | - | 265,000 | 265,000 | 175,000 | 170,000 |
| 18 | Government Access/CATV | - | 353,000 | 353,000 | 436,000 | 616,000 |
| 19 | Teen Court Program | - | 19,000 | 19,000 | 15,000 | 12,000 |
| 20 | Municipal Courts Technology | - | 1,008,000 | 1,008,000 | 899,000 | 842,000 |
| 55 | Municipal Court-Building Security Fees | - | 960,000 | 960,000 | 871,000 | 854,000 |
| 56 | 911 Reserve Fund | - | 4,555,000 | 4,555,000 | 4,281,000 | 4,051,000 |
| 57 | State Library Grants | - | (40,000) | (40,000) | - | - |
| 73 | Memorial Library | - | 159,000 | 159,000 | 160,000 | 156,000 |
| | | - | 14,047,000 | 14,047,000 | 11,622,000 | 11,213,000 |
| INTERNAL SERVICE FUNDS: | | | | | | |
| 6 | Public Safety Technology | - | 3,162,000 | 3,162,000 | 1,271,000 | 1,196,000 |
| 9 | Technology Infrastructure | - | 4,320,000 | 4,320,000 | 3,589,000 | 3,522,000 |
| 58 | PC Replacement | - | 896,000 | 896,000 | 603,000 | 921,000 |
| 59 | Service Center | - | 115,000 | 115,000 | 113,000 | 111,000 |
| 61 | Equipment Maintenance | - | (3,610,000) | (3,610,000) | - | (282,000) |
| 62 | Information Technology | - | 3,083,000 | 3,083,000 | 2,806,000 | 2,844,000 |
| 63 | Office Services | - | (406,000) | (406,000) | - | (107,000) |
| 64 | Warehouse | - | 195,000 | 195,000 | 210,000 | 101,000 |
| 65 | Property/Liability Loss | - | 5,499,000 | 5,499,000 | 5,793,000 | 5,825,000 |
| 66 | Technology Services | - | 8,311,000 | 8,311,000 | 7,558,000 | 7,015,000 |
| 71 | Equipment Replacement | - | 10,154,000 | 10,154,000 | 7,663,000 | 7,912,000 |
| 78 | Health Claims | - | 11,239,000 | 11,239,000 | 6,242,000 | 3,683,000 |
| 79 | Parkway Service Ctr. Expansion | - | 2,321,000 | 2,321,000 | 3,795,000 | 3,769,000 |
| | | - | 45,279,000 | 45,279,000 | 39,643,000 | 36,510,000 |
| FIDUCIARY FUNDS: | | | | | | |
| 7 | Unclaimed Property | - | 35,000 | 35,000 | 29,000 | 28,000 |
| 8 | Library Training Lab | - | 4,000 | 4,000 | 7,000 | 4,000 |
| 69 | Collin County Seized Assets | - | 287,000 | 287,000 | 292,000 | 373,000 |
| 74 | Developers' Escrow | - | 6,819,000 | 6,819,000 | 6,888,000 | 7,069,000 |
| 75 | Plano Sister Cities | - | - | - | - | - |
| 76 | Economic Development | - | 976,000 | 976,000 | 885,000 | 918,000 |
| 81 | Friends of Plano Centre | - | 3,000 | 3,000 | 3,000 | 3,000 |
| 84 | Rebate | - | 1,627,000 | 1,627,000 | 847,000 | 837,000 |
| | | - | 9,751,000 | 9,751,000 | 8,951,000 | 9,232,000 |
| TOTAL | | $ 379,000 | 252,156,000 | 232,552,500 | 195,655,000 | 227,641,000 |

| | | CASH | TRUST INVESTMENTS | TOTAL 6/30/05 | TOTAL 10/01/04 | TOTAL 6/30/04 |
|---|---|---|---|---|---|---|
| TRUST FUNDS | | | | | | |
| 42 | Water & Sewer Reserve | $ - | 924,000 | 924,000 | 913,000 | 912,000 |
| 72 | Retirement Security Plan | - | 46,976,000 | 46,976,000 | 42,016,000 | 42,016,000 |
| TOTAL TRUST FUNDS | | $ - | 47,900,000 | 47,900,000 | 42,929,000 | 42,928,000 |

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 June 30, 2005 the Treasury Pool, including an adjustment to Fair Value as required by GASB 31, consisted of the following:

| | |
|---|---|
| Cash | 1,106,000 |
| Local Government Investment Pool | 43,791,000 |
| Federal Securities | 208,942,000 |
| Municipal Bonds | - |
| Fair Value Adjustment | (2,644,000) |
| Interest Receivable | 961,000 |
| | 252,156,000 |

# ANALYSIS OF CLAIMS PAYMENTS

## HEALTH CLAIMS FUND THROUGH JUNE 30 OF FISCAL YEARS 2005 AND 2004

| Health Claims Fund | FY 04-05 Oct-April | FY 03-04 Oct-April | 7 Month Variance Favorable (Unfavorable) | FY 04-05 May | FY 03-04 May | Monthly Variance Favorable (Unfavorable) | FY 04-05 June | FY 03-04 June | Monthly Variance Favorable (Unfavorable) | FY 04-05 Total | FY 03-04 Total | Year to Date Variance Favorable (Unfavorable) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Revenues** | | | | | | | | | | | | |
| Employees Health Ins. Contributions | $ 1,198,000 | $ 1,190,000 | 8,000 | $ 172,000 | $ 168,000 | 4,000 | $ 173,000 | $ 167,000 | 6,000 | $ 1,543,000 | $ 1,525,000 | 18,000 |
| Employers Health Ins. Contributions | 10,828,000 | 7,536,000 | 3,292,000 | 1,448,000 | 1,170,000 | 278,000 | 1,453,000 | 1,177,000 | 276,000 | 13,729,000 | 9,883,000 | 3,846,000 |
| Contributions for Retirees | 252,000 | 235,000 | 17,000 | 37,000 | 32,000 | 5,000 | 39,000 | 34,000 | 5,000 | 328,000 | 301,000 | 27,000 |
| Cobra Insurance Receipts | 24,000 | 39,000 | (15,000) | 1,000 | 6,000 | (5,000) | 3,000 | 4,000 | (1,000) | 28,000 | 49,000 | (21,000) |
| Retiree Insurance Receipts | 178,000 | 179,000 | (1,000) | 23,000 | 22,000 | 1,000 | 28,000 | 28,000 | - | 229,000 | 229,000 | - |
| City Council Receipts | 6,000 | - | 6,000 | 2,000 | - | 2,000 | - | - | - | 8,000 | - | 8,000 |
| Plano Housing Authority | 31,000 | 24,000 | 7,000 | 2,000 | 3,000 | (1,000) | 4,000 | 4,000 | - | 37,000 | 31,000 | 6,000 |
| Interest | 24,000 | 67,000 | (43,000) | 27,000 | 8,000 | 19,000 | 106,000 | (60,000) | 166,000 | 157,000 | 15,000 | 142,000 |
| Total Revenues | 12,541,000 | 9,270,000 | 3,271,000 | 1,712,000 | 1,409,000 | 303,000 | 1,806,000 | 1,354,000 | 452,000 | 16,059,000 | 12,033,000 | 4,026,000 |
| **Expenses** | | | | | | | | | | | | |
| Insurance | 647,000 | 350,000 | (297,000) | 94,000 | 88,000 | (6,000) | 95,000 | 88,000 | (7,000) | 836,000 | 526,000 | (310,000) |
| Contracts- Professional Svc. | 135,000 | 123,000 | (12,000) | 7,000 | (7,000) | (14,000) | 12,000 | 10,000 | (2,000) | 154,000 | 126,000 | (28,000) |
| Contractual Repair | - | - | - | - | - | - | 1,000 | 1,000 | - | 1,000 | 1,000 | - |
| Contracts- Other | 494,000 | 508,000 | 14,000 | 79,000 | 69,000 | (10,000) | 70,000 | 137,000 | 67,000 | 643,000 | 714,000 | 71,000 |
| Health Claims Paid | (93,000) | (506,000) | (413,000) | (63,000) | (42,000) | 21,000 | 12,000 | (24,000) | (36,000) | (144,000) | (572,000) | (428,000) |
| Health Claims-Prescription | 552,000 | - | (552,000) | 195,000 | - | (195,000) | 210,000 | - | (210,000) | 957,000 | - | (957,000) |
| Health Claims Paid -UHC | 6,279,000 | 2,724,000 | (3,555,000) | 716,000 | 1,074,000 | 358,000 | 1,603,000 | 1,319,000 | (284,000) | 8,598,000 | 5,117,000 | (3,481,000) |
| Health Claims Paid-EBS | 35,000 | 6,766,000 | 6,731,000 | - | 50,000 | 50,000 | - | 64,000 | 64,000 | 35,000 | 6,880,000 | 6,845,000 |
| Cobra Insurance Paid | 2,000 | 3,000 | 1,000 | - | - | - | 1,000 | 1,000 | - | 3,000 | 4,000 | 1,000 |
| Retiree Insurance Paid | 46,000 | 40,000 | (6,000) | 7,000 | 5,000 | (2,000) | 6,000 | 11,000 | 5,000 | 59,000 | 56,000 | (3,000) |
| Plano Housing Authority | 3,000 | 2,000 | (1,000) | - | - | - | - | 1,000 | 1,000 | 3,000 | 3,000 | - |
| Total Expenses | 8,100,000 | 10,010,000 | 1,910,000 | 1,035,000 | 1,237,000 | 202,000 | 2,010,000 | 1,608,000 | (402,000) | 11,145,000 | 12,855,000 | 1,710,000 |
| Net increase (decrease) | $ 4,441,000 | $ (740,000) | 5,181,000 | $ 677,000 | $ 172,000 | 505,000 | $ (204,000) | $ (254,000) | 50,000 | $ 4,914,000 | $ (822,000) | 5,736,000 |
| Health Claims Fund Balance - Cumulative | $ 8,187,000 | $ 458,000 | 7,729,000 | $ 8,864,000 | $ 630,000 | 8,234,000 | $ 8,660,000 | $ 375,000 | 8,285,000 | | | |

## PROPERTY LIABILITY LOSS FUND THROUGH JUNE 30 OF FISCAL YEARS 2005, 2004 AND 2003

| **PROPERTY LIABILITY LOSS FUND** | Fiscal Year 2005 | Fiscal Year 2004 | Fiscal Year 2003 |
|---|---|---|---|
| Claims Paid per General Ledger | $ 1,089,000 | 974,000 | 1,209,000 |
| Net Judgments/Damages/Attorney Fees | 297,000 | 506,000 | 538,000 |
| Total Expenses | $ 1,386,000 | 1,480,000 | 1,747,000 |
| Fund Balance | $ 2,150,000 | 2,589,000 | 1,720,000 |

The $115,000 increase in the current year claims paid per general ledger is due to the prior year claims in the same period being offset by $65,000 of subrogation reimbursements as well as an increase of $52,000 in workers compensation.

# CAPITAL IMPROVEMENTS PROJECTS
# AS OF JUNE 30 , 2005

| | 2004-05 BUDGET | 2004-05 PRELIMINARY RE-ESTIMATE | LIFETIME ALLOTMENT PROJECTION | INCEPTION TO DATE EXPENDITURES | ENCUMBRANCES | AVAILABLE |
|---|---|---|---|---|---|---|
| **00022 Recreation Center Facilities** | | | | | | |
| 23403 Oak Point Recreation Center | - | 30,000 | 5,821,000 | 5,791,000 | - | 30,000 |
| 23404 Douglas Community Center | - | 31,000 | 1,570,000 | 1,539,000 | - | 31,000 |
| 23405 Tom Muehlenbeck Recreation Center | 3,000,000 | 1,806,000 | 21,000,000 | 737,462 | 1,185,806 | 19,076,732 |
| **00022 Recreation Center Facilities** | 3,000,000 | 1,867,000 | 28,391,000 | 8,067,462 | 1,185,806 | 19,137,732 |
| **00023 Street Enhancements** | | | | | | |
| 58 Enhancements | | | | | | |
| 58001 Landscape Entryways | - | - | 750,000 | 579,442 | 88 | 170,470 |
| 58002 Downtown Enhancements | 122,000 | - | 500,000 | 378,420 | - | 121,580 |
| 58003 Preston/Park Overpass | - | 60,000 | 500,000 | 440,429 | - | 59,571 |
| 58004 Tollroad Landscaping | - | 5,000 | 1,500,000 | 248,034 | 3,400 | 1,248,566 |
| 58 Enhancements | 122,000 | 65,000 | 3,250,000 | 1,646,325 | 3,488 | 1,600,187 |
| **00023 Street Enhancements** | 122,000 | 65,000 | 3,250,000 | 1,646,325 | 3,488 | 1,600,187 |
| **00025 1991 Police & Courts Facility** | | | | | | |
| 93 Police & Court Facilities | | | | | | |
| 93105 CJ Exp-II/Police Bldg | - | 9,000 | 3,915,000 | 3,906,796 | 1,500 | 6,704 |
| 93106 Police Parking Expansion | - | 30,000 | 500,000 | 470,881 | - | 29,119 |
| 93107 Tri-City Academy Expansion | 1,210,000 | 2,800,000 | 3,599,000 | 25,615 | 4,381 | 3,569,004 |
| 93 Police & Court Facilities | 1,210,000 | 2,839,000 | 8,014,000 | 4,403,292 | 5,881 | 3,604,827 |
| **00025 1991 Police & Courts Facility** | 1,210,000 | 2,839,000 | 8,014,000 | 4,403,292 | 5,881 | 3,604,827 |
| **00026 Municipal Drainage CIP** | | | | | | |
| 94 Erosion Control | | | | | | |
| 70101 Erosion Control | 500,000 | 5,000 | 14,515,000 | 6,009,946 | 4,682 | 8,500,372 |
| 70103 Riverbend Lakes | 200,000 | 35,000 | 1,000,000 | 478,464 | - | 521,536 |
| 70104 Creek Erosion Projects | 650,000 | 890,000 | 6,272,000 | 2,242,746 | 464,857 | 3,564,397 |
| 70105 Erosion Control-Oakwood Glen | - | 10,000 | 478,000 | 472,925 | 3,638 | 1,437 |
| 70107 Erosion Control-Pittman Creek | - | 45,000 | 229,000 | 224,361 | 2,951 | 1,688 |
| 70108 Erosion Control-Briarwood | - | 98,000 | 733,000 | 21,330 | 89,035 | 622,635 |
| 71124 Oak Grove Drainage Improvements | 50,000 | 86,000 | 209,000 | 174 | - | 208,826 |
| 94 Erosion Control | 1,400,000 | 1,169,000 | 23,436,000 | 9,449,946 | 565,163 | 13,420,891 |
| 95 Drainage | | | | | | |
| 71111 Miscellaneous Drainage Improv | 500,000 | 72,000 | 5,146,000 | 115,191 | 40,890 | 4,989,919 |
| 71116 Bronze Leaf / Citadel | - | 5,000 | 1,254,000 | 1,252,377 | 2,270 | (647) |
| 71121 Cassidy Drainage Improvements | 542,000 | 1,128,000 | 1,326,000 | 1,220,796 | 38,249 | 66,955 |
| 71123 Teakwood Drainage | - | 15,000 | 263,000 | 249,718 | - | 13,282 |
| 95 Drainage | 1,042,000 | 1,220,000 | 7,989,000 | 2,838,082 | 81,409 | 5,069,509 |
| 96 Channelization | | | | | | |
| 72118 Rice Field Storm Sewer | 190,000 | 212,000 | 500,000 | 38,140 | 5,460 | 456,400 |
| 72119 Colling Creek Mall Triple Arches | 50,000 | 29,000 | 79,000 | 28,452 | 4,291 | 46,257 |
| 96 Channelization | 240,000 | 241,000 | 579,000 | 66,592 | 9,751 | 502,657 |
| **00026 Municipal Drainage CIP** | 2,682,000 | 2,630,000 | 32,004,000 | 12,354,620 | 656,323 | 18,993,057 |
| **00027 1991 Library Facilities** | | | | | | |
| 17 Library Facilities | | | | | | |
| 17107 Haggard Library Expansion | 3,500,000 | 3,187,000 | 4,143,000 | 2,852,489 | 1,400,302 | (109,791) |
| 27-P01 Library Improvements | 100,000 | 100,000 | 2,100,000 | - | - | 2,100,000 |
| | 3,600,000 | 3,287,000 | 6,243,000 | 2,852,489 | 1,400,302 | 1,990,209 |
| **00027 1991 Library Facilities** | 3,600,000 | 3,287,000 | 6,243,000 | 2,852,489 | 1,400,302 | 1,990,209 |

# CAPITAL IMPROVEMENTS PROJECTS AS OF JUNE 30, 2005

| | 2004-05 BUDGET | 2004-05 PRELIMINARY RE-ESTIMATE | LIFETIME ALLOTMENT PROJECTION | INCEPTION TO DATE EXPENDITURES | ENCUMBRANCES | AVAILABLE |
|---|---|---|---|---|---|---|
| **00028 1991 Fire Facilities** | | | | | | |
| 10 Fire Facilities | | | | | | |
| 10105 Station Reconfiguration | - | 18,000 | 4,941,000 | 1,922,197 | - | 3,018,803 |
| 10211 Fire Station #12 | 2,300,000 | 2,299,000 | 7,702,000 | 28,750 | 2,120 | 7,671,130 |
| 10212 Fire Station #11 | 3,100,000 | 3,234,000 | 3,337,000 | 551,340 | 1,997,812 | 787,848 |
| 10213 Fire Station #13 | - | - | 4,256,000 | 655,952 | - | 3,600,048 |
| 10 Fire Facilities | 5,400,000 | 5,551,000 | 20,236,000 | 3,158,239 | 1,999,932 | 15,077,829 |
| **00028 1991 Fire Facilities** | 5,400,000 | 5,551,000 | 20,236,000 | 3,158,239 | 1,999,932 | 15,077,829 |
| **00031 Municipal Facilities** | | | | | | |
| 19001 Municipal Center Parking | 91,000 | 125,000 | 850,000 | 725,726 | - | 124,274 |
| 19002 Downtown Parking | 51,000 | 93,000 | 800,000 | 735,055 | 8,990 | 55,955 |
| **00031 Municipal Facilities** | 142,000 | 218,000 | 1,650,000 | 1,460,781 | 8,990 | 180,229 |
| **00032 Park Improvements** | | | | | | |
| 21 Acquisitions | | | | | | |
| 21188 White Rock Crk Greenbelt | 150,000 | 300,000 | 10,465,000 | 209,681 | 240 | 10,255,079 |
| 21189 16th Steet Land Acquisition | - | 3,000 | 366,000 | 361,818 | - | 4,182 |
| 21195 Douglas Area Land | - | 135,000 | 135,000 | 25 | - | 134,975 |
| 21196 Rec Center/ Pool Land | 3,000,000 | - | - | - | - | - |
| 21 Acquisitions | 3,150,000 | 438,000 | 10,966,000 | 571,524 | 240 | 10,394,236 |
| 22 Development | | | | | | |
| 22327 Arbor Hills Nature Preserve | - | 320,000 | 5,607,000 | 4,508,856 | 77,802 | 1,020,342 |
| 22328 Neighborhood Park Improvements | 100,000 | 209,000 | 4,948,000 | 1,736,349 | 11,232 | 3,200,419 |
| 22334 Park Improvements | 100,000 | 145,000 | 7,640,000 | 2,922,189 | 94,626 | 4,623,185 |
| 22336 Tennyson/Archgate Athletic | 1,963,000 | 400,000 | 8,400,000 | 579,338 | 74,060 | 7,746,602 |
| 22337 Preston Meadow Atheletic Site | 1,000,000 | 1,910,000 | 2,818,000 | 2,026,988 | 767,325 | 23,687 |
| 22338 Haggard Park | 70,000 | 109,000 | 1,250,000 | 1,159,081 | 4,925 | 85,994 |
| 22339 Indoor Swimming Pool | 1,800,000 | - | - | - | - | - |
| 22340 Oak Point Park Development | 4,297,000 | 3,532,000 | 21,837,000 | 3,229,415 | 1,596,088 | 17,011,497 |
| 22341 Pool Renovations | 555,000 | 680,000 | 2,100,000 | 2,240,217 | 124,515 | (264,732) |
| 22342 Trail Connections | 1,196,000 | 1,945,000 | 9,950,000 | 638,030 | 158,806 | 9,153,164 |
| 32-P21 Bishop Road Project | - | 1,000,000 | 1,000,000 | - | - | 1,000,000 |
| 22 Development | 11,081,000 | 10,250,000 | 65,550,000 | 19,040,463 | 2,909,379 | 43,600,158 |
| 28 Miscellaneous | | | | | | |
| 28822 Bikeway System | - | 25,000 | 853,000 | 28,349 | - | 824,651 |
| 28824 Maintenance Facility | - | 41,000 | 2,955,000 | 1,014,107 | - | 1,940,893 |
| 28825 Liberty Park Center | - | 7,000 | 3,400,000 | 3,396,963 | 3,666 | (629) |
| 28 Miscellaneous | - | 73,000 | 7,208,000 | 4,439,419 | 3,666 | 2,764,915 |
| **00032 Park Improvements** | 14,231,000 | 10,761,000 | 83,724,000 | 24,051,406 | 2,913,285 | 56,759,309 |
| **00033 Street & Drainage Improvement** | | | | | | |
| 31 Streets | | | | | | |
| 31193 Plano Pkwy (Park-International) | 1,696,000 | 500,000 | 2,628,000 | 969,240 | 70,523 | 1,588,237 |
| 31277 Park Streets | 200,000 | 203,000 | 3,145,000 | 2,492,140 | - | 652,860 |
| 31341 Miscellaneous ROW | 20,000 | 5,000 | 5,550,000 | 5,445,960 | - | 104,040 |
| 31342 Misc Oversize Participation | 600,000 | 1,324,000 | 18,190,000 | 12,307,776 | 49 | 5,882,175 |
| 31363 Custer Widn-Spring Ck | - | 13,000 | 1,008,000 | 995,144 | 12,862 | (6) |
| 31364 Hedgcoxe-Custer East&West | - | 12,000 | 877,000 | 864,928 | 11,913 | 159 |
| 31378 LosRios-Jupiter to Parker | 3,750,000 | 2,490,000 | 7,611,000 | 4,754,219 | 233,311 | 2,623,470 |
| 31387 Hedgcoxe-Custer to Alma | 1,150,000 | 695,000 | 1,190,000 | 241,095 | 1,028,950 | (80,045) |
| 31392 Intersection Improvement | 100,000 | 175,000 | 5,380,000 | 614,094 | 84,340 | 4,681,566 |

# CAPITAL IMPROVEMENTS PROJECTS
# AS OF JUNE 30, 2005

| | 2004-05 BUDGET | 2004-05 PRELIMINARY RE-ESTIMATE | LIFETIME ALLOTMENT PROJECTION | INCEPTION TO DATE EXPENDITURES | ENCUMBRANCES | AVAILABLE |
|---|---|---|---|---|---|---|
| 31393 Janwood - Alma to Westwood | 985,000 | 849,000 | 1,520,000 | 350,545 | 1,052,100 | 117,355 |
| 31394 Jupiter-Spring Creek/Chaparra | - | 3,000 | 2,600,000 | 2,600,400 | - | (400) |
| 31397 McDermott Widen Coit/Custer | 100,000 | 200,000 | 4,065,000 | 155,074 | 250,005 | 3,659,921 |
| 31398 McDermott - Coit to Custer | 180,000 | 180,000 | 2,709,000 | 70,800 | 151,600 | 2,486,600 |
| 31399 Midway - Parker to Spring Creek | 200,000 | 140,000 | 2,052,000 | 33,803 | 117,240 | 1,900,957 |
| 31402 P Avenue - Park to 18th Street | 150,000 | 160,000 | 1,885,000 | 100,754 | 35,885 | 1,748,361 |
| 31403 P Ave-Park to Parker | - | 13,000 | 1,093,000 | 1,079,714 | 10,050 | 3,236 |
| 31405 Parker - K Avenue to P Avenue | 292,000 | 400,000 | 3,850,000 | 104,002 | 208,652 | 3,537,346 |
| 31409 Premier-Ruisseau to Heritage | 1,100,000 | 1,059,000 | 1,995,000 | 1,621,784 | 116,298 | 256,918 |
| 31410 Preston/Plano Pkwy Intersection | 75,000 | 60,000 | 2,000,000 | 51,049 | 10,215 | 1,938,736 |
| 31411 Rasor-Ohio to SH 121 | 500,000 | 89,000 | 2,191,000 | 88,844 | - | 2,102,156 |
| 31412 Ridgeview, Custer-W to E of Independence | 1,800,000 | 868,000 | 3,000,000 | 186,785 | 11,500 | 2,801,715 |
| 31413 Marsh Ln-Park Blvd North | - | 3,000 | 626,000 | 623,316 | 2,631 | 53 |
| 31418 Spring Creek-Midway to Tollway | - | 6,000 | 3,019,000 | 3,019,204 | - | (204) |
| 31424 Tollway Serv Roads-Parker | - | 16,000 | 903,000 | 893,754 | 9,226 | 20 |
| 31427 Tollway Svc Road-Spring Creek | 812,000 | 1,313,000 | 1,406,000 | 912,493 | 662,810 | (169,303) |
| 31428 Target-Berkeley Square | - | 35,000 | 36,000 | - | - | 36,000 |
| 31429 McDermott-Ohio to Robinson | 1,031,000 | 1,081,000 | 1,917,000 | 1,776,215 | 99,449 | 41,336 |
| 31432 Plano Pkwy-E of Los Rios | 2,420,000 | 1,382,000 | 3,458,000 | 617,270 | 2,640,316 | 200,414 |
| 31433 H Ave-13th to 14th | - | 1,000 | 131,000 | 129,888 | - | 1,112 |
| 31436 Executive/190 Connector | - | 7,000 | 83,000 | 82,585 | - | 415 |
| 31437 Willowbend South of Windhaven | 250,000 | 356,000 | 391,000 | 313,307 | 39,487 | 38,206 |
| 31438 Spring Creek at Coit Intersection Improv. | 50,000 | 170,000 | 2,000,000 | 23,760 | - | 1,976,240 |
| 31439 Jupiter/Plano Pkwy Intersection Improv. | 100,000 | 133,000 | 723,000 | 12,185 | 112,945 | 597,870 |
| 31440 Parker Road at US 75 | 200,000 | 250,000 | 6,250,000 | 156,956 | 77,900 | 6,015,144 |
| 31441 Preston/Legacy Intersection Improvmt | 50,000 | 60,000 | 2,500,000 | 2,000 | - | 2,498,000 |
| 31442 2004 Intersection Improvements | 791,000 | 434,000 | 1,247,000 | 60,675 | 45,745 | 1,140,580 |
| 31443 Shiloh-Royal Oaks to Parker | 540,000 | 762,000 | 1,880,000 | 149,970 | 18,530 | 1,711,500 |
| 31444 Briarcreek Paving, Phase II | 550,000 | 600,000 | 600,000 | 380,448 | 167,179 | 52,373 |
| 31445 View Place - Horizon to Mission Ridg. | 176,000 | 176,000 | 176,000 | - | - | 176,000 |
| 31446 Ravenglass - Park to Faringdon | 340,000 | 236,000 | 458,000 | 47,379 | 12,121 | 398,500 |
| 31447 Parkwood - North of Spring Creek Par | 475,000 | 906,000 | 906,000 | 47,087 | 6,301 | 852,612 |
| 31448 Intersection Improvements 2005 | - | 86,000 | 850,000 | 69,320 | 21,731 | 758,949 |
| 33-P01 12th Street - K Avenue to Municipal D | 138,000 | 74,000 | 138,000 | - | - | 138,000 |
| 33-P11 Legacy - East of K Avenue to Des Moi | 500,000 | - | 1,500,000 | - | - | 1,500,000 |
| 33-P16 Redevelopment Street Improvements | 1,000,000 | 100,000 | 4,100,000 | - | - | 4,100,000 |
| 31 Streets | 22,321,000 | 17,625,000 | 109,837,000 | 44,445,962 | 7,321,864 | 58,069,174 |
| 32 Mass Transit & Downtown Improvmt | | | | | | |
| 32492 Downtown Cons-Phase II | - | 2,000 | 542,000 | 539,755 | 1,848 | 397 |
| 32493 Downtowm Street Improvements | - | 17,000 | 1,658,000 | 1,641,445 | 2,346 | 14,209 |
| 32494 K Avenue Streetscape | 200,000 | 225,000 | 725,000 | 71,906 | 154,766 | 498,328 |
| 32 Mass Transit & Downtown Improvmt | 200,000 | 244,000 | 2,925,000 | 2,253,106 | 158,960 | 512,934 |
| 34 Sidewalks | | | | | | |
| 34556 Barrier Free Ramps | 100,000 | 250,000 | 2,997,000 | 2,872,242 | 100,749 | 24,009 |
| 34 Sidewalks | 100,000 | 250,000 | 2,997,000 | 2,872,242 | 100,749 | 24,009 |
| 36 Traffic Signalization | | | | | | |
| 36726 Signalization Upgrade | 280,000 | 287,000 | 5,657,000 | 1,922,854 | 97,243 | 3,636,903 |
| 36727 Traffic Signalization | 500,000 | 575,000 | 13,170,000 | 7,788,184 | 90,208 | 5,291,608 |
| 36742 Computerized Signal System | 500,000 | 899,000 | 3,419,000 | 655,716 | 512,505 | 2,250,779 |
| 36753 S.H. 121 Traffic Signals | 82,000 | 82,000 | 165,000 | 1,369 | - | 163,631 |
| 36 Traffic Signalization | 1,362,000 | 1,843,000 | 22,411,000 | 10,368,123 | 699,956 | 11,342,921 |
| 37 Misc. Street Improvements | | | | | | |
| 37752 Roadway Median Landscaping | 300,000 | 360,000 | 2,872,000 | 1,908,313 | 14,985 | 948,702 |
| 37753 Railroad Crossings | 600,000 | 575,000 | 1,117,000 | 425,302 | 22,000 | 669,698 |
| 37760 Street Lighting | 400,000 | 358,000 | 5,608,000 | 1,930,910 | 190,878 | 3,486,212 |
| 37766 Alley Reconstruction | 50,000 | 50,000 | 5,575,000 | 3,525,207 | - | 2,049,793 |

# CAPITAL IMPROVEMENTS PROJECTS AS OF JUNE 30, 2005

| | 2004-05 BUDGET | 2004-05 PRELIMINARY RE-ESTIMATE | LIFETIME ALLOTMENT PROJECTION | INCEPTION TO DATE EXPENDITURES | ENCUMBRANCES | AVAILABLE |
|---|---|---|---|---|---|---|
| 37786 New Concrete Alleys | 87,000 | 122,000 | 2,234,000 | 1,606,528 | 57,206 | 570,266 |
| 37812 East Side Entryway | 30,000 | 156,000 | 555,000 | 79,518 | 1,343 | 474,139 |
| 37818 15th Street Reconstruction | 50,000 | 169,000 | 1,007,000 | 183,493 | 75,337 | 748,170 |
| 37823 J Avenue/12th Street Reconstruction | 710,000 | 410,000 | 710,000 | - | 48,176 | 661,824 |
| 37826 Ramp Reconstruction US 75 | 300,000 | 730,000 | 2,099,000 | 960,790 | 207,804 | 930,406 |
| 37830 Spring Creek-White Rock to Tollway | - | 33,000 | 3,032,000 | 3,009,503 | 13,599 | 8,898 |
| 37831 Landscaping Street Enhancements | 330,000 | 50,000 | 663,000 | 24,520 | - | 638,480 |
| 37832 Douglas Sidewalks | - | 75,000 | 205,000 | 130,195 | - | 74,805 |
| 37833 Fulgham Street Reconstruction | - | - | 320,000 | 296,282 | 231 | 23,487 |
| 37834 Pecan Lane Reconstruction | 232,000 | 417,000 | 463,000 | 258,785 | 250,974 | (46,759) |
| 37836 Armstrong Alley Reconstruction | - | 3,000 | 337,000 | 335,932 | 1,372 | (304) |
| 37837 Alley Reconstruction-Dallas North 12 | 349,000 | 251,000 | 279,000 | 167,949 | 132,444 | (21,393) |
| 37838 Screening Wall Reconstruction | 1,000,000 | 822,000 | 3,472,000 | 36,459 | 43,643 | 3,391,898 |
| 37839 Alma Road Whitetopping | 1,400,000 | 150,000 | 1,526,000 | 58,196 | 100,445 | 1,367,359 |
| 37840 Communications - Fall Hill North to P | 80,000 | 80,000 | 780,000 | 12,450 | 15,050 | 752,500 |
| 37841 Alley Reconstruction-Los Rios | - | 50,000 | 250,000 | - | 26,450 | 223,550 |
| 37842 Legacy Drive Enhancements | - | 60,000 | 560,000 | - | - | 560,000 |
| 37 Misc. Street Improvements | 5,918,000 | 4,921,000 | 33,664,000 | 14,950,332 | 1,201,937 | 17,511,731 |
| **00033 Street & Drainage Improvement** | 29,901,000 | 24,883,000 | 171,834,000 | 74,889,765 | 9,483,466 | 87,460,769 |
| **00034 Sewer CIP** | | | | | | |
| 41 Water Main Projects | | | | | | |
| 41197 Premier-Ruisseau to Heritage | - | - | 35,000 | 33,390 | 1,456 | 154 |
| 41 Water Main Projects | - | - | 35,000 | 33,390 | 1,456 | 154 |
| 46 Wastewater Mains | | | | | | |
| 46651 9001-Misc Oversize Participation | 25,000 | 20,000 | 731,000 | 498,710 | - | 232,290 |
| 46666 Alcatel DSC Infrastructure | 50,000 | - | - | - | - | - |
| 46685 Briarcreek San. Swr. Cap. PhII | 400,000 | 1,230,000 | 1,389,000 | 922,097 | 325,955 | 140,948 |
| 46686 Pecan Lane | 84,000 | 107,000 | 131,000 | 112,169 | 7,323 | 11,508 |
| 34-P04 Redevelopment Capacity Improvement | 1,000,000 | 500,000 | 650,000 | - | - | 650,000 |
| 46 Wastewater Mains | 1,559,000 | 1,857,000 | 2,901,000 | 1,532,976 | 333,278 | 1,034,746 |
| 48 Miscellaneous-Wastewater | | | | | | |
| 48802 Infrastructure Renovation | 500,000 | 2,000 | 573,000 | 572,505 | - | 495 |
| 48838 Aerial Cross Eros Control | 200,000 | 7,000 | 1,305,000 | 504,650 | - | 800,350 |
| 48847 Inflow/Infiltration Program | 550,000 | 50,000 | 5,804,000 | 2,268,160 | 25,765 | 3,510,075 |
| 48861 I & I Repairs-Contracts | 3,500,000 | 2,672,000 | 32,308,000 | 11,519,312 | 1,530,767 | 19,257,921 |
| 48874 Janwood | 210,000 | 123,000 | 265,000 | 91,885 | 171,483 | 1,632 |
| 48875 P Avenue - Park to 18th | 20,000 | 80,000 | 280,000 | 6,665 | 838 | 272,497 |
| 48877 Manhole Sealing | 300,000 | 310,000 | 2,997,000 | 637,538 | - | 2,359,462 |
| 48880 RT Zoning Sanitary Sewer Line | - | 112,000 | 184,000 | 44,275 | 122,583 | 17,142 |
| 48883 Ridgwood Basin I/I Investigation | - | 1,000 | 263,000 | 262,571 | 122,583 | (122,154) |
| 48885 Plano Pkwy East I/I Investigation | 30,000 | 40,000 | 177,000 | 154,595 | 28,668 | (6,263) |
| 48888 Ridgeview Dr/SH 121 Sanitary Sewer | 300,000 | 365,000 | 525,000 | 69,035 | 17,035 | 438,930 |
| 48889 Wastewater System Analysis | - | 10,000 | 50,000 | 49,504 | - | 496 |
| 48890 Parker Rd. Estates Sewer | 350,000 | 589,000 | 630,000 | 49,632 | 512,561 | 67,807 |
| 48891 Sewer Ersn Ctrl-Nwprt/Idyllwil | - | 22,000 | 222,000 | 750 | 17,335 | 203,915 |
| 48 Miscellaneous-Wastewater | 5,960,000 | 4,383,000 | 45,583,000 | 16,231,077 | 2,549,618 | 26,802,305 |
| 49 Administration | | | | | | |
| 49892 Administration | 314,293 | 284,908 | 5,877,109 | 3,658,386 | - | 2,218,723 |
| 49 Administration | 314,293 | 284,908 | 5,877,109 | 3,658,386 | - | 2,218,723 |
| **00034 Sewer CIP** | 7,833,293 | 6,524,908 | 54,396,109 | 21,455,829 | 2,884,352 | 30,055,928 |

# CAPITAL IMPROVEMENTS PROJECTS
# AS OF JUNE 30, 2005

| | 2004-05 BUDGET | 2004-05 PRELIMINARY RE-ESTIMATE | LIFETIME ALLOTMENT PROJECTION | INCEPTION TO DATE EXPENDITURES | ENCUMBRANCES | AVAILABLE |
|---|---|---|---|---|---|---|
| **00035 Capital Reserve** | | | | | | |
| 51 Streets & Drainage | | | | | | |
| 51118 Res. St & Alley Replacement | 3,000,000 | 3,306,000 | 44,461,000 | 16,736,490 | 1,603,190 | 26,121,320 |
| 51120 Screening Wall Repairs | 500,000 | 1,028,000 | 5,129,000 | 2,709,790 | 79,121 | 2,340,089 |
| 51128 Sidewalk Repairs | 250,000 | 598,000 | 16,144,000 | 10,248,819 | 168,075 | 5,727,106 |
| 51131 Arterial Concrete Repairs | 1,600,000 | 4,166,000 | 22,579,000 | 8,227,366 | 1,888,193 | 12,463,441 |
| 51134 Undersealing Program | 2,300,000 | 1,703,000 | 15,133,000 | 4,515,258 | 260,729 | 10,357,013 |
| 51136 Curb Median Repairs | 75,000 | 170,000 | 1,145,000 | 288,947 | 142,850 | 713,203 |
| 51138 Traffic Signal Improvement | 500,000 | 707,000 | 1,288,000 | 1,402,549 | 692,477 | (807,026) |
| 51139 Dublin Road Resurfacing | - | 52,000 | 52,000 | 51,375 | - | 625 |
| 35-P01 Coit Road Landscaping | 38,000 | 38,000 | 251,000 | - | - | 251,000 |
| 51141 Street Name Sign Replacement | 90,000 | 90,000 | 810,000 | 52,594 | - | 757,406 |
| 51 Streets & Drainage | 8,353,000 | 11,858,000 | 106,992,000 | 44,233,188 | 4,834,635 | 57,924,177 |
| 53 Park Improvements | | | | | | |
| 53307 Athletic Fields | 600,000 | 648,000 | 8,600,000 | 3,154,884 | 202,399 | 5,242,717 |
| 53321 Bob Woodruff Park | - | 609,000 | 1,836,000 | 1,569,320 | 337,179 | (70,499) |
| 53337 Low Water Corssing Replacement | 15,000 | - | 820,000 | 829,661 | - | (9,661) |
| 53338 Municipal Golf Course | 175,000 | 401,000 | 2,379,000 | 1,885,007 | 179,396 | 314,597 |
| 53341 Park Signage Replacement | 15,000 | 15,000 | 126,000 | 26,029 | - | 99,971 |
| 53345 Accessible Drinking Fountains | - | - | - | 22,193 | - | (22,193) |
| 53347 Highpoint Tennis Center | 95,000 | 188,000 | 1,022,000 | 368,291 | 6,000 | 647,709 |
| 53351 Restroom Fix Replacement | 25,000 | 53,000 | 466,000 | 90,270 | 14,417 | 361,313 |
| 53353 Irrigation Renovations | 175,000 | 175,000 | 7,047,000 | 703,702 | 17,617 | 6,325,681 |
| 53354 Parking Lot Replace | - | 186,000 | 2,408,000 | 1,338,558 | 2,639 | 1,066,803 |
| 53356 Playground Replacements | 200,000 | 432,000 | 3,146,000 | 1,670,942 | 168,587 | 1,306,471 |
| 53357 Trail Repairs | 500,000 | 852,000 | 7,827,000 | 676,034 | 642,881 | 6,508,085 |
| 53362 Park Shelter Replacements | 100,000 | 151,000 | 1,204,000 | 193,748 | 84,200 | 926,052 |
| 53363 Park Structures & Equipment | 175,000 | 161,000 | 2,463,000 | 675,632 | 29,985 | 1,757,383 |
| 53365 Park Restoration & Cleanup | 20,000 | 20,000 | 219,000 | 23,305 | - | 195,695 |
| 53366 Preston Meadow Park | - | 191,000 | 251,000 | 219,066 | 30,935 | 999 |
| 53368 Silt Removal | 35,000 | 35,000 | 485,000 | - | - | 485,000 |
| 53369 Interurban Building | 15,000 | 15,000 | 19,000 | 12,119 | - | 6,881 |
| 53370 Recreation Center Equipment | 210,000 | 151,000 | 1,433,000 | 154,770 | 15,155 | 1,263,075 |
| 53371 Big Lake Park | 75,000 | 75,000 | 700,000 | - | - | 700,000 |
| 53372 Jack Carter Pool Renovation | 625,000 | 789,000 | 789,000 | 527,175 | 435,507 | (173,682) |
| 53373 Median Renovations | 50,000 | 50,000 | 450,000 | 29,281 | - | 420,719 |
| 53374 Public Building Landscape Renovations | 25,000 | 25,000 | 250,000 | 1,119 | - | 248,881 |
| 53 Park Improvements | 3,130,000 | 5,222,000 | 43,940,000 | 14,171,106 | 2,166,897 | 27,601,997 |
| 54 Municipal Facilities | | | | | | |
| 54422 Carpenter Park Rec Ctr Renovation | 275,000 | 25,000 | 1,200,000 | 341,877 | 1,500 | 856,623 |
| 54423 Plano Centre Renovation | 222,000 | 354,000 | 1,990,000 | 543,495 | 19,336 | 1,427,169 |
| 54424 Municipal Center Renovations | 26,000 | 192,000 | 1,977,000 | 951,732 | 104,759 | 920,509 |
| 54425 Animal Shelter Modifications | - | 3,000 | 98,000 | 60,774 | - | 37,226 |
| 54426 Aquatic Ctr Renovation | 35,000 | 27,000 | 309,000 | 309,237 | 21,850 | (22,087) |
| 54427 Haggard Library | 175,000 | 175,000 | 270,000 | 92,821 | 27,486 | 149,693 |
| 54432 Schim Brick Sealing | - | 2,000 | 312,000 | 19,230 | - | 292,770 |
| 54436 Douglass Recreation Center | - | 36,000 | 213,000 | 131,742 | 250 | 81,008 |
| 54440 Harrington Library | 10,000 | 12,000 | 279,000 | 123,751 | - | 155,249 |
| 54442 Municipal Annex | - | - | - | 12,867 | - | (12,867) |
| 54443 Municipal Center South | - | 7,000 | 346,000 | 31,843 | - | 314,157 |
| 54448 Fire Station #6 Modification | 19,000 | 64,000 | 247,000 | 81,125 | 11,062 | 154,813 |
| 54449 Roof Replacements | - | - | 33,000 | 31,468 | 1,000 | 532 |
| 54456 Air Conditioning Replacement | - | 2,000 | 455,000 | - | - | 455,000 |
| 54460 Council Chambers Digital | - | 51,000 | 1,576,000 | 1,543,628 | 6,234 | 26,138 |
| 54462 Neighborhood Revitalization | 100,000 | 100,000 | 1,200,000 | - | 14,642 | 1,185,358 |
| 54466 Asbestos Testing & Removal | 40,000 | 31,000 | 233,000 | 3,132 | - | 229,868 |
| 54467 Fire Station #7 - Bldg #59 | 94,000 | 157,000 | 231,000 | 2,040 | - | 228,960 |
| 54468 Property House - Bldg #87 | 122,000 | 128,000 | 130,000 | 86,377 | 57,776.00 | (14,153) |
| 54468-P Douglass Annex | 15,000 | 16,000 | 16,000 | - | | 16,000 |
| 54469-P West Park Maintenance - Bldg#22 | - | 4,000 | 19,000 | - | | 19,000 |
| 54471 Rowlinson Nat Building #27 | - | 615,000 | 651,000 | 135,069 | 37,592 | 478,339 |

# CAPITAL IMPROVEMENTS PROJECTS AS OF JUNE 30, 2005

| | 2004-05 BUDGET | 2004-05 PRELIMINARY RE-ESTIMATE | LIFETIME ALLOTMENT PROJECTION | INCEPTION TO DATE EXPENDITURES | ENCUMBRANCES | AVAILABLE |
|---|---|---|---|---|---|---|
| 54474 Mold Testing & Removal | 47,000 | 25,000 | 260,000 | - | - | 260,000 |
| 54475 Dozier Radio Tower | - | 10,000 | 11,000 | 10,740 | - | 260 |
| 54476 EOC Radio Tower | - | 11,000 | 11,000 | 10,868 | | 132 |
| 54478 Fire Station #1-Bldg.#77 | - | 15,000 | 472,000 | 9,559 | 10,648 | |
| 54479 Liberty Recreation Center | 35,000 | 40,000 | 217,000 | 97,033 | 1,942 | 118,025 |
| 54480 White Rock Creek Pump Station - Bldg#67 | - | 1,000 | 2,000 | - | - | 2,000 |
| 54481 Fire Station #10 | 6,000 | 7,000 | 20,000 | 7,567 | - | 12,433 |
| 54482 Senior Center | - | 58,000 | 134,000 | 57,743 | 2,852 | 73,405 |
| 54483 Parr Library - Bldg#97 | - | 2,000 | 2,000 | - | - | 2,000 |
| 54484 Parkway Operations | 33,000 | 38,000 | 169,000 | 31,462 | 5,553 | 131,985 |
| 54484-P Energy Reduction | 25,000 | 25,000 | 625,000 | - | - | 625,000 |
| 54485 Tri-City Gun Range-Bldg #86 | - | 1,000 | 1,000 | 1,290 | - | (290) |
| 54486 Police Assembly 2-Bldg #58 | - | 4,000 | 4,000 | 3,873 | - | 127 |
| 54488 Oak Point Rec Center-Bldg #92 | 18,000 | 19,000 | 49,000 | 19,080 | 11,426 | 18,494 |
| 54487 Fire Station No. 08 - Bldg #79 | 32,000 | 48,000 | 92,000 | 38,162 | - | 53,838 |
| 54488-P Fire Station No.04 - Bldg #18 | 12,000 | 12,000 | 27,000 | - | - | 27,000 |
| 54489 Heritage Farmstead Museum - Bldg#33 | - | 2,000 | 2,000 | 1,450 | - | 550 |
| 54490 Parkway Park Maint.-Bldg #6 | - | 1,000 | 1,000 | 350 | - | 650 |
| 54491-P Fire Station No. 09 - Bldg #90 | 6,000 | 5,000 | 17,000 | 4,450 | - | 12,550 |
| 54492 Robinson Justice Center | - | 1,000 | 482,000 | 893 | - | 481,107 |
| 54493 Davis Library-Bldg #89 | - | 1,000 | 21,000 | 990 | - | 20,010 |
| 54494 Municipal Annex Bldg #3 | - | 4,000 | 31,000 | 3,530 | - | 27,470 |
| 54495 Dublin Road Golf Shop-Bldg #55 | - | 3,000 | 3,000 | - | - | 3,000 |
| 54496 Tennis Center Bldg #28 | - | 3,000 | 3,000 | 2,320 | 2,320 | (1,640) |
| 54 Municipal Facilities | 1,347,000 | 2,337,000 | 14,441,000 | 4,803,568 | 338,228 | 8,847,411 |
| 55 Miscellaneous | | | | | | |
| 55501 Ligustrum Replacement | 5,000 | - | 185,000 | 125,107 | - | 59,893 |
| 55 Miscellaneous | 5,000 | - | 185,000 | 125,107 | - | 59,893 |
| **00035 Capital Reserve** | 12,835,000 | 19,417,000 | 165,558,000 | 63,332,969 | 7,339,760 | 94,433,478 |
| **00036 Water CIP** | | | | | | |
| 67 Special Projects | | | | | | |
| 67783 Pump Station Improvements | 100,000 | 363,000 | 363,000 | 10,292 | 6,433 | 346,275 |
| 67892 Administration- Water | 314,293 | 284,908 | 6,153,109 | 3,137,614 | - | 3,015,495 |
| 67 Special Projects | 414,293 | 647,908 | 6,516,109 | 3,147,906 | 6,433 | 3,361,770 |
| 68 Water Projects | | | | | | |
| 68164 Fire Hydrants | 325,000 | 100,000 | 2,205,000 | 971,824 | 31,397 | 1,201,779 |
| 68176 Hedgcoxe Main-East of Custer | - | 7,000 | 397,000 | 389,335 | 53,410 | (45,745) |
| 68178 Independence Square | - | 15,000 | 1,025,000 | 1,011,409 | 13,589 | 2 |
| 68187 Shiloh - Park to Parker | 80,000 | 80,000 | 201,000 | 128,677 | 200 | 72,123 |
| 68313 Monitoring & Control/Ridgeview | - | 63,000 | 585,000 | 74,411 | - | 510,589 |
| 68456 Oversize Participation | 100,000 | - | 2,560,000 | 1,380,624 | - | 1,179,376 |
| 68896 Ridgeview Transmission Line East | - | 92,000 | 2,933,000 | 2,840,326 | - | 92,674 |
| 68899 Chaparral - Jupiter to E. City Limits | 20,000 | - | 170,000 | - | - | 170,000 |
| 68905 Janwood - Alma to Westwood | 548,000 | 395,000 | 432,000 | 122,876 | 303,393 | 5,731 |
| 68907 Legacy Business District Area | 820,000 | 646,000 | 665,000 | 71,983 | 556,093 | 36,924 |
| 68911 McDermott/Rasor-TXU Easement | - | 75,000 | 1,708,000 | 1,690,414 | 18,666 | (1,080) |
| 68913 P Ave-Park to 18th | 40,000 | 40,000 | 420,000 | 24,673 | 5,027 | 390,300 |
| 68915 Parker Road Elevated Tank Repaint | - | 35,000 | 735,000 | 11,250 | 27,050 | 696,700 |
| 68920 Stewart Main - Capital to Plano Pkwy | 30,000 | 33,000 | 433,000 | 8,748 | 23,753 | 400,499 |
| 68935 Parkwood Tnk Line-TXU/Tnk Sp | 680,000 | 617,000 | 670,000 | 53,886 | 510,979 | 105,135 |
| 68942 Jupiter-Parker to Royal | - | 111,000 | 487,000 | 465,485 | 2,309 | 19,206 |
| 68943 Kimberlea Water Rehab | - | 77,000 | 1,417,000 | 1,411,824 | 4,878 | 298 |
| 68944 Los Rios-Jupiter to Park | 350,000 | 102,000 | 644,000 | 542,269 | 18,479 | 83,252 |
| 68949 Waterline Crossing No.1 | 200,000 | 52,000 | 715,000 | 69,420 | 18,000 | 627,580 |
| 68950 McDermott/Rasor-Ohio to Robinson | 75,000 | 44,000 | 150,000 | 113,995 | 35,826 | 179 |
| 68951 Plano Pkwy-Los Rios-14th | 120,000 | 151,000 | 217,000 | 11,400 | 178,040 | 27,560 |
| 68952 Downtown Fire Protection | 23,000 | 50,000 | 250,000 | 54,102 | 36,299 | 159,599 |

# CAPITAL IMPROVEMENTS PROJECTS
# AS OF JUNE 30, 2005

| | 2004-05 BUDGET | 2004-05 PRELIMINARY RE-ESTIMATE | LIFETIME ALLOTMENT PROJECTION | INCEPTION TO DATE EXPENDITURES | ENCUMBRANCES | AVAILABLE |
|---|---|---|---|---|---|---|
| 68953 15th St.-G to I | 150,000 | 18,000 | 188,000 | - | 17,323 | 170,677 |
| 68956 Dallas N15 Waterline Rehab | 1,500,000 | 1,462,000 | 1,552,000 | 1,162,003 | 548,433 | (158,436) |
| 68957 Briarcreek Waterline | 50,000 | 100,000 | 111,000 | 94,339 | 12,946 | 3,715 |
| 68959 Landershire Drive Water Rehab | 8,000 | 267,000 | 352,000 | 212,004 | 47,765 | 92,231 |
| 68960 Premier-Ruisseau to Heritage | - | 56,000 | 175,000 | 129,375 | 27,500 | 18,125 |
| 68961 SH 121 Utility Adjustments | 50,000 | 50,000 | 152,000 | 48,842 | 16,410 | 86,748 |
| 68962 Water Remodeling Extended | 10,000 | 8,000 | 20,000 | 16,971 | 854 | 2,175 |
| 68963 Water Distribution Analysis | 10,000 | 8,000 | 70,000 | 2,379 | 7,621 | 60,000 |
| 68964 White Rock Crk Tank Modification | 50,000 | 138,000 | 156,000 | 151,262 | 5,351 | (613) |
| 68965 View Place - Horizon to Mission Ridg | 19,000 | 33,000 | 33,000 | - | - | 33,000 |
| 68966 Dallas North Tollway - N of Spring Cr | - | 150,000 | 150,000 | 5,200 | 125,847 | 18,953 |
| 68967 Parker - K Avenue to P Avenue | 30,000 | - | 270,000 | 1,917 | 8,263 | 259,820 |
| 36-P02 Parker-K Ave to P Ave | - | 10,000 | 215,000 | - | - | 215,000 |
| 36-P03 12th Street - K Avenue to Municipal D | 32,000 | 32,000 | 32,000 | - | - | 32,000 |
| 68968 Whiffletree Water Rehab | 150,000 | 150,000 | 1,600,000 | 106,446 | 65,237 | 1,428,317 |
| 68969 Parker Rd Estates W Water Reh | - | 130,000 | 165,000 | 15,323 | 151,620 | (1,943) |
| 36-P15 Large Water Valve Replacement | - | 30,000 | 150,000 | - | - | 150,000 |
| 68 Water Projects | 5,470,000 | 5,427,000 | 24,410,000 | 13,394,992 | 2,872,558 | 8,142,450 |
| **00036 Water CIP** | 5,884,293 | 6,074,908 | 30,926,109 | 16,542,898 | 2,878,991 | 11,504,220 |
| **00038 DART Local Assistance** | | | | | | |
| 83 CMS-Technical Support | | | | | | |
| 83301 CMS Cap Support | - | 2,000 | 18,000 | 16,970 | - | 1,030 |
| 83302 CMS Trans Staff | - | 1,000 | 1,284,000 | 1,375,007 | - | (91,007) |
| 83 CMS-Technical Support | - | 3,000 | 1,302,000 | 1,391,977 | - | (89,977) |
| 84 CMS-Capital | | | | | | |
| 84409 14th st G to K Ave | - | 11,000 | 749,000 | 737,728 | 10,520 | 752 |
| 84413 Westside Intersection Impovements | 120,000 | 6,000 | 983,000 | 681,749 | - | 301,251 |
| 84417 W. Intersection-Pkwy/Ohio | - | 35,000 | 130,000 | 104,936 | 18,198 | 6,866 |
| 84 CMS-Capital | 120,000 | 52,000 | 1,862,000 | 1,524,413 | 28,718 | 308,869 |
| **00038 DART Local Assistance** | 120,000 | 55,000 | 3,164,000 | 2,916,390 | 28,718 | 218,892 |
| **00052 Park Service Area Fees** | | | | | | |
| A01 AREA 01 | | | | | | |
| 01002 Cottonwood Creek Greenbelt | 120,000 | 135,000 | 1,090,000 | 469,195 | - | 620,805 |
| 10005 White Rock Creek Greenbelt | - | - | - | - | 3,100 | (3,100) |
| A01 AREA 01 | 120,000 | 135,000 | 1,090,000 | 469,195 | 3,100 | 617,705 |
| A03 AREA 03 | | | | | | |
| 03033 Jupiter Road Site | - | 74,000 | 701,000 | 626,071 | 107 | 74,822 |
| 52-P03-1 Rowlett Creek Greenbelt | 100,000 | - | 100,000 | - | - | 100,000 |
| A03 AREA 03 | 100,000 | 74,000 | 801,000 | 626,071 | 107 | 174,822 |
| A04 AREA 04 | | | | | | |
| 04044 Hoblitzelle Trail | 100,000 | 100,000 | 339,000 | 238,021 | - | 100,979 |
| A04 AREA 04 | 100,000 | 100,000 | 339,000 | 238,021 | - | 100,979 |
| A05 AREA 05 | | | | | | |
| 05051 Chisholm Trail | 50,000 | - | 248,000 | 47,993 | - | 200,007 |
| A05 AREA 05 | 50,000 | - | 248,000 | 47,993 | - | 200,007 |

# CAPITAL IMPROVEMENTS PROJECTS
# AS OF JUNE 30, 2005

| | 2004-05 BUDGET | 2004-05 PRELIMINARY RE-ESTIMATE | LIFETIME ALLOTMENT PROJECTION | INCEPTION TO DATE EXPENDITURES | ENCUMBRANCES | AVAILABLE |
|---|---|---|---|---|---|---|
| A06 AREA 06 | | | | | | |
| 06062 Evans Park | - | 70,000 | 120,000 | 109,912 | - | 10,088 |
| A06 AREA 06 | - | 70,000 | 120,000 | 109,912 | - | 10,088 |
| A09 AREA 09 | | | | | | |
| 09092 Capstone Park | - | 6,000 | 1,264,000 | - | - | 1,264,000 |
| 09095 Russell Creek Park | 50,000 | 50,000 | 100,000 | 150,000 | - | (50,000) |
| A09 AREA 09 | 50,000 | 56,000 | 1,364,000 | 150,000 | - | 1,214,000 |
| A10 AREA 10 | | | | | | |
| 10004 Preston Ridge Trail | 25,000 | 25,000 | 774,000 | 639,180 | - | 134,820 |
| 10005 Legacy Trail | 200,000 | 300,000 | 1,795,000 | 819,499 | - | 975,501 |
| 10007 Bluebonnet Trail | 275,000 | - | 300,000 | - | - | 300,000 |
| A10 AREA 10 | 500,000 | 325,000 | 2,869,000 | 1,458,679 | - | 1,410,321 |
| A11 AREA 11 | | | | | | |
| 11114 Preston Ridge Trail | 25,000 | - | 391,000 | 140,878 | - | 250,122 |
| A11 AREA 11 | 25,000 | - | 391,000 | 140,878 | - | 250,122 |
| A13 AREA 13 | | | | | | |
| 13133 Marsh Lane Site | - | 50,000 | 250,000 | 200,000 | - | 50,000 |
| 13134 Northwest Greenbelt | 75,000 | 75,000 | 610,000 | 722,020 | - | (112,020) |
| A13 AREA 13 | 75,000 | 125,000 | 860,000 | 922,020 | - | (62,020) |
| **00052 Park Service Area Fees** | 1,020,000 | 885,000 | 8,082,000 | 4,162,769 | 3,207 | 3,916,024 |
| **00053 Creative & Perf Arts Facility** | | | | | | |
| 56531 Creative & Perf Arts Facility | - | - | 19,402,000 | 25,278 | - | 19,376,722 |
| 56532 Collin County Cultural Arts District | - | 696,000 | 766,000 | 408,935 | - | 357,065 |
| **00053 Creative & Perf Arts Facility** | - | 696,000 | 20,168,000 | 434,213 | - | 19,733,787 |
| **00054 Animal Control Facility** | | | | | | |
| 57541 Animal Shelter | - | 118,000 | 3,755,000 | 2,280,356 | 4,589 | 1,470,055 |
| **00054 Animal Control Facility** | - | 118,000 | 3,755,000 | 2,280,356 | 4,589 | 1,470,055 |
| **00059 Service Center Facility** | | | | | | |
| 59591 Service Center Site Improvements | - | 19,000 | 1,043,000 | 1,024,617 | - | 18,383 |
| **00059 Service Center Facility** | - | 19,000 | 1,043,000 | 1,024,617 | - | 18,383 |
| **00060 Joint Use Facilities** | | | | | | |
| 61110 Joint Use Facility | - | 264,000 | 4,000,000 | 3,742,995 | - | 257,005 |
| **00060 Joint Use Facilities** | - | 264,000 | 4,000,000 | 3,742,995 | - | 257,005 |

# Section 2

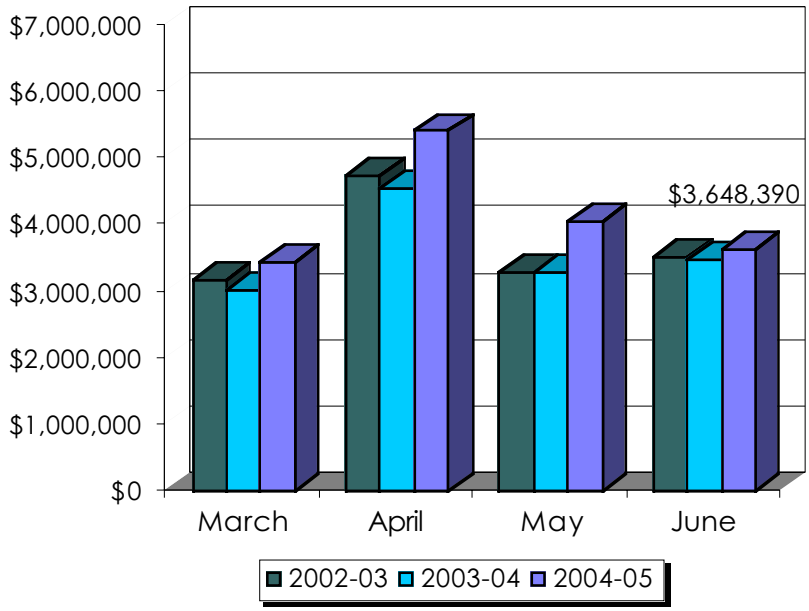
City of Plano
Comprehensive Monthly Finance Report

# Economic Analysis

# Economic Analysis

Sales tax of $3,648,390 was reported in May for the City of Plano. This amount represents an increase of 4.45% over the amount reported in June 2004.

## Sales Tax
### Actual Monthly Revenue
### Figure I




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

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

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

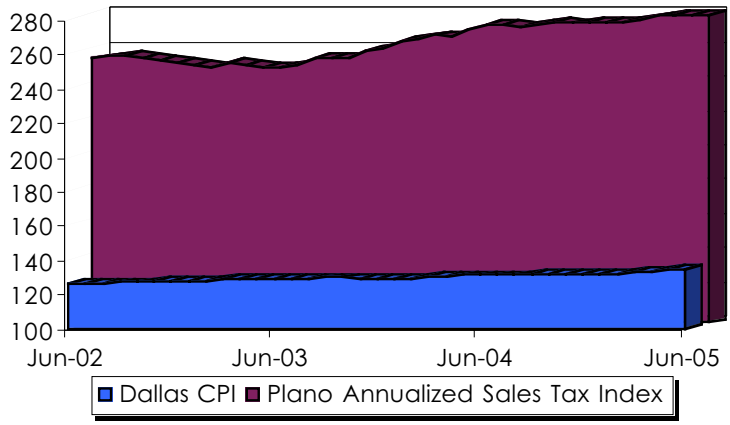



Figure II, left, tracks the percentage change in annualized sales tax revenues compared to the percentage change in the Dallas-area CPI, using 1982-84 as the base period. For June 2005, the adjusted CPI was 134.83 and the Sales Tax Index was 282.18.

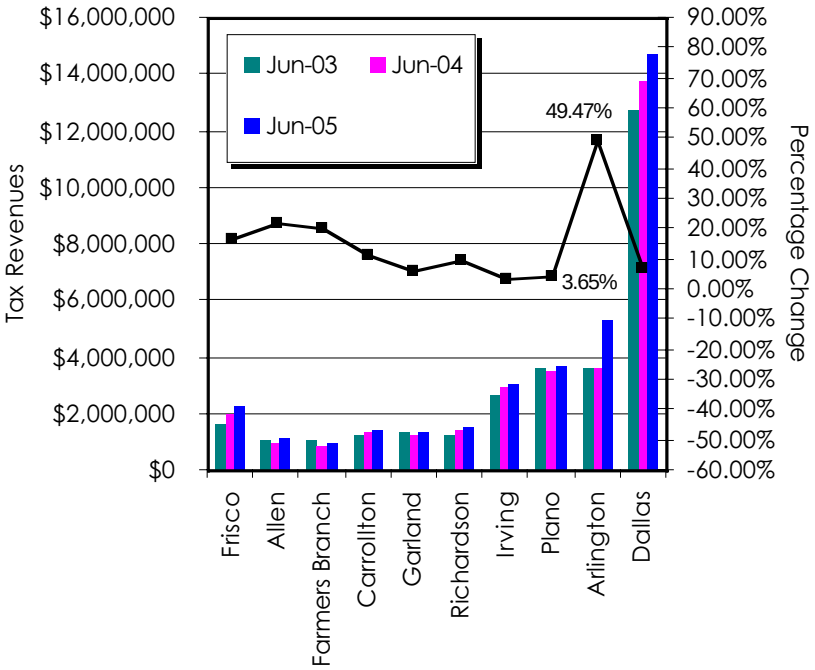
Since January 1998, the BLS has moved the Dallas-Area pricing cycle for CPI computation to odd-numbered months.

# Economic Analysis

Figure III shows sales tax receipts from June 2003 – June 2005 for the City of Plano and nine area cities. Each of the cities shown has a sales tax rate of 1%, except for the cities of Allen and Frisco, which have a 2% rate, but distribute half of the amount shown in the graph to 4A and 4B development corporations within their respective cities, and the City of Arlington which has a 1.75% sales tax rate with .25% dedicated to road maintenance and .50% for funding of the Dallas Cowboys Complex Development Project. For the June reporting month, the City of Plano received $3,648,390 from this 1% tax.

## Sales Tax Comparisons City of Plano and Area Cities

Figure III

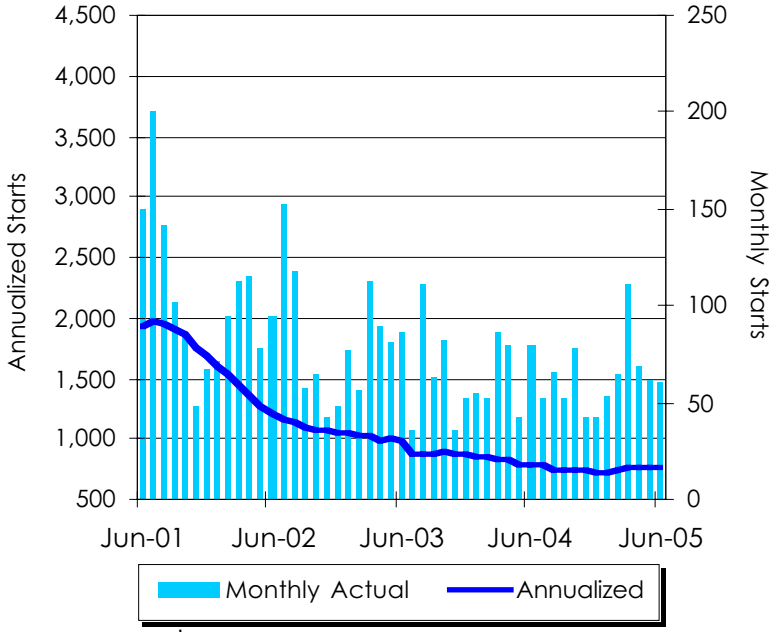



The percentage change in sales tax collections for the area cities from June 2003 to June 2005 ranged from 49.47% for the City of Arlington* to 3.65% for the City of Irving.

* The City of Arlington increased its sales tax rate an additional .50% as of April 1, 2005.

## Single Family Housing Starts

Figure IV




In June 2005, a total of 61 actual single-family housing permits, representing a value of $15,479,648, were issued. This value represents a 3.45% increase from the same period a year ago. Annualized single-family housing starts of 755 represent a value of $151,472,879.

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

# Economic Analysis

## Yield Curve
Figure V

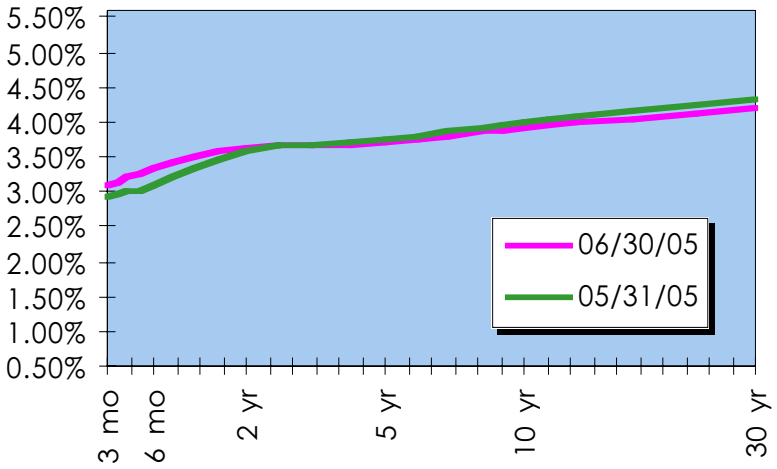



Figure V, left, shows the U.S. Treasury yield curve for June 30, 2005 in comparison to May 31, 2005. All but one of the reported treasury yields increased in the month of June, with the greatest increase in reported rates occurring in the 6-month sector at +21 basis points, and the only decrease in reported rates occurring in the 30-year sector at -5 basis points.

## Unemployment Rates
### Unadjusted Rate Comparison
Figure VI

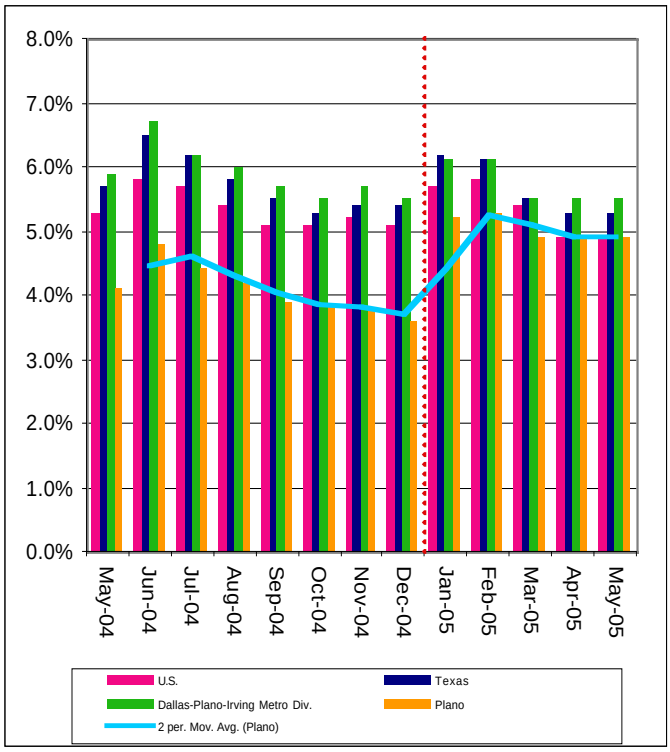


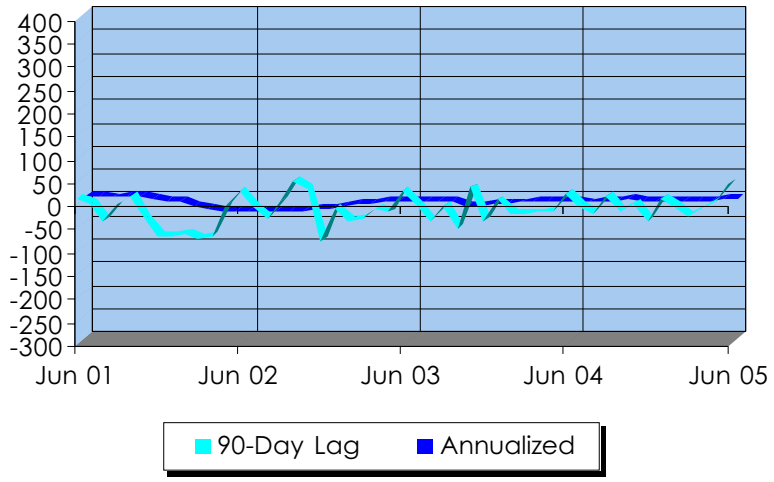

Figure VI shows unadjusted unemployment rates based on the BLS U.S. City Average, and LAUS estimates for the State of Texas, the Dallas-Plano-Irving Metropolitan Division and the City of Plano from May 2004 to May 2005.

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

# 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).

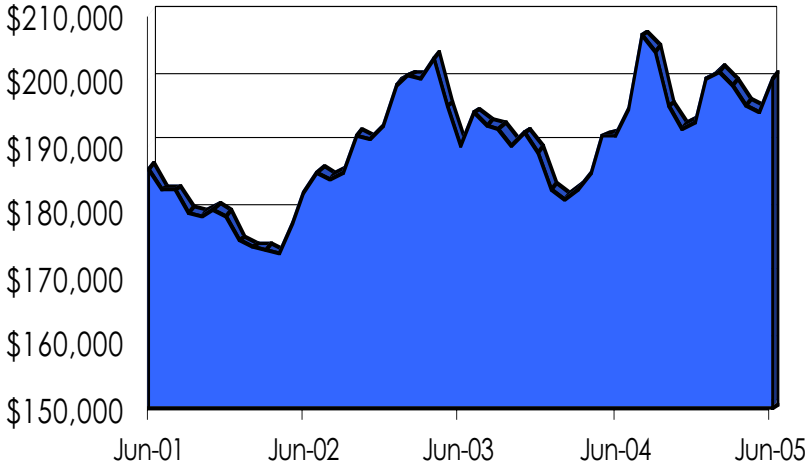
## Housing Absorption
## 90-Day Lag From Permit Date
Figure VII




For the current month, the 90-day lag is 47 homes, meaning that in March 2005 there were 47 more housing starts than new refuse customers in June 2005. The annualized rate is –1 which means there was an average of 1 less housing start than new garbage customers per month over the past year.

The annualized average declared construction value of new homes increased 4.67% to $200,626 when compared to June 2004.

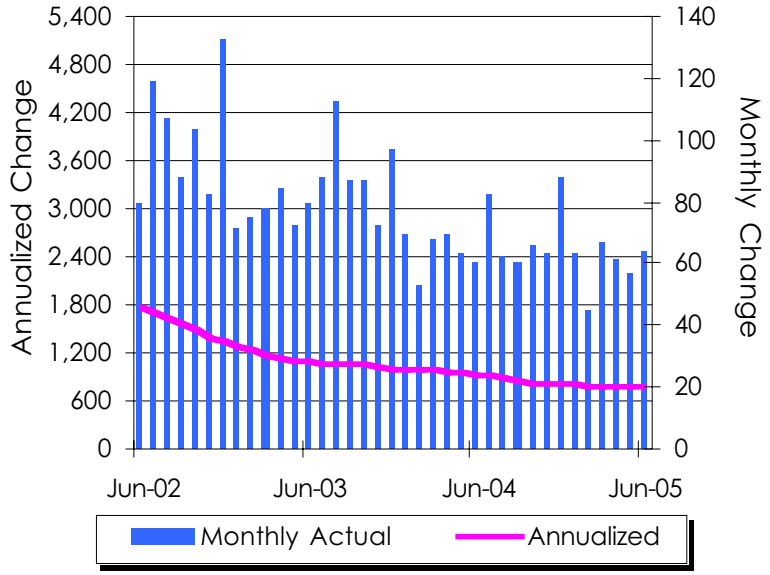
## Single-Family New Home Value
Figure VIII



# Economic Analysis

## Refuse Collections Accounts Net Gains/Losses

Figure IX

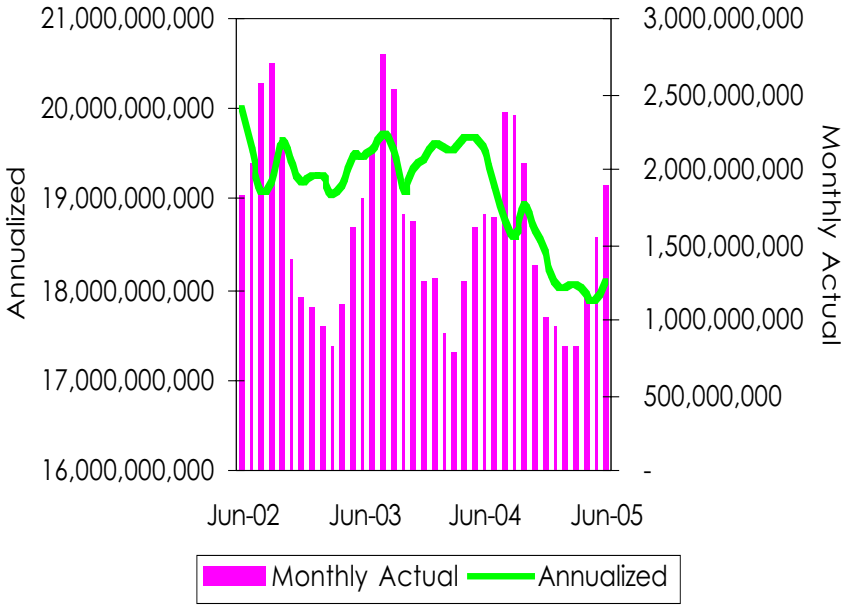



In June, net new refuse collection accounts totaled 64, in comparison to 60 new accounts in June of 2004. This change represents an increase of 6.67% year-to-year. Annualized new refuse accounts totaled 778, showing a decrease of 150, or a -16.16% change when compared to the same time last year.

Figure IX shows actual versus annualized new refuse collection accounts.

## Local Water Consumprion (Gallons)

Figure X




In June, the City of Plano pumped 2,424,203,000 gallons of water from the North Texas Municipal Water District (NTMWD). Consumption was 1,893,260,000 gallons among 75,812 billed water accounts while billed sewer accounts numbered 72,232. The minimum daily water pumpage was 49,713,000 gallons, which occurred on Wednesday, June 1st. Maximum daily pumpage was 106,460,000 gallons and occurred on Wednesday, June 29th. This month's average daily pumpage was 80,807,000 gallons.

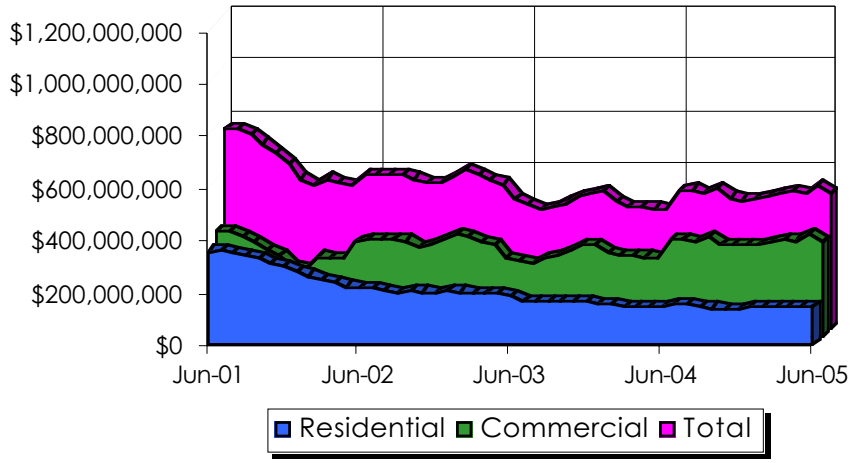
Figure X shows the monthly actual and annualized average for local water consumption.

# Economic Analysis

In June, a total of 140 new construction permits were issued, valued at $71,710,409. This includes 61 single-family residences, 1 apartment building, 2 parking garages, 9 office/bank buildings, 3 retail/restaurant/other, 3 other, 22 commercial additions/alterations, 38 interior finish-outs, and 1 demolition. There were 23 permits issued for pools/spas.

## Annualized Building Permit Values

Figure XI



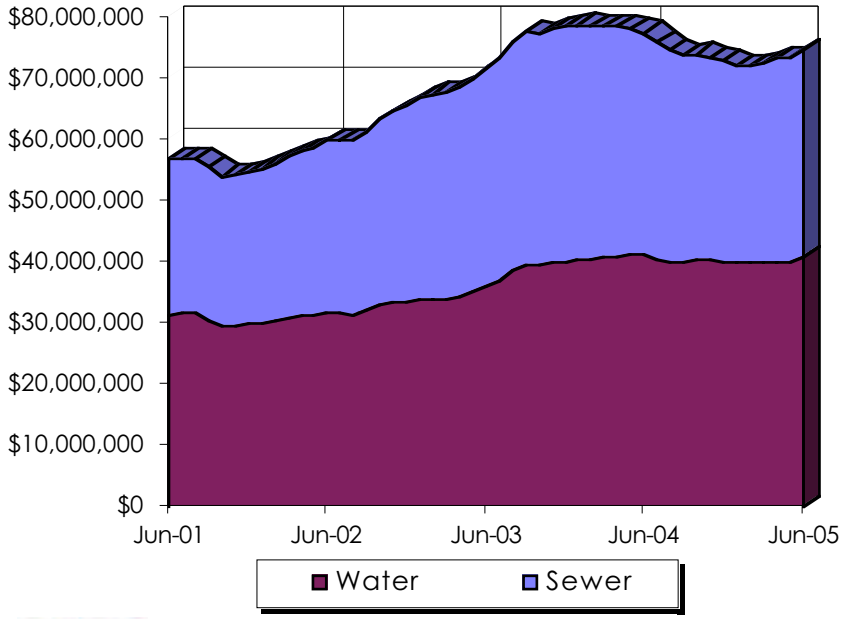

The overall annualized value was $513,806,712, down 1.86% from the same period a year ago. The annualized value of new residential construction increased to a value of $151,472,879, up 1.97% from a year ago. The annualized value of new commercial construction decreased 3.38% to $362,333,833.*

* 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 June were $4,539,840 and $2,932,624, an increase of 20.03% and 11.64% respectively, compared to June 2004 revenues. The aggregate water and sewer accounts netted $7,472,464 for an increase of 16.59%.

## Annualized Water & Sewer Billings

Figure XII




June consumption brought annualized revenue of $40,815,611 for water and $33,839,131 for sewer, totaling $74,654,742. This total represents a decrease of 3.81% compared to last year's annualized revenue.

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

# Economic Analysis

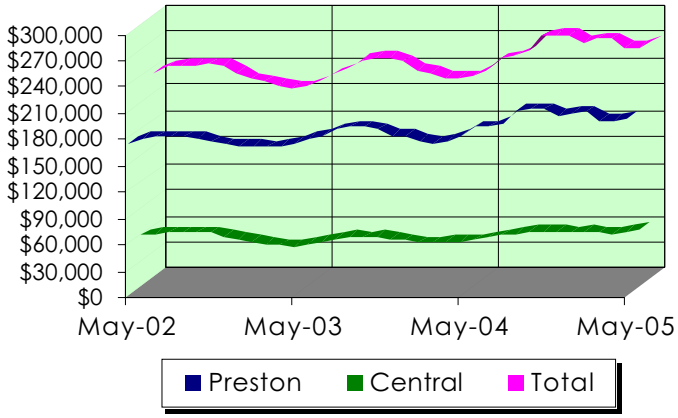
May revenue from hotel/motel tax was $297,565. This represents an increase of $35,819 or 13.68% compared to May 2004. The average monthly revenue for the past six months (see graph) was $267,721, an increase of 13.79% from the previous year's average. The six-month average for the Central area increased to $65,233 and the Preston area average increased to $202,488 from the prior year.

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

## Hotel/Motel Occupancy Tax

### Six Month Trend

### Figure XIII

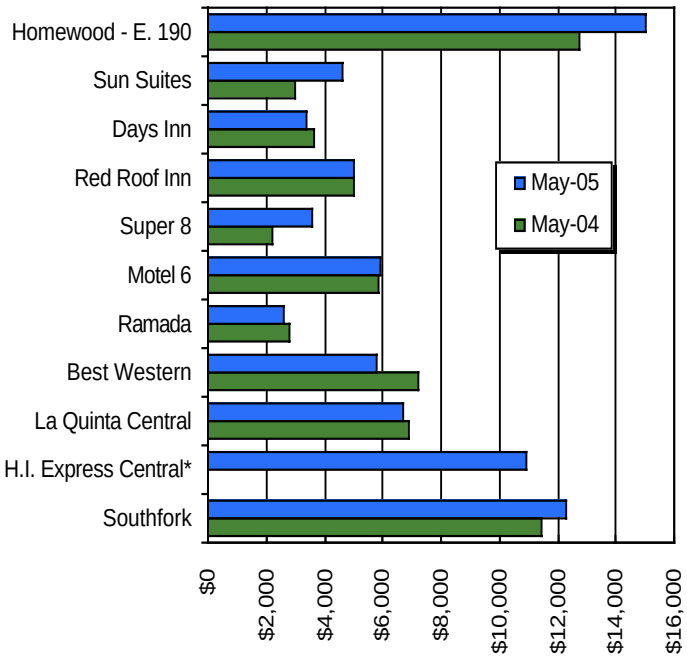



Figures XIV and XV show the actual occupancy tax revenue from each hotel/motel in Plano for May 2005 compared to the revenue received in May 2004.

## Hotel/Motel Occupancy Tax

### Monthly Comparison by Hotel - Central

### Figure XIV

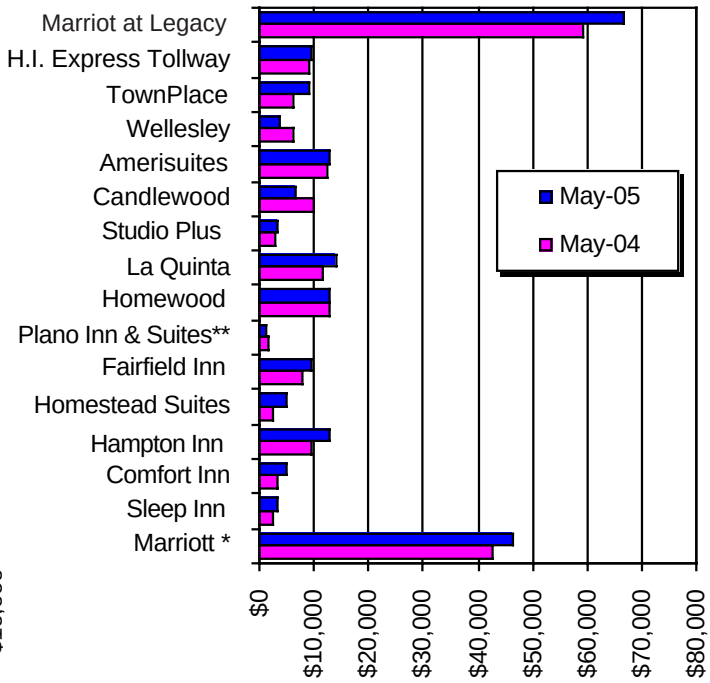



*The Holiday Inn Express, formerly the Holiday Inn, was closed for remodeling from the middle of January 2004 to July 2004.

## Hotel/Motel Occupancy Tax

### Monthly Comparison by Hotel - Preston

### Figure XV




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

** Formerly the Hearthside Hotel

# 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
# JUNE, 2005

Interest received during June totaled $547,676 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 June, the two-year Treasury note yield increased throughout the month, starting at 3.59 and ending at 3.63.

As of June 30, a total of $201.2 million was invested in the Treasury Fund. Of this amount, $21.8 million was General Obligation Bond Funds, $.5 million was Water & Sewer Revenue Bond Funds, and $178.9 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 | $9,364,000 | $117,416,000 | $121,145,000 | $133,145,000 |
| (2) Interest Received | $547,676 | $4,387,473* | $4,321,436 | $5,735,635 |
| (3) Earnings Potential Factor | 102.7% | 117.4% | 136.1% | 193.4% |
| (4) Investment Potential | 125.9% | 107.9% | 103.2% | 100.4 % |
| (5) Actual Aggressive Dividend | $25,330 | $491,633 | $171,581 | $239,104 |
| (6) Average 2 Year T-Note Yield | 3.63 | | 2.69 | |

* See interest allocation footnote on Page C-3.

(1) Does not include funds on deposit earning an "earnings credit" rate and/or moneys in investment pools.

(2) Cash basis.

(3) Comparison of actual yield of investments to average yield of 2 year Treasury notes for current month.

(4) Measures the percent of funds invested at month end compared to total available investable funds.

(5) Difference between amount of interest earned due to aggressive investing of funds, when compared to passive use of funds earning an "earnings credit" rate, during current month.

(6) Compares 2005 to 2004.

## *Month-to-Month Comparison*

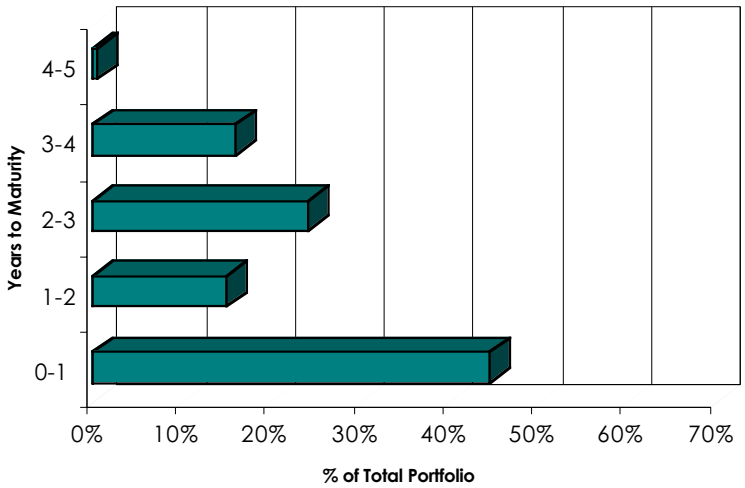
| | May 05 | June 05 | Difference |
|---|---|---|---|
| Portfolio Holding Period Yield | 2.93 | 2.89 | -.04 (-4 basis points) |
| Avg. 2-Year T-Note Yield | 3.59 | 3.63 | .04 (4 basis points) |

# INVESTMENT REPORT

## *Portfolio Maturity Schedule*
## *Figure I*

| Years to Maturity* | Face Value | % Total |
|---|---|---|
| 0-1 | $ 112,605,488 | 44.46% |
| 1-2 | 37,760,000 | 14.91% |
| 2-3 | 61,085,000 | 24.12% |
| 3-4 | 40,845,000 | 16.13% |
| 4-5 | 1,000,000 | 0.39% |
| Total | $ 253,295,488 | 100.00% |

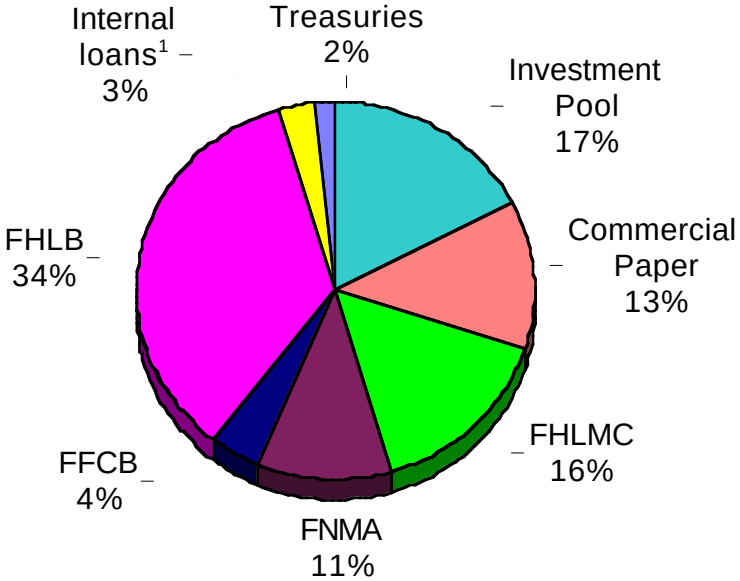
*Does not take into consideration callable issues that can, if called, significantly shorten the Weighted Average Maturity.




## *Portfolio Diversification*
## *Figure II*

| Type | Face Value | % Total |
|---|---|---|
| Investment Pool | $ 43,791,488 | 17.29% |
| Commercial Paper | 31,864,000 | 12.58% |
| FHLMC | 39,665,000 | 15.66% |
| FNMA | 27,500,000 | 10.86% |
| FFCB | 10,695,000 | 4.22% |
| FHLB | 87,780,000 | 34.66% |
| Internal loans [1] | 8,000,000 | 3.16% |
| Treasuries | 4,000,000 | 1.58% |
| Total | $ 253,295,488 | 100.00% |

[1] Internal loans on annual basis as percent of portfolio



# INVESTMENT REPORT

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

| Fund | Allocated Interest Current Month | Fiscal Y-T-D | Fund Balance End of Month | % of Total |
|---|---|---|---|---|
| General | 416,841.19 | 588,804.61 | $39,915,191.58 | 19.84% |
| G.O. Debt Service | 255,439.34 | 300,680.19 | 27,227,298.86 | 13.53% |
| Street & Drainage Improvements | (16,812.31) | 14,806.65 | (2,028,461.94) | -1.01% |
| Sewer CIP | 68,666.58 | 109,111.29 | 7,264,934.17 | 3.61% |
| Capital Reserve | 254,699.85 | 409,060.02 | 26,722,061.25 | 13.28% |
| Water & Sewer Operating | (68,103.15) | (50,854.90) | (7,529,961.01) | -3.74% |
| Water & Sewer Debt Service | 27,142.56 | 40,137.18 | 3,037,786.27 | 1.51% |
| W & S Impact Fees Clearing | 4,350.72 | 7,311.37 | 497,564.55 | 0.25% |
| Park Service Area Fees | 38,036.82 | 61,130.26 | 4,040,487.47 | 2.01% |
| Property / Liability Loss | 51,786.81 | 84,829.43 | 5,447,570.38 | 2.71% |
| Information Services | 77,284.47 | 123,140.68 | 8,233,868.62 | 4.09% |
| Equipment Replacement | 93,797.08 | 127,082.65 | 10,060,376.65 | 5.00% |
| Developers' Escrow | 63,847.65 | 104,679.02 | 6,755,020.93 | 3.36% |
| G.O. Bond Funds | 210,142.05 | 381,459.79 | 21,783,789.32 | 10.83% |
| Municipal Drainage Bond Clearing | 9,245.03 | 17,410.27 | 979,332.63 | 0.49% |
| Other | 469,757.25 | 782,327.60 | 48,664,113.55 | 24.19% |
| Total | $1,953,682.02 | $3,079,156.83 | $201,168,117.38 | 100.00% |

Footnote: All City funds not restricted or held in trust are included in the Treasury Pool. As of June 30, 2005, allocated interest to these funds may include an adjustment to fair value as required by GASB 31.

## *Portfolio Statistics*

| Month | Total Invested (End of Month) | Portfolio Yield | # Securities Purchased* | # Securities Matured/ Sold/Called | Weighted Avg Maturity (Days) | # Securities |
|---|---|---|---|---|---|---|
| Jan-04 | 250,043,966 | 2.59% | 21 | 12 | 1023 | 157 |
| Feb-04 | 258,925,214 | 2.69% | 12 | 11 | 1087 | 158 |
| Mar-04 | 253,572,319 | 2.30% | 9 | 28 | 841 | 139 |
| Apr-04 | 245,726,182 | 2.30% | 8 | 11 | 835 | 136 |
| May-04 | 234,169,952 | 2.41% | 6 | 3 | 871 | 142 |
| Jun-04 | 229,806,945 | 2.49% | 2 | 3 | 861 | 141 |
| Jul-04 | 222,498,884 | 2.49% | 2 | 4 | 857 | 139 |
| Aug-04 | 228,040,422 | 2.46% | 2 | 5 | 808 | 135 |
| Sep-04 | 193,870,437 | 2.71% | 1 | 10 | 911 | 127 |
| Oct-04 | 186,405,776 | 2.74% | 4 | 4 | 925 | 127 |
| Nov-04 | 184,228,731 | 2.80% | 7 | 8 | 921 | 125 |
| Dec-04 | 206,210,169 | 2.77% | 5 | 2 | 801 | 128 |
| Jan-05 | 239,173,039 | 2.75% | 13 | 2 | 672 | 139 |
| 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 | 2.89% | 4 | 4 | 544 | 143 |

* Does not include investment pool purchases.

# INVESTMENT REPORT

### *Equity in Treasury Pool By Major Category Figure IV*

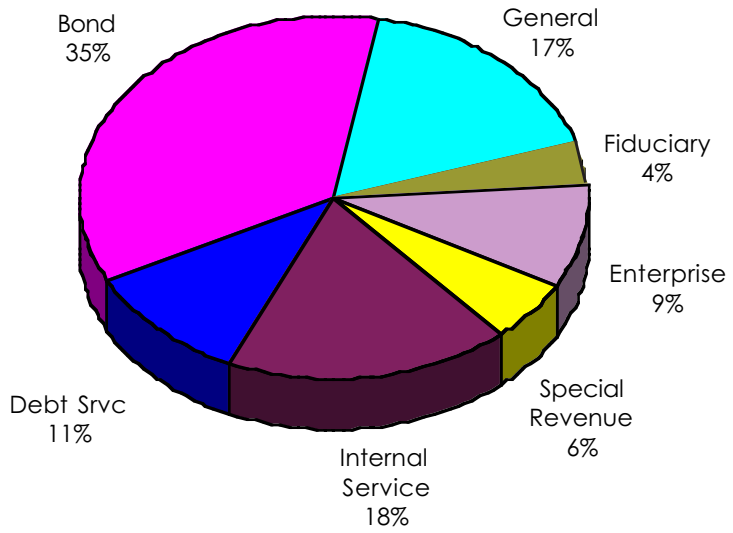
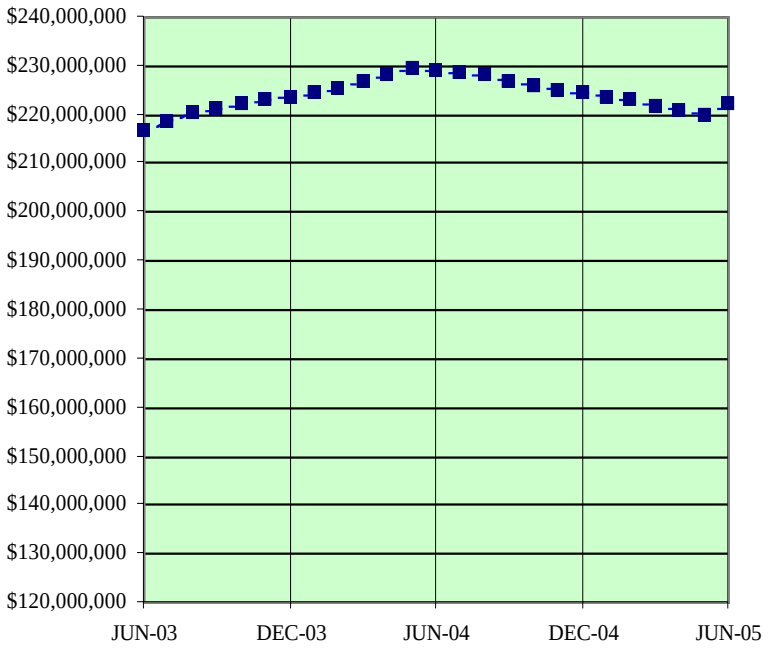



Figure IV shows a breakdown of the various sources of funds for the City's Treasury Pool as of June 30, 2005. The largest category is made up of Bond Funds in the amount of $88.7 million. Closest behind is the Internal Service Fund with a total of $45.3 million, and the General Fund with $43.3 million.

The annualized average portfolio for June 30, 2005 was 221,925,817. This is a decrease of $7,080,922 when compared to the June 2004 average of $229,006,739.

### *Annualized Average Portfolio Figure V*



# Section 4

City of Plano
Comprehensive Monthly Finance Report

# Quarterly Investment Report

# *Investment Report*

## ***City of Plano***

### ***04/01/2005 - 06/30/2005***

This report summarizes the investment position of the City of Plano for the period **04/01/2005 to 06/30/2005.**

| | | ***04/01/05*** | | ***06/30/05*** |
|---|---|---|---|---|
| Book Value | $ | 239,284,125.20 | $ | 253,057,710.34 |
| Market Value | $ | 234,975,013.98 | $ | 250,089,189.03 |
| Par Value | $ | 239,564,984.64 | $ | 253,295,488.06 |
| Change in Market Value | | | $ | 1,634,958.57 |
| Weighted Average Maturity (in Days) | | 638 | | 544 |
| Weighted Average Yield-to-Maturity of Portfolio | | 2.8808% | | 2.8874% |
| Yield-to-Maturity of 2-Year T-Note | | 3.7800% | | 3.6300% |
| Accrued Interest | | | $ | 639,974.76 |

This report is presented in accordance with Texas Government Code, Title 10, Section 2256.023. The undersigned hereby certify that, to the best of their knowledge on the date this report was created, this report is in compliance with provisions of Texas Government Code, Section 2256 and with the stated policies and strategies of the City of Plano, Texas .

Director of Finance

Treasurer

# Portfolio Position
## City of Plano - Treasury
Effective Interest - Actual Life
Receipts in Period
04/01/05 - 06/30/05

| | CUSIP | Invest Number | Security Description | Purchase Date | Par Value On 04/01/05 | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Combined Port | 17307JVX7 | 05-0043 | Commercial Paper 0.00 08/31/05 | 05/06/05 | 0.00 | 2,000,000.00 | 0.00 | 1,990,009.38 | 0.00 | 1,989,124.25 |
| | 17307JVX7 | 05-0045 | Commercial Paper 0.00 08/31/05 | 05/11/05 | 0.00 | 2,000,000.00 | 0.00 | 1,990,009.38 | 0.00 | 1,989,163.69 |
| | 24228JVX9 | 05-0052 | Commercial Paper 0.00 08/31/05 | 06/28/05 | 0.00 | 2,000,000.00 | 0.00 | 1,990,009.38 | 0.00 | 1,988,281.00 |
| | 36959HVF1 | 05-0041 | Commercial Paper 0.00 08/15/05 | 04/05/05 | 0.00 | 2,000,000.00 | 0.00 | 1,992,603.86 | 0.00 | 1,992,109.21 |
| | 36959HVX2 | 05-0048 | Commercial Paper 0.00 08/31/05 | 05/24/05 | 0.00 | 2,000,000.00 | 0.00 | 1,990,009.38 | 0.00 | 1,989,054.97 |
| | 43357LVX7 | 05-0051 | Commercial Paper 0.00 08/31/05 | 06/21/05 | 0.00 | 2,000,000.00 | 0.00 | 1,990,009.38 | 0.00 | 1,988,651.82 |
| | 4497XOVS3 | 05-0046 | Commercial Paper 0.00 08/26/05 | 05/17/05 | 0.00 | 2,000,000.00 | 0.00 | 1,990,713.54 | 0.00 | 1,989,898.13 |
| | 53974TRM1 | 05-0027-01 | Commercial Paper 0.00 04/21/05 | 01/18/05 | 2,000,000.00 | 0.00 | 1,996,706.50 | 0.00 | 1,997,044.14 | 0.00 |
| | 53974TUJ4 | 05-0036 | Commercial Paper 0.00 07/18/05 | 02/11/05 | 2,500,000.00 | 2,500,000.00 | 2,479,128.48 | 2,496,183.15 | 2,478,246.32 | 2,496,550.52 |
| | 53974TVB0 | 05-0039 | Commercial Paper 0.00 08/11/05 | 03/17/05 | 3,000,000.00 | 3,000,000.00 | 2,968,756.29 | 2,989,924.92 | 2,965,722.49 | 2,989,268.67 |
| | 53974TVR5 | 05-0040 | Commercial Paper 0.00 08/25/05 | 03/17/05 | 3,000,000.00 | 3,000,000.00 | 2,964,864.63 | 2,986,330.08 | 2,961,840.36 | 2,985,509.91 |
| | 76212LW86 | 05-0053 | Commercial Paper 0.00 09/08/05 | 06/28/05 | 0.00 | 3,000,000.00 | 0.00 | 2,982,907.38 | 0.00 | 2,979,941.36 |
| | 83365RW19 | 05-0049 | Commercial Paper 0.00 09/01/05 | 05/24/05 | 0.00 | 2,000,000.00 | 0.00 | 1,989,834.74 | 0.00 | 1,988,752.52 |
| | 85431EVX4 | 05-0050 | Commercial Paper 0.00 08/31/05 | 05/24/05 | 0.00 | 2,000,000.00 | 0.00 | 1,990,009.38 | 0.00 | 1,988,933.92 |
| | 87123LSH6 | 05-0015-01 | Commercial Paper 0.00 05/17/05 | 12/29/04 | 2,000,000.00 | 0.00 | 1,993,182.94 | 0.00 | 1,993,007.91 | 0.00 |
| | 96335TWF3 | 05-0054 | Commercial Paper 0.00 09/15/05 | 06/28/05 | 0.00 | 2,364,000.00 | 0.00 | 2,349,062.17 | 0.00 | 2,346,691.67 |
| | **Commercial Paper Total** | | | | **12,500,000.00** | **31,864,000.00** | **12,402,638.84** | **31,717,616.12** | **12,395,861.22** | **31,701,931.64** |
| | 31331Q2W6 | 03-0216 | FFCB 2.60 10/02/07 | 07/02/03 | 1,195,000.00 | 1,195,000.00 | 1,151,681.25 | 1,162,890.35 | 1,195,000.00 | 1,195,000.00 |
| | 31331QT98 | 03-0188 | FFCB 2.95 06/12/08 | 06/12/03 | 2,000,000.00 | 2,000,000.00 | 1,921,260.00 | 1,946,880.00 | 2,000,000.00 | 2,000,000.00 |
| | 31331QV79 | 03-0207 | FFCB 2.80 03/25/08 | 06/25/03 | 2,000,000.00 | 2,000,000.00 | 1,918,760.00 | 1,943,760.00 | 2,000,000.00 | 2,000,000.00 |
| | 31331SGU1 | 05-0010 | FFCB 2.99 05/23/06 | 11/23/04 | 2,500,000.00 | 2,500,000.00 | 2,477,350.00 | 2,482,825.00 | 2,500,000.00 | 2,500,000.00 |
| | 31331SKZ5 | 05-0021 | FFCB 2.99 01/11/06 | 01/11/05 | 1,000,000.00 | 1,000,000.00 | 995,310.00 | 996,250.00 | 1,000,000.00 | 1,000,000.00 |
| | 31331TME8 | 04-0029 | FFCB 2.60 03/29/06 | 12/29/03 | 1,000,000.00 | 1,000,000.00 | 988,440.00 | 991,560.00 | 1,000,000.00 | 1,000,000.00 |
| | 31331TPU9 | 04-0051 | FFCB 3.06 01/30/07 | 01/30/04 | 1,000,000.00 | 1,000,000.00 | 983,750.00 | 988,440.00 | 1,000,000.00 | 1,000,000.00 |
| | **FFCB Total** | | | | **10,695,000.00** | **10,695,000.00** | **10,436,551.25** | **10,512,605.35** | **10,695,000.00** | **10,695,000.00** |
| | 31315LEG9 | 05-0026-01 | FFCB Discount Note 0.00 04/13/05 | 01/18/05 | 2,000,000.00 | 0.00 | 1,998,200.00 | 0.00 | 1,998,281.11 | 0.00 |
| | 31315LEH7 | 05-0030-01 | FFCB Discount Note 0.00 04/14/05 | 01/31/05 | 3,000,000.00 | 0.00 | 2,997,000.00 | 0.00 | 2,997,153.98 | 0.00 |
| | 31315LFB9 | 05-0032-01 | FFCB Discount Note 0.00 05/02/05 | 02/01/05 | 1,000,000.00 | 0.00 | 997,600.00 | 0.00 | 997,737.98 | 0.00 |
| | **FFCB Discount Note Total** | | | | **6,000,000.00** | **0.00** | **5,992,800.00** | **0.00** | **5,993,173.07** | **0.00** |
| | 31339X2L7 | 03-0171 | FHLB 2.375 06/12/06 | 06/12/03 | 1,000,000.00 | 1,000,000.00 | 983,440.00 | 986,880.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339X3E2 | 03-0170 | FHLB 2.60 12/12/06 | 06/12/03 | 1,000,000.00 | 1,000,000.00 | 978,440.00 | 982,810.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339X5E0 | 03-0158 | FHLB 3.00 12/12/07 | 06/12/03 | 2,000,000.00 | 2,000,000.00 | 1,942,500.00 | 1,960,000.00 | 2,000,000.00 | 2,000,000.00 |
| | 31339X5W0 | 03-0159 | FHLB 3.10 06/04/08 | 06/04/03 | 1,000,000.00 | 1,000,000.00 | 966,880.00 | 978,130.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339X5W0 | 03-0156 | FHLB 3.10 06/04/08 | 06/04/03 | 1,000,000.00 | 1,000,000.00 | 966,880.00 | 978,130.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339X6Q2 | 03-0179 | FHLB 3.05 06/12/08 | 06/12/03 | 2,000,000.00 | 2,000,000.00 | 1,930,620.00 | 1,953,120.00 | 2,000,000.00 | 2,000,000.00 |
| | 31339X6Q2 | 03-0164 | FHLB 3.05 06/12/08 | 06/12/03 | 2,000,000.00 | 2,000,000.00 | 1,930,620.00 | 1,953,120.00 | 2,000,000.00 | 2,000,000.00 |
| | 31339XBS2 | 03-0172 | FHLB 3.00 03/18/08 | 06/18/03 | 2,000,000.00 | 2,000,000.00 | 1,933,760.00 | 1,955,000.00 | 2,000,000.00 | 2,000,000.00 |
| | 31339XBW3 | 03-0173 | FHLB 2.50 12/19/06 | 06/19/03 | 2,260,000.00 | 2,260,000.00 | 2,207,025.60 | 2,217,625.00 | 2,260,000.00 | 2,260,000.00 |
| | 31339XCR3 | 03-0178 | FHLB 2.22 09/12/06 | 06/12/03 | 1,000,000.00 | 1,000,000.00 | 976,880.00 | 981,560.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339XDR2 | 03-0163 | FHLB 3.04 05/28/08 | 05/28/03 | 1,000,000.00 | 1,000,000.00 | 965,310.00 | 976,560.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339XF90 | 03-0175 | FHLB 2.20 06/19/06 | 06/19/03 | 1,000,000.00 | 1,000,000.00 | 980,940.00 | 985,000.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339XFB5 | 03-0174 | FHLB 2.59 03/19/07 | 06/19/03 | 1,000,000.00 | 1,000,000.00 | 973,750.00 | 979,380.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339XFF6 | 03-0165 | FHLB 3.02 03/19/08 | 06/19/03 | 2,000,000.00 | 2,000,000.00 | 1,934,380.00 | 1,956,260.00 | 2,000,000.00 | 2,000,000.00 |
| | 31339XGX6 | 03-0210 | FHLB 2.20 06/26/06 | 06/26/03 | 1,450,000.00 | 1,450,000.00 | 1,421,913.50 | 1,427,800.50 | 1,450,000.00 | 1,450,000.00 |
| | 31339XHM9 | 03-0177 | FHLB 3.00 12/26/07 | 06/26/03 | 1,675,000.00 | 1,675,000.00 | 1,625,805.25 | 1,640,461.50 | 1,675,000.00 | 1,675,000.00 |
| | 31339XHN7 | 03-0176 | FHLB 3.25 06/26/08 | 06/26/03 | 1,000,000.00 | 1,000,000.00 | 970,310.00 | 981,560.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339XPH1 | 03-0180 | FHLB 2.95 06/23/08 | 06/23/03 | 2,000,000.00 | 2,000,000.00 | 1,923,120.00 | 1,947,500.00 | 2,000,000.00 | 2,000,000.00 |
| | 31339XPL2 | 03-0208 | FHLB 2.45 09/26/07 | 06/26/03 | 2,000,000.00 | 2,000,000.00 | 1,923,120.00 | 1,940,620.00 | 2,000,000.00 | 2,000,000.00 |
| | 31339XPR9 | 03-0181 | FHLB 3.04 06/30/08 | 06/30/03 | 2,000,000.00 | 2,000,000.00 | 1,928,120.00 | 1,951,880.00 | 2,000,000.00 | 2,000,000.00 |
| | 31339XQE7 | 03-0209 | FHLB 2.50 06/26/07 | 06/26/03 | 1,000,000.00 | 1,000,000.00 | 967,190.00 | 974,380.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339XQF4 | 03-0212 | FHLB 2.40 03/30/07 | 06/30/03 | 1,000,000.00 | 1,000,000.00 | 969,690.00 | 975,940.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339XRP1 | 03-0185 | FHLB 2.85 03/28/08 | 06/30/03 | 2,000,000.00 | 2,000,000.00 | 1,925,000.00 | 1,946,880.00 | 2,000,000.00 | 2,000,000.00 |
| | 31339XRZ9 | 03-0187 | FHLB 3.05 06/30/08 | 06/30/03 | 2,000,000.00 | 2,000,000.00 | 1,928,760.00 | 1,952,500.00 | 2,000,000.00 | 2,000,000.00 |
| | 31339XSE5 | 03-0186 | FHLB 3.00 06/30/08 | 06/30/03 | 1,000,000.00 | 1,000,000.00 | 962,810.00 | 974,690.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339XTK0 | 03-0190 | FHLB 2.25 12/26/06 | 06/26/03 | 1,000,000.00 | 1,000,000.00 | 971,880.00 | 977,190.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339XTP9 | 03-0220 | FHLB 2.75 01/09/08 | 07/09/03 | 1,670,000.00 | 1,670,000.00 | 1,609,462.50 | 1,620,952.10 | 1,670,000.00 | 1,670,000.00 |
| | 31339XTP9 | 03-0192 | FHLB 2.75 01/09/08 | 07/09/03 | 1,000,000.00 | 1,000,000.00 | 963,750.00 | 970,630.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339XU28 | 03-0219 | FHLB 2.87 07/02/08 | 07/02/03 | 1,500,000.00 | 1,500,000.00 | 1,438,125.00 | 1,457,340.00 | 1,500,000.00 | 1,500,000.00 |
| | 31339XU36 | 03-0204 | FHLB 2.75 06/24/08 | 06/24/03 | 1,045,000.00 | 1,045,000.00 | 998,633.35 | 1,011,695.85 | 1,045,000.00 | 1,045,000.00 |
| | 31339XVD3 | 03-0230 | FHLB 2.03 12/29/06 | 06/30/03 | 1,000,000.00 | 1,000,000.00 | 968,130.00 | 974,380.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339XWS9 | 03-0223 | FHLB 2.375 04/10/07 | 07/10/03 | 1,000,000.00 | 1,000,000.00 | 968,750.00 | 975,310.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339XWX8 | 03-0193 | FHLB 3.00 07/11/08 | 07/11/03 | 2,000,000.00 | 2,000,000.00 | 1,925,000.00 | 1,949,380.00 | 2,000,000.00 | 2,000,000.00 |
| | 31339XZE7 | 03-0218 | FHLB 2.25 07/02/07 | 07/02/03 | 1,000,000.00 | 1,000,000.00 | 961,560.00 | 969,690.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339XZG2 | 03-0198 | FHLB 2.75 06/30/08 | 06/30/03 | 1,000,000.00 | 1,000,000.00 | 955,310.00 | 968,130.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339XZG2 | 03-0197 | FHLB 2.75 06/30/08 | 06/30/03 | 2,000,000.00 | 2,000,000.00 | 1,910,620.00 | 1,936,260.00 | 2,000,000.00 | 2,000,000.00 |
| | 31339Y2X9 | 03-0199 | FHLB 3.00 07/14/08 | 07/14/03 | 2,000,000.00 | 2,000,000.00 | 1,924,380.00 | 1,949,380.00 | 2,000,000.00 | 2,000,000.00 |
| | 31339Y5C2 | 03-0200 | FHLB 3.03 06/30/08 | 06/30/03 | 2,000,000.00 | 2,000,000.00 | 1,927,500.00 | 1,951,260.00 | 2,000,000.00 | 2,000,000.00 |
| | 31339YA51 | 03-0225 | FHLB 3.10 07/16/08 | 07/16/03 | 1,680,000.00 | 1,680,000.00 | 1,621,200.00 | 1,641,679.20 | 1,680,000.00 | 1,680,000.00 |
| | 31339YA51 | 03-0201 | FHLB 3.10 07/16/08 | 07/16/03 | 2,000,000.00 | 2,000,000.00 | 1,930,000.00 | 1,954,380.00 | 2,000,000.00 | 2,000,000.00 |
| | 31339YBB7 | 03-0221 | FHLB 2.125 01/09/07 | 07/09/03 | 1,000,000.00 | 1,000,000.00 | 969,060.00 | 975,000.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339YBN1 | 03-0203 | FHLB 3.125 07/16/08 | 07/16/03 | 2,000,000.00 | 2,000,000.00 | 1,931,880.00 | 1,955,620.00 | 2,000,000.00 | 2,000,000.00 |
| | 31339YBN1 | 03-0202 | FHLB 3.125 07/16/08 | 07/16/03 | 2,000,000.00 | 2,000,000.00 | 1,931,880.00 | 1,955,620.00 | 2,000,000.00 | 2,000,000.00 |
| | 31339YDK5 | 03-0224 | FHLB 2.90 07/15/08 | 07/15/03 | 1,000,000.00 | 1,000,000.00 | 959,060.00 | 971,880.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339YE24 | 03-0229 | FHLB 1.72 01/23/06 | 07/23/03 | 1,000,000.00 | 1,000,000.00 | 984,690.00 | 989,060.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339YEB4 | 03-0228 | FHLB 3.03 07/22/08 | 07/22/03 | 1,000,000.00 | 1,000,000.00 | 962,810.00 | 975,000.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339YEJ7 | 03-0222 | FHLB 3.00 07/09/08 | 07/09/03 | 1,000,000.00 | 1,000,000.00 | 962,500.00 | 974,690.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339YFF4 | 03-0213 | FHLB 3.20 07/23/08 | 07/23/03 | 3,000,000.00 | 3,000,000.00 | 2,903,430.00 | 2,939,070.00 | 3,000,000.00 | 3,000,000.00 |
| | 31339YFR8 | 03-0214 | FHLB 3.25 07/25/08 | 07/25/03 | 1,000,000.00 | 1,000,000.00 | 969,380.00 | 980,940.00 | 1,000,000.00 | 1,000,000.00 |
| | 31339YH21 | 03-0215 | FHLB 3.27 07/24/08 | 07/24/03 | 2,000,000.00 | 2,000,000.00 | 1,940,000.00 | 1,963,120.00 | 2,000,000.00 | 2,000,000.00 |
| | 3133MX2J7 | 03-0108 | FHLB 3.45 03/24/08 | 03/24/03 | 1,000,000.00 | 1,000,000.00 | 978,750.00 | 988,130.00 | 1,000,000.00 | 1,000,000.00 |
| | 3133MY4F1 | 03-0134 | FHLB 3.75 04/24/08 | 04/24/03 | 500,000.00 | 500,000.00 | 493,125.00 | 497,030.00 | 500,000.00 | 500,000.00 |
| | 3133MYM87 | 03-0140 | FHLB 3.50 11/19/07 | 05/19/03 | 2,000,000.00 | 2,000,000.00 | 1,968,760.00 | 1,982,500.00 | 2,000,000.00 | 2,000,000.00 |
| | 3133MYN52 | 03-0141 | FHLB 3.65 05/22/08 | 05/22/03 | 1,000,000.00 | 1,000,000.00 | 982,810.00 | 991,880.00 | 1,000,000.00 | 1,000,000.00 |
| | 3133MYUS4 | 03-0147 | FHLB 3.50 05/27/08 | 05/27/03 | 1,000,000.00 | 1,000,000.00 | 978,440.00 | 988,130.00 | 1,000,000.00 | 1,000,000.00 |
| | 3133MYZF7 | 03-0169 | FHLB 2.375 06/12/06 | 06/12/03 | 1,000,000.00 | 1,000,000.00 | 983,440.00 | 986,880.00 | 1,000,000.00 | 1,000,000.00 |
| | 3133MYZJ9 | 03-0157 | FHLB 2.50 09/11/06 | 06/11/03 | 1,000,000.00 | 1,000,000.00 | 980,940.00 | 984,690.00 | 1,000,000.00 | 1,000,000.00 |
| | 3133MYZJ9 | 03-0160 | FHLB 2.50 09/11/06 | 06/11/03 | 1,000,000.00 | 1,000,000.00 | 980,940.00 | 984,690.00 | 1,000,000.00 | 1,000,000.00 |
| | 3133MYZQ3 | 03-0168 | FHLB 3.33 06/10/08 | 06/10/03 | 2,000,000.00 | 2,000,000.00 | 1,946,880.00 | 1,967,500.00 | 2,000,000.00 | 2,000,000.00 |
| | 3133X3AE3 | 04-0050 | FHLB 3.625 01/28/08 | 01/28/04 | 1,000,000.00 | 1,000,000.00 | 985,310.00 | 992,810.00 | 1,000,000.00 | 1,000,000.00 |
| | 3133X5TB4 | 04-0080 | FHLB 2.29 10/27/06 | 04/27/04 | 1,000,000.00 | 1,000,000.00 | 975,630.00 | 980,630.00 | 1,000,000.00 | 1,000,000.00 |
| | 3133X5TL2 | 04-0079 | FHLB 2.00 04/27/07 | 04/27/04 | 1,000,000.00 | 1,000,000.00 | 984,380.00 | 989,690.00 | 1,000,000.00 | 1,000,000.00 |
| | 3133X5WS3 | 04-0081 | FHLB 3.02 07/27/07 | 04/27/04 | 1,000,000.00 | 1,000,000.00 | 977,190.00 | 980,940.00 | 1,000,000.00 | 1,000,000.00 |
| | 3133X5Y36 | 04-0082 | FHLB 3.01 01/30/08 | 04/30/04 | 1,000,000.00 | 1,000,000.00 | 969,690.00 | 979,380.00 | 1,000,000.00 | 1,000,000.00 |
| | 3133X6JA5 | 04-0086 | FHLB 3.00 05/10/07 | 05/10/04 | 1,000,000.00 | 1,000,000.00 | 979,690.00 | 985,000.00 | 1,000,000.00 | 1,000,000.00 |

# Portfolio Position

## City of Plano - Treasury

Effective Interest - Actual Life

Receipts in Period

04/01/05 - 06/30/05

| CUSIP | Invest Number | Security Description | Purchase Date | Par Value On 04/01/05 | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 3133X6YH3 | 04-0089 | FHLB 3.36 05/24/07 | 05/24/04 | 1,000,000.00 | 1,000,000.00 | 986,560.00 | 991,250.00 | 1,000,000.00 | 1,000,000.00 |
| 3133X6YL4 | 04-0091 | FHLB 3.10 11/28/06 | 05/28/04 | 1,000,000.00 | 1,000,000.00 | 986,880.00 | 990,310.00 | 1,000,000.00 | 1,000,000.00 |
| 3133X8VL3 | 05-0001 | FHLB 3.625 10/26/07 | 10/26/04 | 1,000,000.00 | 1,000,000.00 | 988,130.00 | 993,750.00 | 999,137.09 | 999,217.74 |
| 3133XA6R3 | 05-0022 | FHLB 3.10 04/28/06 | 01/28/05 | 1,000,000.00 | 1,000,000.00 | 992,810.00 | 994,690.00 | 1,000,010.19 | 1,000,024.75 |
| 3133XABU0 | 05-0018 | FHLB 3.00 07/27/07 | 01/27/05 | 1,000,000.00 | 1,000,000.00 | 994,380.00 | 999,690.00 | 1,000,000.00 | 1,000,000.00 |
| **FHLB Total** | | | | **95,780,000.00** | **95,780,000.00** | **92,920,990.20** | **93,795,014.15** | **95,779,147.28** | **95,779,242.49** |
| 3128X1CY1 | 03-0146 | FHLMC 2.50 05/19/06 | 05/19/03 | 1,000,000.00 | 1,000,000.00 | 985,640.00 | 988,990.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X1DD6 | 04-0075 | FHLMC 3.20 05/21/08 | 03/19/04 | 1,000,000.00 | 1,000,000.00 | 970,330.00 | 981,310.00 | 1,002,170.39 | 1,002,005.20 |
| 3128X1DK0 | 03-0155 | FHLMC 3.10 11/28/07 | 05/28/03 | 2,000,000.00 | 2,000,000.00 | 1,930,420.00 | 1,948,680.00 | 1,999,392.72 | 1,999,447.69 |
| 3128X1EB9 | 03-0166 | FHLMC 3.25 06/04/08 | 06/04/03 | 1,000,000.00 | 1,000,000.00 | 971,250.00 | 982,500.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X1FB8 | 03-0161 | FHLMC 3.10 05/27/08 | 05/27/03 | 1,000,000.00 | 1,000,000.00 | 967,160.00 | 978,450.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X1FC6 | 03-0162 | FHLMC 2.28 06/02/06 | 05/28/03 | 1,000,000.00 | 1,000,000.00 | 982,690.00 | 986,520.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X1GU5 | 03-0167 | FHLMC 2.125 06/09/06 | 06/09/03 | 2,000,000.00 | 2,000,000.00 | 1,961,200.00 | 1,969,500.00 | 2,000,000.00 | 2,000,000.00 |
| 3128X1LC9 | 03-0189 | FHLMC 2.70 12/17/07 | 06/17/03 | 1,000,000.00 | 1,000,000.00 | 963,650.00 | 973,100.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X1LC9 | 03-0182 | FHLMC 2.70 12/17/07 | 06/17/03 | 3,000,000.00 | 3,000,000.00 | 2,890,950.00 | 2,919,300.00 | 3,000,000.00 | 3,000,000.00 |
| 3128X1LG0 | 03-0206 | FHLMC 2.00 06/09/06 | 06/24/03 | 1,000,000.00 | 1,000,000.00 | 979,160.00 | 983,610.00 | 999,797.78 | 999,839.87 |
| 3128X1LJ4 | 03-0184 | FHLMC 2.50 12/24/07 | 06/24/03 | 1,000,000.00 | 1,000,000.00 | 958,260.00 | 968,390.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X1LJ4 | 03-0205 | FHLMC 2.50 12/24/07 | 06/24/03 | 1,000,000.00 | 1,000,000.00 | 958,260.00 | 968,390.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X1MK0 | 03-0191 | FHLMC 2.05 12/29/06 | 06/30/03 | 1,000,000.00 | 1,000,000.00 | 968,670.00 | 974,810.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X1NC7 | 03-0194 | FHLMC 2.10 12/19/06 | 06/19/03 | 1,000,000.00 | 1,000,000.00 | 970,020.00 | 975,750.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X1ND5 | 03-0195 | FHLMC 2.40 12/28/07 | 06/27/03 | 1,000,000.00 | 1,000,000.00 | 955,470.00 | 965,870.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X1QF7 | 03-0217 | FHLMC 2.35 07/02/07 | 07/02/03 | 1,000,000.00 | 1,000,000.00 | 964,120.00 | 972,280.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X2FB6 | 04-0023 | FHLMC 3.00 06/29/06 | 12/29/03 | 1,000,000.00 | 1,000,000.00 | 988,810.00 | 991,310.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X2GL3 | 04-0034 | FHLMC 4.15 12/18/08 | 12/26/03 | 1,665,000.00 | 1,665,000.00 | 1,647,634.05 | 1,661,320.35 | 1,665,000.00 | 1,665,000.00 |
| 3128X2JL0 | 04-0027 | FHLMC 2.875 12/29/06 | 12/29/03 | 1,000,000.00 | 1,000,000.00 | 979,140.00 | 983,840.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X2JM8 | 04-0030 | FHLMC 3.25 06/29/07 | 12/29/03 | 1,000,000.00 | 1,000,000.00 | 973,570.00 | 980,690.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X2JT3 | 04-0037 | FHLMC 2.20 12/30/05 | 12/30/03 | 1,000,000.00 | 1,000,000.00 | 989,960.00 | 992,630.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X2JW6 | 04-0033 | FHLMC 4.00 01/14/09 | 01/14/04 | 1,000,000.00 | 1,000,000.00 | 976,000.00 | 988,580.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X2KR5 | 04-0040 | FHLMC 3.05 01/02/07 | 01/02/04 | 2,000,000.00 | 2,000,000.00 | 1,970,360.00 | 1,978,280.00 | 2,000,000.00 | 2,000,000.00 |
| 3128X2KR5 | 04-0039 | FHLMC 3.05 01/02/07 | 01/02/04 | 1,000,000.00 | 1,000,000.00 | 985,180.00 | 989,140.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X2PA7 | 04-0058 | FHLMC 3.00 07/27/07 | 01/27/04 | 1,000,000.00 | 1,000,000.00 | 970,360.00 | 978,010.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X2PC3 | 04-0057 | FHLMC 2.35 07/27/06 | 01/27/04 | 1,000,000.00 | 1,000,000.00 | 981,060.00 | 985,070.00 | 1,000,000.00 | 1,000,000.00 |
| 3128X3EV1 | 04-0087 | FHLMC 2.55 05/10/06 | 05/10/04 | 1,000,000.00 | 1,000,000.00 | 986,590.00 | 989,910.00 | 1,000,000.00 | 1,000,000.00 |
| 312924R96 | 02-0074 | FHLMC 5.13 01/25/07 | 01/25/02 | 2,000,000.00 | 2,000,000.00 | 2,041,200.00 | 2,040,040.00 | 2,000,000.00 | 2,000,000.00 |
| **FHLMC Total** | | | | **34,665,000.00** | **34,665,000.00** | **33,867,114.05** | **34,096,270.35** | **34,666,360.89** | **34,666,292.76** |
| 313397GX3 | 05-0035-01 | FHLMC Discount Note 0.00 06/15/05 | 02/04/05 | 4,000,000.00 | 0.00 | 3,976,400.00 | 0.00 | 3,977,050.49 | 0.00 |
| 313397GX3 | 05-0037-01 | FHLMC Discount Note 0.00 06/15/05 | 02/28/05 | 1,000,000.00 | 0.00 | 994,100.00 | 0.00 | 994,092.60 | 0.00 |
| 313397HN4 | 05-0034-01 | FHLMC Discount Note 0.00 06/30/05 | 02/04/05 | 3,000,000.00 | 0.00 | 2,978,700.00 | 0.00 | 2,979,230.75 | 0.00 |
| 313397JA0 | 05-0033 | FHLMC Discount Note 0.00 07/12/05 | 02/04/05 | 5,000,000.00 | 5,000,000.00 | 4,958,000.00 | 4,995,000.00 | 4,960,117.93 | 4,995,668.17 |
| **FHLMC Discount Note Total** | | | | **13,000,000.00** | **5,000,000.00** | **12,907,200.00** | **4,995,000.00** | **12,910,491.77** | **4,995,668.17** |
| 31359MSC8 | 04-0071 | FNMA 2.00 06/04/08 | 03/09/04 | 1,000,000.00 | 1,000,000.00 | 969,690.00 | 982,190.00 | 1,000,000.00 | 1,000,000.00 |
| 31359MWY5 | 05-0016 | FNMA 3.25 12/21/06 | 12/30/04 | 1,000,000.00 | 1,000,000.00 | 988,130.00 | 991,880.00 | 996,632.86 | 997,110.92 |
| 3136F3A97 | 03-0196 | FNMA 2.60 06/30/08 | 06/30/03 | 1,000,000.00 | 1,000,000.00 | 949,380.00 | 963,440.00 | 1,000,000.00 | 1,000,000.00 |
| 3136F3C87 | 03-0211 | FNMA 2.75 06/30/08 | 06/30/03 | 1,000,000.00 | 1,000,000.00 | 953,750.00 | 967,810.00 | 1,000,000.00 | 1,000,000.00 |
| 3136F3YY6 | 03-0183 | FNMA 2.50 12/24/07 | 06/24/03 | 1,000,000.00 | 1,000,000.00 | 956,880.00 | 968,130.00 | 1,000,000.00 | 1,000,000.00 |
| 3136F42A1 | 04-0059 | FNMA 2.13 01/30/06 | 01/30/04 | 1,000,000.00 | 1,000,000.00 | 987,500.00 | 990,940.00 | 1,000,000.00 | 1,000,000.00 |
| 3136F42C7 | 04-0060 | FNMA 3.80 02/03/09 | 02/03/04 | 1,000,000.00 | 1,000,000.00 | 978,750.00 | 991,560.00 | 1,000,000.00 | 1,000,000.00 |
| 3136F45P5 | 04-0062 | FNMA 2.26 05/17/06 | 02/17/04 | 1,000,000.00 | 1,000,000.00 | 983,130.00 | 987,190.00 | 1,000,000.00 | 1,000,000.00 |
| 3136F4J54 | 04-0028 | FNMA 3.00 12/29/06 | 12/29/03 | 1,000,000.00 | 1,000,000.00 | 983,750.00 | 988,130.00 | 999,763.17 | 999,796.26 |
| 3136F4J88 | 04-0031 | FNMA 2.58 06/29/06 | 12/29/03 | 1,000,000.00 | 1,000,000.00 | 985,000.00 | 988,440.00 | 1,000,000.00 | 1,000,000.00 |
| 3136F4SK1 | 04-0014 | FNMA 3.42 05/10/07 | 11/10/03 | 1,000,000.00 | 1,000,000.00 | 987,190.00 | 992,810.00 | 999,815.09 | 999,836.35 |
| 3136F4U51 | 04-0052 | FNMA 3.00 01/30/07 | 01/30/04 | 1,000,000.00 | 1,000,000.00 | 982,810.00 | 987,500.00 | 1,000,000.00 | 1,000,000.00 |
| 3136F4Z98 | 04-0056 | FNMA 4.05 01/16/09 | 01/16/04 | 2,000,000.00 | 2,000,000.00 | 1,973,760.00 | 1,993,120.00 | 2,000,000.00 | 2,000,000.00 |
| 3136F5MY4 | 04-0076 | FNMA 2.00 04/20/06 | 04/20/04 | 1,000,000.00 | 1,000,000.00 | 981,880.00 | 986,250.00 | 1,000,000.00 | 1,000,000.00 |
| 3136F6JK6 | 05-0009 | FNMA 2.875 11/09/06 | 11/23/04 | 2,500,000.00 | 2,500,000.00 | 2,459,375.00 | 2,469,525.00 | 2,487,667.40 | 2,489,553.06 |
| 3136F6KZ1 | 05-0008 | FNMA 3.30 11/24/08 | 11/24/04 | 1,000,000.00 | 1,000,000.00 | 990,940.00 | 998,750.00 | 999,083.19 | 999,142.54 |
| 3136F6MT3 | 05-0007 | FNMA 3.60 11/17/09 | 11/17/04 | 1,000,000.00 | 1,000,000.00 | 993,130.00 | 998,130.00 | 1,000,000.00 | 1,000,000.00 |
| 3136F6UH0 | 05-0024 | FNMA 4.00 02/01/08 | 02/01/05 | 1,000,000.00 | 1,000,000.00 | 992,810.00 | 999,060.00 | 1,000,000.00 | 1,000,000.00 |
| **FNMA Total** | | | | **20,500,000.00** | **20,500,000.00** | **20,097,855.00** | **20,244,855.00** | **20,482,961.71** | **20,485,439.13** |
| 313589DZ3 | 05-0025-01 | FNMA Discount Note 0.00 04/06/05 | 01/18/05 | 3,000,000.00 | 0.00 | 2,998,800.00 | 0.00 | 2,998,934.22 | 0.00 |
| 313589EG4 | 05-0014-01 | FNMA Discount Note 0.00 04/13/05 | 12/29/04 | 1,700,000.00 | 0.00 | 1,698,470.00 | 0.00 | 1,698,565.98 | 0.00 |
| 313589FD0 | 05-0031-01 | FNMA Discount Note 0.00 05/04/05 | 02/02/05 | 3,000,000.00 | 0.00 | 2,992,200.00 | 0.00 | 2,992,734.50 | 0.00 |
| 313589FT5 | 05-0029-01 | FNMA Discount Note 0.00 05/18/05 | 01/26/05 | 2,500,000.00 | 0.00 | 2,491,000.00 | 0.00 | 2,491,389.26 | 0.00 |
| 313589GJ6 | 05-0028-01 | FNMA Discount Note 0.00 06/02/05 | 01/25/05 | 2,500,000.00 | 0.00 | 2,487,750.00 | 0.00 | 2,488,464.22 | 0.00 |
| 313589JR5 | 05-0038 | FNMA Discount Note 0.00 07/27/05 | 02/28/05 | 3,000,000.00 | 3,000,000.00 | 2,971,200.00 | 2,993,100.00 | 2,971,261.97 | 2,993,565.83 |
| 313589LC5 | 05-0047 | FNMA Discount Note 0.00 08/31/05 | 05/18/05 | 0.00 | 2,000,000.00 | 0.00 | 1,989,000.00 | 0.00 | 1,989,291.50 |
| 313589LC5 | 05-0042 | FNMA Discount Note 0.00 08/31/05 | 04/18/05 | 0.00 | 2,000,000.00 | 0.00 | 1,989,000.00 | 0.00 | 1,989,524.55 |
| **FNMA Discount Note Total** | | | | **15,700,000.00** | **7,000,000.00** | **15,639,420.00** | **6,971,100.00** | **15,641,350.15** | **6,972,381.88** |
| TexPool | AR-0003 | State Pool | 10/01/99 | 28,724,984.64 | 43,791,488.06 | 28,724,984.64 | 43,791,488.06 | 28,724,984.64 | 43,791,488.06 |
| **State Pool Total** | | | | **28,724,984.64** | **43,791,488.06** | **28,724,984.64** | **43,791,488.06** | **28,724,984.64** | **43,791,488.06** |
| 912828BL3 | 05-0002 | Treasury Note 1.625 09/30/05 | 10/12/04 | 2,000,000.00 | 2,000,000.00 | 1,985,460.00 | 1,992,420.00 | 1,994,794.47 | 1,997,397.23 |
| 912828CU2 | 05-0044 | Treasury Note 2.375 08/31/06 | 05/11/05 | 0.00 | 2,000,000.00 | 0.00 | 1,972,820.00 | 0.00 | 1,972,868.98 |
| **Treasury Note Total** | | | | **2,000,000.00** | **4,000,000.00** | **1,985,460.00** | **3,965,240.00** | **1,994,794.47** | **3,970,266.21** |
| **Combined Port Total** | | | | **239,564,984.64** | **253,295,488.06** | **234,975,013.98** | **250,089,189.03** | **239,284,125.20** | **253,057,710.34** |

Preliminary Open Meeting Item VII.

Discussion and Direction re
Natural Gas Drilling
Mayor

POM VIIa

Preliminary Open Meeting Item VIII.

Discussion and Direction re
Establishment of Downtown Area
Task Force
Mayor

Pom VIIIa

**Discussion/Action Items for Future Council Agendas**
**(as of July 19, 2005)**

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

**July 27**

Budget

*August 2 – National Night Out*

**August 8**

Planning and Zoning Commission and Animal Advisory Committee Reports
Tom Muehlenbeck Center Update (Wendell 15 min.)
Community Investment Program Review (Rhodes, Upchurch, Wendell) 30 min.
Harry Beam v. City of Plano
Legal Advice: Comcast cable transfer request to Time Warner
Litigation: City of Plano v. Comcast

**Public Hearing:** Zoning Case 2005-21 - Request to amend Section 3.300 (Minimum Structure Standards) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance regarding exterior wall standards for nonresidential uses. This request proposes to prohibit the use of membrane (fabric) and/or metal exterior wall finishes for nonresidential structures. Tabled 06/06/05, 06/20/05, and 07/05/05. **Applicant: City of Plano**

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

**August 22**

DART Status Report
Mobility Report
Comprehensive Monthly Financial Report
Plano Housing Authority Board and Self Sufficiency Committee Reports

**August 31**

Public Hearing - Budget

*September 5 – Labor Day Holiday*

**September 12**

Keep Plano Beautiful Commission and Transition Revitalization Commission Reports

1X

*September 25 – 28 – ICMA - Minneapolis*

**September 26**

DART Status Report
Mobility Report
Comprehensive Monthly Financial Report
Parks and Recreation Planning Board Report

*October 3 – 7 – PISD Fall Break*

**October 10**

Building Standards Commission and Board of Adjustment Reports

**October 24**

DART Status Report
Mobility Report
Comprehensive Monthly Financial Report

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

*November 10 – District 2 Roundtable – Plano Sports Authority – 2nd floor*

**November 14**

*November 24 – 25 – Thanksgiving Holidays*

**November 28**

DART Status Report
Mobility Report
Comprehensive Monthly Financial Report

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

**December 12**

*December 23 – 26 – Christmas/ Winter Holidays*

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

DART Status Report
Mobility Report
Comprehensive Monthly Financial Report

*January 2, 2006 – New Year Holiday*

1X

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☐ Yes | ☒ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☐ Yes | ☒ Not Applicable |
| Council Meeting Date: | 7/25/05 | Reviewed by Legal | ☐ Yes | ☒ Not Applicable |
| Department: | City Manager's Office | | Initials | Date |
| Department Head | Tom Muehlenbeck | Executive Director | | |
| Dept Signature: | | City Manager | TM | 5/22/05 |
| Agenda Coordinator (include phone #): | **Sharon Wright ext. 7107** | | | |

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

## CAPTION

Special Recognition: Council's Volunteer of the Month - James Edwards

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☐ 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 | ☐ Yes | ☒ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☐ Yes | ☒ Not Applicable |
| Council Meeting Date: | 7/25/05 | Reviewed by Legal | ☐ Yes | ☒ Not Applicable |
| Department: | City Manager's Office | | Initials | Date |
| Department Head | Tom Muehlenbeck | Executive Director | | |
| Dept Signature: | | City Manager | | 7/7/05 |
| Agenda Coordinator (include phone #): | Sharon Wright ext. 7107 | | | |

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

## CAPTION

Presentation: Silver Excellence Award for Communications to Environmental Waste Department

## FINANCIAL SUMMARY

☒ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☐ 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 |
|---|---|

REV 08/98

# Community Relations Commission

## Oral Presentation

**Overview of Cultural Affairs Commission Activity for FY 2004-2005**
**Presented by Patricia Madigan, Chair of the Cultural Affairs Commission**

Cultural Affairs Commission held 8 regular meetings & one called meeting to date in FY 04-05. The highlights of our work this year have included:

- Conducted a review of the Commission's work for FY 2003-2004

- Updated the Major Grants Guidelines and Application form
    1. Improved scoring system to relate more directly to grant recommendations.
    2. Adjusted scoring system to place more weight on fiscal responsibility.
    3. Restructured financial reporting system to be more user-friendly.
    4. Instituted a minimum score policy.

- Introduced a mandatory training workshop for all applicant organizations. Staff conducted three of these workshops with 100% compliance by applicants.

- Along with Special Events Manager and Creative Arts Manager, revised the Special Events Grant Application and Guidelines to incubate, then provide incentive for event organizers to seek additional funding sources as events become established.

- Revised Small Grant Applications and Guidelines

- Received and reviewed 18 applications for Major Grants, three applications for Small Grants, and six applications for Special Events Grants. Our recommendations on funding for these applicants will be presented to Council at the Budget Workshop on August 13.

**Major Grant Applicants:**
ArtCentre of Plano
Chamberlain Ballet
The Classics
Dallas Asian American Youth Orchestra
Ivy Camerata Orchestra
Men of Note
Plano Art Association
Plano Children's Theatre
Plano Civic Chorus
Plano Community Band
Plano Metropolitan Ballet
Plano Repertory Theatre
Plano Symphony Orchestra
Rover Dramawerks
Salvation Army Plano Corps
Texas Performing Chinese Arts Assoc.
Texas Conservatory for Young Artists
Younger Generation Chorus

**Small Grant Applicants:**
Dallas Chinese Choral Society
The Living Opera
Rhythm Junkies

**Special Events Grant Applicants:**
Asian Heritage Celebration
Blackland Prairie Festival
Independence Day Celebration
Plano Book Festival
Plano Balloon Festival
Plano International Festival

**PLANO CITY COUNCIL**
**PRELIMINARY OPEN MEETING**
**June 27, 2005**

## COUNCIL MEMBERS

Pat Evans, Mayor
Ken Lambert, Mayor Pro Tem
Scott Johnson, Deputy Mayor Pro Tem
Shep Stahel
Loretta Ellerbe
Sally Magnuson
Harry LaRosiliere
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 5:05 p.m., Monday, June 27, 2005, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Mayor Evans then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071 and to discuss Real Estate, Section 551.072. The item regarding Real Estate was pulled from the Executive Session Agenda. A certified agenda is not required.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting at 5:57 p.m. in the Council Chambers. The following matters were discussed:

### Consideration and Action Resulting From Executive Session Discussion

No items were brought forward.

### DART Status Report

DART Board of Representatives Pope spoke to the North Crosstown alignment and stated that the planning committee will receive the conceptual evaluation of alternatives provided. He stated that public meetings are scheduled in August to review the evaluations.

Mr. Pope stated that the project management committee will receive an update on the risk assessment program for the proposed northwest and southeast lite-rail extension, there were no negatives resulting from the Legislature, sales tax revenues have not improved, spoke to upcoming budget figures, and stated that lite-rail ridership has increased. He responded to the Council that he will provide information in the next report as to where DART actually is based on projections for lite-rail ridership. Mr. Pope responded that parking at the Parker Road and HWY 190 stations is tight but currently sufficient to handle rail demands and further that numbers for cost effectiveness will be provided regarding the east/west connections going out to the DFW Airport. He stated that there will be an upcoming orientation and tour of the rail system for Council Members.

**Mobility Report**

Transportation Engineering Manager Neal stated that the current signal controller deployment program is half way through completion, spoke to revising certain sections of the current ordinance regarding school zones and stated that this will provide better enforcement, and further spoke to an addition of a customer satisfaction survey to the department web site in approximately 30 days. He responded to the Council that a chicane is a new safe streets device with horizontal driver deflection.

**Comprehensive Monthly Financial Report**

City Manager Muehlenbeck advised that no oral report will be presented and that information is included in the packet.

**Discussion and Direction Regarding Council Stipends**

Council Member Stahel spoke to increasing the Council stipend to a reasonable amount, inflation adjustments, and Council Members making up time spent away from their outside jobs. Mayor Pro Tem Lambert spoke to the amount of time spent by the Mayor and Council Members and determining an applicable stipend to match, and to looking at the stipend amount every five years. Council Member Johnson spoke to the requirement of some employers to make up time spent away from the job as well as use vacation time when performing City business. Council Members Callison, LaRosiliere, Magnuson, and Ellerbe spoke to being volunteers, currently being reimbursed for their expenses, awarding funds to other needed areas, and to not going forward with an increase at this time unless the numbers warrant it. Mayor Evans spoke to comparisons with other cities, reporting hours worked, staying with a stipend versus a salary, and summarized that future discussion would be an option should the Council wish to reopen this topic.

**Personnel Appointments – TIF Reinvestment Zone 2 Board**

Upon a motion made by Mayor Pro Tem Lambert and seconded by Council Member Magnuson the Council voted 8-0 to appoint Council Member LaRosiliere as member and Chair.

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

Mayor Evans spoke to placing an item on the July 25 Council agenda to discuss the at-large position on the Arts of Collin County Board currently held by Maher Maso.

**Consent Agenda**

Council Member Stahel advised that he will be stepping down on Consent Item "I," purchase from IBM Direct for network infrastructure, due to a possible conflict of interest.

**Council Reports**

Mayor Pro Tem Lambert advised that Jerry Yancey was elected as president of the North Texas Municipal Water District.

Council Member Stahel spoke to attending the National League of Cities Economic Vitality Conference in Denver and to the arts program in Loveland, Colorado and corresponding festival in a sculpture park with sculptures exhibited from around the country. He spoke to monies made by the City in this event and to Plano looking into this type of program.

Nothing further was discussed. Mayor Evans recessed the meeting at 6:40 p.m.

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary

**PLANO CITY COUNCIL**
**June 27, 2005**

**COUNCIL MEMBERS**
Pat Evans, Mayor
Ken Lambert, Mayor Pro Tem
Scott Johnson, Deputy Mayor Pro Tem
Shep Stahel
Sally Magnuson
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, June 27, at 7:01 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Father Andrew Semler of the Prince of Peace Catholic Community.

The Pledge of Allegiance was led by Cadette Girl Scout Troop 2232 and Explorer Post 911.

Mayor Evans received gifts to the City from Mayor Lin of HsinChu City, delivered by Plano Independent School District students who visited Taiwan. She recognized Tom Wolfe, first ever World Master's Swimmer of the Year and presented proclamations recognizing the Regional Cooperation Award received by Environmental Waste and "July is Parks and Recreation Month."

Mayor Evans presented Certificates of Appreciation to Jim Ryan for his service on the Technology Commission and to Jess Fox for service on the Transportation Advisory Committee.

**GENERAL DISCUSSION**

Sharon Overall, citizen of the City, spoke to discontinuing the practice of renting parks to sports associations which limits availability for citizens.

Jack Lagos, citizen of the City, spoke to joint sharing of the costs of maintenance and operation of the hall planned by the Arts of Collin County. He spoke to the lack of a basis in determining costs based on population, attempts to review the records of the Arts of Collin County Foundation and questioned the need for the foundation. Mr. Lagos spoke to the Council being accountable to its citizens regarding the amount of money being spent on the hall.

## BOARD/COMMISSION REPORTS

### Senior Citizens Advisory Board

Joseph Celso, chair of the Senior Citizens Advisory Board, thanked the Council for the opportunity to speak and Staff for their efforts and spoke to the recently completed survey of senior citizens, workshops to determine plans and solicitation of input. He spoke to the need to be realistic about the feasibility of projects, retaining enthusiasm of board members and increase the level of communication to seniors regarding current programs. Mr. Celso spoke to the perception by seniors that the City is not addressing their need for affordable housing and plans to provide information regarding medical care/prescriptions. He spoke to gathering information regarding issues related to transportation, safety/security, affordable home repairs and legal assistance, to increasing the awareness of services offered at the senior center and to future determination of the impact that has been made in these areas.

Mr. Celso responded to Mayor Pro Tem Lambert, stating that the overall perception is that not enough is being done regarding affordable housing and to bringing additional information back to the Council. He advised that survey responses will be provided to the Council. Council Member Stahel spoke to creating a list of affordable/reliable contacts for home repair.

### Transportation Advisory Committee

Nat Cohen, chair of the Transportation Advisory Committee, provided a summary of the board's activities, work on the "Share the Road" program, recommended revisions to the "Safe Streets" Program, and the monitoring of other boards to stay abreast of issues affecting transportation in the City. He spoke to the board encouraging citizen input, thanked the Council for their support and Staff for their efforts. Transportation Engineering Manager Neal spoke to the Council of Government's work on educational brochures regarding bicycle transportation and advised that when available the City will have these for distribution.

## CONSENT AGENDA

Council Member Stahel requested that Consent Agenda Item "I" be removed for individual consideration due to a possible conflict of interest.

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

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

June 13, 2005

**Approval of Expenditures**

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

To approve Bid No. B181-05 for the 2004-2005 Arterial Concrete Replacement Project, Shiloh Road, Park Boulevard and San Gabriel Drive to Hencie International, Inc. in the amount of $429,850. This project will involve the repair of street paving along Shiloh Road between 14th Street and Park Boulevard, Park Boulevard from Shiloh Road to the east City limits and San Gabriel Drive from Parker Road to Merriman Drive. [Consent Agenda Item (B)] (See Exhibit "A")

To approve Bid No. B189-05 for Ravenglass Drive and View Place Street Reconstruction to McMahon Contracting, LP, in the amount of $584,740. This project consists of the reconstruction of Ravenglass Drive from Park Boulevard to Faringdon Drive and the reconstruction of View Place from Mission Ridge Road to Horizon Place. [Consent Agenda Item (C)] (See Exhibit "B")

To approve Bid No. B169-05 for Prisoner Transport Vehicle to Baby Jack II Automotive LTD in the amount of $38,828. This purchase will be utilized in the Police Department to transport prisoners. [Consent Agenda Item (D)] (See Exhibit "C")

To approve Bid No. B170-05 for Food Transport Vehicle to Baby Jack II Automotive LTD in the amount of $28,941. This vehicle will be utilized in Dept. 128 Civic Center Operations. [Consent Agenda Item (E)] (See Exhibit "D")

To approve Bid No. C099-04 for Batteries: Automotive/Truck/Marine to Metroplex Battery, Continental Battery and Park Cities Ford in the estimated annual amount of $28,504 for an annual contract with renewals. [Consent Agenda Item (F)] (See Exhibit "E")

**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 (1) Super Vac Special Service Walk-In Aluminum Body on a Spartan Motors Custom Aluminum Chassis in the amount of $652,646 from Metro Fire Apparatus Specialist, Inc., through H-GAC Cooperative Purchasing Program contract and authorizing the City Manager to execute any and all documents necessary to effectuate this purchase. (FS10-03) [Consent Agenda Item (G)]

To authorize the purchase of carpet and cove base installation in the amount of $45,027 from Gomez Floor Covering, Inc. through a Texas Association of School Boards contract, and authorizing the City Manager to execute all necessary documents. (Texas Association of School Boards Contract Number #167-03). [Consent Agenda Item (H)]

To authorize the purchase of new weight equipment in the amount of $29,732 from Life Fitness through a TXMAS contract, and authorizing the City Manager to execute all necessary documents. (TXMAS Contract No. 5-78040). [Consent Agenda Item (J)]

To authorize the purchase of Milliken Brand Carpet in the amount of $139,082 from Milliken Carpet through a US Communities contract, and authorizing the City Manager to execute all documents. (Communities Contract Number MQ# 03-1564). [Consent Agenda Item (K)]

To authorize the purchase of handheld and moving radar units in the amount of $93,025 from Applied Concepts through a H-GAC contract, and authorizing the City Manager to execute all necessary documents. (H-GAC Contract No. EF04-05) [Consent Agenda Item (L)]

To authorize the purchase of fire protective clothing for structural fire fighting in the amount of $39,313 from Quaker Safety Products Corporation through City of Plano Contract No. C037-04, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (M)]

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

To approve and authorize a contract with Carter & Burgess, Inc. to provide engineering services in conjunction with pond dredging at Big Lake Park pond in an amount not to exceed $57,000, and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. [Consent Agenda Item (N)]

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

To Rone Engineers, Ltd. increasing the professional services contract by $6,850 for Premier Drive – Ruisseau Drive to Heritage Drive, Contract Modification No. 1. [Consent Agenda Item (O)]

**Approval of Reimbursement of Oversize Participation**

To approve and authorize reimbursement to Daltex Mapleshade, Inc. for oversize paving participation in Mapleshade Road in the amount of $33,340. [Consent Agenda Item (P)]

To approve and authorize reimbursement to Preston Parker, LP, for oversize participation for paving improvements in Tulane Drive associated with construction of Preston Lakes, Phase III Addition, in the amount of $110,236. [Consent Agenda Item (Q)]

**Adoption of Resolutions**

**Resolution No. 2005-6-18(R):** To approve the terms and conditions of an agreement between the City of Plano and the Plano International Festival, authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (R)]

**Resolution No. 2005-6-19(R):** To authorize the purchase of specialized online database library materials for the Plano Public Library System in the amount of $30,622 from *info*USA, a sole source supplier of such materials; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date. [Consent Agenda Item (S)]

**Resolution No. 2005-6-20(R):** To approve the terms and conditions of an agreement by and between the City of Plano, Texas and Lexington Luxury Builders LLC., a Texas Limited Liability Corporation, to provide an exclusive period for the negotiation of a development agreement for the redevelopment of the Rice Field and Bahi properties located at the southwest corner of 18th Street and Avenue G, in the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (T)]

**Resolution No. 2005-6-21(R):** To adopt the implementation of the National Incident Management System (NIMS); and providing an effective date. [Consent Agenda Item (U)]

**Resolution No. 2005-6-22(R):** To authorize the purchase of software and support services related to the expansion of the existing energy management system to include control of HVAC systems at Liberty Recreation Center from Johnson Controls, Inc., the sole source supplier of such a system; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase in the amount of $34,550; and providing an effective date. [Consent Agenda Item (V)]

**Resolution No. 2005-6-23(R):** To approve the terms and conditions of a Real Estate Agreement by and between the City of Plano, Texas, and GKN Venture, Ltd., for the acquisition of a 0.874 acre sanitary sewer easement, a 2.774 acre temporary construction easement, and a 0.447 acre temporary access easement, all located north of Ridgeview Drive and west of Independence Parkway, in the City of Plano, Collin County, Texas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (W)]

**Resolution No. 2005-6-24(R):** To approve the establishment of a Chapter 380 grant pursuant to the terms and conditions of a park development and maintenance agreement for Bishop Road by and between EDS Information Services L.L.C. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (X)]

**Adoption of Ordinances**

**Ordinance No. 2005-6-25:** To abandon all right, title and interest of the City, in and to that certain 24' fire lane, access and utility easement recorded in Volume 5779 at Page 3165 of the Collin County Land Records and being situated in the Mary Ann Taylor Survey, Abstract Number 897 and located west of Dallas North Tollway and approximately 2550 feet south of Park Boulevard in 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, Sewell Village Cadillac Company Inc., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (Y)]

**Ordinance No. 2005-6-26:** To amend Chapter 12, Motor Vehicles and Traffic, Article IV, Speed, Section 12-73(b) of the City of Plano Code of Ordinances, to establish school zones on Cloverhaven Way, Marsalis Lane, and Mosswood Drive during the time periods of 7:15 a.m. through 8:15 a.m., and 2:30 p.m. through 3:15 p.m. on school days; and providing a severability clause, a penalty clause, and an effective date. [Consent Agenda Item (Z)]

**Ordinance No. 2005-6-27:** To amend Article IV, Peddlers and Solicitors, of Chapter 11, Licenses and Business Regulations, of the Code of Ordinances of the City of Plano to comply with state law requirements for solicitation in rights-of-way; providing a penalty clause; a severability clause; a repealing clause; a publication clause; and an effective date. [Consent Agenda Item (AA)]

**Ordinance No. 2005-6-28:** To repeal amended Ordinance No. 2005-2-8; establishing the number of certain classifications within the Police and Fire Departments for fiscal year 2004-2005; establishing the authorized number and effective dates of such positions for each classification effective October 4, 2004 and February 14, 2005 and April 1, 2005 and June 13, 2005 respectively; establishing a salary plan for the Police and Fire Departments effective October 4, 2004; and providing a repealer clause, a severability clause and an effective date. [Consent Agenda Item (BB)]

**Ordinance No. 2005-6-29:** To adopt and enact Supplement Number 69 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date. [Consent Agenda Item (CC)]

**END OF CONSENT**

Due to a possible conflict of interest, Council Member Stahel stepped down from the bench on the following item.

**Purchase from Existing Contract/Agreement** - To authorize the purchase of network infrastructure equipment in the amount of $108,547 from IBM Direct through the Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR#SDD-190) [Consent Agenda Item (I)]

Upon a motion made by Deputy Mayor Pro Tem Johnson and seconded by Council Member Callison, the Council voted 7-0 to authorize the purchase of network infrastructure equipment in the amount of $108,547 from IBM Direct through the Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents.

Council Member Stahel resumed his place on the bench.

**Council discussion and direction** regarding selection of a Deferred Compensation Administrator. [Regular Agenda Item (1)]

Consultant Al DiCristofaro spoke to the City's 457 Plan being an employee supplemental program which offers pre-tax savings and includes only employee money. He advised that there are 750 active participants, $35+ million in assets and stated that this is the first review of the program since 1981. Mr. DiCristofaro spoke regarding the City's fiduciary responsibilities for the fund and outlined the RFP process. He advised that the Deferred Compensation Steering Committee recommended ICMA-RC and spoke to benefits in the areas of plan expenses, investment options, education/training and administration. Mr. DiCristofaro summarized the objectives accomplished including participants not losing money in transition, lower expense structure, an improved investment menu, better education and services, no future "exit" fees, simplified administration for the City and the City having exercised its fiduciary responsibility. He requested Council direction to negotiate with ICMA-RC to complete a contract for Council approval and implement a new program.

Mr. DiCristofaro responded to the Council that ICMA-RC was the only not-for-profit firm considered, that the cost for participation is the administrative cost and spoke regarding the funds offered. Council Member Stahel spoke to the savings in expenses that will be realized and getting more employee participation. Deputy Mayor Pro Tem Johnson spoke to published information being transparent for the participants.

Upon a motion made by Council Member Ellerbe and seconded by Council Member Stahel, the Council voted 8-0 to move forward with negotiating a contract for consideration by the Council with ICMA-RC.

**Public Hearing** for consideration of funding options for S.H. 121 main lanes from Dallas North Toll Road to U.S. 75. [Regular Agenda Item (2)]

City Engineer Upchurch spoke to the June 13, 2005 presentation providing information from a funding feasibility report for construction of the main lanes of S.H. 121 and stated that TxDOT indicates that funding for freeway lanes could be twenty years in the future so that tolling becomes an option. He stated that TxDOT has indicated that cities and Collin County should determine support for a tollroad by August 15, 2005 and stated that details of revenue sharing would be resolved at a later time through agreement by all parties.

City Engineer Upchurch spoke to the possibility that there would be a delay in completing connectors and that movements at some locations would be possible by use of a service road and signalized intersections.

Mayor Evans opened the Public Hearing. Barbara Johnson, citizen of the City, spoke in opposition to attempts to toll a road already established, to tolling being opportunistic, and to placement of state vehicle and transportation related taxes into the General Revenue Fund allowing the legislature to rationalize new or increased tolls. She spoke to paying for new roads with additional fuel taxes and using all fuel taxes and fees for road improvements only, and requested the Council "say no" to tolling S.H. 121. Mayor Pro Tem Lambert spoke to the percentage of gas tax funds going to education, the Department of Public Safety and school busses. Council Member Stahel spoke to there not being an increase of gas taxes in twenty years.

Stan Liebowitz, citizen of the City, spoke in opposition to a tollroad because monies will be used for roads in other places. He spoke to the Council including a provision limiting the toll to the amount covering the costs for construction and maintenance of S.H. 121. Randy Jennings, citizen of the City, spoke to the small amount of road money received in Collin County, tolling resulting in a delayed opening and to double taxation. He spoke to vehicles using secondary streets resulting in congestion, air pollution, maintenance and safety problems. Mr. Jennings spoke to delaying a decision and excess revenue bailing out tollroads in other areas.

Sharon Overall, citizen of the City, spoke in opposition to tollroads, stated they are not a fair means of taxation, spoke to raising other taxes for the roadway, the deterrent a tollroad would be for retail development and to its economic impact. Council Member Stahel spoke to receiving information regarding the effect a tollroad would have on retail sites. John Woolard, citizen of the City, spoke in opposition to tolling S.H. 121 and inquired if there was a provision to revert the roadway to non-paying once it was paid for. Mr. Upchurch spoke to the bonds being long-term in nature, advised that details regarding revenue sharing are yet to be resolved, and spoke to the system-wide approach. Ryan McCabe, citizen of the City, spoke to considering "naming right" as a method of financing the roadway. No one else spoke either for or against the request. The Public Hearing was closed.

**Public Hearing for Consideration of Funding Options for S.H. 121 Main Lanes (cont'd)**

Council Member Stahel spoke to developing a specific business proposition including determination of: whether all or part of the roadway will be tolled; the allocation and percentages the City will receive of extra bond monies or excess revenue (will it be based on the contribution of right-of-way, case, population, etc.); what the fee will be and will it tie into whether or not there will be excess revenue; and defining the list of "near neighbor projects." Council Member Ellerbe spoke to not having answers until the other cities decide what they will do.

City Manager Muehlenbeck stated that if information is compiled and the Council decides to toll, it could be done unilaterally and spoke to checking with TxDOT/North Texas Tollway Authority to determine the impact on their timing and complications with other cities. Council Member Stahel stated that if a decision was made to toll under stipulations, and other cities disagree, a committee can then negotiate. He spoke to being definitive in terms of decision-making up front to send a clear signal and have high confidence that an appropriate decision is being made. Deputy Mayor Pro Tem Johnson spoke to the City taking matters into its control resulting in a stronger bargaining position.

Mayor Evans spoke to some matters being negotiable and some set in the study, a change in toll amounts impacting interchanges, to "near neighbor" projects being defined within the limits of the four cities, to negotiating percentages and to stating preferences and having Staff draw up the best case scenario. Deputy Mayor Pro Tem Johnson questioned the need to make a decision by August 15 and City Engineer Upchurch stated that a mid-August date will determine program funding. He spoke to the possibility that if an initial decision is made to toll, and a final agreement cannot be reached a determination would be needed as to whether or not the City would be locked into a decision.

Mayor Pro Tem Lambert stated concern regarding the possibility that anticipated excess revenue would generate the ability to debt service more money than is needed to build the roadway and that the excess rate generates a profit that can then be utilized for another roadway within the district that is losing money. He questioned whether excess funds could be used for maintenance and spoke to scenarios where bonds are almost paid off, then other projects are started with more bonds being sold. Mr. Lambert spoke to identifying why a deadline has been imposed and stated that if nothing is done, six lanes of service road, a tollroad from I-35 to the Dallas North Tollway and the main lanes to Hillcrest will be completed. He spoke the lack of flexibility, the ten-year plan, state gas tax only covering maintenance and the lack of funds to build major roadway systems. Mr. Lambert spoke to giving conditional approval and the cities and county getting together for discussion.

City Manager Muehlenbeck spoke to the alternatives of the road being a freeway, issuing more debt than it would take and utilizing it back to build some local projects where excess funds from tolls would flow back to the City in a formula basis or not looking for excess monies to be returned to the City. He spoke to possibly issuing the exact amount of debt to build the roadway/interchanges and nothing more and bringing it back as an alternative for Council consideration.

**Public Hearing for Consideration of Funding Options for S.H. 121 Main Lanes (cont'd)**

Council Member Stahel stated that if excess bond money and excess revenue were removed, it would eliminate the need to determine an allocation formula and its basis and get down to building the roadway. Deputy Mayor Pro Tem Johnson spoke to roadways paying for themselves and not commingling S.H. 121 with other projects so that it pays for itself and does not subsidize other projects.

Mayor Pro Tem Lambert spoke to tolls on S.H. 121 enabling those in other areas to receive expanded roads. He stated that if tolling is done it should be with conditions. City Manager Muehlenbeck advised the Council that the item will be brought back again on July 25.

Council Member LaRosiliere spoke to being fiscally responsible and to considering revenue sharing, defining local projects and to clarifying the options for revenue so as to make a more informed decision. Council Member Callison spoke to receiving a more detailed commitment. Mayor Pro Tem Lambert spoke regarding the August 15 deadline because of the Transportation Improvement Program for the region and to the possibility of later modifications. Council Member Stahel spoke regarding the usefulness of discussions and to increasing the City's negotiating leverage by laying out a specific plan. Council Member Ellerbe spoke to considering whether S.H. 121 is a road unto itself or a part of the county's thoroughfare system.

**Public Hearing and adoption of Ordinance No. 2005-6-30** to approve a project for construction of Shiloh Road from Royal Oaks Drive to Parker Road, requiring the use or taking of a portion of City of Plano public Park Land located in the Santa Fe Trail south of Parker Road, 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. [Regular Agenda Item (3)]

City Engineer Upchurch spoke to using a portion of Santa Fe Trail Linear Park for the extension of Shiloh Road from Royal Oaks Drive to Parker Road. He reviewed plans for the roadway and advised that there is no feasible and prudent alternative to the use or taking of the park land as proposed by the project and that the project includes all reasonable planning to minimize harm to the park land resulting from the use or taking. Mr. Upchurch stated that the Parks and Recreation Planning Board recommended approval of the project as presented. He responded to Council Member Stahel that the bike trail will go under Shiloh Road.

Mayor Evans opened the Public Hearing. Patty Crosby, citizen of the City, spoke in opposition to the request and City Engineer Upchurch provided information regarding the trees to be removed, stated that the ultimate design is four lanes and includes a stop sign at Royal Oaks Drive as it intersects Shiloh Road but will not include one on Shiloh Road.

**Ordinance No. 2005-6-30 (cont'd)**

Kelly Crosby, citizen of the City, stated concern that Shiloh Road will become a direct route from U.S. 75 to S.H. 190 and to designating the roadway as a "No Truck Route." City Engineer Upchurch responded that the roadway is a Type D thoroughfare, that the Council could consider this recommendation, and that the speed limit will be 30 MPH. Jason Freis, citizen of the City, expressed his opposition to the Shiloh Road expansion citing the increase in traffic and traffic-related noise, the danger to residents and children who enjoy easy access to Bob Woodruff Park and the negative impact the roadway will have on the outdoor learning center. Mayor Pro Tem Lambert spoke to the 1998 resolution tying expansion to either the level of service at Parker Road/Jupiter Road or June 30, 2005, whichever occurred first. Mr. Freis requested tying the expansion back to the usage at Parker Road/Jupiter Road. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Mayor Pro Tem Lambert and seconded by Council Member Ellerbe, the Council voted 8-0 to approve a project for construction of Shiloh Road from Royal Oaks Drive to Parker Road, requiring the use or taking of a portion of City of Plano public Park Land located in the Santa Fe Trail south of Parker Road, 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; and further to adopt Ordinance No. 2005-6-30.

**Resolution No. 2005-6-31(R):** To approve the construction of Shiloh Road from Royal Oaks Drive to Parker Road being in the Daniel Rowlett Survey, Abstract No. 738, City of Plano, Collin County, Texas across a portion of park located in the Santa Fe Trail south of Parker Road; and authorizing the execution of a Special Warranty Deed by the City Manager; and providing an effective date. [Regular Agenda Item (4)]

Upon a motion made by Council Member Magnuson and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 8-0 to approve the construction of Shiloh Road from Royal Oaks Drive to Parker Road being in the Daniel Rowlett Survey, Abstract No. 738, City of Plano, Collin County, Texas across a portion of park located in the Santa Fe Trail south of Parker Road; and authorizing the execution of a Special Warranty Deed by the City Manager; and providing an effective date; and to adopt Resolution No. 2005-6-31(R).

**Public Hearing and direction** on the design of Shiloh Road extension from Royal Oaks Drive to Parker Road. [Regular Agenda Item (5)]

**Public Hearing and direction on the design of Shiloh Road extension (cont'd)**

City Engineer Upchurch reviewed the proposed design including relocation of the hike/bike trail, widening of the roadway to four lanes as it meets Spring Creek Parkway, trees that will need to be removed and those that will be replaced, and further spoke to spacing of lighting. He responded to the Council that the second two lanes will be constructed when the average daily traffic volume exceeds 80% of capacity. Mr. Upchurch stated that if the roadway is not completed on time, the land on which Shiloh Road was built and a portion of the park land will revert to the property owner.

Mayor Evans opened the Public Hearing. Richard Simmons, citizen of the City, spoke to his participation in development of the 1998 resolution calling for the expansion of Shiloh Road and to possibly looking at stop signs and signals as a way to control the traffic volume. Aaron Sharp, citizen of the City, inquired regarding the start date of the project. Mr. Upchurch responded that construction would begin in four to five months with completion by June 30, 2006. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Mayor Pro Tem Lambert and seconded by Council Member Ellerbe, the Council voted 8-0 to approve the design of the Shiloh Road extension from Royal Oaks Drive to Parker Road as submitted.

**Public Hearing and adoption of Ordinance No. 2005-6-32 as requested in Zoning Case 2005-17** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 29.7± acres located at the northwest corner of Kings Manor Lane and Spring Creek Parkway in the City of Plano, Collin County, Texas, from Multifamily Residence-2 to Planned Development-160-Patio Home (PD-160-PH); 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: Prosper Land Company [Regular Agenda Item (6)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as PD-PH with the following stipulations:

1. Maximum lot coverage: 60% for primary and accessory buildings.

2. Minimum front yard: Ten feet; 20 feet from garage.

3. Minimum side yard adjacent to Spring Creek Parkway: Ten feet; provided that a ten-foot landscape buffer is established adjacent to the right-of-way.

4. Minimum rear yard adjacent to Spring Creek Parkway: 12 feet; provided that a ten-foot landscape buffer is established adjacent to the right-of-way.

5. Off-street parking required at a rate of one-half space per lot, only for lots with less than 55 feet of frontage.

**Ordinance No. 2005-6-32 (cont'd)**

6. Minimum usable open space: 6%. Usable open space must be located within 1,000 feet of each residential lot as measured along the street.

7. Minimum lot size: 5,000 square feet.

Ms. Jarrell responded to Mayor Pro Tem Lambert, stating that there will be 115 lots.

Mayor Evans opened the Public Hearing. David Kalhoefer, representing the applicant, reviewed plans for the development, advised that maintenance of the water feature will be done by the homeowners association and that the anticipated price range would be $300,000-$600,000. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Mayor Pro Tem Lambert and seconded by Council Member Callison, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 29.7± acres located at the northwest corner of Kings Manor Lane and Spring Creek Parkway in the City of Plano, Collin County, Texas, from Multifamily Residence-2 to Planned Development-160-Patio Home (PD-160-PH) as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2005-17; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2005-6-32.

**Public Hearing and adoption of Ordinance No. 2005-6-33 as requested in Zoning Case 2005-18** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 8.7± acres located at the southeast corner of Dallas North Tollway and Tennyson Parkway in the City of Plano, Collin County, Texas, from Commercial Employment to Central Business-1; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: EDS Information Services [Regular Agenda Item (7)]

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

Mayor Evans opened the Public Hearing. Ashley Frysinger, representing the applicant, reviewed plans for the development. No one else spoke either for or against the request. The Public Hearing was closed.

**Ordinance No. 2005-6-33 (cont'd)**

Upon a motion made by Council Member Magnuson and seconded by Council Member LaRosiliere, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 8.7± acres located at the southeast corner of Dallas North Tollway and Tennyson Parkway in the City of Plano, Collin County, Texas, from Commercial Employment to Central Business-1 as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2005-18; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2005-6-33.

**Public Hearing and adoption of Ordinance No. 2005-6-34 as requested in Zoning Case 2005-20** – To amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) and additional subsections of Article 2 (Zoning Districts and Uses), planned developments, and specific use permits of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, pertaining to manufacturing uses; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano [Regular Agenda Item (8)]

Director of Planning Jarrell spoke to Council's request that Staff review the Zoning Ordinance standards related to manufacturing uses and ensuring that definitions are adequate to address the current economic sector while protecting the community. She advised that by expanding the categories, the City will be better able to distinguish between businesses based on their intensity and then locating them appropriately. Ms. Jarrell spoke to moderate use being allowed in the Research/Technology district keeping in mind that there are regulations regarding open storage and dock doors and that heavy intensity uses would be reviewed via specific use permit on a case-by-case basis.

Ms. Jarrell advised that the Planning and Zoning Commission recommended approval as follows: (Additions are indicated by underlined text; deletions are indicated by strikethrough text.)

1) Amend definitions in Section 1.600 (Definitions) of Article 1 (General Regulations) of the Zoning Ordinance, deleting the definitions for limited assembly and manufacturing and general manufacturing and creating new definitions for light-intensity manufacturing, moderate-intensity manufacturing, and heavy-intensity manufacturing to read as follows:

   <u>Light-intensity Manufacturing - Indoor assembly and manufacturing of finished products or parts from previously prepared materials and parts. Fabrication may be used in limited form to shape or define the final product but shall not comprise the primary activity of such operations.</u>

**Ordinance No. 2005-6-34 (cont'd)**

Moderate-intensity Manufacturing - Manufacturing of finished products and component products or parts, including the transportation, treatment, or processing of materials or substances, exclusive of basic industrial processing.

Heavy-intensity Manufacturing - Basic industrial processing which transforms materials, particularly raw materials, into a new substance, compound, or product. Uses include, but are not limited to, meat packing, chemical and petroleum processing and manufacturing, and foundries.

2) Amend the use charts in Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) of the Zoning Ordinance, deleting limited assembly and manufacturing use complying with performance standards and general manufacturing/industrial use complying with performance standards; permitting light-intensity manufacturing use by right in the LC, CE, LI-1, LI-2, RE, RC, RT, and CC zoning districts and by specific use permit and residential adjacency standards in the R district; allowing moderate-intensity manufacturing use by right in the CE, RT, LI-1, and LI-2 zoning districts and by specific use permit in the LC zoning district; allowing heavy-intensity manufacturing use by specific use permit in the CE, RT, LI-1, and LI-2 zoning districts.

3) Replace references to limited assembly and manufacturing use complying with performance standards throughout the Zoning Ordinance with light-intensity manufacturing.

4) Replace references to general manufacturing throughout the Zoning Ordinance with moderate-intensity manufacturing.

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 Mayor Pro Tem Lambert and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 8-0 to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) and additional subsections of Article 2 (Zoning Districts and Uses), planned developments, and specific use permits of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, pertaining to manufacturing uses as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2005-20; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2005-6-34.

There being no further discussion, Mayor Evans adjourned the meeting at 10:24 p.m.

**Pat Evans, MAYOR**

ATTEST:

**Elaine Bealke, City Secretary**

Exhibit "A" to 06-27-05 Minutes

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☒ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | 6/27/05 | Reviewed by Legal | ☐ Yes | ☒ Not Applicable |
| Department: | Public Works Administration / Michael Rapplean | | Initials | Date |
| Department Head | Jimmy Foster | Executive Director | | 6.20.05 |
| Dept Signature: | | City Manager | | 6/20/05 |
| Agenda Coordinator (include phone #): | Margie Stephens (X4104) | | | |

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

## CAPTION

***Award/Rejection of Bid/Proposal for Bid No. B181-05 for the 2004-2005 Arterial Concrete Replacement Project, Shiloh Road, Park Boulevard, and San Gabriel Drive to Hencie International, Inc. in the amount of $429,850.00.***

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☒ CIP

| FISCAL YEAR: 2004-05 | Prior Year (CIP Only) | Current Year | Future Years | TOTALS |
|---|---|---|---|---|
| Budget | 848,752 | 2,917,248 | 1,800,000 | **5,566,000** |
| Encumbered/Expended Amount | -848,752 | -3,475,342 | 0 | **-4,324,094** |
| This Item | 0 | -429,850 | 0 | **-429,850** |
| BALANCE | 0 | -987,944 | 1,800,000 | **812,056** |

**FUND(S):** CAPITAL RESERVE

**COMMENTS:** Funds are included in the 2004-05 Capital Reserve Fund. This item, in the amount of $429,850, will exceed the current year balance by $987,944 for the Arterial Concrete Repair project. The overage will be funded through saving and reallocation of the other street capital reserve projects.

STRATEGIC PLAN GOAL: Arterial Concrete Repair relates to the City's Goal of Safe, Efficient Travel.

## SUMMARY OF ITEM

**Staff recommends bid of Hencie International, Inc. in the amount of $429,850.00 be accepted as the lowest responsible bid for the project conditioned upon timely execution of all necessary documents.**

**This project will involve the repair of street paving along Shiloh Road between 14th Street and Park Boulevard, Park Boulevard from Shiloh Road to the east City Limits and San Gabriel Drive from Parker to Merriman Drive.**

**The secondary vendor being recommended is Jim Bowman Construction Co. LP in the amount of $600,000.00.**

**Engineer's Estimate for the contract was $ 650,000.00.**

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| **Bid Tabulation**<br>**Location Map** | |

REV 08/98

Exhibit "B" to 06-27-05 Minutes

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☒ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | 06/27/05 | Reviewed by Legal | ☐ Yes | ☒ Not Applicable |
| Department: | Engineering | | Initials | Date |
| Department Head | Upchurch | Executive Director | | 6/22/05 |
| Dept Signature: | | City Manager | | 6/22/05 |
| Agenda Coordinator (include phone #): | Irene Pegues (7198) | | Project No. 5502 | |

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

## CAPTION

Award/Rejection of Bid for Bid No. B189-05 for Ravenglass Drive and View Place Street Reconstruction to McMahon Contracting, LP, in the amount of $584,739.90.

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☒ CIP

| FISCAL YEAR: 2004-05 | Prior Year (CIP Only) | Current Year | Future Years | TOTALS |
|---|---|---|---|---|
| Budget | 0 | 535,000 | 0 | **535,000** |
| Encumbered/Expended Amount | 0 | -59,500 | 0 | **-59,500** |
| This Item | 0 | -584,740 | 0 | **-584,740** |
| BALANCE | **0** | **-109,240** | **0** | **-109,240** |

**FUND(S):** **STREET IMPROVEMENT CIP & WATER CIP**

**COMMENTS:** Funds are available in the 2004-05 Street Improvement CIP and Water CIP. This item, in the amount of $584,740, will exceed the current year balance by $109,240 for the Ravenglass and View Place projects. The overage will be funded through saving and reallocation from the Pecan Lane and Jupiter – Parker to Royal Oaks projects.

STRATEGIC PLAN GOAL: Reconstruction relates to the City's Goal of Safe and Efficient Travel and Safe, Livable Neighborhoods.

## SUMMARY OF ITEM

Staff recommends bid of McMahon Contracting, L.P., in the amount of $584,739.90, be accepted as lowest responsible bid conditioned upon timely execution of any necessary contract documents.

The second vendor being recommended is Jim Bowman Construction Co., L.P. in the amount of $625,269.26.

Engineers' estimate was $525,000.00.

The project consists of the reconstruction of Ravenglass Drive from Park Boulevard to Faringdon Drive and the reconstruction of View Place from Mission Ridge Road to Horizon Place.

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| Bid Summary<br>Location Map | N/A |

Exhibit "C" to 06-27-05 Minutes

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☒ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | 6/27/05 | Reviewed by Legal | ☐ Yes | ☒ Not Applicable |
| Department: | Purchasing | | Initials | Date |
| Department Head | Mike Ryan | Executive Director | | |
| Dept Signature: | Diane Palmer for | City Manager | | 6/20/05 |
| Agenda Coordinator (include phone #): | Lauren Roberts Ext. 7248 | | | |

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

## CAPTION

Award/Rejection of Bid/Proposal for Bid No B169-05 for Prisoner Transport Vehicle to Baby Jack II Automotive LTD in the amount of $38,828.

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☒ OPERATING EXPENSE ☐ REVENUE ☐ CIP

| FISCAL YEAR: 04/05 | Prior Year (CIP Only) | Current Year | Future Years | TOTALS |
|---|---|---|---|---|
| Budget | 0 | 30,000 | 0 | **30,000** |
| Encumbered/Expended Amount | 0 | 0 | 0 | **0** |
| This Item | 0 | -38,828 | 0 | **-38,828** |
| BALANCE | 0 | -8,828 | 0 | **-8,828** |

FUND(S): GENERAL FUND AND EQUIPMENT REPLACEMENT FUND

**COMMENTS:** Funds are included in the FY 2004-05 approved budget for this vehicle. The overage will come from funds available in the Equipment Replacement Fund balance.

STRATEGIC PLAN GOAL: Police Vehicle replacement relates to the City's Goal of "Safe, Livable Neighborhoods".

## SUMMARY OF ITEM

Equipment Services requests the purchase of a Prisoner Transport Vehicle from Baby Jack II Automotive LTD the lowest responsible bidder meeting specifications. This purchase will be utilized in the Police Department to transport prisoners.

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| Bid Summary | |

REV 08/98

a-22

Exhibit "D" to 06-27-05 Minutes

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☒ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | 6/27/05 | Reviewed by Legal | ☐ Yes | ☒ Not Applicable |
| Department: | Purchasing | | Initials | Date |
| Department Head | Mike Ryan | Executive Director | | |
| Dept Signature: | | City Manager | | |
| Agenda Coordinator (include phone #): | Lauren Roberts Ext. 7248 | | | |

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

## CAPTION

Award/Rejection of Bid/Proposal for Bid No B170-05 for Food Transport Vehicle to Baby Jack II Automotive LTD in the amount of $28,941.

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☒ OPERATING EXPENSE ☐ REVENUE ☐ CIP

| FISCAL YEAR: 04/05 | Prior Year (CIP Only) | Current Year | Future Years | TOTALS |
|---|---|---|---|---|
| Budget | 0 | 28,000 | 0 | **28,000** |
| Encumbered/Expended Amount | 0 | 0 | 0 | **0** |
| This Item | 0 | -28,941 | 0 | **-28,941** |
| BALANCE | 0 | -941 | 0 | **-941** |

**FUND(S): EQUIPMENT REPLACEMENT FUND**

**COMMENTS:** Funds are included in the FY 2004-05 approved budget for the purchase of (1) food transport vehicle for use in the Civic Center Department. The overage will be funded from savings in other rolling stock and equipment replacement purchases.

STRATEGIC PLAN GOAL: The purchase of vehicles in the City's fleet relates to the City's Goal of "Service Excellence".

## SUMMARY OF ITEM

Equipment Services requests the purchase of (1) Food Transport Vehicle from Baby Jack II Automotive LTD as the lowest responsible bidder meeting specifications. This vehicle will be utilized in Dept. 128 Civic Center Operations.

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| Bid Summary | |

REV 08/98

Exhibit "E" to 06-27-05 Minutes

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☒ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | 06/27/05 | Reviewed by Legal | ☐ Yes | ☒ Not Applicable |
| Department: | Purchasing | | Initials | Date |
| Department Head | Mike Ryan | Executive Director | | |
| Dept Signature: | Diane Palmer for | City Manager | | 6/20/05 |
| Agenda Coordinator (include phone #): | Glenna Hayes x 7074 | | | |

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

## CAPTION

Award/Rejection of Bid/Proposal for Bid No C099-04 for Batteries: Automotive/Truck/Marine to Metroplex Battery, Continental Battery and Park Cities Ford in the estimated annual amount of $28504.16.

## 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 | | 0 | |
| BALANCE | 0 | | 0 | |

FUND(S): WAREHOUSE

Comments: THIS ITEM APPROVES PRICE QUOTES. EXPENDITURES WILL BE MADE IN THE WAREHOUSE FUND WITHIN THE APPROVED BUDGET APPROPRIATIONS. THE ESTIMATED ANNUAL AMOUNT IS $28,504.

STRAGIC PLAN GOAL: This item relates to the City's goal of "Service Excellence".

## SUMMARY OF ITEM

### Annual Contract with Renewals

Staff recommends bid of Park Cities Ford (line items 8 & 13) in an estimated amount of $16,580.40; Continental Battery (line items 9 & 10) in an estimated amount of $6,023.76; Metroplex Battery (line item 1-7, 11-12, 18) in an estimated amount of $5900.00; be accepted as the lowest responsive, responsible bids meeting specifications for Batteries – Automotive/Truck/Marine (C099-04).

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| Bid Recap; | |

REV 08/98

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☒ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | 7/25/05 | Reviewed by Legal | ☐ Yes | ☒ Not Applicable |
| Department: | Purchasing | | Initials | Date |
| Department Head | Mike Ryan | Executive Director | | |
| Dept Signature: | | City Manager | | 7/18/05 |
| Agenda Coordinator (include phone #): | Lauren Roberts Ext. 7248 | | | |

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

## CAPTION

Award/Rejection of Bid/Proposal for Bid No B144-05 for Portable Trommel Screen to Norton Environmental Equipment in the amount of $307,549.

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☒ OPERATING EXPENSE ☐ REVENUE ☐ CIP

| FISCAL YEAR: | Prior Year (CIP Only) | Current Year | Future Years | TOTALS |
|---|---|---|---|---|
| Budget | 0 | 190,000 | 0 | **190,000** |
| Encumbered/Expended Amount | 0 | 0 | 0 | **0** |
| This Item | 0 | -307,549 | 0 | **-307,549** |
| BALANCE | 0 | -117,549 | 0 | **-117,549** |

**FUND(S): ENVIRONMENTAL WASTE**

**COMMENTS:** This item approves price quotes for a Portable Trommel Screen. This item is a companion agenda item and is contingent upon the approval of a supplemental appropriation approving the Trommel Screen in excess of $117,549 from the original budgeted amount.

STRATEGIC PLAN GOAL: A Trommel Screen relates to the City's Goal of "Service Excellence".

## SUMMARY OF ITEM

Environmental Waste requests the purchase of (1) Portable Trommel Screen from Norton Environmental Equipment as the lowest responsible bidder meeting specifications. The screen will be utilized in the Environmental Waste Department.

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| Bid Summary<br>Environmental Waste Memo | |

REV 08/98

b-1

# CITY OF PLANO

BID NO. B144-05

Portable Trommel Screen

BID SUMMARY

---

**Bid opening Date/Time:** 4/25/05 @ 3:00PM
**Number of Vendors Notified:** 1,355
**Number of Vendor No Bids:** 21

| **Responsive Bidders:** | **Total Bid** |
|---|---|
| **Norton Environmental Equipment** | **$307,549** |

*All other vendors did not meet specifications.

---

*Lauren Roberts* — *7/19/05*

Lauren Roberts, Buyer — Date

b-2

P.O. Box 860358
Plano, Texas 75086-
0358
214-964-4140

Plano
All-America City

# MEMORANDUM

DATE: June 17, 2005

TO: Mike Ryan, Purchasing Officer

FROM: Nancy Nevil, Environmental Waste Services Manager

RE: B144-05 Portable Trommel Screen Bid Evaluation

Three bids were received for the portable trommel screen. The low bidder, Wildcat, does not meet our specifications. The plastic separator they are proposing is made by a German company called Beyer and has never been installed on their machine, is not in operation in the United States (only in Europe) and the distributor told me he cannot guarantee that there won't be problems with this unit as proposed by Wildcat. The specification reads "The machine and all major functions of the machine must have been operated in the field for a minimum of one year."

The next lowest bidder, McCourt & Sons, also does not meet the specifications for the same reason. Paul McCourt from McCourt & Sons informed me they have installed their first plastic separator on a McCluskey trommel screen in Florida and determined that it will not be sufficient to handle our material.

Therefore, we recommend award of bid to Norton Environmental Equipment in the amount of $307,549.

Please let me know if you need additional information.

c: Rusty Thomas, Compost Operations Supervisor
Lauren Roberts, Purchasing Agent

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☒ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | 7/25/05 | Reviewed by Legal | ☐ Yes | ☒ Not Applicable |
| Department: | Purchasing | | Initials | Date |
| Department Head | Mike Ryan | Executive Director | | |
| Dept Signature: | | City Manager | | 6/28/05 |
| Agenda Coordinator (include phone #): | Sharron Mason, Ext. 7247 | | | |

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

## CAPTION

*Award/Rejection of Bid/Proposal for Bid No. C183-05 for Linen Service for Plano Centre to Metro Linen. in the estimated annual amount of $39,328.65.*

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☒ OPERATING EXPENSE ☐ REVENUE ☐ CIP

| FISCAL YEAR: 04/05 & 05/06 | 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): CONVENTION & TOURISM FUND**

**COMMENTS:** This item approves price quotes. Expenditure will be made in the Convention & Tourism Fund within the approved budget appropriations. The estimated amount is $39,328.65.

STRATEGIC PLAN GOAL: Purchase of Linen Service relates to the City's Goal of "Service Excellence".

## SUMMARY OF ITEM

ANNUAL CONTRACT WITH RENEWALS

Staff recommends bid of Metro Linen in the estimated annual amount of $39,328.65 be accepted as lowest responsive, responsible bid conditioned upon timely execution of any necessary contract documents. This will establish a one (1) year contract with two (2) City optional one (1) year renewals for Linen Service for Plano Centre.

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| Corrected Bid Tab and Recommendation Memo | |

# CITY OF PLANO
## CORRECTED BID TABULATION
## C183-05
## LINEN SERVICE FOR PLANO CENTRE
## June 2, 2005 @ 4:00 PM

*This is a corrected Bid Tab that supersedes the Bid Tab on RFPDepot.com issued on 6/2/05.*

| CONTRACTOR | CORRECTED TOTAL WEEKLY PAR COST | CORRECTED ANNUAL PAR COST | VENDOR TOTAL |
|---|---|---|---|
| Metro Linen Company | $742.05 | $38,586.60 | $39,328.65 |
| Zion Industries, Inc. | $770.00 | $40,040.00 | $40,810.00 |

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

Sharron Mason — June 3, 2005

Sharron Mason, Buyer — Date

**"BID TABULATION STATEMENT"**

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

PURCHASING DIVISION
CITY OF PLANO TEXAS

C-2

# MEMO

**TO:** SHARRON MASON, BUYER

**FROM:** JIM STROUP

**DATE:** 06/21/05

**RE:** RECOMMENDATION FOR C183-05 LINEN SERVICE FOR PLANO CENTRE

Based on the bid evaluation for C183-05 Linen Service for Plano Centre I recommend that the bid be awarded to Metro Linen Co. as the lowest responsive bidder in the amount of $39,328.65.

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☒ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | 7/25/05 | Reviewed by Legal | ☐ Yes | ☒ Not Applicable |
| Department: | Parks and Recreation | | Initials | Date |
| Department Head | Don Wendell | Executive Director | | 7-15-05 |
| Dept Signature: | | City Manager | | 7/15/05 |
| Agenda Coordinator (include phone #): | Mary Ayers (7235) | | | |

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

## CAPTION

Award/Rejection of Bid/Proposal for Bid No. B197-05 for High Point Tennis Center Resurfacing to Courts-N-Stuff in the amount of $97,468.00.

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☒ CIP

| FISCAL YEAR: 2004-05 | Prior Year (CIP Only) | Current Year | Future Years | TOTALS |
|---|---|---|---|---|
| Budget | 2,625 | 187,375 | 0 | **190,000** |
| Encumbered/Expended Amount | -2,625 | -20,000 | 0 | **-22,625** |
| This Item | 0 | -97,468 | 0 | **-97,468** |
| BALANCE | 0 | 69,907 | 0 | **69,907** |

FUND(S): CAPITAL RESERVE CIP

COMMENTS: Funds are included in the 2004-05 Capital Reserve CIP. This item, in the amount of $97,468, will leave a current year balance of $69,907 for the High Point Tennis Center project.

STRATEGIC PLAN GOAL: Tennis court resurfacing relates to the City's Goal of "Premier City for Families."

## SUMMARY OF ITEM

Staff recommends that the bid of Courts-N-Stuff in the amount of $97,468.00, which includes the base bid of $77,468.00 and Alternate One in the amount of $20,000.00, be accepted as the lowest responsible bid conditioned upon timely execution of any necessary contract documents. The bid is within the project budget of $150,000.00 and within the consultant's estimate of $206,228.00.

The base bid includes concrete repairs and resurfacing of all the tennis courts at High Point Tennis Center. The alternate bid is for replacement of the windscreens.

In the event the low bidder cannot execute contract documents, staff recommends that the contract be awarded to the second low bidder, Patriot Court Systems, Inc., in the amount of $148,210.00, which includes the base bid of $119,450.00 and Alternate One in the amount of $28,760.00.

Courts-N-Stuff has stated that they can complete the project in accordance with the plans and specifications for the bid amount despite the disparity in cost between their bid and the second low bid. Courts-N-Stuff has successfully completed projects for PISD and for the City of Plano in the past.

# CITY OF PLANO
# COUNCIL AGENDA ITEM

Funding is available in the 2004-05 Capital Reserve Fund.

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| Location Map<br>Bid Tabulation | |

REV 08/98

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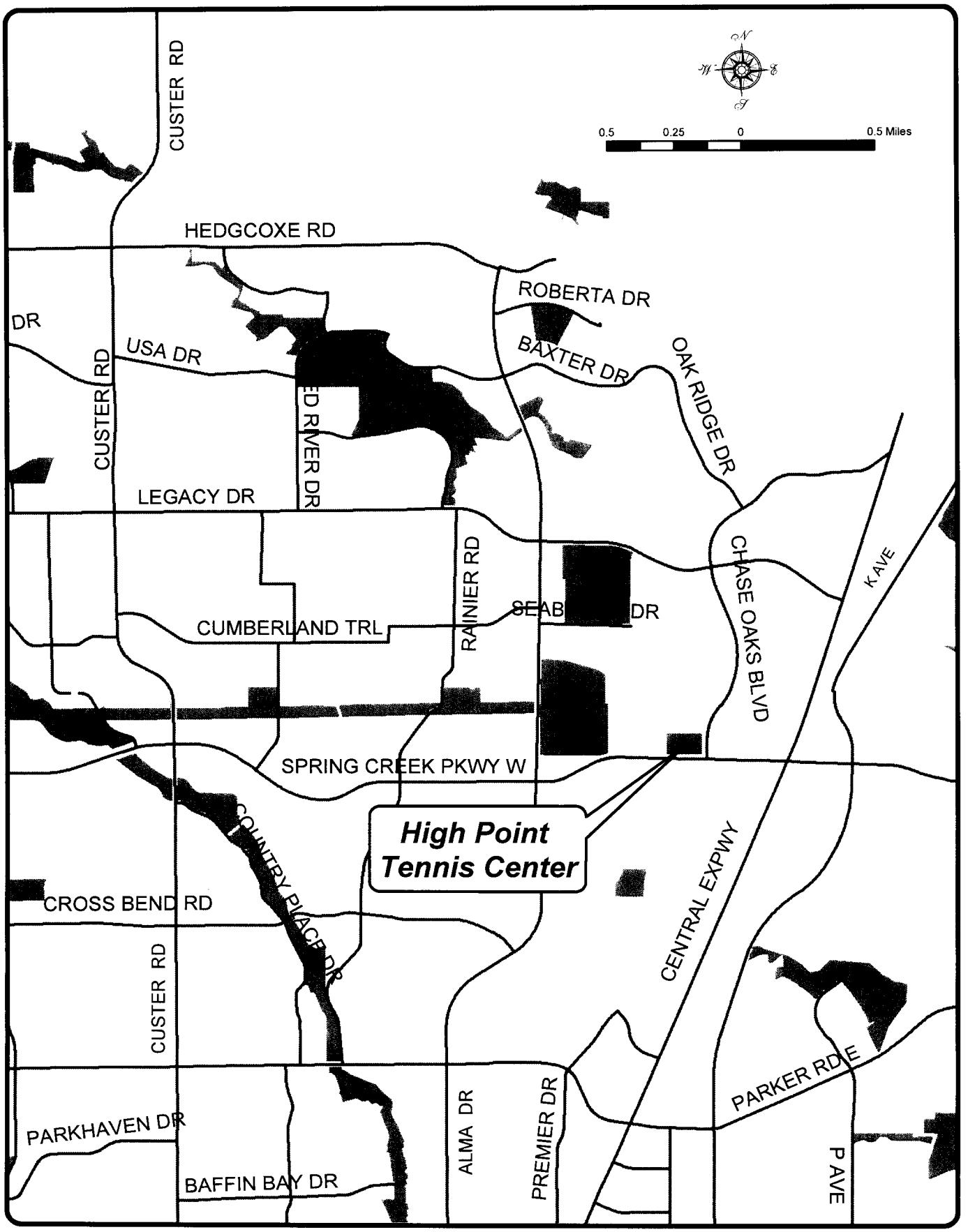
Park Planning Division
City of Plano, Texas

# Location Map
# High Point Tennis Center




d-3

# CITY OF PLANO
## BID TABULATION
## B197-05
## HIGH POINT TENNIS CENTER RESURFACING PROJECT NO. 5562
## JUNE 27, 2005 @ 3:00 PM

| BIDDER: | BID BOND | BASE BID | ALTERNATE BID | GRAND TOTAL BASE WITH ALTERNATE |
|---|---|---|---|---|
| **COURTS-N-STUFF** | **YES** | **$ 77,468.00** | **$20,000.00** | **$ 97,468.00** |
| PATRIOT COURT SYSTEMS, INC. | YES | $119,450.00 | $28,760.00 | $148,210.00 |
| JDC CONSTRUCTION | YES | $147,000.00 | $24,000.00 | $171,000.00 |
| VORTEX CONSTRUCTION G.P., INC. | YES | $184,884.00 | $20,825.00 | $205,709.00 |

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

*Dianna Wike* June 27, 2005

Dianna Wike, Buyer Date

**"BID TABULATION STATEMENT"**

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

PURCHASING DIVISION
CITY OF PLANO TEXAS

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# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☒ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | 7/25/05 | Reviewed by Legal | ☐ Yes | ☒ Not Applicable |
| Department: | Purchasing | | Initials | Date |
| Department Head | Mike Ryan | Executive Director | | |
| Dept Signature: | Diane Palmer for | City Manager | [illegible] | 7/15/05 |
| Agenda Coordinator (include phone #): | **Lauren Roberts Ext. 7248** | | | |

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

## CAPTION

Award/Rejection of Bid/Proposal for Bid No. C196-05 Chevrolet Automotive & Light Truck OEM Parts to Bankston Chevrolet in the estimated annual amount of $36,000.

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☒ OPERATING EXPENSE ☐ REVENUE ☐ 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): WAREHOUSE**

**COMMENTS:** This item approves price quotes for a one year contract with two optional renewals. Expenditures will be made within the approved budget appropriations. The estimated annual amount is $36,000.

STRATEGIC PLAN GOAL: This item relates to the City's goal of "Service Excellence".

## SUMMARY OF ITEM

ANNUAL CONTRACT WITH RENEWALS

Staff recommends bid of Bankston Chevrolet in the estimated annual amount of $36,000 be accepted as lowest responsible bidder conditioned upon timely execution of any necessary contract documents. This will establish an annual fixed price contract with two optional one-year renewals in the total estimated annual amount of $36,000. The contract will be for the purchase of Chevrolet Automotive & Light Truck OEM Parts.

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| Bid Summary | |

REV 08/98

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# CITY OF PLANO

BID NO. C196-05

Chevrolet Automotive & Light Truck OEM Parts

BID RECAP

---

| | |
|---|---|
| **Bid opening Date/Time:** | 6/24/05 @ 3:00 PM |
| **Number of Vendors Notified:** | 1,312 |
| **Number of Vendor No Bids:** | 21 |
| **Bidders Non-Responsive to Specifications:** | 1 |

| **Responsive Bidders:** | **Percentage added to dealer cost:** |
|---|---|
| Bankston Chevrolet | 12%* |
| Friendly Chevrolet | 12% |

*Vendor offered a 1% discount for pick-up of parts.

---

*Lauren Roberts* — *7/15/05*

Lauren Roberts, Buyer — Date

e-2

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | | Reviewed by Purchasing | ☒ Yes | ☐ Not Applicable |
|---|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | | Reviewed by Budget | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | 7/25/05 | | Reviewed by Legal | ☐ Yes | ☒ Not Applicable |
| Department: | Equipment Services | | | Initials | Date |
| Department Head | Karl Henry | Jim Foster | Executive Director | | 7-14-05 |
| Dept Signature: | | | City Manager | | 7/15/05 |
| Agenda Coordinator (include phone #): | Linda M. Robinson x4180 | | | | |

ACTION REQUESTED: ☐ ORDINANCE ☐ RESOLUTION ☐ CHANGE ORDER ☐ AGREEMENT ☐ APPROVAL OF BID ☐ AWARD OF CONTRACT ☒ OTHER PURCHASE OFF EXISTING CONTRACT

## CAPTION

Authorizing the purchase of two (2) Ford One-Half Ton Extended Cab Pickups in the amount of $38,916.54 from Philpott Motors, Inc., through H-GAC Cooperative Purchasing Program contract and authorizing the City Manager or his designee to execute any and all documents necessary to effectuate this purchase. (VE10-03)

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☒ OPERATING EXPENSE ☐ REVENUE ☐ CIP

| FISCAL YEAR: 04/05 | Prior Year (CIP Only) | Current Year | Future Years | TOTALS |
|---|---|---|---|---|
| Budget | 0 | 60,000 | 0 | **60,000** |
| Encumbered/Expended Amount | 0 | 0 | 0 | **0** |
| This Item | 0 | -38,916 | 0 | **38,916** |
| BALANCE | 0 | **21,084** | 0 | **21,084** |

**FUND(S): EQUIPMENT REPLACEMENT FUND**

**COMMENTS: Funds are included in the FY 2004-05 approved budget. The balance of funds will be used for other rolling stock purchases.**

**STRATEGIC PLAN GOAL: Fire Department Vehicle replacement relates to the City's Goal of "Service Excellence".**

## SUMMARY OF ITEM

Equipment Services requests authorization to purchase two Ford F-150 Extended Cab Pickups from Philpott Motors Inc., through its contract with the H-GAC Cooperative Purchasing Program. The units are scheduled replacements for 23509 and 32705 for Dept-552/Fire Department, account 071-552-8421; Supplement 00071001 per fiscal year 04-05. The City is authorized to purchase from a Local Cooperative Organization pursuant to Chapter 271, Subchapter F of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (H-GAC VE10-03)

Total purchase price for both units including H-GAC admin fee is $38,916.54.

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| Agenda, Memo, Summary Quote | |

Plano
All-America City
1994

# MEMORANDUM

**DATE:** July 11, 2005

**TO:** Lauren Roberts, Buyer

**FROM:** Reid Choate, Technical Coordinator

**SUBJECT:** Request to purchase two (2) Ford F-150 Extended Cab (GBJ) through the HGAC Cooperative Purchasing Program, contract no. #VE10-03 awarded to Philpott Motors, Inc.

| | | |
|---|---|---|
| Estimated Budgeted Amount: | $30,000.00 x 2 = | $60,000.00 |
| Contract Base Price: | $14,178.00 x 2 = | $28,356.00 |
| Published Options: | $ 1,942.00 x 2 = | $ 3,884.00 |
| Unpublished options: | $ 2,726.72 x 2 = | $ 5,453.44 |
| H-GAC Admin Fee: | | $ 600.00 |
| Delivery Charges: 335 miles @ $.93/mile x 2 = | | $ 623.10 |
| **Total Price w/Options**: | | **$ 38,916.54** |

**NOTE:** These units are scheduled replacements for 23509 and 32705 for Department 552/Fire Department per fiscal year 04/05. Acct 01-552-8421 / Suppl 00071001.

Please reference Requisition No: **903453.**

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

Cc: Jimmy Foster
Karl Henry
Kirk Owen
Diane Palmer
Stephen Teiper

6-2

# CUSTOMIZED PRODUCT PRICING SUMMARY BASED ON CONTRACT

**Cars and Light Trucks**

**H-GAC BID VE10-03**

**End User:** city of Plano ph# 972 769 4182 **Philpott Rep:** EMMETTE CONE

**Contact:** Reid choate Fax 972 461 9349 **Date:** 1-Jul-05

**Product Description:** F150 supercab,1/2ton, 4.6L V8 man trans a/c

**A. Bid Series:** GBJ **A. Base Price:** $ 14,178.00

**B. Published Options [Itemize each below]** REVISED 7-05-2005

| Code | Options | Bid Price | Code | Options | Bid Price |
|---|---|---|---|---|---|
| | #6.700 GVWR #1,640 lb payload | | | HGAC STATE CONTRACT VE 10-03 | |
| | XL model series 502a model pkg | | | | |
| | 6.5' bed 145" wheelbase | | | | |
| 99w | X12 body series 4.6L v8 engine | | | black vinyl HD floor covering | |
| 44a | 4spd auto trans | | | am/fm stereo radio | |
| 535 | trailer towing pkg/required for towing | $ 287.00 | PW | power windows | $ 395.00 |
| | over 5,000 lbs class 3 trailer hitch \ | | PL | power locks | $ 275.00 |
| | receiver, 7-pin wiring harness, HD | | EZ12 | alarm system w/ 2 key fobs | $ 288.00 |
| | 72Amp battery upgraded radiator & | | 52n | tilt wheel only available in combination | $ 287.00 |
| | aux trans oil cooler | | | with speed control | |
| 99W | 4.6L V8 engine | | | Black electric power mirrors | |
| LTO | special trans group w/ auto trans | $ 410.00 | | | |
| | White exterior yz | | | | |

**Total of B. Published Options:** $ 1,942.00

**C. Unpublished Options [Itemize each below, not to exceed 25%]** $= 16.9 %

| Options | Bid Price | Options | Bid Price |
|---|---|---|---|
| XH9 limited slip rear axle 3.55 rario | $ 300.00 | f&r throw in floor mats rubber (ford) | $ 125.00 |
| upgrade to 06502afrom 05502A | $ 335.00 | "Bed Slider" HD slide out tray #32to specs | $ 717.72 |
| | | | |
| Order units delivery appx 75 to 100 days ARO | | Reid, attached is HGAC state contract pricing | |
| dual front captains chairs w/center console | $ 390.00 | on 2 F150 2006 super/cabs. | |
| med gray UE | | | |
| #31 hard bed cover fiberglass cover painted | $ 799.00 | | |
| to match exterior of truck/to specs | | | |
| assist arm optionwhich gives easier opening & | $ 60.00 | please check over and see if you see anything else | |
| closing. Also gives appx. 2" more opening | | wanted that is not on option list. Don't believe | |
| | | we have missed anything | |

**Total of C. Unpublished Options:** $ 2,726.72

**D. Contract Price Adjustment:**

**E. Delivery Charges:** 335 miles @ $.93/mile $ 311.55

**F. Total of A + B + C + D + E = F** $ 19,158.27

**G. Quantity Ordered** 2 **x F =** $ 38,316.54

**H. H-GAC Administrative Fee [from Fee Schedule, Table A]** $ 600.00

**I. Non-Equip Charges & Credits**

**J. TOTAL PURCHASE PRICE INCLUDING H-GAC FEE** $ 38,916.54



f-3

07/07/05

CITY OF PLANO

Page - 1

P.O. Number 903453 OR

Cost Center 071

**Supplier** PHILPOTT MOTORS INC
1400 U S HGHWY 69
NEDERLAND TX 77627

**Ship To** CITY OF PLANO
EQUIPMENT SERVICES
4200 W PLANO PARKWAY
PLANO TX 75093

Ordered 07/07/05 Freight

Requested 07/07/05 Order Taken By

Delivery

| Description | Ordered | UOM | Unit Price | Extended Price | Request Date |
|---|---|---|---|---|---|
| FORD F-150 EXT. CAB PICKUPS<br>INVOICE TO FOLLOW<br>REQUEST TO PURCHASE TWO<br>(2) FORD F-150 EXTENDED CAB<br>(GBJ) THROUGH THE H-GAC COOPERATIVE<br>PURCHASING PROGRAM, CONTRACT<br>NO. VE10-03 AWARDED TO PHILPOTT MOTORS<br>INC.<br>CONTRACT BASE PRICE $14,178.00 X 2 = $28,356.00.<br>PUBLISHED OPTIONS $1,942.00 X 2 = $3,884.00.<br>UNPUBLISHED OPTIONS $2,726.72 X 2 = $5,453.44.<br>H-GAC ADMIN. FEE $600.00.<br>DELIVERY CHARGES: 300 MILES @ $.93/MILE X 2 = $623.10.<br>NOTE: THIS PURCHASE IS FOR REPLACEMENT UNITS 23509<br>AND 32705, DEPT. 552. FIRE DEPT. PER FY04/05.<br>ACCOUNT 01-552-8421.<br>SUPPLEMENT 00071001.<br>REQUISITION REQUESTED BY REID CHOATE. | 2 | EA | 14,178.0000 | 28,356.00 | 07/07/05 |
| PUBLISHED OPTIONS<br>INVOICE TO FOLLOW | 2 | EA | 1,942.0000 | 3,884.00 | 07/07/05 |
| UNPUBLISHED OPTIONS<br>INVOICE TO FOLLOW | 2 | EA | 2,726.7200 | 5,453.44 | 07/07/05 |
| H-GAC ADMIN. FEE<br>INVOICE TO FOLLOW | | EA | 600.0000 | 600.00 | 07/07/05 |
| DELIVERY CHARGES/MILEAGE | | EA | .0000 | 623.10 | 07/07/05 |

6-4

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☒ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | 07/25/05 | Reviewed by Legal | ☐ Yes | ☒ Not Applicable |
| Department: | Engineering Department | | Initials | Date |
| Department Head | Upchurch | Executive Director | | 7/18/05 |
| Dept Signature: | | City Manager | | 7/19/05 |
| Agenda Coordinator (include phone #): | Irene Pegues (7198) | | | Project No. 5390 |

ACTION REQUESTED: ☐ ORDINANCE ☐ RESOLUTION ☐ CHANGE ORDER ☐ AGREEMENT ☐ APPROVAL OF BID ☐ AWARD OF CONTRACT ☒ OTHER - EXISTING CONTRACT

## CAPTION

Purchase from Existing Contract to authorize the purchase of material testing services for the Ridgeview Drive Widening from Custer Road to Independence Parkway in the amount of $32,330.00 from Engineering Consulting Services, Ltd. through a City of Plano contract, and authorizing the City Manager or his designee to execute all necessary documents. (D021-05 Entity's Contract Number)

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☒ CIP

| FISCAL YEAR: 2004-05 | Prior Year (CIP Only) | Current Year | Future Years | TOTALS |
|---|---|---|---|---|
| Budget | 131,875 | 1,868,125 | 0 | **2,000,000** |
| Encumbered/Expended Amount | -131,875 | -2,661,343 | 0 | **-2,793,218** |
| This Item | 0 | -32,330 | 0 | **-32,330** |
| BALANCE | **0** | **-825,548** | **0** | **-825,548** |

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

**COMMENTS:** Funds are included in the 2004-05 Street Improvement CIP. This item, in the amount of $32,330, will exceed the current year balance by $825,548 for the Ridgeview, Custer – W to E of Independence project. The overage will be funded through saving and reallocation from the Alma Road Whitetopping and Tollroad/Chapel Hill Ramps projects.

STRATEGIC PLAN GOAL: Material testing service relates to the City's Goal of Safe, Efficient Travel.

## SUMMARY OF ITEM

Staff recommends approval of this expenditure for construction material testing, in the amount of $32,330.00. Engineering Consulting Services, Ltd. is one of the six contracted vendors for this service during 2004-05 (D021-05).

Funding is available from the Street Community Investment Program; therefore, staff recommends approval.

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| Location Map | N/A |
| Exhibit "C" | |

**Exhibit "C" - Ridgeview Drive - Paving and Drainage Improvements**
**Project Number 5390**

**EARTHWORK:**

Technician Schedule:

| Qty | Unit | | Rate | Amount |
|---|---|---|---|---|
| 100 | hr | Sr. Field Technician | 34.00 | 3,400.00 |
| 5 | ea | Standard Proctor Determinations | 125.00 | 625.00 |
| 5 | ea | Atterberg Limits Tests | 45.00 | 225.00 |
| 2 | ea | Percent Passing #200 Sieve | 25.00 | 50.00 |
| 25 | day | Nuclear Gauge Fee | 30.00 | 750.00 |
| 22 | ea | Lime Gradation | 15.00 | 330.00 |
| 22 | ea | Lime Depth Check | 15.00 | 330.00 |
| | | | Subtotal, Earthwork | $5,710.00 |

**DRILLED SHAFT OBSERVATION:**

Technician Schedule:

| Qty | Unit | | Rate | Amount |
|---|---|---|---|---|
| 32 | hr | Sr. Field Technician | 34.00 | 1,088.00 |
| 5 | set | Cylinders (4 per set, $11.00 per cylinder) | 44.00 | 220.00 |
| 4 | hr | OT Sr. Field Technician | 51.00 | 204.00 |
| | | | Subtotal, Drilled Shafts | $1,512.00 |

**CONCRETE SAMPLING AND TESTING:**

Technician Schedule:

| Qty | Unit | | Rate | Amount |
|---|---|---|---|---|
| 4 | each | Review of Concrete Mix Design | 155.00 | 620.00 |
| 355 | hr | Sr. Field Technician | 34.00 | 12,070.00 |
| 46 | hr | Sr. Field Technician - Precast Plant | 34.00 | 1,564.00 |
| 129 | set | Cylinders (4 per set, $11.00 per cylinder) | 44.00 | 5,676.00 |
| | | | Subtotal, Concrete | $19,930.00 |

**Note: Concrete scheduling and delivery rate may adversely affect the actual hours on site.**

**FUEL SURCHARGE:**

| Qty | Unit | | Rate | Amount |
|---|---|---|---|---|
| 104 | ea | Trips to provide services ($0.45 per mile) | 18.00 | 1,872.00 |
| 4 | ea | Trips to provide services ($0.45 per mile)* | 99.00 | 396.00 |
| | | *Assumes Precast Plant in Waco | | |
| | | | Subtotal, Fuel Surcharge | $2,268.00 |
| | | | **Subtotal** | $29,420.00 |

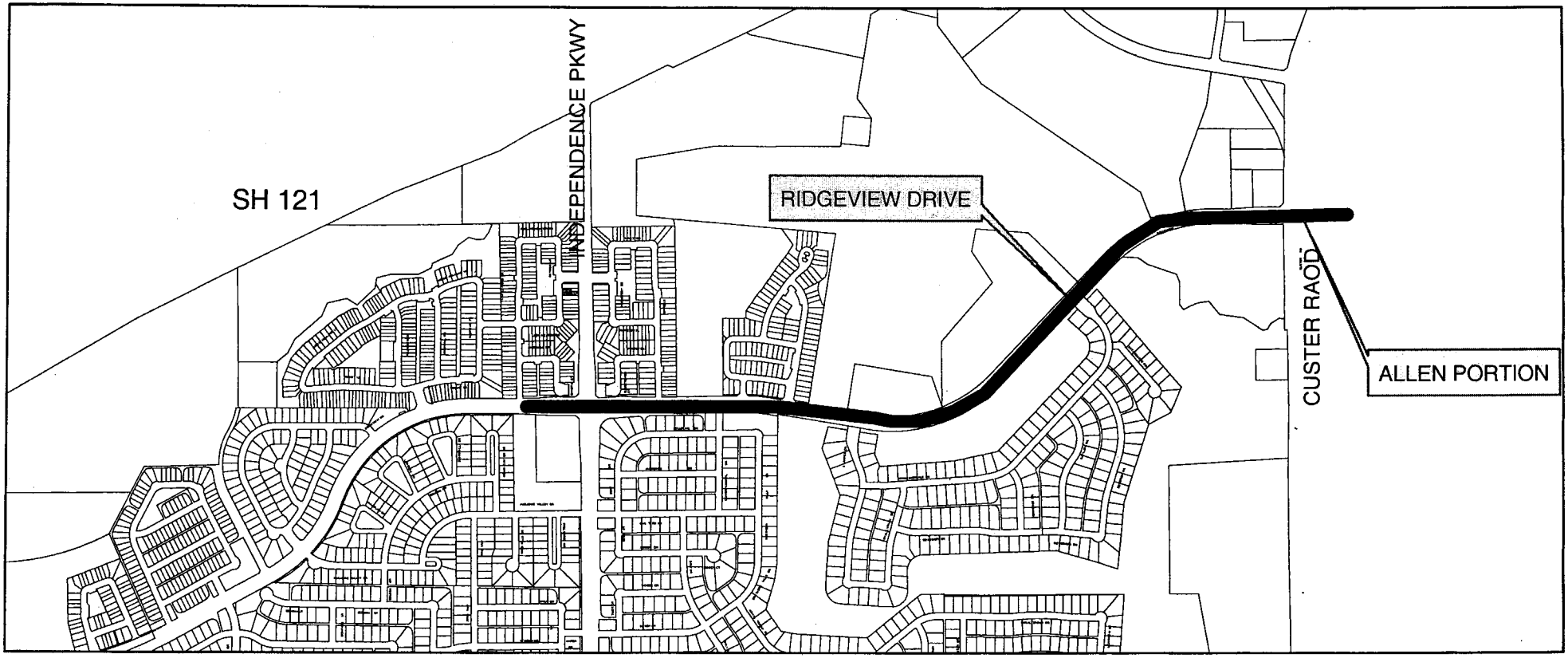
**ADMINISTRATIVE EXPENSE:**

| Qty | Unit | | Rate | Amount |
|---|---|---|---|---|
| 26 | hr | Project Engineer | 75.00 | 1,950.00 |
| 32 | hr | Clerical | 30.00 | 960.00 |
| | | | Subtotal, Administrative Expense | $2,910.00 |
| | | | **ESTIMATED TOTAL** | **$32,330.00** |

The services described above would be rendered portal-to-portal from our office in Addison, Texas. There will be a 3-hour minimum charge for field related services. Our unit rates are based on a normal 8-hour work day, Monday through Friday, between normal business hours of 7:00 a.m. to 5:00 p.m. Overtime beyond 8 hours/day, outside normal hours and on Saturday, Sunday and Holidays will be invoiced at a rate of 1.5 times the normal hourly rate indicated above.

Scheduling should occur prior to 3:00 p.m. on the day before services are required

# RIDGEVIEW DRIVE WIDENING FROM CUSTER ROAD TO INDEPENDENCE PARKWAY




**CITY OF PLANO ENGINEERING DEPARTMENT**
**COMMUNITY INVESTMENT PROGRAM PROJECT**

N
W E
S

0 550 1,100 2,200 3,300 4,400 Feet

8-3

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☒ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | 7/25/05 | Reviewed by Legal | ☐ Yes | ☒ Not Applicable |
| Department: | Equipment Services | | Initials | Date |
| Department Head | Karl Henry Jim Foster | Executive Director | | 7-19-05 |
| Dept Signature: | | City Manager | | 7/15/05 |
| Agenda Coordinator (include phone #): | Linda M. Robinson x4180 | | | |

ACTION REQUESTED: ☐ ORDINANCE ☐ RESOLUTION ☐ CHANGE ORDER ☐ AGREEMENT ☐ APPROVAL OF BID ☐ AWARD OF CONTRACT ☒ OTHER PURCHASE OFF EXISTING CONTRACT

## CAPTION

Authorizing the purchase of four (4) Ford One Ton Utility Cargo Van in the amount of $81,363.80 from Philpott Motors, Inc., through H-GAC Cooperative Purchasing Program contract and authorizing the City Manager or his designee to execute any and all documents necessary to effectuate this purchase. (VE10-03)

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☒ OPERATING EXPENSE ☐ REVENUE ☐ CIP

| FISCAL YEAR: 04/05 | Prior Year (CIP Only) | Current Year | Future Years | TOTALS |
|---|---|---|---|---|
| Budget | 0 | 118,000 | 0 | **118,000** |
| Encumbered/Expended Amount | 0 | 0 | 0 | **0** |
| This Item | 0 | -81,364 | 0 | **-81,364** |
| BALANCE | 0 | **36,636** | 0 | **36,636** |

**FUND(S): EQUIPMENT REPLACEMENT FUND**

**COMMENTS:** Funds are included in the FY 2004-05 approved budget. The balance of funds will be used for other rolling stock purchases.

STRATEGIC PLAN GOAL: Fleet vehicle replacement relates to the City's Goal of "Service Excellence".

## SUMMARY OF ITEM

Equipment Services requests authorization to purchase four Ford One Ton Utility Cargo Van's from Philpott Motors Inc., through its contract with the H-GAC Cooperative Purchasing Program. The units are scheduled replacements for 31995, 31996, 32104, and 35033 for Dept-352/Facilities Maintenance Department, account 01-352-8421; Supplement 00071001 per fiscal year 04-05. The City is authorized to purchase from a Local Cooperative Organization pursuant to Chapter 271, Subchapter F of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (H-GAC VE10-03)

Total purchase price for all four units including H-GAC admin fee is $81,363.80

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| Agenda, Memo, Quote Sheets | |

Plano
All-America City
1994

# MEMORANDUM

**DATE:** July 12, 2005

**TO:** Lauren Roberts, Buyer

**FROM:** Reid Choate, Technical Coordinator

**SUBJECT:** Request to purchase four (4) Ford One Ton Utility Cargo Van (KBD) through the H-GAC Cooperative Purchasing Program, contract no. #VE10-03 awarded to Philpott Motors, Inc.

| | | |
|---|---|---|
| Estimated Budgeted Amount: | | $118,000.00 |
| Contract Base Price: | $15,953.00 x 4 = | $ 63,812.00 |
| Published Options: | $ 107.00 x 4 = | $ 428.00 |
| Unpublished options: | $ 3,838.00 x 4 = | $ 15,352.00 |
| H-GAC Admin Fee: | | $ 600.00 |
| Delivery Charges: | 315 miles @ $.93/mile x 4 = | $ 1,171.80 |
| **Total Price w/Options**: | | **$ 81,363.80** |

**NOTE:** These units are scheduled replacements for 31995, 31996, 32104 and 35033 and for Department 352/Facilities Maintenance Department per fiscal year 04/05. Acct 01-352-8421 / Suppl 00071001.

Please reference Requisition No: **903457.**

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

Cc: Jimmy Foster
Karl Henry
Bill Morris
Richard Medlen
Diane Palmer
Stephen Teiper

h-2

# CUSTOMIZED PRODUCT PRICING SUMMARY BASED ON CONTRACT

**Cars and Light Trucks**

**H-GAC BID VE10-03**

**End User:** City of Plano ph# 972 769 4182 **Philpott Rep:** EMMETTE CONE

**Contact:** Reid Choate FAX 972 461 9349 **Date:** 6-Jul-05

**Product Description:** E350 extended 1-ton 5.4L V8A/T

**A. Bid Series:** KBD **A. Base Price:** $ 15,953.00

**B. Published Options [Itemize each below]**

| Code | Options | Bid Price | Code | Options | Bid Price |
|---|---|---|---|---|---|
| | 760A model series commercial | | | PDI & delivery ro Plano included | |
| | S34 extended E350 super duty | | | | |
| | 9400# GVWR 3,915#LB PAY/LD | | | | |
| | 5.4L V8 4spd A/T 99L/44Q | | | | |
| | hinged side door | | | HGAC STATE CONTRACT | |
| | White exteriorYZ | | | VE 10-03 | |
| | front bucket seats Vinyl AE | | | | |
| 47Z | ambulance prep not required | | | ORDER UNITS DELIVERY APPX | |
| 85f | clean fuel fleet vehicle CFFV | | | 75-100 DAYS ARO | |
| | air conditioning/front | | | | |
| | am/fm radio/ilt wheel | | | | |
| 178 | fixed glass/ side and rear doors | $ 107.00 | | | |
| | | | | | |

**Total of B. Published Options:** $ 107.00

**C. Unpublished Options [Itemize each below, not to exceed 25%]** $= 23.9 %

| Options | Bid Price | Options | Bid Price |
|---|---|---|---|
| 536 trailer tow pkg, includes trailer wiring | $ 285.00 | 769 rear step bumper argent | $ 170.00 |
| harness, electric brake controller tap-in | | 669 racks&bins plumbing elect/HVAC service | $ 480.00 |
| capability, blade style femal connector w | | pkg #3 incl freon tank rack upgrade #3 | |
| trailer wiring harness with bumper bracket | | #29 master Rack double power ladder rack system | $ 2,507.00 |
| relay system for backupB+/running lights | | Equipment Southwest quote attached | |
| frame mounted hitch receiver | | cab organizer-full size 20Hx14Wx16D | $ 180.00 |
| 2" ball | $ 18.00 | conduit carrier kit-4"dia for power pack | $ 133.00 |
| 166 vinyl front&rear floor covering | $ 65.00 | | |
| 31G rack&Bin pkg/bulkhead with steel | NC | | |
| shelving drawers,& cabinets | | | |
| | | | |

**Total of C. Unpublished Options:** $ 3,838.00

| | | |
|---|---|---|
| D. | **Contract Price Adjustment:** | |
| E. | **Delivery Charges:** 315 miles @ $.93/mile | $ 292.95 |
| F. | **Total of A + B + C + D + E = F** | $ 20,190.95 |
| G. | **Quantity Ordered** 4 x F = | $ 80,763.80 |
| H. | **H-GAC Administrative Fee [from Fee Schedule, Table A]** | $ 600.00 |
| I. | **Non-Equip Charges & Credits** | |
| J. | **TOTAL PURCHASE PRICE INCLUDING H-GAC FEE** | $ 81,363.80 |

07/13/05

CITY OF PLANO

Page - 1

P.O. Number 903457 OR

Cost Center 071

**Supplier** PHILPOTT MOTORS INC
1400 U S HGHWY 69
NEDERLAND TX 77627

**Ship To** CITY OF PLANO
EQUIPMENT SERVICES
4200 W PLANO PARKWAY
PLANO TX 75093

Ordered 07/13/05 Freight

Requested 07/13/05 Order Taken By

Delivery

| Description | Ordered | UOM | Unit Price | Extended Price | Request Date |
|---|---|---|---|---|---|
| FORD 1-TON UTILITY CARGO VANS | 4 | EA | 15,953.0000 | 63,812.00 | 07/13/05 |
| INVOICE TO FOLLOW | | | | | |
| REQUEST TO PURCHASE FOUR (4) FORD ONE TON UTILITY CARGO VANS (KBD) THROUGH THE HGAC COOPERATIVE PURCHASING PROGRAM. CONTRACT NO. VE10-03. AWARDED TO PHILPOTT MOTORS INC. ESTIMATED BUDGETED AMOUNT: $118,000.00. CONTRACT BASE PRICE $15,953.00 X 4 = $63,812.00. PUBLISHED OPTIONS: $107.00 X 4 = $428.00. UNPUBLISHED OPTIONS: $3,838.00 X 4 = $15,352.00. H-GAC ADMIN FEE: $600.00. DELIVERY CHARGES: 315 MILES @$.93/MILE X 4 = $1,171.80. TOTAL PRICE WITH OPTIONS: $81,363.80. REPLACING UNITS 31995, 31996, 32104 AND 35033 FOR DEPT. 352, FACILITY MAINTENANCE PER FY04/05. ACCOUNT 01-352-8421. SUPPLEMENT 00071001. REQUISITION REQUESTED BY REID CHOATE. | | | | | |
| PUBLISHED OPTIONS | 4 | EA | 107.0000 | 428.00 | 07/13/05 |
| INVOICE TO FOLLOW | | | | | |
| UNPUBLISHED OPTIONS | 4 | EA | 3,838.0000 | 15,352.00 | 07/13/05 |
| INVOICE TO FOLLOW | | | | | |
| H-GAC ADMIN FEE | | EA | .0000 | 600.00 | 07/13/05 |
| INVOICE TO FOLLOW | | | | | |

h-4

P.O. Number 903457 OR

| Description | Ordered | UOM | Unit Price | Extended Price | Request Date |
|---|---|---|---|---|---|
| DELIVERY CHARGES | | EA | .0000 | 1,171.80 | 07/13/05 |
| INVOICE TO FOLLOW | | | | | |

| | Total Order |
|---|---|
| TermNet 30 Days | 81,363.80 |

h-5

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☒ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | 07/25/05 | Reviewed by Legal | ☒ Yes | ☐ Not Applicable |
| Department: | Engineering | | Initials | Date |
| Department Head | Alan Upchurch | Executive Director | | 7/18/05 |
| Dept Signature: | | City Manager | | 7/18/05 |
| Agenda Coordinator (include phone #): | Irene Pegues (7198) | | | (Project No. 5288) |

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

## CAPTION

Purchase from Existing Contract to authorize the purchase of material testing services for Briarcreek Sanitary Sewer, Phase II in the amount of $26,845 from Terracon Consultants, Inc. through a City of Plano contract, and authorizing the City Manager or his designee to execute all necessary documents. (D021-05)

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☒ CIP

| FISCAL YEAR: 2004-05 | Prior Year (CIP Only) | Current Year | Future Years | TOTALS |
|---|---|---|---|---|
| Budget | 76,303 | 1,229,697 | 0 | **1,306,000** |
| Encumbered/Expended Amount | -76,303 | -1,017,463 | 0 | **-1,093,766** |
| This Item | 0 | -4,318 | 0 | **-4,318** |
| BALANCE | 0 | **207,916** | 0 | **207,916** |

**FUND(S): SEWER CIP**

**COMMENTS:** Funds are included in the 2004-05 Sewer CIP. This modification (increasing the contract to exceed $25,000), in the amount of $4,318, will leave a current year balance of $207,916 for the Briarcreek Sanitary Sewer Capacity, Phase II project.

STRATEGIC PLAN GOAL: This sanitary sewer project relates to the City's Goal of Livable Neighborhoods and Urban Centers.

## SUMMARY OF ITEM

Additional materials testing services are required to complete this project.

The original expenditure was $22,527. The Engineering Department is seeking City Council approval of this increased expenditure because it now exceeds $25,000. The revised expenditure amount is $26,845.

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| N/A | N/A |

0725TERRACON (VH/sr)

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☒ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | 7/25/05 | Reviewed by Legal | ☒ Yes | ☐ Not Applicable |
| Department: | Parks and Recreation | | Initials | Date |
| Department Head | Don Wendell | Executive Director | | 7-15-05 |
| Dept Signature: | Don Wendell | City Manager | | 7/15/05 |
| Agenda Coordinator (include phone #): | Mary Ayers (7235) | | | |

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

## CAPTION

Approval of contract to approve the terms and conditions of a Landscape Architect Services Agreement contract by and between the City and Schrickel, Rollins and Associates, Inc., in the amount of $327,000, for landscape architectural services in connection with Archgate Park - Phase II and authorizing the City Manager or his designee to execute all necessary documents.

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☒ CIP

| FISCAL YEAR: 2004-05 | Prior Year (CIP Only) | Current Year | Future Years | TOTALS |
|---|---|---|---|---|
| Budget | 219,030 | 2,062,970 | 2,040,000 | **4,322,000** |
| Encumbered/Expended Amount | -219,030 | -74,060 | 0 | **-293,090** |
| This Item | 0 | -327,000 | 0 | **-327,000** |
| BALANCE | 0 | 1,661,910 | 2,040,000 | **3,701,910** |

FUND(S): PARK IMPROVEMENT CIP

COMMENTS: Funds are included in the 2004-05 Park Improvement CIP. This item, in the amount of $327,000, will leave a current year balance of $1,661,910 for the Archgate Park project.

STRATEGIC PLAN GOAL: Landscape architectural services relate to the City's Goal of Safe, Livable Neighborhoods.

## SUMMARY OF ITEM

The attached Engineering Service Agreement with Schrickel, Rollins & Associates, Inc. is for the preparation of Phase II plans and specifications for two unlighted multi-use fields with covered bleachers and associated improvements including parking, restroom facilities, recreational trails, area lighting, backstops, fencing, landscaping, irrigation, playgrounds, shade structures, four regulation sand volleyball courts, a large multi-use court, a satellite park maintenance facility, and integration of the design into Phase I plans.

The contract fee is $327,000 and is detailed below:

| | |
|---|---|
| Basic Services (and reimbursable expenses) | $303,300 |
| Additional Services (surveying, platting, geotechnical) | 23,700 |
| TOTAL | $327,000 |

REV 08/98

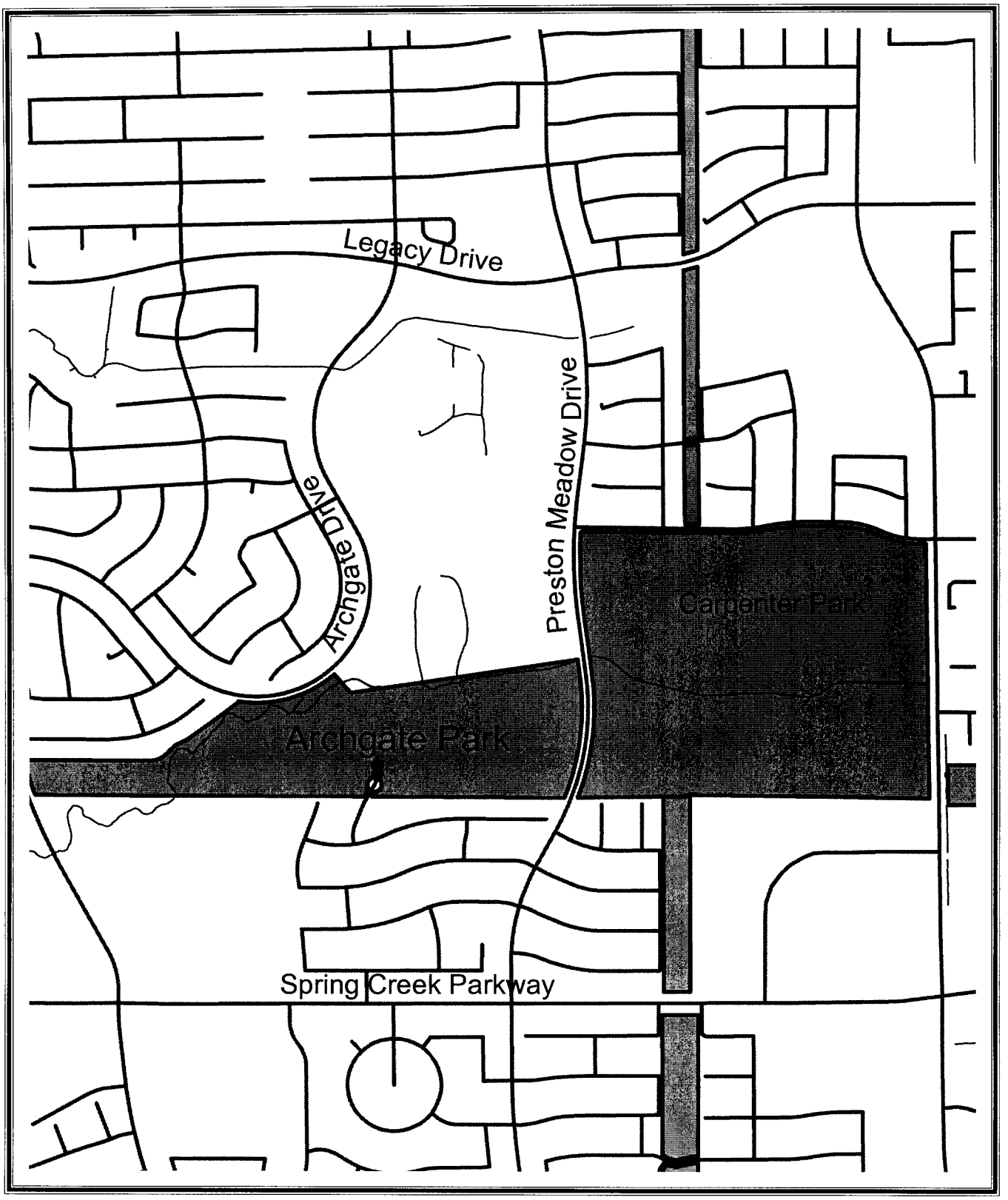
# CITY OF PLANO
# COUNCIL AGENDA ITEM

The basic service fee is 8.66% of the construction budget of $3,500,000. The total fee including basic services, surveying, replatting, geotechnical, and reimbursable expenses is 9.34% of the construction budget. This fee is consistent with other park and engineering projects of this size and scope.

Funding was approved in a previous bond program for design and construction of Phase I of Archgate Park which included five unlighted multi-purpose fields, parking, restrooms, concession building, creek channel improvements, vehicular crossing of the creek and associated improvements. Plans for Phase I were completed by Schrickel, Rollins and Associates. Funding was approved in the May 2005 Bond Election to construct Phase II of the park. Now that funding is available for Phase II, it will be more practical and economical to construct all of the improvements at one time.

Schrickel, Rollins and Associates was on the city's selected consultant list at the time Phase I plans were prepared. This is a continuation of that project. It would not be practical or cost effective at this time to hire a different consulting firm to prepare the remaining plans for the project.

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| Location Map<br>Professional Services Agreement | |




# Archgate Park

Parks & Recreation Department,
Park Planning Division

0 550 1,100 2,200 Feet

**ARCHGATE PARK – PHASE II**

**PROJECT NO. 5642**

**LANDSCAPE ARCHITECT 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 **SCHRICKEL, ROLLINS AND ASSOCIATES, INC.,** a **TEXAS** Corporation, licensed to do business in the State of Texas, hereinafter referred to as "Architect ", to be effective from and after the date as provided herein.

**W I T N E S S E T H:**

**WHEREAS**, the City desires to engage the services of the Architect to perform landscape architectural services in connection with the **ARCHGATE PARK – PHASE II** project located in the City of Plano, Collin County, Texas, hereinafter referred to as the "Project"; and

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

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

## I. Employment of the Architect

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

## II. Scope of Services

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

## III. Schedule of Work

The Architect agrees to commence work immediately upon execution of this Agreement, and to proceed diligently with said work, except for delays beyond the

reasonable control of Architect, to completion as described in the Completion Schedule, attached hereto as Exhibit "B" and thereby made a part of this Agreement.

## IV. Compensation and Method of Payment

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

## V. Information to be Provided by the City

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

## VI. Insurance

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

## VII. Indemnity

Architect 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 Architect and to the extent caused by the negligent act or omission or intentional wrongful act or omission of Architect, its officers, agents, employees, subcontractors, licensees, invitees or any other third parties for whom Architect is legally responsible (hereinafter "Claims"). Architect 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 Architect 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 Architect's obligation to defend City or as a waiver of Architect's obligation to indemnify City pursuant to this Agreement. Architect 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 Architect fails to retain counsel within such time period, City shall have the right to retain defense counsel on its own behalf, and Architect shall be liable for all costs incurred by City.

## VIII. Independent Contractor

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

## IX. Assignment and Subletting

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

## X. Audits and Records/Prohibited Interest

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

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

## XI. Contract Termination

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

## XII. Architect's Opinion of Probable Construction Costs

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

## XIII. Ownership of Documents

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

## XIV. Complete Contract

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

## XV. Mailing of Notices

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

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

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

Schrickel, Rollins and Associates, Inc.
1161 Corporate Drive West, Suite 200
Arlington, Texas 76006
Attn: Victor Baxter, Vice President

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

## XVI. Miscellaneous

A. Paragraph Headings:

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

B. Contract Interpretation:

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

C. Venue/Governing Law:

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

D. Successors and Assigns:

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

E. Severability:

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

F. Effective Date:

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

**SIGNED** on the date indicated below.

**SCHRICKEL, ROLLINS AND ASSOCIATES, INC.**
A Texas Corporation

DATE: _____ BY: _____
Victor Baxter, VICE PRESIDENT

**CITY OF PLANO, TEXAS**

DATE: _____ BY: _____
Thomas H. Muehlenbeck
CITY MANAGER

**APPROVED AS TO FORM:**

_____
Diane C. Wetherbee
CITY ATTORNEY

## ACKNOWLEDGMENTS

**STATE OF TEXAS** §
§
**COUNTY OF TARRANT** §

This instrument was acknowledged before me on the _____ day of _____, 2005, by **VICTOR BAXTER, Vice President** of **Schrickel, Rollins and Associates, Inc.**, a **Texas** corporation, licensed to do business in the State of Texas, on behalf of said corporation.

_____
Notary Public, State of Texas

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

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

_____
Notary Public, State of Texas

## EXHIBIT "A"
## SCOPE OF SERVICES

### ARCHGATE PARK - PHASE II

**SUMMARY OF PROJECT**

A. This project consists of Design Development and Construction Documents for the second phase of an unlighted tournament-quality youth baseball/youth soccer complex, one unlighted outdoor hockey rink, sand volleyball courts, two restroom/pavilion buildings, one group pavilion, auxiliary maintenance building, one playground and other recreation facilities for Archgate Park. This scope shall include combining the previously prepared Contract Documents for Phase I improvements with new Contract Documents for Phase II improvements into a single set of Contract Documents. The Phase I drawings will be modified to include Phase II improvements on the same sheets. The improvements designed previously for Phase I shall remain completely unchanged except where improvements must be integrated and the Master Plan shall also remain unchanged except for the in-line hockey area which will include the sand volleyball courts. The skate park shall be deleted.

B. The Consultant shall perform for the City the Basic Professional Services and Special Services for the phases of the Project to which this agreement applies. Services include, but are not limited to, professional consultation and advice and furnishing civil, structural, mechanical, geotechnical, and electrical engineering services and architectural, landscape architectural, and graphic design.

C. The total project budget for the first and second phases of development, to which the Design Development Phase Services and Construction Documents Phase Services is estimated to be about $7,000,000.

D. For purposes of this Service Agreement and its Exhibits, the term Engineer, where appropriate, shall be interchangeable with the terms Landscape Architect or Architect or Consultant. Schrickel, Rollins and Associates, Inc., is a firm composed of practicing Planners, Registered Engineers, Registered Landscape Architects and Registered Architects. The firm does not represent itself solely as an engineer nor solely as a practitioner of landscape architecture as defined in the applicable State of Texas registration laws.

E. The following consumer information is required by the Landscape Architects Registration Law, Article 249c, VTCS: The Texas Board of Architectural Examiners has jurisdiction over individuals licensed under the above named Act. Their address and telephone number is: 8213 Shoal Creek Blvd., Suite 107; Austin, Texas 78758-7589; (512) 458-4126.

## PART I - ELEMENTS

A. The program of development for Phase 2 shall include, but not be limited to, the following elements. It is understood that elements may be omitted in order to meet the project budget.

1. Athletics

   a. Two Multipurpose athletic fields (unlighted)
   b. Little League, coaches pitch, and T-ball, ages 8 and under - fields
   c. Soccer, one field
   d. One in-line hockey rink, uncovered, unlighted
   e. Two to four Sand Volleyball Courts

2. Facilities

   a. Two Vending Restroom buildings similar in design to the restrooms at Heritage Yards, Phase II.
   b. Small satellite maintenance equipment storage building, 16'x36' - 1 (size may vary) (Services Archgate, Carpenter, Cheyenne, and future Preston Meadow improvements)
   c. Custom designed pavilion
   d. One playground for neighborhood park.

3. Miscellaneous

   a. Earthwork and grading
   b. Recreational trail, adjacent to the Phase 1 parking lot running along the creek with connections to the Phase 1 trail system.
   c. Pedestrian bridge
   d. Security lighting.
   e. Turf irrigation and parking lot tree bubblers, pump station equipment
   f. Tree plantings
   g. Site furnishings: bleachers, picnic tables, drinking fountains, litter receptacles, signage

4. Utilities

   a. Sanitary Sewer connection to public lines extended from Essex Lane.
   b. Water service and impact fees
   c. Fire safety sprinkler system.
   d. Electrical distribution and controls

5. Service Drive, Parking, and Site Structures

   a. Park roads and drives as needed to serve Phase 2 facilities.
   b. Parking, per original Master Plan, additional parking may be required at the hockey-multi use court.
   c. Erosion control

**PART II - DESIGN DEVELOPMENT PHASE**

A. Services. Consultant will provide/perform the following Design Development Phase Services:

1. Based upon the approved previously prepared Master Plan Documents and adjustments authorized by the City in the program, schedule, or project design budget, the Consultant shall prepare, for approval by the City, Design Development Documents consisting of drawings and other documents to fix and describe the size and character of the Project with regard to site, architectural, structural, mechanical and electrical systems, materials and such other elements as may be appropriate. Design Development Phase deliverables shall include, but not be limited to, the following Phase II items:

   a Plan views in appropriate scale
   b. Sections where appropriate
   c. Floor plans and elevations where appropriate
   d. Typical details (architectural and structural)
   e. Preliminary mechanical schematic and design loads
   f. Preliminary electrical schematic with design loads

2. Coordinate with appropriate governmental authorities and provide information requested for compliance with applicable codes, ordinances, and laws. If necessary, make revisions necessary to obtain compliance or approval. Comply with all requirements of the City of Plano Building Inspections Department.

3. Prepare an estimate of construction quantities and develop a preliminary estimate of probable construction cost.

4. Submit plans and construction opinions of probable cost to the City for review.

5. Meet with the City to discuss plans and construction opinions of probable cost.

6. Distribute the plans to local utility companies, if necessary, to obtain information regarding impacts to their facilities. Consider how impacts may affect the project cost.

## PART III - CONSTRUCTION DOCUMENTS PHASE

A. Services. Consultant will provide/perform the following Construction Documents Phase Services:

1. All completed and approved drawings and details will be produced in *AutoCAD*. All completed and approved specifications will be produced in *Microsoft Word.*

2. Based upon the approved Design Development Documents and further adjustments in the scope or quality of the Project or in the project design budget authorized by the City, the Consultant shall prepare, for approval by the City, Construction Documents consisting of Drawings and Specifications setting forth in detail the requirements for construction of the Project. Construction Documents Phase deliverables shall include, but not be limited to these contract documents:

   a. Plan sheets illustrating plans, elevations, sections and details of construction.
   b. Standard City details incorporated into the plans, as required.
   c. Erosion control plans to comply with the EPA Storm Water Management Program. All work must comply with the City of Plano, Erosion and Sediment Control Manual, 1997 or latest edition.(d) Technical specifications.
   d. Project manual containing specifications and bidding documents including City forms such as bid proposal, form of agreement between City and Contractor, and conditions of the contract.
   e. Provide the City with AutoCAD .dwg files upon bid award, in Autocad r. 2000, no xrefs, NAD83 north Texas zone datum, each plan sheet corresponds to on drawing file.
   f. Provide technical specs in Microsoft Word .doc format.
   g. Provide record drawings in .dwg format, contractor mark-up copies will be provided.
   h. Provide graphic products in electronic file format (tiff).
   i. All electronic file transmittals shall be in CD-Rom format.
   j. Submit project elements in tabular database format, e.g., manufacturer model numbers, type, location (in coordinates).

3. Prepare a take-off of final quantities and prepare final opinions of probable cost of probable construction cost.

4. Prepare final bid documents, including City of Plano standard construction agreement, bid proposal forms, construction plans, and special conditions.

5. Reproduce bid documents as required by City, and recoup printing expenses through a non-refundable deposit charged to the bidders.

6. File bid documents for review by the Texas Department of Licensing and Regulation.

## PART IV - BIDDING PHASE

A. Services. Consultant will provide/perform the following Bidding Phase Services.

1. Assist the City of Plano staff in preparing the advertisement for bids.

2. Answer questions from Bidders and prepare addenda as necessary.

3. Assist the City as required in opening bids.

4. Provide bid tabulations and letter of recommendation.

5. Review or-equal and submittals from contractor.

6. Review the lowest and second lowest bidder. Bid review will include the contractor=s:

   a. Past work history;
   b. Current workload;
   c. Financial resources; and
   d. Physical resources to produce the project.

7. A summary of the bid analysis will be provided to the City for use in selection and award of the construction contract.

8. Assist the City staff in a pre-construction conference.

9. Furnish the City 13 sets of final plans for construction.

10. Provide the City with a reproducible mylar set of drawings.

11. Respond to substitution requests by bidders.

12. Respond to questions posed by bidders.

## PART V - CONTRACT ADMINISTRATION PHASE

A. Services. Consultant will provide/perform the following Construction Administration Phase Services:

1. Provide site observation visits appropriate to the stage and quality of the Contractor's works in progress. Site observation visits shall be provided for the purpose of ascertaining for the City that the work is in substantial or general conformance with the contract documents and design intent.

   a. Should nonconforming or defective work be observed, the Consultant will endeavor to immediately inform the project manager that conforming or remedial action is required.
   b. The number of site observation visits to be provided by a representative of the Consultant at times in the judgment of the project manager appropriate to the works, or as otherwise requested/directed by the City, shall not exceed an aggregate total of 20 visits over the period of the Contractor=s construction contract.
   c. Site observation visits provided by the Engineer as necessary to correct errors or omissions or to clarify ambiguities in the plans will not accrue against the 20 visits described in Part V - A.1.(b) above.
   d. A schedule of key construction observation visits will be developed for approval and reference by the City.

2. Conduct coordination meetings with contractors, inspection personnel, and City representative to discuss strategy, problem areas, progress, and any required coordination. Prepare a summary of these meetings and distribute them to both the City and the contractor (maximum of one meeting per month to be conducted in conjunction with a site observation visit).

3. Review shop drawings and other submittal information for the purpose of ascertaining conformance with the design intent and construction documents.

4. Provide written responses to requests for information or clarification.

5. Recommend change orders, if required.

6. Assist the City in conducting the substantial completion and final completion observations.

7. When complete, recommend final acceptance of work.

## PART VI - ADDITIONAL SERVICES

A. Geotechnical Investigation and Report. The Consultant will secure the services of an independent geotechnical engineering company acceptable to the City. Field investigations, laboratory investigations, and engineering analyses will be performed.

B. Preparation of the Comprehensive Site Plan and Preliminary/Final Plats. The Consultant will prepare the site plan and plats of the project site as listed below. The plats and site plan shall include only the Archgate Park property, not the electrical easement that will be utilized for trails.

1. Prepare the comprehensive site plan as required by City zoning ordinances.

2. Prepare the Preliminary Plat for City staff review during construction documents phase of the Project.

3. Prepare the Final for City staff review after the project is constructed or substantially complete.

4. One presentation each of the site plan/preliminary plat/final plat to the Planning and Zoning Commission.

5. Provide prints and reproducible copies of the site plan/preliminary plat/final plat as needed by the City.

C. Storm Water Pollution Prevention Plan (SWPPP). The Consultant will prepare a revised SWPPP to include the Phase II development.

**PART VII - EXCLUSIONS**

A. The intent of this Scope of Services, Exhibit A@ is to include only the services specifically listed herein for this Project. Services specifically excluded from this scope of services include, but are not necessarily limited to the following:

1. Any redesign or design changes to the previously designed portion of the park contained in the Phase I Contract Documents.

2. Fees for permits and advertising.

3. Flood studies, floodplain reclamation plans, or FEMA Letter of Map Revision.

## EXHIBIT "B"
## PROPOSED SCHEDULE

### ARCHGATE ATHLETIC SITE - PHASE II

| Stage of Services | Cal. days to Complete | Weeks to Complete | Projected Date |
|---|---|---|---|
| Authorization from City to Proceed with Project | | | **July 15, 2005** |
| Geotechnical Investigation and Report | 28 | 4 | Aug. 12, 2005 |
| Design Development Phase (DD) | 28 | 4 | Aug. 12, 2005 |
| City Review of DD | 7 | 1 | Aug. 19, 2005 |
| Construction Documents Phase (CD) | | | |
| 50% Submittal | 35 | 5 | September 23, 2005 |
| 90% Submittal | 28 | 5 | October 21, 2005 |
| **Final Review Submittal for Building Permit** | 28 | 4 | **November 18, 2005** |
| Corrections after Permit Review | 21 | 3 | December 9, 2005 |
| Plat and Site Plan Review | | | |
| **Submit Plat, Site Plan and Planting Plan** | | | **October 13, 2005** |
| Mark-up Available | | | October 24, 2005 |
| Corrected Plans Returned to City | | | October 31, 2005 |
| P&Z Meeting Date | | | November 7, 2005 |
| Bidding Phase | | | |
| **Send documents to Printer** | | | **December 9, 2005** |
| Printing | 7 | 1 | December 16, 2005 |
| Advertisement for Bids | 6 | 1 | December 22, 2005 |
| Advertisement for Bids | 7 | 1 | December 29, 2005 |
| **Bid Opening** | 29 | 4 | **January 15, 2005** |
| City Approve and Execute Contract | 28 | 4 | February 12, 2006 |

## EXHIBIT "C"

## COMPENSATION SCHEDULE

## ARCHGATE ATHLETIC SITE - PHASE II

A. BASIC PROFESSIONAL PLANNING AND DESIGN SERVICES

| | | |
|---|---|---|
| 1. | Design Development | $30,300 |
| 2. | Construction Documents | 183,000 |
| 3. | Storm Water Pollution Prevention Plan | 2,500 |
| 4. | Bidding | 14,500 |
| 5. | Contract Administration (18 months) | 70,000 |
| 6. | Reimbursable Expenses | 3,000 |
| 7. | Total | $303,300 |

B. OPTIONAL ADDITIONAL SERVICES

| | | |
|---|---|---|
| 8. | Geotechnical Investigation | 2,500 |
| 9. | Comprehensive Site Plan | 5,700 |
| 10. | Preliminary Plat | 6,600 |
| 11. | Final Plat | 5,100 |
| 12. | Record Drawings | 3,800 |
| 13. | Total | $ 23,700 |

**TOTAL** **$327,000**

## SCHEDULE OF CHARGES - 2005
## BILLABLE SALARY RATE & EXPENSE CHARGES

| CLASSIFICATION: | BILLABLE SALARY RATE |
|---|---|
| PRINCIPAL | $150 |
| ASSOCIATE | 130 |
| SENIOR ENGINEER | 120 |
| ENGINEER III | 100 |
| ENGINEER II | 80 |
| ENGINEER I | 70 |
| DESIGNER/ENGINEER-IN-TRAINING | 60 |
| SENIOR LANDSCAPE ARCHITECT | 120 |
| LANDSCAPE ARCHITECT III | 90 |
| LANDSCAPE ARCHITECT II | 75 |
| LANDSCAPE ARCHITECT I | 60 |
| DESIGNER | 55 |
| SENIOR PLANNER | 120 |
| PLANNER | 85 |
| ARCHITECT | 85 |
| DESIGNER | 85 |
| SURVEY COORDINATOR | 95 |
| SENIOR ENGINEERING TECHNICIAN | 70 |
| ENGINEERING TECHNICIAN | 70 |
| PLANNING TECHNICIAN | 60 |
| PRODUCTION COORDINATOR | 105 |
| CAD OPERATOR/ DRAFTER III | 85 |
| CAD OPERATOR/ DRAFTER II | 70 |
| CAD OPERATOR/ DRAFTER I | 60 |
| SENIOR SECRETARY/SPECIFICATIONS COORDINATOR | 65 |
| SECRETARY/WORD PROCESSOR | 45 |
| CLERK | 40 |

The ranges and individual salaries are adjusted annually.

OTHER SERVICES (invoiced at rate shown):

| | |
|---|---|
| Survey Field Party | $115/hour |

PRINTING SERVICES (in house):

| SQ. FT. PER ORDER | BLUE LINE | MYLAR |
|---|---|---|
| PRICE VARIES ACCORDING TO SIZE OF ORDER | | |
| 6 | $3.70 | $10.00 |
| ▯ | ▯ | ▯ |
| 100 | 25.71 | 139.00 |
| 101-200 | 0.18/S.F. | 1.30/S.F. |
| 201-300 | 0.14/S.F. | 1.25/S.F. |
| 301-1000 | 0.13/S.F. | 1.20/S.F. |
| 1001 - up | 0.11.S.F. | 1.15/S.F. |

COMPUTER PLOTTING SERVICES (in house):

| SIZE | BLACK INK ON BOND/VELLUM | COLOR ON BOND/VELLUM | MYLAR FILM OF INK PLOT |
|---|---|---|---|
| up to 11"x17" | $ 10.50 | $ 13.00 | $ 13.50 |
| 24"x36" | 11.00 | 15.50 | 21.00 |
| 30"x42" | 12.50 | 22.00 | 27.00 |
| oversize add | 2.50/SF | 3.50/SF | 4.50/SF |

In-house Xerox copies provided at $0.07 per single side copy or $0.14 per double side copy.

OTHER DIRECT EXPENSES:

Other direct expenses are reimbursed at actual cost times a multiplier of 1.10. They include outside printing and reproductions expense, communication expense, travel, transportation and subsistence away from Arlington and other miscellaneous expenses directly related to the work, including costs of laboratory analysis, tests, and other work required to be done by independent persons other than staff members.

# EXHIBIT "D"

## LANDSCAPE ARCHITECT

## INSURANCE

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

**1. General Insurance Requirements:**

1.1 The Architect (hereinafter called "Architect") shall not start work under this contract until the Architect has obtained at his own expense all of the insurance called for here under and such insurance has been approved by the City. Approval of insurance required of the Architect will be granted only after submission to the Purchasing Agent of original, signed certificates of insurance or, alternately, at the City's request, certified copies of the required insurance policies.

1.2 All insurance policies required hereunder shall be endorsed to include the following provision: "It is agreed that this policy is not subject to cancellation, non-renewal, 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 Architect from any liability or obligation imposed upon the provisions of the Contract.

1.4 The City of Plano (including its elected and appointed officials, agents, volunteers, and employees) is to be named as an additional insured under Architect's General Liability Policy, and the certificate of insurance, or the certified policy, if requested, must so state. Coverage afforded under this paragraph shall be primary as respects the City, its elected and appointed officials, agents and employees.

1.4.1 The following definition of the term "City" applies to all policies issued under the contract:

The City Council of the City of Plano and any affiliated or subsidiary Board, Commission Authority, Committee, or Independent Agency (including those newly constituted), provided that such affiliated or subsidiary Board Commission, Authority, Committee, or Independent Agency is either a Body Politic created by the City Council of the City of Plano, or one in which controlling interest is vested in the City of Plano; and City of Plano Constitutional Officers.

1.5 The Architect shall provide insurance as specified in the "Insurance Checklist" (Checklist) found on the last page of the bid or proposal form. Full limits of insurance required in the Checklist of this agreement shall be available for claims arising out of this agreement with the City of Plano.

1.6 Architect agrees to defend and indemnify the City of Plano, its officers, agents and employees as provided in Paragraph VII. of this contract.

1.7 Insurance coverage required in these specifications shall be in force throughout the Contract Term. Should the Architect fail to provide acceptable evidence of current insurance within seven (7) days of written notice at any time during the Contract Term, the City shall have the absolute right to terminate the Contract without any further obligation to the Architect, and the Architect shall be liable to the City for the entire additional cost of procuring performance and the cost of performing the incomplete portion of the Contract at time of termination.

1.8 Written requests for consideration of alternate coverages must be received by the City Purchasing Manager at least ten (10) working days prior to the date set for receipt of bids or proposals. If the City denies the request for alternative coverages, the specified coverages will be required to be submitted.

1.9 All required insurance coverages must be acquired from insurers authorized to do business in the State of Texas and acceptable to the City. The City prefers that all insurers also have a policyholder's rating of "A-" or better, and a financial size of "Class VI" or better in the latest edition of A.M. Best, or A or better by Standard and Poors, unless the City grants specific approval for an exception.

1.10 Any deductibles shall be disclosed in the Checklist and all deductibles will be assumed by the Architect. Architect may be required to provide proof of financial ability to cover deductibles, or may be required to post a bond to cover deductibles.

**2. <u>Architect's Insurance - "Occurrence" Basis:</u>**

2.1 The Architect shall purchase the following insurance coverages, including the terms, provisions and limits shown in the Checklist.

2.1.1 Commercial General Liability - Such Commercial General Liability policy shall include any or all of the following as indicated on the Checklist:

i. General aggregate limit is to apply per project;

ii. Premises/Operations;

iii. Actions of Independent Contractors;

iv. Contractual Liability including protection for the Architect from claims arising out of liability assumed under this contract;

v. Personal Injury Liability including coverage for offenses related to employment;

vi. Explosion, Collapse, or Underground (XCU) hazards; if applicable. This coverage required for any and all work involving drilling, excavation, etc.

2.1.2 Business Automobile Liability including coverage for any owned, hired, or non-owned motor vehicles and automobile contractual liability.

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

2.2 Professional Errors and Omissions

The Architect 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

# LANDSCAPE ARCHITECT

## City of Plano - Insurance Checklist

("X" means the coverage is required.)

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

___ 18. Garagekeepers' Legal $_____- Comprehensive
$_____- Collision

___ 19. Owners Protective Liability $500,000 Combined single limits

_X_ 20. City named as additional insured on General Liability policy. This coverage is primary to all other coverages the City may possess.

_X_ 21. City provided with Waiver of Subrogation on Workers' Compensation or Alternative program if applicable.

_X_ 22. Ten (10) days notice of cancellation, non-renewal, material change or coverage reduction endorsement required. The words "endeavor to" and "but failure" (to end of sentence) are to be eliminated from the Notice of Cancellation provision on standard ACORD certificates.

_X_ 23. The City of Plano prefers an A.M. Best's Guide Rating of "A-", "VI" or better or Standard and Poors Rating AA or better; Authorized to do business in the State of Texas (not applicable for workers' compensation assigned through pool or alternative compensation programs).

_X_ 24. The Certificate must state project title and project number.

_X_ 25. Other Insurance Required:

INSURANCE AGENT'S STATEMENT

I have reviewed these requirements with the Architect named below. Additionally:

_X_ 26. The above policy(s) carry the following deductibles: _____

Full limits of coverage available for:
General Liability_____ Professional Liability _____
Automobile Liability_____

_X_ 27. Liability policies are (indicate):

OCCURRENCE [ ] CLAIMS MADE [ ]

_____ _____
Signature Date

_____
Insurance Agent (Print)

_____
Name of Insured

_____
Date

## EXHIBIT "E"

## AFFIDAVIT OF NO PROHIBITED INTEREST

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

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

_____
**Name of Architect Firm**

**By:**_____
**Signature**

_____
**(Print Name)**

_____
**Title**

_____
**Date**

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

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

_____
Notary Public, State of Texas

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☒ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | 07/25/05 | Reviewed by Legal | ☐ Yes | ☒ Not Applicable |
| Department: | Engineering Department | | Initials | Date |
| Department Head | Alan Upchurch | Executive Director | | 7/19/05 |
| Dept Signature: | Alan L Upchurch | City Manager | | 7/19/05 |
| Agenda Coordinator (include phone #): | Irene Pegues (7198) | | | (Project No. 4808) |

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

## CAPTION

To Mario Sinacola & Sons Excavating, Inc., increasing the contract by $218,940.08 for Los Rios Boulevard Extension, Phase I, Change Order No. 6. (Original Bid #B096-04)

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☒ CIP

| FISCAL YEAR: 2004-05 | Prior Year (CIP Only) | Current Year | Future Years | TOTALS |
|---|---|---|---|---|
| Budget | 2,684,147 | 1,930,853 | 100,000 | **4,715,000** |
| Encumbered/Expended Amount | -2,684,147 | -1,711,670 | 0 | **-4,395,817** |
| This Item | 0 | -218,940 | 0 | **-218,940** |
| BALANCE | **0** | **243** | **100,000** | **100,243** |

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

**COMMENTS:** Funds are included in the 2004-05 Street Improvement CIP. This Change Order No. 6, in the amount of $218,940, will leave a current year balance of $243 for the Los Rios – Jupiter to Parker project.

STRATEGIC PLAN GOAL: Street widening and improvements relates to the City's Goal of Safe, Efficient Travel.

## SUMMARY OF ITEM

The change order is for adjustments in earthwork quantities necessary for lake construction and channel improvements due to the actual amount of earth moved being larger, based upon actual field surveys, than the estimated quantities bid for the project. Clearing and grubbing of additional spoil areas and final ground stabilization of the areas are included for disposal of the material.

Staff recommends approval of Change Order No. 6. The contract total will be $4,587,098.19, which includes change orders of 7.68% of the original contract amount of $4,259,891.78.

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| Change Order No. 6 | N/A |
| Location Map | |

0725SINACOLA (LEE/sr)

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# CHANGE ORDER NO. 6

## LOS RIOS BOULEVARD – PHASE I
## (JUPITER ROAD TO PARKER ROAD)
## PROJECT NO. 4808, PURCHASE ORDER NO. 102629
## CIP NOS. 31378, 68944, 10212 & 22340

A. INTENT OF CHANGE ORDER

The intent of this change order is to modify the provisions of the contract entered into by the **CITY OF PLANO, TEXAS** and **MARIO SINACOLA & SONS EXCAVATING, INC.** for the **LOS RIOS BOULEVARD – PHASE I PROJECT**, dated **MAY 24, 2004.**

B. DESCRIPTION OF CHANGE

The change order is for adjustments in earthwork quantities necessary for lake construction and channel improvements due to the actual amount of earth moved being larger than estimated quantities bid for the project. Clearing and grubbing of additional spoil areas and final ground stabilization of the areas is included for disposal of the material.

C. EFFECT OF CHANGE

This change order will have the following effect on the cost of this project and will be charged to CIP No. 31378:

| *ITEM NO.* | *ITEM DESCRIPTION* | *ORIG. QTY.* | *REVISED QUANTITY* | *UNIT* | *UNIT PRICE* | *AMOUNT OF CHANGE* |
|---|---|---|---|---|---|---|
| | | | | | | |
| 3 | Unclassified channel and lake excavation, in dirt or rock | 399,763 | 477,000 | C.Y. | $1.76 | $135,937.12 |
| 18 | Compacted Fill | 155,000 | 259,500 | C.Y. | $0.31 | $32,395.00 |
| 28 | Establish permanent vegetation with compost mulch permanent seeding | 74.4 | 79.4 | Ac. | $6,373.50 | $31,867.50 |
| 30 | Clearing & Grubbing for Proposed Lake Area | 75.4 | 84.4 | Ac. | $2,000.00 | $18,000.00 |
| 51 | Bermuda Block Sodding | 5,394 | 5,652 | S.Y. | $2.87 | $740.46 |
| | **TOTAL:** | | | | | **$218,940.08** |

| | |
|---|---|
| Original Contract Amount | $ 4,259,891.78 |
| Contract Amount (Including Previous Change Orders) | $ 4,368,158.11 |
| **Amount, Change Order No. 6** | **$ 218,940.08** |
| **Revised Contract Amount** | **$ 4,587,098.19** |
| **Total Percent Increase Including Previous Change Orders** | **7.68%** |

SR/LDS/CO6-LOSRIOS4808 (06/05)

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D. EFFECT OF CHANGE ON CONTRACT TIME

The work required under this change order will add 0 days to this project:

| | |
|---|---|
| Original Contract Time | 275 working days |
| Amount (Including Previous Change Orders) | 310 working days |
| **Amount, Change Order No. 6** | **0** working days |
| **Revised Contract Time** | **310** working days |
| **Total Percent Increase Including Previous Change Orders** | **12.73%** |

E. AGREEMENT

By the signatures below, duly authorized agents of the City of Plano, Texas and Mario Sinacola & Sons Excavating, Inc. do hereby agree to append this Change Order No. 6 to the original contract between themselves, dated May 24, 2004.

| **CITY OF PLANO**<br>*OWNER* | **MARIO SINACOLA & SONS EXCAVATING, INC.**<br>*CONTRACTOR* |
|---|---|
| By: _____<br>(signature) | By: _____<br>(signature) |
| Print Name: Thomas H. Muehlenbeck | Print Name: |
| Print Title: City Manager | Print Title: |
| Date: | Date: |

APPROVED AS TO FORM:

By: _____
Diane C. Wetherbee, City Attorney

## ACKNOWLEDGMENTS

**STATE OF TEXAS** §
§
**COUNTY OF _____** §

This instrument was acknowledged before me on the _____ day of _____, 2005, by _____, _____ of **MARIO SINACOLA & SONS EXCAVATING, INC.**, a **Michigan** corporation licensed to do business in Texas, on behalf of said corporation.

_____
Notary Public, State of Texas

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

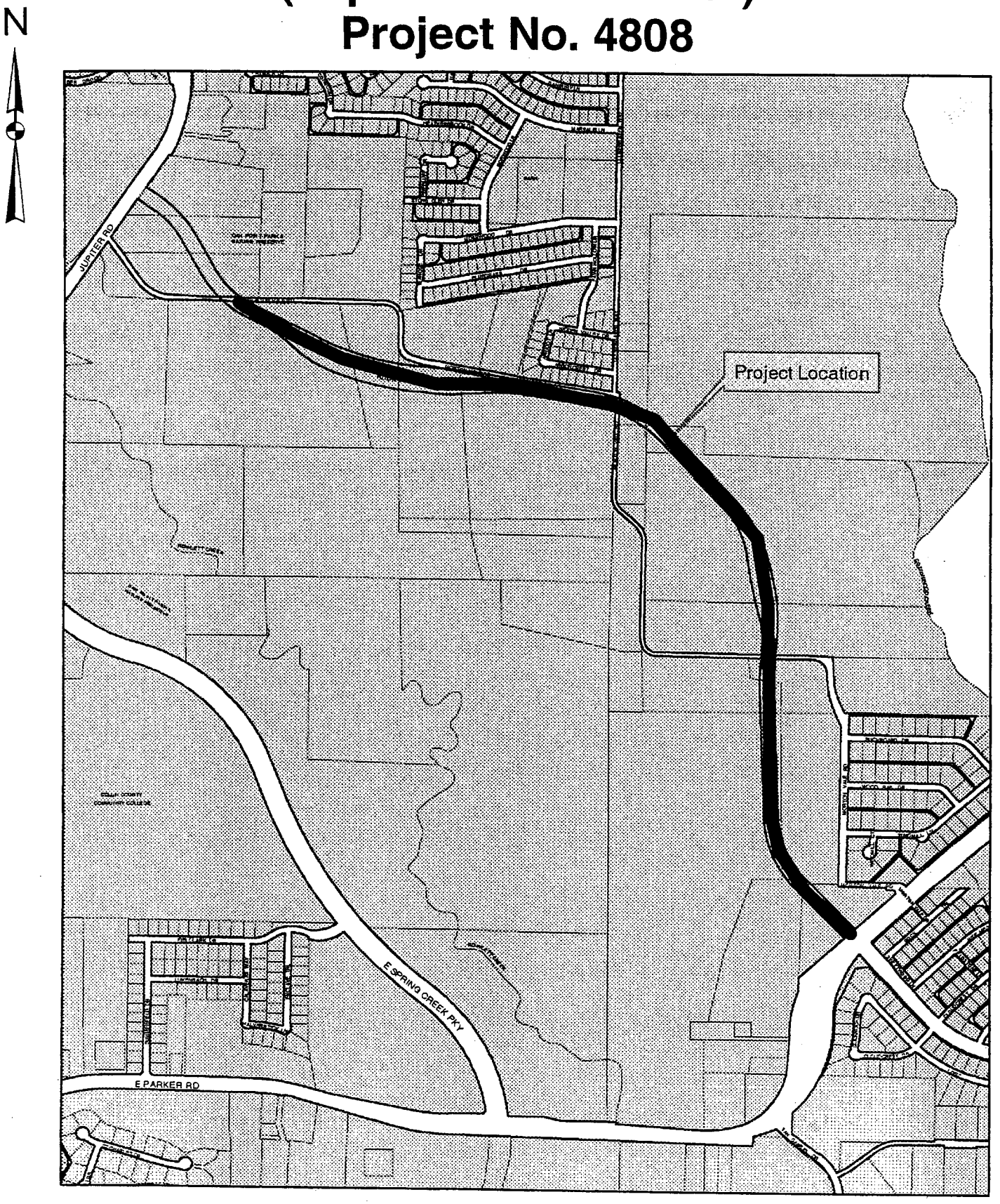
This instrument was acknowledged before me on the _____ day of _____, 2005, by **THOMAS H. MUEHLENBECK, CITY MANAGER** of the **City of Plano, Texas,** a Home-Rule Municipal Corporation, on behalf of said municipal corporation.

_____
Notary Public, State of Texas



R-4

# Los Rios Boulevard
# Phase I
# (Jupiter Rd. to Parker)
# Project No. 4808

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# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☐ Yes | ☒ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget C.S. | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | July 25, 2005 | Reviewed by Legal | ☒ Yes | ☐ Not Applicable |
| Department: | Police | | Initials | Date |
| Department Head | Gregory W. Rushin | Executive Director | | 7.14.05 |
| Dept Signature: | | City Manager | | 7/15/05 |
| Agenda Coordinator (include phone #) | Pam Haines, ext 2526 | | | |

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, AUTHORIZING THE CITY OF PLANO TO PARTICIPATE IN AND RECEIVE FUNDING THROUGH THE TEXAS HIGHWAY TRAFFIC SAFETY PROGRAM FOR A STEP – IMPAIRED DRIVING MOBILIZATION (IDM 402) PROJECT, TO BE CONDUCTED DURING LABOR DAY HOLIDAY PERIOD; AUTHORIZING THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR TO EXECUTE ANY OTHER DOCUMENTS NECESSARY TO EFFECTUATE THE ACTION TAKEN; AND PROVIDING AN EFFECTIVE DATE.**

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☒ OPERATING EXPENSE ☒ REVENUE ☐ CIP

| FISCAL YEAR: 04/05 | Prior Year (CIP Only) | Current Year | Future Years | TOTALS |
|---|---|---|---|---|
| Budget | 0 | 0 | 0 | **0** |
| Encumbered/Expended Amount | 0 | 0 | 0 | **0** |
| This Item | 0 | 15,000 | 0 | **15,000** |
| BALANCE | 0 | 15,000 | 0 | **15,000** |

**FUND(S):** GRANT FUND

**COMMENTS:** The grant contract provides revenue in the amount of $15,000 for Police Officer Overtime. The Impaired Driving Mobilization (IDM 402) Selected Traffic Enforcement Program Grant provides the funding for overtime for police officers to increase DWI Enforcement in order to increase DWI arrests and reduce the number of alcohol-related traffic crashes.

STRATEGIC PLAN GOAL: The increased enforcement of Impaired Driving relates to the City's Goal of a "Premier City for Families" and "Safe, Efficient Travel".

## SUMMARY OF ITEM

The State of Texas, acting by and through the Texas Department of Transportation, offered the City of Plano a grant totaling $15,000, described as Impaired Driving Mobilization (IDM 402) Selected Traffic Enforcement Program. The effective grant period is August 1, 2005 through September 30, 2005, with the enforcement dates being August 19, 2005 through September 5, 2005. The grant provides funding for overtime police

# CITY OF PLANO
# COUNCIL AGENDA ITEM

officers to increase DWI enforcement in order to increase DWI arrests and reduce the number of alcohol-related traffic crashes.

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| Resolution, Memo, and Grant Agreement | |

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P.O. Box 860358
Plano, Texas 75086-0358
972-941-7000
Fax. No. 972-941-0099
http://www.ci.plano.tx.us

# MEMORANDUM

**DATE:** *June 23, 2005*

**TO:** *Bruce D. Glasscock, Executive Director*

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

**SUBJECT:** *Impaired Driving Mobilization Grant*

We have received notification a $15,000 grant has been awarded to the City of Plano for the Police Department to conduct DWI enforcement, education, and media releases through the Labor Day Holiday, August 19, 2005 – September 5, 2005. The grant pays Officer overtime, and there is no match for the City.

As you know DWI is a serious problem facing communities across our nation. Impaired drivers take a great toll in loss of lives, serious injuries, and property damage. Impaired drivers are generally highest during Holidays. This program will allow us to put more Officers on the street, as off-duty Officers will be paid overtime to focus on DWI enforcement and education.

This grant will be brought to City Council for approval at the July 25th meeting.

If you have any questions please advise. Thanks.

**RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, AUTHORIZING THE CITY OF PLANO TO PARTICIPATE IN AND RECEIVE FUNDING THROUGH THE TEXAS HIGHWAY TRAFFIC SAFETY PROGRAM FOR A STEP – IMPAIRED DRIVING MOBILIZATION (IDM 402) PROJECT, TO BE CONDUCTED DURING LABOR DAY HOLIDAY PERIOD; AUTHORIZING THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR TO EXECUTE ANY OTHER DOCUMENTS NECESSARY TO EFFECTUATE THE ACTION TAKEN; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City was presented a proposed Agreement by and between City of Plano and the Texas Department of Transportation, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and,

**WHEREAS,** upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions are in the best interests of the citizens of Plano and thereof should be ratified.

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

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

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

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

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

_____
Pat Evans, MAYOR

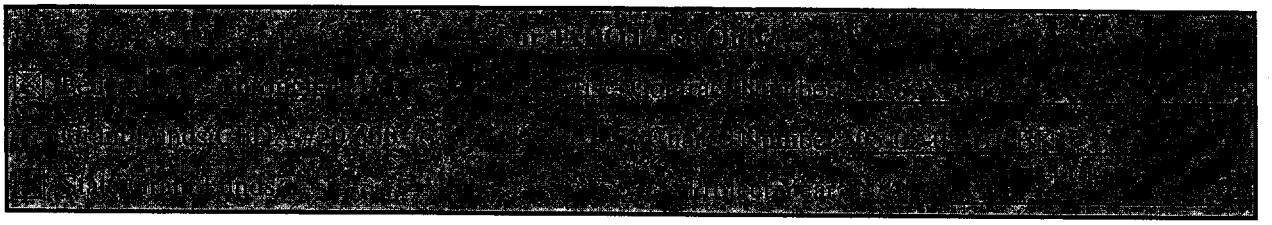
ATTEST:

_____
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

_____
Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A" OF RESOLUTION _____



PIN (14 characters only): 17560006409000

## TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT

THE STATE OF TEXAS

THE COUNTY OF TRAVIS

THIS AGREEMENT IS MADE BY and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the Department, and City of Plano, hereinafter called the Subgrantee, and becomes effective when fully executed by both parties. For the purpose of this agreement, the Subgrantee is designated as a(n):

- ☐ State Agency
- ☒ Unit of Local Government
- ☐ Other (describe): _____.
- ☐ Non-Profit Organization
- ☐ Educational Institution

**AUTHORITY:** Texas Transportation Code, Chapter 723, the Traffic Safety Act of 1967, and the Highway Safety Plan for the following Fiscal Year(s) 2005.

**Project Title:** STEP – Impaired Driving Mobilization (IDM 402)

**Brief Project Description:** To conduct an increased DWI enforcement effort during the Labor Day Holiday Crackdown in order to increase DWI arrests and reduce the number of alcohol-related traffic crashes.

**Grant Period:** The Grant becomes effective on August 1, 2005, or on the date of final signature of both parties, whichever is later, and ends on September 30, 2005, unless terminated or otherwise modified.

**Maximum Amount Eligible for Reimbursement:** $15,000.

The following attachments are incorporated as indicated as a part of the Grant Agreement:

- Attachment A, Mailing Addresses
- Attachment B, General Terms and Conditions (TxDOT Form 1854)
- Attachment C, Project Description (TxDOT Form 2076)
- Attachment D, Action Plan (TxDOT Form 1852)
- Attachment E, Project Budget (TxDOT Form 2077 or 2077-LE)
- ☒ Attachment F, Operational Plan (TxDOT Form 2109) (for Selective Traffic Enforcement Program grants only)

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EXHIBIT "A" OF RESOLUTION _____

Project Title: STEP – Impaired Driving Mobilization (IDM 402)

**TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT**

The signatory for the Subgrantee hereby represents and warrants that she/he is an officer of the organization for which she/he has executed this agreement and that she/he has full and complete authority to enter into this agreement on behalf of the organization. At the time the signatory for the Subgrantee signs the Grant Agreement, she/he will sign and submit to the Department a letter designating signature authority by position title for grant-related documents other than the Grant Agreement or Grant Agreement amendments. These other grant-related documents will include, but not be limited to, the following: performance reports, final performance report and administrative evaluation report, Requests For Reimbursement (RFRs), and routine correspondence.

**THE SUBGRANTEE**

City of Plano
[Legal Name of Agency]

By _____
[Authorized Signature]

_____
[Name]

_____
[Title]

Date: _____

Under authority of Ordinance or Resolution Number (for local governments):

_____

**THE STATE OF TEXAS**

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

By_____
District Engineer
Texas Department of Transportation

William L. Hale, P.E.
[Name]

District Engineer
[Title]

Date: _____

By_____
Director, Traffic Operations Division
Texas Department of Transportation
(Not required for local project grants under $100,000.)

Date: _____

EXHIBIT "A" OF RESOLUTION _____

**Attachment A**

Project Title: STEP – Impaired Driving Mobilization (IDM 402)

## Mailing Addresses

For the purpose of this agreement, the **following addresses shall be used to mail all required notices, reports, claims, and correspondence**. (NOTE: For warrants (checks), the address indicated by the electronic mail code, which is the last three digits of the PIN on page 1 of this Grant Agreement, shall be used for disbursing payments. If that address is not where the Subgrantee wants warrants or checks to be sent, the Subgrantee needs to notify the Department of any appropriate changes.

**For Subgrantee (Project Director):**

**Name:** Chris Curd

**Title:** Sergeant

**Organization:** City of Plano

**Address:** PO Box 860358

Plano, TX 75086-0358

**Phone:** 972-208-8055

**Fax:** 972-208-8052

**E-mail:** christopherc@plano.gov

**Note:** Any change in the Subgrantee information in this Attachment A, Mailing Addresses, does not require an amendment to the Grant Agreement. However, the Subgrantee must submit a letter with the corrected information to the Department address below within 15 days of the change.

**For Texas Department of Transportation:**

**Name:** Pat Hickman

**Title:** TSS

**Organization:** Texas Department of Transportation

**Address:** 4777 E. Hwy 80

Mesquite, TX 75150

**Phone:** 214-320-6235

**Fax:** 214-319-6568

**E-mail:** phickma@dot.state.tx.us

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EXHIBIT "A" OF RESOLUTION _____

**Attachment B**

**Project Title: STEP – Impaired Driving Mobilization (402)**
**Subgrantee: City of Plano**

**Texas Traffic Safety Program**
**GRANT AGREEMENT GENERAL TERMS AND CONDITIONS**

## ARTICLE 1. COMPLIANCE WITH LAWS

The Subgrantee shall comply with all federal, state, and local laws, statutes, codes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any matter affecting the performance of this Agreement, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, nondiscrimination laws and regulations, and licensing laws and regulations. When required, the Subgrantee shall furnish the Department with satisfactory proof of its compliance therewith.

## ARTICLE 2. STANDARD ASSURANCES

The Subgrantee hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements, including 49 CFR (Code of Federal Regulations), Part 18; 49 CFR, Part 19 (OMB [Office of Management and Budget] Circular A-110); OMB Circular A-87; OMB Circular A-102; OMB Circular A-21; OMB Circular A-122; OMB Circular A-133; and the Traffic Safety Program Manual, as they relate to the application, acceptance, and use of federal or state funds for this project. Also, the Subgrantee assures and certifies that:

A. It possesses legal authority to apply for the grant; and that a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

B. It and its subcontractors will comply with Title VI of the Civil Rights Act of 1964 (Public Law 88-352), as amended, and in accordance with that Act, no person shall discriminate, on the grounds of race, color, sex, national origin, age, religion, or disability.

C. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, as amended; 42 USC (United States Code) §§4601 et seq.; and United States Department of Transportation (USDOT) regulations, "Uniform Relocation and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR, Part 24, which provide for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs.

D. It will comply with the provisions of the Hatch Political Activity Act, which limits the political activity of employees. (See also Article 25, Lobbying Certification.)

E. It will comply with the federal Fair Labor Standards Act's minimum wage and overtime requirements for employees performing project work.

F. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

G. It will give the Department the access to and the right to examine all records, books, papers, or documents related to this Grant Agreement.

**Attachment B**

**Project Title: STEP – Impaired Driving Mobilization (IDM 402)**
**Subgrantee: City of Plano**

H. It will comply with all requirements imposed by the Department concerning special requirements of law, program requirements, and other administrative requirements.

I. It recognizes that many federal and state laws imposing environmental and resource conservation requirements may apply to this Grant Agreement. Some, but not all, of the major federal laws that may affect the project include: the National Environmental Policy Act of 1969, as amended, 42 USC §§4321 et seq.; the Clean Air Act, as amended, 42 USC §§7401 et seq. and sections of 29 USC; the Federal Water Pollution Control Act, as amended, 33 USC §§1251 et seq.; the Resource Conservation and Recovery Act, as amended, 42 USC §§6901 et seq.; and the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 USC §§9601 et seq. The Subgrantee also recognizes that the U.S. Environmental Protection Agency, USDOT, and other federal agencies have issued, and in the future are expected to issue, regulation, guidelines, standards, orders, directives, or other requirements that may affect this Project. Thus, it agrees to comply, and assures the compliance of each contractor and each subcontractor, with any such federal requirements as the federal government may now or in the future promulgate.

J. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, 42 USC §4012a(a). Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any form of direct or indirect federal assistance.

K. It will assist the Department in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470 et seq.), Executive Order 11593, and the Antiquities Code of Texas (National Resources Code, Chapter 191).

L. It will comply with Chapter 573 of the Texas Government Code by ensuring that no officer, employee, or member of the Subgrantee's governing board or the Subgrantee's subcontractors shall vote or confirm the employment of any person related within the second degree of affinity or third degree by consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person described in Section 573.062 of the Texas Government Code.

M. It will ensure that all information collected, assembled, or maintained by the applicant relative to this project shall be available to the public during normal business hours in compliance with Chapter 552 of the Texas Government Code, unless otherwise expressly provided by law.

N. If applicable, it will comply with Chapter 551 of the Texas Government Code, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.

**ARTICLE 3. COMPENSATION**

A. The method of payment for this Agreement will be based on actual costs incurred up to and not to exceed the limits specified in Attachment E, Traffic Safety Project Budget. The amount included in the Project Budget will be deemed to be an estimate only and a higher amount can be reimbursed, subject to the conditions specified in paragraph B hereunder. If Attachment E, Traffic Safety Project

Budget, specifies that costs are based on a specific rate, per-unit cost, or other method of payment, reimbursement will be based on the specified method.

B. All payments will be made in accordance with Attachment E, Traffic Safety Project Budget.

The Subgrantee's expenditures may overrun a budget category (I, II, or III) in the approved Project Budget without a grant (budget) amendment, as long as the overrun does not exceed a total of five (5) percent per year of the maximum amount eligible for reimbursement (TxDOT) in the attached Project Budget for the current fiscal year. This overrun must be off-set by an equivalent underrun elsewhere in the Project Budget.

If the overrun is five (5) percent or less, the Subgrantee must provide written notification to the Department prior to the Request for Reimbursement being approved. This notification must be in the form of an attachment to the Request for Reimbursement that covers the period of the overrun. This attachment must indicate the amount, the percent over, and the specific reason(s) for the overrun.

Any overrun of more than five (5) percent of the amount eligible for reimbursement (TxDOT) in the attached Project Budget requires an amendment of this Grant Agreement.

The maximum amount eligible for reimbursement shall not be increased above the Grand Total TxDOT Amount in the approved Project Budget, unless this Grant Agreement is amended, as described in Article 5 of this Agreement.

For Selective Traffic Enforcement Program (STEP) grants *only*: In Attachment E of the Grant Agreement, Traffic Safety Project Budget (Form 2077-LE), Subgrantees are not allowed to use underrun funds from the TxDOT amount of (100) Salaries, Subcategories A, "Enforcement," or B, "PI&E Activities," to exceed the TxDOT amount listed in Subcategory C, "Other." Also, Subgrantees are not allowed to use underrun funds from the TxDOT amount of (100) Salaries, Subcategories A, "Enforcement," or C, "Other," to exceed the TxDOT amount listed in Subcategory B, "PI&E Activities." The TxDOT amount for Subcategory B, "PI&E Activities," or C, "Other," can only be exceeded within the 5 percent flexibility, with underrun funds from Budget Categories II or III.

C. To be eligible for reimbursement under this Agreement, a cost must be incurred in accordance with Attachment E, Traffic Safety Project Budget, within the time frame specified in the Grant Period on page 1 of this Grant Agreement, attributable to work covered by this Agreement, and which has been completed in a manner satisfactory and acceptable to the Department.

D. Federal or TxDOT funds cannot supplant (replace) funds from any other sources. The term "supplanting," refers to the use of federal or TxDOT funds to support personnel or an activity already supported by local or state funds.

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**Project Title: STEP – Impaired Driving Mobilization (IDM 402)**
**Subgrantee: City of Plano**

E. Payment of costs incurred under this Agreement is further governed by one of the following cost principles, as appropriate, outlined in the Federal Office of Management and Budget (OMB) Circulars:

- A-21, Cost Principles for Institutions of Higher Education;
- A-87, Cost Principles for State, Local, and Indian Tribal Governments; or,
- A-122, Cost Principles for Nonprofit Organizations.

F. The Subgrantee agrees to submit monthly or quarterly Requests for Reimbursement, as designated in Attachment D, Action Plan, within thirty (30) days after the end of the billing period. The Subgrantee will use billing forms acceptable to the Department. The original Request for Reimbursement, with the appropriate backup documentation, must be submitted to the Department address shown on Attachment A, Mailing Addresses, of this Agreement. In addition, a copy of the Request for Reimbursement and appropriate backup documentation, plus three (3) copies of the Request for Reimbursement without backup documentation, must be submitted to this same address.

G. The Subgrantee agrees to submit the final Request for Reimbursement under this Agreement within forty-five (45) days of the end of the grant period.

H. The Department will exercise good faith to make payments within thirty (30) days of receipt of properly prepared and documented Requests for Reimbursement. Payments, however, are contingent upon the availability of appropriated funds.

I. Project agreements supported with federal or TxDOT funds are limited to the length of this Grant Period, which is specified on page 1 of this Grant Agreement. If the Department determines that the project has demonstrated merit or has potential long-range benefits, the Subgrantee may apply for funding assistance beyond the initial Agreement period. Preference for funding will be given to those projects for which the Subgrantee has assumed some cost sharing, those which propose to assume the largest percentage of subsequent project costs, and those which have demonstrated performance that is acceptable to the Department.

## ARTICLE 4. LIMITATION OF LIABILITY

Payment of costs incurred hereunder is contingent upon the availability of funds. If at any time during this Grant Period, the Department determines that there is insufficient funding to continue the project, the Department shall so notify the Subgrantee, giving notice of intent to terminate this Agreement, as specified in Article 11 of this Agreement. If at the end of a federal fiscal year, the Department determines that there is sufficient funding and performance to continue the project, the Department may so notify the Subgrantee to continue this agreement.

## ARTICLE 5. AMENDMENTS

This Agreement may be amended prior to its expiration by mutual written consent of both parties, utilizing the Grant Agreement Amendment designated by the Department. Any amendment must be executed by the parties within the Grant Period, as specified on page 1 of this Grant Agreement.

## ARTICLE 6. ADDITIONAL WORK AND CHANGES IN WORK

If the Subgrantee is of the opinion that any assigned work is beyond the scope of this Agreement and constitutes additional work, the Subgrantee shall promptly notify the Department in writing. If the Department finds that such work does constitute additional work, the Department shall so advise the

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Subgrantee and a written amendment to this Agreement will be executed according to Article 5, Amendments, to provide compensation for doing this work on the same basis as the original work. If performance of the additional work will cause the maximum amount payable to be exceeded, the work will not be performed before a written grant amendment is executed.

If the Subgrantee has submitted work in accordance with the terms of this Agreement but the Department requests changes to the completed work or parts thereof which involve changes to the original scope of services or character of work under this Agreement, the Subgrantee shall make such revisions as requested and directed by the Department. This will be considered as additional work and will be paid for as specified in this Article.

If the Subgrantee submits work that does not comply with the terms of this Agreement, the Department shall instruct the Subgrantee to make such revisions as are necessary to bring the work into compliance with this Agreement. No additional compensation shall be paid for this work.

The Subgrantee shall make revisions to the work authorized in this Agreement, which are necessary to correct errors or omissions appearing therein, when required to do so by the Department. No additional compensation shall be paid for this work.

The Department shall not be responsible for actions by the Subgrantee or any costs incurred by the Subgrantee relating to additional work not directly associated with or prior to the execution of an amendment.

## ARTICLE 7. REPORTING AND MONITORING

**For Selective Traffic Enforcement Programs (STEPs): Impaired Driving Mobilization (IDM 402):** Subgrantees must submit Performance and Annex reports electronically on the Buckle Up Texas website (www.buckleuptexas.com) no later than fifteen (15) days after the enforcement period ends on September 5, 2005. The report due date is no later than September 20, 2005.

The performance report will include, as a minimum: (1) a comparison of actual accomplishments to the objectives established for the period, (2) reasons why established objectives and performance measures were not met, if appropriate, and (3) other pertinent information, including, when appropriate, an analysis and explanation of cost underruns, overruns, or high unit costs.

The Subgrantee shall submit the Final Performance and Administrative Evaluation Report electronically within thirty (30) days after completion of the grant.

The Subgrantee shall promptly advise the Department in writing of events that will have a significant impact upon this Agreement, including:

A. Problems, delays, or adverse conditions, including a change of project director or other changes in Subgrantee personnel, that will materially affect the ability to attain objectives and performance measures, prevent the meeting of time schedules and objectives, or preclude the attainment of project objectives or performance measures by the established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated and any Department or federal assistance needed to resolve the situation.

B. Favorable developments or events that enable meeting time schedules and objectives sooner than anticipated or achieving greater performance measure output than originally projected.

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**Project Title:** **STEP – Impaired Driving Mobilization (IDM 402)**
**Subgrantee:** **City of Plano**

## ARTICLE 8. RECORDS

The Subgrantee agrees to maintain all reports, documents, papers, accounting records, books, and other evidence pertaining to costs incurred and work performed hereunder, (hereinafter called the records), and shall make such records available at its office for the time period authorized within the Grant Period, as specified on page 1 of this Grant Agreement. The Subgrantee further agrees to retain said records for four (4) years from the date of final payment under this Agreement, until completion of all audits, or until pending litigation has been completely and fully resolved, whichever occurs last.

Duly authorized representatives of the Department, the USDOT, the Office of the Inspector General, Texas State Auditor, and the Comptroller General shall have access to the records. This right of access is not limited to the four (4) year period but shall last as long as the records are retained.

## ARTICLE 9. INDEMNIFICATION

To the extent permitted by law, the Subgrantee, if other than a government entity, shall indemnify, hold, and save harmless the Department and its officers and employees from all claims and liability due to the acts or omissions of the Subgrantee, its agents, or employees. The Subgrantee also agrees, to the extent permitted by law, to indemnify, hold, and save harmless the Department from any and all expenses, including but not limited to attorney fees, all court costs and awards for damages incurred by the Department in litigation or otherwise resisting such claims or liabilities as a result of any activities of the Subgrantee, its agents, or employees.

Further, to the extent permitted by law, the Subgrantee, if other than a government entity, agrees to protect, indemnify, and save harmless the Department from and against all claims, demands, and causes of action of every kind and character brought by any employee of the Subgrantee against the Department due to personal injuries or death to such employee resulting from any alleged negligent act, by either commission or omission on the part of the Subgrantee.

If the Subgrantee is a government entity, both parties to this Agreement agree that no party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds, as well as the acts and deeds of its contractors, employees, representatives, and agents.

## ARTICLE 10. DISPUTES AND REMEDIES

This Agreement supercedes any prior oral or written agreements. If a conflict arises between this Agreement and the Traffic Safety Program Manual, this Agreement shall govern.

The Subgrantee shall be responsible for the settlement of all contractual and administrative issues arising out of procurement made by the Subgrantee in support of Agreement work.

Disputes concerning performance or payment shall be submitted to the Department for settlement, with the Executive Director or his or her designee acting as final referee.

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## ARTICLE 11. TERMINATION

This Agreement shall remain in effect until the Subgrantee has satisfactorily completed all services and obligations described herein and these have been accepted by the Department, unless:

- This Agreement is terminated in writing with the mutual consent of both parties; or
- There is a written thirty (30) day notice by either party; or
- The Department determines that the performance of the project is not in the best interest of the Department and informs the Subgrantee that the project is terminated immediately.

The Department shall compensate the Subgrantee for only those eligible expenses incurred during the Grant Period specified on page 1 of this Grant Agreement which are directly attributable to the completed portion of the work covered by this Agreement, provided that the work has been completed in a manner satisfactory and acceptable to the Department. The Subgrantee shall not incur nor be reimbursed for any new obligations after the effective date of termination.

## ARTICLE 12. INSPECTION OF WORK

The Department and, when federal funds are involved, the US DOT, or any authorized representative thereof, have the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed hereunder and the premises in which it is being performed.

If any inspection or evaluation is made on the premises of the Subgrantee or its subcontractor, the Subgrantee shall provide and require its subcontractor to provide all reasonable facilities and assistance for the safety and convenience of the inspectors in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

## ARTICLE 13. AUDIT

The Subgrantee shall comply with the requirements of the Single Audit Act of 1984, Public Law (PL) 98-502, ensuring that the single audit report includes the coverage stipulated in OMB Circular A-133, "Audits of States, Local Governments, and Other Non-Profit Organizations."

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under this Agreement or indirectly through a subcontract under this Agreement. Acceptance of funds directly under this Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds.

## ARTICLE 14. SUBCONTRACTS

The Subgrantee shall not enter into any subcontract with individuals or organizations not a part of the Subgrantee's organization without prior written concurrence with the subcontract by the Department. Subcontracts shall contain all required provisions of this Agreement. No subcontract will relieve the Subgrantee of its responsibility under this Agreement.

## ARTICLE 15. GRATUITIES

Texas Transportation Commission policy mandates that employees of the Department shall not accept any benefit, gift, or favor from any person doing business with or who, reasonably speaking, may do business with the Department under this Agreement. The only exceptions allowed are ordinary business

lunches and items that have received the advanced written approval of the Department's Executive Director.

Any person doing business with or who reasonably speaking may do business with the Department under this Agreement may not make any offer of benefits, gifts, or favors to Department employees, except as mentioned here above. Failure on the part of the Subgrantee to adhere to this policy may result in termination of this Agreement.

## ARTICLE 16. NONCOLLUSION

The Subgrantee warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Subgrantee, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or making of this Agreement. If the Subgrantee breaches or violates this warranty, the Department shall have the right to annul this Agreement without liability or, in its discretion, to deduct from the Agreement price or consideration, or otherwise recover the full amount of such fee, commission, brokerage fee, contingent fee, or gift.

## ARTICLE 17. CONFLICT OF INTEREST

The Subgrantee represents that it or its employees have no conflict of interest that would in any way interfere with its or its employees' performance or which in any way conflicts with the interests of the Department. The Subgrantee shall exercise reasonable care and diligence to prevent any actions or conditions that could result in a conflict with the Department's interests.

## ARTICLE 18. SUBGRANTEE'S RESOURCES

The Subgrantee certifies that it presently has adequate qualified personnel in its employment to perform the work required under this Agreement, or will be able to obtain such personnel from sources other than the Department.

All employees of the Subgrantee shall have such knowledge and experience as will enable them to perform the duties assigned to them. Any employee of the Subgrantee who, in the opinion of the Department, is incompetent or whose conduct becomes detrimental to the work, shall immediately be removed from association with the project.

Unless otherwise specified, the Subgrantee shall furnish all equipment, materials, supplies, and other resources required to perform the work.

## ARTICLE 19. PROCUREMENT AND PROPERTY MANAGEMENT

The Subgrantee shall establish and administer a system to procure, control, protect, preserve, use, maintain, and dispose of any property furnished to it by the Department or purchased pursuant to this Agreement in accordance with its own property management procedures, provided that the procedures are not in conflict with the Department's property management procedures or property management standards and federal standards, as appropriate, in:

- 49 CFR, Part 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," or
- 49 CFR, Part 19 (OMB Circular A-110), "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations."

## ARTICLE 20. OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Upon completion or termination of this Grant Agreement, whether for cause or at the convenience of the parties hereto, all finished or unfinished documents, data, studies, surveys, reports, maps, drawings, models, photographs, etc. prepared by the Subgrantee, and equipment and supplies purchased with grant funds shall, at the option of the Department, become the property of the Department. All sketches, photographs, calculations, and other data prepared under this Agreement shall be made available, upon request, to the Department without restriction or limitation of their further use.

A. Intellectual property consists of copyrights, patents, and any other form of intellectual property rights covering any data bases, software, inventions, training manuals, systems design, or other proprietary information in any form or medium.

B. *All rights to Department.* The Department shall own all of the rights (including copyrights, copyright applications, copyright renewals, and copyright extensions), title and interests in and to all data, and other information developed under this contract and versions thereof unless otherwise agreed to in writing that there will be joint ownership.

C. *All rights to Subgrantee.* Classes and materials initially developed by the Subgrantee without any type of funding or resource assistance from the Department remain the Subgrantee's intellectual property. For these classes and materials, the Department payment is limited to payment for attendance at classes.

## ARTICLE 21. SUCCESSORS AND ASSIGNS

The Department and the Subgrantee each binds itself, its successors, executors, assigns, and administrators to the other party to this Agreement and to the successors, executors, assigns, and administrators of such other party in respect to all covenants of this Agreement. The Subgrantee shall not assign, sublet, or transfer interest and obligations in this Agreement without written consent of the Department.

## ARTICLE 22. CIVIL RIGHTS COMPLIANCE

A. Compliance with regulations: The Subgrantee shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the USDOT: 49 CFR, Part 21; 23 CFR, Subchapter C; and 41 CFR, Parts 60-74, as they may be amended periodically (hereinafter referred to as the Regulations). The Subgrantee agrees to comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 and as supplemented by the U.S. Department of Labor regulations (41 CFR, Part 60).

B. Nondiscrimination: The Subgrantee, with regard to the work performed during the period of this Agreement, shall not discriminate on the grounds of race, color, sex, national origin, age, religion, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment.

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C. Solicitations for subcontracts, including procurement of materials and equipment: In all solicitations either by competitive bidding or negotiation made by the Subgrantee for work to be performed under a subcontract, including procurements of materials and leases of equipment, each potential subcontractor or supplier shall be notified by the Subgrantee of the Subgrantee's obligations under this Agreement and the regulations relative to nondiscrimination on the grounds of race, color, sex, national origin, age, religion, or disability.

D. Information and reports: The Subgrantee shall provide all information and reports required by the regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the USDOT to be pertinent to ascertain compliance with such regulations or directives. Where any information required of the Subgrantee is in the exclusive possession of another who fails or refuses to furnish this information, the Subgrantee shall so certify to the Department or the US DOT, whichever is appropriate, and shall set forth what efforts the Subgrantee has made to obtain the requested information.

E. Sanctions for noncompliance: In the event of the Subgrantee's noncompliance with the nondiscrimination provision of this Agreement, the Department shall impose such sanctions as it or the US DOT may determine to be appropriate.

F. Incorporation of provisions: The Subgrantee shall include the provisions of paragraphs A. through E. in every subcontract, including procurements of materials and leases of equipment, unless exempt by the regulations or directives. The Subgrantee shall take such action with respect to any subcontract or procurement as the Department may direct as a means of enforcing such provisions, including sanctions for noncompliance. However, in the event a Subgrantee becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such direction, the Subgrantee may request the Department to enter into litigation to protect the interests of the state; and in addition, the Subgrantee may request the United States to enter into such litigation to protect the interests of the United States.

## ARTICLE 23. DISADVANTAGED BUSINESS ENTERPRISE

It is the policy of the Department and the USDOT that Disadvantaged Business Enterprises, as defined in 49 CFR Part 26, shall have the opportunity to participate in the performance of agreements financed in whole or in part with federal funds. Consequently, the Disadvantaged Business Enterprise requirements of 49 CFR Part 26, apply to this Agreement as follows:

- The Subgrantee agrees to insure that Disadvantaged Business Enterprises, as defined in 49 CFR Part 26, have the opportunity to participate in the performance of agreements and subcontracts financed in whole or in part with federal funds. In this regard, the Subgrantee shall make good faith efforts in accordance with 49 CFR Part 26, to insure that Disadvantaged Business Enterprises have the opportunity to compete for and perform agreements and subcontracts.
- The Subgrantee and any subcontractor shall not discriminate on the basis of race, color, sex, national origin, or disability in the award and performance of agreements funded in whole or in part with federal funds.

These requirements shall be included in any subcontract.

Failure to carry out the requirements set forth above shall constitute a breach of this Agreement and, after the notification of the Department, may result in termination of this Agreement by the Department, or other such remedy as the Department deems appropriate.

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**Project Title: STEP – Impaired Driving Mobilization (IDM 402)**
**Subgrantee: City of Plano**

## ARTICLE 24. DEBARMENT/SUSPENSION

A. The Subgrantee certifies, to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal department or agency;

2. Have not within a three (3) year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local public transaction or contract under a public transaction; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

3. Are not presently indicted or otherwise criminally or civilly charged by a federal, state, or local governmental entity with commission of any of the offenses enumerated in paragraph A. 2. of this Article; and

4. Have not, within a three (3) year period preceding this Agreement, had one or more federal, state, or local public transactions terminated for cause or default.

B. Where the Subgrantee is unable to certify to any of the statements in this Article, such Subgrantee shall attach an explanation to this Agreement.

C. The Subgrantee is prohibited from making any award or permitting any award at any tier to any party which is debarred or suspended or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, Debarment and Suspension.

D. The Subgrantee shall require any party to a subcontract or purchase order awarded under this Grant Agreement to certify its eligibility to receive federal grant funds, and, when requested by the Department, to furnish a copy of the certification.

## ARTICLE 25. LOBBYING CERTIFICATION

The Subgrantee certifies to the best of his or her knowledge and belief that:

A. No federally appropriated funds have been paid or will be paid by or on behalf of the Subgrantee to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the party to this Agreement shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

C. The Subgrantee shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts) and that all subrecipients shall certify and disclose accordingly.

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This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

## ARTICLE 26. CHILD SUPPORT STATEMENT

Unless the Subgrantee is a governmental or non-profit entity, the Subgrantee certifies that it either will go to the Department's website noted below and complete the Child Support Statement or already has a Child Support Statement on file with the Department . The Subgrantee is responsible for keeping the Child Support Statement current and on file with that office for the duration of this Agreement period. The Subgrantee further certifies that the Child Support Statement on file contains the child support information for the individuals or business entities named in this grant. Under Section 231.006, Family Code, the Subgrantee certifies that the individual or business entity named in this Agreement is not ineligible to receive the specified grant or payment and acknowledges that this Agreement may be terminated and payment may be withheld if this certification is inaccurate.

The form for the Child Support Statement is available on the Internet at: http://www.dot.state.tx.us/cso/default.htm.

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EXHIBIT "A" OF RESOLUTION _____

**Attachment C**

**Project Title:** STEP – Impaired Driving Mobilization (IDM 402)
**Name of Subgrantee:** City of Plano

# Traffic Safety Project Description

## I. OBJECTIVES:

The Objectives of this grant are to accomplish the following by September 30, 2005:

To increase Driving While Intoxicated (DWI) arrests during the Labor Day Holiday Crackdown (August 19 – September 5, 2005) in locations as defined in Attachment F, Operational Plan.

| Objectives/Performance Measures | Target Number |
|---|---|
| A. Number and type citations/arrests to be issued under **STEP – Impaired Driving Mobilization (IDM 402)** during the Labor Day Holiday Crackdown | |
| 1. Number of DWI arrests to be made during the Labor Day Holiday Crackdown | 53 |
| B. Number of STEP enforcement hours to be worked | 316 |
| C. Complete administrative and general grant requirements as defined in the Action Plan, Attachment D. | |
| 1. Submit the following number of Performance Reports, including the Final Performance Report and Administrative Evaluation Report. | 2 |
| 2. Submit the following number of Requests for Reimbursement | 1 |
| D. Support grant enforcement efforts with public information and education (PI&E) as defined in the Action Plan, Attachment D. | |
| 1. Conduct a minimum of one (1) presentation. | 1 |
| 2. Conduct two (2) media exposures (e.g., news conferences, news releases or interviews). | 2 |
| 3. Participate in a minimum of one (1) community event (e.g., health fairs, traffic safety booths). | 1 |
| 4. Distribute the following number of public information and education materials if applicable. | 1500 |

**NOTE:**

Nothing in this agreement shall be interpreted as a requirement, formal or informal, that a peace officer issue a specified or predetermined number of citations in pursuance of the Subgrantee's obligations hereunder.

In addition to the STEP enforcement activities, the subgrantee must maintain baseline non-STEP funded citation and arrest activity due to the prohibition of supplanting.

## I. RESPONSIBILITIES OF THE SUBGRANTEE:

A. Carry out the objectives and performance measures of this grant by implementing all activities in the Action Plan, Attachment D.

**Attachment C**

Project Title: STEP – Impaired Driving Mobilization (IDM 402)
Subgrantee: City of Plano

B. The Objectives/Performance Measures shall be included in each Performance Report and summarized in the Final Performance and Administrative Evaluation Report.

C. Submit all required reports to the Department fully completed with the most current information, and within the required times, as defined in Article 3 and Article 7 of the General Terms and Conditions, Attachment B of this Grant Agreement. This includes reporting to the Department on progress, achievements, and problems in periodic performance reports. All required documents must be accurate. Inaccurate documents will delay any related Requests for Reimbursement.

D. **The Subgrantee must enter all Performance and Annex Report data on the Buckle Up Texas Website (www.buckleuptexas.com) within 15 days after the enforcement period (no later than September 20, 2005).** Printed versions of the Website reports are acceptable versions for hard copy submissions.

E. **A Final Performance and Administrative Evaluation Report summarizing all activities and accomplishments will be submitted to the Department electronically via the Buckle Up Texas Website (www.buckleuptexas.com) no later than thirty (30) days after the grant ending date.**

F. Attend meetings according to the following:

1. The Subgrantee will arrange for meetings with the Department, as indicated in the Action Plan, to present status of activities and to discuss problems and the schedule for the following quarter's work.

2. The project director or other appropriate, qualified persons will be available to represent the Subgrantee at meetings requested by the Department.

G. When applicable, all newly developed public information and education (PI&E) materials must be submitted to the Department for written approval prior to final production. Refer to Chapter Five (5), Section Eight (8) of the Traffic Safety Program Manual regarding PI&E procedures. The manual is located at http://www.dot.state.tx.us/trafficsafety/default.htm.

H. For out of state travel expenses to be reimbursable, the Subgrantee must have obtained the written approval of the Department prior to the beginning of the trip. Grant approval does not satisfy this requirement. For Department district-managed grants, the Subgrantee must have written Department district approval for travel and related expenses if outside of the district boundaries.

I. Maintain verification that all expenses, including wages or salaries, for which reimbursement is requested is for work exclusively related to this project.

J. Ensure that this grant will in no way supplant (replace) funds from other sources. Supplanting refers to the use of federal funds to support personnel or any activity already supported by local or state funds.

K. The Subgrantee should have a safety belt use policy. If the Subgrantee does not have a safety belt use policy in place, a policy should be implemented during the grant year.

L. Carry out the objectives of this grant by implementing the Operational Plan, Attachment F of this Grant Agreement.

M. Ensure that each officer working on the STEP project will complete an officer's daily report form. The form should include: name, date, badge or identification number, type of grant worked, grant site number, mileage (if applicable) (including starting and ending mileage), hours worked, type of citation issued or arrest made, officer and supervisor signatures.

N. Ensure that no officer above the rank of Lieutenant (or equivalent title) will be reimbursed for enforcement duty.

O. Support grant enforcement efforts with public information and education (PI&E). Salaries being claimed for PI&E activities must be included in the budget.

P. Subgrantees with a traffic unit will utilize traffic personnel for this grant, unless such personnel are unavailable for assignment.

Q. If an officer makes a STEP-related arrest during the shift, but does not complete the arrest before the shift is scheduled to end, the officer can continue working under the grant to complete that arrest.

R. At the time the signatory for the Subgrantee signs the Grant Agreement, provide a letter to the Department from the enforcement agency head, training officer, or authorized individual certifying that the officers working DWI enforcement are, or will be, trained in the National Highway Traffic Safety Administration/International Association of Chiefs of Police Standardized Field Sobriety Testing (SFST). In the case of a first year subgrantee, the officers must be trained, or scheduled to be SFST trained, by the end of the grant year. For second or subsequent year grants, all officers working DWI enforcement must be SFST trained.

S. The Subgrantee should have a procedure in place describing the process for contacting and utilizing Drug Recognition Experts (DRE) when necessary.

## II. RESPONSIBILITIES OF THE DEPARTMENT:

A. Monitor the Subgrantee's compliance with the performance obligations and fiscal requirements of this Grant Agreement using appropriate and necessary monitoring and inspections, including but not limited to:

1. review of periodic reports
2. physical inspection of project records
3. telephone conversations
4. e-mails and letters
5. meetings.

B. Provide program management and technical assistance.

C. Attend appropriate meetings.

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D. Reimburse the Subgrantee for all eligible costs as defined in the Traffic Safety Project Budget, Attachment E. Requests for Reimbursement will be processed up to the maximum amount payable as indicated on the cover page of the Grant Agreement.

E. Perform an administrative review of the project at the close of the grant period to include a review of adherence to the Action Plan, Attachment D and the Traffic Safety Project Budget, Attachment E, and attainment of project objectives.

Texas Department of Transportation
Form 1852 (rev. 7/21/2003)

**Attachment D**

EXHIBIT "A" OF RESOLUTION _____

# ACTION PLAN
## FY 2005

**PROJECT TITLE:** STEP – Impaired Driving Mobilization (IDM 402)

**SUBGRANTEE:** City of Plano

**OBJECTIVE:** To complete administrative and general grant requirements by September 30, 2005, as defined below:

**KEY:**
p = planned activity
c = completed activity
r = revised

| ACTIVITY | RESPONSIBLE | PROJECT MONTH | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | OC | NO | DE | JA | FE | MR | AP | MY | JN | JL | AU | SE | OC | NO |
| 1. Submit letter regarding signature authority. | Subgrantee | | | | | | | | | | P | | | | |
| 2. Submit operational cost per vehicle mile (If applicable). | Subgrantee | | | | | | | | | | P | | | | |
| 3. Hold Grant delivery meeting. | Department | | | | | | | | | | | p | | | |
| 4. Submit Requests for Reimbursement. | Subgrantee | | | | | | | | | | | | | p | |
| 5. Submit Electronic Annex and Performance Reports on Buckle Up Texas website (www.buckleuptexas.com). | Subgrantee | | | | | | | | | | | | p | | |
| 6. Submit Final Performance Report and Administrative Evaluation Report. | Subgrantee | | | | | | | | | | | | | p | |
| 7. Hold Grant progress review meeting. | Subgrantee & Dept. | | | | | | | | | | | p | | | |
| 8. Conduct monitoring | Department | | | | | | | | | | | p | | | |
| 9. Conduct enforcement | Subgrantee | | | | | | | | | | | p | p | | |



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Texas Department of Transportation

Form 1852 (rev. 7/21/2003)

**Attachment D**

EXHIBIT "A" OF RESOLUTION _____

# ACTION PLAN
## FY 2005

**PROJECT TITLE:** STEP – Impaired Driving Mobilization (IDM 402)

**SUBGRANTEE:** City of Plano

**OBJECTIVE:** To support grant efforts with a public information and education (PI&E) program by September 30, 2005, as defined below:

**KEY:**
p = planned activity
c = completed activity
r = revised

| ACTIVITY | RESPONSIBLE | PROJECT MONTH | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | OC | NO | DE | JA | FE | MR | AP | MY | JN | JL | AU | SE | OC | NO |
| 1. Conduct news conference(s) | Subgrantee | | | | | | | | | | | p | | | |
| 2. Issue news release(s). | Subgrantee | | | | | | | | | | | p | p | | |
| 3. Conduct presentation | Subgrantee | | | | | | | | | | | p | | | |
| 4. Participate in community event. | | | | | | | | | | | | p | | | |
| 5. Distribute materials provided by Department's statewide media contractor. | Subgrantee | | | | | | | | | | p | p | p | | |
| 6. Maintain records of all PI&E materials received/distributed | Subgrantee | | | | | | | | | | p | p | p | | |
| 7. | | | | | | | | | | | | | | | |
| 8. | | | | | | | | | | | | | | | |
| 9. | | | | | | | | | | | | | | | |
| 10. | | | | | | | | | | | | | | | |
| 11. | | | | | | | | | | | | | | | |
| 12. | | | | | | | | | | | | | | | |

EXHIBIT "A" OF RESOLUTION _____

Attachment E

Texas Department of Transportation

Form 2077-LE (rev. 8/12/2004)
Page 1 of 2

# Traffic Safety Project Budget
(for Law Enforcement Projects)

**Project Title:** STEP – Impaired Driving Mobilization (IDM 402)

**Name of Subgrantee:** City of Plano

**Fiscal Year:** 2005

☐ Check here if this is a revised budget.
Date Revised: _____

(Round figures to nearest dollar)

| | TxDOT | Other/ State/Local | TOTAL |
|---|---|---|---|
| **Budget Category I – Labor Costs** | | | |
| **(100) Salaries** | | | |
| ☒ Overtime or ☐ Regular Time | | | |
| Salary rates are estimated for budget purposes only. Reimbursements will be based on actual costs per employee in accordance with Subgrantee's payroll policy and salary rate. | | | |
| List details: | | | |
| A. Enforcement (overtime) | | | |
| 1. Officers/Deputies: 200.00 hrs. @ $43.35 per hr. | 8,670 | | 8,670 |
| 2. Sergeants: 75.00 hrs. @ $52.13 per hr. | 3,910 | | 3,910 |
| 3. Lieutenants: 41.86 hrs. @ $57.81 per hr. | 2,420 | | 2,420 |
| B. PI&E Activities (overtime) | | | |
| See Grant Instructions. | | | |
| _____ hrs. @ $_____ per hr. | | | 0 |
| C. Other (i.e., overtime staff, supervisory support, conducting surveys) | | | |
| See Grant Instructions. | | | |
| Specify: _____ | | | |
| _____ hrs. @ $_____ per hr. | | | 0 |
| **Total Salaries** | 15,000 | 0 | 15,000 |
| **(200) Fringe Benefits*** | | | |
| Specify fringe rates: | | | |
| A. Overtime: _____% | | | 0 |
| B. Part-Time: _____% | | | 0 |
| C. Regular Time: _____% | | | 0 |
| **Total Fringe Benefits** | 0 | 0 | 0 |
| **I. Total Labor Costs (100 + 200)** | 15,000 | 0 | 15,000 |

*** Budget Detail Required:** As an attachment to the budget, a justification and a detailed cost breakdown is required for all costs included for Fringe Benefits (200), Travel and Per Diem (300), Equipment (400), Supplies (500), Contractual Services (600), Other Miscellaneous (700), and Indirect Cost Rate (800)

EXHIBIT "A" OF RESOLUTION _____

**Attachment E**



Project Title: STEP – Impaired Driving Mobilization (IDM 402)
Subgrantee: City of Plano

**Fiscal Year:** 2005

☐ Check here if this is a revised budget.
Date Revised: _____

(Round figures to nearest dollar)

| | TxDOT | Other/ State/Local | TOTAL |
|---|---|---|---|
| **Budget Category II – Other Direct Costs** | | | |
| **(300) Travel*** Reimbursements will be in accordance with Subgrantee's travel policy. Subgrantee must bill for actual travel expenses — not to exceed the limits reimbursable under state law. | | | |
| A. Travel and Per Diem (includes conferences, training workshops, and other non-enforcement travel) | | | 0 |
| B. Subgrantee Enforcement Vehicle Mileage: Rates used only for budget estimate. Reimbursement will be made according to the approved subgrantee's average cost per mile to operate patrol vehicles, not to exceed the applicable state mileage reimbursement rate as established by the Legislature in the travel provisions of the General Appropriations Act. Documentation of cost per mile is required prior to reimbursement. _____ miles @ $_____ per mile | | | 0 |
| **Total Travel** | 0 | 0 | 0 |
| **(400) Equipment*** | | | 0 |
| **(500) Supplies*** | | | 0 |
| **(600) Contractual Services*** | | | 0 |
| **(700) Other Miscellaneous*** | | | |
| A. Registration fees (training, workshops, conferences, etc.) | | | 0 |
| B. Public information & education (PI&E) materials | | | 0 |
| 1. Educational items = $_____ (eg.: brochures, bumper stickers, posters, fliers, etc.) | | | |
| 2. Promotional items = $_____ (eg.: key chains, magnets, pencils, pens, mugs, etc.) | | | |
| C. Other | | | 0 |
| **Total Other Miscellaneous** | 0 | 0 | 0 |
| **II. Total Other Direct Costs (300 + 400 + 500 + 600 + 700)** | 0 | 0 | 0 |
| **Budget Category III – Indirect Costs** | | | |
| **(800) Indirect Cost Rate*** (at _____%) | | | 0 |
| **Summary:** | | | |
| **Total Labor Costs** | 15,000 | 0 | 15,000 |
| **Total Other Direct Costs** | 0 | 0 | 0 |
| **Total Indirect Costs** | 0 | 0 | 0 |
| **Grand Total (I+II+III)** | 15,000 | 0 | 15,000 |
| **Fund Sources** (Percent Share) | 100.00% | 0.00% | |

*** Budget Detail Required:** As an attachment to the budget, a justification and a detailed cost breakdown is required for all costs included for Fringe Benefits (200), Travel and Per Diem (300), Equipment (400), Supplies (500), Contractual Services (600), Other Miscellaneous (700), and Indirect Cost Rate (800)

EXHIBIT "A" OF RESOLUTION

**Attachment F**

# TRAFFIC SAFETY OPERATIONAL PLAN

FY05 STEP - Impaired Driving Mobilization (IDM 402)

**Name of Subgrantee: City of Plano**

| Site Description | Enforcement Period |
|---|---|
| Jurisdiction Wide<br>(Focus effort on high alcohol-related crash / fatality locations) | Labor Day Holiday<br>August 19 – September 5, 2005 |

| FY 05 Labor Day Holiday IDM Schedule | | |
|---|---|---|
| **PI&E Efforts Before Enforcement** | **Enforcement Period** | **PI&E Efforts After Enforcement** |
| August 12 – 18, 2005 | August 19 – September 5, 2005 | September 6 – 12, 2005 |

## Description of Activities

**PI&E Efforts Before Enforcement** (Aug. 12 – 18, 2005)
Conduct local media events immediately before the enforcement effort to maximize the visibility of enforcement to the public. The media events tell the public when, where, how and why impaired driving laws are being enforced.

**Enforcement Period** (Aug. 19 – Sept. 5, 2005)
Intensify enforcement through an overtime STEP placing primary emphasis on increasing DWI arrests and reducing the number of alcohol related traffic crashes during peak holiday traffic.

**PI&E Efforts After Enforcement** (Sept. 6 – 12, 2005)
Conduct local media events to tell the public why impaired driving laws are important and the results of the mobilization.



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# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☒ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | **07/25/05** | Reviewed by Legal | ☒ Yes | ☐ Not Applicable |
| Department: | Engineering | | Initials | Date |
| Department Head | Alan L. Upchurch | Executive Director | | 7/18/05 |
| Dept Signature: | | City Manager | | 7/18/05 |
| Agenda Coordinator (include phone #): | **Irene Pegues (7198)** | | **Project No. 5645** | |

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 terms and conditions of a Local Transportation Project Advance Funding Agreement between the State of Texas and the City of Plano for replanking the crossing at Plano Parkway with the Dart Railroad; authorizing its execution by the City Manager or, in his absence, an Executive Director; and providing an effective date.

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☒ CIP

| FISCAL YEAR: **2004-05** | **Prior Year (CIP Only)** | **Current Year** | **Future Years** | **TOTALS** |
|---|---|---|---|---|
| Budget | 9,120 | 715,880 | 0 | **725,000** |
| Encumbered/Expended Amount | -9,120 | -97,106 | 0 | **-106,226** |
| This Item | 0 | -27,500 | 0 | **-27,500** |
| BALANCE | **0** | **591,274** | **0** | **591,274** |

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

**COMMENTS:** Funds are included in the 2004-05 Street Improvement CIP. This item, in the amount of $27,500, will leave a current year balance of $591,274 for the Railroad Crossings project.

STRATEGIC PLAN GOAL: Railroad crossing replanking relates to the City's Goal of Safe, Efficient Travel.

## SUMMARY OF ITEM

City Council approved a Master Agreement Governing Local Transportation Projects Advance Funding Agreement with TxDOT on May 29, 2001 (Resolution No. 2001-5-2000), which provides state funding for local transportation projects. This agreement requires that a Local Project Advance Funding Agreement (LPAFA) be prepared for each individual project. The attached LPAFA is for the reconstruction of the DART railroad crossing and Plano Parkway east of US 75.

The City's share of the project will be 20% of an estimated total cost of $125,000 ($25,000). In addition, the City will pay for TxDOT's expenses on this project, estimated to be $2,500. Federal funding will pay for the remainder. TxDOT will be reconstructing the railroad crossing at both US 75 service roads.

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| LPAFA<br>Location Map | N/A |

LS\AGENDA:0725LPAFA-PlanoPkwy-DART

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**RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT BETWEEN THE STATE OF TEXAS AND THE CITY OF PLANO FOR REPLANKING THE CROSSING AT PLANO PARKWAY WITH THE DART RAILROAD; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City Council has been presented a proposed Local Transportation Project Advance Funding Agreement for Project CSJ: 0918-24-962, replanking the crossing at Plano Parkway with the DART Railroad, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

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

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

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

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

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

**DULY PASSED AND APPROVED** the _____ day of _____, 2005.

_____
Pat Evans, MAYOR

ATTEST:

_____
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

_____
Diane C. Wetherbee, CITY ATTORNEY

LS\AGENDA:0725RES-LPAFA-PlanoPkwy-DART

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CSJ: 918-24 - 962
Project Name: Railroad Reliabilty Program
Funding Category: _____

**STATE OF TEXAS §**

**COUNTY OF TRAVIS §**

# LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT For A RAILROAD RELIABILITY PROGRAM PROJECT

**THIS Local Project Advance Funding Agreement (LPAFA)** is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the "State", and the City of Plano , acting by and through its duly authorized officials, hereinafter called the "Local Government."

## WITNESSETH

**WHEREAS**, a Master Agreement between the Local Government and the State has been adopted and states the general terms and conditions for transportation projects developed through this LPAFA; and,

**WHEREAS**, the Texas Transportation Commission passed Minute Order _____ that provides for the development of, and funding for, the project describe herein; and,

**WHEREAS**, the Governing Body of the Local Government has approved entering into this LPAFA by resolution or ordinance dated _____, which is attached hereto and made a part hereof as Attachment A for development of the specific project which is identified in the location map shown as Attachment B.

**NOW, THEREFORE,** in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

## AGREEMENT

1. The period of this LPAFA is as stated in the Master Agreement, without exception.
2. Termination of this LPAFA shall be under the conditions as stated in the Master Agreement, without exception.
3. Amendments to this LPAFA shall be made as described in the Master Agreement, without exception.
4. Scope of Work
   The scope of work for this LPAFA is described as Replanking the crossing at Plano Parkway with DART DOT #789632P.
5. Right of Way and Real Property shall be the responsibility of the Local Government, as stated in the Master Agreement, without exception.
6. Adjustment of utilities will be provided by the Local Government as required and as stated in the Master Agreement without exception.



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7. Environmental Assessment and Mitigation will be carried out as stated in the Master Agreement, without exception.

8. Compliance with Texas Accessibility Standards and ADA will be as stated in the Master Agreement, without exception.

9. Engineering Services will be provided by the Local Government, as stated in the Master Agreement, without exception. The Local Government is responsible for performance of any required preliminary engineering work. The State shall review, comment and approve the work as required to accomplish the public purposes of the Local Government. The State shall approve plans prior to construction of the project.

10. Construction Responsibilities will be carried out by the Local Government, as stated in the Master Agreement, without exception. The Local Government will construct the Project with Local Government forces or through contract forces, in accordance with the plans and the Texas Manual on Uniform Traffic Control Devices (TMUTCD).

    If the Local Government will construct the Project with its own forces, check here: [✓]

    a. The State will make suitable, frequent, and complete inspection of materials and equipment, and the construction or installation, sufficient to determine and permit certification that the Project and its components meet all applicable requirements of the plans and specifications in suitable condition for operation and maintenance by the Local Government after its completion.
    b. The Local Government shall provide opportunities, facilities, and representative samples, as may be required, to enable the State to carry on suitable, frequent, and complete inspection of materials and application methods, sufficient to afford determination and certification by the State that all parts of the installation and the component materials comply with the requirements of the approved plans and specifications. The State will promptly notify the Local Government of any failure of materials, equipment, or installation methods, and the Local Government shall take such measures as necessary to obtain acceptable systems components and installation procedures without delay.
    c. The State shall make random inspections of 25% of the work and equipment on this Project. If it is later determined that any materials not initially inspected by the State did not comply with the requirements of the approved plans and specifications or any application methods were not sufficient at any time during this contract or after this contract has terminated, the State will promptly notify the Local Government of these items and the Local Government shall take such measures as necessary to obtain acceptable systems components and installation procedures without delay at their own expense.

11. Project Maintenance will be undertaken as provided for in the Master Agreement, without exception.

12. Local Project Sources and Uses of Funds
    a. Project Cost Estimate: A Project Cost Estimate is provided in Attachment C. Any work done prior to federal authorization will not be eligible for reimbursement. It is the Local Government's responsibility to verify with the State that the Federal Letter of Authority has been issued for the work covered by this Agreement.
    b. A Source of Funds estimate is also provided in Attachment C. Attachment C shows the percentage and absolute dollar amount to be contributed to the project by federal, state, and local sources.
    c. The Local Government is responsible for all non-federal and non-state funding, including all project cost overruns, unless otherwise provided for in this Agreement or through amendment of this agreement.



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d. After execution of this LPAFA, but prior to the performance of any work by the State, the Local Government will remit a check or warrant made payable to the "Texas Department of Transportation "in the amount specified in Attachment C as the local contribution for Preliminary Engineering. The Local Government will pay at a minimum its funding share for this estimated cost of preliminary engineering as stated in the Local Project Sources and Uses of Funds provision of the Master Agreement.

e. Sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction costs and any others costs owing.

f. In the event the State determines that additional funding is required by the Local Government at any time during the development of the Project, the State will notify the Local Government in writing. The Local Government will make payment to the State within thirty (30) days from receipt of the State's written notification.

g. If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than State or Federal Regulations, or if any other locally proposed changes, including but not limited to plats or replats, result in increased costs, then any increased costs associated with the ordinances or changes will be paid by the local government. The cost of providing right of way acquired by the State shall mean the total expenses in acquiring the property interests either through negotiations or eminent domain proceedings, including but not limited to expenses related to relocation, removal, and adjustment of eligible utilities.

h. The State will reimburse the Local Government for properly supported costs incurred under the terms and conditions of this LPAFA. Costs incurred prior to the issuance of a written notice to proceed by the State will not be reimbursed except for materials already on hand. Reimbursement will be made by the State to the Local Government for labor, equipment use, materials, supplies, travel expenses, and warehouse or material handling charges provided the Local Government has paid from Local Government funds their obligations covering items of costs previously billed.

i. The Local Government shall submit the State's Form 132, Billing Statement, or other type of invoice acceptable to the State upon completion and final inspection of the Project (or on a quarterly basis wherever the work and materials provided for and contemplated under this contract have been found by the State, based upon an inspection made by the State to be satisfactorily completed and installed on any individual signalized intersection and/or section of roadway as approved by the State for partial acceptance by letter) for the work and/or equipment which has been accepted by the State.

j. An original and one (1) copy of the Billing Statement should be submitted to the following address:

Texas Department of Transportation
Attn: Director of Transportation Operations
PO Box 133067
Dallas, TX 75201

All billing statements shall be properly documented, summarizing the costs by description of work performed, quantity of materials and devices, unit price, labor costs, and extensions. The State will make payment to the Local Government within thirty (30) days from receipt of the Local Government request for payment, provided that the request is properly prepared, executed, and documented. Unsupported charges or charges after final acceptance by the State will not be considered eligible for reimbursement. If applicable or necessary, the State will prepare a final audit upon completion of the work authorized or at any time an audit is deemed to be in the best interest of the State.



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k. The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds.

13. Document and Information Exchange. The Local Government agrees to electronically deliver to the State all general notes, specifications, contract provision requirements and related documentation in a Microsoft® Word or similar document. If requested by the State, the Local Government will use the State's document template. The Local Government shall also provide a detailed construction time estimate including types of activities and month in the format required by the State. This requirement applies whether the Local Government creates the documents with its own forces or by hiring a consultant or professional provider.

14. Incorporation of Master Agreement Provisions. This LPAFA incorporates all of the governing provisions of the Master Advance Funding Agreement (MAFA) in effect on the date of final execution of this LPAFA, unless such MAFA provision is specifically excepted herein.

15. Insurance. If this agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

16. Signatory Warranty. The signatories to this agreement warrant that each has the authority to enter into this agreement on behalf of the party represented.

**IN TESTIMONY HEREOF**, the parties hereto have caused these presents to be executed in duplicate counterparts.

**THE LOCAL GOVERNMENT**

By: _____
(Signature)

Title: _____

Date: _____

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

By: _____
Janice Mullenix
Director of Contract Services Section
Office of General Counsel
Texas Department of Transportation

Date: _____

## ATTACHMENT A
## Resolution of Local Government
## Approving This LPAFA

## ATTACHMENT B
## Project Location Map

## ATTACHMENT C
## Project Budget Estimate and Source of Funds

The Local Government (LG) will participate in the cost of the installation of resurfacing the crossing of Plano Parkway with DART. Based on the approved funding, the LG will be 100% responsible for Right of Way costs and Preliminary Engineering; the LG's participation for Construction Costs is 20% and the other 80% will be paid for with Federal Funds. The LG will be 100% responsible for TxDOT's direct costs for engineering and contingencies for this project. The State has estimated the project to be as follows:

| Description | Total Estimate Cost | Federal Participation | | State Participation | | Local Participation | |
|---|---|---|---|---|---|---|---|
| | | % | Cost | % | Cost | % | Cost |
| **CONSTRUCTION COSTS** | | | | | | | |
| Resurface Crossing | $125,000 | 80% | $100,00.00 | 0% | $ 0.00 | 20% | $25,000.00 |
| **TOTAL** | **$125,000** | | **$100,000.00** | | **$** | | **$25,000** |
| Engineering & Contingencies (E&C)** (Estimated @ 2% of construction) | $ | 0% | | 0% | | 0% | $2500 |

**Local Government's Participation for Construction (20%) = $25,000**

**Engineering and contingencies charges will be based on actual charges.**

It is understood that the proposed improvements will be constructed by the Local Government and the State will reimburse the LG for the federal funds. It is also understood that the LG will be 100% responsible for the State's actual direct costs for E&C and the LG will transmit to the State with the return of this Agreement, executed by the Local Government, a warrant or check in the amount of $2,500 made payable to the "Texas Department of Transportation" to be used solely for the State's direct costs for administration of this project. This is a construction estimate only; final participation amounts will be based on actual charges to the project but any project overruns will be funded 100% by the LG.

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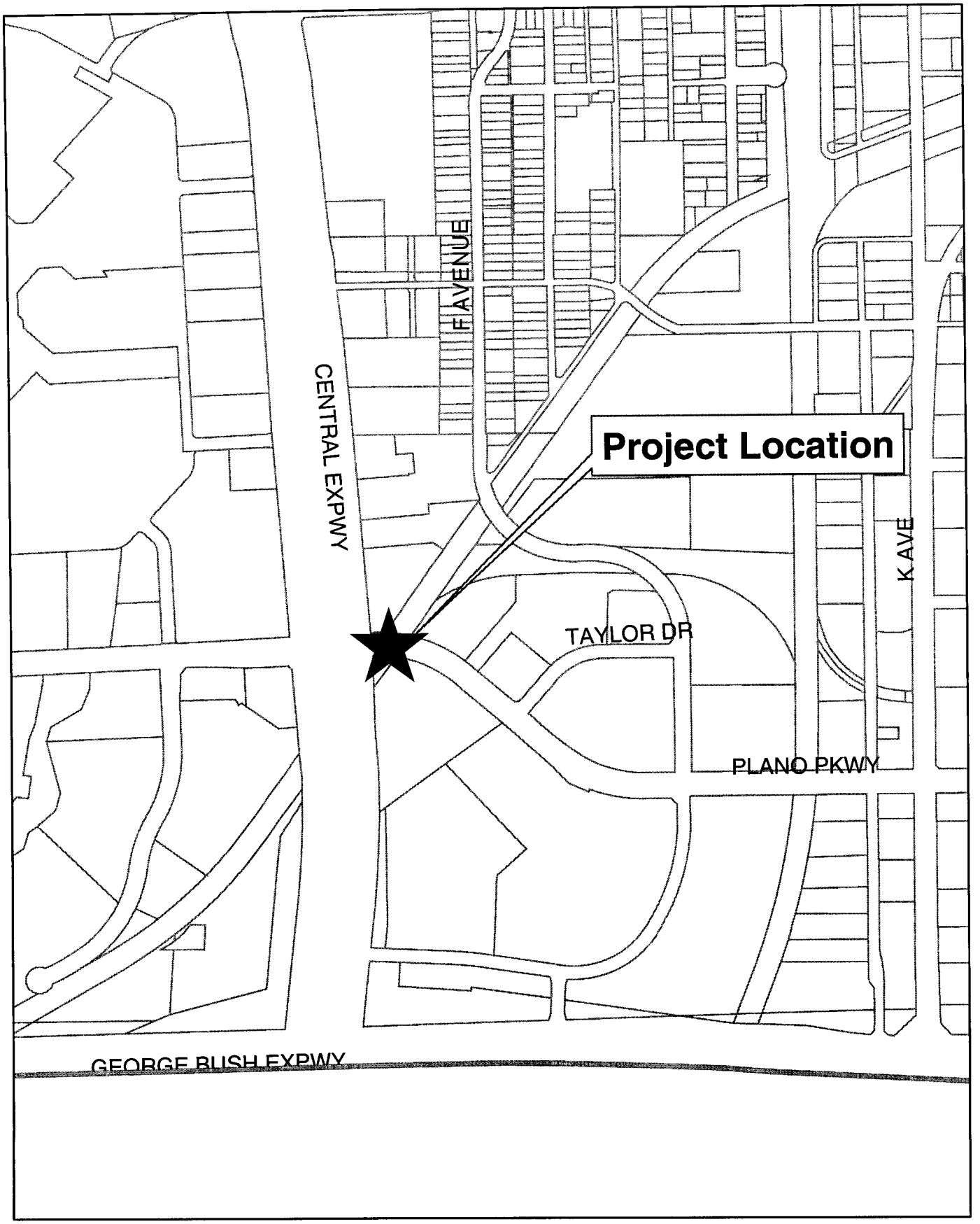


# Project No. 5645
# Replanking of Plano Parkway at DART Railroad
# Location Map

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# CITY OF PLANO
# COUNCIL AGENDA ITEM

| | | | | |
|---|---|---|---|---|
| **CITY SECRETARY'S USE ONLY** | | Reviewed by Purchasing | ☐ Yes | ☒ Not Applicable |
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☒ Yes | ☐ Not Applicable |
| Council Meeting Date: | **7/25/05** | Reviewed by Legal | ☒ Yes | ☐ Not Applicable |
| Department: | Customer & Utility Services/Tax Administration | | Initials | Date |
| Department Head | Linda Keylon | Asst City Manager | | 7-15-05 |
| Dept Signature: | | City Manager | | 7/15/05 |
| Agenda Coordinator (include phone #): | **Becky Rodgers x5105** | | | |

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

## CAPTION

Approving and authorizing refunds of property tax overpayments.

## FINANCIAL SUMMARY

☒ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☐ 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:** Funds are disbursed by the Collin County Tax Office.

## SUMMARY OF ITEM

Attached for your approval are property tax refunds totalling $1,256.45.

List of Supporting Documents:

Refund request listing provided by Collin County Tax Office

Other Departments, Boards, Commissions or Agencies

**RESOLUTION NO._____**

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

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

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

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

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

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

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

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

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

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

_____
Pat Evans, MAYOR

ATTEST:

_____
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

_____
Diane C. Wetherbee, CITY ATTORNEY

Resolution No._____
Attachment "A" Page 1 of 4

| FIDO | Account Number | Year | GF / Loan |
|---|---|---|---|
| 100001 | R-0225-002-0010-1 | 2004 | |
| HOPEWELL BRUCE W<br>1350 E LUCAS RD<br>LUCAS, TX 75002 | | | |
| 23 City of Plano | | | $86.23 |

| FIDO | Account Number | Year | GF / Loan |
|---|---|---|---|
| 356795 | R-1800-001-0010-1 | 2004 | |
| ACE FENCE INC<br>PO BOX 860767<br>PLANO, TX 75086 | | | |
| 23 City of Plano | | | $344.89 |

**Batch Total: $431.12**

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| FIDO | Account Number | Year | GF / Loan |
|---|---|---|---|
| 337691 | R-0633-021-0010-1 | 2004 | |

WASHINGTON MUTUAL BANK
C/O LERETA CORP
4910 RIVERGRADE RD 550 #301
IRWINDALE, CA 91706

23 City of Plano $407.11

| FIDO | Account Number | Year | GF / Loan |
|---|---|---|---|
| 355922 | R-0647-001-0020-1 | 2004 | |

FIRST AMERICAN REAL EST TAX
1201 ELM ST STE 300
DALLAS, TX 75270

23 City of Plano $372.86

Batch Total: $779.97

| FIDO | Account Number | Year | GF / Loan |
|---|---|---|---|
| 356336 | R-4865-00A-0130-2 | 2004 | PARKER ESTATES 1 BLK A LOT |

PARKER ESTATES HOA
% PRINCIPAL MANAGEMENT GRP
5622 DYER STREET
DALLAS, TX 75206

23 City of Plano $5.04

| FIDO | Account Number | Year | GF / Loan |
|---|---|---|---|
| 356336 | R-4865-00B-0320-2 | 2004 | PARKER ESTATES 1 BLK B LOT |

PARKER ESTATES HOA
% PRINCIPAL MANAGEMENT GRP
5622 DYER STREET
DALLAS, TX 75206

23 City of Plano $5.04

| FIDO | Account Number | Year | GF / Loan |
|---|---|---|---|
| 356336 | R-4865-00D-0480-2 | 2004 | PARKER ESTATES 1 BLK D LO |

PARKER ESTATES HOA
% PRINCIPAL MANAGEMENT GRP
5622 DYER STREET
DALLAS, TX 75206

23 City of Plano $5.04

| FIDO | Account Number | Year | GF / Loan |
|---|---|---|---|
| 356336 | R-4865-00D-0540-2 | 2004 | PARKER ESTATES 1 BLK D LO |

PARKER ESTATES HOA
% PRINCIPAL MANAGEMENT GRP
5622 DYER STREET
DALLAS, TX 75206

23 City of Plano $5.04

| FIDO | Account Number | Year | GF / Loan |
|---|---|---|---|
| 356336 | R-4865-00E-0070-2 | 2004 | PARKER ESTATES 1 BLK E LOT |

PARKER ESTATES HOA
% PRINCIPAL MANAGEMENT GRP
5622 DYER STREET
DALLAS, TX 75206

23 City of Plano $5.04

| FIDO | Account Number | Year | GF / Loan |
|---|---|---|---|
| 356336 | R-8044-00C-0051-2 | 2004 | PARKER ESTATES 2 BLK C LO |

PARKER ESTATES HOA
% PRINCIPAL MANAGEMENT GRP
5622 DYER STREET
DALLAS, TX 75206

23 City of Plano $5.04

| FIDO | Account Number | Year | GF / Loan |
|---|---|---|---|
| 356336 | R-8044-00D-0071-2 | 2004 | PARKER ESTATES 2 BLK D LO |

PARKER ESTATES HOA
% PRINCIPAL MANAGEMENT GRP
5622 DYER STREET
DALLAS, TX 75206

23 City of Plano $5.04

| FIDO | Account Number | Year | GF / Loan |
|---|---|---|---|
| 356336 | R-8044-00E-0371-2 | 2004 | PARKER ESTATES 2 BLK E LOT |

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[redacted]

PARKER ESTATES HOA
% PRINCIPAL MANAGEMENT GRP
5622 DYER STREET
DALLAS, TX 75206
**23** City of Plano **$5.04**

| FIDO | Account Number | Year | GF / Loan |
|---|---|---|---|
| **356336** | **R-8044-00F-0281-2** | 2004 | PARKER ESTATES 2 BLK F LOT |

PARKER ESTATES HOA
% PRINCIPAL MANAGEMENT GRP
5622 DYER STREET
DALLAS, TX 75206
**23** City of Plano **$5.04**

**Batch Total:** **$45.36**

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☐ Yes | ☒ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☐ Yes | ☒ Not Applicable |
| Council Meeting Date: | 07/25/2005 | Reviewed by Legal | ☒ Yes | ☐ Not Applicable |
| Department: | Police Department | | Initial | Date |
| Department Head | Gregory W. Rushin | Executive Director | | 7.14.05 |
| Dept Signature: | Gregory W. Rushin | City Manager | | 7/15/05 |
| Agenda Coordinator (include phone #): | Pam Haines, ext 2526 | | | |

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

## CAPTION

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING ORDINANCE NO. 2004-12-14, CODIFIED AS SECTION 3-6 OF CHAPTER 3, ALCOHOLIC BEVERAGES, OF THE CODE OF ORDINANCES, BY REMOVING LANGUAGE "ON OR ADJACENT TO," AND CORRECTING A SPELLING ERROR; AND PROVIDING REPEALING, SEVERABILITY AND PENALTY CLAUSES; PROVIDING AN EFFECTIVE DATE.**

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☐ 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

Revisions to this ordinance will remove the language "on or adjacent to" from the title of Section 3-6 and correct the spelling error of the word "therefore".

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

REV 08/98

O-1

**ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING ORDINANCE NO. 2004-12-14, CODIFIED AS SECTION 3-6 OF CHAPTER 3, ALCOHOLIC BEVERAGES, OF THE CODE OF ORDINANCES, BY REMOVING LANGUAGE "ON OR ADJACENT TO," AND CORRECTING A SPELLING ERROR; AND PROVIDING REPEALING, SEVERABILITY AND PENALTY CLAUSES; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City of Plano is a home rule city with the authority to adopt ordinances not inconsistent with State or Federal law to serve the public interest, health and welfare of the community; and

**WHEREAS**, by Ordinance No. 2004-12-14, the City of Plano adopted an ordinance regulating consumption of alcoholic beverages on or adjacent to streets, alleys or sidewalks of the City of Plano; and

**WHEREAS,** to clarify the title of the section and to improve the enforcement of the ordinance certain language should be removed; and

**WHEREAS**, a spelling error should be corrected; and

**WHEREAS**, the City Council finds it necessary to amend Section 3-6 by removing language "on or adjacent to" and by correcting the spelling of "therefore."

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

**Section I.** The City Council hereby adopts the findings above as true and correct, and relies on them in support of the passage of this Ordinance.

**Section II.** The City Council amends Section 3-6 of Chapter 3, Alcoholic Beverages, of the City of Plano Code of Ordinances to read in its entirety as follows:

> **"Sec. 3-6. Consumption of alcoholic beverages in public streets, alleys or sidewalks.**
>
> (a) It shall be unlawful for any person to consume any alcoholic beverage in any public street, alley or sidewalk in the city, with the following exceptions:
>
> 1) persons consuming alcoholic beverages on property that is permitted or licensed by the Texas Alcoholic Beverage Commission to serve alcoholic beverages; and
>
> 2) persons consuming alcoholic beverages on property permitted for a Special Event as set forth in Chapter 11, Article VIII of the Plano Code of Ordinances, only where such permit authorizes the service of alcohol.

(b) The chief of police or other police officer of the city or any peace officer within the limits of the city may arrest without warrant any person who violates the terms of this section and the officer or person making the arrest is justified in adopting all of the measures which he might adopt in cases of arrest under warrant; provided further, that in all cases of arrest without warrant the officer making the arrest shall immediately take the person arrested before the nearest or most accessible magistrate having jurisdiction.

(c) Any person found guilty of violating the terms of this section shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be punished as provided in section 1-4 (b)."

**Section III.** 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 not in conflict with the provisions of this Ordinance shall remain in full force and effect.

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

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

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

_____
Pat Evans, MAYOR

ATTEST:

_____
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

_____
Diane C. Wetherbee, CITY ATTORNEY

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☐ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☐ Yes | ☐ Not Applicable |
| Council Meeting Date: | 7/25/05 | Reviewed by Legal | ☐ Yes | ☐ Not Applicable |
| Department: | Intergovernmental Relations | | Initials | Date |
| Department Head | Mark Israelson | Executive Director | | 7/19/05 |
| Dept Signature: | | City Manager | | 7/19/05 |
| Agenda Coordinator (include phone #): | **Mark Israelson ext 5440** | | | |

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

## CAPTION

AN ORDINANCE OF THE CITY OF PLANO, TEXAS ESTABLISHING LINEAR AND STREET CROSSING FEES FOR LICENSED USE OF THE CITY RIGHTS OF WAY AND PROVIDING AN EFFECTIVE DATE

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☐ OPERATING EXPENSE ☒ REVENUE ☐ CIP

| FISCAL YEAR: **04/05** | **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): **GENERALL FUND**

**COMMENTS:** This ordinance will have a positive revenue impact

## SUMMARY OF ITEM

This item will approve an ordinance that will set the fee for licensed use of the City's Rights of Way.

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

REV 08/98

# MEMORANDUM

**TO:** **City Council**

**THROUGH:** **Tom Muehlenbeck, City Manager**

**FROM:** **Mark D. Israelson, Assistant to the City Manager** MDI

**DATE:** **June 28, 2005**

**SUBJECT:** **License fees for use of City Rights of Way**

---

Since 1993 the City of Plano has charged a fee for companies to place utilities in the City's Rights of Way without possessing a franchise, if the company would enter into a license agreement with the City. As of this date, the City has 12 license or route specific agreements for Fiber Optics or Airspace, many of which are subject to renewal this calendar year.

Staff has conducted a review of its records to determine the original basis of the fee charged in 1993; however no records or supporting documentation were found to support origin of the fee. A subsequent survey of neighboring cities was conducted to compare similar fees, and the results showed the license fee charged by other surrounding cities was based upon the fee established by the City of Plano.

License fees in the City of Plano were first established 1993, and since that time, they have been negotiated on a case by case basis. The City has consistently used the same linear foot fee for each agreement; however the fee for a street crossing has varied over the past 13 years from a high of $1,000 per street crossing to a low of $200.

A license fee provides a rental payment for use of City land; therefore the fee should correspond to the value of the property used and the market demand for that property. Existing property values throughout the City have increased more than 25%. As such, Staff is recommending increasing the existing fee to correspond with the increase in property values in the City of Plano since 1993. In addition, by establishing an ordinance for the license fees, all companies who which to use City land will be treated equally by the City.

| Time Period | Fee per Linear Foot | Fee per St. Crossing |
|---|---|---|
| 1993 | $1.00 | $1,000 |
| Current | $1.00 | $200 |
| Proposed | $1.50 | $1,000 |

**ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS ESTABLISHING LINEAR AND STREET CROSSING FEES FOR LICENSED USE OF THE CITY RIGHTS OF WAY AND PROVIDING AN EFFECTIVE DATE**

**Whereas**: the City of Plano manages the Rights of Way in the City for the benefit of all citizens in the City of Plano; and

**Whereas:** the City of Plano has not increased fees for the construction, maintenance and operations of licensed utility networks in public streets, alleys and rights-of-way since 1993; and

**Whereas**: the City Staff has recommended establishing a new schedule of fees for use of the Rights of Way where those fees are not otherwise regulated by a franchise agreement or by state law; and

**Whereas**: the City Council of the City of Plano finds that it is in the best interest of the City and its citizens to adopt a schedule of fees for use of the Rights of Way.

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

**Section I.** The following fees shall be adopted for licensed use of the Rights of Way where fees are not otherwise regulated by franchise or state law:

1. Fee per linear foot $1.50
2. Fee per street crossing $1,000

**Section II** This ordinance and all fees established herein, shall become effective immediately upon its passage.

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

_____
Pat Evans, MAYOR

ATTEST:

_____

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

_____

Diane C. Wetherbee, CITY ATTORNEY

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☐ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☐ Yes | ☐ Not Applicable |
| Council Meeting Date: | **7/25/05** | Reviewed by Legal | ☐ Yes | ☐ Not Applicable |
| Department: | Intergovernmental Relations | | Initials | Date |
| Department Head | Mark Israelson | Executive Director | | 6/29/05 |
| Dept Signature: | | City Manager | | 6/29/05 |
| Agenda Coordinator (include phone #): | **Mark Israelson ext 5440** | | | |

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

## CAPTION

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, DENYING THE REQUEST OF ATMOS ENERGY CORP., MID-TEX DIVISION, FOR AN ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM (GRIP) RATE INCREASE IN THIS MUNICIPALITY, AS A PART OF THE COMPANY'S STATEWIDE GAS UTILITY DISTRIBUTION SYSTEM; APPROVING COOPERATION WITH OTHER CITIES WITHIN THE ATMOS ENERGY CORP., MID-TEX DIVISION DISTRIBUTION SYSTEM AS PART OF THE ATMOS CITIES STEERING COMMITTEE (ACSC); AUTHORIZING ACSC TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION; AUTHORIZING INTERVENTION AS PART OF ACSC IN ANY APPEAL OF THE CITY'S ACTION TO THE RAILROAD COMMISSION; APPROVING COSTS INCURRED AS REASONABLE AND PROVIDING A REQUIREMENT FOR PROMPT REIMBURSEMENT OF COSTS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR NOTICE OF THIS ORDINANCE TO ATMOS ENERGY CORP., MID-TEX DIVISION

## FINANCIAL SUMMARY

☒ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☐ CIP

| FISCAL YEAR: **04/05** | **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): GENERAL FUND**

**COMMENTS:** This item has no financial Impact

## SUMMARY OF ITEM

This ordinance will deny the request of Atmos Energy for a GRIP increase to natural gas rates.

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

REV 08/98

**ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, DENYING THE REQUEST OF ATMOS ENERGY CORP., MID-TEX DIVISION, FOR AN ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM (GRIP) RATE INCREASE IN THIS MUNICIPALITY, AS A PART OF THE COMPANY'S STATEWIDE GAS UTILITY DISTRIBUTION SYSTEM; APPROVING COOPERATION WITH OTHER CITIES WITHIN THE ATMOS ENERGY CORP., MID-TEX DIVISION DISTRIBUTION SYSTEM AS PART OF THE ATMOS CITIES STEERING COMMITTEE (ACSC); AUTHORIZING ACSC TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION; AUTHORIZING INTERVENTION AS PART OF ACSC IN ANY APPEAL OF THE CITY'S ACTION TO THE RAILROAD COMMISSION; APPROVING COSTS INCURRED AS REASONABLE AND PROVIDING A REQUIREMENT FOR PROMPT REIMBURSEMENT OF COSTS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR NOTICE OF THIS ORDINANCE TO ATMOS ENERGY CORP., MID-TEX DIVISION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on or about December 17, 2004, Atmos Energy Corp., Mid-Tex Division, (the "Company") filed with the City of Plano ("City"), a request pursuant to Texas Utilities Code § 104.301 for an annual gas reliability infrastructure program (GRIP) rate increase for customers on the Company's statewide gas utility system to be effective February 15, 2005, and subsequently extended that effective date until March 4, 2005, for some cities on its system ; and

**WHEREAS**, the City has exclusive original jurisdiction to evaluate the Company's request as it pertains to the distribution facilities located within the City, pursuant to Texas Utilities Code §§ 102.001(b) and 103.001; and

**WHEREAS**, the City timely acted to suspend the effective date of Atmos' proposed rate increase; and

**WHEREAS**, it is reasonable for the City of Plano to cooperate with other cities in a coalition of cities in opposition to the Company's filing at the Railroad Commission ("Commission"), said coalition being known as Atmos Cities Steering Committee ("ACSC"), in any appeal of the cities' actions to the Commission; and

**WHEREAS**, the Gas Utility Regulatory Act grants local regulatory authorities the right to intervene in rate proceedings filed at the Railroad Commission; and

**WHEREAS**, the Texas Utilities Code § 103.022 provides that costs incurred by the City in ratemaking activities are to be reimbursed by the regulated utility; and

**WHEREAS**, ACSC's rate case expenses incurred in this proceeding are reasonable and should be reimbursed by the Company; and

**WHEREAS**, counsel for ACSC, upon review of the Company's filing and upon consultation with various consultants, recommends finding that the Company's proposal is unjustified, unreasonable and is not in compliance with the GRIP statute (Texas Utilities Code § 104.301) either in fact or in law; and

**WHEREAS**, information provided by the Company in response to ACSC's requests for information indicates that the Company actually decreased per-customer investment in infrastructure during calendar year 2003; and

**WHEREAS**, the Company has publicly stated that it will receive substantial profit in 2005 over that approved by the Commission in GUD No. 9400; and

**WHEREAS**, the Company's GRIP request fails to account for growth in numbers of customers, thereby undercounting the revenues it will receive from its proposed GRIP rate increase; and

**WHEREAS**, the Company's GRIP request fails to recognize that GUD No. 9400 rates included profit based on TXU Corporation's capital structure rather than Atmos Energy Corp.'s current capital structure, which justifies a lower rate of return; and

**WHEREAS**, the information reviewed by the ACSC consultants indicates that implementation of the Company's GRIP request would result in further over-earning by the Company above that approved by the Commission in GUD No. 9400; and

**WHEREAS**, in consideration of the City taking action before August 12, 2005, on the currently pending GRIP request, the Company has agreed not to file any additional GRIP requests before September 15, 2005.

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

**Section I.** The Company's GRIP rate increase request is found to be unjustified, unreasonable and in violation of the GRIP statute and is therefore denied in all respects. The defects in the request include, but are not limited to, the following: (a) the Company improperly calculated its 2003 rate base; (b) the Company included in its calculation projects unrelated to system improvement; (c) the Company failed to recognize the increased revenues it is now receiving due to increased rates approved by the Commission in GUD No. 9400 and due to customer growth; (d) information supplied by the Company indicated that the Company actually decreased its per-customer investment in infrastructure in calendar year 2003; (e) approval of the Company's GRIP request would result in over-earning by the Company in the year of implementation; and (f) the Company has failed to demonstrate that it meets the statutory prerequisites to qualify for a GRIP rate increase or that its proposed method of implementation of the GRIP statute constitutes a constitutional application of the statute.

**Section II.** The City is authorized to cooperate with other Cities within the Company's Distribution System that have formed ACSC to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations to the City regarding

reasonable rates and to direct any necessary litigation associated with an appeal of this ordinance to the Commission.

**Section III.** The costs incurred by ACSC in reviewing the Company's GRIP request and representing ACSC in this proceeding are hereby found to be reasonable and, upon submission to the Company, shall be promptly reimbursed by the Company.

**Section IV.** The City is authorized to intervene in any appeal of the City's action filed at the Commission, and to participate in any such appeal as a member of ACSC.

**Section V.** It is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

**Section VI.** A copy of this ordinance, constituting final action on the Company's application, shall be forwarded to the appropriate designated representative of the Company within 10 days as follows: Richard Reis, Manager, Gas Regulation, Atmos Energy Corp., Mid-Tex Division, Lincoln Center II, 18th Floor, 5420 LBJ Freeway, Dallas, Texas, 75240.

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

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

_____
Pat Evans, MAYOR

ATTEST:

_____
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

_____
Diane C. Wetherbee, CITY ATTORNEY

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☐ Yes | ☐ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget C.S. | ☐ Yes | ☐ Not Applicable |
| Council Meeting Date: | 7/25/05 | Reviewed by Legal | ☐ Yes | ☐ Not Applicable |
| Department: | Budget & Research | | Initials | Date |
| Department Head | Karen M. Rhodes | Executive Director | | |
| Dept Signature: | Casey Shader for Karen Rhodes | City Manager | | 7/18/05 |
| Agenda Coordinator (include phone #): | Chris White x5220 | | | |

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

## CAPTION

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, TRANSFERRING THE SUM OF $117,549 FROM THE ENVIRONMENTAL WASTE SERVICES FUND UNAPPROPRIATED FUND BALANCE TO THE ENVIRONMENTAL WASTE SERVICES FUND OPERATING APPROPRIATION FOR FISCAL YEAR 2004-05 FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR A TROMMEL SCREEN; AMENDING THE BUDGET OF THE CITY AND ORDINANCE 2004-9-15, AS AMENDED, TO REFLECT THE ACTIONS TAKEN HEREIN; DECLARING THIS ACTION TO BE A CASE OF PUBLIC NECESSITY; AND PROVIDING AN EFFECTIVE DATE.

## FINANCIAL SUMMARY

☐ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☐ CIP

| FISCAL YEAR: 2004-05 | Prior Year (CIP Only) | Current Year | Future Years | TOTALS |
|---|---|---|---|---|
| Budget | 0 | 16,357,792 | 0 | **16,357,792** |
| Encumbered/Expended Amount | 0 | 0 | 0 | **0** |
| This Item | 0 | 117,549 | 0 | **117,549** |
| BALANCE | 0 | 16,475,341 | 0 | **16,475,341** |

**FUND(S): ENVIRONMENTAL WASTE SERVICES**

**COMMENTS:** Supplemental appropriations approved to date for the Environmental Waste Services Fund, including this item, resulting in total increases of $117,549.

STRATEGIC PLAN GOAL: Providing funding for the Trommel Screen relates to the City's Goal of "Service Excellence".

## SUMMARY OF ITEM

Supplemental Appropriation No. 5

This supplemental appropriation will allow for additional funding to cover costs above and beyond the initial budgeted amount for a Trommel Screen. The FY 2004-05 Council Budget included $190,000 for this item. The budgeted amount was based on the last Trommel Screen purchased. Due to recurring contamination of plastic within the compost, staff recommends purchasing a new Trommel Screen that includes a plastic separator to prevent further plastic contamination. With the incorporation of the plastic separator, the bid has come in significantly higher than the budgeted amount. The Komptech Trommel Screen with Hurricane plastic separator costs $307,549, or an increase of $117,549 from the original budget.

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| | |
|---|---|
| List of Supporting Documents:<br>Trommel Screen Memorandum<br>FY 2004-05 Supplemental Appropriations Log | Other Departments, Boards, Commissions or Agencies |

P.O. Box 860358
Plano, Texas 75086-
0358
214-964-4140

Plano
All-America City

# MEMORANDUM

DATE: July 5, 2005

TO: Rod Hogan, Executive Director

FROM: Nancy Nevil, Environmental Waste Services Manager

RE: Trommel Screen Bid B144-05

The Compost Operations Department 2004-05 budget includes $190,000 for the purchase of a second trommel screen in order to process the increased volumes of material generated through the regional composting program. The budgeted amount was based on the last trommel screen we purchased in 2000.

At the SWANA WASTECON equipment show last September, we were introduced to a trommel screen that includes a plastic separator. This was of particular interest to the department because of the problem we have with plastic contamination. Our compost has gained a reputation for quality and the amount of plastics is impacting the end product. To address this problem, we incorporated the plastic separator into the trommel screen specification that caused the bid to come in significantly higher than budget.

Staff recommendation is to purchase the Komptech trommel screen with Hurricane plastic separator for $307,549, which will require a supplemental appropriation.

The Environmental Waste Services Fund re-estimate indicates a 2.1 million dollar fund balance and the budget is projected to be $145,089 after including the $117,549 difference in this bid.

Please let me know if you need additional information.

c: Jim Foster, Director of Public Works
Karen Rhodes, Budget Director
Casey Srader, Budget Manager

# FY 2004-05
# SUPPLEMENTAL APPROPRIATIONS

| Description | Department | Amount |
|---|---|---|
| Supplemental appropriation for the establishment of the Office of Homeland Security. | 556 - Office of Homeland Security | $ 95,651 |
| Supplemental appropriation for the establishment of 3 additional Fire Battalion Chief positions and the mid-year salary change for 3 Assistant Fire Chief positions. | 552 - Fire | 176,495 |
| Supplemental appropriation for additional funding for the Internet Security Conference. | 215 - Non-Departmental | 10,441 |
| TOTAL GENERAL FUND APPROPRIATIONS | | $ 282,587 |
| | | $ - |
| TOTAL CATV FUND APPROPRIATIONS | | $ - |
| TOTAL MUNICIPAL DRAINAGE FUND APPROPRIATIONS | | $ - |
| | | $ - |
| WATER & SEWER FUND | | $ - |
| Supplemental appropriation for a Trommel Screen. | | $ 117,549 |
| TOTAL ENVIRONMENTAL WASTE FUND APPROPRIATIONS | | $ 117,549 |
| Supplemental appropriation for additional funding for Balloon Festival | 46.162-Special Events | 14,251 |
| TOTAL CONVENTION & TOURISM FUND APPROPRIATIONS | | $ 14,251 |
| | | |
| TOTAL PROPERTY/LIABILITY FUND APPROPRIATIONS | | $ - |
| | | $ - |
| TOTAL GOLF COURSE FUND APPROPRIATIONS | | $ - |
| | | $ - |
| TOTAL RECREATION FUND APPROPRIATIONS | | $ - |
| | | $ - |
| TOTAL INTERNAL SERVICE FUNDS AND OTHER FUNDS APPROPRIATIONS | | $ - |
| **GRAND TOTAL ALL FUNDS** | | **$ 414,387** |

**ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, TRANSFERRING THE SUM OF $117,549 FROM THE ENVIRONMENTAL WASTE SERVICES FUND UNAPPROPRIATED FUND BALANCE TO THE ENVIRONMENTAL WASTE SERVICES FUND OPERATING APPROPRIATION FOR FISCAL YEAR 2004-05 FOR THE PURPOSE OF ADDITIONAL FUNDING FOR A TROMMEL SCREEN; AMENDING THE BUDGET OF THE CITY AND ORDINANCE 2004-9-15, AS AMENDED, TO REFLECT THE ACTIONS TAKEN HEREIN; DECLARING THIS ACTION TO BE A CASE OF PUBLIC NECESSITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City Council of the City of Plano approved and adopted the budget for the City for Fiscal Year 2004-05 setting the appropriations for the Environmental Waste Services Fund at $16,357,792; and

**WHEREAS,** based on public necessity, the City is required to purchase a piece of equipment at a price beyond the initial budgeted amount for this item; and

**WHEREAS,** the City Council deems it to be in the best interest of the City of Plano and its citizens to expend additional public funds for a Trommel Screen; and

**WHEREAS,** such necessary and essential costs cannot be fully met through appropriations in the existing budget; and

**WHEREAS,** the City Council now finds that additional appropriations to the Environmental Waste Services Fund Balance Operating Appropriation should be made in order to provide additional funding for a Trommel Screen, and that such action is a public necessity.

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

SECTION I. The sum of ONE HUNDRED SEVENTEEN THOUSAND AND FIVE HUNDRED FOURTY NINE DOLLARS ($117,549) is hereby transferred from the Environmental Waste Services Fund Unappropriated Fund Balance to the Environmental Waste Services Fund Operating Appropriation.

SECTION II. The budget of the City of Plano for Fiscal Year 2004-05 as adopted by Ordinance No. 2004-9-15 and Section I (S.) is amended to reflect the action taken herein.

SECTION III. The actions taken herein are found and declared to be a case of public necessity pursuant to the City Charter Section 9.15.

SECTION IV. This supplemental appropriation Ordinance No. 5 shall become effective immediately from and after the date of its passage.

**DULY PASSED AND APPROVED THIS THE _____ DAY OF _____, 2005.**

_____
Pat Evans, **MAYOR**

ATTEST:

_____
Elaine Bealke, **CITY SECRETARY**

APPROVED AS TO FORM:

_____
Diane C. Wetherbee, **CITY ATTORNEY**

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☐ Yes | ☒ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☐ Yes | ☒ Not Applicable |
| Council Meeting Date: | 7/25/05 | Reviewed by Legal | ☒ Yes | ☐ Not Applicable |
| Department: | Engineering | | Initials | Date |
| Department Head | Alan L. Upchurch | Executive Director | | 7/18/05 |
| Dept Signature: | Alan L Upchurch | City Manager | | 7/18/05 |
| Agenda Coordinator (include phone #): | Irene Pegues (7198) | | | |

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

## CAPTION

Discussion and direction of funding options for SH 121 main lanes from Dallas North Toll Road to US 75.

## FINANCIAL SUMMARY

☒ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☐ 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 Council has held two public hearings to receive public input on the funding options for constructing the SH 121 main lanes from Dallas North Tollway to US 75. Attached is a list of questions Council raised on June 27 and the responses as provided by TxDOT.

Council will need to make a decision on the funding of SH 121 on the August 8 council meeting.

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| List of Questions and Answers | N/A |

LS\AGENDA:0725Discussion-SH121-DNT-US75

**SH 121 Collin County Feasibility Study Report**
**Questions/Comments with TxDOT Responses**

| **City of Plano** | | |
|---|---|---|
| 1. | What happens if all four cities and Collin County do not agree to the toll road? Can one, or two, in opposition stop the toll project? Who has final decision authority on the decision to toll or not? Who would operate the tollroad? | The question of whether a unanimous agreement (among all cities) is needed rests with the Regional Transportation Council. The RTC approves revisions to the Metropolitan Transportation Plan (MTP), which would be the approval milestone for tolling SH 121. In addition, a decision on tolling would be needed from the County Commissioner's Court.<br><br>While TxDOT will maintain ownership of the corridor, there are two options regarding operations of the tollroad: 1) TxDOT contracts with NTTA to perform operations; or 2) TxDOT contracts with a private entity (through a Comprehensive Development Agreement) to operate the tollroad; the private entity could then subcontract with NTTA to perform the toll collection function. This decision will be determined at a later date. |
| 2. | What is the reason for the Aug 15 deadline. What happens if decisions are not made by that date? | TxDOT annually updates the Statewide Mobility Plan (SMP-the mobility portion of the Unified Transportation Plan) which is the Texas Transportation Commission's authorization of funding for construction projects. The 2006 SMP update is scheduled for the October 27, 2005 Commission Meeting; to get the Dallas District's projects a part of the 2006 SMP will require authorization at the September 8, 2005 Regional Transportation Council Meeting, with prior review by the Surface Transportation technical Committee meeting on August 26, 2005. Lead time is required in advance of each meeting in order to provide documents to each board member.<br><br>If a decision on tolling of SH 121 is |

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| | | not made in August of this year, a minimum of one year delay in implementing design and construction would occur. |
| 3. | Is there a September 1 deadline that would require some sort of vote if a decision is made to toll later? | For the SH 121 corridor in Collin County, the September 1, 2005 date would not apply.<br><br>HB 2702 signed June 14, 2005 by the Governor clarifies the definition of "toll conversion" as follows:<br><br>"Sec. 228.201. LIMITATION ON TOLL FACILITY DESIGNATION. (a) Except as provided by Section 228.2015, the department may not operate a nontolled state highway or a segment of a nontolled state highway as a toll project, and may not transfer a highway or segment to another entity for operation as a toll project, unless:<br>(1) the commission by order designated the highway or segment as a toll project before the contract to construct the highway or segment was awarded;<br>(2) the highway or segment was open to traffic as a turnpike project on or before September 1, 2005;<br>(3) the project was designated as a toll project in a plan or program of a metropolitan planning organization on or before September 1, 2005;<br>(4) the highway or segment is reconstructed so that the number of nontolled lanes on the highway or segment is greater than or equal to the number in existence before the reconstruction;<br>(5) a facility is constructed adjacent to the highway or segment so that the number of nontolled lanes on the converted |

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| | | highway or segment and the adjacent facility together is greater than or equal to the number in existence on the converted highway or segment before the conversion;<br>(6) subject to Subsection (b), the highway or segment was open to traffic as a high-occupancy vehicle lane on May 1, 2005; or<br>(7) the commission converts the highway or segment to a toll facility by:<br>(A) making the determination required by Section 228.202;<br>(B) conducting the hearing required by Section 228.203; and<br>(C) obtaining county and voter approval as required by Sections 228.207 and 228.208."<br><br>Section (4) above applies to the SH 121 corridor - "the highway or segment is reconstructed so that the number of nontolled lanes on the highway or segment is greater than or equal to the number in existence before the reconstruction." |
| 4. | What happens if cities and county say yes to tolls but later cannot reach agreement on the details for revenue sharing and then decide not to toll? How are the details of the agreement worked out? | It would be appropriate to emulate the deal points on the SH 161 and SH 121/Denton County corridors to ensure equity across the region. On the SH 161 and SH 161/Denton County corridors, the details were worked out within one to two months in a consensus-building process in numerous staff meetings, with the County ensuring there was an equitable share provided to all parties. |

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| | | The details were then memorialized both in an RTC Resolution as well as a Memorandum of Understanding singed by NCTCOG, TxDOT, the County and all cities. |
| 5. | Can 121 be a stand alone toll project and not included in a toll system of multiple projects, without excess bonds or revenue to be shared? | It should be noted that toll finance rating agencies view a single stand alone toll project with a higher risk than a "toll system" financing, and therefore, will lower the rating thus requiring a higher interest rate on bond sales. Therefore, more toll revenue would be paid to the bond holders in lieu of building more projects in Collin County.<br><br>If "system" financing is chosen, agreements could be structured in such a way that if an underperforming corridor requires the system's excess funds for several years, then the system pays back funds to the corridors that "loaned" funds. |
| 6. | Who would operate the tollroad? | While TxDOT will maintain ownership of the corridor, there are two options regarding operations of the tollroad: 1) TxDOT contracts with NTTA to perform operations; or 2) TxDOT contracts with a private entity (through a Comprehensive Development Agreement) to operate the tollroad; the private entity could then subcontract with NTTA to perform the toll collection function. This decision will be determined at a later date. |
| 7. | Could the road be opened as a freeway and turned over to TxDOT for maintenance when the bonds are retired? | The toll bond financing assumptions were based on a 40-year bond term; this decision should be deferred until bonds are retired. However, it should be noted when the D-FW turnpike bonds were paid off, it became a free facility on January 1, 1977; since that date TxDOT has spend $500 million reconstructing the corridor in the Dallas District alone. In hindsight, this funding could have come from a |

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| | | refinance of the old D-FW Turnpike revenue. |
| 8. | Need a better definition of "local projects" which would be eligible for the revenue sharing? How would they be constructed, by city or TxDOT processes? Could the money be used for rehabilitation of thoroughfares? | There are two types of revenue that is to be shared: 1) the "Up-Front" portion of a potential bond sale ("Excess Bond Funds")(if applicable – if the region chooses to bond higher than the construction cost); and 2) the "Excess Revenue" that the toll corridor earns in the future.<br><br>It would be appropriate to emulate the deal points on the SH 161 and SH 121/Denton County corridors to ensure equity across the region. On the SH 161 and SH 161/Denton County corridors, projects funded from the "Excess Bond Funds" were either regional arterials, sub-regional arterials or local road projects that assisted with providing a non-tolled alternative for local traffic.<br><br>Projects funded through the "Excess Bond Funds" will have to be constructed through the TxDOT project development process. The "Up Front" revenue can be used for rehabilitation of a city's roadways.<br><br>Projects funded through "Excess Revenue" could be constructed through a City's project development process. "Excess Revenue" can also be used for rehabilitation of a city's roadways. |
| 9. | How can we be assured that the excess revenue stays in Collin County, goes to the cities and county and not go to another toll project or a tax supported project? | HB 2702 clarifies the use of surplus revenue (excess revenue) and protects the surplus revenue from going to another district as follows:<br><br>"Sec. 228.006 [361.189]. USE OF SURPLUS REVENUE. (a) The commission shall [by order may] authorize the use of surplus revenue of a toll [turnpike] project or |

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| | | system to pay the costs of a transportation [another turnpike] project, highway project, or air quality project within a department district in which any part of the toll project is located [the region].<br>(b) The commission may not revise the formula as provided in the department's unified transportation program, or its successor document, in a manner that results in a decrease of a district's allocation because of a payment under Subsection (a)."<br><br>The RTC Excess Toll revenue Sharing Policy further clarifies use of surplus revenue by stating it will be used in the county in which the toll facility is located. |
| 10. | What is the formula for determining the excess bonds or revenue that would be shared with each city and the county. How are we assured that we will get those funds? | It would be appropriate to emulate the deal points on the SH 161 and SH 121/Denton County corridors to ensure equity across the region. On the SH 161 and SH 161/Denton County corridors, the details were worked out within one to two months in a consensus-building process in numerous staff meetings, with the County ensuring there was an equitable share provided to all parties. The details were then memorialized both in an RTC Resolution as well as a Memorandum of Understanding singed by NCTCOG, TxDOT, the County and all cities. |
| 11. | Can the following points be finalized before a decision is made on tolling:<br>1. determine the toll limits<br>2. determine how much and how the excess bond revenues would be shared<br>3. determine how much and how the excess revenue sharing would be | 1. There are two options being considered and we want the county/city's input: From the DNT to US 75, or from W. of Hillcrest to US 75.<br>2. Excess Bond funds are estimated at $15 million, based on the traffic and revenue and financing assumptions |

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| | shared<br>4. set the toll fee at ? 15 cents/mile ?<br>5. develop a project list of eligible local projects. | shown in the NCTCOG SH 121 Feasibility Study Report; it should be noted that changes in construction costs through inflation and/or changes in market financial conditions could change the basis for this amount of excess bond revenue.<br>3. The RTC Excess Revenue Sharing Policy states "Projects Funded with excess toll revenue should be selected in a cooperative TxDOT-RTC selection process which considers the desires of the cities and counties in which the revenue-generating project s located."<br>4. Study assumptions assume a toll rate of 15 cents/mile.<br>5. On the SH 161 and SH 161/Denton County corridors, projects funded from the "Excess Bond Funds" were either regional arterials, sub-regional arterials or local road projects that assisted with providing a non-tolled alternative for local traffic. "Excess Bond Funds" can be used for rehabilitation of a city's roadways. The local entities are in a better position to propose projects to be funded (rather than TxDOT staff). |
| 12. | What is the value of the ROW acquired for the project for each city within Collin County?<br>What is the value of the ROW provided at no cost to the state by each city or Collin Co? | TxDOT acquired 109 right of way parcels at a total cost of $149,659,699. This expenditure includes a cash contribution of $3,852,060 from Collin County.<br><br>In addition, TxDOT received donations of 69.8825 acres of land valued at $18,961,542 including:<br>>Plano: 25.0095 acres valued at $2,922,441<br>>Frisco: 7.212 acres valued at $3,500,000<br>>J.C. Penny: 37.616 acres valued at $12,539,101<br><br>It should be noted that TxDOT |

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| | | policies require a local match of 10%. For this project, the local match includes the cash contribution as well as the donated parcels. |
| 13. | What is the frontage of each city for the project:<br>1. from Denton County line to DNT<br>2 from DNT to Hillcrest<br>3. from Hillcrest to US 75 | 1. Denton County Line to the DNT:<br>Plano – 1.1 Mile;<br>Frisco – 1.1 Mile.<br>2. DNT to Hillcrest:<br>Plano – 2.2 Miles;<br>Frisco – 2.2 Miles.<br>3. Hillcrest to US 75:<br>Plano – 3.5 Miles;<br>Frisco – 3.5 Miles;<br>Allen – 5.5 Miles;<br>McKinney – 5.5 Miles. |
| 14. | Why does the toll project have to be 100% electronic and why cannot a cash lane be provided? | Cash collection of tolls would require a redesign of the project (including current frontage roads under construction) and would require acquisition of additional right of way in some areas. This would result in delays and cost increases in the current frontage road construction. |
| 15. | Is TxDOT or NTTA aware of any studies or information that would indicate that retail does not want to be located on toll roads? | We are not aware of any studies, however, TxDOT believes this is an excellent topic for research and will seek to have this study undertaken over the next several years. |

# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☐ Yes | ☒ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☐ Yes | ☒ Not Applicable |
| Council Meeting Date: | 7/25/05 | Reviewed by Legal | ☒ Yes | ☐ Not Applicable |
| Department: | Mayor | | Initials | Date |
| Department Head | Mayor Evans | Executive Director | | |
| Dept Signature: | | City Manager | | 7/17/05 |
| Agenda Coordinator (include phone #): | Lynne Jones - 7109 | | | |

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

## CAPTION

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS AMENDING CHAPTER THREE (ALCOHOLIC BEVERAGES) OF THE CITY OF PLANO CODE OF ORDINANCES, AS HAS BEEN PREVIOUSLY AMENDED, TO ADD A NEW SECTION 3-7 (LATE HOURS OPERATION) PROVIDING EXTENDED OPERATING HOURS FOR MIXED BEVERAGE LATE HOURS PERMIT HOLDERS AND SECTION 3-8 (LATE HOURS PERMIT & FEES) SETTING FORTH PERMIT AND FEE REQUIREMENTS; PROVIDING A PENALTY CLAUSE, REPEALER CLAUSE, SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

## FINANCIAL SUMMARY

☒ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☐ 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 Ordinance amends the Alcoholic Beverage code of the City to provide a new section for mixed beverage permit holders to operate during extended hours from 1:00 am to 2:00 am on Sunday and 12:00 am to 2:00 am on every other day. Also establishes a permitting and fee requirement.

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| n/a | n/a |

N:\ORD&RES\agenda item-late hours permit.doc (7/15/05-KM)

July 13, 2005

**MEMO**

**TO:** Thomas H. Muehlenbeck, City Manager
Frank F. Turner, Executive Director

**FROM:** Phyllis M. Jarrell, Director of Planning

**SUBJECT:** Late Hours Permits for Alcohol Sales

Presently in Plano, holders of mixed beverage permits and private clubs may not sell alcoholic beverages after midnight Sunday through Friday. On Saturday, they may continue to sell alcoholic beverages after midnight until 1:00 am Sunday. With approval of the May local option election to allow mixed beverage permits, Plano may now adopt "late hours" provisions. The Texas Alcoholic Beverage Code authorizes late hours permits under two circumstances:

- In a city or county having a population of 500,000 or more, according to the last census; or

- In a city or county having a population of less than 500,000 only if the governing body adopts an authorizing ordinance

Since Collin County's population was less than 500,000 in the 2000 census (although it now exceeds that figure), the method by which the City of Plano could approve late hours permits is through Council's adoption of an ordinance. With the next federal census in 2010, Collin County and Plano will automatically become eligible for late hours permits.

Please let me know if you need additional information.

XC: Diane Wetherbee, City Attorney
Kent McIlyar, Assistant City Attorney

**ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS AMENDING CHAPTER THREE (ALCOHOLIC BEVERAGES) OF THE CITY OF PLANO CODE OF ORDINANCES, AS HAS BEEN PREVIOUSLY AMENDED, TO ADD A NEW SECTION 3-7 (LATE HOURS OPERATION) PROVIDING EXTENDED OPERATING HOURS FOR MIXED BEVERAGE LATE HOURS PERMIT HOLDERS AND SECTION 3-8 (LATE HOURS PERMIT & FEES) SETTING FORTH PERMIT AND FEE REQUIREMENTS; PROVIDING A PENALTY CLAUSE, REPEALER CLAUSE, SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

**WHEREAS,** on May 7, 2005, a local option election was held in the City of Plano, Texas for the purpose of authorizing the legal sale of alcoholic beverages in restaurants by mixed beverage permit with food and beverage certificate; and

**WHEREAS,** a majority of those voting in the local option election voted in favor of authorizing the sale of alcoholic beverages at restaurants in Plano by mixed beverage permit and food and beverage certificate; and

**WHEREAS,** under existing Texas Alcoholic Beverage Commission ("TABC") regulations, the holder of a mixed beverage permit may sell mixed beverages between 7:00 a.m. and midnight on any day except Sunday; and

**WHEREAS,** on Sunday the holder of a mixed beverage permit may sell mixed beverages between 12:00 am and 1:00 am, and between 10 a.m. and 12:00 noon when accompanied by food; and

**WHEREAS,** the holder of a mixed beverage late hours permit issued by TABC may sell mixed beverages on Sunday between 1:00 am and 2:00 am, and on any other day between 12:00 am and 2:00 am; and

**WHEREAS,** Section 105.03(d) of the Texas Alcoholic Beverage Code requires that in a city or county with a population of less than 500,000, according to the last federal census, the governing body of the city or county must adopt the extended hours by ordinance before a mixed beverage permit holder may operate during extended hours.

**WHEREAS,** there is a demand from mixed beverage permit holders in the City of Plano to operate during extended hours; and

**WHEREAS,** the City Council of the City of Plano has determined that it is in the best interest of the City of Plano and its citizens to adopt extended hours for mixed beverage permit holders located in the City.

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

**Section I.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**Section II.** Chapter 3 (Alcoholic Beverages) of the Code of Ordinances of the City of Plano, Texas is hereby amended to add a new Section 3-7 (Late Hours Operation) to read in its entirety as follows:

"Section 3-7. Late Hours Operation.

The holder of a mixed beverage late hours permit issued by the State may offer mixed beverages for sale in the corporate city limits of the City of Plano, Texas on Sunday between the hours of 1:00 a.m. and 2:00 a.m. and on any other day between the hours of 12:00 a.m. and 2:00 a.m. in accordance with the State alcoholic beverage code."

**Section III.** Chapter 3 (Alcoholic Beverages) of the Code of Ordinances of the City of Plano, Texas is hereby amended to add a new Section 3-8 (Late Hours Permit; Fees) to read in its entirety as follows:

"Section 3-8 Late Hours Permit; Fees

No person shall sell mixed beverages between 1:00 a.m. and 2:00 a.m. on Sunday and on any other day between 12:00 a.m. and 2:00 a.m. within the corporate city limits of the City of Plano, Texas without first paying the appropriate fee to the City Secretary and obtaining a City mixed beverage late hours permit. The fee shall be equal to one-half of the fee charged by the State for a mixed beverage late hours permit, except when said fee is waived according to the provisions of the Texas Alcoholic Beverage Code. Following payment of the fee and approval of the late hours permit application, the City Secretary shall issue a mixed beverage late hours permit for that location for a period of one year."

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

**Section V.** All provisions of the Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of these Ordinances 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 these Ordinances, shall remain in full force and effect.

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

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

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

_____
Pat Evans, MAYOR

ATTEST:

_____
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

_____
Diane C. Wetherbee, CITY ATTORNEY

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# CITY OF PLANO
# COUNCIL AGENDA ITEM

| CITY SECRETARY'S USE ONLY | | Reviewed by Purchasing | ☐ Yes | ☒ Not Applicable |
|---|---|---|---|---|
| ☐ Consent ☐ Regular ☐ Statutory | | Reviewed by Budget | ☐ Yes | ☒ Not Applicable |
| Council Meeting Date: | 7/25/05 | Reviewed by Legal | ☒ Yes | ☐ Not Applicable |
| Department: | Planning | | Initials | Date |
| Department Head | Phyllis Jarrell | Executive Director | | 7/18/05 |
| Dept Signature: | P. Jarrell | City Manager | | 7/18/05 |
| Agenda Coordinator (include phone #): | Lynn Woodall, ext. 7156 | | | |

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

## CAPTION

PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2004-9-37, AS HERETOFORE AMENDED, AMENDING SPECIFIC USE PERMIT NO. 137 SO AS TO EXPAND THE DAY CARE CENTER ON 1.8± ACRES OF LAND OUT OF THE GRIZZEL KENNEDY SURVEY, ABSTRACT NO. 499, LOCATED ON ONE LOT AT THE SOUTHWEST CORNER OF HEDGCOXE ROAD AND GEORGETOWN DRIVE IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, PRESENTLY ZONED SINGLE-FAMILY RESIDENCE-7/PLANNED RESIDENTIAL DEVELOPMENT-2 WITH SPECIFIC USE PERMIT NO. 137 FOR DAY CARE CENTER; 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. TABLED 5/9/2005 AND 6/13/2005.

## FINANCIAL SUMMARY

☒ NOT APPLICABLE ☐ OPERATING EXPENSE ☐ REVENUE ☐ 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 hearing for this item was conducted at the May 9th meeting and Council tabled the item for 4 weeks to allow time for the applicant and area homeowners to meet and discuss concerns. This case was tabled again on June 13th at the applicant's request.

A 3/4 vote will be required to approve the specific use request. The owners of more than 20% of the land area within the 200 foot notice boundary have submitted letters in opposition.

| List of Supporting Documents: | Other Departments, Boards, Commissions or Agencies |
|---|---|
| Ordinance<br>Follow Up Memo<br>Staff Write Up<br>Memo | |

July 20, 2005

**MEMO**

**TO:** Thomas H. Muehlenbeck, City Manager
Frank F. Turner, Executive Director

**FROM:** Phyllis M. Jarrell, Director of Planning

**SUBJECT:** Zoning Case 2005-09 (Montessori Children's House)

The applicant for this zoning case is requesting an expansion of the existing Specific Use Permit for a Day Care Center. The City Council tabled this case on May 9th and June 13th after hearing concerns from area homeowners. Staff met with the applicant and the homeowners on May 26th and June 29th. A third meeting is scheduled for Thursday, July 21st.

At the end of this memo are suggested stipulations if Council wishes to approve the expanded SUP request. These stipulations could change if the applicant and homeowners reach agreement on remaining landscaping and lighting issues at the July 21st meeting.

The day care center is located at the southwest corner of Hedgcoxe Road and Georgetown Drive, and is next to the Hoblitzelle linear park. A creek runs along the southern boundary of the property. The applicant wishes to build a 3000 square foot building addition, add parking on the south side of the property, and enlarge the outdoor play space.

The city plans to extend a hike and bike trail along the creek in the future. Robin Reeves from the Parks and Recreation Department has met with the applicant and homeowners to address issues with the trail location, tree removal and timing of construction. A memo from Mr. Reeves is also attached.



3-2

Homeowner Concerns

The homeowners expressed concerns about additional parking and traffic, light overspill, noise, landscaping and screening, and the location of the hike and bike trail. At the meetings with the applicant and homeowners, the following issues were explored:

Enrollment Cap

- Homeowners would like the applicant to voluntarily cap the enrollment to effectively reduce parking to three new parking spaces. One parking space is required for every 5 students. The applicant has not agreed to cap enrollment to the extent desired by the homeowners, and believes that the additional parking spaces will help mitigate concerns about overflow parking when recitals and other special events are held.

Parking

- The applicant has reduced parking from the 13 spaces shown on the original zoning exhibit to 12 spaces. The zoning exhibit has been amended to show the changes to the parking design.

- The parking has been "flipped" to have the head-in spaces facing north towards the building rather than to the south.

- The parking has been redesigned to move it out of the existing trees and to get the hike and bike trail out of the trees. The Parks and Recreation Department has indicated that the hike and bike trail can be built with either configuration of the parking area; however, the revised plan does reduce the number of trees that may have to be removed when the trail is constructed.

- Shrubs will be placed around the southern and western sides of the parking area. The homeowners would like to see a mix of different shrubs to create a tall, dense screen, along with lower shrubs to form a headlight screen.

Lighting

- The applicant has agreed to limit the height of the light standards in the new parking lot to 15 feet, and to use wall-mounted lights where possible to minimize the number of new light standards. All new lights will be shielded to limit light overspill. The applicant will try to add shields to the existing lights, including the lights mounted on the outside walls, to reduce light overspill from the existing building and parking lot.

Playground Area

- The applicant has agreed to place 4 foot tall shrubs around the playground area along Georgetown Drive. The shrubs would be planted inside the playground, along the fence. The homeowners would like to see a minimum of 6 foot tall shrubs. A landscape screen that would be staggered in height, with shrubs between 8 feet and 4 feet tall was also discussed. The applicant is concerned about security and visibility if the shrubs are taller than 4 feet.

- The applicant has agreed to remove the brightly colored playground equipment and replace it with more muted, earthtone colors.

- The homeowners would like to see a maximum height placed on the playground equipment.

Signs

- The homeowners have expressed concern about parents parking along Chatham Court, located across Georgetown Drive, when there are special events held at the day care center. The applicant has placed metal signs in the existing parking lot and agreed to place a sign in the proposed parking lot directing parents to not park in Chatham Court. The homeowners would like to see these signs made permanent.

One issue involves both an enrollment cap and parking. Presently, the state license for this facility is for 221 children. With the 3000 square foot addition, there will be a corresponding increase in the number of children allowed under the state's license. However, the site will only accommodate parking for 250 children based on the city's parking requirement of 1 space for each 5 children. With the reduction of 1 parking space that the applicant has agreed to eliminate, this brings the number of children that can be accommodated by parking down to 245.

<u>City Council Action</u>

If the City Council wishes to approve the SUP, a ¾ vote will be necessary, since owners of more than 20% of the land area within the 200 foot notice boundary have sent in letters in opposition to the case. Council may choose to add stipulations to the SUP approval. Some of the operational issues raised by the homeowners are not items that the city can easily enforce. If the Council chooses to approve this request, suggested stipulations are as follows:

1. The zoning exhibit shall be adopted as part of the ordinance.

2. The day care center enrollment shall be capped at 245 children, based on the number of available parking spaces.

3. A landscaped screen shall be installed, subject to visibility requirements, next the playground fence along Georgetown Drive. The shrubs shall reach a height of 4 feet within 2 years of initial planting.

4. A landscaped screen shall be installed, subject to visibility requirements, along the southern and western sides of the new parking area. The shrubs shall reach a height of 6 feet within 2 years of initial planting.

5. Light standards in the new parking area shall be limited to 15 feet in height, and shall have shields to reduce light overspill.

Please let me know if you need additional information.

# MEMORANDUM

**DATE:** July 12, 2005

**TO:** Phyllis Jarrell, Director of Planning

**FROM:** Robin Reeves, Chief Park Planner

**SUBJECT:** **HOBLITZELLE PARK TRAIL/ZONING CASE 2005-09**

We have reviewed the plans for expansion of the Montessori Children's House. A concrete trail is planned to go in the narrow section of Hoblitzelle Park that lies between the proposed Montessori expansion and the center of the creek. This portion of the existing park is almost entirely covered in trees. Construction of the trail within the existing park will require removal of trees. We will make every reasonable effort to minimize the size and number of trees removed when the trail is constructed.

A small portion of the Montessori site is within the 100-year flood plain and would be dedicated as park land and floodway and drainage easement if the property is developed. This flood plain area is also substantially covered in trees and would not allow the trail to be moved out beyond the tree line.

The trail is planned to continue north into the City of Allen and then connect to other trails within Plano. We expect that it will be several years before the trail is constructed. The trail is planned to be constructed when additional development is completed that will allow for a connection north of Hoblitzelle Park.

RRma

c: Don Wendell

MA\M:\2005-rr\7-PJ-Hoblitzelle Trail-Zoning.doc

**DATE:** May 3, 2005

**TO:** Honorable Mayor & City Council

**FROM:** Laura Williamson, Chairman, Planning & Zoning Commission TE

**SUBJECT:** Results of Planning & Zoning Commission Meeting of May 2, 2005

**AGENDA ITEM NO. 8 - PUBLIC HEARING**
**ZONING CASE 2005-09**
**APPLICANT: MONTESSORI CHILDREN'S HOUSE**

**DESCRIPTION:**

A request to expand the area of existing Specific Use Permit #137 for Day Care Center on one lot on 1.8± acres located at the southwest corner of Hedgcoxe Road and Georgetown Drive. Zoned Single-Family Residence-7/Planned Residential Development-2 (SF-7/PRD-2). Neighborhood #12.

**APPROVED:** 6-0 **DENIED:** _____ **TABLED:** _____

**LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA:** **FAVOR:** 6 **OPPOSE:** 8

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

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

**STIPULATIONS:**

Recommended for approval as submitted.

**FOR CITY COUNCIL MEETING OF:** May 9, 2005 (To view the agenda for this meeting, see www.planotx.org)

**PUBLIC HEARING - ORDINANCE**

CHL/mac

xc: Effat Saifi, Montessori Children's House
Phillip Morse, Edifice Architecture
Lynn Woodall, Administrative Support Supervisor

CITY OF PLANO

PLANNING & ZONING COMMISSION

May 2, 2005

**Agenda Item No.** 8

**Public Hearing:** Zoning Case 2005-09

**Applicant:** Montessori Children's House

---

**DESCRIPTION:**

A request to expand the area of existing Specific Use Permit #137 for Day Care Center on one lot on 1.8± acres located at the southwest corner of Hedgcoxe Road and Georgetown Drive. Zoned Single-Family Residence-7/Planned Residential Development-2 (SF-7/PRD-2). Neighborhood #12.

**HISTORY**:

Zoning Case 87-02 approved by City Council in March 1987, established a Specific Use Permit (SUP) for Day Care Center on a portion of this property (1.3± acre tract). The Planning & Zoning Commission approved a preliminary site plan for the day care facility in July 2001. In December 2002, the Planning & Zoning Commission approved the preliminary plat for the day care center. Subsequently staff approved the final site plan in August 2003. The existing day care center has been in operation since July 2004.

**REMARKS:**

The applicant is requesting a 0.5± acre expansion to the existing SUP for Day Care Center. The purpose of the request is to add approximately 3,100 square feet of classroom space. There is adequate parking and outdoor play area for the 3,100 square foot addition. City staff has been working with PISD and the City of Allen to alleviate traffic concerns on Hedgcoxe Road. The addition to the existing day care center will provide a buffer to the majority of existing outdoor play area. The site will not hinder the future trail connection to the south.

The property is zoned SF-7/PRD-2. The SF-7/PRD-2 district is intended to provide for areas of urban single-family development on moderate-size lots, protected from excessive noise, illumination, odors, visual clutter, and other objectionable influences to family living. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district, which could benefit in a particular case the general welfare, provided adequate development standards and safeguards are established.

## Surrounding Land Use and Zoning

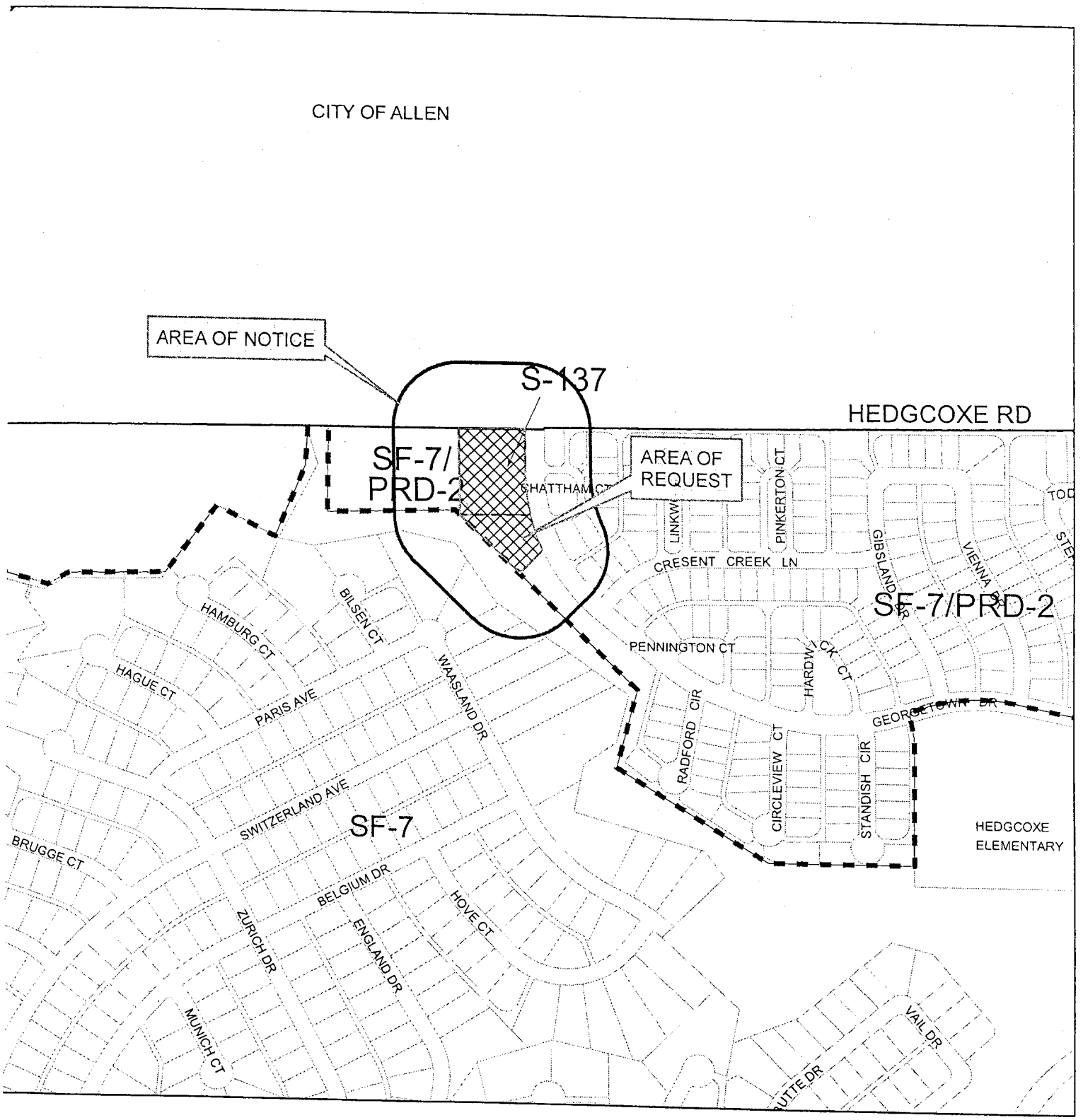
The property to the west is zoned SF-7/PRD-2 and has been developed as a church. The property to the south is zoned SF-7/PRD-2 and is an existing city park (Hoblitezelle Park). The property across Georgetown Drive to the east is zoned SF-7/PRD-2 and has been developed for single-family residential uses. Property located on the north side of Hedgcoxe Road, in the city of Allen, has been developed as a public primary school (Beverly Elementary).

## Traffic Impact Analysis

A TIA is not required for this request.

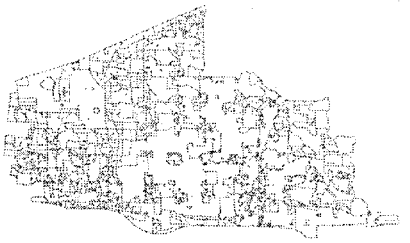
## RECOMMENDATIONS:

Recommended for approval as submitted.



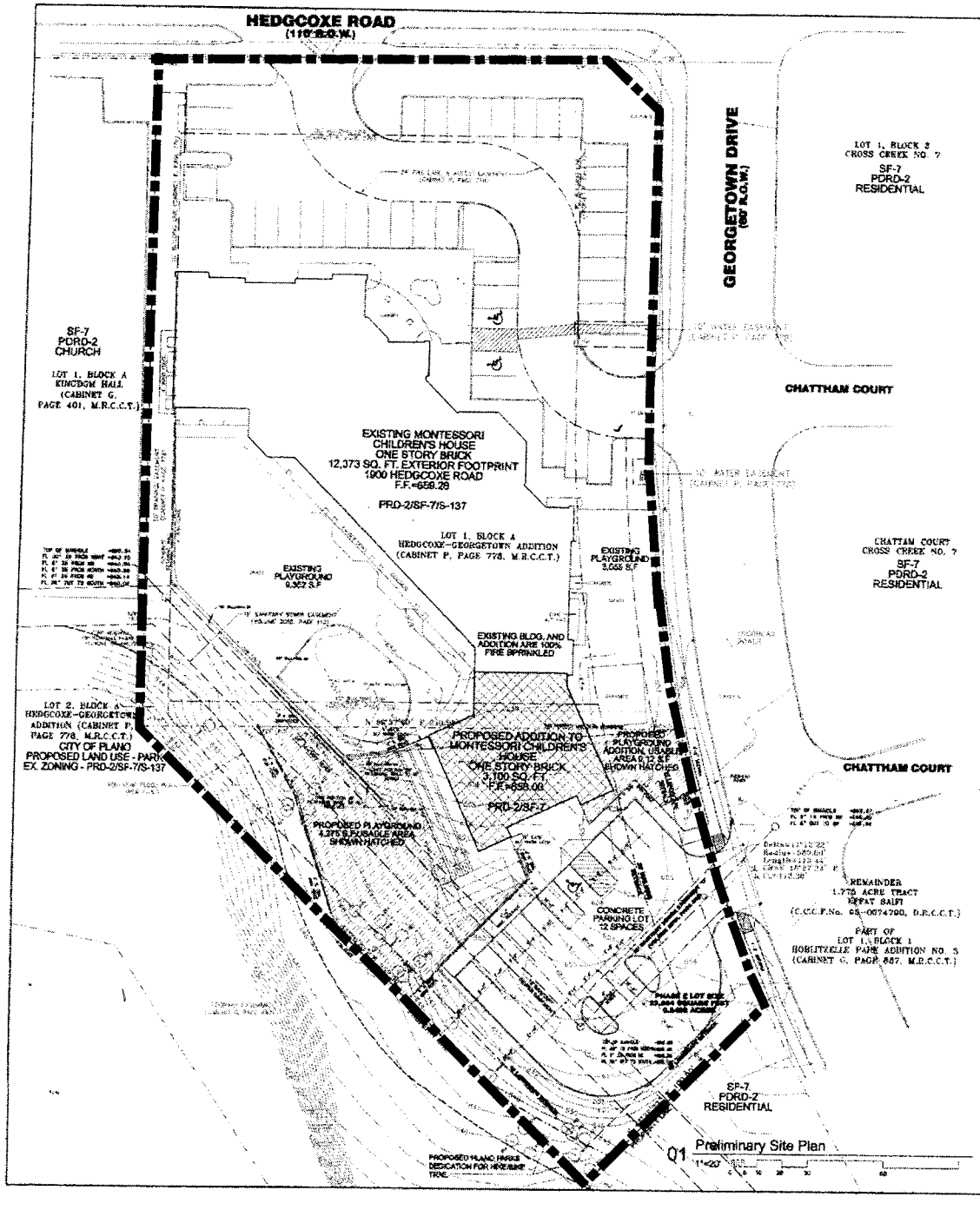

Zoning Case #: 2005-09

Existing Zoning: SINGLE-FAMILY RESIDENCE-7/
PLANNED RESIDENTIAL DEVELOPMENT-2 w/
SPECIFIC USE PERMIT #137



200' Notification Buffer

3-10




01 Preliminary Site Plan
1"=20'

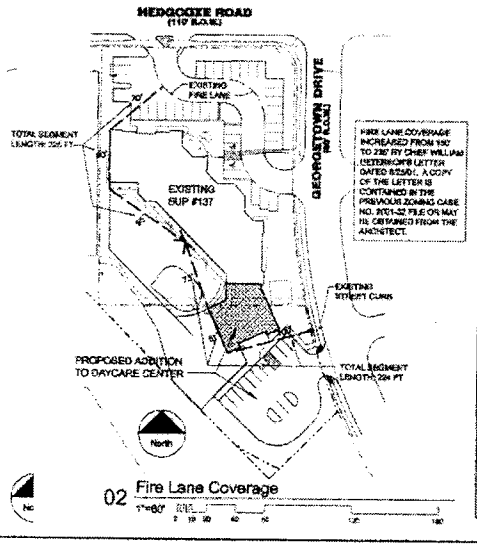
## GENERAL NOTES

1. Buildings 8,000 square feet or greater shall be 100% fire sprinkled.
2. Fire lanes shall be designed and constructed per city standards.
3. Handicapped parking areas shall be designed and provided per city standards and shall comply with requirements of the current, adopted International Building Code.
4. Four-foot wide sidewalks shall be provided 2.5 feet off of the property line within the rights-of-way, unless a sidewalk easement is provided for a meandering sidewalk or an alternative design is approved by the city. Barrier-free ramps, per city standards, shall be provided on sidewalks at all curb crossings.
5. Mechanical units, dumpsters and trash compactors shall be screened in accordance with the Zoning Ordinance.
6. All signage contingent upon approval by Building Inspection Department.
7. Approval of the site plan is not final until all engineering plans are approved.
8. Open storage, where permitted, shall be screened in accordance with the Zoning Ordinance.
9. Building facades within this development shall be compatible, as provided in the Retail Corner Design Guidelines.
10. Outdoor lighting shall comply with illumination standards within Section 6-458 of the Code of Ordinances.
11. Please contact the Building Inspection Department to determine the type of construction and occupancy group.
12. All electrical transmission, distribution, and service lines must be underground where required.
13. Uses shall conform in operation, location, and construction to the following performance standards in Section 3-1300 of the Zoning Code: noise, smoke and particulate matter, odorous matter, fire or explosive material, toxic and noxious matter, vibration and/or other performance standards.
14. Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat, or plan, approval of development standards shown hereon, or the initiation of the development process. Planning and Zoning Commission and/or City Council action on studies, plats or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.

## LEGEND

## TREE CHART

| NO. | DIAM. | SPECIES |
|---|---|---|
| 862 | 12" | ELM |
| 863 | 11" | ELM |
| 864 | 6" | ELM |
| 865 | 10" | ELM |
| 866 | 10" | ELM |
| 867 | 10" | ELM |
| 868 | 10" | ELM |
| 869 | 8" | ELM |
| 870 | 34" | NOTE 3 ARC |
| 871 | 11" | ELM |
| 872 | 19" | NOTE 3 ARC |
| 873 | 6" | ELM |
| 874 | 6" | ELM |
| 875 | 6" | ELM |
| 876 | 10" | ELM |
| 877 | 12" | NOTE 3 ARC |
| 878 | 10" | NOTE 3 ARC |
| 879 | 8" | ELM |
| 880 | 8" | NOTE 3 ARC |
| 881 | 6" | ELM |
| 882 | 6" | ELM |
| 883 | 6" | ELM |
| 884 | 6" | ELM |
| 885 | 6" | ELM |
| 886 | 10" | ELM |
| 887 | 12" | NOTE 3 ARC |
| 888 | 10" | NOTE 3 ARC |
| 889 | 8" | ELM |
| 890 | 8" | NOTE 3 ARC |
| 891 | 6" | ELM |
| 892 | 6" | ELM |
| 893 | 6" | ELM |
| 894 | 30" | ELM |
| 895 | 7" | NOTE 3 ARC |




FIRE LANE COVERAGE INCREASED FROM 150' TO 230' BY CHIEF WILLIAM (BETTENCOURT) LETTER DATED 6/2/05. A COPY OF THE LETTER IS CONTAINED IN THE PREVIOUS ZONING CASE NO. 2001-32 FILE OR MAY BE OBTAINED FROM THE ARCHITECT.

02 Fire Lane Coverage
1"=60'

## SITE SUMMARY

### ZONING

| | |
|---|---|
| ZONING | SF-7/PRD-2 S-137 |
| PROPOSED USE | DAYCARE CENTER |

### AREA CALCULATIONS

| | |
|---|---|
| SITE AREA | 77,328 SF (1.77 ACRES) |
| BUILDING AREA | EXISTING 12,373 S.F. PROPOSED ADDITION 3,100 S.F. TOTAL 15,473 S.F. |
| BUILDING HEIGHT | 1 STORY BUILDING AT 30'-0" |
| SITE COVERAGE (MAX. 30% PLUS 10% FOR ACCESSORY BLDG.) | 15,473/77,328 = 20.0% (20.0%) |
| FLOOR AREA RATIO | 0.20 : 1 |

### PARKING

| | |
|---|---|
| PARKING SPACES REQUIRED | 1 SPACE PER 5 PUPILS |
| 245 TOTAL STUDENTS = | 49 CARS REQUIRED |
| HANDICAP SPACES REQUIRED | 3 SPACES |
| HANDICAP SPACES PROVIDED | 3 |
| REGULAR PARKING PROVIDED | 49 |
| TOTAL PARKING SPACES PROVIDED | 49 |

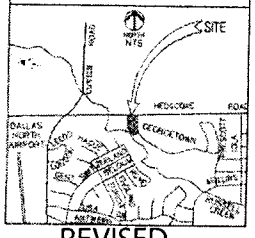
### PLAYGROUND

| | |
|---|---|
| AREA REQUIRED (245 STUDENTS) | 65 SF/ STUDENT= 15,925 SF |
| AREA PROVIDED | 17,284 SF (DOES NOT INCLUDE FLOOD & DRAINAGE) |

### LANDSCAPE

| | |
|---|---|
| TOTAL IMPERVIOUS SURFACE | 31,059 S.F. (40%) |
| TOTAL INTERIOR LANDSCAPE REQUIRED | 9 S.F. PER SPACE= 400 S.F. |
| TOTAL INT. LANDSCAPE PROVIDED | TOTAL - 15,738 S.F. |

## VICINITY MAP




REVISED

## ZONING EXHIBIT
## ZONING CASE 2005-09

PROPERTY OWNER:
KEPAT SAIFI
MONTESSORI CHILDREN'S HOUSE
4001 BARRETT DR.
PLANO, TEXAS 75074
PHONE: 972-491-1956

SURVEYOR:
MCI SURVEY CONSULTANTS INC.
811 E. PLANO PARKWAY, STE. 117
PLANO, TEXAS 75074
PHONE: 972 424 7593

ARCHITECT:
PHILLIP MORSE
EDIFICE ARCHITECTURE
1301 ELM ST., STE. 101
CARROLLTON, TEXAS 75006
PHONE: 972 242 0644

06/02/2005

Edifice Architecture
1301 Elm Street, Suite 101
Carrollton, Texas 75006
Phillip Morse, Architect
phone: 972 242 0644 fax: 214 764 3725

Edifice Architecture

SEAL:

# Addition to: Montessori Childrens House
Plano, Texas

project no. 04053
drawn by checked by

Issues/Revisions

| | |
|---|---|
| 1 | REVISED FOR ZONING EXHIBIT |
| 2 | REVISED FOR ZONING EXHIBIT |
| 3 | REVISED FOR ZONING EXHIBIT |

Sheet

ZSP-1

Zoning Exhibit
ZC 2005-09

**ORDINANCE NO. _____**
**(Zoning Case 2005-09)**

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2004-9-37, AS HERETOFORE AMENDED, AMENDING SPECIFIC USE PERMIT NO. 137 SO AS TO EXPAND THE DAY CARE CENTER ON 1.8± ACRES OF LAND OUT OF THE GRIZZEL KENNEDY SURVEY, ABSTRACT NO. 499, LOCATED ON ONE LOT AT THE SOUTHWEST CORNER OF HEDGCOXE ROAD AND GEORGETOWN DRIVE IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, PRESENTLY ZONED SINGLE-FAMILY RESIDENCE-7/PLANNED RESIDENTIAL DEVELOPMENT-2 WITH SPECIFIC USE PERMIT NO. 137 FOR DAY CARE CENTER; 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 25th day of July, 2005, for the purpose of considering amending Specific Use Permit No. 137 so as to expand the Day Care Center on 1.8± acres of land out of the Grizzel Kennedy Survey, Abstract No. 499, located on one lot at the southwest corner of Hedgcoxe Road and Georgetown Drive in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7/Planned Residential Development-2 with Specific Use Permit No. 137 for Day Care Center; 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 25th day of July, 2005; and

**WHEREAS,** the City Council is of the opinion and finds that the amending of Specific Use Permit No. 137 so as to expand existing Specific Use Permit #137 for Day Care Center on 1.8± acres of land out of the Grizzel Kennedy Survey, Abstract No. 499, located on one lot at the southwest corner of Hedgcoxe Road and Georgetown Drive in the City of Plano, Collin County, Texas, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

**WHEREAS,** the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

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

**Section I.** The Comprehensive Zoning Ordinance No. 2004-9-37, as the same has been heretofore amended, is hereby further amended so as to amend Specific Use Permit No. 137 so as to expand the Day Care Center on 1.8± acres of land out of the Grizzel Kennedy Survey, Abstract No. 499, located on one lot at the southwest corner of Hedgcoxe Road and Georgetown Drive in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7/Planned Residential Development-2 with Specific Use Permit No. 137 for Day Care Center, said property being more fully described on the legal description in Exhibit "A" attached hereto.

**Section II.** It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

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

**Section IV.** The repeal of any ordinance or part of ordinances 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 25TH DAY OF JULY, 2005.**

_____
Pat Evans, MAYOR

ATTEST:

_____
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

_____
Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a tract of land situated in the City of Plano, Collin County, Texas, out of the Grizzel Kennedy Survey, Abstract No. 499, and being all of Lot 1, Block A, Hedgcoxe-Georgetown Addition according to the plat thereof recorded in Cabinet P, Page 778, Map Records, Collin County, Texas, also being a portion of Lot 1, Block 1, Hobitzelle Park Addition No. 3, according to the plat thereof recorded in Cabinet G, Page 687, Map Records, Collin County, Texas, also being the remainder of a 1.775 acre tract of land conveyed to Effat Saifi according to the deed recorded in Clerk's File No. 95-0074790, Deed Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron rod found in the south right-of-way line of Hedgcoxe Road (110' right-of-way) also being at the northerly line of said Lot 1;

THENCE South 45° 23' 00" East, a distance of 28.28 feet to an aluminum disk set in concrete, lying in the west right-of-way line of Georgetown Drive (60' right-of-way), the northeast corner of said Lot 1;

THENCE along said west right-of-way line, South 00° 23' 00" East, a distance of 139.09 feet to a 1" iron rod found, the beginning of a tangent curve to the left;

THENCE continuing along said west right-of-way line, along said curve to the left through a central angle of 23° 40' 34", a radius of 580.00 feet, an arc length of 239.67 feet, a chord bearing South 12° 13' 17" East, a chord distance of 237.97 feet to a 1" iron rod found at the southeast corner of said 1.775 acre tract;

THENCE departing said west right-of-way line, along the southeast line of said 1.775 acre tract, South 44° 39' 37" West, a distance of 100.00 feet to a 1/2" iron rod found at the most southerly corner thereof;

THENCE along the southwesterly line of said 1.775 acre tract, North 45° 20' 23" West, a distance of 252.00 feet to a 1" iron rod found at the southeast corner of Lot 1, Block A, Kingdom Hall Addition, according to the plat filed for record in Cabinet G, Page 401, Map Records, Collin County, Texas, also being the southwest corner of Lot 2, Block A of said Hedgcoxe-Georgetown Addition;

THENCE along the common line of said Lot 2, Block A and said 1.775 acre tract, North 89° 37' 00" East, a distance of 45.77 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the southeast corner of said Lot 2, the southwest corner of said Lot 1, Block A;

THENCE along the common line of said Lot 1, Block A and Lot 2, Block A, Hedgcoxe-Georgetown Addition, North 36° 56' 39" West, a distance of 2.07 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199";

THENCE continuing along said common line, North 39° 47' 18" West, a distance of 18.02 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S 5199";

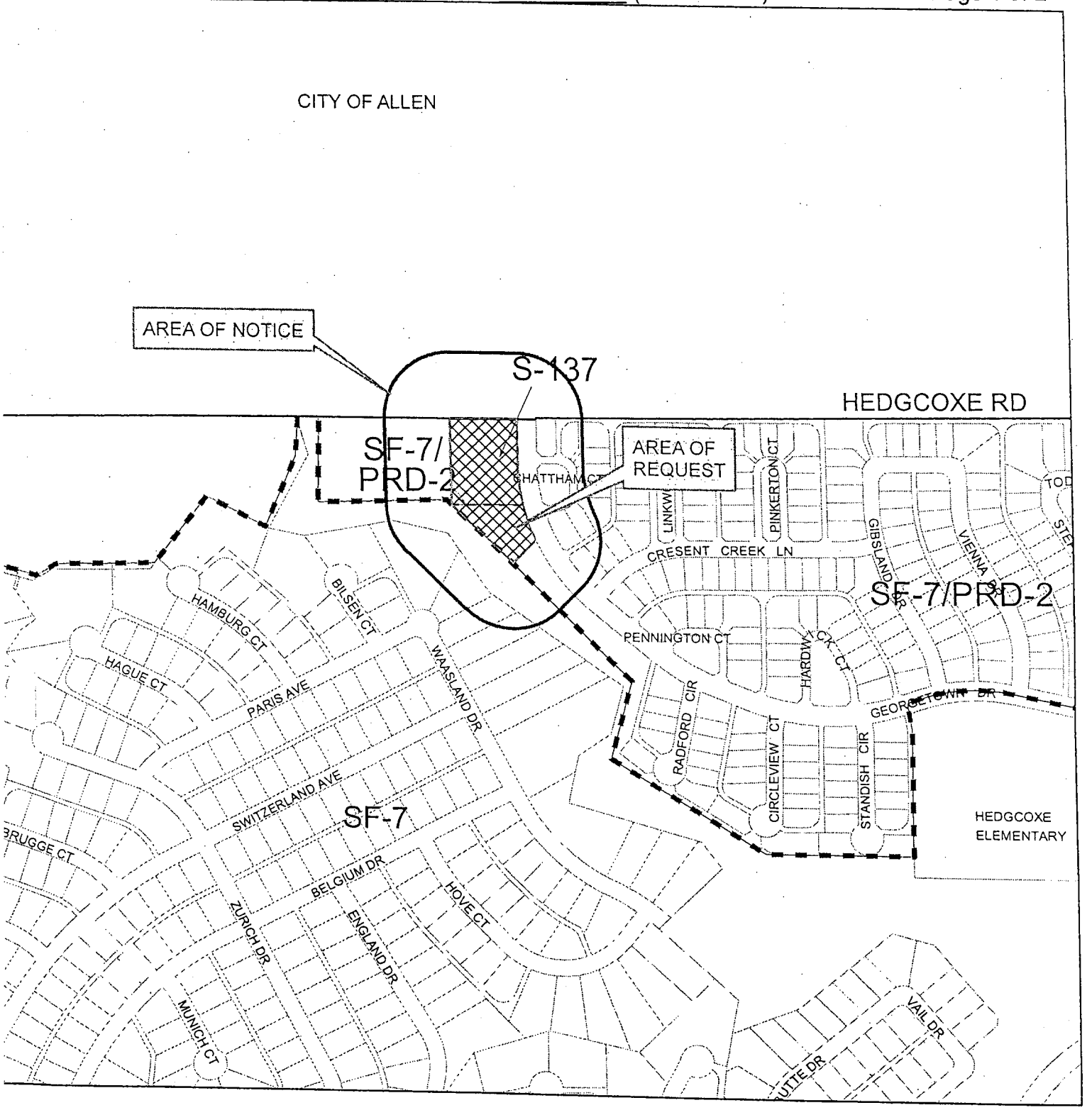
THENCE continuing along said common line, North 31° 35' 26" West, a distance of 26.34 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199";

THENCE continuing along said common line, North 70° 04' 17" West, a distance of 13.11 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199";

THENCE continuing along said common line, South 86° 36' 16" West, a distance of 7.17 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the southwest corner of said Lot 1, Block A, Hegcoxe-Georgetown Addition, and lying in the east line of said Lot 1, Block A, Kingdom Hall Addition;

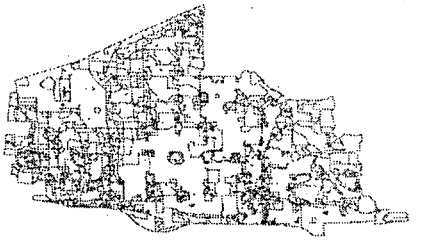
THENCE along the westerly line of said Lot 1, Block A, Hedgcoxe-Georgetown Addition, and along the east line of said Lot 1, Block A, Kingdom Hall Addition, North 00° 23' 00" West, a distance of 222.04 feet to a 1" iron rod found in the south right-of-way line of said Hedgcoxe Road, the northwest corner of said Lot 1, Block A, Hedgcoxe-Georgetown Addition, and the northeast corner of said Lot 1, Block A, Kingdom Hall Addition;

THENCE along said south right-of-way line, North 89° 37' 00" East, a distance of 180.00 feet to the POINT OF BEGINNING and CONTAINING 75,862 square feet or 1.7416 acres of land, more or less.



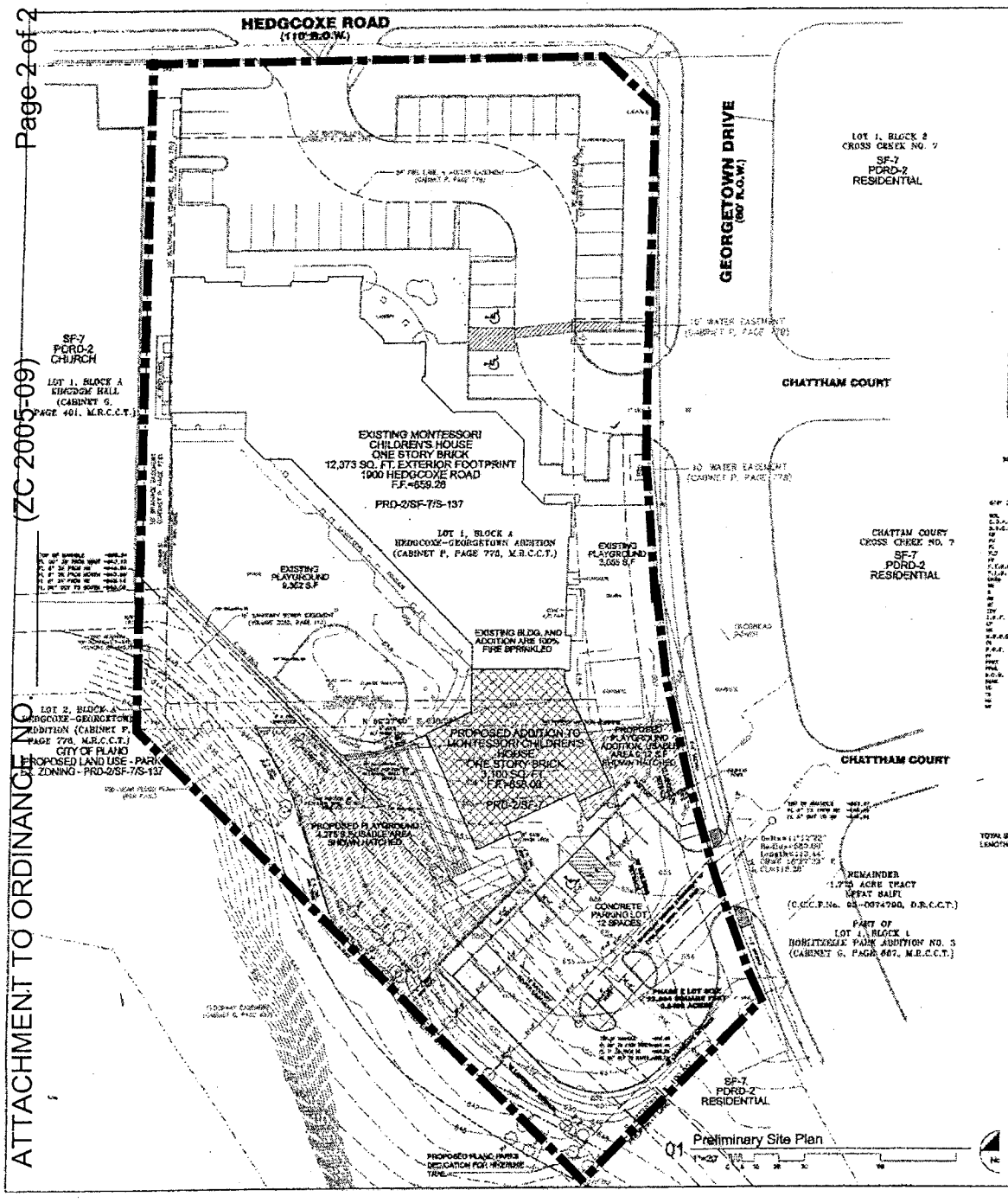

Zoning Case #: 2005-09

Existing Zoning: SINGLE-FAMILY RESIDENCE-7/ PLANNED RESIDENTIAL DEVELOPMENT-2 w/ SPECIFIC USE PERMIT #137



○ 200' Notification Buffer

ATTACHMENT TO ORDINANCE NO. ____ (ZC 2005-09)




Q1 Preliminary Site Plan
1"=30'

## GENERAL NOTES

1. Buildings 6,000 square feet or greater shall be 100% fire sprinkled.
2. Fire lanes shall be designed and constructed per city standards.
3. Handicapped parking areas shall be designed and provided per city standards and shall comply with requirements of the current, adopted International Building Code.
4. Four-foot wide sidewalks shall be provided 2.5 feet off of the property line within the rights-of-way, unless a sidewalk easement is provided for a meandering sidewalk or an alternative design is approved by the city. Barrier-free ramps, per city standards, shall be provided on sidewalks at all curb crossings.
5. Mechanical units, dumpsters and trash compactors shall be screened in accordance with the Zoning Ordinance.
6. All signage contingent upon approval by Building Inspection Department.
7. Approval of the site plan is not final until all engineering plans are approved.
8. Open storage, where permitted, shall be screened in accordance with the Zoning Ordinance.
9. Building facades within this development shall be compatible, as provided in the Retail Corner Design Guidelines.
10. Outdoor lighting shall comply with illumination standards within Section 6-468 of the Code of Ordinances.
11. Please contact the Building Inspection Department to determine the type of construction and occupancy group.
12. All electrical transmission, distribution, and service lines must be underground where required.
13. Uses shall conform in operation, location, and construction to the following performance standards in Section 3-1300 of the Zoning Code: noise, smoke and particulate matter, odorous matter, fire or explosive material, toxic and noxious matter, vibration and/or other performance standards.
14. Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat, or plan, approval of development standards shown hereon, or the initiation of the development process. Planning and Zoning Commission and/or City Council action on studies, plats or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.

## SITE SUMMARY

### ZONING

| | |
|---|---|
| ZONING | SF-7/PDRD-2 S-137 |
| PROPOSED USE | DAYCARE CENTER |

### AREA CALCULATIONS

| | |
|---|---|
| SITE AREA | 77,200 SF (1.77 ACRES) |
| BUILDING AREA | EXISTING 12,373 S.F. PROPOSED ADDITION 3,700 S.F. TOTAL 16,073 S.F. |
| BUILDING HEIGHT | 1 STORY BUILDING AT 27'-0" |
| SITE COVERAGE (MAX. 35% PLUS 10% FOR ACCESSORY BLDG.) | 16,073/77,200 = 0.20809 (20.8%) |
| FLOOR AREA RATIO | 0.208 : 1 |

### PARKING

| | |
|---|---|
| PARKING SPACES REQUIRED | 1 SPACE PER 5 PUPILS |
| 242 TOTAL STUDENTS = | 49 CARS ASSUMED |
| HANDICAP SPACES REQUIRED | 3 SPACES |
| HANDICAP SPACES PROVIDED | 3 |
| REGULAR PARKING PROVIDED | 46 |
| TOTAL PARKING SPACES PROVIDED | 49 |

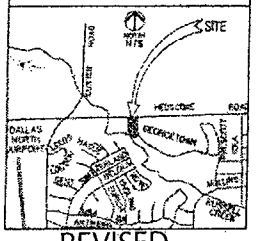
### PLAYGROUND

| | |
|---|---|
| AREA REQUIRED (242 STUDENTS) | 45 SF/STUDENT= 10,900 SF |
| AREA PROVIDED | 17,436 SF (DOES NOT INCLUDE FLOOD & DRAINAGE) |

### LANDSCAPE

| | |
|---|---|
| TOTAL IMPERVIOUS SURFACE | 51,200 S.F. (70%) |
| TOTAL INTERIOR LANDSCAPE REQUIRED | 10 S.F. PER SPACE= 490 S.F. |
| TOTAL INT. LANDSCAPE PROVIDED | TOTAL - 11,720 S.F. |

## VICINITY MAP




## TREE CHART

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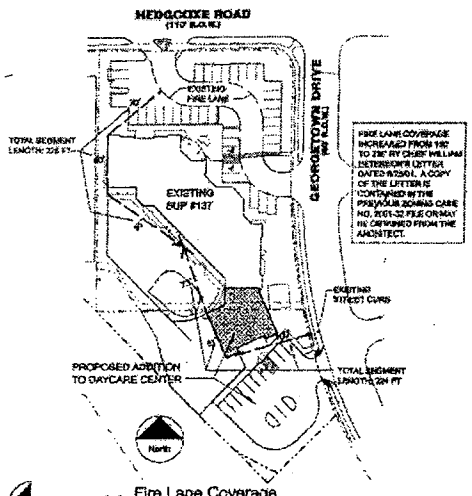
## LEGEND

| | |
|---|---|
| 6'-0" C.L.F. | 6'-0" CHAIN LINK FENCE WITH PLANTING ON STANDARD "C.F.L.C." STYLE |
| BL | BILLIARD |
| C.O.P.-H.C. | CITY OF PLANO BENCHMARK NO. |
| D.R.C.C.T. | DEED RECORDS, COLLIN COUNTY, TEXAS |
| E | ELECTRIC METER |
| F.H. | FIRE HYDRANT |
| F.L. | FLOOD LIGHT |
| F.P. | FLOOD POLE |
| F.C.P.-D.R. | FLOOD DRAINAGE PIPE |
| F.I.P. | FLOOD DRAINAGE INLET |
| G | GAS METER |
| G.V. | GAS VALVE |
| G.W. | GAS WELL |
| G | GUY POLE |
| GTV | GRAVITY THRU VALVE |
| I.R.F. | IRON ROD FOUND |
| LP | LIGHT POLE |
| M.B. | MAIL BOX |
| M.R.C.C.T. | MAP RECORDS, COLLIN COUNTY, TEXAS |
| PL | OLEOMAN ELECTRIC |
| P.O.B. | POINT OF BEGINNING |
| PP | POWER POLE |
| PPWT | POWER POLE WITH TRANSFORMER |
| PPWL | POWER POLE WITH LIGHT |
| P.C.P. | PRESSURE CLEANOUT |
| R.C.P. | REINFORCED CONCRETE PIPE |
| S | SIGN |
| T | TOP OF CURB |
| TS | TRAFFIC SIGN |
| WM | WATER METER |
| WV | WATER VALVE |




FIRE LANE COVERAGE INCREASED FROM 192' TO 226' BY CHIEF WILLIAM LUTENSKOTTER LETTER DATED 6/2/01. A COPY OF THE LETTER IS CONTAINED IN THE PREVIOUS ZONING CASE NO. 2001-32 FILE OR MAY BE OBTAINED FROM THE ARCHITECT.

02 Fire Lane Coverage
1"=60'

REVISED
ZONING EXHIBIT
ZONING CASE 2005-09

PROPERTY OWNER:
CRAIG SAUPE
MONTESSORI CHILDREN'S HOUSE
1901 MARKET DR.
PLANO, TEXAS 75074
PHONE: 972-491-1966

SURVEYOR:
BCI (BERRY DONELSON WHITE INC.)
2516 K. PLANO PARKWAY, STE. 117
PLANO, TEXAS 75074
PHONE: 972-424-7992

ARCHITECT:
PHILLIP MORSE
EDIFICE ARCHITECTURE
1301 ELM ST., STE. 101
CARROLLTON, TEXAS 75006
PHONE: 972-242-0644

06/02/2005

Edifice Architecture
1301 Elm Street, Suite 101
Carrollton, Texas 75006
Phillip Morse, Architect
phone: 972 242 0644 fax: 214 764 3721

Edifice Architecture

Addition to:
# Montessori Childrens House
Plano, Texas

project no. 04053
drawn by checked by

Issues/Revisions

| | |
|---|---|
| 1 | REVISED PER PERMIT REVIEW COMMENTS |
| 2 | REVISED PER ZONING REVIEW COMMENTS |
| 3 | REVISED PER ZONING REVIEW COMMENTS |

Sheet
ZSP-1
Zoning Exhibit
ZC 2005-09

3-18

**DATE:** June 21, 2005

**TO:** Honorable Mayor & City Council

**FROM:** Laura Williamson, Chairman, Planning & Zoning Commission

**SUBJECT:** Results of Planning & Zoning Commission Meeting of June 20, 2005

**AGENDA ITEM NO. 9 - PUBLIC HEARING**
**ZONING CASE 2005-22**
**APPLICANT: COLLIN INTERVENTION TO YOUTH, INC.**

**DESCRIPTION:**

A request for a Specific Use Permit (SUP) for Household Care Institution on one lot on 1.7± acres located on the west side of Independence Parkway, 117± feet south of Cricket Drive. Zoned Neighborhood Office (O-1).

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

**LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA:** **FAVOR:** 1 **OPPOSE:** 12

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

**PETITION(s) RECEIVED:** 1 **# OF SIGNATURES: FAVOR:** 2 **OPPOSE:** 26

**STIPULATIONS:**

Recommended for approval as submitted.

**FOR CITY COUNCIL MEETING OF:** July 25, 2005 (To view the agenda for this meeting, see www.planotx.org)

**PUBLIC HEARING - ORDINANCE**

CDD/mac

xc: Michael Jones
Jeanine Alpert, Collin Intervention To Youth, Inc.
Lynn Woodall, Administrative Support Supervisor

Z:PAC/06-27-CC

# M E M O R A N D U M

**DATE**: July 1, 2005

**TO**: Tom Muehlenbeck, City Manager
Frank Turner, Executive Director - Development Business Center

**FROM**: Christina Day, Senior Planner

**RE**: Zoning Case 2005-22

Staff has received protests representing 22.6% of the property within 200 feet of the requested zoning change. This case will, therefore, require an affirmative vote of at least three-quarters of the City Council to gain approval.

Xc: Phyllis Jarrell, Planning Director
Tom Elgin, Development Review Manager

CITY OF PLANO

PLANNING & ZONING COMMISSION

June 20, 2005

**Agenda Item No.** 9

**Public Hearing:** Zoning Case 2005-22

**Applicant:** Collin Intervention to Youth, Inc.

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**DESCRIPTION:**

A request for a Specific Use Permit (SUP) for Household Care Institution on one lot on 1.7± acres located on the west side of Independence Parkway, 117± feet south of Crickett Drive. Zoned Neighborhood Office (O-1).

**REMARKS:**

The requested zoning is for an SUP to allow the additional use of household care institution on 1.7± acres of property. The property in question is currently zoned for Neighborhood Office which requires an SUP for household care institution use. It is developed with a single home and several additional accessory buildings. A household care institution is a facility that provides residence and care to more than six persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, or neglected children; victims of domestic violence; convalescing from illness; or rendered temporarily homeless due to fire, natural disaster, or financial setback. Where applicable, a household care institution shall have appropriate licensing and/or registration by the State of Texas.

The applicant wishes to develop the site as a household care institution to serve as emergency housing for children newborn to nine years of age. The buyer currently operates a facility in Plano which houses ten- to 17-year-olds, but wishes to expand operations to a second facility to accommodate younger children. No facility in Collin County provides emergency housing for children less than nine years of age at this time. It is anticipated that as Collin County grows, the demand for emergency housing services will also increase. Granting an SUP on this property would allow emergency services to the youngest members of the community.

There have not been plans submitted for the development of the site. However, the zoning would allow a maximum of two stories, and the applicant states that their intention is to build a 20-bed facility less than 8,000 square feet in size on the 1.7± acre site.

## Surrounding Property

The property is bounded by a single-family neighborhood on the north, a multifamily neighborhood on the west, an undeveloped lot zoned O-1 on the south, and Independence Parkway on the east. There is an existing single-family neighborhood across Independence Parkway to the east. A hike and bike trail runs east and west approximately 430 feet south of the property. The trail connects to Lone Star Park on the west and Jack Carter Park and Pool to the east. Carlisle Elementary School is located adjacent to Jack Carter Park to the east.

## Conformance to the Comprehensive Plan

Strategy C.1 of the Housing Element supports policies and ordinances that accommodate a wide array of housing types, including those for persons with special needs. This SUP would allow for the provision of housing for children in need within the community.

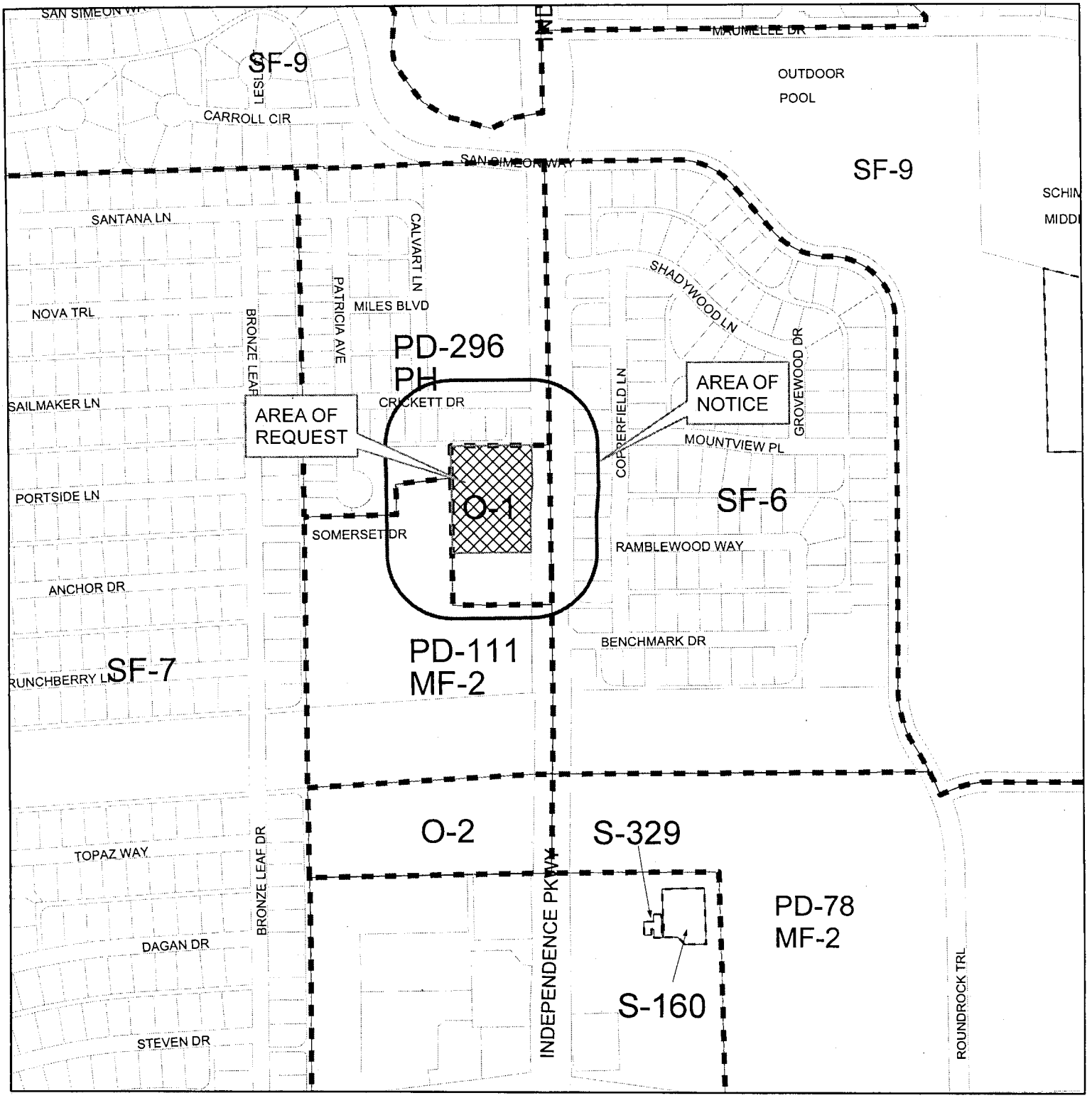
In the section on special housing needs, the Housing Element recommends a variety of housing options to address the various stages in the human life process along with the accommodation of different life styles. The request for this permit is an attempt by a non-profit group to better address the emergency housing needs of the community.

## SUMMARY:

Granting this SUP would allow a private group to provide needed alternative housing within the community where none currently exist. The development of a household care institution is compatible with the objectives of the Housing Element of the Comprehensive Plan. The site's adjacency to existing single-family and multifamily residences and proximity to a hike and bike trail, school, and public parks make it a good location for a household care institution. For these reasons, staff is recommending approval of this item.

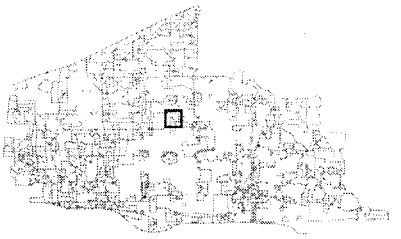
## RECOMMENDATIONS:

Recommended for approval as submitted.

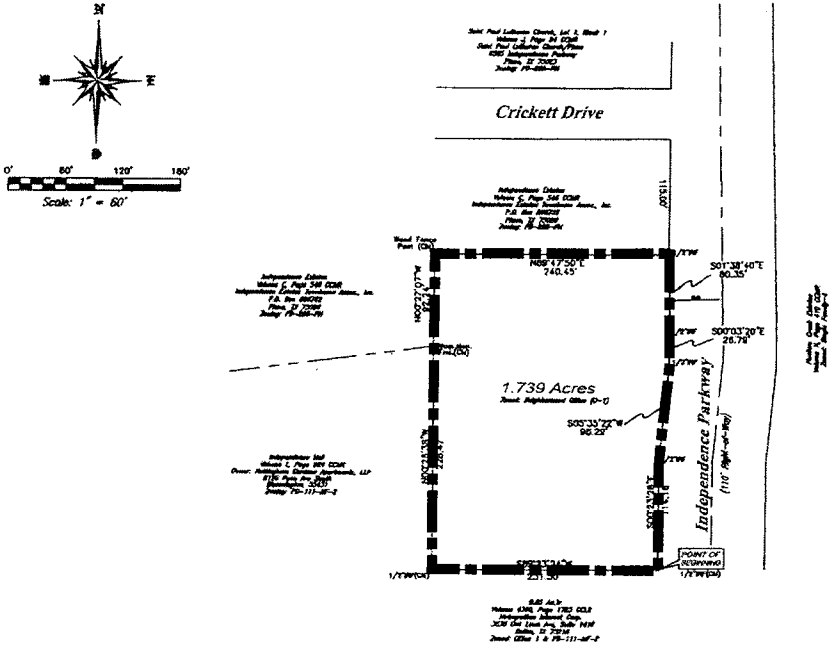



Zoning Case #: 2005-22

Existing Zoning: NEIGHBORHOOD OFFICE



200' Notification Buffer




Property Description

SITUATED in the State of Texas, County of Collin and City of Plano, being part of the Ben F. Mathews Survey, Abstract No. 611, being part of George H. & Ella J. Jones' called 2.1832 acre tract recorded in Volume 436, Page 476 of the Collin County Deed Records with the herein described premises being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found in the west right-of-way line of Independence Parkway marking the most easterly northeast corner of a 0.85 acre tract recorded in Volume 4360, Page 1725 of the Collin County Land Records;

THENCE with the south line of said premises and the north line of said 0.85 acre tract, South 89°23'24" West, 231.50 feet to a 1/2-inch iron rod found marking the southwest corner of said premises, the northwest corner of said 0.85 acre tract and being in an east line of Independence Hall, an addition to the City of Plano recorded in Volume L, Page 924 of the Collin County Map Records;

THENCE with a west line of said premises and an east line of Independence Hall Addition, North 00°26'38" West, 228.47 feet to an aluminum monument found marking the northeast corner of said Independence Hall Addition and a southeast corner of Independence Estates, an addition to the City of Plano recorded in Volume C, Page 548 of the Collin County Map Records;

THENCE with a west line of said premises and an east line of said Independence Estates, North 00°27'07" West, 82.24 feet to a wood fence post found marking the northwest corner of said 2.1832 acre tract and an interior corner of said addition;

THENCE with the north line of said 2.1832 acre tract and a south line of said addition, North 89°47'50" East, 240.45 feet to a 1/2-inch iron rod found in the west right-of-way line of Independence Parkway marking the northeast corner of said premises;

THENCE with the west right-of-way line of Independence Parkway and an east line of said premises as follows:

South 01°38'40" East, 80.35 feet; South 00°03'20" East, 26.79 feet; South 05°35'22" West, 98.29 feet and South 00°23'28" East, 114.16 feet to the point of beginning and containing 75,763 square feet or 1.739 acres of land and being the same land as described and referenced in Volume 5320, Page 6949 and Volume 5522, Page 2543 of the Collin County Land Records.

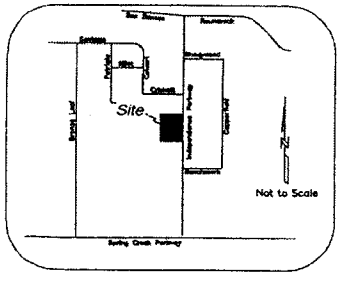
## ZONING NOTES

Zoned: Neighborhood Office (O-1)

NOTE: "Approval of the zoning case associated with the exhibit shall not imply approval of any associated study, plat, or plan, approval of development standards shown hereon, or the initiation of the development process. Planning & Zoning Commission and/or City Council action on studies plats or plans relation to development of the property shall be considered as an action separate from action taken on this zoning case."

| Owners | Surveyor |
|---|---|
| Michael Edward Jones & | Roome Land Surveying |
| Ella Jean Jones Trust | 2000 Ave G, Suite 810 |
| 1936 Sparrow Point Drive | Plano, Texas 75074 |
| & 6525 Independence Pkwy. | Ph. (972) 423-4372 |
| Plano, TX 75023 | Fax (972) 423-7523 |
| 972-964-8534 | Attn: Fred Bemenderfer |

## VICINITY MAP




# Zoning Exhibit

ZONING CASE # 2005-22

Request for

## Specific Use Permit

for

## Household Care Institution

a 1.739 Acre Tract
Ben F. Mathews Survey, Ab. 611
Collin County, Texas
May 2005

ROOME LAND SURVEYING, INC.
2000 AVENUE G
SUITE 810
PLANO, TX 75074
Phone Number (972) 423-4372
Fax Number (972) 423-7523

P:\vc\200502\vc31338

**ORDINANCE NO. _____**
**(Zoning Case 2005-22)**

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2004-9-37, AS HERETOFORE AMENDED, GRANTING SPECIFIC USE PERMIT NO. 559 SO AS TO ALLOW THE ADDITIONAL USE OF HOUSEHOLD CARE INSTITUTION ON ONE LOT ON 1.7± ACRES OF LAND OUT OF THE BEN F. MATHEWS SURVEY, ABSTRACT NO. 611, LOCATED ON THE WEST SIDE OF INDEPENDENCE PARKWAY, 117± FEET SOUTH OF CRICKETT DRIVE IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, PRESENTLY ZONED NEIGHBORHOOD 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 25th day of July, 2005, for the purpose of considering granting Specific Use Permit No. 559 for Household Care Institution on one lot on 1.7± acres of land out of the Ben F. Mathews Survey, Abstract No. 611, located on the west side of Independence Parkway, 117± feet south of Crickett Drive in the City of Plano, Collin County, Texas, presently zoned Neighborhood 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 25th day of July, 2005; and

**WHEREAS,** the City Council is of the opinion and finds that the granting of Specific Use Permit No. 559 for Household Care Institution on 1.7± acres of land out of the Ben F. Mathews Survey, Abstract No. 611, located on the west side of Independence Parkway, 117± feet south of Crickett Drive in the City of Plano, Collin County, Texas, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

**WHEREAS,** the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

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

**Section I.** The Comprehensive Zoning Ordinance No. 2004-9-37, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 559, allowing the additional use of Household Care Institution on 1.7± acres of land out of the Ben F. Mathews Survey, Abstract No. 611, located on the west side of Independence Parkway, 117± feet south of Crickett Drive in the City of Plano, Collin County, Texas, presently zoned Neighborhood Office, said property being more fully described on the legal description in Exhibit "A" attached hereto.

**Section II.** It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

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

**Section IV.** The repeal of any ordinance or part of ordinances 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 25TH DAY OF JULY, 2005.**

_____
Pat Evans, MAYOR

ATTEST:

_____
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

_____
Diane C. Wetherbee, CITY ATTORNEY

# EXHIBIT "A"
# LEGAL DESCRIPTION

Situated in the State of Texas, County of Collin and City of Plano, being part of the Ben F. Mathews Survey, Abstract No. 611, being part of George H. & Ella J. Jones' called 2.1632 acre tract recorded in Volume 436, Page 476 of the Collin County Deed Records with the herein described premises being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found in the west right-of-way line of Independence Parkway marking the most easterly northeast corner of a 0.85 acre tract recorded in Volume 4380, Page 1725 of the Collin County Land Records;

THENCE with the south line of said premises and the north line of said 0.85 acre tract, South 89° 23' 24" West, 231.50 feet to a 1/2 inch iron rod found marking the southwest corner of said premises, the northwest corner of said 0.85 acre tract and being in an east line of Independence Hall, an addition to the City of Plano as recorded in Volume L, Page 924 of the Collin County Map Records;

THENCE with a west line of said premises and an east line of Independence Hall Addition, North 00° 26' 38" West, 228.47 feet to an aluminum monument found marking the northeast corner of said Independence Hall Addition and a southeast corner of Independence Estates, an addition to the City of Plano recorded in Volume C, Page 546 of the Collin County Map Records;

THENCE with a west line of said premises and an east line of said Independence Estates, North 00° 27' 07" West, 92.24 feet to a wood fence post found marking the northwest corner of said 2.1632 acre tract and an interior corner of said addition;

THENCE with the north line of said 2.1632 acre tract and a south line of said addition, North 89° 47' 50" East, 240.45 feet to a 1/2 inch iron rod found in the west right-of-way line of Independence Parkway marking the northeast corner of said premises;

THENCE with the west right-of-way line of Independence Parkway and an east line of said premises as follows:

South 01° 38' 40" East, 80.35 feet; South 00° 03; 20" East, 26.79 feet; South 05° 35' 22" West, 98.29 feet; and South 00° 23' 28" East, 114.16 feet to the POINT OF BEGINNING and CONTAINING 75,763 square feet or 1.739 acres of land and being the same land as described and referenced in Volume 5320, Page 6949 and Volume 5522, Page 2543 of the Collin County Land Records.

**DATE:** July 6, 2005

**TO:** Honorable Mayor & City Council

**FROM:** Laura Williamson, Chairman, Planning & Zoning Commission TE

**SUBJECT:** Results of Planning & Zoning Commission Meeting of July 5, 2005

**AGENDA ITEM NO. 9**
**PUBLIC HEARING: ZONING CASE 2005-24**
**APPLICANT: CITY OF PLANO**

**DESCRIPTION:**

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Section 3.100 (Supplementary Regulations for Principle Permitted Uses) of Article 3 (Supplementary Regulations), and related sections of the Zoning Ordinance regarding winery use.

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

**STIPULATIONS:**

Recommended for approval as follows:

1. Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to create the following definition for winery use:

   Winery – A wine-making facility that: (1) ferments juices from grapes and/or other fruit, (2) blends wines, (3) manufactures, bottles, labels, and packages wine, and/or performs any other activity authorized by Chapter 16, Winery Permit, of the Texas Alcoholic Beverage Code as amended.

2. Amend the use charts in Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to permit winery use with approval of a specific use permit in the Agricultural (A), Retail (R), Downtown Business/Government (BG), Light Commercial (LC), Commercial Employment (CE), Central Business-1 (CB-1), Light Industrial-1 (LI-1), Regional Commercial (RC), and Corridor Commercial (CC) zoning districts.

**FOR CITY COUNCIL MEETING OF:** July 25, 2005 (To view the agenda for this meeting, see www.planotx.org)

**PUBLIC HEARING - ORDINANCE**

TE/pp

xc: Lynn Woodall, Administrative Support Supervisor

Z:PAC/07-25-CC

CITY OF PLANO

PLANNING & ZONING COMMISSION

July 5, 2005

**Agenda Item No.** 9

**Public Hearing:** Zoning Case 2005-24

**Applicant:** City of Plano

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**DESCRIPTION:**

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Section 3.100 (Supplementary Regulations for Principle Permitted Uses) of Article 3 (Supplementary Regulations), and related sections of the Zoning Ordinance regarding winery use.

**REMARKS:**

In response to an inquiry about a winery, the Planning & Zoning Commission called a public hearing at their May 16, 2005, meeting to consider establishing winery use as a new classified use and to consider appropriate zoning districts for winery use.

The Texas Alcoholic Beverage Code (TABC) does not require a local option election for a winery; TABC permits a winery in both wet and dry areas subject to a federal winemaker's and blender's basic permit. A winery, however, is not a listed use in Plano's Zoning Ordinance.

Attached to this report is Chapter 16 of the TABC that establishes allowable activities and other criteria for a winery. A winery may manufacture and/or blend wines for sale for onsite and offsite consumption. A winery may conduct wine samplings and/or dispense free wine for onsite consumption. Please note that the TABC does not require a winery to have an on-premise vineyard or to grow other fruit on-premise for fermenting.

Staff recommends the following definition for winery use:

> "Winery – A wine-making facility that: (1) ferments juices from grapes and/or other fruit, (2) blends wines, (3) manufactures, bottles, labels, and packages wine, and/or performs any other activity authorized by Chapter 16, Winery Permit, of the Texas Alcoholic Beverage Code as amended."

Because wineries vary in size from large commercial growing and processing operations to small boutique wineries in tenant retail space, staff feels it is appropriate to permit a winery with approval of a specific use permit (SUP). The SUP process will allow review of site-specific circumstances to ensure that adjacent properties are safeguarded from potential negative effects of a winery use including noise, vibration, odor, offensive view, traffic, or other undesirable or hazardous conditions. Staff recommends that winery use be permitted with approval of an SUP in the Agricultural (A) zoning district, and in zoning districts that permit a private club with approval of an SUP except the General Office (O-2) and Research Technology Center (RT) districts. These zoning districts are: Retail (R), Downtown Business/Government (BG), Light Commercial (LC), Commercial Employment (CE), Central Business-1 (CB-1), Light Industrial-1 (LI-1), Regional Employment (RE), Regional Commercial (RC), and Corridor Commercial (CC).

**RECOMMENDATION:**

Recommended for approval as follows:

1. Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to create the following definition for winery use:

   Winery – A wine-making facility that: (1) ferments juices from grapes and/or other fruit, (2) blends wines, (3) manufactures, bottles, labels, and packages wine, and/or performs any other activity authorized by Chapter 16, Winery Permit, of the Texas Alcoholic Beverage Code as amended.

2. Amend the use charts in Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to permit winery use with approval of a specific use permit in the Agricultural (A), Retail (R), Downtown Business/Government (BG), Light Commercial (LC), Commercial Employment (CE), Central Business-1 (CB-1), Light Industrial-1 (LI-1), Regional Employment (RE), Regional Commercial (RC), and Corridor Commercial (CC) zoning districts.

**ORDINANCE NO. _____**
**(Zoning Case 2005-24)**

AN ORDINANCE OF THE CITY OF PLANO AMENDING SECTION 1.600 (DEFINITIONS) OF ARTICLE 1 (GENERAL REGULATIONS); SUBSECTION 2.502 (SCHEDULE OF PERMITTED USES) OF SECTION 2.500 (PERMITTED USES) OF ARTICLE 2 (ZONING DISTRICTS AND USES); AND RELATED SECTIONS OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2004-9-37, AS HERETOFORE AMENDED, TO PERMIT WINERY USE WITH APPROVAL OF A SPECIFIC USE PERMIT; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

**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 25th day of July, 2005, for the purpose of considering a change in the Zoning Ordinance; and

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

**WHEREAS,** the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 25th day of July, 2005; and

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

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

**Section I.** Section 1.600 (Definitions) of Article 1 (General Regulations) of the Comprehensive Zoning Ordinance No. 2004-9-37, as the same has been heretofore amended, is hereby further amended to create a definition for winery use, such definition to read in its entirety as follows:

> "Winery – A wine-making facility that: (1) ferments juices from grapes and/or other fruit, (2) blends wines, (3) manufactures, bottles, labels, and packages wine, and/or performs any other activity authorized by Chapter 16, Winery Permit, of the Texas Alcoholic Beverage Code as amended."

**Section II.** Subsection 2.502 (Schedule of Permitted Uses of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) of the Comprehensive Zoning Ordinance No. 2004-9-37, as the same has been heretofore amended, is hereby further amended to permit winery use with the approval of a specific use permit in the Agricultural (A), Retail (R), Downtown Business/Government (BG), Light Commercial (LC), Commercial Employment (CE), Central Business-1 (CB-1), Light Industrial-1 (LI-1), Regional Commercial (RC), and Corridor Commercial (CC) zoning districts.

**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 25TH DAY OF JULY, 2005.**

_____
Pat Evans, MAYOR

ATTEST:

_____
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

_____
Diane C. Wetherbee, CITY ATTORNEY