

## PLANO CITY COUNCIL

**WILL CONVENE INTO EXECUTIVE SESSION AT 5:00 P.M. ON SEPTEMBER 11, 2006, FOLLOWED BY PRELIMINARY OPEN MEETING IMMEDIATELY THEREAFTER, IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:**

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

### **EXECUTIVE SESSION**

- |      |  |           |         |
|------|--|-----------|---------|
| I.   | Legal Advice   | Wetherbee | 5 min.  |
|      | A. Respond to questions and receive legal advice on agenda items |           |         |
| II.  | Real Estate  | Wendell   | 15 min. |
|      | A. Park Land Acquisition   |           |         |
| III. | Personnel  | Council   | 10 min. |
|      | A. Appointments/Reappointments                                   |           |         |
|      | Arts of Collin County Commission                                 |           |         |
|      | Board of Adjustment  |           |         |
|      | Building Standards Commission                                    |           |         |
|      | Planning and Zoning Commission                                   |           |         |

### **PRELIMINARY OPEN MEETING**

- |    |   |         |        |
|----|---|---------|--------|
| I. | Consideration and action resulting from Executive Session discussion: | Council | 5 min. |
|    | A. Personnel Appointments/Reappointments                              |         |        |
|    | Arts of Collin County Commission                                      |         |        |
|    | Board of Adjustment   |         |        |
|    | Building Standards Commission   |         |        |
|    | Planning and Zoning Commission  |         |        |

II.	Personnel	Council	10 min.
	A. Appointments/Reappointments		
	Animal Shelter Advisory Committee		
	Community Relations Commission		
	Cultural Affairs Commission		
	Heritage Commission		
	Keep Plano Beautiful Commission		
	Library Advisory Board		
	Parks and Recreation Planning Board		
	Plano Housing Authority		
	Plano Transition and Revitalization Commission		
	Public Arts Committee		
	Retirement Security Plan Committee		
	Self Sufficiency Committee		
	Senior Citizens Advisory Board		
	TIF Zone No. 1 Board		
	Technology Commission		
	Transportation Advisory Committee		
III.	DART Status Report	Pope	10 min.
IV.	Discussion and Direction re Rescheduling Certain Council Meetings during 2007	Council	5 min.
V.	Council items for discussion/action on future agendas	Council	5 min.
VI.	Consent and Regular Agenda	Council	5 min.
VII.	Council Reports	Council	5 min.
	A. Council May Receive Information, discuss and provide direction on the following reports:		
	B. Council may receive reports from its other members who serve as liaisons to boards, commissions, and committees		

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

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



# CITY COUNCIL

1520 AVENUE K

DATE: September 11, 2006

CALL TO ORDER: 7:00 p.m.

INVOCATION: Sr. Pastor Bruce Grentz  
First Christian Church Plano

PLEDGE OF ALLEGIANCE: Girl Scout Troop 738  
Wilson Middle School/Vines High School

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>THE MISSION OF THE CITY OF PLANO IS TO PROVIDE OUTSTANDING SERVICES AND FACILITIES, THROUGH COOPERATIVE EFFORTS WITH OUR CITIZENS THAT CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p><b>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</b></p> <p><b><u>PROCLAMATIONS AND SPECIAL RECOGNITION</u></b></p> <p>Proclamation: National Preparedness Month</p> <p>Proclamation: Food Safety Awareness Month</p> <p>Proclamation: National Credit Education Week</p> <p>Proclamation: 2006 – Plano Balloon Festival</p> <p>Presentation: Certificate of Achievement for Planning Excellence</p> <p><b><u>THE CITY SECRETARY RECEIVES SPEAKER CARDS AT THE BEGINNING OF THE MEETING</u></b></p> <p><b><u>COMMENTS OF PUBLIC INTEREST</u></b></p> <p><b><u>This portion of the meeting is to allow up to five (5) minutes per speaker with thirty (30) total minutes on items of interest or concern and not on items that are on the current agenda. The Council may not discuss these items, but may respond with factual or policy information. The Council may choose to place the item on a future agenda.</u></b></p> <p><b><u>BOARD/COMMISSION REPORTS</u></b></p> <p>Self Sufficiency Committee</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><b><u>CONSENT AGENDA</u></b></p> <p><b><u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></b></p> <p>(a) <b><u>Approval of Minutes</u></b>                      August 24, 2006 (Special Called Worksession)                      August 24, 2006 (Roundtable)                      August 28, 2006</p> <p><b><u>Approval of Expenditures</u></b></p> <p><b>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</b></p> <p>(b) <b>Bid No. 2006-201-B</b> for Oak Point Park and Nature Preserve Demolition to Mart Inc. in the amount of \$217,559. The base bid is for the demolition of buildings and structures at locations within Oak Point Park and Nature Preserve. These structures are being removed to facilitate future development of the park.</p> <p>(c) <b>Bid No. 2006-183-B</b> for Deerfield Archway Monuments Repair Project to J.H. Proof Rock, Inc. in the amount of \$68,699.</p> <p>(d) <b>Bid No. 2006-208-B</b> for the construction of Dominion Parkway Phase II – Headquarters Drive to Hedgcoxe Drive to Mario Sinacola &amp; Sons in the amount of \$2,081,142.</p> <p>(e) <b>Bid No. 2006-202-B</b> for Intersection Improvements – Spring Creek Parkway at K Avenue to Jim Bowman Construction Company, L.P. in the amount of \$500,758.</p> <p>(f) <b>Bid No. 2006-191-G</b> for Speed Shore Trench Equipment in the amount of \$28,240 to United Rentals for the 2005 UASI Grant.</p> <p><b>Change Order: (Change to current City of Plano contract allowable under State law)</b></p> <p>(g) To Paula Construction, Inc. increasing the contract by \$90,000. This change order is for additional silt excavation and haul-off at Big Lake Park. Change Order #1, Original Bid 2006-163-B.</p> <p><b><u>Adoption of Resolutions</u></b></p> <p>(h) To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano and University of Texas at Dallas for educational services at a fee not to exceed thirty thousand dollars (\$30,000); authorizing its execution by the City Manager; and providing an effective date.</p> <p>(i) To approve the sole source purchase of NaviLine and Click2Gov Software Applications from SUNGARD H.T.E., Inc. in the amount of \$150,244; authorizing their execution by the City Manager; and providing an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(j)	To endorse the "Joint Recommendation for Regional Rail in North Central Texas" as approved by the boards of Dallas Area Rapid Transit (DART), Denton County Transportation Authority (DCTA) and the Fort Worth Transportation Authority (The T) that supports the concept of local option funding of public transit in the region by exempting an amount equal to the locally authorized transit sales tax from the 2% local sales tax cap; authorizing the City Manager to execute any documents to show such support and providing an effective date.	
(k)	To authorize the City to support the passage of State legislation requiring producers of electronics and computers to participate in takeback recycling programs; and providing an effective date.	
	<b><u>Adoption of Ordinances</u></b>	
(l)	To amend Section 12-102(e) of Article V, Stopping, Standing, and Parking of Chapter 12, Motor Vehicles and Traffic of the Plano Code of Ordinances to include no stopping, standing, or parking prohibition along the east side of Prescott Drive from Mullins Drive north to Cayman Circle between the hours of 7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m. on school days; declaring the parking of motor vehicles in said section of Prescott Drive within the defined time limits as unlawful and a misdemeanor; and providing a severability clause, a penalty clause, and an effective date.	
(m)	To amend Chapter 12, Motor Vehicles and Traffic, Article IV, Speed, Section 12-74(b), Maximum Limits on Specific Streets, of the City of Plano Code of Ordinances to establish the prima facie speed limit for motor vehicles operating along the portion of Ridgeview Drive between Custer Road and Coit Road within the corporate limits of the City of Plano; authorizing and directing the Traffic Engineer to cause placement of traffic control devices indicating the speed limit; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date.	
(n)	To amend Section 12-102(e) of Article V, Stopping, Standing, and Parking of Chapter 12, Motor Vehicles and Traffic of the Plano Code of Ordinances to include no stopping, standing, or parking prohibition along the south side of Maumelle Drive from Ishnala Trail east to 200' east of Garfield Drive between the hours of 8:00 a.m. to 8:45 a.m. and 3:15 p.m. to 4:00 p.m. on school days; declaring the parking of motor vehicles in said section of Maumelle Drive within the defined time limits as unlawful and a misdemeanor; and providing a severability clause, a penalty clause, and an effective date.	
(o)	To abandon all right, title and interest of the City, in and to that certain 15-foot water easement recorded in Volume 5869, Page 6224 of the Land Records of Collin County and being situated in the B.M. Craig Survey, Abstract Number 176, located at the southwest corner of Parker Road and Ohio Drive which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Parker/Ohio Village LP, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date.	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><b><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></b></p> <p><b><u>Public Hearing Items: Applicants are limited to fifteen (15) minutes presentation time with a five (5) minute rebuttal, if needed. Remaining speakers are limited to thirty (30) total minutes of testimony time, with three (3) minutes assigned per speaker. The presiding officer may extend these times as deemed necessary.</u></b></p> <p><b><u>Non-Public Hearing Items: The Presiding Officer may permit limited public comment for items on the agenda not posted for a Public Hearing. The Presiding Officer will establish time limits based upon the number of speaker requests, length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Speakers will be called in the order cards are received until the cumulative time is exhausted.</u></b></p> <p>(1) <b>An ordinance</b> to approve and adopt the budget and setting the appropriations for the fiscal year beginning October 1, 2006, and terminating September 30, 2007; and providing an effective date.</p> <p>(2) <b>An ordinance</b> to approve and adopt the Community Investment Program and setting the appropriations for 2006-2007; and providing an effective date.</p> <p>(3) <b>An ordinance</b> to approve and adopt the tax rate for the fiscal year beginning October 1, 2006, and terminating September 30, 2007, and providing an effective date.</p> <p>(4) <b>Public Hearing and consideration of an ordinance</b> to request to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 98 for commercial/industrial tax abatement consisting of a 12.533 acre tract of land located at the northeast corner of Plano Parkway and Los Rios Drive in the City of Plano, Texas, establishing the boundaries of such zone, ordaining other matters relating thereto; and providing an effective date.</p> <p>(5) <b>A resolution</b> to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Industrial Developments International (Texas), L.P. and Raytheon Company, and providing for a commercial/industrial tax abatement for IPA Plano Properties, L.P. and Raytheon Company, and authorizing its execution by the City Manager; and providing an effective date.</p> <p>(6) <b>Public Hearing and consideration of an ordinance</b> to request to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 99 for commercial/industrial tax abatement consisting of a 16.999 acre tract of land located at the northwest corner of Preston Road and Tennyson Parkway in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date.</p> <p>(7) <b>A resolution</b> to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Advanced Neuromodulation Systems, Inc. and providing for a commercial/industrial tax abatement for Advanced Neuromodulation Systems, Inc., and authorizing its execution by the City Manager; and providing an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(8)	<p><b>Public Hearing and an ordinance as requested in Zoning Case 2006-06</b> – To amend Subsection 3.1602 (Definitions) of Section 3.1600 (Sign Regulations) and Subsection 3.1603.1 (Requirements for Wall Signs) of Subsection 3.1603 (Design and Construction Specifications) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, by adding a new sign type and a new standard; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano</p> <p><b><u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Training Room A/Building Inspections Training Room are located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</u></b></p>	



**Pat Evans**  
Mayor

**Scott Johnson**  
Mayor Pro Tem

**Sally Magnuson**  
Deputy Mayor Pro Tem

**Shep Stahel**  
Place 1

**Loretta Ellerbe**  
Place 3

**Harry LaRosiliere**  
Place 5

**Jean Callison**  
Place 7

**Lee Dunlap**  
Place 8

**Thomas H. Muehlenbeck**  
City Manager

September 6, 2006

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

Honorable Mayor and City Council:

We will begin Monday evening in Executive Session where we will receive advice from the City Attorney, discuss park land acquisition and review appointments to Boards and Commissions.

The Preliminary Open Meeting agenda consists of additional personnel appointments to Boards and Commissions, an update on DART issues and discussion regarding the 2007 Council Meeting schedule.

I look forward to seeing you Monday.

Sincerely yours,

Thomas H. Muehlenbeck  
City Manager

THM/cp

# MEMO

**DATE:** September 1, 2006

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

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

**RE:** Personnel Appointments/Reappointments -  
Executive and Worksession Meetings

The following personnel appointments/reappointments will be considered at the September 11, 2006 Council Meeting.

<u>Executive Session</u>	<u>Worksession Meeting</u>
Arts of Collin County Commission Board of Adjustment Building Standards Commission Planning and Zoning Commission	Animal Shelter Advisory Committee Community Relations Commission Cultural Affairs Commission Heritage Commission Keep Plano Beautiful Commission Library Advisory Board Parks and Recreation Planning Board Plano Housing Authority Plano Transition and Revitalization Com. Public Arts Committee Retirement Security Plan Committee Self Sufficiency Committee Senior Citizens Advisory Board TIF Zone No. 1 Board Technology Commission Transportation Advisory Committee

II a

Preliminary Open Meeting Agenda Item III

DART Status Report

Robert Pope

*III a*



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

## **MEMORANDUM**

**DATE:** August 30, 2006  
**TO:** Mayor and City Council  
**FROM:** Thomas H. Muehlenbeck, City Manager  
**SUBJECT:** 2007 Council Meeting Dates for Consideration of Rescheduling

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The following 2007 Council Meeting dates are submitted for your rescheduling consideration:

March 12 <sup>th</sup>	National League of Cities Conference, March 10 <sup>th</sup> – 14 <sup>th</sup> Suggested reschedule date: Tuesday, March 20 <sup>th</sup>
May 28 <sup>th</sup>	Memorial Day Holiday Suggested reschedule date: Tuesday, May 29 <sup>th</sup>
December 24 <sup>th</sup>	City's Winter Holiday Suggested reschedule date: Tuesday, December 18 <sup>th</sup>

THM/cp  
Attachment

IVa

# January 2007

## Draft Planning Calendar for Plano City Council

### Schedule of Events

- 1st – New Year's Day
- 2nd – Exec Team
- 8th – City Council Mtg
- 15th – MLK Day
- 16th – Exec Team
- 22nd–City Council Mtg

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 New Year's Day	2 Exec Team	3	4	5	6
7	8 City Council Mtg	9	10	11	12	13
14	15 MLK Holiday	16 Exec Team	17	18	19	20
21	22 City Council Mtg	23	24	25	26	27
28	29	30	31			

Possible Conflicts:  
None Noted.

# February 2007

## Draft Planning Calendar for Plano City Council

### Schedule of Events

- 6th – Exec Team
- 9–12th – AMCC Conference  
Austin, TX
- 12th – City Council Mtg
- 20 – Exec Team
- 26th – City County Mtg

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6 Exec Team	7	8	9	10
11	12 City Council Mtg	13	14	15	16	17
18	19	20 Exec Team	21	22	23	24
25	26 City Council Mtg	27	28			

Possible Conflicts:  
AMCC with Council Meeting.  
No conflict determined.

TVB

# March 2007

## Draft Planning Calendar for Plano City Council

### Schedule of Events

- 5-9th - PISD Spring Break
- 10-14th - NLC Congressional Cities
- 13th - Executive Team
- 20th - Exec Team
- 20th - City Council Mtg
- 26th - City Council Mtg

Draft Planning Calendar for Plano City Council						
				1	2	3
4	5	6	7	8	9	10
	PISD Spring Break					
11	12 NLC Congressional Cities March 10-14	13 Exec Team	14	15	16	17
18	19 (P&Z)	20 Exec Team City Council	21	22	23	24
25	26 City Council Mtg	27	28	29	30	31

**Possible Conflicts:**

March 12th City Council Meeting and NLC Congressional Cities Conference March 10-14th.

**Council Meeting is proposed for March 20th. (P&Z on 19th) Exec Team will be on March 13th.**

# April 2007

## Draft Planning Calendar for Plano City Council

### Schedule of Events

- 3rd - Exec Team
- 8th - Easter
- 9th - City Council Mtg
- 17th - Exec Team
- 23rd - City Council Mtg

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 Exec Team	4	5	6	7
8 Easter	9 City Council Mtg	10	11	12	13	14
15	16	17 Exec Team	18	19	20	21
22	23 City Council Mtg	24	25	26	27	28
29	30					

**Possible Conflicts:**

None Noted.

*IVC*

# May 2007

## Draft Planning Calendar for Plano City Council

### Schedule of Events

- 8th – Exec Team
- 14 – City Council Mtg
- 22nd – Exec Team
- 28 – Memorial Day
- 29 – City Council Mtg

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8 Exec Team	9	10	11	12
13	14 City Council Mtg	15	16	17	18	19
20	21	22 Exec Team	23	24	25	26
27	28 Memorial Day	29 City Council Mtg	30	31		

**Conflict:**

Memorial Day on May 28th and 2nd City Council Meeting.

**Propose May 29th for Council Meeting.**

# June 2007

## Draft Planning Calendar for Plano City Council

### Schedule of Events

- 5th – Executive Team
- 11th – City Council Meeting
- 19 – Executive Team
- 21–24th – TCMA Conference, San Antonio
- 25th – City Council Meeting

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5 Exec Team	6	7	8	9
10	11 City Council Mtg	12	13	14	15	16
17	18	19 Exec Team	20	21	22 TCMA Conference—San Antonio June 21–24	23
24	25 City Council Mtg	26	27	28	29	30

**Possible Conflicts:**

None Noted.

*IVd*

# July 2007

## Draft Planning Calendar for Plano City Council

### Schedule of Events

- 4th – July 4th
- 17th – Executive Team
- 23rd – City Council Mtg
- 25th – Council Budget Mtg

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4 Independence Day	5	6	7
8	9	10	11	12	13	14
15	16	17 Exec Team	18	19	20	21
22	23 City Council Mtg	24	25 Proposed Council Budget	26	27	28
29	30	31				

**Possible Conflicts:**

None Noted.

# August 2007

## Draft Planning Calendar for Plano City Council

### Schedule of Events

- 7th – Executive Team
- 13th – City Council Mtg
- 21st – Executive Team
- 27th – City Council Mtg

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7 Exec Team	8	9	10	11
12	13 City Council Mtg	14	15	16	17	18
19	20	21 Exec Team	22	23	24	25
26	27 City Council Mtg	28	29	30	31	

**Possible Conflicts:**

None Noted.

*IVE*

# September 2007

## Draft Planning Calendar for Plano City Council

### Schedule of Events

- 3rd – Labor Day
- 4th – Exec Team
- 10th – City Council Mtg
- 18th – Exec Team
- 24th – City Council Mtg

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 Labor Day	4 Exec Team	5	6	7	8
9	10 City Council Mtg	11	12	13	14	15
16	17	18 Exec Team	19	20	21	22
23	24 City Council Mtg	25	26	27	28	29
30						

Possible Conflicts:  
None Noted.

# October 2007

## Draft Planning Calendar for Plano City Council

### Schedule of Events

- 2nd—Exec Team
- 7–10th—ICMA Conference  
Pittsburgh, Pennsylvania
- 8th—City Council Mtg
- 16—Exec Team
- 22—City Council Mtg

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2 Exec Team	3	4	5	6
7	8 City Council Mtg	9–10 ICMA Conference Pittsburgh		11	12	13
14	15	16 Exec Team	17	18	19	20
21	22 City Council Mtg	23	24	25	26	27
28	29	30	31			

Possible Conflicts:  
October 8th—City Council Meeting and ICMA Conference October 7–10.  
No conflict determined.

IVF

# November 2007

## Draft Planning Calendar for Plano City Council

### Schedule of Events

- 6th - Exec Team
- 7-9th - TML Conference Dallas
- 12th - City Council Mtg
- 13-17th - NLC Conference New Orleans
- 20th - Exec Team
- 22-23rd - Thanksgiving
- 26th - City Council Mtg

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6 Exec Team	7	8 TML Conference Dallas	9	10
11	12 City Council Mtg	13	14	15 NLC Conference New Orleans	16	17
18	19	20 Exec Team	21	22 Thanksgiv- ing	23	24
25	26 City Council Mtg	27	28	29	30	

**Possible Conflicts:**  
None Noted.

# December 2007

## Draft Planning Calendar for Plano City Council

### Schedule of Events

- 4th - Exec Team
- 10th - City Council Mtg
- 11th - Exec Team
- 18th - City Council Mtg
- 24th - Winter Holiday
- 25th - Christmas Day

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 Exec Team	5	6	7	8
9	10 City Council Mtg	11 Exec Team	12	13	14	15
16	17 (P&Z)	18 City Council Mtg	19	20	21	22
23	24 Winter Holiday	25 Christmas	26	27	28	29
30	31					

**Conflict:**

Dec 24th Council Meeting and Winter/Christmas Holidays

**Propose December 18th for Council Meeting. (17th is P&Z) Exec Team will move up to Dec 11th.**

*IVG*

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Discussion/Action Items for Future Council Agendas

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

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

**September 25**

Dart Report

Mobility Report

Comprehensive Monthly Financial Report

Plano Housing Report

NTMWD Presentation – Jim Parks

Presentation on Patriotic Etiquette – Dick Belmore, VFW

**Public Hearing:** Zoning Case 2006-17 - A request to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and related sections of the Zoning Ordinance pertaining to automobile leasing/renting use.

**Applicant:** City of Plano

**Public Hearing:** Zoning Case 2006-18 - Request to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) regarding helistop use within the Central Business-1 and Commercial Employment zoning districts. **Applicant:** City of Plano

**Public Hearing:** Zoning Case 2006-19 - A request for Specific Use Permit for Service Contractor (with storage yard) on one lot on 0.5± acre located on the west side of K Avenue, 484± feet south of 14th Street. Zoned Light Commercial. **Applicant:** Bill Lisle, III

**Public Hearing:** Zoning Case 2006-20 - Request for a Specific Use Permit for Automobile Leasing/Renting on 0.1± acre located 578± feet south of Legacy Drive and 745± feet west of Coit Road. Zoned Retail. **Applicant:** Coit/Legacy, L.P.

**October 9**

TIF 1 and 2 Report

***October 10 - Council/P&Z Retreat and  
Transition and Revitalization Commission, 12 n - 5 p.m., Plano Station***

**October 23**

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

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

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

***November 18 & 19 - Police Re-accreditation Conference/Ceremony, Reno, NV***

**November 13**

Technology Commission Report

*November 23, 24 – Thanksgiving Holidays*

**November 27**

Dart Report  
Mobility Report  
Comprehensive Monthly Financial Report

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

**December 11**

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

**December 19**

Dart Report  
Mobility Report  
Comprehensive Monthly Financial Report

*December 22, 25 Christmas Holidays*

*January 1, 2007 – New Year Holiday*



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>			Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:		<b>9/11/06</b>	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager's Office			Initials	Date
Department Head	Tom Muehlenbeck		Executive Director	<i>[Signature]</i>	<i>[Signature]</i>
Dept Signature:			City Manager	<i>[Signature]</i>	<i>[Signature]</i>
Agenda Coordinator (include phone #): <b>Sharon Wright ext. 7107</b>					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER					
<b>CAPTION</b>					
Proclamation: National Preparedness Month					
<b>FINANCIAL SUMMARY</b>					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>	
Budget	0	0	0	0	
Encumbered/Expended Amount	0	0	0	0	
This Item	0	0	0	0	
BALANCE	0	0	0	0	
FUND(s):					
COMMENTS:					
<b>SUMMARY OF ITEM</b>					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>9/11/06</b>	Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	City Manager's Office		Initials	Date
Department Head	Tom Muehlenbeck	Executive Director		
Dept Signature:		City Manager	<i>[Signature]</i>	<i>9/28/06</i>
Agenda Coordinator (include phone #): <b>Sharon Wright ext. 7107</b>				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER				
<b>CAPTION</b>				
Proclamation: Food Safety Awareness Month				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	<b>9/11/06</b>		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager's Office		Initials	Date	
Department Head	Tom Muehlenbeck		Executive Director		
Dept Signature:			City Manager	<i>T.M.</i>	<i>8/16/06</i>
Agenda Coordinator (include phone #): <b>Sharon Wright ext. 7107</b>					

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

**CAPTION**

Proclamation: National Credit Education Week

**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
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**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: <b>9/11/06</b>		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	City Manager's Office		Initials	Date	
Department Head	Tom Muehlenbeck		Executive Director		
Dept Signature:			City Manager	<i>[Signature]</i> 9/15/06	
Agenda Coordinator (include phone #): <b>Sharon Wright ext. 7107</b>					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER					
<b>CAPTION</b>					
Proclamation: 2006 - Plano Balloon Festival					
<b>FINANCIAL SUMMARY</b>					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>	
Budget	0	0	0	0	
Encumbered/Expended Amount	0	0	0	0	
This Item	0	0	0	0	
BALANCE	0	0	0	0	
FUND(s):					
COMMENTS:					
<b>SUMMARY OF ITEM</b>					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	<b>9/11/06</b>	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager's Office	Initials	Date	
Department Head	Tom Muehlenbeck	Executive Director		
Dept Signature:		City Manager	<i>[Signature]</i>	<i>9/10/06</i>
Agenda Coordinator (include phone #):		<b>Sharon Wright ext. 7107</b>		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER				
<b>CAPTION</b>				
Presentation: Certificate of Achievement for Planning Excellence				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

**PLANO CITY COUNCIL  
SPECIAL CALLED WORKSESSION  
August 24, 2006**

**COUNCIL MEMBERS**

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

**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 5:03 p.m., Thursday, August 24, 2006, in the Council Chambers of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

**First Public Hearing on the Tax Increase for Fiscal Year 2006-2007**

Mayor Evans spoke to allocated speaking time for tonight's meeting and opened the Public Hearing.

Dwayne Clark, citizen of the City, spoke in opposition to the submitted budget and tax increase recommendation, and stated that a population increase does not justify a tax increase. He spoke in opposition to unnecessary funds to attract businesses and homeowners, government allocating funding to businesses, and existing businesses being in competition with new businesses. He spoke to there being no process to hand out dollars, in opposition to added congestion with the addition of new businesses, spoke to the small amount of land available for businesses and in support of reducing the tax rate as low as possible, keeping water rates low, having good schools, and spoke in opposition to creating a fund for political favors. Mr. Clark spoke in opposition to unjustified personnel increases, added police and fire department positions, additional fire departments, animal services increases, rental registration and inspection additions and to hybrid vehicles.

Mr. Clark spoke in opposition to recreational center increases, park and recreation center additions/improvements/educational facilities, spoke in favor of reducing the budget in other areas, in opposition to funds for library books and additional libraries, increases in the water/sewer department, recommended transferring dollars into the General Fund, removing unnecessary cost in the departments, stated that citizens can't afford more taxes, and spoke in opposition to the use of blackberries by Staff as a waste. He summarized that the City needs no budget or tax increase and that current needs can be met with added sales tax that has been received and across the board cuts.

Mike Bruning, citizen of the City, spoke in opposition to the proposed tax increase and to concern with the amount of foreclosures, high utility costs and insurance rates in the City.

Bill Ramsey, citizen of the City, spoke to hearing of decisions made in Austin to increase sales tax and not property tax, property tax relief not helping because appraised values will be increased, and stated that \$40 is miniscule but remains as a cost forever. He spoke to sales tax received by the City and to this being more equitable to the budget, asked why the need to spend more dollars than what was originally requested, spoke to utility costs increasing, stated that increasing the property tax is wrong and recommended fixing K Avenue stating it is an eyesore.

Mayor Pro Tem Johnson spoke to the benefits in the City of having Homestead and Over-65 exemptions when compared to other cities. Mr. Ramsey spoke to the appraisal district determining what the taxes will be and to the numbers being higher than where he previously lived, and further stated he does not agree with the proposed use of the property tax increase, that taxes should be held where they are or be reduced, and that economic development funding could be helped by existing businesses contributing more dollars. Council Member Ellerbe spoke to businesses paying 50% or more of the property taxes and to this helping keep property taxes low, and further spoke to the tax rate not having been increased in fifteen/sixteen years and actually being lowered three times.

No one else spoke. Mayor Evans closed the Public Hearing.

Council Member Ellerbe spoke to ensuring that City services continue to be provided and stated that a population staying the same does not diminish services, spoke to providing police and fire services, stated that cities are also affected by increased utility costs, and that the continuing need for services never goes away and further spoke to the importance of replacing the infrastructure in the City. Mayor Evans stated that the population is still growing and that rebuilding infrastructure has become more expensive. She spoke to using dollars for redeveloping the City and K Avenue if a business opportunity presents itself and stated that economic development funding would be available to take advantage of these opportunities and redo older parts of the City.

Council Member Stahel spoke to economic development and the commercial tax rate being important as well as the tax base, being in favor of not increasing the tax rate, using the existing \$6 million in excess sales tax revenue for economic development purposes instead of placing it in the Capital Reserve Fund or towards streets or sewers. He stated that this was a bonus not expected this year and spoke to using the funds for economic development next year. Mr. Stahel spoke to the population going up by 1%, appraised values going up about 2.9%, stated that the two-cent proposed tax rate increase is about 4.3%, spoke to the tax on the typical house going up about 7.2% , stated that the budget will go up about 10.2% compared to this point in time last year to fund services, spoke to the City growing and to the need to provide good services, and to funding economic redevelopment and economic incentives this year with excess sales tax revenue and holding the tax rate where it is. He recommended that in addition to redevelopment and incentive funds, that businesses also consider the costs of property taxes and other fees and services to either come to or stay in the City while also looking at how this might affect their employees. Mr. Stahel spoke to recognizing that a two-cent tax rate increase lowers the attractiveness of Plano.

City Manager Muehlenbeck spoke to Fire and Police Department Staffing formulas to provide safety and security margins for citizen requests and stated that this formula does not take into consideration mandates that are handed down every year from other levels of government without providing dollars to fund them. He stated that good Fire Department ratings save citizen dollars, spoke to the proved feasibility of providing a seventh ambulance, and stated that additional fire stations were also proved by studies to be necessary. The City Manager spoke to the water and sewer funds being treated as enterprise/business funds and paying for themselves. He spoke to fees having been explored and reviewed often with bond rating companies, and discovering when talking to new businesses that other cities have acquired some of the same virtues as Plano and the City no longer being able to rely on this. He stated that tax abatements are not enough anymore, spoke to looking at providing incentives to new businesses that are moving into the City and looking at partnerships of economic development dollars with developers and land owners and being in a position with a financial point of view. The City Manager spoke to the \$6 million being allotted from sales tax and to this type of revenue being volatile and stated that these dollars are already embedded into the budget. He spoke to providing capital projects without having to issue debt, and stated that the City issues bonds every year and has not raised the tax rate to support this. The City Manager spoke to there being additional expenses and to being entrusted in providing City services for the lowest and best cost as can be done.

Mayor Pro Tem Johnson stated that the economic development game has changed, spoke to other cities that do not belong to DART, being able to use the 1-cent sales tax for economic development, cities to the north having these dollars to spend and attract businesses, and stated that the tool proposed is one that can be used judiciously and selectively. He spoke to a diversified tax base in the City and to maintaining our position as a premier city.

Council Member Stahel recommended citizens talk to state representatives regarding changing the sales tax structure with regard to the use of DART, stated that cities to the north pay nothing to DART but use the service, and further spoke to percentages that could then be used for economic development.

Deputy Mayor Pro Tem Magnuson spoke to the importance of running the City as a business and to the best ways to use tax dollars. She stated that after September 11 the City went into a slump, spoke to cuts that were made and further stated that employers need tools to do their jobs. She spoke to not raising the tax rate in sixteen years, experiencing increasing costs, needing expertise here and staying competitive with personnel, needing the businesses, spoke to competition being healthy, more land being available for commercial development, and trying to continue to serve the residents as they deserve. Council Member Callison spoke to the growth potential in east Plano. City Manager Muehlenbeck spoke to property available for corporation relocation, industrial development along the George Bush Freeway, State Highway 121 from Custer Road almost to Preston Road, Preston Road and State Highway 121, and portions of Legacy Drive. Mayor Evans spoke to attracting quality businesses to the City.

Mayor Evans stated that the next Public Hearing on the tax rate will be conducted on August 28 at 7:00 p.m. in the Council Chambers at the Plano Municipal Center. She stated that the 2006-07 Budget is scheduled to be adopted at the September 11 Regular Council Meeting at 7:00 p.m. also in the Council Chambers.

Nothing further was discussed. Mayor Evans adjourned the meeting at 5:51 p.m.

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**Pat Evans, MAYOR**

ATTEST:

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Elaine Bealke, City Secretary

**PLANO CITY COUNCIL  
NEIGHBORHOOD ROUNDTABLE  
DISTRICT THREE  
August 24, 2006**

**COUNCIL MEMBERS**

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

**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

The Plano City Council met informally at 7:05 p.m., Thursday, August 24, 2006, at W.O. Haggard Library, 2501 Coit Road, Plano, Texas. All Council Members were present. Council Member LaRosiliere arrived at 7:10 p.m. Mayor Evans welcomed those in attendance, introduced members of the Council and identified the Council districts. She spoke regarding Council Members being elected and serving the City at large and the benefits provided.

Director of Budget and Research Rhodes reviewed the recommended budget for 2006-07 and proposed Community Investment Program.

Mayor Evans responded to citizens regarding the proposed tax rate increase, the need for funding economic development incentives and why Plano now has to compete with neighboring cities to retain existing businesses and encourage new businesses to locate in the City.

Director of Public Works Foster reviewed the drought provisions and gave an update on Lake Lavon levels, gallons of water saved, and responded to questions regarding citations issued and future plans for the North Texas Municipal Water District.

Mayor Evans thanked those in attendance for attending. The meeting was adjourned at 8:23 p.m.

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**Pat Evans, Mayor**

Attest

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Elaine Bealke, City Secretary

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
August 28, 2006**

**COUNCIL MEMBERS**

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

**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 5:09 p.m., Monday, August 28, 2006, 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 for which a certified agenda is not required.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting at 5:51 p.m. in the Council Chambers where the following matters were discussed:

**Consideration and Action Resulting From Executive Session Discussion**

No action was brought forward.

**Mobility Report**

Transportation Engineering Manager Neal spoke to installation of the traffic signal at Plano Parkway at 14th Street and stated that the roadway is open. He presented an animated tour of Highway 121 as an all electronic toll facility, responded to the Council that construction completion timelines identify the Custer Road to US Highway 75 portion in August, 2006 and the North Texas Tollway to Custer Road portion in late 2007.

## **Comprehensive Monthly Financial Report**

Director of Finance McGrane presented the Comprehensive Monthly Finance Report for the month of July and spoke to General Fund re-estimates, stated that Hotel/Motel Funds are doing well, local economic data is unchanged with a slight flattening out of sales tax, and further stated that the unemployment rate increased slightly in June. He spoke to refuse collections being steady, increases in single family housing starts, increases in commercial building permits, a drop in new home values, stated that water revenues are down and sewer revenues are up, and spoke to Treasury Pool equity and Investment Portfolio diversification.

## **Presentation, Discussion and Direction Regarding Workforce Housing Interim Report**

Senior Planner Tovell spoke to the Transition and Revitalization Commission (TRC) studying the availability of workforce housing and to seeking input from the Council before a final recommendation is made. She stated that the study is recommended in the Strategic Plan and spoke to workforce housing being that which is affordable to Plano citizens earning between 80% to 120% of area median. Ms. Tovell identified earning percentage ranges of median income, and workers which are essential to the community such as teachers, nurses, and retail and service workers. She spoke to situations where it is not cost effective to locate in Plano, and to burdens to households who are paying more of their income towards housing. She stated that in these circumstances, expenditures such as food, clothing and healthcare may be reduced and decisions may be made to move further out and commute long distances.

Ms. Tovell spoke to sprawling development and traffic congestion being the impact of not having adequate workforce housing. She spoke to the issue of determining if there is a shortage of workforce housing in the City, to data reflecting the income of people who live in the City but not knowing the income of people who are employed in the City. Ms. Tovell spoke to areas of the City where affordable housing exists, older housing requiring the type of higher expenses that may go with an older house, and further how to ensure there is an adequate supply of workforce housing in the future while focusing on the strategy to preserve and enhance existing housing stock available to the workforce.

Transition and Revitalization Commission Chair Kissick stated that data indicates that a gap exists between the housing supply in Plano and housing needed by the workforce. He spoke to development of strategies to help ensure that critical housing needs in the community can be met, and stated that preservation of existing housing stock seems to be the approach. Mr. Kissick spoke to the importance of ensuring that those houses that are available are safe and energy efficient and appealing to the modern buyer, and stated that meeting standards and codes will remain the same and can not be avoided. Ms. Tovell spoke to receiving feedback from the Council as to whether or not they agree with the focus being on existing housing stock and encouraging reinvestment in older homes as an appropriate approach.

Ms. Tovell responded to the Council that a Housing Trust Fund is a fund established by cities to create monies for a specific purpose to dedicate towards affordable housing, and that there are no discounts or special loans available or grant programs with the City for police officers or teachers. She stated that the state does have such a program and that educational programs to link persons to this type of program would be beneficial. Council Member Stahel spoke to additional public transportation needs and to economic incentives and allocating funding towards housing, retaining good housing for workers, and retaining businesses that employ the workforce. Ms. Tovell stated that a final recommendation will come back to the Council in the fall. She further responded to the Council that existing housing stock and the reinvestment of it can be looked at and that additional details can be brought back.

Mayor Pro Tem Johnson spoke to clarifying the definition of affordable housing and stated that renovating existing housing stock would be good. Council Member Callison spoke to renters having a huge impact on schools and to encouraging home ownership. Council Member Stahel concurred with Ms. Callison and spoke to focusing on owner occupied houses. Mayor Evans spoke to obtaining a survey of what programs are available in order to avoid overlap. Mr. Stahel spoke to east-west rail connections not being here, the "Smart Commute Discount" applying, and to doing research. He stated that he concurs with the focus being on existing housing stock and encouraging reinvestment in older homes. Ms. Tovell responded to the Council that a reinvestment in older homes would include structurally, esthetically, assisting with closing costs for a first time home buyer, and addressing the issue of character and style not appealing to the buyer. Council Member Ellerbe spoke to the deterrent of an older home with the high cost of updates when compared to the actual value of the house.

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

No items were discussed.

### **Consent and Regular Agenda**

No items were discussed.

### **Council Reports**

Nothing further was discussed. Mayor Evans adjourned the Preliminary meeting at 6:43 p.m.

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**Pat Evans, MAYOR**

ATTEST:

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Elaine Bealke, City Secretary

**PLANO CITY COUNCIL**  
**August 28, 2006**

**COUNCIL MEMBERS**

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

**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, August 28, 2006, at 7:06 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council members were present.

The invocation was led by Abdul Hadi Khan of the Islamic Association of Collin County.

The Pledge of Allegiance was led by Brownie Troop 841.

Mayor Evans recognized Henry Delafield as Volunteer of the Month and presented a proclamation for *Library Card Sign-up Month, September 2006*.

**COMMENTS OF PUBLIC INTEREST**

John Lovell, citizen of the City, stated concern that the City has given exclusive right to remove construction debris to one company. He spoke to customer service problems encountered with the company and requested the situation be rectified or individuals be given the right to hire dependable haulers of their own choice. Mayor Evans advised that the City Manager would look into the situation and respond to Mr. Lovell.

**BOARD/COMMISSION REPORTS**

Director of Finance and member of the Retirement Security Plan Committee McGrane advised the Council regarding establishment of the plan in 1983 when the City opted out of Social Security and the purpose of providing retirement and incidental benefits to all full-time employees who meet eligibility requirements. He advised that the benefits provided are paid from the trust fund which is funded totally by the City.

Mr. McGrane spoke to the Committee, investment manager, actuary and trustee bank as components of the plan and reviewed the assets and investments and number of retirees currently covered. He advised that contributions will be increasing from 2.7% to 3.13% and spoke to changes in post-retirement mortality tables.

Council Member Stahel spoke to the monies being a benefit to employees in addition to the target salaries of five percent above median for the Metroplex. Mr. McGrane clarified for the Council that the employee is required to make contributions to the Texas Municipal Retirement System, whereas for the RSP they do not contribute. He spoke to the number of retirees increasing in the future and to this being taken into consideration on actuary tables.

### **CONSENT AGENDA**

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

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

August 14, 2006  
August 19, 2006

#### **Approval of Expenditures**

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

**Bid No. 2006-153-B** for the Purchase of Two (2) Trailer Mounted Message Boards from K K Systems, Inc. in the amount of \$30,000 for the Streets Department. [Consent Agenda (B)] (See Exhibit "A")

**RFP No. 2006-134-B** for Consultant for Service Prioritization Assessment to Andrea Margaret Thomas, dba National Service Research in the amount of \$17,800. [Consent Agenda (C)] (See Exhibit "B")

**Bid No. 2006-221-G** for Collin County Solicitation #06098-06 - To approve an expenditure and authorize the City Manager to execute such documents as to effectuate the purchase with Audience Central Corporation for PIER Software Subscription License in the amount of \$30,600 for a crisis-ready, web-based system for managing public information and internal communications; 2005 UASI Grant. [Consent Agenda (D)] (See Exhibit "C")

**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 approve the purchase of one (1) Heil 10 yard Refuse Side Loader in the amount of \$55,114 from Heil of Texas, and one (1) GMC TT7500 Cab/Chassis in the amount of \$49,712 from Rush Truck Center through an existing contract/agreement with H-GAC Cooperative Purchasing Program and authorizing the City Manager to execute all necessary documents. (RC08-06/HT11-05). [Consent Agenda (E)]

### **Adoption of Resolutions**

**Resolution No. 2006-8-11(R):** To review and approve the City's written Public Funds Investment Policy; and providing an effective date. [Consent Agenda (F)]

**Resolution No. 2006-8-12(R):** To approve the terms and conditions of a Professional Services Contract by and between the City of Plano, Texas and Grant Thornton, LLC for auditing services with regard to the 401(a) Plan; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda (G)]

**Resolution No. 2006-8-13(R):** To approve a license agreement by and between the City of Plano, Texas, and Jeff Barnes, dba 15th Street Café, a Sole Proprietorship, for use of a 276± square foot portion of property owned by the City of Plano and situated on the west side of the restaurant located at 1112 East 15th Street. [Consent Agenda (H)]

**Resolution No. 2006-8-14(R):** To amend an existing Public Right-of-Way Use Agreement by and between the City of Plano, Texas and TCDFW Acquisitions, LP, a Texas Limited Partnership, relocating the electrical duct bank crossing; providing for annual payment; updating Exhibit "A" to the agreement; and providing an effective date. [Consent Agenda (I)]

### **Adoption of Ordinances**

**Ordinance No. 2006-8-15:** To amend Ordinance No. 2004-8-16 codified as Article II, Fire Code, Section 8-17 of Chapter 8 of the City of Plano Code of Ordinances to require sprinkler protection in combustible attics of buildings two or more stories in height and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda (J)]

**Ordinance No. 2006-8-16:** To amend Ordinance No. 2004-8-8, codified as Article II, Building Code, Division 2, Section 6-37, Subsection 8 of Chapter 6 of the City of Plano Code of Ordinances to require sprinkler protection in combustible attics of buildings two or more stories in height and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda (K)]

### **END OF CONSENT**

**Second Public Hearing on the Tax Increase for Fiscal Year 2006-2007.** First public hearing held 8/24/06 [Regular Agenda (1)]

## **Second Public Hearing on the Tax Increase for Fiscal Year 2006-2007 (cont'd)**

Mayor Evans opened the Public Hearing. William E. Mathews, citizen of the City, spoke to the effect of increased appraisal values on taxes and to not considering these increases as an entitlement. Council Member Stahel spoke to the budget's increase over the reestimated budget and Council Member Ellerbe spoke to generating revenue from sales tax and property taxes paid by commercial businesses. Mayor Evans spoke to the low increase in appraisal rates for existing properties. No one else spoke either for or against the request. The Public Hearing was closed. No one else spoke either for or against the request. The Public Hearing was closed.

Mayor Evans stated that this has been the second Public Hearing on the tax rate increase and that the 2006-07 budget and tax rate is scheduled to be adopted at the September 11 Regular Council Meeting.

**Ordinance No. 2006-8-17:** To amend existing franchise Ordinance No. 2003-12-12 between the City of Plano and TXU Electric Delivery Company, a Texas Corporation, its successors and assigns, to provide for a different payment schedule; providing an extension of the franchise term; providing for TXU Electric Delivery acceptance; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; and providing a repealer clause; a severability clause and an effective date. Second Reading – First Reading Held and Approved 07-24-06 [Regular Agenda (2)]

Director of Customer and Utility Services Israelson spoke to this item providing quarterly payments in exchange for a five-year extension of the franchise to 2018. He advised that the quarterly payments would begin immediately and would allow the City to accrue interest.

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Mayor Pro Tem Johnson, the Council voted 8-0 to amend existing franchise Ordinance No. 2003-12-12 between the City of Plano and TXU Electric Delivery Company, a Texas Corporation, its successors and assigns, to provide for a different payment schedule; providing an extension of the franchise term; providing for TXU Electric Delivery acceptance; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; and providing a repealer clause; a severability clause and an effective date; and further to adopt Ordinance No. 2006-8-17.

**Public Hearing and adoption of Ordinance No. 2006-8-18 as requested in Zoning Case 2006-16** To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 34.1± acres located on the north side of Windhaven Parkway, 2,900± feet east of Dallas North Tollway in the City of Plano, Collin County, Texas, from Planned Development-242-Multifamily-2 and Planned Development-243-Retail/General Office to Planned Development-154-Single-Family Residence-6; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Acres of Sunshine, LTD. [Regular Agenda (3)]

**Ordinance No. 2006-8-18 (cont'd)**

Director of Planning Jarrell advised the Council that this request is for continuation of a planned development district approved last year for a single-family development which differs from others in that the lots would be square rather than long and narrow. She advised that they would be Single Family-6 in description, but would have different lot dimensions, setbacks and lot coverages. Ms. Jarrell advised that the Comprehensive Plan speaks to some recommendations for converting commercial property to residential and that currently part of this property is zoned Retail and Office. She stated that approval would not result in a shortage of land for neighborhood retail or service uses and is consistent with the intent of reducing the overall impact of zoning imbalance on the City's land use system. Ms. Jarrell stated that rezoning would result in the removal of between 375 and 400 multifamily units and that the Planning and Zoning Commission recommended approval as PD-154-SF-6 subject to:

1. The minimum lot area shall be 5,600 square feet.
2. The minimum lot width for corner lots shall be 80 feet. The minimum lot widths for interior lots shall be 75 feet.
3. The minimum lot depth shall be 75 feet.
4. The minimum front yard setback shall be ten feet. For front-entry garages, the minimum front yard setback for the garage only shall be 20 feet. For side-entry garages, the minimum front yard setback shall be ten feet.
5. The minimum side yard setback for corner lots shall be ten feet. The minimum side yard setbacks for interior lots shall be five feet.
6. The minimum rear yard setback shall be 15 feet.
7. The maximum lot coverage shall be 55% total for primary and accessory buildings.
8. Lots backing to the creek, at the eastern boundary of the PD district, may develop in conformance to base SF-6 standards.

Ms. Jarrell responded to the Council, that the developer feels that a square lot offers more "street presence" and allows for a first floor master bedroom. She stated that should lots backing to the creek at the eastern boundary not develop to base SF-6 standards, they may revert to the square lots. Ms. Jarrell spoke to this creek not being a part of the park system and stated that the Subdivision Ordinance would allow lots to back to the creek, spoke to the requirement for a drainage easement and an area outside the easement should City vehicles need to go into the location. She advised that there is not a trail system in this area and that there will be a homeowner's association (HOA).

Mayor Evans opened the Public Hearing. Ashley Frysinge of Kimley-Horn & Associates, representing the applicant, spoke to removal of multifamily units and the configuration to allow for large homes with smaller yards. She responded to the Council that the open areas will be maintained by the HOA and that the creek area would be owned by the HOA, but that an easement would be dedicated to the City allowing for maintenance if needed. Ms. Frysinge spoke to the creek being left in its natural state, to it being a focal point and stated that there would be room should a trail connection be considered in the future. City Attorney Wetherbee responded to Mayor Pro Tem Johnson stating that the dedication of park property could not be a condition of zoning approval.

The Council discussed the locations of parks to the south and continuation of the hike and bike trails. Ms. Jarrell spoke to review of plans by Parks Department and Planning Staffs and in relation to the Master Park Plan and reviewed the process for dedication of park land. She reviewed the three types of ownership in flood plain areas including ownership by the City, spoke to a HOA owning the property and taking on the maintenance responsibility where the City has the right, but not the obligation for maintenance and further spoke to commercial property owners where they own and maintain the flood plain and the City has a drainage easement. Council Member Ellerbe spoke to the possibility that too much maintenance may be performed.

Ms. Frysing advised that the creek along this property is an unnamed tributary. Ms. Wetherbee spoke to the acquisition of park land being an independent process and Ms. Frysing spoke to working with the City during the platting process to dedicate a future easement for a trail system if necessary. Mayor Pro Tem Johnson spoke to possible objections in the future by owners of individual lots.

The Council spoke regarding the possibility of a hike and bike trail at this location and whether there are other forks in the creek that may be suitable. Mr. Muehlenbeck reviewed a park system map and advised that there is a branch of the trail in the area that comes up to Windhaven Parkway and dead ends. Ms. Jarrell spoke to there being another trail that follows the main branch of White Rock Creek further east and goes north to the Legacy area. Mr. Muehlenbeck responded to Council Member LaRosiliere that a continuation of the trail beyond the dead end is not part of the trail plan. Mayor Pro Tem Johnson spoke to the tributary continuing under Spring Creek Parkway and Windhaven Parkway. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 34.1± acres located on the north side of Windhaven Parkway, 2,900± feet east of Dallas North Tollway in the City of Plano, Collin County, Texas, from Planned Development-242-Multifamily-2 and Planned Development-243-Retail/General Office to Planned Development-154-Single-Family Residence-6; directing a change accordingly in the official zoning map of the City as requested in Zoning Case 2006-16 and as recommended by the Planning and Zoning Commission; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2006-8-18.

#### **Discussion and Direction Regarding Council Stipend/Salary Increase [Regular Agenda (4)]**

Council Member Ellerbe stated concern that discussion of the Council's stipend was not held at the retreat and spoke to reconsidering options with regard to an increase. She spoke to leaving it as determined during the Budget Worksession of \$1,000 for Council Members and \$1,400 for the Mayor, waiting until next year for discussion or raising it a smaller amount.

**Discussion and Direction Regarding Council Stipend/Salary Increase (cont'd)**

Deputy Mayor Pro Tem Magnuson advised that she was in agreement with the amount set during the worksession and spoke regarding positive feedback received. Mayor Pro Tem Johnson spoke to support for the increase by those in the community. Ms. Ellerbe spoke to increasing the stipend to \$750 for Council Members and \$1,050 for the Mayor and to future discussion during the Council's retreat.

Council Member Stahel spoke to positive comments received from citizens for the amounts set during the worksession and trying to develop economic diversity on the Council. Council Member LaRosiliere stated support for \$1,000 for Council Members and \$1,400 for the Mayor, spoke to addressing those who may wish to run in the future and regarding the increase still not compensating for the time and effort involved in serving. Council Member Callison spoke to the proposal not accomplishing diversity and stated her opposition to the increase at this time.

Council Member Ellerbe stated agreement that this would not be enough of an incentive for those with a business to run and spoke to the increase putting the City out of line with others in the area. Mayor Pro Tem Johnson spoke to the Council previously receiving reimbursement for insurance and to considering the increases and adjustments made to employees over the years and stated support for the increase as set during the budget worksession.

Mayor Evans stated concern that the time is not right, spoke to the lack of input from the public regarding the increase and to waiting until an election year to consider an incentive to running for office. She spoke regarding the proposed increase in the tax rate and to the possibility of the revised stipend amounts not being considered as a reimbursement of expenses. Mayor Evans spoke to Council Members as volunteers, to current reimbursements for gas, parking, etc. and to the level recommended not being in line with that of other cities. Council Member Stahel spoke to previous discussions of an increase.

After discussion, a motion was made by Council Member Ellerbe and seconded by Council Member Dunlap, to rescind the increase in the stipend for the Mayor and Council Members. The Council voted 4-4 with Mayor Pro Tem Johnson and Council Members Stahel, Magnuson and LaRosiliere voting in opposition. The motion failed which left the stipend at the previously recommended amount of \$1,000 for Council Members and \$1,400 for the Mayor.

There being no further discussion, Mayor Evans adjourned the meeting at 8:30 p.m.

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**Pat Evans, MAYOR**

ATTEST:

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**Elaine Bealke, City Secretary**



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>9/11/06</b>	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Parks and Recreation		Initials	Date
Department Head	Don Wendell <i>for DON WENDELL</i>	Executive Director	<i>[Signature]</i>	8/31/06
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	8/31/06
Agenda Coordinator (include phone #):		Linda Benoit (7255)		

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

### CAPTION

Award/Rejection of Bid/Proposal and Conditional Acceptance for Bid No. 2006-201-B for Oak Point Park & Nature Preserve Demolition to Mart Inc. in the amount of \$217,559.00.

### FINANCIAL SUMMARY

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

FISCAL YEAR: <b>2005-2006</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	129,522	800,000	750,000	<b>1,679,522</b>
Encumbered/Expended Amount	-129,522	-758,405	0	<b>-887,927</b>
This Item	0	-217,559	0	<b>-217,559</b>
<b>BALANCE</b>	<b>0</b>	<b>-175,964</b>	<b>750,000</b>	<b>574,036</b>

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

**COMMENTS:** Funds are included in the re-estimated 2005-06 Park Improvement CIP for the Park Improvement project. This item, in the amount of \$217,559, will be encumbered in the current fiscal year and carry forward into the cash allocations of FY 2006-07.

**STRATEGIC PLAN GOAL:** Demolition of buildings and structures for park improvements relates to the City's Goal of "Premier City for Families."

### SUMMARY OF ITEM

Staff recommends that the bid received from Mart Inc. in the amount of \$217,599 be accepted as the lowest responsible bid conditioned upon timely execution of any necessary contract documents.

The bid is below the project budget of \$250,000. The bid includes the base bid of \$202,671 plus Alternate 1 in the amount of \$14,888. Alternate 1 is for the demolition of the large metal barn located at the Northeast corner of Springcreek Parkway and Jupiter Road.

The base bid is for the demolition of buildings and structures at five separate locations within Oak Point Park and Nature Preserve. These structures are being removed to facilitate future development of the park.

Mart Inc. has been in business for 29 years and has completed major demolition projects for Dallas ISD, Garland ISD, Lancaster ISD, El Centro College, and the City of Dallas. References to Mart Inc. report good quality work completed in a timely manner.



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

In the event the low bidder cannot execute contract documents, staff recommends that the project be awarded to the second lowest bidder, Midwest Wrecking Co. of Texas, for \$239,505. References of Midwest Wrecking Co. of Texas also report good quality work completed in a timely manner.

List of Supporting Documents:  
Bid Tab  
Location Map

Other Departments, Boards, Commissions or Agencies

*b-2*

**CITY OF PLANO  
 BID TABULATION  
 BID NO.: 2006-201-B**

**OAK POINT PARK AND NATURE PRESERVE DEMOLITION – PROJECT NO. 5747**

**WEDNESDAY August 23, 2006 @ 3:00 PM (CDT)**

CONTRACTORS	BID BOND	ADD 1	ADD 2	TOTAL BASE BID	ALTERNATE 1	TOTAL W/ALTERNATE
MART INC.	YES	YES	YES	\$ 202,671	\$14,888	\$217,559
MIDWEST WRECKING CO. OF TX	YES	YES	YES	\$ 221,525	\$17,980	\$ 239,505
INTERCON DEMOLITION	YES	YES	YES	\$234,167	\$18,197	\$252,364
BILLY L & JOAN NABORS, INC.	YES	YES	YES	\$287,640	\$21,420	\$309,060

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

*Steven Tillman*

STEVEN TILLMAN SENIOR BUYER

*August 23, 2006*

Date

*SW*

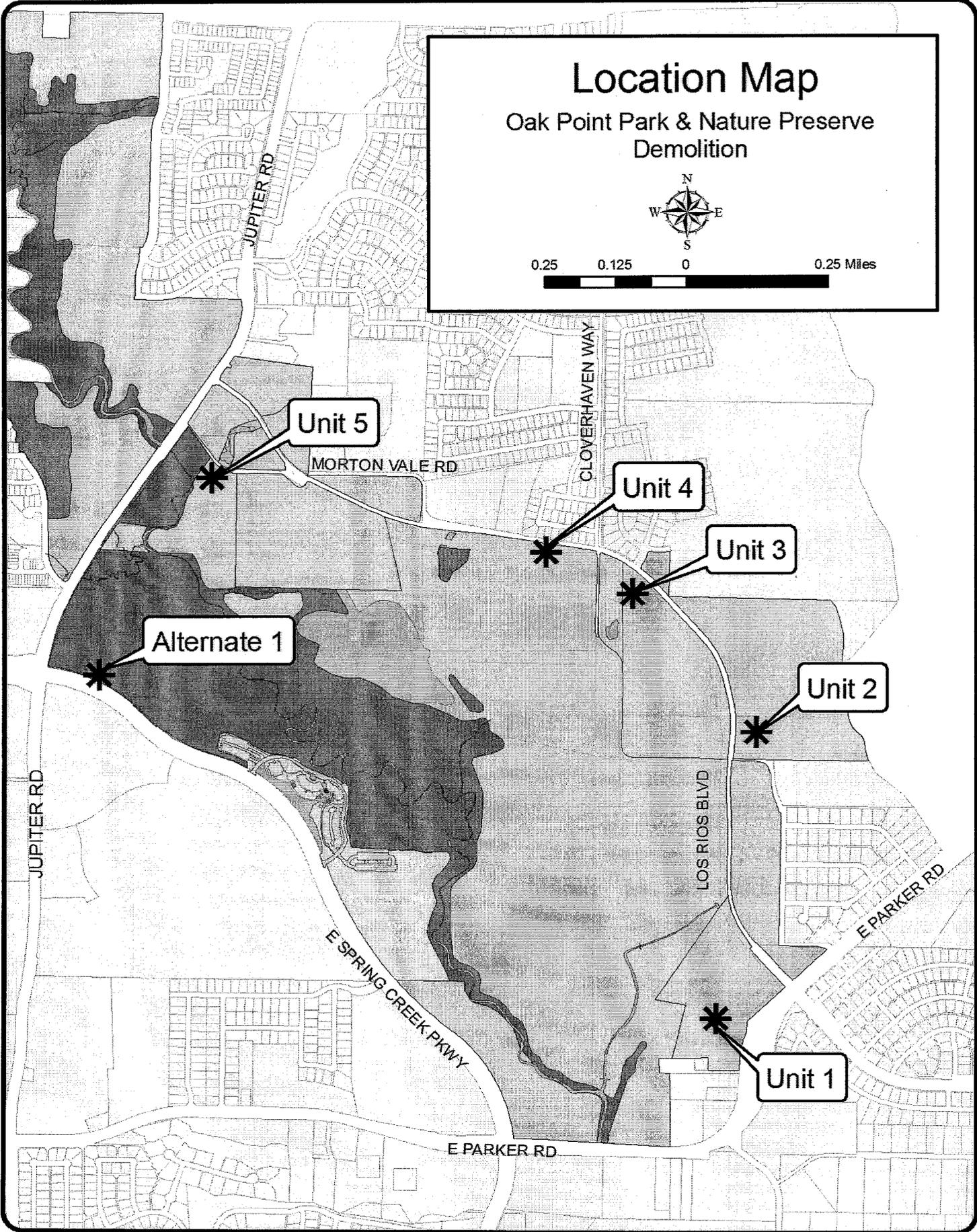
**“BID TABULATION STATEMENT”**

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

# Location Map

## Oak Point Park & Nature Preserve Demolition



*b-4*



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget <i>C.S.</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>9/11/06</b>		Reviewed by Legal <i>AB</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Purchasing		Initials	Date	
Department Head	<i>Mike Ryan / John McGrane</i>		Executive Director		
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 8/31/06	
Agenda Coordinator (include phone #): <b>Dianna Wike Ext. 7549</b>					

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

**CAPTION**

Award/Rejection of Bid/Proposal for Bid No 2006-183-B for Deerfield Archway Monuments Repair Project in the amount of \$68,699.00.

**FINANCIAL SUMMARY**

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

FISCAL YEAR: <b>2005-06</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	78,000	0	78,000
Encumbered/Expended Amount	0	-8,700	0	-8,700
This Item	0	-68,699	0	-68,699
BALANCE	0	601	0	601

**FUND(S): CAPITAL RESERVE**

**COMMENTS:** Funds are included in the Re-Estimated 2005-06 Capital Reserve Fund. This item, in the amount of \$68,699, will leave a current year balance of \$601 for the Deerfield Archway project.

**STRATEGIC PLAN GOAL:** Monument repair relates to the City's Goals of Premier City for Families & "Service Excellence".

**SUMMARY OF ITEM**

Staff recommends bid of J.H. Proof Rock, Inc. in the amount of \$68,699.00, be accepted as lowest responsive, responsible bid, conditioned upon timely execution of any necessary contract documents. This is for the purchase of Deerfield Archway Monuments Repair.

List of Supporting Documents:  
Bid Summary

Other Departments, Boards, Commissions or Agencies

*C-1*

# CITY OF PLANO

## BID NO. 2006-183-B DEERFIELD ARCHWAY MONUMENTS REPAIR PROJECT

### BID RECAP

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**Bid opening Date/Time:** August 4, 2006 @ 3:30pm

**Number of Vendors Notified:** 734

**Vendors Submitting "No Bids":** None

**Number of Bids Submitted:** 4

J.H. PROOF ROCK, INC.  
MID-CONTINENTAL RESTORATION COMPANY, INC.  
FRONTIER WATERPROOFING, INC.  
PHOENIX I RESTORATION & CONSTRUCTION, LTD

**Bids Evaluated Non-Responsive to Specification:** None

**Recommended Vendor(s):**

J.H. PROOF ROCK, INC. (\$68,699)

*Dianna Wike*

August 29, 2006

\_\_\_\_\_  
Dianna Wike, Buyer

\_\_\_\_\_  
Date

C-2



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>09/11/06</b>		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Engineering		Initials	Date	
Department Head	Upchurch		Executive Director	<i>[Signature]</i> 9/11/06	
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 9/11/06	
Agenda Coordinator (include phone #):			Irene Pegues (7198)	Project No. 5520	

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

**CAPTION**

Award, rejection of Bids/Proposals, Conditional Acceptance of lowest responsible Bid/Proposal of the Primary Vendor and an Alternate Vendor for the construction of Dominion Parkway Phase II – Headquarters Drive to Hedgcoxe Drive. (Bid No. 2006-208-B).

**FINANCIAL SUMMARY**

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

FISCAL YEAR: 2005-06	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	447,000	1,975,000	2,422,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-2,081,142	0	-2,081,142
<b>BALANCE</b>	<b>0</b>	<b>-1,634,142</b>	<b>1,975,000</b>	<b>340,858</b>

**FUND(S):** STREET IMPROVEMENT CIP, WATER CIP AND SEWER CIP

**COMMENTS:** Funds are included in the Re-estimated 2005-06 Street Improvement CIP, Water CIP & Sewer CIP for the Dominion – Hedgcoxe to Headquarters projects. This item, in the amount of \$2,081,142, will be encumbered in the current fiscal year and carry forward into the cash allocations of FY 2006-07.

**STRATEGIC PLAN GOAL:** Construction of secondary divided thoroughfare relates to the City's Goal of Safe, Efficient Travel.

**SUMMARY OF ITEM**

Staff recommends the bid of Mario Sinacola & Sons in the amount of \$2,081,142.14 be accepted as lowest responsible bid conditioned upon timely execution of any necessary contract documents.

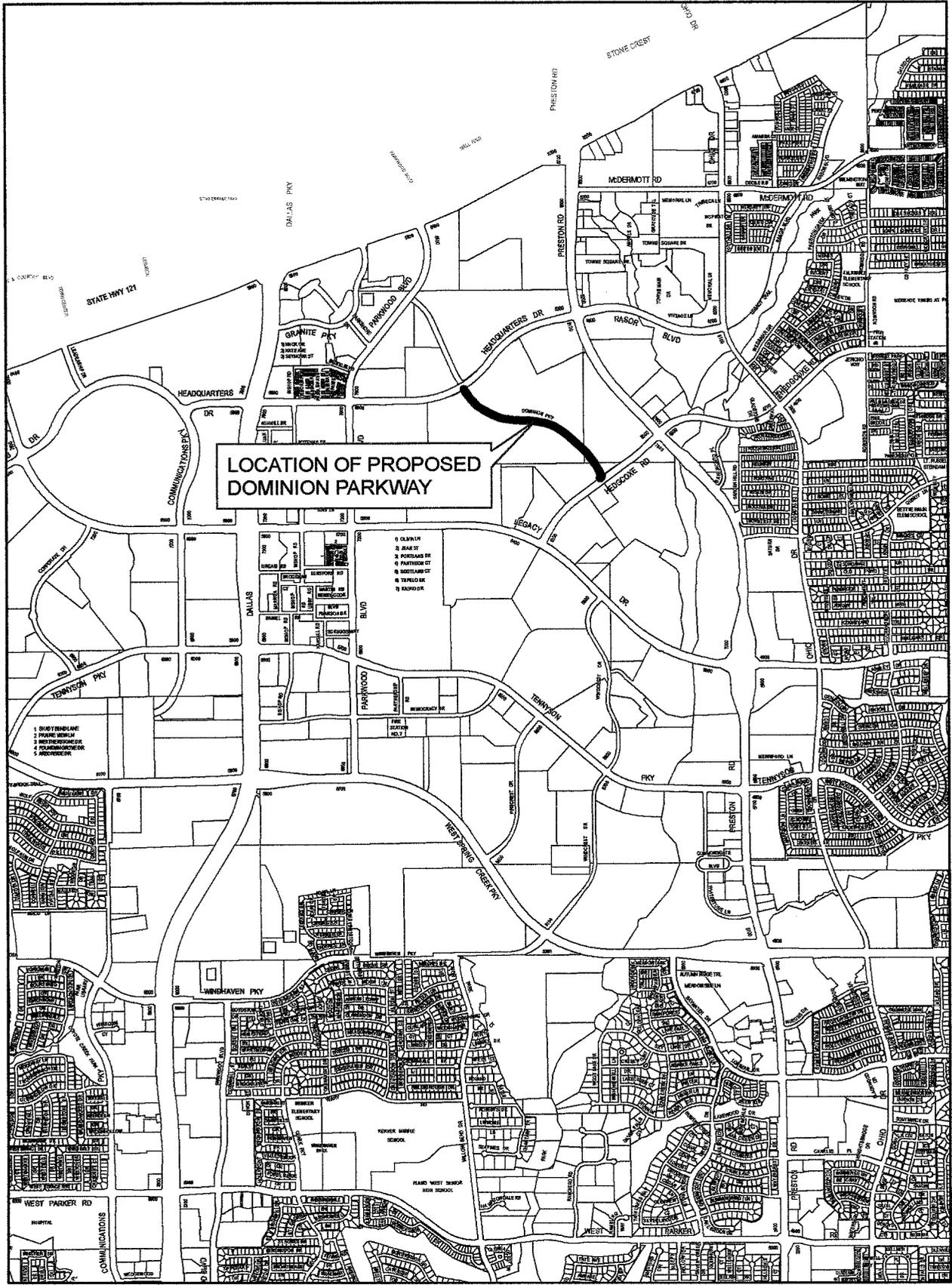
The second vendor being recommended is Rodman Paving, Inc. in the amount of \$2,133,944.85.

The Engineer's estimate was \$2,860,000.00.

Construct approximately 3,200 LF Type D, 92' ROW, secondary divided thoroughfare. This includes the installation of water, sanitary sewer, storm sewer, landscaping, irrigation, street lights, traffic signs and pavement markings.

List of Supporting Documents: Bid Summary Location Map	Other Departments, Boards, Commissions or Agencies N/A
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*d-1*



LOCATION OF PROPOSED  
DOMINION PARKWAY



d-2

**CITY OF PLANO  
BID TABULATION**

**BID NO. 2006-208-B**

**DOMINION PARKWAY PHASE II – HEADQUARTERS TO  
HEDGCOXE  
PROJECT NO. 5626**

**FRIDAY, AUGUST 25, 2006 @ 3:30 PM**

<b>CONTRACTOR</b>	<b>BID BOND</b>	<b>TOTAL BID</b>
Mario Sinacola & Sons	Yes	\$2,081,142.14
Rodman Paving, Inc.	Yes	\$2,133,944.85
Tiseo Paving Co.	Yes	\$2,253,200.95
JRJ Paving, LP	Yes	\$2,270,420.46
North Texas Contracting, Inc.	Yes	\$2,470,307.00
RKM Utility Services, Inc.	Yes	\$2,569,259.00

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

*Sharron Mason*

Sharron Mason, Buyer

*August 25, 2006*

Date

**“BID TABULATION STATEMENT”**

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

PURCHASING DIVISION  
CITY OF PLANO TEXAS

*d-3*



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>09/11/06</b>	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Engineering	Initials	Date	
Department Head	Upchurch	Executive Director	<i>[Signature]</i>	9-5-06
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	9/5/06
Agenda Coordinator (include phone #):		Irene Pegues (7198)	Project No. 5627	

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

**CAPTION**

Award/Rejection of Bid for Bid No. 2006-202-B for Intersection Improvements – Spring Creek Parkway at K Avenue to Jim Bowman Construction Company, L.P. in the amount of \$500,758.20.

**FINANCIAL SUMMARY**

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

FISCAL YEAR: <b>2005-06</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	372,000	296,000	<b>668,000</b>
Encumbered/Expended Amount	0	-11,874	0	<b>-11,874</b>
This Item	0	-500,758	0	<b>-500,758</b>
BALANCE	0	-140,632	296,000	<b>155,368</b>

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

**COMMENTS:** Funds are included in the Re-estimated 2005-06 Street Improvement Community Investment Program for the Intersection Improvements - Spring Creek to K Avenue project. This item, in the amount of \$500,758, will be encumbered in the current fiscal year and carry forward into the cash allocations of FY 2006-07.

**STRATEGIC PLAN GOAL:** Street construction relates to the City's Goal of Safe, Efficient Travel.

**SUMMARY OF ITEM**

Staff recommends the bid with Alternate 1 of Jim Bowman Construction Company, L.P., in the amount of \$500,758.20 be accepted as lowest responsible bid conditioned upon timely execution of any necessary contract documents.

The second vendor being recommended is JRJ Paving, L.P. in the amount of \$556,292.05.

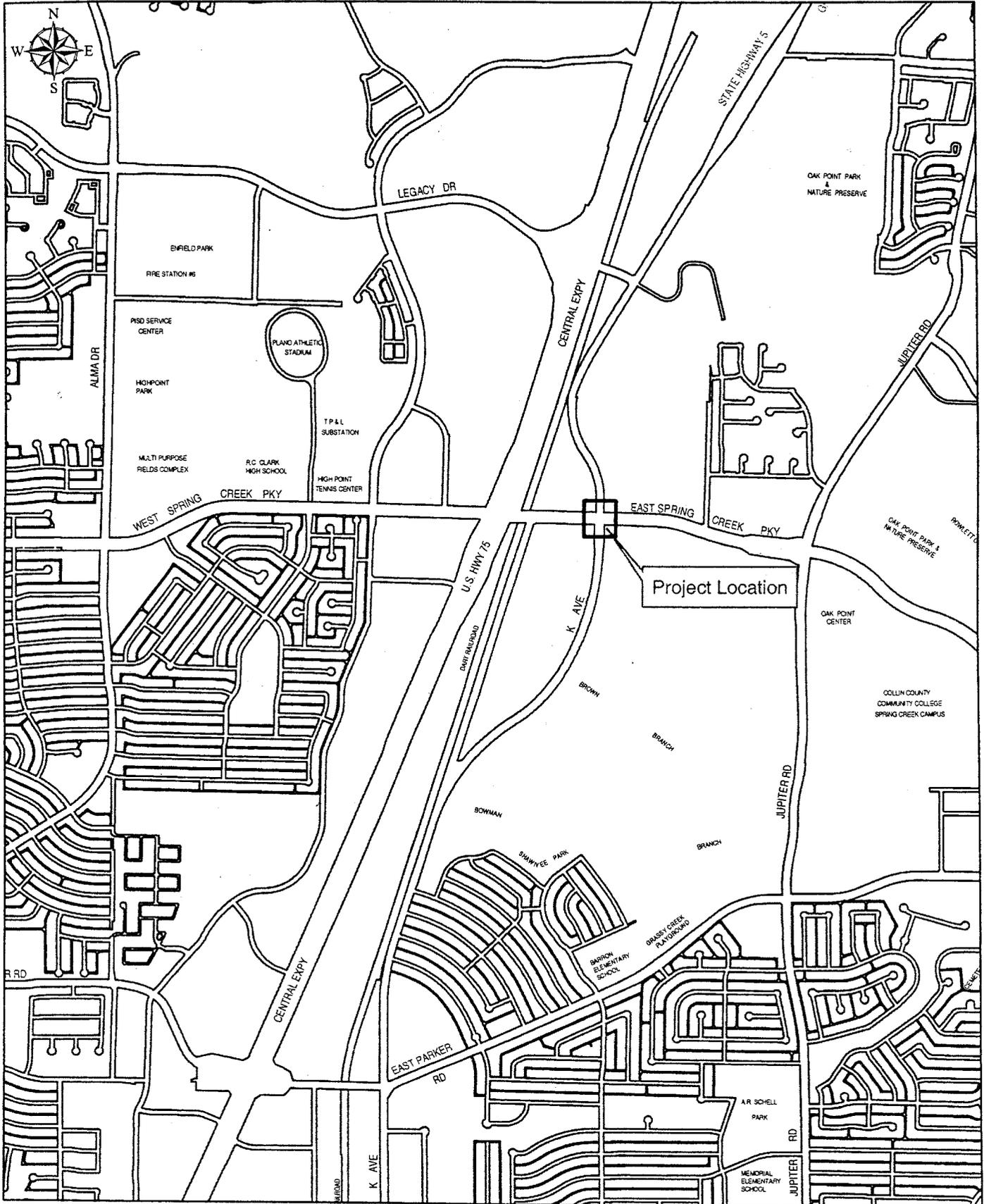
Engineers' estimate was \$550,000.00.

The project consists of construction to provide double left turn lanes and dedicated right turn lanes on all four sides of the intersection at Spring Creek Parkway and K Avenue. The project will also include installing a new traffic signal system to accommodate the additional lanes. Alternate 1 will replace the proposed 10" reinforced concrete pavement with 8" reinforced concrete pavement on 6" of line stabilized sub-grade.

List of Supporting Documents: Bid Summary Location Map	Other Departments, Boards, Commissions or Agencies N/A
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*e-1*

# INTERSECTION IMPROVEMENTS SPRING CREEK PARKWAY at K AVENUE PROJECT NO. 5627



e-2

**BID SUMMARY  
FOR  
CITY OF PLANO, TEXAS**

**INTERSECTION IMPROVEMENTS –  
SPRING CREEK PARKWAY AT K AVENUE  
PROJECT No. 5627**

**3:30 PM, THURSDAY, AUGUST 10, 2006**

ENGINEER'S COST ESTIMATE = \$550,000

	<u>BIDDER</u>	<u>BASE BID</u>	<u>BID W/ ALT. 1</u>
1	Jim Bowman Construction Co., L.P.	\$497,763.20	\$500,758.20
2	JRJ Paving, L.P.	\$542,778.97	\$556,292.05
3	Tiseo Paving Co.	\$558,028.30	\$577,675.30
4	McMahon Contracting, L.P.	\$588,669.50*	\$591,664.50*
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\* Corrected Totals

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**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>9/11/06</b>	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Purchasing		Initials	Date
Department Head	Mike Ryan	Executive Director		
Dept Signature:	<i>Deane Chalmer</i>	City Manager	<i>Deane</i>	<i>9/5/06</i>
Agenda Coordinator (include phone #):		<b>Glenna Hayes x 7074</b>		

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

**CAPTION**

Award/Rejection of Bid/Proposal for Bid No 2006-191-G for Speed Shore Trench Equipment in the amount of \$28,240.00, to United Rentals, for the 2005 UASI Grant.

**FINANCIAL SUMMARY**

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

FISCAL YEAR:	2005-2006	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0		0	
Encumbered/Expended Amount		0		0	
This Item		0	28,240.00	0	<b>28,240.00</b>
BALANCE		0	<b>28,240.00</b>	0	<b>28,240.00</b>

FUND(s): Grant Fund (13-571 UASI)

COMMENTS: Funds are available in the 2005 UASI Homeland Security Grant Fund for the purchase of Speed Shore Hydraulic Trench Equipment. The balance of funds will be used for other equipment purchases and items as allowed under the UASI grant.

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

**SUMMARY OF ITEM**

Staff recommends bid of United Rentals in the amount of \$28,240.00, be accepted as lowest responsive, responsible bid, conditioned upon timely execution of any necessary contract documents. This is for the purchase of Speed Shore Trench Equipment for the 2005 UASI grant. 2006-191-G

List of Supporting Documents: Bid Summary	Other Departments, Boards, Commissions or Agencies
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# CITY OF PLANO

## BID NO. 2006-191-G SPEED SHORE TRENCH EQUIPMENT

### BID RECAP

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**Bid opening Date/Time:** August 29, 2006 @ 3:00 PM

**Number of Vendors Notified:** 572

**Vendors Submitting "No Bids":** 4

**Number of Bids Submitted:** 2

United Rentals  
Metro Fire Apparatus Specialists Inc. (partial bid)

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

**Recommended Vendor(s):**

United Rentals	\$28,240.00
----------------	-------------

*Glenna Hayes*

\_\_\_\_\_  
Glenna Hayes  
Senior Buyer, A.P.P.

*September 5, 2006*

\_\_\_\_\_  
Date

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**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>9/11/06</b>		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Parks and Recreation			Initials	Date
Department Head	Don Wendell	<i>for DON WENDELL</i>	Executive Director	<i>[Signature]</i>	<b>8-21-06</b>
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	<b>8/21/06</b>
Agenda Coordinator (include phone #): <b>Linda Benoit (7255)</b>					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
<b>CAPTION</b>					
To Paula Construction, Inc. increasing the contract by \$90,000, Changer Order #1, Original Bid 2006-163B)					
<b>FINANCIAL SUMMARY</b>					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	<b>2005-06</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		14,890	685,000	0	<b>699,890</b>
Encumbered/Expended Amount		-14,890	-435,768	0	<b>-450,658</b>
This Item		0	-90,000	0	<b>-90,000</b>
BALANCE		0	159,232	0	<b>159,232</b>
FUND(S): <b>CAPITAL RESERVE</b>					
COMMENTS: Funds are included in the re-estimated Capital Reserve. This change order, in the amount of \$90,000 will leave a current year balance of \$159,232 for the Big Lake Park project.					
STRATEGIC PLAN GOAL: Park restoration relates to the City's Goal of "Premier City for Families."					
<b>SUMMARY OF ITEM</b>					
This change order to Paula Construction, Inc. is for additional silt excavation and haul-off at Big Lake Park. The original bid and contract of \$393,550 were well below the project budget of \$600,000. Funding is available to remove additional material from the lake while the contractor is on site and the pond is drained. Doing this additional work now will lengthen the time between now and the next time dredging will be needed.					
Staff recommends approval of Change Order No. 1. The revised contract amount will be \$483,550, which is a 22.86% increase over the original contract amount of \$393,550.					
List of Supporting Documents: Change Order #1 Location Map			Other Departments, Boards, Commissions or Agencies		

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**CHANGE ORDER No. 1**

**BIG LAKE PARK – LAKE RESTORATION**

PROJECT No. 5621  
PURCHASE ORDER No. 103076  
CIP No. 35-53371-8331  
BID No. 2006-163-B

**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 PAULA CONSTRUCTION, INC. for the BIG LAKE PARK – LAKE RESTORATION PROJECT, dated 7/24/06.

**B. DESCRIPTION OF CHANGE**

The change order is for additional pond silt removal at Big Lake Park pond. The bid of Paula Construction was significantly below the budgeted amount for the project. Additional silt excavation at this time will extend the period between excavations.

**C. EFFECT OF CHANGE**

This change order will have the following effect on the cost of this project:

ITEM NO.	ITEM DESCRIPTION	ORIGINAL QUANTITY	REVISED QUANTITY	UNIT	UNIT PRICE	AMOUNT OF CHANGE
1	Additional silt excavation		3,424.66	CY	\$26.28	\$90,000.00
						\$0.00
						\$0.00
	<b>TOTAL:</b>					<b>\$90,000.00</b>

Original Contract Amount	<u>\$ 393,558.00</u>
Contract Amount (Including Previous Change Orders)	<u>\$ 393,558.00</u>
<b>Amount, Change Order No. 1</b>	<u><b>\$ 90,000.00</b></u>
<b>Revised Contract Amount</b>	<u><u><b>\$ 483,558.00</b></u></u>
<b>Total Percent Increase Including Previous Change Orders</b>	<u><b>22.87%</b></u>

Item 1 will be charged to Account No. 35-53371-8331.



D. EFFECT OF CHANGE ON CONTRACT TIME

The work required under this change order will add 0 day(s) to this project:

Original Contract Time	<u>Complete by December 1, 2006</u>
Amount (Including Previous Change Orders)	<u>Complete by December 1, 2006</u>
<b>Amount, Change Order No. 1</b>	<u>Complete by December 1, 2006</u>
<b>Revised Contract Time</b>	<u>Complete by December 1, 2006</u>
<b>Total Percent Increase Including Previous Change Orders</b>	<u>0.00%</u>

E. AGREEMENT

By the signatures below, duly authorized agents of the CITY OF PLANO, TEXAS and PAULA CONSTRUCTION, INC., do hereby agree to append this Change Order No. 1 to the original contract between themselves, dated 7/24/06.

**OWNER: CITY OF PLANO**

**CONTRACTOR: PAULA CONSTRUCTION, INC.**

By: \_\_\_\_\_  
(signature)

By: \_\_\_\_\_  
(signature)

Print  
Name: Gerald P. Cosgrove

Print  
Name: Leonard Parker, President

Print  
Title: Chief Engineer – CIP

Print  
Title:

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

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

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**ACKNOWLEDGMENTS**

STATE OF TEXAS     §  
                                  §  
COUNTY OF LIBERTY §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2006, by  
**LEONARD PARKER, President of PAULA CONSTRUCTION Co, a Texas corporation, on behalf of said corporation.**

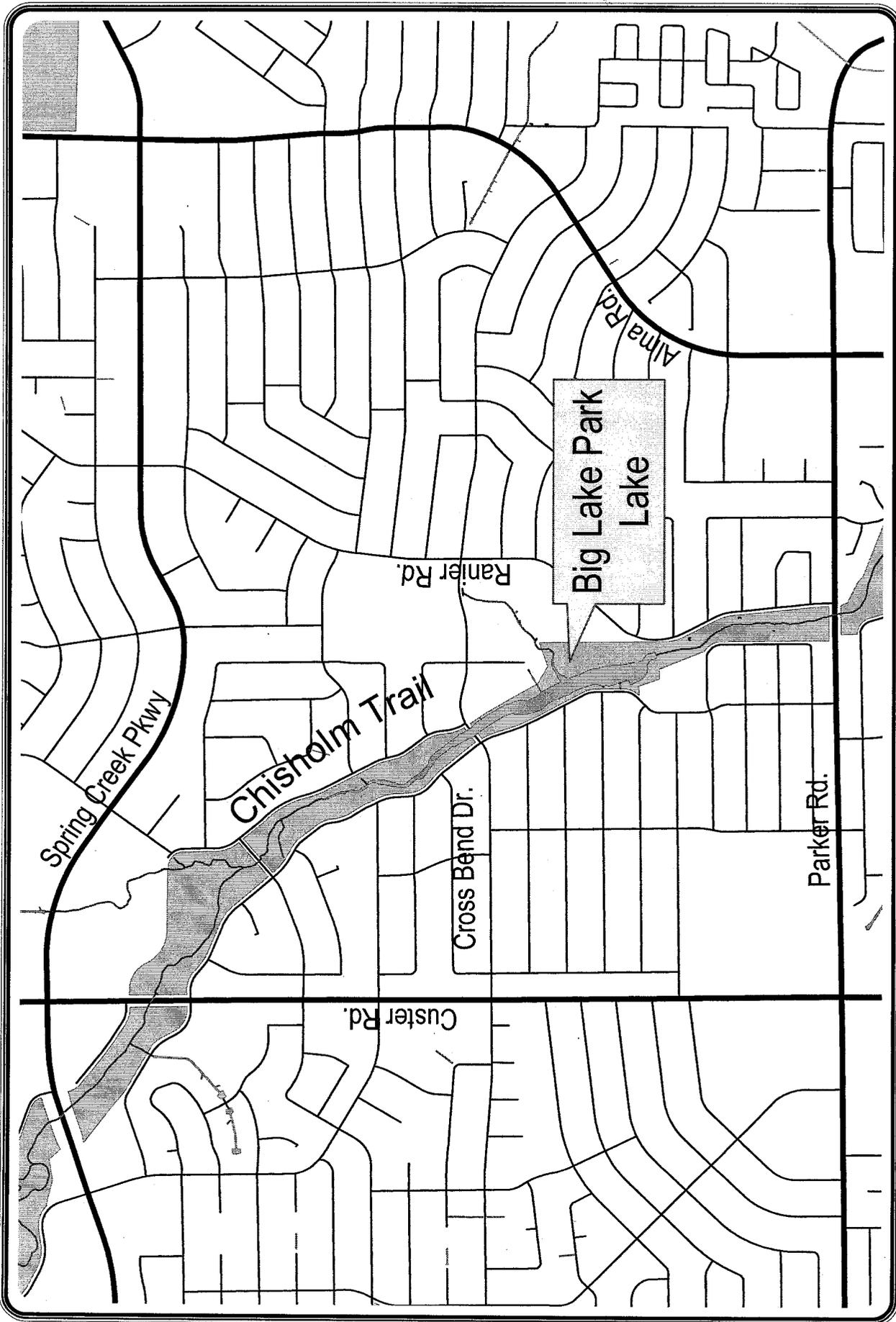
\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS     §  
                                  §  
COUNTY OF COLLIN §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2006, by **GERALD  
P. COSGROVE, CHIEF ENGINEER - CIP of the City of Plano, Texas, a Home-Rule Municipal Corporation, on behalf  
of said municipal corporation.**

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

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Parks & Recreation Department  
Park Planning

# Big Lake Park - Lake Restoration

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**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing <i>[Signature]</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget <i>c.s.</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>9/11/06</b>	Reviewed by Legal <i>[Signature]</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Human Resources		Initials	Date
Department Head	LaShon Ross	Executive Director	<i>[Signature]</i>	9-5-06
Dept Signature:		City Manager	<i>[Signature]</i>	9/5/06
Agenda Coordinator (include phone #): <b>Tracey Cummings X5300</b>				

**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 AN INTERLOCAL AGREEMENT BY AND BETWEEN CITY OF PLANO AND UNIVERSITY OF TEXAS AT DALLAS FOR EDUCATIONAL SERVICES AT A FEE NOT TO EXCEED THIRTY THOUSAND DOLLARS (\$30,000); 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: <b>2006/2007</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	144,176	0	<b>144,176</b>
Encumbered/Expended Amount	0	0	0	0
This Item	0	-30,000	0	<b>-30,000</b>
BALANCE	0	114,176	0	<b>114,176</b>

**FUND(S):    GENERAL**

**COMMENTS:** Funding for this item is available in the Professional Development Center's Budget. This agreement will allow for education services for one year in the amount not to exceed Thirty Thousand Dollars (\$30,000).

**STRATEGIC PLAN GOAL:** This item relates to the City's Goals of "Premier City for Families" and "Service Excellence."

**SUMMARY OF ITEM**

Interlocal Agreement between the City of Plano and University of Texas at Dallas for Educational Services as part of the City's Professional Development Program for a period of one (1) year.

List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies
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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BY AND BETWEEN CITY OF PLANO AND UNIVERSITY OF TEXAS AT DALLAS FOR EDUCATIONAL SERVICES AT A FEE NOT TO EXCEED THIRTY THOUSAND DOLLARS (\$30,000); 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 Agreement by and between City of Plano and University of Texas at Dallas, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and,

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

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

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

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

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

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

Page 2

DULY PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

ATTEST:

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

APPROVED AS TO FORM:

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

**Interlocal Agreement Between City of Plano  
and University of Texas at Dallas**

The University of Texas at Dallas (referred to as "University") located at 800 West Campbell Road Richardson, Texas 75080 and the City of Plano (referred to as "City") whose office is located at 1520 Avenue K, Plano, Texas 75074 enter into this agreement as follows:

1. **Purpose.** University shall provide City employees educational courses as part of **Professional Development**. The courses shall be offered to the City as provided in this agreement and more specifically addressed in **Attachment "A"** attached hereto and incorporated herein by reference.
2. **Authority.** City is a political subdivision and University is a "special district" within the meaning of the Interlocal Cooperation Act, Texas Government Code, Chapter 791, as amended (the "Act"). The Act provides authority for entities such as City and University to enter into interlocal agreements for governmental services as set forth in the Act. City has current revenues available to satisfy the fees and/or expenses incurred pursuant to this Agreement.
3. **Instructional Quality.** University will employ qualified instructors to provide educational services in accordance with state regulations and policies of the University.
4. **Administration:** University will provide project management and instruction. City will provide a project liaison and participant information for the purpose of registration and documentation.
5. **Enrollment:** City employees are enrolled as continuing education students at the University.
6. **Value/Fees:** Services from the University include instruction and continuing education units (CEU's). **Professional Development** courses are \$800 for a 3-hour course including all instruction costs for a class of up to 24 participants and \$1,600.00 for a 6-hour course including all instruction costs for a class of up to 24 participants (see Attachment "A"). Contract total shall not exceed \$30,000.00 unless amended in writing by both parties.
7. **Cancellation of Class.** If City cancels a course less than seven (7) days before the training start date, University will assess a charge equal to fifty percent (50%) of the course fee.
8. **Term.** This Agreement shall begin on **October 1, 2006** and conclude by **September 30, 2007**.
9. **Amendment.** This Agreement, including Attachment "A" attached hereto, constitutes the entire agreement between the parties with respect to the subject matter hereof and may only be amended in writing after mutual consent of the parties.
10. **Termination:** This Agreement can be terminated by either party without cause or penalty by giving thirty (30) days written notice.
11. **Notice.** Any notice provided under this Agreement shall be delivered by mail or personal service to the parties named below:

**University of Texas at Dallas**  
 Dr. Doug Watson  
 MPA Director  
 University of Texas at Dallas  
 800 West Campbell Road  
 Richardson, Texas 75080  
 (972) 883-4907

**City of Plano**  
 Mr. Greg Carpenter  
 Organizational Development Manager  
 City of Plano  
 1520 Avenue K  
 Plano, Texas 75074  
 (972) 941-7614

12. **Force Majeure.** Neither the University nor the City shall be responsible for any delays in performance of this agreement due to strikes, riots, acts of God, unavailability of instructors or materials, war, governmental laws or regulations. If a delay occurs, the University will make a good faith effort to promptly reschedule the class.
13. **Assignment.** Neither the City nor the University shall assign this Agreement without the written consent of the other.

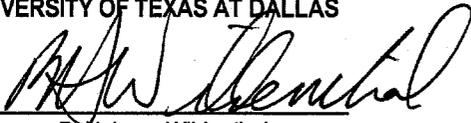
*h-4*

- 14. **Indemnification.** University agrees to be responsible for its own acts of negligence and City, to the extent allowed by law and without waiving any rights or protections of the Texas Tort Claims Act, agrees to be responsible for its own acts of negligence, which may arise in connection with any and all claims for damages, costs, and expenses to person or persons and property that may arise out of or be occasioned by this Agreement. This obligation shall be construed for the benefit of the parties hereto, and not for the benefit of any third parties, nor to create liability for the benefit of any third parties, nor to deprive the parties hereto of any defenses each may have as against third parties under the laws and court decisions of the State of Texas.
- 15. **Venue.** Exclusive venue for this Agreement shall be in Collin County, Texas.
- 16. **Authority to Sign/City Council Authorization.** The undersigned officer and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto. City has executed this Agreement pursuant to the duly authorized action of the Plano City Council on September 11, 2006. University has executed this Agreement pursuant to the authority granted by its governing body. Each of the parties shall provide written documentation evidencing the grant of approval by its respective governing body.

IN WITNESS WHEREOF, the parties have executed this Agreement by signing below.

UNIVERSITY OF TEXAS AT DALLAS

Date: 8-25-06

By:   
B. Hobson Wildenthal,  
Provost

CITY OF PLANO, TEXAS

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Thomas H. Muehlenbeck  
City Manager

APPROVED AS TO FORM

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

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ATTACHMENT "A"

**Courses:** The City's Professional Development Program. Courses offered under this Program include the following:

- Decision Making
- Leading Through Change
- The Collaborative Manager
- Performance Management (for managers)
- Promoting Operational Efficiency
- Characteristics of Leadership
- Knowing and Sharing the Vision
- Role of the Public Servant
- Ethics for Managers
- Practices to Promote Inclusion

**Instructors:** UTD qualified instructors.

**Hours:** Professional Development  
 3-hour sessions (max up to 24 students based on class structure/interactivity), or

Professional Development  
 6-hour sessions (max up to 24 students based on class structure/interactivity)

**Participants:** The maximum class size for most Professional Development courses is 24 students.

**Continuing Education Units (CEU's):** Calculated at ten percent of the course length.

**Fees:**  
Professional Development courses are \$800.00 total cost of instruction for a 3-hour course for a class of up to 24 participants, and \$1600.00 total cost of instruction for 6-hour course for a class of up to 24 participants.

**Materials/Supplies Costs:**  
Professional Development courses may include workbooks from industry vendors or custom-designed materials from a professional trainer (approved by the University). Materials costs will vary.

The **City** can duplicate instructional materials for the classes. Any fees for duplication done by the University will be presented to the **City** for approval prior to duplication. The **University** will also purchase instructional materials to support most classes and will invoice the **City** at the above referenced rates.

**AV:** Will vary based on class requirements – **University** will advise.

**Room set-up:** Will vary based on class requirements – **University** will advise.

**Location/Facilities.** The **City** will provide appropriate training facilities and equipment.

**Scheduled courses to date:** TBD

The **City** will be invoiced for **City**-sponsored participants within 30 days of the class start date.

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**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>09/11/06</b>		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Technology Services		Executive Director	<i>[Signature]</i>	Date
Department Head	David Stephens		City Manager	<i>[Signature]</i>	<b>9.05.06</b>
Dept Signature:	<i>[Signature]</i>		Agenda Coordinator (include phone #):	<b>Lisa Prunty, ext. 7342</b>	

**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 SOLE SOURCE PURCHASE OF NAVILINE AND CLICK2GOV SOFTWARE APPLICATIONS FROM SUNGARD H.T.E., INC. FOR AN AMOUNT OF \$150,244; 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: <b>05-06</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	315,000	0	<b>315,000</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	-150,244	0	<b>-150,244</b>
<b>BALANCE</b>	0	<b>164,756</b>	0	<b>164,756</b>

**FUND(S):    TECHNOLOGY FUND (062)**

**COMMENTS:** Funds are included in the 2005-06 Technology Fund for the conversion of several H.T.E. Legacy applications to a web browser-based system and for the conversion of work order requests and customer survey module systems currently being used. Remaining funds will be used for other portions and implementation of these projects.

**STRATEGIC PLAN GOAL:** Purchasing customer service software which integrates into existing applications relates to the City's Goal of "Service Excellence".

**SUMMARY OF ITEM**

Technology Services recommends Council approve expenditure to SUNGARD H.T.E., Inc. for the purchase of NaviLine and Click2Gov Software applications for an amount of \$143,244 and travel expenses not to exceed \$7,000. Both products integrate to our existing H.T.E. applications; NaviLine upgrades our existing applications to web browser look and feel and Click2Gov Citizen Request Tracking System is an Internet Application that allows citizens to enter work order requests. These integrated applications are only available from one source, SUNGARD H.T.E., Inc. , and therefore, is exempt from the competitive bid as provided for in Section 252.022 (a) (7) of the Texas Local Government Code.

List of Supporting Documents:  
Memo, Resolution, Quotes

Other Departments, Boards, Commissions or Agencies

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## Memorandum

**Date:** August 28, 2006  
**To:** David Stephens, Director of Technology Services  
**From:** Danny Housewright, Systems and Programming Manager  
**Subject:** H.T.E.'s Naviline and Click2Gov Citizen Request Tracking Products Purchase

H.T.E.'s Naviline product is a browser based version of the H.T.E. legacy software applications that the City of Plano currently uses. This product will provide a familiar browser look and feel to city staff and, therefore, the training of new staff will be made easier than on the current legacy character based screens. Due to the browser based capabilities, H.T.E. was able to make accessing information much easier by combining multiple screens in the character based version into one screen in Naviline. In future releases of the H.T.E. applications there will be functionality released in the Naviline product that will not be available in the character based product. Therefore, moving to Naviline is the next step in the evolution of the use of H.T.E.'s software applications. The primary departments that currently use H.T.E. applications are Customer and Utility Services, Building Inspections, Property Standards, and Environmental Waste Services. In addition to the primary departments, there are a number of city staff in other departments that use the H.T.E. applications in an inquiry only mode to gather information.

The Click2Gov Citizen Request Tracking software application will allow citizens to report issues to the City of Plano via the internet. Citizens will be able to enter issues, check the status of issues, and update issues with new information. City staff will have reduced data entry and all updates to issues will automatically be updated on the internet due to the integration with the H.T.E. Work Orders system which is currently used by the Environment Waste Services and Customer and Utility Services departments. Departments which do not use the H.T.E. Work Orders system can be notified of issues that pertain their departments via e-mail. The purchase of this system will improve customer service to the citizens by allowing them to report and check the status of issues at a time that is convenient to them.

Funds for Naviline and the Citizen Request Tracking system were approved in the 2006-2007 budget. The purchase of these software applications will continue to move the City of Plano forward in the use of software applications from H.T.E.

*1-2*

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE SOLE SOURCE PURCHASE OF NAVILINE AND CLICK2GOV SOFTWARE APPLICATIONS FROM SUNGARD H.T.E., INC.; AUTHORIZING THEIR EXECUTION BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Plano has been presented with a quote from SUNGARD HTE, Inc. for NaviLine and Click2Gov Software applications for an amount of \$150,244 a substantial copy of which are attached hereto and incorporated herein as Exhibit "A" and Exhibit "B" (hereinafter called "Agreements"); and

**WHEREAS**, the City Council finds that the software for the NaviLine and Click2Gov integration to the H.T.E. applications is only available from one source, SunGard HTE, Inc., and, therefore, is exempt from competitive bid as provided for in Section 252.022(a)(7) of the Texas Local Government Code; and

**WHEREAS**, upon full review and consideration of the Agreements 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 should be authorized to execute them on behalf of the City of Plano.

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

**Section I.** The City Council of the City of Plano, Texas, hereby finds and determines that NaviLine and Click2Gov software SUNGARD H.T.E. applications used by various City departments is available from only one source, and, therefore, exempt from competitive bid or proposal as provided for in Section 252.022(a)(7) of the Texas Local Government Code.

**Section II.** The Agreements, having been reviewed by the City Council of the City of Plano and found to be acceptable and to be in the best interest of the City of Plano and its citizens, are hereby in all things approved.

**Section III.** The City Manager or, in his absence, an Executive Director, is hereby authorized to execute the Agreements 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 Agreements attached hereto as Exhibit "A" and Exhibit "B."

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

**DULY PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

ATTEST:

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

APPROVED AS TO FORM:

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

*i-4*  
RES-SUNGARDHTE



# HTE • PUBLIC SECTOR SOLUTIONS

City of Plano, TX  
NavLine Select Pricing  
August 28, 2006

Applications	License fees	Web Training (HELP pass)	On Site Training**	Implementation Services*
BPJ-Building Permits	\$13,665.00			
CEJ-Code Enforcement	\$8,325.00			
CRJ-Cash Receipts	\$7,995.00			
CXJ-Customer Information Systems	\$38,415.00			
CZJ-Contact Management	\$16,635.00			
DXJ-DMS	No Charge			
LXJ-Land Parcel Management (included in BPJ)	No Charge			
WFJ-Work Orders/Facility Management	\$23,325.00			
CGJ-Cognos Catalogs - BP CR CX LX WF	No Charge		\$12,000.00	

\$4,800.00      \$4,800.00      \$12,000.00

Totals	\$108,360.00	\$4,800.00	\$12,000.00	\$6,000.00
License Fees	\$108,360.00			
Less 10% License Fee Discount	(\$10,836.00)			
Web Training (HELP pass)	\$4,800.00			
On Site Training	\$12,000.00			
ESTIMATED travel expenses	\$4,500.00			
Implementation Services	\$6,000.00			
Project Software Total	\$124,824.00			

<sup>2</sup>New NavLine Annual Support Fees listed herein reflect the new support fees on the NavLine Licensed Programs and Customer's current support fees will be adjusted pro-rata accordingly. The attached annual support fees are effective upon HTE's receipt of Purchase Order and this Quote executed below. Support fees for subsequent terms of support will be due prior to the start of that term at the then prevailing rate. Support Services do not include maintenance on modifications made to the Licensed Program at Customer's request.

1-5

ib

3 The HELP Card is an annual renewal and will be invoiced annually with Customer's annual support services renewal.

NOTES:

- 1. Travel, out of pocket and living expenses are not included in above pricing and will be invoiced as incurred, and shall be governed by the HTE Corporate Travel and Expense Reimbursement Policy
  - 2. For hardware specifications and information, please contact Bill Boyle at billboyle@htevar.com or 770-216-4425.
  - 3. There is no testing and acceptance period, also the warranty period is 120 days after the delivery date.
- \*Includes installation and project management.  
 \*\* On Site Training is optional.

Payment Terms as Follows:

License Fees, Hardware (if applicable), HELP Card and Implementation Fees will be invoiced upon receipt of the Purchase Order and this executed quote. (Please reference 'per attached quote' on your Purchase Order)

The terms and conditions in this quote, including the pricing will be honored provided this quote is fully executed by September 30, 2006.

City of Plano, TX

Signature

Date

Printed Name

**SUNCARD**  
**HTE PUBLIC SECTOR SOLUTIONS**  
 CITY OF PLANO, TX  
 HTE Investment Summary - August 28, 2006

Applications	License fees	Training and Configuration	Annual Maintenance
KF-Click2Gov - CRT (Citizen Request Tracking)	\$19,200.00	\$1,800.00	\$3,840.00
<b>Totals:</b>	<b>\$19,200.00</b>	<b>\$1,800.00</b>	<b>\$3,840.00</b>

License Fees \$19,200.00  
 Less: 10% License Fee Incentive (\$1,920.00)  
 Training/Configuration \$1,800.00  
 ESTIMATE travel expenses \$2,500.00  
 Annual Maintenance \$3,840.00  
 Project Software Total \$25,420.00

1. It shall be the responsibility of the Customer to provide a web server and BEA's WebLogic Express program to run the applicable Licensed Programs herein.
2. Customer shall be responsible for obtaining a registered domain name, Inetnic or other domain authority and registered TCP/IP address from an ISP Service or Inet Communications Supplier.
3. VeriSign requires an annual renewal of its Digital Encryption Module
4. BEA WebLogic is per processor.
5. The Core Module includes the cost of BEA WebLogic Express for a single processor.
6. Pricing is for the application as-is. Any modifications or conversions will incur additional costs.
7. 100% of License Fees, Project Management and hardware are due upon execution.
8. Training is invoiced and due as incurred.
9. 100% of Installation and Implementation are due upon completion.
10. Annual Maintenance will be due 120 days from delivery of licensed programs.
11. The travel and related expenses of the trainer, installer, or project manager are in addition to the above costs and will be billed as incurred.
12. There is no acceptance period; however, the warranty period is 120 days after delivery date.
13. Shipping and Taxes, if applicable, will be in addition to the prices quoted.
14. For hardware specifications and information, please contact Bill Boyle at billboyle@hitevar.com or 770-216-4425.
15. Please indicate that your purchase is tied to this proposal dated August 28, 2006 on your Purchase Order.
16. Price quote valid until September 30, 2006.

source: Q3 06

1-7



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	09/11/06		Reviewed by Legal <i>du</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering		Initials	Date	
Department Head	Alan L. Upchurch		Executive Director	<i>[Signature]</i>	9/5/06
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	9/5/06
Agenda Coordinator (include phone #): Irene Pegues (7198) <i>[Signature]</i>					

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

**CAPTION**

Endorsing the "Joint Recommendation for Regional Rail in North Central Texas" as approved by the Boards of Dallas Area Rapid Transit (DART), Denton County Transportation Authority (DCTA) and the Forth Worth Transportation Authority (The T) that supports the concept of local option funding of public transit in the region by exempting an amount equal to the locally authorized transit sales tax from the 2% local sales tax cap, authorizing the City Manager, or in his absence an Executive Director, to execute any documents to show such support; and 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**

The attached resolution indicates Plano's support of regional rail and locally authorized transit sales tax exemption from the 2% local sales tax cap.

List of Supporting Documents: Joint Recommendation from DART, DCTA and The T	Other Departments, Boards, Commissions or Agencies N/A
--	---

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, ENDORSING THE "JOINT RECOMMENDATION FOR REGIONAL RAIL IN NORTH CENTRAL TEXAS" AS APPROVED BY THE BOARDS OF DALLAS AREA RAPID TRANSIT (DART), DENTON COUNTY TRANSPORTATION AUTHORITY (DCTA) AND THE FORT WORTH TRANSPORTATION AUTHORITY (THE T) THAT SUPPORTS THE CONCEPT OF LOCAL OPTION FUNDING OF PUBLIC TRANSIT IN THE REGION BY EXEMPTING AN AMOUNT EQUAL TO THE LOCALLY AUTHORIZED TRANSIT SALES TAX FROM THE 2% LOCAL SALES TAX CAP; AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR TO EXECUTE ANY DOCUMENTS TO SHOW SUCH SUPPORT AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Plano is firmly committed to supporting regional efforts toward addressing the mobility and air quality needs of its citizens and for future generations; and,

**WHEREAS**, the City of Plano believes that the best approach to achieving the goal of providing additional funding capacity to expand rapid transit in the region is by exempting an amount equal to the locally authorized metropolitan transit sales tax from the 2% sales tax cap; and,

**WHEREAS**, exempting the transit sales tax will also allow current transit member cities to have capacity available for 4A/4B or other purposes such as crime control districts; and,

**WHEREAS**, among the existing transit authorities in the region – DART, The T and DCTA – there exists expertise and evidence of cooperation on current and future rail projects that demonstrates their ability to successfully expand rail transit in the region; and,

**WHEREAS**, the citizens of Plano want to ensure that the quality of life remains high in the region and our economy strong and competitive, and transit has an important role in achieving this goal as the population continues to grow toward eight million in the very near future; and,

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**NOW, THEREFORE, BE IT RESOLVED** that on September 11, 2006, the City of Plano hereby agrees and supports the "Joint Recommendation for Regional Rail in North Central Texas" as put forth by DART, DCTA and The T on the regional transit issue in Exhibit 1 and strongly urges the 80<sup>th</sup> Texas Legislature to pass legislation exempting an amount equal to the locally authorized transit sales tax from the 2% local sales tax cap in the 9 counties of North Texas that are designated by the Environmental Protection Agency as "non-attainment" for federal air quality standards.

**APPROVED:**

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

ATTEST:

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

APPROVED AS TO FORM:

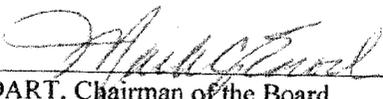
\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

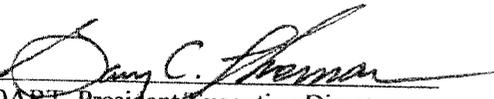
**DART****DCTA**

JOINT RECOMMENDATION FOR REGIONAL RAIL IN NORTH CENTRAL TEXAS

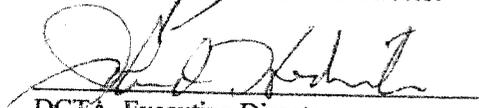
The three existing transit authorities support expanding meaningful public transit in North Texas through our existing organizations. Such transit authorities support the Statement of Principles for the Implementation of a Regional Rail System in North Central Texas agreed to in August 2004 by regional leadership under the following conditions:

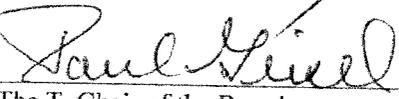
- New regional rail projects will require new sources of funding. The State authorized Sales and Use Tax has been the primary means of funding public transit service within the region, and the magnitude of the required funding will most likely dictate that sales tax should be the source of funds for new regional rail projects. However, most cities in the region do not have the ability to fund public transit services because sales and use tax capacity has been committed to other uses.
- The three existing transit authorities support local option funding of public transit in the region by exempting an amount equal to the locally authorized transit sales tax from the 2% cap in the following counties:
  - Tarrant
  - Parker
  - Johnson
  - Denton
  - Wise
  - Dallas
  - Collin
  - Rockwall
  - Ellis
- This action would provide an equitable means of allowing "non-transit" jurisdictions to determine as a local option whether or not they would choose to fund public transit, while allowing jurisdictions that currently support public transit to determine whether they would choose to allocate sales tax capacity for non-transit uses (up to the existing cap).
- We support a determination of citizens' support of a regional rail system outside the existing transit authorities' territory or service area, and inside The T's service area.
- Formation of a 4th transit entity is not recommended.

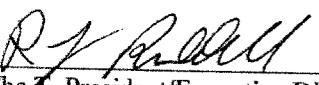
  
DART, Chairman of the Board

  
DART, President/Executive Director

  
DCTA, Chairman of the Board

  
DCTA, Executive Director

  
The T, Chair of the Board

  
The T, President/Executive Director

J-4



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>9/11/06</b>	Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Sustainability & Environmental Services		Initials	Date
Department Head	Nancy Nevil	Executive Director	<i>[Signature]</i>	9-5-06
Dept Signature:		City Manager	<i>[Signature]</i>	9/5/06
Agenda Coordinator (include phone #): <b>Tiffany Stephens x 4264</b>				

**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 TO SUPPORT THE PASSAGE OF STATE LEGISLATION REQUIRING PRODUCERS OF ELECTRONICS AND COMPUTERS TO PARTICIPATE IN TAKEBACK RECYCLING PROGRAMS; AND 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
<b>BALANCE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**FUND(S):**

**COMMENTS:**

### SUMMARY OF ITEM

The Sustainability & Environmental Services Department provides a monthly electronics waste drop-off service for residents. This service was implemented in 2004 out of concern for the landfilling of electronics that contain toxic materials such as lead, cadmium and mercury. A contractor repairs and salvages workable components and separates and recycles or properly disposes of the toxic material. Currently, there are no regulations governing computer recyclers and much of the e-waste being collected in the United States for recycling is ending up illegally disposed or shipped to underdeveloped nations. To ensure this does not happen with material collected in our electronic recycling program, Plano is negotiating a new contract that will include the Texas E-cycling Standards (TEST), created by the Electronic Resource Recovery Council of the Recycling Alliance of Texas. However, proper handling and greater accountability will result in a cost in excess of \$20,000, which will require residents pay a fee when dropping off electronics for recycling effective October 2006. In addition, there is a policy movement to require manufacturers of electronic equipment to take back their discarded products to ensure the safe end-of-life recycling and disposal of their products called Extended Producer Responsibility (EPR) or producer take-back recycling. This is a national movement and is being promoted in Texas by the Texas Campaign for the Environment. The department recommends Plano adopt a resolution supporting EPR because we agree that shifting the cost of managing this waste from the local government to the producer will result in an incentive for the manufacturers to design products with safer materials that can be reused or



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

recycled. Better design and more options for recycling will be critical as electronic waste continues to increase.

List of Supporting Documents:

Other Departments, Boards, Commissions or Agencies

*R-2*

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, AUTHORIZING THE CITY TO SUPPORT THE PASSAGE OF STATE LEGISLATION REQUIRING PRODUCERS OF ELECTRONICS AND COMPUTERS TO PARTICIPATE IN TAKEBACK RECYCLING PROGRAMS; AND PROVIDING AN EFFECTIVE DATE.**

**Whereas**, discarded electronic products, including computers, televisions, and cell phones, can contain toxic materials that can pose hazards to human health; and,

**Whereas**, approximately two million tons of used electronics are discarded each year and is the largest source of heavy metals going into landfills; and,

**Whereas**, electronic waste is considered the fastest-growing segment of the municipal waste stream in the U.S. and will continue to grow as technology advances; and,

**Whereas**, computer recycling is an unregulated business and computers are often exported to developing countries where it is either illegally dumped or disassembled by unprotected workers directly exposed to toxic materials; and,

**Whereas**, the City of Plano currently offers a monthly electronics recycling collection program and anticipates continued cost increases associated with responsibly recycling and disposing of these products; and,

**Whereas**, the cost incurred by the City of Plano for disposal of products that contain toxic material and are not easily recyclable, particularly electronics, are in affect taking away funding that could easily be spent on other recycling programs; and,

**Whereas**, requiring electronic producers to implement takeback recycling programs will shift the burden of disposal costs for electronic products from local ratepayers back to the producers, internalize the cost associated with such a program, and give producers a market incentive to design products that are more durable, less toxic and recyclable.

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

**Section 1.** Plano will continue to offer a recycling collection program until there is an acceptable solution that will protect public health and the environment.

**Section II.** Plano supports the passage of State legislation establishing takeback recycling programs for manufacturers.

*R-3*

**Section III.** Plano is the first city in north Texas to support this legislation and encourages other Texas cities and towns to express their view that the ingenuity of the high tech sector should be directed to solving the e-waste crisis.

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

**DULY PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

ATTEST:

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

APPROVED AS TO FORM:

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

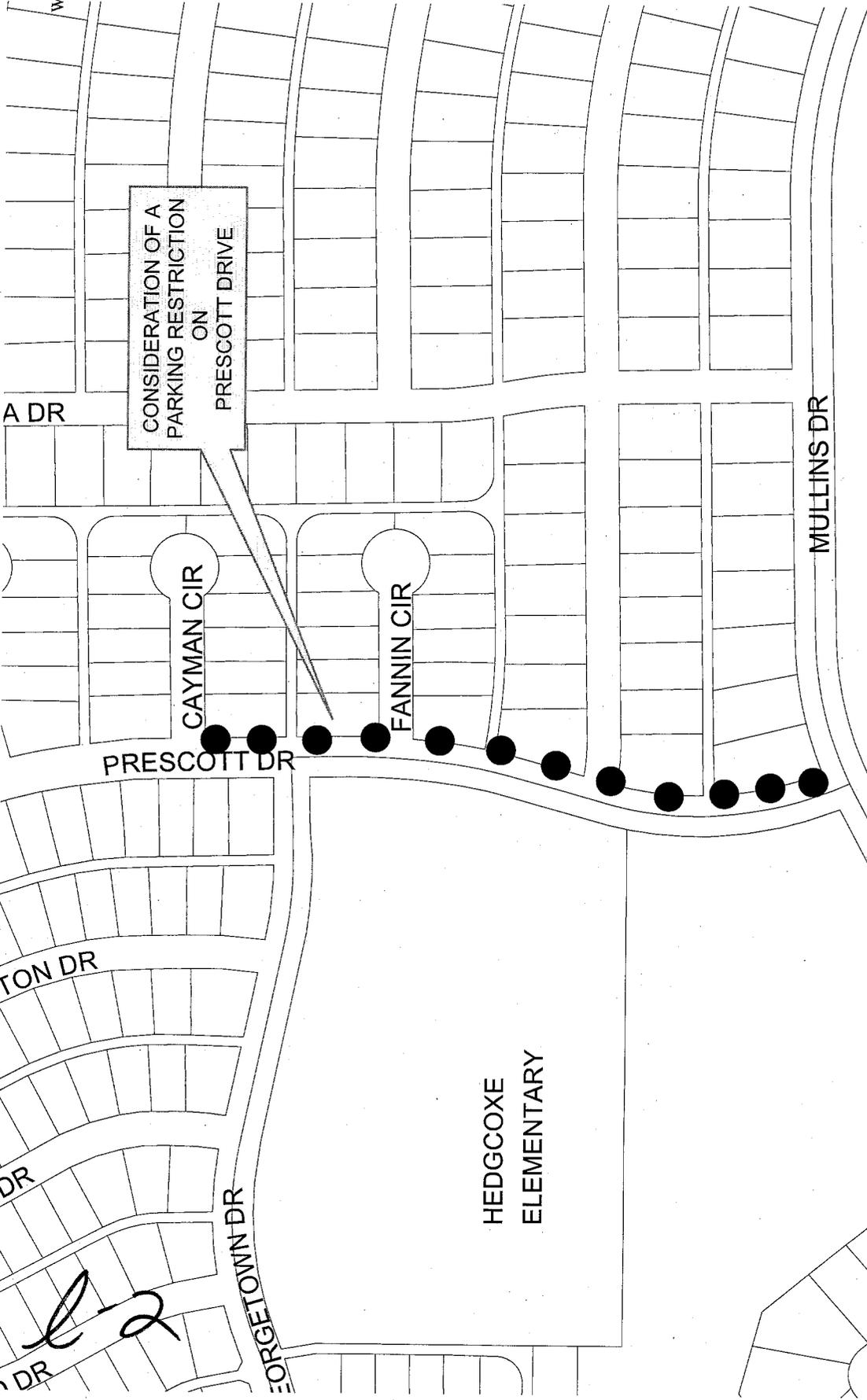
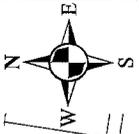
R-4



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: <b>09/11/06</b>		Reviewed by Legal <i>WJ</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering		Initials	Date
Department Head	Alan Upchurch		Executive Director	<i>[Signature]</i> 9/11/06
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 9/11/06
Agenda Coordinator (include phone #):		I. Pegues 7198 <i>[Signature]</i>		
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
<b>CAPTION</b>				
An Ordinance of the City of Plano, Texas, amending Section 12-102(e) of Article V, Stopping, Standing, and Parking of Chapter 12, Motor Vehicles and Traffic of the Plano code of ordinances to include no stopping, standing, or parking prohibition along the east side of Prescott Drive from Mullins Drive north to Cayman Circle between the hours of 7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m. on school days; declaring the parking of motor vehicles in said section of Prescott Drive within the defined time limits as unlawful and a misdemeanor; and providing a severability clause, a penalty clause, and an effective date.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
This is an existing parking restriction along Prescott Drive, which was mistakenly removed from Section 12-102(e). This ordinance will reestablish the existing parking restriction.				
List of Supporting Documents: Map		Other Departments, Boards, Commissions or Agencies		

*l-1*



CONSIDERATION OF A  
PARKING RESTRICTION  
ON  
PRESCOTT DRIVE

**CONSIDERATION OF A  
PARKING RESTRICTION  
ON  
PRESCOTT DRIVE**



Transportation Division

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

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING SECTION 12-102(E) OF ARTICLE V, STOPPING, STANDING, AND PARKING OF CHAPTER 12, MOTOR VEHICLES AND TRAFFIC OF THE PLANO CODE OF ORDINANCES TO INCLUDE NO STOPPING, STANDING, OR PARKING PROHIBITION ALONG THE EAST SIDE OF PRESCOTT DRIVE FROM MULLINS DRIVE NORTH TO CAYMAN CIRCLE BETWEEN THE HOURS OF 7:30 A.M. TO 8:30 A.M. AND 2:30 P.M. TO 3:30 P.M. ON SCHOOL DAYS; DECLARING THE PARKING OF MOTOR VEHICLES IN SAID SECTION OF PRESCOTT DRIVE WITHIN THE DEFINED TIME LIMITS AS UNLAWFUL AND A MISDEMEANOR; AND PROVIDING A SEVERABILITY CLAUSE, A PENALTY CLAUSE, AND AN EFFECTIVE DATE.

**WHEREAS**, serious traffic congestion in the area of Prescott Drive by Hedgcoxe Elementary School occurs prior to and after school hours, thereby causing safety concerns for students traveling to and from school;

**WHEREAS**, after review and study of traffic patterns for the area in question, the Transportation Division recommends prohibiting stopping, standing or parking of motor vehicles in a section along the east side of Prescott Drive from Mullins Drive north to Cayman Circle between the hours of 7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m. on school days to decrease traffic congestion and increase traffic flow;

**WHEREAS**, Prescott Drive is located within the incorporated limits of the City of Plano, Collin County, Texas, and thus subject to City Council control under Section 3.07(q) of the City of Plano Charter; and

**WHEREAS**, the City Council of the City of Plano finds the prohibition of motor vehicle stopping, standing or parking along the east side of Prescott Drive from Mullins Drive north to Cayman Circle, between the hours of 7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m. on school days is necessary for the safety of students traveling to and from Hedgcoxe Elementary School.

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

**Section I.** The City Council hereby deems it unlawful for any person to stop, stand or park a motor vehicle along the east side of Prescott Drive from Mullins Drive to Cayman Circle between the hours of 7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m. on school days, except when necessary to avoid conflict with other traffic or in compliance with law or directions of a police officer.

**Section II.** The City Council hereby amends Section 12-102(e) of Article V, *Stopping, Standing, and Parking* of Chapter 12, *Motor Vehicles and Traffic* of the Plano Code of Ordinances to amend the Subsection *Prescott Drive* to read in its entirety as follows:

"*Prescott Drive*, along the east side of Prescott Drive from Mullins Drive north to Cayman Circle."

**Section III.** The City Council authorizes and directs the Traffic Engineer of Plano to place traffic control signs on Prescott Drive to notify all persons of the prohibited parking area during specified times.

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

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

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

**DULY PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

ATTEST:

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

APPROVED AS TO FORM:

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

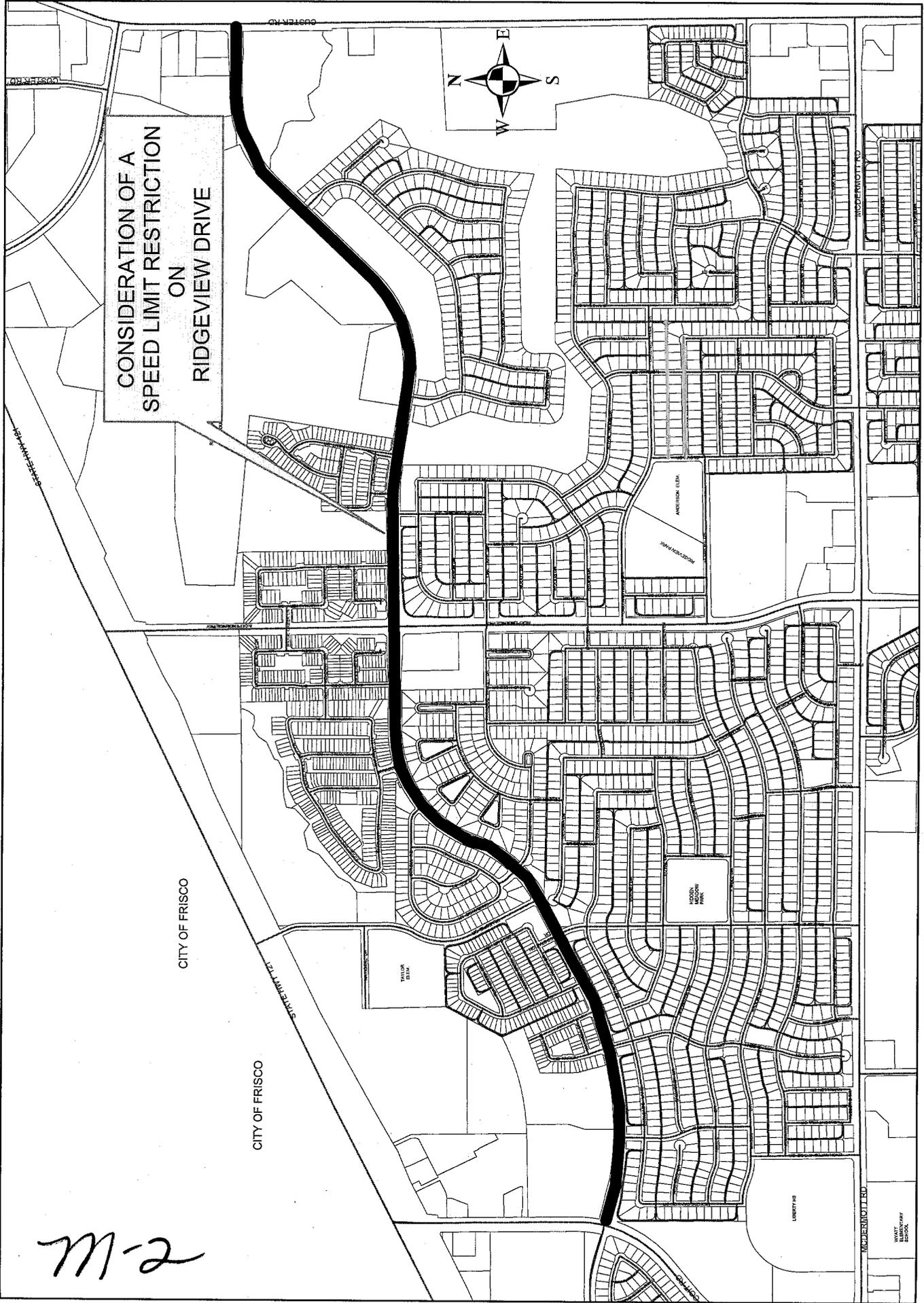
*l-4*



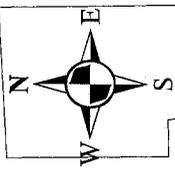
## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>			Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: <b>09/11/06</b>			Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering			Initials	Date
Department Head	Alan Upchurch		Executive Director	<i>[Signature]</i>	9/11/06
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	9/11/06
Agenda Coordinator (include phone #):			I. Pegues 7198 <i>[Signature]</i>		
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
<b>CAPTION</b>					
An Ordinance of the City of Plano, Texas, amending Chapter 12, Motor Vehicles and Traffic, Article IV, Speed, Section 12-74(b), Maximum limits on specific streets, of the City of Plano Code of Ordinances to establish the prima facie speed limit for motor vehicles operating along the portion of Ridgeview Drive between Custer Road and Coit Road within the corporate limits of the City of Plano; authorizing and directing the traffic engineer to cause placement of traffic control devices indicating the speed limit; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date.					
<b>FINANCIAL SUMMARY</b>					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget	0	0	0	0	
Encumbered/Expended Amount	0	0	0	0	
This Item	0	0	0	0	
BALANCE	0	0	0	0	
FUND(S):					
COMMENTS:					
<b>SUMMARY OF ITEM</b>					
Ridgeview Drive has recently been widened and an Engineering study has been completed, which indicates that a 40 MPH speed limit is appropriate and standard for this section of road.					
List of Supporting Documents: Map			Other Departments, Boards, Commissions or Agencies		

*M-1*



CONSIDERATION OF A  
SPEED LIMIT RESTRICTION  
ON  
RIDGEVIEW DRIVE



CITY OF FRISCO

CITY OF FRISCO

M-2

CONSIDERATION OF A  
SPEED LIMIT RESTRICTION ON  
RIDGEVIEW DRIVE



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

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING CHAPTER 12, MOTOR VEHICLES AND TRAFFIC, ARTICLE IV, SPEED, SECTION 12-74(B), MAXIMUM LIMITS ON SPECIFIC STREETS, OF THE CITY OF PLANO CODE OF ORDINANCES TO ESTABLISH THE PRIMA FACIE SPEED LIMIT FOR MOTOR VEHICLES OPERATING ALONG THE PORTION OF RIDGEVIEW DRIVE BETWEEN CUSTER ROAD AND COIT ROAD WITHIN THE CORPORATE LIMITS OF THE CITY OF PLANO; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO CAUSE PLACEMENT OF TRAFFIC CONTROL DEVICES INDICATING THE SPEED LIMIT; PROVIDING A FINE FOR CRIMINAL PENALTIES NOT TO EXCEED \$200.00 FOR EACH OFFENSE; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE, AND AN EFFECTIVE DATE.

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

**WHEREAS**, the portion of Ridgeview Drive between Custer Road and Coit Road is designed as a Type C thoroughfare with characteristics capable of supporting speeds of 40 miles per hour; and

**WHEREAS**, an engineering and traffic investigation was performed on Ridgeview Drive between Custer Road and Coit Road and, based upon that investigation, 40 miles per hour has been determined to be a reasonable and safe speed.

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

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

**Section II.** Section 12-74(b) of Chapter 12 (Motor Vehicles and Traffic) of the City of Plano Code of Ordinances is hereby amended by the addition of the following to the Ridgeview Drive subsection to read verbatim as follows:

“(1) Forty (40) miles per hour along and upon Ridgeview Drive between Custer Road and Coit Road.”

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

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

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

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

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

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

**DULY PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

ATTEST:

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

APPROVED AS TO FORM:

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

M-4



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	<b>09/11/06</b>		Reviewed by Legal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Department:	Engineering		Initials	Date
Department Head	Alan Upchurch		Executive Director	9/1/06
Dept Signature:	<i>Alan Upchurch</i>		City Manager	9/1/06
Agenda Coordinator (include phone #):	I. Pegues 7198			
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				

**CAPTION**

An Ordinance of the City of Plano, Texas, amending Section 12-102(e) of Article V, Stopping, Standing, and Parking of Chapter 12, Motor Vehicles and Traffic of the Plano code of ordinances to include no stopping, standing, or parking prohibition along the south side of Maumelle Drive from Ishnala Trail east to 200' east of Garfield Drive between the hours of 8:00 a.m. to 8:45 a.m. and 3:15 p.m. to 4:00 p.m. on school days; declaring the parking of motor vehicles in said section of Maumelle Drive within the defined time limits as unlawful and a misdemeanor; and providing a severability clause, a penalty clause, and an effective date.

**FINANCIAL SUMMARY**

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

FUND(s):

COMMENTS:

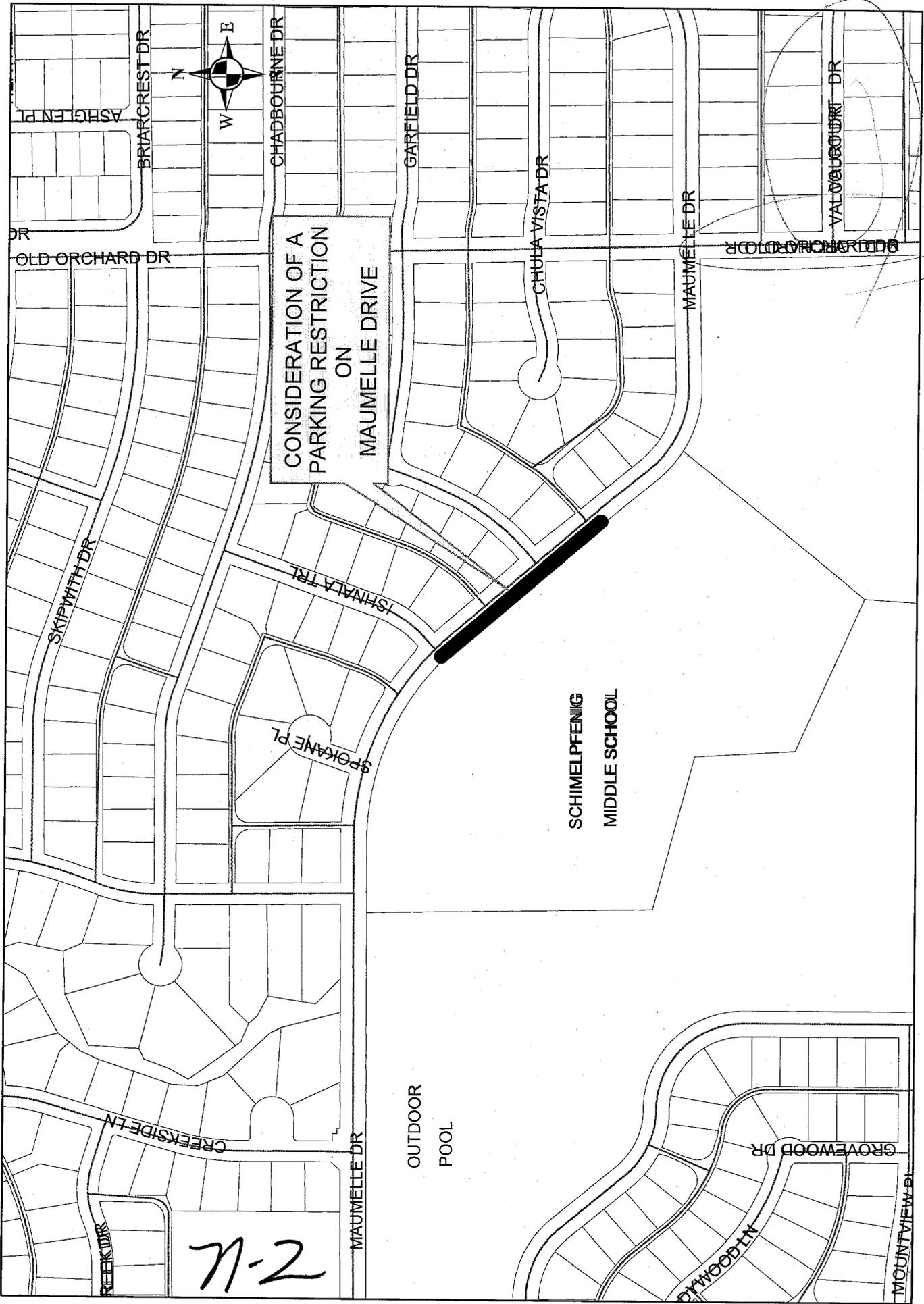
**SUMMARY OF ITEM**

The assistant principal for Schimelpfenig Middle School and the school liaison safety officer have requested that parking be restricted along this section of Maumelle Drive to facilitate the safe pick-up/drop-off of students. After review of site conditions and school operations, the Transportation Engineering Division recommends the proposed parking restriction to enhance traffic and student safety.

List of Supporting Documents:

Map

Other Departments, Boards, Commissions or Agencies



**CONSIDERATION OF A  
PARKING RESTRICTION ON  
MAUMELLE DRIVE**



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

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING SECTION 12-102(E) OF ARTICLE V, STOPPING, STANDING, AND PARKING OF CHAPTER 12, MOTOR VEHICLES AND TRAFFIC OF THE PLANO CODE OF ORDINANCES TO INCLUDE NO STOPPING, STANDING, OR PARKING PROHIBITION ALONG THE SOUTH SIDE OF MAUMELLE DRIVE FROM ISHNALA TRAIL EAST TO 200' EAST OF GARFIELD DRIVE BETWEEN THE HOURS OF 8:00 A.M. TO 8:45 A.M. AND 3:15 P.M. TO 4:00 P.M. ON SCHOOL DAYS; DECLARING THE PARKING OF MOTOR VEHICLES IN SAID SECTION OF MAUMELLE DRIVE WITHIN THE DEFINED TIME LIMITS AS UNLAWFUL AND A MISDEMEANOR; AND PROVIDING A SEVERABILITY CLAUSE, A PENALTY CLAUSE, AND AN EFFECTIVE DATE.

**WHEREAS**, serious traffic congestion in the area of Maumelle Drive by Schimelpfenig Middle School occurs prior to and after school hours, thereby causing safety concerns for students traveling to and from school;

**WHEREAS**, after review and study of traffic patterns for the area in question, the Transportation Division recommends prohibiting stopping, standing or parking of motor vehicles in a section along the south side of Maumelle Drive from Ishnala Trail east to 200' east of Garfield Drive between the hours of 8:00 a.m. to 8:45 a.m. and 3:15 p.m. to 4:00 p.m. on school days to decrease traffic congestion and increase traffic flow;

**WHEREAS**, Maumelle Drive is located within the incorporated limits of the City of Plano, Collin County, Texas, and thus subject to City Council control under Section 3.07(q) of the City of Plano Charter; and

**WHEREAS**, the City Council of the City of Plano finds the prohibition of motor vehicle stopping, standing or parking along the south side of Maumelle Drive from Ishnala Trail east to 200' east of Garfield Drive between the hours of 8:00 a.m. to 8:45 a.m. and 3:15 p.m. to 4:00 p.m. on school days is necessary for the safety of students traveling to and from Hedgcoxe Elementary School.

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

**Section I.** The City Council hereby deems it unlawful for any person to stop, stand or park a motor vehicle along the south side of Maumelle Drive from Ishnala Trail east to 200' east of Garfield Drive between the hours of 8:00 a.m. to 8:45 a.m. and 3:15 p.m. to 4:00 p.m. on school days, except when necessary to avoid conflict with other traffic or in compliance with law or directions of a police officer.

**Section II.** The City Council hereby amends Section 12-102(e) of Article V, *Stopping, Standing, and Parking* of Chapter 12, *Motor Vehicles and Traffic* of the Plano Code of Ordinances to amend the Subsection *Maumelle Drive* to read in its entirety as follows:

"*Maumelle Drive*, along the south side of Maumelle Drive from Ishnala Trail east to 200' east of Garfield Drive."

**Section III.** The City Council authorizes and directs the Traffic Engineer of Plano to place traffic control signs on Maumelle Drive to notify all persons of the prohibited parking area during specified times.

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

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

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

**DULY PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

ATTEST:

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

APPROVED AS TO FORM:

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

M-4



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: <b>09/11/06</b>		Reviewed by Legal <i>wp</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Engineering		Initials	Date	
Department Head	Alan L Upchurch		Executive Director	<i>[Signature]</i> 9/11/06	
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 9/11/06	
Agenda Coordinator (include phone #): <b>Irene Pegues (7198)</b> <i>[Signature]</i>					

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

**CAPTION**

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, ABANDONING ALL RIGHT, TITLE AND INTEREST OF THE CITY, IN AND TO THAT CERTAIN 15-FOOT WATER EASEMENT RECORDED IN VOLUME 5869, PAGE 6224 OF THE LAND RECORDS OF COLLIN COUNTY AND BEING SITUATED IN THE B.M. CRAIG SURVEY, ABSTRACT NUMBER 176, LOCATED AT THE SOUTHWEST CORNER OF PARKER ROAD AND OHIO DRIVE WHICH IS LOCATED WITHIN THE CITY LIMITS OF PLANO, COLLIN COUNTY, TEXAS; QUITCLAIMING ALL RIGHT, TITLE AND INTEREST OF THE CITY IN SUCH EASEMENT TO THE ABUTTING PROPERTY OWNER, PARKER/OHIO VILLAGE LP, TO THE EXTENT OF ITS INTEREST; AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR, TO EXECUTE ANY DOCUMENTS DEEMED NECESSARY; AND PROVIDING AN EFFECTIVE DATE.

**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
<b>BALANCE</b>	0	0	0	0

**FUND(S):**

**COMMENTS:**

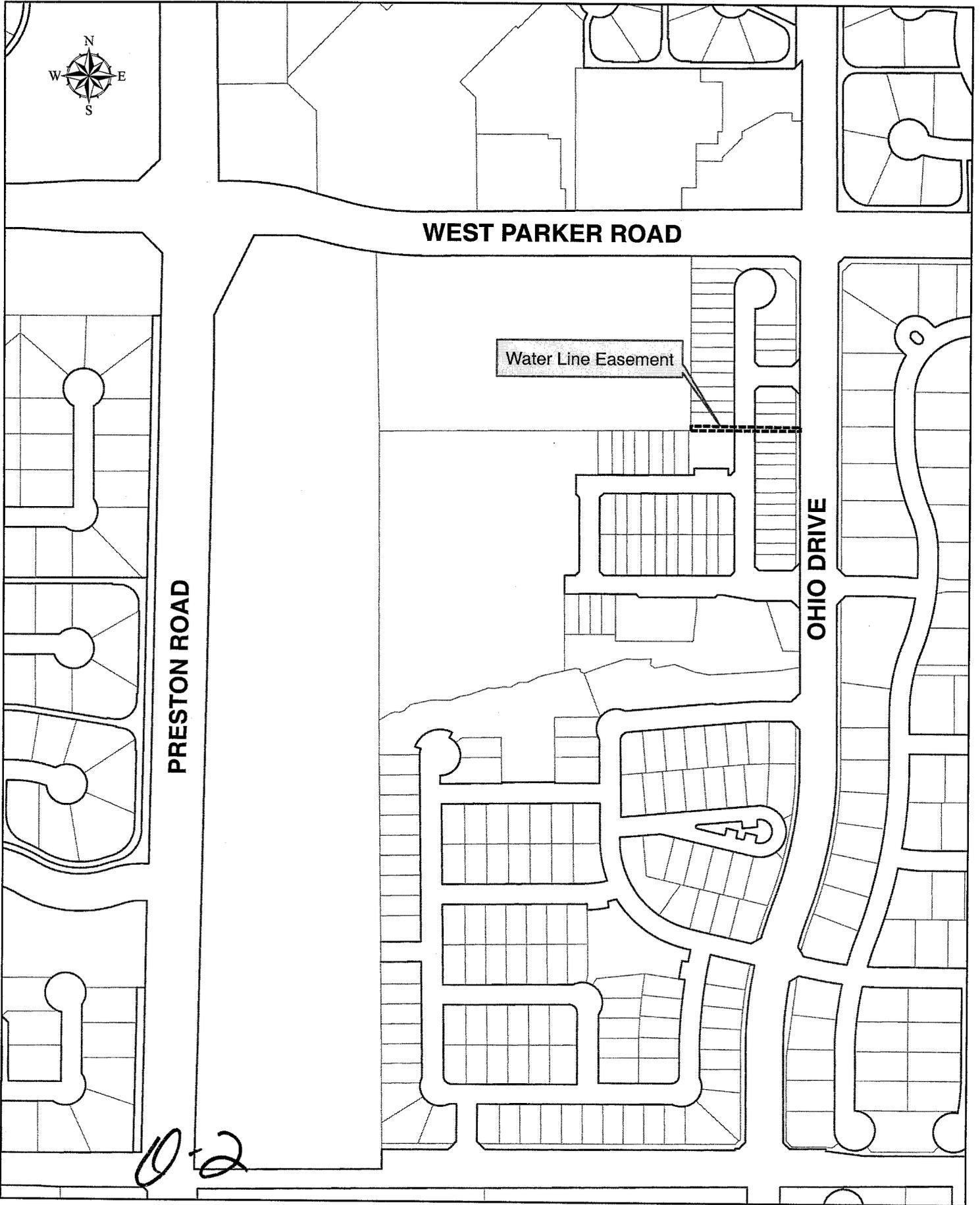
**SUMMARY OF ITEM**

This existing water easement has no water line installed in it and is no longer required. A new water layout with a corresponding water easement is being designed with the development of Preston Villages Phase I.

List of Supporting Documents: Location Map	Other Departments, Boards, Commissions or Agencies n/a
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*0-1*

# 15' WATER EASEMENT



**LOCATION MAP**

08/16/06

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

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, ABANDONING ALL RIGHT, TITLE AND INTEREST OF THE CITY, IN AND TO THAT CERTAIN 15-FOOT WATER EASEMENT RECORDED IN VOLUME 5869, PAGE 6224 OF THE LAND RECORDS OF COLLIN COUNTY AND BEING SITUATED IN THE B.M. CRAIG SURVEY, ABSTRACT NUMBER 176, LOCATED AT THE SOUTHWEST CORNER OF PARKER ROAD AND OHIO DRIVE WHICH IS LOCATED WITHIN THE CITY LIMITS OF PLANO, COLLIN COUNTY, TEXAS; QUITCLAIMING ALL RIGHT, TITLE AND INTEREST OF THE CITY IN SUCH EASEMENT TO THE ABUTTING PROPERTY OWNER, PARKER/OHIO VILLAGE LP, TO THE EXTENT OF ITS INTEREST; AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR, TO EXECUTE ANY DOCUMENTS DEEMED NECESSARY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Plano has been requested to abandon all right, title and interest of the City in and to that certain 15-foot water easement (hereinafter called "Easement") being situated in the B. M. Craig Survey, Abstract Number 176, located at the southwest corner of Parker Road and Ohio Drive, which is located within the City Limits of Plano, Collin County, Texas, and which is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

**WHEREAS**, the Property Owner has filed with the City a Petition for Abandonment, a copy of which is attached hereto as Exhibit "B" (without attached Exhibits) and made a part hereof by reference; and

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

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

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

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

relocate improvements, facilities, equipment or lines in such portion of the Right-of-Way.

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

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

**DULY PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

ATTEST:

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

APPROVED AS TO FORM:

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

0-4

**EXHIBIT A  
LEGAL DESCRIPTION  
WATER LINE EASEMENT  
0.09 ACRE**

**BEING** of a tract of land out of the B.M. CRAIG SURVEY, Abstract No. 176, in the City of Plano, Collin County, Texas, being part of the 51.02 acre tract of land described in deed to Meyer Levy Limited Partnership, recorded in Volume 4063, Page 782 of the Land Records of Collin County, Texas, being all of the Water Line Easement recorded in Volume 5869, Page 6224 of the Land Records of Collin County, Texas, being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod found for the southeast corner of a 7.783 acre tract of land described in deed to Sunrise Plano Seniors Living, LLC recorded in Volume 5694, Page 4018 of the Land Records of Collin County, Texas;

**THENCE** with the east line of said 7.783 acre tract, North 00°28'47" East, a distance of 15.00 feet to a point for corner;

**THENCE** leaving said east line, South 89°31'13" East, a distance of 266.42 feet to a point in the west right-of-way line of Ohio Drive (92' ROW);

**THENCE** with said west right-of-way line, South 00°19'58" West, a distance of 15.00 feet to a point for corner;

**THENCE** leaving said west right-of-way line, North 89°31'13" West, a distance of 266.46 feet to the **POINT OF BEGINNING** and containing 0.09 acre of land.

Bearing system based on the monuments found in the south line of the 7.783 acre tract of land described in deed to Sunrise Plano Seniors Living, LLC recorded in Volume 5694, Page 4018 of the Land Records of Collin County, Texas.



0-5

**EXHIBIT "B"**

**PETITION FOR ABANDONMENT**

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting the **water line easement filed in Volume 5869 Page 6224 LRCCT** (hereinafter called "Easement"), more particularly described by metes and bounds in the field note description attached hereto and incorporated herein as **Exhibit "A-1"** do hereby request that the City of Plano, Texas (called "City") abandon the Easement.

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

**THE EASEMENT DOES NOT CURRENTLY HAVE ANY WATER LINE UTILITIES IN IT. THE EASEMENT WILL BE REPLACED WITH THE NEW EASEMENTS THAT WILL BE GRANTED FOR THE PRESTON VILLAGE TOWN HOME DEVELOPMENT.**

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

**THE EASEMENT CURRENTLY CONFLICTS WITH THE PLANNED PRESTON VILLAGES DEVELOPMENT. THE ABANDONMENT WILL ALLOW THE DEVELOPMENT TO UTILIZE A LOOPED SYSTEM IN LIEU OF THIS SEGMENT.**

- 3. Unless the City determines that this abandonment is exempt from payment of fair market value, the Owners agree to pay to the City the fair market value of the Easement as determined by an appraisal obtained by the City (called "Price"). The appraisal shall be conclusive as to the fair market value. The Owners shall reimburse the City for the cost of the appraisal and other costs incident to the abandonment (called "Costs"). The Price and Costs shall be paid to the City prior to the abandonment. Should the Plano City Council decide not to abandon the Easement, the Price shall be returned to the Owners, but the Costs shall be retained by the City. Each Owner's share of the Price and Costs shall be in the same proportion as their abutting ownership as hereinafter defined.

- 4. If the Owners are providing a replacement easement for the Easement requested to be abandoned herein, Owners will attach a metes and bounds description or plat identifying the replacement easement and attach same to this Petition as **Exhibit "B-1"**.

- 5. The Owners hereby represent and affirm to the City that no other property owner, lessee, tenant or easement or license holder uses the Easement to access or to serve their property.

- 6. The Owners further agree to release, defend, indemnify and hold the City, its officers, agents and employees harmless from and against any and all claims, losses, demands, suits, judgments and costs, including reasonable and necessary attorney's fees and expenses, arising out of, related to or resulting from the abandonment of the Easement by City.
- 7. The Owners understand and agree that the abandonment is in the sole discretion of the Plano City Council. The Owners also understand and agree that the Easement will be abandoned to them in proportion to their abutting ownership. The abutting ownership will be determined by the number of linear feet of frontage adjacent to the Easement owned by each property owner. Based on the foregoing, the Owners hereby represent and affirm that they have searched the public land records and determined that the abutting ownership is in the following proportions:

**PARKER / OHIO VILLAGE, LP 100%**

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

[Remainder of page blank]

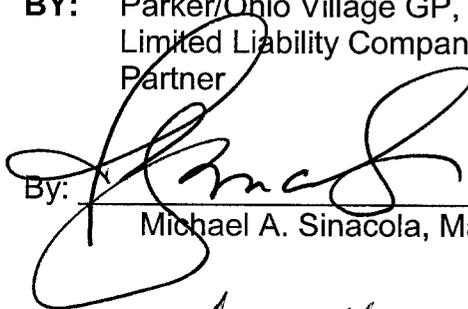
0-7

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

PARKER/OHIO VILLAGE, LP, a Texas Limited Partnership

10950 Research Road  
Frisco, Texas 75034

**BY:** Parker/Ohio Village GP, LLC, a Texas Limited Liability Company, Its General Partner

By:   
 Michael A. Sinacola, Manager

Dated: August 14, 2006

**Contact Person for Property Owners:**

**Name:** Stephen Scott

**Phone No:** 214-577-4241

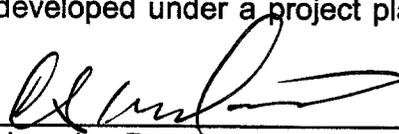
0-8

**EXHIBIT "B"**

**FOR DEPARTMENTAL USE ONLY**

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

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

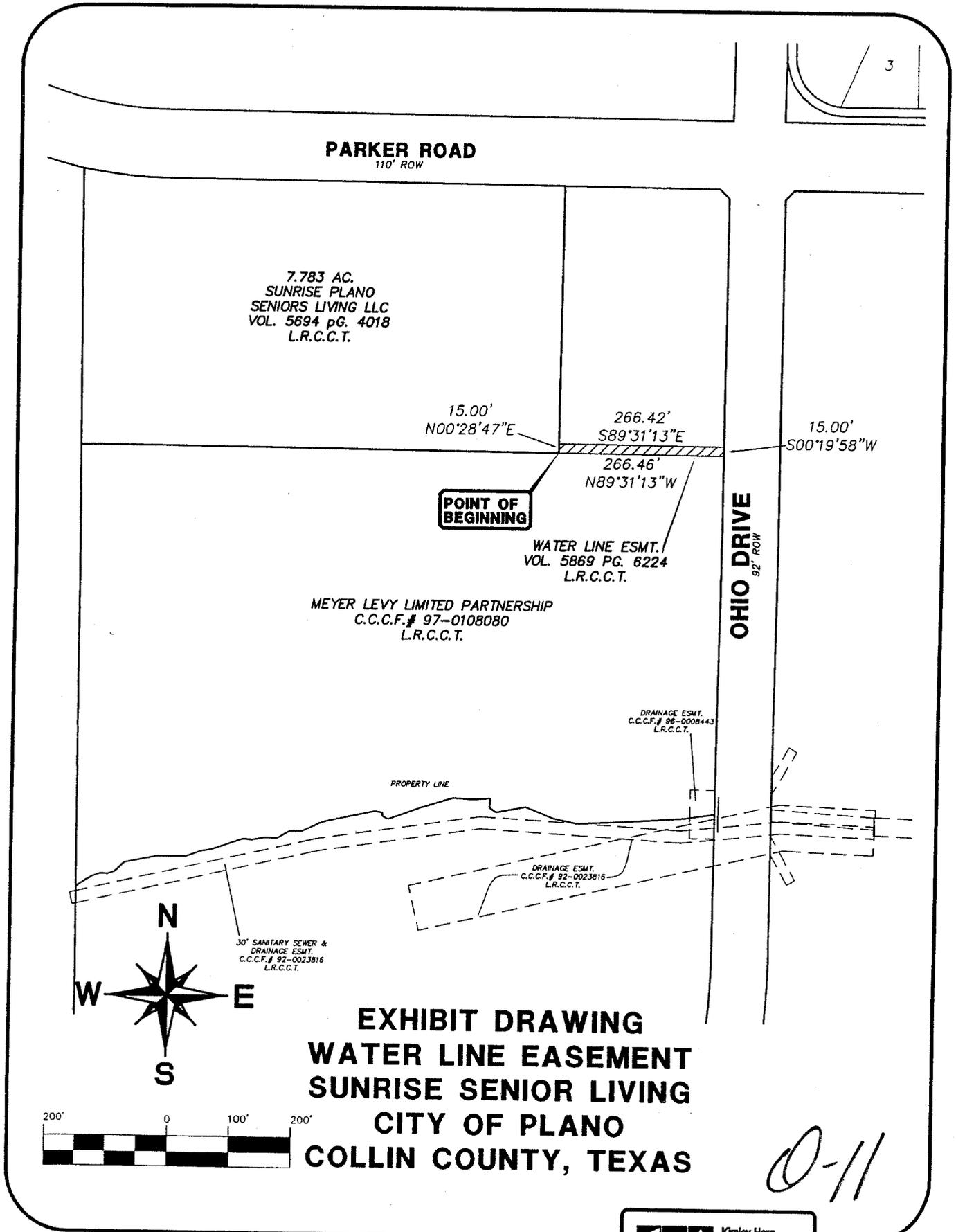
  
 \_\_\_\_\_  
 Engineering Department  
 City of Plano, Texas

**EXHIBIT B-1  
REPLACEMENT EASEMENT**

**THE EASEMENT DOES NOT CURRENTLY HAVE ANY WATER LINE UTILITIES IN IT. THE EASEMENT WILL BE REPLACED WITH THE NEW EASEMENTS THAT WILL BE GRANTED FOR THE PRESTON VILLAGE TOWN HOME DEVELOPMENT.**

*0-10*

EXHIBIT C-1





**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date:	<b>9/11/06</b>	Reviewed by Legal <i>CS</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Budget & Research	Initials	Date		
Department Head	Karen M. Rhodes	Executive Director			
Dept Signature:	<i>KM Rhodes</i>	City Manager	<i>CS</i>	<i>9/15/06</i>	
Agenda Coordinator (include phone #):	<b>Casey Srader (ext. 5152)</b>				
<b>ACTION REQUESTED:</b> <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
<b>CAPTION</b>					
AN ORDINANCE OF THE CITY OF PLANO, TEXAS, APPROVING AND ADOPTING THE BUDGET AND SETTING THE APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND TERMINATING SEPTEMBER 30, 2007.					
<b>FINANCIAL SUMMARY</b>					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>2006-07</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
<b>FUND(S):</b>					
<b>COMMENTS:</b>					
<b>SUMMARY OF ITEM</b>					
This Ordinance adopts the Operating Budget for Fiscal Year 2006-07 and sets the level of appropriations and transfers for the various funds, as reviewed and adjusted by City Council.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Exhibit "A" - Fund Summaries					

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

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, APPROVING AND ADOPTING THE BUDGET AND SETTING THE APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND TERMINATING SEPTEMBER 30, 2007; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, following public notice duly posted and published as required by law, a Public Hearing was held on August 14, 2006, by and before the City Council of the City of Plano, the subject of which was the proposed operating budget of the City of Plano for Fiscal Year 2006-07 as filed and submitted by the City Manager in accordance with provisions of the City Charter and state and federal statutes; and

**WHEREAS**, during said public hearing, all interested persons were given the opportunity to be heard for or against any item or the amount of any item contained in said budget, after which said public hearing was closed; and

**WHEREAS**, the City Council, upon full consideration of the matter, is of the opinion that the budget hereinafter set forth is proper and should be approved and adopted.

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

Section I. Subject to the applicable provisions of state law and the City Charter, the budget for the Fiscal Year beginning October 1, 2006, and terminating September 30, 2007, as filed and submitted by the City Manager and shown attached as Exhibit "A", and adjusted by the City Council, containing estimates of resources and revenues for the year from all of the various sources, and the projects, operations, activities, and purchases proposed to be undertaken during the year, together with the estimated costs thereof, and estimated amounts of all other proposed expenditures, is hereby approved and adopted, as follows:

A.	General Fund - Operating Appropriation:	\$190,249,582
B.	General Fund - Transfer to Property & Liability Loss:	2,664,722
C.	General Fund - Transfer to Economic Development:	6,830,639
D.	General Fund - Transfer to Capital Reserve Fund:	10,250,000
E.	General Fund - Transfer to CATV Fund:	310,111
F.	General Fund - Transfer to Technology Fund:	1,000,000

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G.	Convention & Tourism Fund - Operating Appropriation:	6,754,704
H.	Convention & Tourism Fund - Transfer to General Fund:	322,374
I.	Convention & Tourism Fund - Transfer to Technology Fund:	20,000
J.	Convention & Tourism Fund - Transfer to Debt Service:	140,956
K.	Water & Sewer System Fund - Operating Appropriation:	63,946,139
L.	Water & Sewer System Fund - Transfer to General Fund:	14,748,745
M.	Water & Sewer System Fund - Transfer to Debt Service Fund:	2,550,000
N.	Water & Sewer System Fund - Transfer to Water & Sewer CIP:	7,000,000
O.	Water & Sewer System Fund - Transfer to Capital Reserve:	3,000,000
P.	Water & Sewer System Fund - Transfer to Property & Liability Loss Fund:	593,853
Q.	Water & Sewer System Fund - Transfer to Technology Fund:	300,000
R.	Water & Sewer System Fund - Transfer to Technology Services Fund:	1,958,567
S.	Water & Sewer System Fund - Transfer to Water & Sewer Reserve Fund:	2,000,000
T.	Sustainability & Environmental Services Fund - Operating Appropriation:	19,230,819
U.	Sustainability & Environmental Services Fund - Transfer to General Fund:	801,911
V.	Sustainability & Environmental Services Fund - Transfer to Technology Fund:	60,000

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W.	Sustainability & Environmental Services Fund - Transfer to Property & Liability Loss Fund:	343,273
X.	Municipal Drainage Fund - Operating Appropriation:	2,709,621
Y.	Municipal Drainage Fund - Transfer to General Fund:	336,833
Z.	Municipal Drainage Fund - Transfer to Technology Fund:	20,000
AA.	Municipal Drainage Fund - Transfer to Municipal Drainage Debt:	2,202,118
BB.	Recreation Fund - Operating Appropriation:	2,763,148
CC.	Recreation Fund - Transfer to General Fund:	138,516
DD.	Golf Course Fund - Operating Appropriation:	951,206
EE.	Property & Liability Loss Fund - Operating Appropriation:	4,286,905
FF.	Grant Fund - Operating Appropriation:	2,052,085
GG.	Community Access TV Fund - Operating Appropriation:	994,433
HH.	Criminal Investigation Fund - Operating Appropriation:	180,500
II.	Property Management Fund - Operating Appropriation:	17,000
JJ.	Technology Fund - Operating Appropriation:	26,295,572
KK.	Technology Fund - Transfer to CATV Fund:	250,000
LL.	PC Replacement Fund - Operating Appropriation:	843,429

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MM. General Obligation Bond - Debt Service Appropriation:	37,752,303
NN. Water & Sewer Revenue Bond - Debt Service Appropriation:	3,327,555

Section II. This ordinance shall be in full force and effect from and after its adoption.

**DULY PASSED AND APPROVED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2006.**

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

ATTEST:

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

APPROVED AS TO FORM:

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

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EXHIBIT "A"

GENERAL FUND

	Actual 2004-05	Budget 2005-06	Re-Est 2005-06	Budget 2006-07
<b>UNAPPROPRIATED FUND BALANCE</b>	\$39,496,934	\$30,666,251	\$36,985,479	\$37,478,500
Encumbrance Adjustment			2,238,707	
<b>Revenues</b>				
Taxes	\$110,832,806	\$113,185,223	\$121,490,956	\$127,943,955
Franchise Fees	19,200,897	19,084,469	20,227,241	19,029,151
Fines & Forfeits	8,415,178	9,137,832	9,064,495	9,335,057
Miscellaneous Revenue	1,774,601	2,386,919	2,807,717	2,559,302
Licenses & Permits	5,195,516	4,542,549	6,124,963	5,390,348
Charges for Services	8,026,964	8,060,838	8,474,259	8,374,608
Intergovernmental Revenue	610,118	647,023	649,234	693,566
Subtotal Revenues	\$154,056,080	\$157,044,853	\$168,838,865	\$173,325,987
Intragovernmental Transfers	14,212,602	15,152,727	16,163,795	16,396,880
<b>TOTAL REVENUES &amp; TRANSFERS</b>	<b>\$168,268,682</b>	<b>\$172,197,580</b>	<b>\$185,002,660</b>	<b>\$189,722,867</b>
<b>TOTAL RESOURCES</b>	<b>\$207,765,616</b>	<b>\$202,863,831</b>	<b>\$224,226,846</b>	<b>\$227,201,367</b>
<b>APPROPRIATIONS</b>				
<b>Operating Expense</b>				
Salaries & Wages	\$116,988,246	\$132,943,950	\$129,019,404	\$144,240,207
Materials & Supplies	5,032,373	5,741,423	6,486,834	6,775,712
Contractual	30,917,248	34,734,434	35,379,501	37,936,973
Community Services Agencies	249,786	503,676	503,676	503,676
Sundry	991,898	1,067,355	1,236,726	1,104,165
Reimbursements	(1,237,800)	(1,396,479)	(1,753,053)	(1,777,056)
Subtotal	\$152,941,751	\$173,594,359	\$170,873,088	\$188,783,677
Capital Outlay	1,503,338	1,697,020	2,098,860	1,465,905
<b>TOTAL OPERATIONS</b>	<b>\$154,445,089</b>	<b>\$175,291,379</b>	<b>\$172,971,948</b>	<b>\$190,249,582</b>
Capital Reserve	\$9,723,159	\$10,039,000	\$10,039,000	\$10,250,000
Property & Liability Loss Fund	1,855,159	2,296,360	2,296,360	2,664,722
Technology Fund	1,200,000	0	0	1,000,000
CATV Fund	160,361	200,748	200,748	310,111
Economic Development	657,662	734,106	740,290	6,830,639
Disaster Relief Fund	500,000	0	500,000	0
<b>TOTAL TRANSFERS</b>	<b>\$14,096,341</b>	<b>\$13,270,214</b>	<b>\$13,776,398</b>	<b>\$21,055,472</b>
<b>TOTAL APPROPRIATIONS</b>	<b>\$168,541,430</b>	<b>\$188,561,593</b>	<b>\$186,748,346</b>	<b>\$211,305,054</b>
<b>UNAPPROPRIATED FUND BALANCE</b>	<b>\$39,224,186</b>	<b>\$14,302,238</b>	<b>\$37,478,500</b>	<b>\$15,896,313</b>
<b>Days of Operation</b>				<b>30</b>

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# CONVENTION & TOURISM

	Actual 2004-05	Budget 2005-06	Re-Est 2005-06	Budget 2006-07
<b>WORKING CAPITAL</b>	\$1,414,631	\$1,108,690	\$1,695,601	\$1,126,067
<b>Revenues</b>				
Hotel/Motel Receipts	\$3,423,055	\$3,411,137	\$3,910,904	\$4,008,677
Civic Center Fees	2,195,595	2,184,914	2,356,681	2,388,813
Miscellaneous	8,033	0	0	0
Interest Income	25,919	25,000	67,375	50,000
<b>TOTAL REVENUES</b>	<b>\$5,652,602</b>	<b>\$5,621,051</b>	<b>\$6,334,960</b>	<b>\$6,447,490</b>
<b>TOTAL RESOURCES</b>	<b>\$7,067,233</b>	<b>\$6,729,741</b>	<b>\$8,030,561</b>	<b>\$7,573,556</b>
<b>APPROPRIATIONS</b>				
<b>Operating Expenses</b>				
Convention & Visitors Bureau	\$980,275	\$1,049,427	\$1,079,521	\$1,162,027
Civic Center Operations	2,909,084	3,907,057	3,443,094	3,636,883
Support of the Arts	440,661	511,671	586,636	601,301
Historic Preservation	461,699	511,671	586,636	601,301
Special Events	116,087	133,754	134,656	139,192
Civic Center Equipment Rpl Fund	7,752	15,000	600,000	600,000
Subtotal	\$4,915,558	\$6,128,579	\$6,430,542	\$6,740,704
Capital Outlay	15,007	5,000	10,884	14,000
<b>TOTAL OPERATIONS</b>	<b>\$4,930,565</b>	<b>\$6,133,579</b>	<b>\$6,441,426</b>	<b>\$6,754,704</b>
Transfer to General Fund	\$269,228	\$281,053	\$316,748	\$322,374
Transfer to Technology Fund	20,000	20,000	20,000	20,000
Transfer to Debt Service	151,839	126,320	126,320	140,956
<b>TOTAL TRANSFERS</b>	<b>\$441,067</b>	<b>\$427,373</b>	<b>\$463,068</b>	<b>\$483,330</b>
<b>TOTAL APPROPRIATIONS</b>	<b>\$5,371,632</b>	<b>\$6,560,952</b>	<b>\$6,904,494</b>	<b>\$7,238,034</b>
<b>WORKING CAPITAL</b>	<b>\$1,695,601</b>	<b>\$168,789</b>	<b>\$1,126,067</b>	<b>\$335,522</b>
<b>Days of Operation</b>				18

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# WATER & SEWER

Revised 8/30/06

	Actual 2004-05	Budget 2005-06	Re-Est 2005-06	Budget 2006-07
<b>WORKING CAPITAL</b>	\$6,484,481	\$9,163,610	\$9,850,878	\$7,961,682
<b>Revenues</b>				
Water Income	\$44,851,372	\$46,001,842	\$47,952,616	\$50,350,246
Sewer Income	33,132,658	36,758,496	37,981,846	42,840,000
Water Taps	135,022	120,910	147,840	149,688
Water & Sewer Penalties	1,039,909	973,197	1,229,128	1,235,274
Water Meters	328,260	329,464	210,371	213,001
Construction Water	98,694	83,334	114,535	115,967
Service Connect Fee	186,005	188,457	188,457	190,813
Backflow Testing	219,863	224,520	224,520	227,327
Sewer Tie-On	51,260	51,384	152,160	52,812
Pre-Treatment Permits	34,975	51,612	33,375	33,792
Interest Earnings	0	200,000	200,000	200,000
Transfer from Reserve	4,000,000	2,211,911	0	0
Transfer from Water Impact Fees	328,042	229,630	332,964	267,877
Transfer in for Education Building	0	0	0	148,928
Misc. Income	411,731	376,598	927,348	381,305
<b>TOTAL REVENUES</b>	<b>\$84,817,791</b>	<b>\$87,801,354</b>	<b>\$89,695,159</b>	<b>\$96,407,029</b>
<b>TOTAL RESOURCES</b>	<b>\$91,302,272</b>	<b>\$96,964,964</b>	<b>\$99,546,037</b>	<b>\$104,368,709</b>
<b>APPROPRIATIONS</b>				
<b>Operating Expense</b>				
Salaries & Wages	\$7,598,142	\$8,492,098	\$8,240,461	\$8,839,997
Materials & Supplies	1,757,046	1,904,217	2,112,865	3,253,093
Contractual	3,754,222	4,128,507	4,590,450	4,657,418
NTMWD-Water	25,072,207	25,918,215	25,918,215	27,254,205
NTMWD-Wastewater	10,324,470	10,635,996	11,207,047	11,965,500
NTMWD-Upper E. Fork Interceptor	5,108,435	6,407,060	6,810,201	6,525,120
Retirement of NTMWD Debt-Phase I&II	809,878	824,425	824,425	808,417
Sundry	435,397	321,180	333,657	341,780
Reimbursements	151,308	156,414	157,097	164,104
Subtotal	\$55,011,105	\$58,788,112	\$60,194,418	\$63,809,634
Capital Outlay	1,387,763	69,500	600,696	80,000
<b>TOTAL OPERATIONS</b>	<b>\$56,398,868</b>	<b>\$58,857,612</b>	<b>\$60,795,114</b>	<b>\$63,889,634</b>
Transfer to General Fund	\$12,751,612	\$13,666,561	\$14,651,577	\$14,748,745
Transfer to Debt Service	3,017,060	3,143,129	3,092,067	2,550,000
Transfer to W & S CIP	3,250,000	5,400,000	6,000,000	7,000,000
Transfer to Capital Reserve	3,000,000	3,000,000	3,000,000	3,000,000
Transfer to Loss Fund	495,206	528,396	528,396	593,853
Transfer to Technology Fund	600,000	300,000	300,000	300,000
Transfer to Technology Services	1,938,648	2,043,895	1,891,202	1,958,567
Transfer to Reserve Fund	0	0	0	2,000,000
Transfer for Envir. Ed. Building	0	0	1,326,000	0
Transfer for Sustainability	0	0	0	56,505
<b>TOTAL TRANSFERS</b>	<b>\$25,052,526</b>	<b>\$28,081,981</b>	<b>\$30,789,242</b>	<b>\$32,207,670</b>
<b>TOTAL APPROPRIATIONS</b>	<b>\$81,451,394</b>	<b>\$86,939,593</b>	<b>\$91,584,356</b>	<b>\$96,097,304</b>
<b>WORKING CAPITAL</b>	<b>\$9,850,878</b>	<b>\$10,025,371</b>	<b>\$7,961,682</b>	<b>\$8,271,405</b>
<b>Days of Operation</b>				<b>47</b>

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EXHIBIT   A    
PAGE   3   OF  16

# SUSTAINABILITY & ENVIRONMENTAL SERVICES

	Actual 2004-05	Budget 2005-06	Re-Est 2005-06	Budget 2006-07
<b>WORKING CAPITAL</b>	\$2,017,584	\$1,700,898	\$1,916,933	\$831,751
<b>Revenues</b>				
Commercial Franchise	\$5,254,809	\$5,307,371	\$5,782,842	\$5,900,620
Special Refuse Collection	58,446	54,879	56,200	59,500
Residential Collection	10,145,639	10,415,133	10,432,267	11,335,259
BFI, Inc.	58,223	59,388	63,829	65,106
Recycling	852,059	625,000	767,177	675,000
Sales of Landscape Bags	61,914	65,345	57,817	61,117
Contributions via Utility Billing	14,676	15,000	15,477	15,000
Sale of Compost	492,660	689,160	626,182	676,276
Tipping Fees	357,826	429,000	461,593	567,610
Miscellaneous	156,289	108,678	168,506	160,160
Disposal Reimbursements	46,901	11,000	7,500	8,000
Transfer from W&S - Env.Ed.Bldg.	0	0	1,326,000	0
Transfer from W&S - Sustain.	0	0	0	84,758
<b>TOTAL REVENUES</b>	<b>\$17,499,442</b>	<b>\$17,779,954</b>	<b>\$19,765,390</b>	<b>\$19,608,406</b>
<b>TOTAL RESOURCES</b>	<b>\$19,517,026</b>	<b>\$19,480,852</b>	<b>\$21,682,323</b>	<b>\$20,440,157</b>
<b>APPROPRIATIONS</b>				
<b>Operating Expense</b>				
Salaries & Wages	\$4,605,349	\$5,119,406	\$4,970,347	\$5,477,899
Materials & Supplies	239,555	315,519	325,001	319,045
Contractual	4,652,373	4,980,160	5,234,416	5,934,345
NTMWD	6,341,722	6,499,804	6,518,436	6,652,394
Sundry	74,499	84,133	96,930	101,403
Reimbursements	52,727	43,722	43,893	46,008
Subtotal	\$15,966,225	\$17,042,744	\$17,189,023	\$18,531,094
Capital Outlay	229,299	532,457	2,205,944	312,000
<b>TOTAL OPERATIONS</b>	<b>\$16,195,524</b>	<b>\$17,575,201</b>	<b>\$19,394,967</b>	<b>\$18,843,094</b>
Transfer to General Fund	\$730,166	\$737,475	\$738,240	\$801,911
Transfer to Technology Fund	120,000	60,000	60,000	60,000
Transfer to W&S Fund-Env. Ed. Bldg.	0	0	0	148,928
Transfer to Internal Loan Program	238,797	238,797	238,797	238,797
Transfer to Loss Fund	315,606	378,608	378,608	343,273
Transfer to Pkwy. Svc. Expansion	0	0	39,960	0
<b>TOTAL TRANSFERS</b>	<b>\$1,404,569</b>	<b>\$1,414,880</b>	<b>\$1,455,605</b>	<b>\$1,592,909</b>
<b>TOTAL APPROPRIATIONS</b>	<b>\$17,600,093</b>	<b>\$18,990,081</b>	<b>\$20,850,572</b>	<b>\$20,436,003</b>
<b>WORKING CAPITAL</b>	<b>\$1,916,933</b>	<b>\$490,771</b>	<b>\$831,751</b>	<b>\$4,154</b>
<b>Days of Operation</b>				<b>0</b>

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# MUNICIPAL DRAINAGE UTILITY

	Actual 2004-05	Budget 2005-06	Re-Est 2005-06	Budget 2006-07
<b>WORKING CAPITAL</b>	\$2,053,103	\$3,531,530	\$3,649,654	\$3,608,355
<b>Revenues</b>				
Environmental Assessment Fees:				
Residential Class Fees	\$2,637,165	\$2,721,038	\$2,650,350	\$2,663,602
Commercial Class Fees	2,016,381	2,090,868	2,026,463	\$2,036,595
Transfer - Drainage Debt Service	1,300,000	0	0	0
Miscellaneous	5,401	0	3,500	0
Interest Income	55,407	47,000	108,500	108,500
<b>TOTAL REVENUES</b>	<b>\$6,014,354</b>	<b>\$4,858,906</b>	<b>\$4,788,813</b>	<b>\$4,808,697</b>
<b>TOTAL RESOURCES</b>	<b>\$8,067,457</b>	<b>\$8,390,436</b>	<b>\$8,438,467</b>	<b>\$8,417,052</b>
<b>APPROPRIATIONS</b>				
<b>Operating Expense</b>				
Salaries & Wages	\$916,177	\$1,089,716	\$1,020,365	\$1,241,227
Materials & Supplies	133,561	147,804	284,012	278,244
Contractual	545,934	1,028,495	755,289	864,732
Sundry	1,788	2,200	2,550	2,300
Reimbursements	272,638	292,373	283,892	295,118
Subtotal	\$1,870,098	\$2,560,588	\$2,346,108	\$2,681,621
Capital Outlay	2,127	27,000	52,275	28,000
<b>TOTAL OPERATIONS</b>	<b>\$1,872,225</b>	<b>\$2,587,588</b>	<b>\$2,398,383</b>	<b>\$2,709,621</b>
Transfer to General Fund	\$335,158	\$336,833	\$327,377	\$336,833
Transfer to Technology Fund	40,000	20,000	20,000	20,000
Transfer to Revenue Debt	2,170,420	2,084,352	2,084,352	2,202,118
<b>TOTAL TRANSFERS</b>	<b>\$2,545,578</b>	<b>\$2,441,185</b>	<b>\$2,431,729</b>	<b>\$2,558,951</b>
<b>TOTAL APPROPRIATIONS</b>	<b>\$4,417,803</b>	<b>\$5,028,773</b>	<b>\$4,830,112</b>	<b>\$5,268,572</b>
<b>WORKING CAPITAL</b>	<b>\$3,649,654</b>	<b>\$3,361,663</b>	<b>\$3,608,355</b>	<b>\$3,148,480</b>
<b>Days of Operation</b>				424

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# RECREATION REVOLVING

	Actual 2004-05	Budget 2005-06	Re-Est 2005-06	Budget 2006-07
<b>WORKING CAPITAL</b>	\$124,334	\$154,752	\$235,661	\$186,932
<b>Revenues</b>				
Recreation Fees	\$2,561,746	\$2,579,221	\$2,537,560	\$2,721,127
Contributions	9,213	7,538	9,500	9,500
Interest Income	14,468	9,500	20,000	20,000
Sundry	29,136	19,843	30,000	19,700
<b>TOTAL REVENUES</b>	<b>\$2,614,563</b>	<b>\$2,616,101</b>	<b>\$2,597,060</b>	<b>\$2,770,327</b>
<b>TOTAL RESOURCES</b>	<b>\$2,738,897</b>	<b>\$2,770,853</b>	<b>\$2,832,721</b>	<b>\$2,957,259</b>
<b>APPROPRIATIONS</b>				
<b>Operating Expense</b>				
Salaries & Wages	\$911,914	\$954,824	\$981,202	\$1,131,459
Materials & Supplies	167,152	180,393	179,735	195,650
Contractual	1,271,134	1,268,800	1,298,724	1,369,799
Sundry	23,895	56,525	56,275	28,740
Subtotal	\$2,374,095	\$2,460,542	\$2,515,936	\$2,725,648
Capital Outlay	2,703	0	0	37,500
<b>TOTAL OPERATIONS</b>	<b>\$2,376,798</b>	<b>\$2,460,542</b>	<b>\$2,515,936</b>	<b>\$2,763,148</b>
General Fund	\$126,438	\$130,805	\$129,853	\$138,516
<b>TOTAL TRANSFERS</b>	<b>\$126,438</b>	<b>\$130,805</b>	<b>\$129,853</b>	<b>\$138,516</b>
<b>TOTAL APPROPRIATIONS</b>	<b>\$2,503,236</b>	<b>\$2,591,347</b>	<b>\$2,645,789</b>	<b>\$2,901,664</b>
<b>WORKING CAPITAL</b>	<b>\$235,661</b>	<b>\$179,506</b>	<b>\$186,932</b>	<b>\$55,595</b>
<b>Days of Operation</b>				<b>7</b>

1-11

# GOLF COURSE

	Actual 2004-05	Budget 2005-06	Re-Est 2005-06	Budget 2006-07
<b>WORKING CAPITAL</b>	(\$1,499)	\$8,299	(\$53,313)	\$8,592
<b>Revenues</b>				
Golf Fees	\$915,840	\$1,070,600	\$904,500	\$950,000
Concessions	7,786	18,250	8,000	8,000
Room Rental	480	8,000	2,000	2,000
Interest Income	2,725	5,000	5,000	5,000
Miscellaneous	85,189	0	7,915	5,000
Transfer from Developer's Escrow	0	0	789,913	0
<b>TOTAL REVENUES</b>	<b>\$1,012,020</b>	<b>\$1,101,850</b>	<b>\$1,717,328</b>	<b>\$970,000</b>
<b>TOTAL RESOURCES</b>	<b>\$1,010,521</b>	<b>\$1,110,149</b>	<b>\$1,664,015</b>	<b>\$978,592</b>
<b>APPROPRIATIONS</b>				
<b>Operating Expense</b>				
Salaries & Wages	\$581,060	\$577,368	\$559,770	\$573,104
Supplies	99,789	143,450	135,694	135,694
Contractual Services	169,266	144,450	169,108	192,970
Sundry Charges	688	760	938	938
Subtotal	\$850,803	\$866,028	\$865,510	\$902,706
Capital Outlay	600	0	0	0
<b>TOTAL OPERATIONS</b>	<b>\$851,403</b>	<b>\$866,028</b>	<b>\$865,510</b>	<b>\$902,706</b>
Transfer to Clubhouse Reserve Loan	\$212,431	\$212,431	\$789,913	\$0
Transfer to General Fund	0	0	0	48,500
<b>TOTAL TRANSFERS</b>	<b>\$212,431</b>	<b>\$212,431</b>	<b>\$789,913</b>	<b>\$48,500</b>
<b>TOTAL APPROPRIATIONS</b>	<b>\$1,063,834</b>	<b>\$1,078,459</b>	<b>\$1,655,423</b>	<b>\$951,206</b>
<b>WORKING CAPITAL</b>	<b>(\$53,313)</b>	<b>\$31,690</b>	<b>\$8,592</b>	<b>\$27,386</b>
<b>Days of Operation</b>				<b>11</b>

1-12

# PROPERTY & LIABILITY LOSS

	Actual 2004-05	Budget 2005-06	Re-Est 2005-06	Budget 2006-07
<b>WORKING CAPITAL</b>	\$2,463,421	\$1,495,308	\$1,819,234	\$1,341,615
<b>Resources</b>				
General Fund Transfer In	\$1,855,159	\$2,296,360	\$2,296,360	\$2,664,722
Water & Sewer Fund Transfer In	495,206	528,396	528,396	593,853
Environmental Waste Fund Transfer In	315,606	378,608	378,608	343,273
Claims Recovered	174,719	125,000	208,653	150,000
Interest Earned	98,974	150,000	164,500	175,000
<b>TOTAL REVENUES</b>	\$2,939,664	\$3,478,364	\$3,576,517	\$3,926,848
<b>TOTAL RESOURCES</b>	\$5,403,085	\$4,973,672	\$5,395,751	\$5,268,463
<b>APPROPRIATIONS</b>				
Workers' Compensation	\$1,701,417	\$1,374,500	\$1,374,500	\$1,500,000
Judgements and Damages	328,270	1,000,000	944,789	900,000
Property Damage	0	0	0	100,000
Risk Management Operations	1,554,164	1,741,400	1,734,847	1,786,905
<b>TOTAL APPROPRIATIONS</b>	\$3,583,851	\$4,115,900	\$4,054,136	\$4,286,905
<b>UNAPPROPRIATED FUND BALANCE</b>	\$1,819,234	\$857,772	\$1,341,615	\$981,558

# CDBG GRANT

	Actual 2004-05	Budget 2005-06	Re-Est 2005-06	Budget 2006-07
<b>TOTAL CDBG REVENUES</b>	\$1,508,451	\$1,411,056	\$1,411,045	\$ 2,052,085
<b>APPROPRIATIONS</b>				
Housing Rehabilitation	\$687,307	\$833,829	\$833,829	\$1,064,526
Administrative	80,000	45,000	45,000	91,293
Samaritan Inn	36,300	30,000	30,000	0
Homelessness Prevention	18,300	0	0	17,000
Homeownership Program	140,300	12,500	12,500	25,000
American Dream Downpayment Initiative	0	0	0	10,281
CITY House	0	64,850	64,850	0
Collin County Committee on Aging	20,950	22,000	22,000	0
Collin County MHMR/ Lifepath Systems	24,800	0	0	29,000
Children's Advocacy Center	69,800	38,000	38,000	0
Plano Housing Corporation	14,300	43,246	43,246	125,000
Collin County Information and Referral / Assistance Center of Collin County	45,167	22,608	22,608	59,000
Plano Area Habitat for Humanity	0	0	0	115,000
Collin Intervention to Youth	34,548	0	0	126,386
Even Start	0	16,000	16,000	0
Plano International Preschool	0	10,500	10,500	20,000
Boys and Girls Clubs / Douglass Branch	22,800	16,000	16,000	0
Aids Services of North Texas	24,150	24,000	24,000	0
Transportation Services	1,300	1,000	1,000	500
Plano Housing Authority	0	0	0	21,500
Hope's Door	19,300	21,000	21,000	0
Organization for Latin Americans	8,300	0	0	0
Legal Aid of NorthWest Texas	0	0	0	9,409
Plano Community Homes	177,929	164,523	164,523	266,390
Dental Health Programs	6,300	6,000	6,000	0
Communities in Schools Dallas	26,300	24,000	24,000	31,800
Frank H. Brown Foundation	50,300	0	0	0
Geriatric Wellness Center	0	16,000	16,000	0
Christ United Methodist Church	0	0	0	40,000
<b>TOTAL APPROPRIATIONS</b>	\$1,508,451	\$1,411,056	\$1,411,056	\$2,052,085

1-14

# COMMUNITY ACCESS TV

	Actual 2004-05	Budget 2005-06	Re-Est 2005-06	Budget 2006-07
<b>WORKING CAPITAL</b>	\$388,016	\$186,507	\$293,588	\$84,531
<b>Revenues</b>				
Plano Television Network Fee	\$198,247	\$194,097	\$208,464	\$208,464
Interest Income	6,579	10,000	9,625	9,625
Cable Community Grant	150,000	150,000	150,000	150,000
Transfer In Gen Fund - Franchise Fees	160,361	200,748	200,748	310,111
Transfer In Technology Fund	250,000	250,000	250,000	250,000
Miscellaneous	1,202	1,000	1,000	1,000
<b>TOTAL REVENUES</b>	<b>\$766,389</b>	<b>\$805,845</b>	<b>\$819,837</b>	<b>\$929,200</b>
<b>TOTAL RESOURCES</b>	<b>\$1,154,405</b>	<b>\$992,352</b>	<b>\$1,113,425</b>	<b>\$1,013,731</b>
<b>APPROPRIATIONS</b>				
<b>Operating Expense</b>				
Salaries & Wages	\$745,489	\$774,631	\$771,902	\$827,319
Materials & Supplies	23,558	50,556	55,720	59,689
Contractual	84,236	117,332	177,571	105,225
Equipment Reserve Fund	0	5,000	0	0
Sundry	680	2,000	2,502	2,200
Subtotal	\$853,963	\$949,519	\$1,007,695	\$994,433
Capital Outlay	6,854	6,000	21,199	0
<b>TOTAL APPROPRIATIONS</b>	<b>\$860,817</b>	<b>\$955,519</b>	<b>\$1,028,894</b>	<b>\$994,433</b>
<b>WORKING CAPITAL</b>	<b>\$293,588</b>	<b>\$36,833</b>	<b>\$84,531</b>	<b>\$19,298</b>
<b>Days of Operation</b>				<b>7</b>

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# CRIMINAL INVESTIGATION

	Actual 2004-05	Budget 2005-06	Re-Est 2005-06	Budget 2006-07
<b>UNAPPROPRIATED FUND BALANCE</b>	\$692,978	\$572,839	\$708,444	\$680,944
Forfeited Property	\$105,296	\$100,000	\$50,000	\$50,000
Interest	12,901	18,000	23,000	22,000
Auction Proceeds	31,763	20,000	80,000	80,000
Miscellaneous	19,295	0	0	0
<b>TOTAL REVENUES</b>	\$169,255	\$138,000	\$153,000	\$152,000
<b>TOTAL RESOURCES</b>	\$862,233	\$710,839	\$861,444	\$832,944
<b>APPROPRIATIONS</b>				
<b>Operating Expense</b>				
Materials & Supplies	\$123,272	\$46,000	\$101,000	\$102,500
Contractual - Professional	8,760	9,000	9,000	10,000
Reimbursements to Other Funds	7,763	0	0	0
Capital Outlay	13,995	125,500	70,500	68,000
<b>TOTAL APPROPRIATIONS</b>	\$153,790	\$180,500	\$180,500	\$180,500
<b>UNAPPROPRIATED FUND BALANCE</b>	\$708,444	\$530,339	\$680,944	\$652,444

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# PROPERTY MANAGEMENT

	Actual 2004-05	Budget 2005-06	Re-Est 2005-06	Budget 2006-07
<b>WORKING CAPITAL</b>	\$251,250	\$279,250	\$283,300	\$341,925
<b>Revenues</b>				
Rents	\$84,468	\$68,500	\$68,500	\$68,500
Interest	4,795	6,000	9,625	9,625
<b>TOTAL REVENUES</b>	\$89,263	\$74,500	\$78,125	\$78,125
<b>TOTAL RESOURCES</b>	\$340,513	\$353,750	\$361,425	\$420,050
<b>APPROPRIATIONS</b>				
<b>Operating Expense</b>				
Materials & Supplies	\$2,914	\$1,000	\$2,743	\$1,000
Contractual	54,299	18,500	16,757	16,000
Sundry	8,532	0	0	0
Subtotal	\$57,213	\$19,500	\$19,500	\$17,000
Capital Outlay	0	0	0	0
<b>TOTAL OPERATIONS</b>	\$57,213	\$19,500	\$19,500	\$17,000
<b>TOTAL APPROPRIATIONS</b>	\$57,213	\$19,500	\$19,500	\$17,000
<b>WORKING CAPITAL</b>	\$283,300	\$334,250	\$341,925	\$403,050

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# TECHNOLOGY FUND

	Actual 2004-05	Budget 2005-06	Re-Est 2005-06	Budget 2006-07
<b>WORKING CAPITAL</b>	\$2,690,381	\$1,074,755	\$2,983,210	\$945,056
<b>Revenues</b>				
General Fund	\$1,200,000	\$0	\$0	\$1,000,000
Water & Sewer Fund	600,000	300,000	300,000	300,000
Sustainability & Environmental	120,000	60,000	60,000	60,000
Municipal Drainage Fund	40,000	20,000	20,000	20,000
Convention & Tourism Fund	20,000	20,000	20,000	20,000
Interest Earnings	53,809	37,000	75,000	50,000
Transfer from Network Infrastructure Fund	0	0	0	4,500,000
Certificates of Obligation	0	3,220,000	3,220,000	20,500,000
<b>TOTAL REVENUES</b>	<b>\$2,033,809</b>	<b>\$3,657,000</b>	<b>\$3,695,000</b>	<b>\$26,450,000</b>
<b>TOTAL RESOURCES</b>	<b>\$4,724,190</b>	<b>\$4,731,755</b>	<b>\$6,678,210</b>	<b>\$27,395,056</b>
<b>APPROPRIATIONS</b>				
<b>Operating Expense</b>				
Materials & Supplies	\$28,623	\$26,071	\$26,071	\$326,692
Contractual Services	286,489	491,786	518,435	1,676,989
Capital Outlay:	0			
Implements & Apparatus	0	0	1,188	1,647,360
Software	469,372	419,519	459,359	467,825
Computer Hardware	549,870	2,685,695	2,771,515	1,278,565
Telecommunications Hardware	23,205	286,247	286,247	384,641
GIS Hardware	133,420	3,500	16,137	0
GIS Software	0	21,600	34,145	13,500
Moto Mesh Network	0	0	0	20,500,000
Prior Year Project Reserves	0	0	1,370,057	0
<b>TOTAL OPERATIONS</b>	<b>\$1,490,980</b>	<b>\$3,934,418</b>	<b>\$5,483,154</b>	<b>\$26,295,572</b>
Transfer to CATV	250,000	250,000	250,000	250,000
<b>TOTAL TRANSFERS</b>	<b>\$250,000</b>	<b>\$250,000</b>	<b>\$250,000</b>	<b>\$250,000</b>
<b>TOTAL APPROPRIATIONS</b>	<b>\$1,740,980</b>	<b>\$4,184,418</b>	<b>\$5,733,154</b>	<b>\$26,545,572</b>
<b>WORKING CAPITAL</b>	<b>\$2,983,210</b>	<b>\$547,337</b>	<b>\$945,056</b>	<b>\$849,484</b>

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# PC REPLACEMENT FUND

	Actual 2004-05	Budget 2005-06	Re-Est 2005-06	Budget 2006-07
<b>WORKING CAPITAL</b>	\$566,085	\$803,449	\$804,635	\$620,480
<b>Revenues</b>				
General Fund	\$538,553	\$589,635	\$690,843	\$650,264
Govt Access/CATV	5,895	6,317	6,289	4,223
Municipal Court Tech	2,539	9,369	6,742	6,289
Water & Sewer Fund	37,800	42,862	42,201	41,614
Sustainability & Environmental	14,527	13,124	14,232	18,006
Convention & Tourism	14,440	15,014	14,985	14,174
Golf Course	411	411	411	411
Recreation Revolving	411	411	956	925
Municipal Courts Bldg. Security	0	396	396	396
Equipment Maintenance	7,977	7,977	7,977	8,066
Office Services	1,979	2,823	2,766	2,668
Municipal Warehouse	1,633	1,659	1,645	1,232
Property/Liability	4,069	4,120	4,092	4,253
Technology Services	37,962	66,287	68,162	71,172
Economic Development	2,036	2,062	2,048	2,362
Miscellaneous	14,715	30,000	31,000	30,000
<b>TOTAL REVENUES</b>	<b>\$684,947</b>	<b>\$792,466</b>	<b>\$894,745</b>	<b>\$856,055</b>
<b>TOTAL RESOURCES</b>	<b>\$1,251,032</b>	<b>\$1,595,915</b>	<b>\$1,699,380</b>	<b>\$1,476,535</b>
<b>APPROPRIATIONS</b>				
<b>Operating Expense</b>				
Non-Capital Software	273,612	0	0	0
Non-Capital Hardware	0	422,236	473,050	832,725
Capital Software	0	0	0	0
Capital Computer Hardware	172,785	405,850	405,850	10,704
<b>TOTAL OPERATIONS</b>	<b>\$446,397</b>	<b>\$828,086</b>	<b>\$878,900</b>	<b>\$843,429</b>
<b>TRANSFERS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL APPROPRIATIONS</b>	<b>\$446,397</b>	<b>\$828,086</b>	<b>\$878,900</b>	<b>\$843,429</b>
<b>WORKING CAPITAL</b>	<b>\$804,635</b>	<b>\$767,829</b>	<b>\$820,480</b>	<b>\$633,106</b>
<b>Computer Reserve</b>	<b>\$0</b>	<b>\$0</b>	<b>\$200,000</b>	<b>\$200,000</b>
<b>PC Replacement Fund Unreserved</b>		<b>\$767,829</b>	<b>\$620,480</b>	<b>\$433,106</b>
<b>Total Working Capital</b>		<b>\$767,829</b>	<b>\$820,480</b>	<b>\$633,106</b>

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# GENERAL OBLIGATION DEBT SERVICE

	Actual 2004-05	Budget 2005-06	Re-Est 2005-06	Budget 2006-07
<b>UNAPPROPRIATED FUND</b>				
<b>BALANCE</b>	\$224,323	\$2,145,314	\$1,937,365	\$509,520
<b>Revenues</b>				
Property Tax				
Current	\$35,134,773	\$34,654,531	\$34,654,531	\$36,587,981
Delinquent	200,478	356,563	356,563	377,822
Penalty & Interest	180,869	142,625	144,001	151,129
Fund Interest Income	404,650	550,000	950,000	1,000,000
Transfer-Conv. & Tour. Fund	151,839	126,320	126,320	140,956
Tri-City Reimbursement	342,758	73,994	73,868	73,722
<b>TOTAL REVENUES</b>	<b>\$36,415,367</b>	<b>\$35,904,034</b>	<b>\$36,305,284</b>	<b>\$38,331,610</b>
<b>TOTAL RESOURCES</b>	<b>\$36,639,690</b>	<b>\$38,049,348</b>	<b>\$38,242,649</b>	<b>\$38,841,130</b>
<b>APPROPRIATIONS</b>				
<b>Bond and Certificates</b>				
Principal	\$19,407,991	\$20,510,000	\$20,510,000	\$20,900,000
Interest	11,628,274	11,223,141	12,402,583	12,154,621
Transfer to Public Safety Tech Fund	2,712,250	2,695,000	2,695,000	2,682,750
Transfer to Network Infrastructure Fund	928,906	931,500	931,500	0
Transfer to Tech Infrastructure & Public Art	0	0	0	562,000
Exchanges Fees	24,904	2,306	14,604	12,500
Subtotal	\$34,702,325	\$35,361,947	\$36,553,687	\$36,311,871
<b>New Debt</b>	<b>0</b>	<b>1,698,028</b>	<b>1,179,442</b>	<b>1,440,432</b>
<b>TOTAL APPROPRIATIONS</b>	<b>\$34,702,325</b>	<b>\$37,059,975</b>	<b>\$37,733,129</b>	<b>\$37,752,303</b>
<b>UNAPPROPRIATED FUND BALANCE</b>	<b>\$1,937,365</b>	<b>\$989,373</b>	<b>\$509,520</b>	<b>\$1,088,827</b>

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# WATER & SEWER DEBT SERVICE

	Actual 2004-05	Budget 2005-06	Re-Est 2005-06	Budget 2006-07
<b><u>RESERVE FUND</u></b>				
<b>WORKING CAPITAL</b>	\$913,981	\$913,981	\$934,943	\$934,943
Adjustment to Bond Reserve	(121,667)	0	0	0
Fund Interest Income	142,629	0	0	0
<b>TOTAL</b>	<b>\$20,962</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FUND BALANCE</b>	<b>\$934,943</b>	<b>\$913,981</b>	<b>\$934,943</b>	<b>\$934,943</b>
<b><u>SINKING FUND</u></b>				
<b>UNAPPROPRIATED FUND BALANCE</b>	\$1,513,965	\$1,602,730	\$1,594,130	\$2,022,051
Transfer In (W & S Fund)	\$3,017,060	\$3,143,129	\$3,092,067	\$2,550,000
Transfer to Escrow & Adj.	(190,992)	0	0	0
Transfer In (Water Impact Fees)	532,132	372,492	540,114	434,536
Transfer In (Sewer Impact Fees)	319,866	223,906	324,664	261,201
Fund Interest Income	72,033	60,000	98,000	98,000
<b>TOTAL</b>	<b>\$3,750,099</b>	<b>\$3,799,527</b>	<b>\$4,054,845</b>	<b>\$3,343,737</b>
<b>TOTAL RESOURCES</b>	<b>\$5,264,064</b>	<b>\$5,402,257</b>	<b>\$5,648,975</b>	<b>\$5,365,788</b>
<b><u>APPROPRIATIONS</u></b>				
Principal	\$3,150,000	\$2,516,126	\$2,516,126	\$2,442,042
Interest	519,164	1,109,768	1,109,768	884,551
Fees	770	1,030	1,030	962
Subtotal	\$3,669,934	\$3,626,924	\$3,626,924	\$3,327,555
<b>TOTAL APPROPRIATIONS</b>	<b>\$3,669,934</b>	<b>\$3,626,924</b>	<b>\$3,626,924</b>	<b>\$3,327,555</b>
<b>UNAPPROPRIATED FUND BALANCE</b>	<b>\$1,594,130</b>	<b>\$1,775,333</b>	<b>\$2,022,051</b>	<b>\$2,038,233</b>

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**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: <b>9/11/06</b>		Reviewed by Legal <i>ny</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Budget & Research		Initials	Date	
Department Head	Karen Rhodes		Executive Director		
Dept Signature:	<i>Karen Rhodes</i>		City Manager <i>[Signature]</i>		
Agenda Coordinator (include phone #): <b>Elizabeth Dorrance x7146</b>					

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

**CAPTION**

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, APPROVING AND ADOPTING THE COMMUNITY INVESTMENT PROGRAM AND SETTING THE APPROPRIATIONS FOR 2006-07; AND PROVIDING AN EFFECTIVE DATE.

**FINANCIAL SUMMARY**

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

FISCAL YEAR: <b>2006-07</b>	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 approves and adopts the capital improvement projects in the Community Investment Program to be completed or undertaken in 2006-07, and sets the level of appropriations for the various funds, as reviewed by the City Council.

List of Supporting Documents:

Other Departments, Boards, Commissions or Agencies

*2-1*

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

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, APPROVING AND ADOPTING THE COMMUNITY INVESTMENT PROGRAM AND SETTING THE APPROPRIATIONS FOR 2006-07; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, following public notice duly posted and published as required by law, a public hearing was held on August 14, 2006, by and before the City Council of the City of Plano, the subject of which was the proposed Operating Budget and Community Investment Program of the City of Plano for Fiscal Year 2006-07; and

**WHEREAS**, during said Public Hearing, all interested persons were given the opportunity to be heard for or against any item or the amount of any item contained in said Community Investment Program, after which said Public Hearing was closed; and

**WHEREAS**, the City Council, upon full consideration of the matter, is of the opinion that the appropriations for the 2006-07 Community Investment Program hereinafter set forth is proper and should be approved and adopted.

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

Section I. Appropriations for the Community Investment Program for the year beginning October 1, 2006 and ending September 30, 2007, as filed and submitted by the City Manager, containing estimates for the various projects to be expended, is hereby approved and adopted as follows:

A.	Police and Court Facilities Fund	930,000
B.	Library Facilities Fund	1,500,000
C.	Fire Facilities Fund	3,650,000
D.	Animal Shelter Facilities Fund	1,155,000
E.	Creative & Performing Arts Fund	2,644,000
F.	Park Improvements Fund	16,507,000
G.	Recreation Centers Fund	11,746,000
H.	Street Improvements Fund	39,194,000
I.	Park Fee Program	1,385,000
J.	Capital Reserve Fund	14,562,000

2-2

K.	Municipal Drainage CIP Fund	3,745,000
L.	Water Projects Fund	4,904,433
M.	Sewer Projects Fund	3,839,433
N.	Public Art Fund	380,500

Section II. This Ordinance shall be in full force and effect from and after its passage.

**DULY PASSED AND APPROVED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

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

ATTEST:

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

APPROVED AS TO FORM:

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

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**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: <b>9/11/06</b>		Reviewed by Legal <i>JS</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Budget & Research		Initials	Date
Department Head	Karen M. Rhodes	Executive Director		
Dept Signature:	<i>Karen M. Rhodes</i>	City Manager	<i>JS</i>	<i>9/15/06</i>
Agenda Coordinator (include phone #): <b>Casey Srader (ext. 5152)</b>				
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
<b>CAPTION</b>				
AN ORDINANCE OF THE CITY OF PLANO, TEXAS, APPROVING AND ADOPTING THE TAX RATE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND TERMINATING SEPTEMBER 30, 2007, AND PROVIDING AN EFFECTIVE DATE.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>2006-07</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
This ordinance sets the ad valorem tax rate for 2006-07 at 47.35 cents per \$100 assessed valuation, to be distributed as follows:				
30.80 for Operations & Maintenance				
<u>16.55 for General Obligation Debt</u>				
47.35 Total Tax Rate				
This Tax Rate will raise taxes for Maintenance and Operations on a \$100,000 home by approximately \$15.36 and will raise taxes for Debt Service by approximately \$0.64.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

*3-1*

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

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, APPROVING AND ADOPTING THE TAX RATE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND TERMINATING SEPTEMBER 30, 2007; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Plano has been presented with a proposed Ad Valorem Tax Rate for Fiscal Year 2006-07, and such Tax Rate would impose an amount of taxes that would exceed the levy for Fiscal Year 2005-06; and

**WHEREAS**, Section 26.05 of the Texas Tax Code, as amended, provides that the City may not adopt a Tax Rate for Fiscal Year 2006-07 that exceeds the lower of the Rollback Tax Rate or the Effective Tax Rate calculated without notice of and holding two public hearings on the proposed tax rate; and

**WHEREAS**, following public notice duly posted and published as required by law, two Public Hearings were held on August 24, 2006, and August 28, 2006, by and before the City Council of the City of Plano; and

**WHEREAS**, the proposed tax rate does exceed the Effective Tax Rate; and

**WHEREAS**, upon full review of and consideration of the matter, the City Council is of the opinion that the proposed Tax Rate for Fiscal Year 2006-07 should be approved and adopted for Fiscal Year 2006-07.

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

Section 1. There is hereby levied and shall be assessed for the Fiscal Year 2006-07 of the City of Plano an Ad Valorem Tax Rate on each ONE HUNDRED DOLLARS (\$100.00) valuation of property within the limits of the City of Plano and subject to taxation as follows:

\$ .3080	for purposes of General Fund maintenance and operation.
\$ .1655	for payment of principal and interest on all General Obligation Bond funded debt of this City.
<hr/>	
\$ .4735	Total Tax Rate.

3-2

Section II. The Tax Assessor of the City of Plano is hereby directed to assess for the 2006-07 Fiscal Year the rates and amounts herein levied and, when such taxes are collected, to distribute the collections in accordance with this ordinance.

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

**DULY PASSED AND APPROVED, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

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

ATTEST:

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

APPROVED AS TO FORM:

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

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**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>9/11/06</b>		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	FINANCE		Initials	Date	
Department Head	John McGrane	Executive Director			
Dept Signature:	<i>John McGrane</i>	City Manager	<i>JR</i>	<i>9/10/06</i>	
Agenda Coordinator (include phone #):	<b>Doris Schully x7479</b>				

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

**CAPTION**

Public Hearing and consideration of an ordinance to request to establish and designate a certain area as Reinvestment Zone No. 98 for commercial/industrial tax abatement consisting of a 12.533-acre tract of land located at northeast corner of Plano Parkway and Los Rios Drive in the City of Plano, Texas, establishing the boundaries of such zone, ordaining other matters relating thereto and providing an effective date.

**FINANCIAL SUMMARY**

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

FISCAL YEAR: <b>2006-2007</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
<b>BALANCE</b>	0	0	0	0

**FUND(s):    GENERAL**

**COMMENTS:** The fiscal impact of this item is contingent upon the value of improvements made to the property. Currently, the Real Property is estimated to have an approximate taxable value of not less than \$5,931,453. The Business Personal Property is estimated to have an approximate taxable value of not less than \$855,000. The proposed Real Property and Business Personal Property tax abatement on the improvements will begin January 1, 2007 and continue through the year 2016, and will be equal to 50% for ten (10) years.

**SUMMARY OF ITEM**

This is related to IPA Plano Properties, L.P. and Raytheon Company's request for Tax Abatement. This Ordinance creates a geographical zone on which Council will hold a Public Hearing earlier on the same Agenda and date. Notice of a Public Hearing to be published on August 31, 2006, prior to Public Hearing on this Council date of September 11, 2006.

List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies
Ordinance and Public Hearing Notice	Joint Committee on Tax Abatement, CCCC, Collin County Community College

## NOTICE OF PUBLIC HEARING

The City Council of the City of Plano will hold a Public Hearing in the Council Chamber of the Municipal Building (1520 Avenue K) at 7:00 p.m. on Monday, September 11, 2006, to consider the creation of Reinvestment Zone No. 98 in accordance with V.T.C.A., Tax Code §312.201, as amended for the purpose of considering tax abatement. Said Reinvestment Zone No. 98 being a 12.533-acre tract of land located at the northeast corner of Plano Parkway and Los Rios Blvd. and situated in the J. T. McCullough Survey, Abstract No. 633 and the James Ledbetter Survey, Abstract No. 545, City of Plano, Collin County, Texas, being that same tract of land as described in deed to IPA Plano Properties, L.P., recorded in County Clerk's File No. 2001-0052407 of the Real Property Records of Collin County, Texas, and being more particularly described by metes and bounds on file in the Finance Department.

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**INTEROFFICE MEMORANDUM**

**TO:** Thomas H. Muehlenbeck  
City Manager

**DATE:** August 22, 2006

**FROM:** John F. McGrane   
Director of Finance

**CC:** Cindy Pierce, EAA  
Di Zucco, ACS

**SUBJECT:** Tax Abatement for IPA Plano Properties, L.P. and Raytheon Company -  
Reinvestment Zone 98

---

The Tax Abatement Agreement with IPA Plano Properties, Inc. and Raytheon Company is for a period of ten (10) years. The abatement shall be based on amounts equal to fifty percent (50%) of the value of the Improvements and fifty percent (50%) of the value of the Personalty for each tax year from January 1, 2007 through December 31, 2016.

The Owner shall complete construction of improvements and/or repairs to the Real Property, consisting primarily of a new building, containing not less than 110,680 square feet of office space on the northeast corner of Plano Parkway and Los Rios Boulevard, providing employment for 188 people. The property address is 4101 E. Plano Parkway.

The fiscal impact of this item is contingent upon the value of improvements made to the property. Currently, the Real Property is estimated to have an approximate taxable value of not less than \$5,931,453. The Business Personal Property is estimated to have an approximate taxable value of not less than \$855,000. The proposed Real Property and Business Personal Property tax abatement will begin January 1, 2007 through December 31, 2016.

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

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, DESIGNATING A CERTAIN AREA WITHIN THE CITY OF PLANO AS REINVESTMENT ZONE NO. 98 FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES OF SUCH ZONE; ORDAINING OTHER MATTERS RELATING THERETO; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Plano, Texas (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by V.T.C.A. Tax Code Chapter 312 (referred to as the "Property Redevelopment and Tax Abatement Act" or the "Act"); and

WHEREAS, a public hearing before the City Council was set for 7:00 p.m. on the 11th day of September, 2006, such date being at least seven (7) days after the date of publication of the notice of such public hearing; and

WHEREAS, the City held such public hearing after giving written notice of said hearing to all taxing units overlapping the territory inside the proposed reinvestment zone; and

WHEREAS, the City at such hearing invited any interested person or his representative to appear for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the notice calling such public hearing should be included in such proposed reinvestment zone, and the concept of tax abatement; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all matters relating to the creation of the reinvestment zone.

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

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Ordinance  
IPA Plano Properties, L.P. and  
Raytheon Company (98)(DS)

**Section I.** The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

**Section II. Definitions.** For the purposes of this Ordinance, the following terms and phrases shall have the following meanings ascribed to them:

- a) Improvements - Improvements shall include, for the purpose of establishing eligibility under the Act, any activity at the location, including, but not limited to, new construction.
- b) Taxable Real Property - Taxable real property shall be as defined in the Texas Property Tax Code and shall not include personal property as defined in said code, nor shall it include land.
- c) Taxable Tangible Personal Property - Shall be defined, for purposes of this Ordinance, as tangible personal property, such as office machines and office furnishings, but shall specifically exclude inventory or supplies.
- d) Base Year - The base year for determining increased value shall be the taxable real property value assessed the year in which the agreement is executed.

**Section III.** The City, after conducting the above-mentioned hearing and having heard such evidence and testimony, has made the following findings and determinations based on the testimony presented to it:

- a) That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone; and
- b) That the boundaries of the reinvestment zone should be the area as described in the metes and bounds description attached hereto as Exhibit "A;" and
- c) That creation of the reinvestment zone for commercial/industrial tax abatement with boundaries as described in Exhibit "A" will result in benefits

to the City and to the land included in the zone and the improvements sought are feasible and practical; and

- d) That the reinvestment zone as defined in Exhibit "A" meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Act in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City"; and
- e) That the reinvestment zone as defined in Exhibit "A" meets the criteria for the creation of a reinvestment zone as set forth in the City of Plano Revised Policy Statement for Tax Abatement.

**Section IV.** Pursuant to Section 312.201 of the Act, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing only the area described by metes and bounds in Exhibit "A" attached hereto and such reinvestment zone is hereby designated and shall hereafter be designated as Reinvestment Zone No. 98, City of Plano, Texas.

**Section V.** The zone shall be effective as of January 1, 2007.

**Section VI.** To be eligible for tax abatement a commercial/industrial project shall:

- a) Be located wholly within the zone as established herein.
- b) Have a minimum expenditure on real property improvements equal to or greater than \$5,931,453, and a minimum expenditure on personalty equal to or greater than \$855,000.
- c) Not include property that is owned or leased by a member of the City Council of the City of Plano or by a member of the Planning and Zoning Commission.
- d) Conform to the requirements of the City's Zoning Ordinance and all other applicable laws and regulations.

- e) Have and maintain all land located within the designated zone, appraised at market value for tax purposes.

**Section VII.** Written tax abatement agreements with property owner(s) located within the zone shall provide the terms regarding duration of exemption and share of taxable real property and personalty value from taxation as approved hereunder as shown below:

- a) Duration of Exemption - ten (10) consecutive tax years beginning with and including the January 1, 2007 assessment date through December 31, 2016.
- b) Share of taxes abated - 50% of taxes on total value of appraised improvements which are added, and 50% of taxes on total value of personalty.

**Section VIII.** Any written agreements authorized under this Ordinance must include provisions for:

- a) Listing the kind, number and location of all proposed improvements of the property;
- b) Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;
- c) Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect; and
- d) Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided by the agreement.

**Section IX.** If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof.

**Section X.** This Ordinance shall become effective from and after its date of passage.

**DULY PASSED AND APPROVED** this 11th day of September, 2006.

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

ATTEST:

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

APPROVED AS TO FORM:

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

4-8

**EXHIBIT "A"****LEGAL DESCRIPTION  
REINVESTMENT ZONE NO. 98**

## Metes and Bounds

BEING a tract of land situated in the J.T. McCullough Survey, Abstract No. 633 and the James Ledbetter Survey, Abstract No. 545, City of Plano, Collin County, Texas, being that same tract of land as described in deed to IPA Plano Properties, L.P., recorded in County Clerk's File No. 2001-0052407 of the Real Property Records of Collin County, Texas (RPRCCT) and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found at the intersection of the northerly line of Plano Parkway (Variable width R.O.W. per Cabinet F, Slide 18 and Cabinet F, Slide 119 of the Plat Records of Collin County, Texas (PRCCT), with the east line of Los Rios Boulevard (110' R.O.W. per Cabinet F, Slide 18, PRCCT) same being the southwest corner of said IPA Plano Properties, L.P. tract, from which a 1" iron rod found at the intersection of the northerly line of said Plano Parkway, with the west line of said Los Rios Boulevard bears N 77° 42' 00" W. 111.62 feet;

THENCE along the east line of said Los Rios Boulevard and the west line of said IPA Plano Properties, L.P. tract, the following:

N 02° 31' 40" E (Plat N 02° 32' 04" E), a distance of 410.13 feet (Plat 409.90 feet) to a City of Plano monument set at the point of curvature of a circular curve to the left, having a radius of 18595.48 feet;

Northeasterly, along said circular curve to the left, through a central angle of 00° 37' 02", an arc distance of 200.31 feet (Plat 200.59 feet) and having a chord that bears N 02° 13' 09" E, 200.31 feet to a 1" iron rod found at the point of tangency;

N 01° 54' 38" E (Plat N 01° 54' 59" E), a distance of 91.80 feet (Plat 91.74 feet) to a 1" iron rod found at the intersection of the east line of said Los Rios Boulevard, with the southerly line of a 100' Right-of-Way described in deed to Dallas Area Rapid Transit Property Acquisition Corporation (D.A.R.T.) as recorded in Volume 3424, Page 126 of the Deed Records, Collin County, Texas, being the northwest corner of said IPA Plano Properties, L.P. tract, from which a City of Plano monument set at the intersection of the west line of said Los Rios Boulevard, with the southerly line said D.A.R.T. tract bears N 79° 32' 43" W, 111.23 feet;

THENCE S 79° 32' 43" E, departing the east line of said Los Rios Boulevard, along the south line of said D.A.R.T. tract and the north line of said IPA Plano Properties, L.P. tract, at a

distance of 758.33 feet passing a City of Plano monument set, continuing a total distance of 761.33 feet to a ½" iron rod found at the northeast corner of said IPA Plano Properties, L.P. tract and the northerlymost northwest corner of a tract of land (Tract 10) as described in deed to Southern Pacific Transportation Company, recorded in County Clerk's File No. 92-0029839, RPRCCT, from which a ½" iron rod with a plastic cap found bears S 79° 37' 58" E, 180.25 feet (Deed S 79° 32' 43" E. 189.87 feet);

THENCE S 00° 40' 50" W, departing the southerly line of said D.A.R.T. tract, along the east line of said IPA Plano Properties, L.P. tract and a west line of said Southern Pacific Transportation Company Tract 10, a distance of 731.19 feet to a 1" iron rod found at the northeast corner of the existing platted terminus of said Plano Parkway and the southeast corner of said IPA Plano Properties, L.P. tract;

THENCE N 77° 42' 00" W, departing the west line of said Southern Pacific Transportation Company Tract 10, along the north line of said Plano Parkway and the south line of said IPA Plano Properties, L.P. tract, a distance of 786.97 feet (Plat 787.11 feet) to the POINT OF BEGINNING and containing 545.958 square feet or 12.533 acres of land.

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**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	9/11/06		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	FINANCE		Initials	Date	
Department Head	John McGrane		Executive Director		
Dept Signature:	<i>John McGrane</i>		City Manager	<i>JAM</i>	8/12/06
Agenda Coordinator (include phone #):	Doris Schully x7479				

**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 an agreement by the between the City of Plano, Texas, the County of Collin, the Collin County Community College District, IPA Plano Properties, L.P. and Raytheon Company; and providing for a commercial/industrial tax abatement for IPA Plano Properties, L.P. and Raytheon Company, and 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: 2006-2007	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**

**COMMENTS:** The fiscal impact of this item is contingent upon the value of improvements made to the property. Currently, the Real Property is estimated to have an approximate taxable value of not less than \$5,931,453. The Business Personal Property is estimated to have an approximate taxable value of not less than \$855,000. The proposed Real Property and Business Personal Property tax abatement on the improvements will begin January 1, 2007 and continue through the year 2016, and will be equal to 50% for ten (10) years.

**SUMMARY OF ITEM**

A request by IPA Plano Properties, L.P. and Raytheon Company for a Tax Abatement. Production / Manufacturing / Office Facility -- Reinvestment Zone No. 98.

List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies
Resolution and Tax Abatement Agreement	Joint Committee on Tax Abatement, CCCCDC, Collin County Community College

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF PLANO, TEXAS, THE COUNTY OF COLLIN, THE COLLIN COUNTY COMMUNITY COLLEGE DISTRICT, AND INDUSTRIAL DEVELOPMENTS INTERNATIONAL (TEXAS), L.P. AND RAYTHEON COMPANY, AND PROVIDING FOR A COMMERCIAL/INDUSTRIAL TAX ABATEMENT FOR IPA PLANO PROPERTIES, L.P. AND RAYTHEON COMPANY, AND AUTHORIZING ITS EXECUTION BY THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council has been presented a proposed Agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District and IPA Plano Properties, L.P. and Raytheon Company, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager, or in his absence an Executive Director, shall be authorized to execute it on behalf of the City of Plano.

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

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

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

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

**DULY PASSED AND APPROVED** this the 11th day of September, 2006.

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

ATTEST:

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

APPROVED AS TO FORM:

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



1. The real property subject to this Agreement is described by metes and bounds in **EXHIBIT "A"** (the "Real Property") attached hereto and made a part hereof. At the time of this Agreement, IPA Plano Properties, L.P. is the Owner of the Real Property. This Agreement shall be terminated should the Real Property not be leased by Lessee, its successors or affiliates, or should such lease be terminated during the term of this Agreement.

2. The tangible personal property subject to this Agreement shall be personal property, excluding inventory and supplies, used within Reinvestment Zone No. 98, which shall be hereinafter referred to as the "Personalty." The Personalty is presently estimated to have an approximate taxable value of Eight Hundred Fifty-Five Thousand Dollars (\$855,000) and is or will be owned by Lessee or its affiliates. Lessee shall timely render its personal property value each year to the Central Appraisal District

3. Lessee, as owner of the Personalty, may not relocate, for purposes of maintaining taxable situs of tangible personal property, the Personalty on the Real Property in other Reinvestment Zones in the City.

### **JOBS**

4. Lessee estimates the proposed development of the Real Property as shown in **EXHIBIT "B"** (the "Development") will result in approximately 188 jobs at the Development in Plano when the new office building is completed.

### **IMPROVEMENTS**

5. The Owner shall complete construction of improvements and/or repairs to the Real Property (hereinafter referred to as Improvements) consisting primarily of a new building consisting of not less than 110,680 gross square feet of office space with an initial expenditure of not less than Five Million Nine Hundred Thirty-One Thousand Four Hundred Fifty-Three Dollars (\$5,931,453) on or before December 31, 2006; provided that Owner shall have such additional time to complete the Improvements as may be required in the event of "force majeure" if Owner is diligently and faithfully pursuing the completion of the Improvements, or if in the reasonable opinion of the City, the Owner has made substantial progress toward completion of the initial phase of the Improvements. For this purpose, "force majeure" shall mean any contingency or cause beyond the reasonable control of Owner including, without limitation, acts of God or the public enemy, war, riot, civil commotion, insurrection, governmental or de facto governmental action (unless caused by acts or omissions of Owner), fire, shortages of material and/or labor, explosion or flood, and labor disturbances. The date of completion of the Improvements shall be defined as the date a Certificate of Occupancy is issued by the City of Plano.

6. The Owner agrees and covenants that it will diligently and faithfully in a good and workmanlike manner pursue the substantial completion of the Improvements as a good and valuable consideration of this Agreement. Owner further covenants and agrees that all construction of the Improvements will be in accordance with all applicable federal, state and local laws and

regulations or valid waiver thereof. In further consideration, Owner shall from the date a Certificate of Occupancy is issued until the expiration or termination of this Agreement, operate and maintain the Real Property (or cause the same to be operated and maintained) for the following described purposes: production/manufacturing/office space where Lessee or its affiliates will initially employ approximately 188 employees, referred to herein as the "Purposes."

### DEFAULT

7. Any of the following events shall be deemed a breach of this agreement resulting in default:

- (a) The Improvements are not completed in accordance with this Agreement;
- (b) Owner or Lessee allows its real or personal property taxes owed the City or Taxing Units on the Real Property, Improvements, or Personalty to become delinquent and fails to timely and properly follow the legal procedures for protest and/or contest of any such ad valorem taxes;
- (c) Lessee fails to occupy the Improvements for the Purposes set forth in paragraph 6 above on or before December 31, 2006; or
- (d) The value of the Improvements to Real Property and the value of Personalty placed on the improved Real Property on December 31, 2006, and maintained on the Real Property during the term of this Agreement is less than the minimum amounts set forth in paragraphs 2 and 5 above; or
- (e) Lessee fails to employ at least 75% of its employee commitment as provided in paragraph 4 above; or
- (f) Owner or Lessee fails to provide annual certification as required in paragraph 10 below.

8. In the event that the Owner or Lessee defaults under this Agreement then the City or Taxing Units shall give the Owner and Lessee written notice of such default and if the Owner or Lessee has not cured such default, or obtained a waiver thereof from the appropriate authority, within thirty (30) days of said written notice, this Agreement may be terminated by the City and Taxing Units. Notice shall be in writing as provided below. Upon the occurrence of an event of default other than under Paragraph 7(b) above and after Owner or Lessee fails to cure same in accordance herewith, this Agreement shall immediately terminate and all taxes due after the event of default shall be paid in full without the benefit of any abatement. The parties acknowledge that actual damages in the event of default and termination would be speculative and difficult to determine.

9. Upon the occurrence of an event of default under Paragraph 7(b) above and after Owner or Lessee fails to cure same in accordance herewith, this Agreement shall immediately terminate and all taxes, including previously abated taxes which would have been paid to the City and Taxing Units without the benefit of this Agreement, shall become due and owing to the City and Taxing Units, together with interest charged from the date of this Agreement at the statutory rate for delinquent taxes as determined by V.T.C.A., Tax Code § 33.01, but without the addition of penalty other than that mandated by V.T.C.A., § 33.01 or 33.07.

#### ANNUAL CERTIFICATION

10. On or before the 1st day of November of each calendar year during the term of this Agreement, the Owner, or its successors or assigns, and Lessee must provide annual certification (substantially in the form attached as **EXHIBIT "C"** hereto) to the Governing Body of the City certifying compliance with each applicable term of the Agreement.

#### ASSIGNMENT

11. The terms and conditions of this Agreement are binding upon the successors and assigns of all parties hereto. This Agreement cannot be assigned by Owner unless written permission is first granted by the City and Taxing Units, which permission shall be at the reasonable discretion of the City and Taxing Units, except under the following conditions:

(a) Assignment to an affiliate of Lessee is permissible;

(b) A transfer or assignment of the Real Property and Improvements, or an assignment of this Agreement, by Owner to successors or assigns is permissible wherein the successors or assigns agree to be bound by the terms of this Agreement and Lessee shall continue to conduct business on the subject premises, and shall remain the primary tenant.

However, Owner and Lessee agree to give written notice to the City and Taxing Units of any assignment or transfer of interest allowed pursuant to subparagraphs (a) and (b) hereof.

#### ABATEMENT PROVISIONS

12. Subject to the terms and conditions of this Agreement, and subject to the rights of holders of any outstanding bonds of the City and Taxing Units, a portion of ad valorem real and personal property taxes from the Real Property, Improvements, and Personalty otherwise owed to the City and taxing Units shall be abated as follows:

(a) The tax abatements as to the Real Property, Improvements, and Personalty, as provided for herein, shall be for a period of ten (10) tax years, from January 1, 2007, through December 31, 2016.

(b) In accordance with all applicable federal, state, and local laws and regulations, the abatement shall be based on amounts equal to fifty (50%) of the value of the improved value of the Real Property and Improvements and 50% of the Personalty for each tax year from January 1, 2007, through December 31, 2016.

(c) The Owner and Lessee shall have the right to protest and/or contest any assessment of the Real Property, Improvements or Personalty, and the abatement shall be applied to the amount of taxes finally determined to be due as a result of any such protest and/or contest.

**NOTICE**

13. Notices required to be given to any party to this Agreement shall be given personally or by registered or certified mail, return receipt requested, postage prepaid, addressed to the party at its address as set forth below, and, if given by mail, shall be deemed delivered as of the date deposited in the United States mail:

For City by notice to:

City of Plano  
Attention: Mr. Thomas H. Muehlenbeck  
City Manager  
P.O. Box 860358  
Plano, Texas 75086-0358

With copy to:

City of Plano  
Attention: Ms. Diane C. Wetherbee  
City Attorney  
P.O. Box 860358  
Plano, Texas 75086-0358

For Taxing Units by notice to:

County of Collin, Texas  
Attention: The Honorable Ron Harris  
County Judge  
Collin County Commissioners' Court  
210 S. McDonald, Ste. 626  
McKinney, Texas 75069

Collin County Community College District  
Attention: Dr. Cary A. Israel  
President  
4800 Preston Park Blvd.  
Plano, Texas 75093

For Owner by notice to:

IPA Plano Properties, L.P.  
Attention: Mr. Doug Johnson  
Vice President  
5420 LBJ Freeway, Suite 1275  
Dallas, Texas 75240

For Lessee by notice to:

Raytheon Company  
d/b/a Raytheon Commercial Infrared  
Attention: Ms. Gwen Evans  
Senior Manager Tax Department  
P.O. Box 660248  
Dallas, Texas 75266

Any party may change the address to which notices are to be sent by giving the other parties written notice in the manner provided in this paragraph.

#### MISCELLANEOUS PROVISIONS

14. The Owner and Lessee further agree that the City and Taxing Units, their agents and employees, shall have reasonable right (upon reasonable prior notice to Owner and Lessee) to access the Real Property to inspect the Improvements and Personalty in order to insure that the construction of the Improvements and locations of the Personalty are in accordance with this Agreement and all applicable federal, state, and local laws and regulations. After completion of the Improvements, and City and Taxing Units shall have the continuing right (upon reasonable prior notice to Owner and Lessee) to inspect the Real Property and Personalty to insure that the Real Property and Personalty is thereafter maintained, operated and occupied in accordance with this Agreement.

15. It is understood and agreed between the parties that the Owner and Lessee, in performing their obligations hereunder, are acting independently, and the City and Taxing Units assume no responsibilities or liabilities in connection therewith to third parties and Owner and Lessee agree to indemnify and hold harmless City and Taxing Units from any and all claims, suits, and causes of actions, including attorneys' fees, of any nature whatsoever arising out of Owner's or Lessee's default of their obligations hereunder.

16. The City and the Taxing Units each represent and warrant that the Real Property, Improvements and Personalty do not include any property that is owned by a member of their respective councils or boards, agencies, commissions, or other governmental bodies approving, or having responsibility for the approval of this Agreement.

17. This Agreement was authorized by Resolution of the City Council at its Council meeting on the \_\_\_\_ day of \_\_\_\_\_, 2006, authorizing the City Manager to execute the Agreement on behalf of the City.

18. This Agreement was authorized by the minutes of the Commissioners' Court of Collin County, Texas, at its meeting on the \_\_\_\_ day of \_\_\_\_\_, 2006, whereupon it was duly determined that the County Judge would execute the Agreement on behalf of Collin County.

19. This Agreement was authorized by the Board Minutes of the Board of Trustees of Collin County Community College District at its Board Meeting on the \_\_\_\_ day of \_\_\_\_\_, 2006, whereupon it was duly determined that the Chairman would execute the Agreement on behalf of Collin County Community College District.

20. This Agreement was entered into by Owner pursuant to authority granted by its general partner, whereby the general partner of the limited partnership was authorized to execute this Agreement on behalf of Owner.

21. This Agreement was entered into by Lessee pursuant to authority granted by its Board of Directors whereby the Vice President of Operations of the corporation was authorized to execute this Agreement on behalf of Lessee.

22. This instrument shall constitute a valid and binding agreement between the City, Owner, and Lessee when executed in accordance herewith, regardless of whether any other **TAXING UNIT** executes this Agreement. This shall constitute a valid and binding Agreement between such **TAXING UNITS**, Owner and Lessee when executed on behalf of said parties, for the abatement of such **TAXING UNIT's** taxes in accordance therewith.

23. Severability. If any term or provision of this Agreement shall, to any extent, be invalid or unenforceable, the remainder of this Agreement (or the application of such term or provision, to persons or circumstances other than those in respect of which it is invalid or unenforceable) except those terms or provisions, which are made subject to or conditioned upon such invalid or unenforceable term or provision, shall not be affected thereby, and each other term or provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

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This Agreement is performable in Collin County, Texas. Signed this \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

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

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

\_\_\_\_\_  
Thomas H. Muehlenbeck, CITY MANAGER

APPROVED AS TO FORM:

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

ATTEST:

COMMISSIONERS' COURT OF COLLIN  
COUNTY

\_\_\_\_\_

\_\_\_\_\_  
COUNTY JUDGE

ATTEST:

COLLIN COUNTY COMMUNITY  
COLLEGE DISTRICT

\_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN

IPA PLANO PROPERTIES, L.P. a Delaware  
limited partnership

BY: IPA Plano Properties GP, LLC, a Delaware  
limited liability company, its general partner

BY: IPA Development I, LLC, a Delaware  
limited liability company, its sole member

BY: Industrial Properties America-GP, LLC, a  
Delaware limited liability company, its managing  
member

ATTEST:

BY: IDI-GP, Inc., a Georgia corporation, its  
managing member

\_\_\_\_\_

By: \_\_\_\_\_

Timothy J. Gunter  
President

ATTEST:

RAYTHEON COMPANY, a Delaware  
corporation

\_\_\_\_\_

By: \_\_\_\_\_

Fred Finley  
Vice President of Operations

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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**REINVESTMENT ZONE NO. 98**  
**Real Property**  
**Metes and Bounds**

BEING a tract of land situated in the J.T. McCullough Survey, Abstract No. 633 and the James Ledbetter Survey, Abstract No. 545, City of Plano, Collin County, Texas, being that same tract of land as described in deed to IPA Plano Properties, L.P., recorded in County Clerk's File No. 2001-0052407 of the Real Property Records of Collin County, Texas (RPRCCT) and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found at the intersection of the northerly line of Plano Parkway (Variable width R.O.W. per Cabinet F, Slide 18 and Cabinet F, Slide 119 of the Plat Records of Collin County, Texas (PRCCT), with the east line of Los Rios Boulevard (110' R.O.W. per Cabinet F, Slide 18, PRCCT) same being the southwest corner of said IPA Plano Properties, L.P. tract, from which a 1" iron rod found at the intersection of the northerly line of said Plano Parkway, with the west line of said Los Rios Boulevard bears N 77° 42' 00" W. 111.62 feet;

THENCE along the east line of said Los Rios Boulevard and the west line of said IPA Plano Properties, L.P. tract, the following:

N 02° 31' 40" E (Plat N 02° 32' 04" E), a distance of 410.13 feet (Plat 409.90 feet) to a City of Plano monument set at the point of curvature of a circular curve to the left, having a radius of 18595.48 feet;

Northeasterly, along said circular curve to the left, through a central angle of 00° 37' 02", an arc distance of 200.31 feet (Plat 200.59 feet) and having a chord that bears N 02° 13' 09" E, 200.31 feet to a 1" iron rod found at the point of tangency;

N 01° 54' 38" E (Plat N 01° 54' 59" E), a distance of 91.80 feet (Plat 91.74 feet) to a 1" iron rod found at the intersection of the east line of said Los Rios Boulevard, with the southerly line of a 100' Right-of-Way described in deed to Dallas Area Rapid Transit Property Acquisition Corporation (D.A.R.T.) as recorded in Volume 3424, Page 126 of the Deed Records, Collin County, Texas, being the northwest corner of said IPA Plano Properties, L.P. tract, from which a City of Plano monument set at the intersection of the west line of said Los Rios Boulevard, with the southerly line said D.A.R.T. tract bears N 79° 32' 43" W, 111.23 feet;

THENCE S 79° 32' 43" E, departing the east line of said Los Rios Boulevard, along the south line of said D.A.R.T. tract and the north line of said IPA Plano Properties, L.P. tract, at a distance of 758.33 feet passing a City of Plano monument set, continuing a total distance of 761.33 feet to

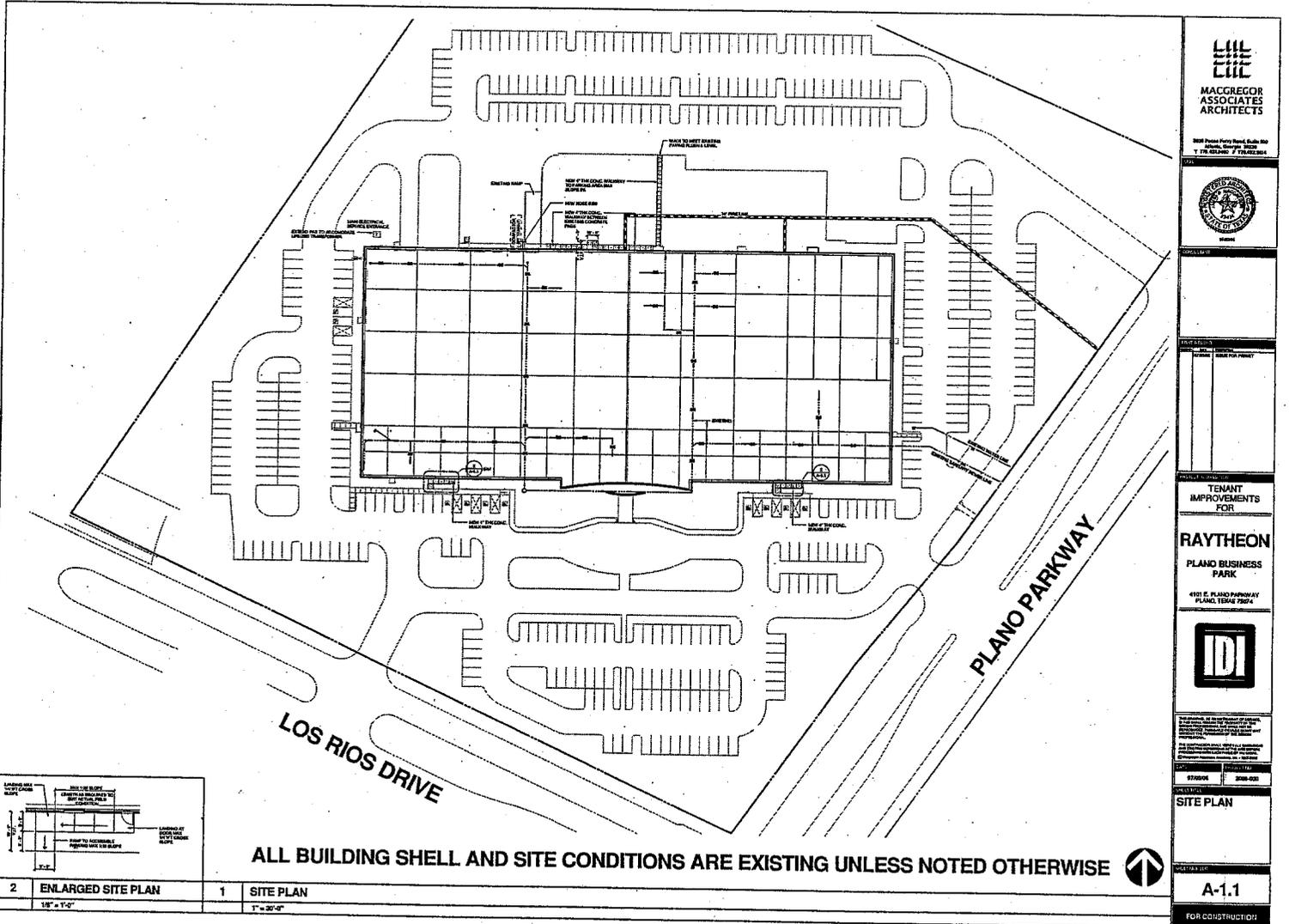
a ½" iron rod found at the northeast corner of said IPA Plano Properties, L.P. tract and the northerlymost northwest corner of a tract of land (Tract 10) as described in deed to Southern Pacific Transportation Company, recorded in County Clerk's File No. 92-0029839, RPRCCT, from which a ½" iron rod with a plastic cap found bears S 79°37'58" E, 180.25 feet (Deed S 79°32'43" E. 189.87 feet);

THENCE S 00°40'50" W, departing the southerly line of said D.A.R.T. tract, along the east line of said IPA Plano Properties, L.P. tract and a west line of said Southern Pacific Transportation Company Tract 10, a distance of 731.19 feet to a 1" iron rod found at the northeast corner of the existing platted terminus of said Plano Parkway and the southeast corner of said IPA Plano Properties, L.P. tract;

THENCE N 77°42'00" W, departing the west line of said Southern Pacific Transportation Company Tract 10, along the north line of said Plano Parkway and the south line of said IPA Plano Properties, L.P. tract, a distance of 786.97 feet (Plat 787.11 feet) to the POINT OF BEGINNING and containing 545.958 square feet or 12.533 acres of land.

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**EXHIBIT "B"**  
**THE DEVELOPMENT**  
**REINVESTMENT ZONE NO. 98**



Agreement  
 IPA Plano Properties, L.P., and  
 Raytheon Company (98)

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**EXHIBIT "C"**  
**CERTIFICATION FORM**  
**REINVESTMENT ZONE NO. 98**

This letter certifies that IPA Plano Properties, L.P. and Raytheon Company are in compliance with each applicable term as set forth in the Agreement to Resolution No. \_\_\_\_\_ (R) as of \_\_\_\_\_. The term of this agreement is January 1, 2007, through December 31, 2016. This form is due on November 1 of each year this tax abatement is in force.

IPA PLANO PROPERTIES, L.P. a Delaware limited partnership

BY: IPA Plano Properties GP, LLC, a Delaware limited liability company, its general partner

BY: IPA Development I, LLC, a Delaware limited liability company, its sole member

BY: Industrial Properties America-GP, LLC, a Delaware limited liability company, its managing member

ATTEST:

BY: IDI-GP, Inc., a Georgia corporation, its managing member

\_\_\_\_\_

By: \_\_\_\_\_

Timothy J. Gunter  
President

ATTEST:

RAYTHEON COMPANY, a Delaware corporation

\_\_\_\_\_

By: \_\_\_\_\_

Fred Finley  
Vice President of Operations

\_\_\_\_\_  
Date

**NOTE: This certification form should be mailed to: City of Plano  
Finance Department  
P.O. Box 860358  
Plano, Texas 75086-0358**

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Agreement  
IPA Plano Properties, L.P., and  
Raytheon Company (98)



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget <i>C.S.</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>9/11/06</b>		Reviewed by Legal <i>MS</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	FINANCE		Initials	Date	
Department Head	John McGrane		Executive Director		
Dept Signature:	<i>John McGrane</i>		City Manager	<i>[Signature]</i>	
Agenda Coordinator (include phone #): <b>Doris Schully x7479</b>					

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

**CAPTION**

Public Hearing and consideration of an ordinance to request to establish and designate a certain area as Reinvestment Zone No. 99 for commercial/industrial tax abatement consisting of a 16.999-acre tract of land located at the northwest corner of Preston Road and Tennyson Parkway in the City of Plano, Texas, establishing the boundaries of such zone, ordaining other matters relating thereto and providing an effective date.

**FINANCIAL SUMMARY**

NOT APPLICABLE     OPERATING EXPENSE     REVENUE     CIP

FISCAL YEAR: <b>2007-2008</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
<b>BALANCE</b>	0	0	0	0

**FUND(s):    GENERAL**

**COMMENTS:** The fiscal impact of this item is contingent upon the value of improvements made to the property. Currently, the Real Property is estimated to have an approximate taxable value of not less than \$4.3 million. The Business Personal Property is estimated to have an approximate taxable value of not less than \$1.03 million. The proposed Real Property and Business Personal Property tax abatement on the improvements will begin January 1, 2007 and continue through the year 2016, and will be equal to 50% for ten (10) years.

**SUMMARY OF ITEM**

This is related to Advanced Neuromodulation Systems, Inc. request for tax abatement. This Ordinance creates the geographical zone on which Council will hold a Public Hearing earlier on the same Agenda and date. Notice of Public Hearing to be published on September 1, 2006, prior to Public Hearing on this Council date of September 11, 2006.

List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies
Ordinance and Public Hearing Notice	Joint Committee on Tax Abatement, CCCC, Collin County Community College

## NOTICE OF PUBLIC HEARING

The City Council of the City of Plano will hold a Public Hearing in the Council Chamber of the Municipal Building (1520 Avenue K) at 7:00 p.m. on Monday, September 11, 2006, to consider the creation of Reinvestment Zone No. 99 in accordance with V.T.C.A., Tax Code §312.201, as amended for the purpose of considering tax abatement. Said Reinvestment Zone No. 99 being all of Lot 1R, Block A of ANS HEADQUARTERS, LOTS 1R AND 2R, BLOCK A, an addition to the City of Plano, according to the plat thereof recorded in instrument No. 20060720010003110 of the Official Public Records of Collin County, Texas and being more particularly described by metes and bounds (bearings based on the EDS control monumentation) on file in the Finance Department.

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**INTEROFFICE MEMORANDUM**

**TO:** Thomas H. Muehlenbeck  
City Manager

**DATE:** August 25, 2006

**FROM:** John F. McGrane   
Director of Finance

**CC:** Cindy Pierce, EAA  
Di Zucco, ACS

**SUBJECT:** Tax Abatement for Advanced Neuromodulation Systems, Inc.  
Reinvestment Zone 99

---

The Tax Abatement Agreement with Advanced Neuromodulation Systems, Inc. ("ANS"), a Plano based company, is for a period of ten (10) years. The abatement shall be based on amounts equal to fifty percent (50%) of the value of the Improvements and fifty percent (50%) of the value of the Personalty for each tax year from January 1, 2007 through December 31, 2016.

ANS, a Plano based company, manufactures medical devices that specifically work to manage chronic pain in the spinal system.

ANS shall complete construction of improvements and/or repairs to the Real Property, consisting primarily of expanded office space, containing not less than 30,000 square feet, on the northwest corner of Preston Road and Tennyson Parkway, providing employment for 100 people. The property address is 6901 Preston Road.

The fiscal impact of this item is contingent upon the value of real property located in the reinvestment zone and the value of business personal property brought onto the property. Currently, the Business Personal Property is estimated to have an approximate taxable value of not less than \$1,030,000 and the Real Property is estimated to have an approximate taxable value of not less than \$4,300,000. The proposed Real Property and Business Personal Property tax abatement will begin January 1, 2007 through December 31, 2016.

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

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, DESIGNATING A CERTAIN AREA WITHIN THE CITY OF PLANO AS REINVESTMENT ZONE NO. 99 FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES OF SUCH ZONE; ORDAINING OTHER MATTERS RELATING THERETO; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Plano, Texas (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by V.T.C.A. Tax Code Chapter 312 (referred to as the "Property Redevelopment and Tax Abatement Act" or the "Act"); and

WHEREAS, a public hearing before the City Council was set for 7:00 p.m. on the \_\_\_\_ day of \_\_\_\_\_, 2006, such date being at least seven (7) days after the date of publication of the notice of such public hearing; and

WHEREAS, the City held such public hearing after giving written notice of said hearing to all taxing units overlapping the territory inside the proposed reinvestment zone; and

WHEREAS, the City at such hearing invited any interested person or his representative to appear for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the notice calling such public hearing should be included in such proposed reinvestment zone, and the concept of tax abatement; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all matters relating to the creation of the reinvestment zone.

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

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**Section I.** The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

**Section II. Definitions.** For the purposes of this Ordinance, the following terms and phrases shall have the following meanings ascribed to them:

- a) Improvements - Improvements shall include, for the purpose of establishing eligibility under the Act, any activity at the location, including, but not limited to, new construction.
- b) Taxable Real Property - Taxable real property shall be as defined in the Texas Property Tax Code and shall not include personal property as defined in said code, nor shall it include land.
- c) Taxable Tangible Personal Property - Shall be defined, for purposes of this Ordinance, as tangible personal property, such as office machines and office furnishings, but shall specifically exclude inventory or supplies.
- d) Base Year - The base year for determining increased value shall be the taxable real property value assessed the year in which the agreement is executed.

**Section III.** The City, after conducting the above-mentioned hearing and having heard such evidence and testimony, has made the following findings and determinations based on the testimony presented to it:

- a) That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone; and
- b) That the boundaries of the reinvestment zone should be the area as described in the metes and bounds description attached hereto as Exhibit "A;" and
- c) That creation of the reinvestment zone for commercial/industrial tax abatement with boundaries as described in Exhibit "A" will result in benefits

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to the City and to the land included in the zone and the improvements sought are feasible and practical; and

- d) That the reinvestment zone as defined in Exhibit "A" meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Act in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City"; and
- e) That the reinvestment zone as defined in Exhibit "A" meets the criteria for the creation of a reinvestment zone as set forth in the City of Plano Revised Policy Statement for Tax Abatement.

**Section IV.** Pursuant to Section 312.201 of the Act, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing only the area described by metes and bounds in Exhibit "A" attached hereto and such reinvestment zone is hereby designated and shall hereafter be designated as Reinvestment Zone No. 99, City of Plano, Texas.

**Section V.** The zone shall be effective as of January 1, 2007.

**Section VI.** To be eligible for tax abatement a commercial/industrial project shall:

- a) Be located wholly within the zone as established herein.
- b) Have a minimum expenditure on real property improvements equal to or greater than \$4,300,000, and a minimum expenditure on personalty equal to or greater than \$1,030,000.
- c) Not include property that is owned or leased by a member of the City Council of the City of Plano or by a member of the Planning and Zoning Commission.
- d) Conform to the requirements of the City's Zoning Ordinance and all other applicable laws and regulations.

6-6

Ordinance

Advanced Neuromodulation Systems, Inc. (99)(DS)

- e) Have and maintain all land located within the designated zone, appraised at market value for tax purposes.

**Section VII.** Written tax abatement agreements with property owner(s) located within the zone shall provide the terms regarding duration of exemption and share of taxable real property and personalty value from taxation as approved hereunder as shown below:

- a) Duration of Exemption - ten (10) consecutive tax years beginning with and including the January 1, 2007 assessment date through December 31, 2016.
- b) Share of taxes abated - 50% of taxes on total value of appraised improvements which are added, and 50% of taxes on total value of personalty.

**Section VIII.** Any written agreements authorized under this Ordinance must include provisions for:

- a) Listing the kind, number and location of all proposed improvements of the property;
- b) Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;
- c) Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect; and
- d) Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided by the agreement.

**Section IX.** If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof.

**Section X.** This Ordinance shall become effective from and after its date of passage.

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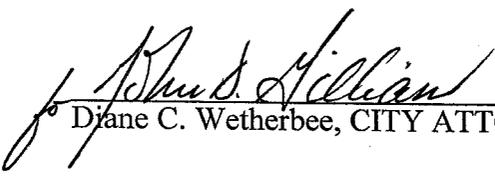
**DULY PASSED AND APPROVED** this 11th day of September, 2006.

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

ATTEST:

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

APPROVED AS TO FORM:

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

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**EXHIBIT "A"**

**LEGAL DESCRIPTION  
REINVESTMENT ZONE NO. 99**

**Metes and Bounds**

**16.999 Acres**

**Lot 1R, Block A**

**O. Epps Survey, Abstract No. 297**

**Maria C. Vela Survey, Abstract No. 935**

**City of Plano, Collin County, Texas**

**BEING** a tract of land out of the O. EPPS SURVEY, Abstract No. 297 and the MARIA C. VELA SURVEY, Abstract No. 935, in the City of Plano, Collin County, Texas, and being all of Lot 1R, Block A of ANS HEADQUARTERS, LOTS 1R AND 2R, BLOCK A, an addition to the City of Plano, according to the plat thereof recorded in instrument No. 20060720010003110 of the Official Public Records of Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at an "X" in concrete found in the west right-of-way line of Preston Road (a variable width ROW) for the southeast corner of LEGACY BANK ADDITION, an addition to the City of Plano, according to the plat thereof recorded in Cabinet N, Page 920 of the Map Records of Collin County, Texas;

**THENCE** with said west right-of-way line the following courses and distances to wit:

- South 17°24'04" East, a distance of 39.27 feet to an "X" In concrete found for corner;
- South 08°26'27" East, a distance of 195.32 feet to a pk nail found for corner;
- South 00°23'40" West, a distance of 232.00 feet to a 5/8" iron rod found and replaced with an aluminum disk set in concrete;
- North 89°36'20" West, a distance of 2.00 feet to a 5/8" iron rod found for corner;
- South 00°23'37" West, a distance of 335.70 feet to a 5/8" iron rod found for corner;
- South 89°36'23" East, a distance of 12.00 feet to a 5/8" iron rod found for corner;
- South 00°23'37" West, a distance of 66.15 feet to a 5/8" iron rod with "KHA" cap set for the easterly common corner of Lots 1R and 2R, Block A of the beforementioned ANS HEADQUARTERS, LOTS 1R AND 2R, BLOCK A;

**THENCE** leaving the west right-of-way line of Preston Road with the common line of Lots 1R and 2R, Block A, Due West, a distance of 1087.73 feet to a 5/8" iron rod with "KHA" cap set in the easterly line of the FOURTH PLAT OF EDS HEALTH & FITNESS CENTER, an addition to the City of Plano according to the plat thereof recorded in Cabinet M, Page 82 of the Map Records of Collin County, Texas, for the westerly common corner of Lots 1R and 2R, Block A;

**THENCE** with the east line of said addition and the east line of Lot 1, Block B of EDS LAKES ADDITION, BLOCK B, an addition to the City of Plano according to the plat thereof recorded in Cabinet H, Page 527 of the Map Records of Collin County, Texas, the following courses and distances to wit:

6-9

--North 47°24'00" East, a distance of 288.47 feet to a point for corner in a creek;

--North 04°24'40" East, a distance of 646.83 feet to a point in a creek for the southwest corner of said LEGACY BANK ADDITION, and the southeast corner of a tract of land described in deed to Crossmark, Inc, recorded in Volume 5076, Page 2593 of the Land Records of Collin County, Texas;

**THENCE** with the south line of said LEGACY BANK ADDITION, North 88°12'23" East, a distance of 779.96 feet to the **POINT OF BEGINNING** and containing 16.999 acres of land.

Bearing system based on the monuments found in the north right-of-way line of Tennyson Parkway according to 28.723 acre tract of land described in deed to EDS Information Services, L.L.C., recorded in Volume 4853, Page 2203 of the Land Records of Collin County, Texas.

6-10

Ordinance

Advanced Neuromodulation Systems, Inc. (99)(DS)



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget <i>C.S.</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	<b>9/11/06</b>		Reviewed by Legal <i>MS</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	FINANCE		Initials	Date	
Department Head	John McGrane		Executive Director		
Dept Signature:	<i>John F. McGrane</i>		City Manager	<i>[Signature]</i>	
Agenda Coordinator (include phone #):		<b>Doris Schully x7479</b>			

**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 an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Advanced Neuromodulation Systems, Inc.; and providing for a commercial/industrial tax abatement for Advanced Neuromodulation Systems, Inc., and 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: <b>2007-2008</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
<b>BALANCE</b>	0	0	0	0

**FUND(S):    GENERAL**

**COMMENTS:** The fiscal impact of this item is contingent upon the value of improvements made to the property. Currently, the Real Property is estimated to have an approximate taxable value of not less than \$4,300,000. The Business Personal Property is estimated to have an approximate taxable value of not less than \$1,030,000. The proposed Real Property and Business Personal Property tax abatement on the improvements will begin January 1, 2007 and continue through the year 2016, and will be equal to 50% for ten (10) years.

**SUMMARY OF ITEM**

A request by Advanced Neuromodulation Systems, Inc. for a Tax Abatement. Office Facility -- Reinvestment Zone No. 99.

List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies
Resolution and Tax Abatement Agreement	Joint Committee on Tax Abatement, CCCCD, Collin County Community College

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF PLANO, TEXAS, THE COUNTY OF COLLIN, THE COLLIN COUNTY COMMUNITY COLLEGE DISTRICT, AND ADVANCED NEUROMODULATION SYSTEMS, INC. AND PROVIDING FOR A COMMERCIAL/INDUSTRIAL TAX ABATEMENT FOR ADVANCED NEUROMODULATION SYSTEMS, INC., AND AUTHORIZING ITS EXECUTION BY THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented a proposed Agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District and Advanced Neuromodulation Systems, Inc., a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager, or in his absence an Executive Director, shall be authorized to execute it on behalf of the City of Plano.

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

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

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

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

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Resolution

Advanced Neuromodulation Systems, Inc. (99)(DS)

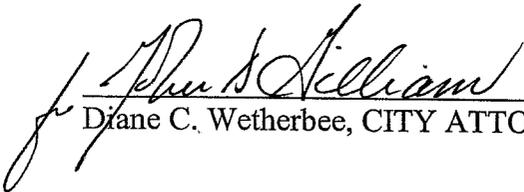
**DULY PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

ATTEST:

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

APPROVED AS TO FORM:

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

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THE STATE OF TEXAS    §  
  §  
COUNTY OF COLLIN    §

**TAX ABATEMENT AGREEMENT**

This Agreement is entered into by and between the **City of Plano, Texas**, a home rule municipal corporation of Collin and Denton Counties, Texas, duly acting herein by and through its City Manager, hereinafter referred to as "**City**;" the County of Collin, Texas, duly acting herein by and through its County Judge, and the Collin County Community College District, duly acting herein by and through its President, hereinafter collectively referred to as "**Taxing Units**," and **Advanced Neuromodulation Systems, Inc.**, a Texas corporation, hereinafter referred to as "**Owner**."

**WITNESSETH:**

**WHEREAS**, on the \_\_\_\_ day of \_\_\_\_\_, 2006, the City Council of the City of Plano, Texas, passed Ordinance No. \_\_\_\_\_ establishing **Reinvestment Zone No. 99**, for commercial/industrial tax abatement, hereinafter referred to as the "Ordinance," as authorized by V.T.C.A. Tax Code, Chapter 312.001, et seq., cited as the Property Redevelopment and Tax Abatement Act, hereinafter referred to as "Áct"; and

**WHEREAS**, the **City** has adopted a revised policy statement for Tax Abatement by Resolution No. 2004-9-22(R) stating that it elects to be eligible to participate in tax abatement (the "Policy Statement"); and

**WHEREAS**, the Policy Statement sets forth appropriate guidelines and criteria governing tax abatement agreements to be entered into by the **City** as contemplated by the Act; and

**WHEREAS**, the tax abatement will maintain and enhance the commercial/industrial economic and employment base of the Plano area thereby benefiting both the **City** and the **Taxing Units** in accordance with the said Ordinance and Act; and

**WHEREAS**, the contemplated use of the Real Property, as hereinafter defined, the contemplated improvements to the Real Property in the amount as set forth in this Agreement and the other terms hereof are consistent with encouraging development of said **Reinvestment Zone No. 99** in accordance with the purposes for its creation and are in compliance with the intent of the Policy Statement and the Ordinance and similar guidelines and criteria adopted by the City of Plano and all applicable law.

**NOW THEREFORE**, the parties hereto do mutually agree as follows:

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1. The real property subject to this Agreement is described by metes and bounds in **EXHIBIT "A"** (the "Real Property") attached hereto and made a part hereof. At the time of this Agreement, **Advanced Neuromodulation Systems, Inc.** is the **Owner** of the Real Property. This Agreement shall be terminated should the Real Property not be occupied by **Owner**, its successor or its affiliate.

2. The tangible personal property subject to this Agreement shall be personal property, excluding inventory and supplies, used within **Reinvestment Zone No. 99**, which shall be hereinafter referred to as the "Personalty." The Personalty is presently estimated to have an approximate taxable value of **One Million Thirty Thousand Dollars (\$1,030,000)** and is or will be owned by **Owner** or its affiliates. **Owner** shall timely render its personal property value each year to the Central Appraisal District

3. **Owner**, as owner of the Personalty, may not relocate, for purposes of maintaining taxable situs of tangible personal property, the Personalty on the Real Property in other Reinvestment Zones in the City.

### JOB

4. **Owner** estimates the proposed development of the Real Property as shown in **EXHIBIT "B"** (the "Development") will result in at least 100 full-time equivalent jobs ("Full-Time Jobs") (i.e., scheduled work of at least 40 hours per week by employees and/or independent contractors; for illustration purposes only, if one person is scheduled to work 22 hours per week at the Real Property and another person is scheduled to work 18 hours at the Real Property, then such persons combined would equal one Full-Time Job) at the Development in Plano when the new building is completed. This number is only an estimate. During the term of this Agreement, for purposes of paragraph 7(f), the number of Full-Time Jobs at the Development will be established on January 1 of each year.

### IMPROVEMENTS

5. The **Owner** shall complete construction of improvements and/or repairs to the Real Property (hereinafter referred to as Improvements) consisting primarily of a new building consisting of not less than 30,000 gross square feet of office space with an initial expenditure of not less than **Four Million Three Hundred Thousand Dollars (\$4,300,000)** on or before December 31, 2006; provided that **Owner** shall have such additional time to complete the Improvements as may be required in the event of "force majeure" if **Owner** is diligently and faithfully pursuing the completion of the Improvements, or if in the reasonable opinion of the **City**, the **Owner** has made substantial progress toward completion of the initial phase of the Improvements. For this purpose, "force majeure" shall mean any contingency or cause beyond the reasonable control of **Owner** including, without limitation, acts of God or the public enemy, war, riot, civil commotion, insurrection, governmental or de facto governmental action (unless caused by acts or omissions of **Owner**), fire, shortages of material and/or labor, explosion or flood, and labor disturbances. The date of completion of the Improvements shall be defined as the date a Certificate of Occupancy is issued by the City of Plano.

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6. The **Owner** agrees and covenants that it will diligently and faithfully in a good and workmanlike manner pursue the substantial completion of the Improvements as a good and valuable consideration of this Agreement. **Owner** further covenants and agrees that all construction of the Improvements will be in accordance with all applicable federal, state and local laws and regulations or valid waiver thereof. In further consideration, **Owner** shall from the date a Certificate of Occupancy is issued until the expiration or termination of this Agreement, operate and maintain the Real Property (or cause the same to be operated and maintained) for the following described purposes: office building where **Owner** or its affiliates will employ at least an additional 100 full-time equivalent positions, referred to herein as the "Purposes."

### DEFAULT

7. Any of the following events shall be deemed a breach of this agreement resulting in default:

(a) The Improvements are not materially completed in accordance with this Agreement;

(b) **Owner** allows its real or personal property taxes owed the **City** or **Taxing Units** on the Real Property, Improvements, or Personalty to become delinquent;

(c) **Owner** fails to occupy the Improvements for the Purposes set forth in paragraph 6 above on or before December 31, 2006; or

(d) The appraised value of the Improvements to Real Property as of December 31, 2006 is less than the minimum amount set forth in paragraph 5 above;

(e) The appraised value as of January 1, 2007 and on January 1 of each year thereafter during the term of the Personalty located on the Real Property is less than the minimum amount set forth in paragraph 2 above; or

(f) **Owner** fails to meet 75% of its commitment with respect to Full-Time Jobs as provided in paragraph 4 above for any year during the term; or

(g) **Owner** fails to provide annual certification as required in paragraph 10 below.

8. In the event that the **Owner** defaults under this Agreement then the **City** or **Taxing Units** shall give the **Owner** written notice of such default and if the **Owner** has not cured such default, or obtained a waiver thereof from the appropriate authority, within thirty (30) days of said written notice, this Agreement may be terminated by the **City** and **Taxing Units**. Notice shall be in writing as provided below. Upon the occurrence of an event of default other than under Paragraph 7(b) above and after **Owner** fails to cure same in accordance herewith, this Agreement shall immediately terminate and all taxes due after the event of default shall be paid in full without the

benefit of any abatement. The parties acknowledge that actual damages in the event of default and termination would be speculative and difficult to determine.

9. Upon the occurrence of an event of default under Paragraph 7(b) above and after **Owner** fails to cure same in accordance herewith, this Agreement shall immediately terminate with respect to the tax abatements attributable to the Improvements and/or Personalty and all taxes, including previously abated taxes which would have been paid to the **City** and **Taxing Units** without the benefit of this Agreement, shall become due and owing to the **City** and **Taxing Units**, together with interest charged from the date of this Agreement at the statutory rate for delinquent taxes as determined by V.T.C.A., Tax Code § 33.01, but without the addition of penalty other than that mandated by V.T.C.A., § 33.01 or 33.07.

### ANNUAL CERTIFICATION

10. On or before the 1st day of November of each calendar year during the term of this Agreement, the **Owner** must provide annual certification (substantially in the form attached as **EXHIBIT "C"** hereto) to the Governing Body of the **City** certifying compliance with each applicable term of the Agreement.

### ASSIGNMENT

11. The terms and conditions of this Agreement are binding upon the successors and assigns of all parties hereto. This Agreement cannot be assigned by **Owner** unless written permission is first granted by the **City** and **Taxing Units**, which permission shall be at the reasonable discretion of the **City** and **Taxing Units**, except under the following conditions:

(a) A transfer or assignment of the Real Property and Improvements, or an assignment of this Agreement, by **Owner** to one or more affiliates of **Owner** is permissible without the prior written consent of either the **City** or the **Taxing Units**;

(b) A transfer or assignment of the Real Property and Improvements, or an assignment of this Agreement, by **Owner** to successors or assigns is permitted without the prior written consent of either the **City** or the **Taxing Units** if the successors or assigns agree to be bound by the terms of this Agreement and **Owner** shall continue to conduct business on the subject premises, and shall remain the primary tenant.

**Owner** agrees to give written notice to the **City** and **Taxing Units** of any assignment or transfer of interest permitted pursuant to subparagraphs (a) and (b) thereof. Upon an assignment or transfer permitted pursuant to subparagraphs (a) or (b), such affiliate, successor or assign shall become "Owner" for all purposes under this Agreement.

**ABATEMENT PROVISIONS**

12. Subject to the terms and conditions of this Agreement, and subject to the rights of holders of any outstanding bonds of the **City and Taxing Units**, a portion of ad valorem real and personal property taxes from the Improvements and Personalty otherwise owed to the **City and Taxing Units** shall be abated as follows:

(a) The tax abatements as to the Improvements and Personalty, as provided for herein, shall be for a period of ten (10) tax years, from January 1, 2007, through December 31, 2016.

(b) In accordance with all applicable federal, state, and local laws and regulations, the abatement shall be based on amounts equal to fifty percent (50%) of the value of the Improvements and fifty percent (50%) of the value of the Personalty for each tax year from January 1, 2007 through December 31, 2016.

(c) The **Owner** shall have the right to protest and/or contest any assessment of ad valorem taxes with respect to the Improvements or Personalty, and the abatement shall be applied to the amount of taxes finally determined to be due as a result of any such protest and/or contest.

**NOTICE**

13. Notices required to be given to any party to this Agreement shall be given personally or by registered or certified mail, return receipt requested, postage prepaid, addressed to the party at its address as set forth below, and, if given by mail, shall be deemed delivered as of the date deposited in the United States mail:

For City by notice to:

City of Plano  
Attention: Mr. Thomas H. Muehlenbeck  
City Manager  
P.O. Box 860358  
Plano, Texas 75086-0358

With copy to:

City of Plano  
Attention: Ms. Diane C. Wetherbee  
City Attorney  
P.O. Box 860358  
Plano, Texas 75086-0358

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For Taxing Units by notice to:

County of Collin, Texas  
Attention: The Honorable Ron Harris  
County Judge  
Collin County Commissioners' Court  
210 S. McDonald, Ste. 626  
McKinney, Texas 75069

Collin County Community College District  
Attention: Dr. Cary A. Israel  
President  
4800 Preston Park Blvd.  
Plano, Texas 75093

For Owner by notice to:

Advanced Neuromodulation Systems, Inc.  
Attention: Mr. F. Robert Merrill III,  
Executive Vice President, Finance  
6901 Preston Road  
Plano, Texas 75024

Any party may change the address to which notices are to be sent by giving the other parties written notice in the manner provided in this paragraph.

### MISCELLANEOUS PROVISIONS

14. The **Owner** further agrees that the **City** and **Taxing Units**, their agents and employees, shall have reasonable right (upon reasonable prior notice to **Owner**) to access the Real Property to inspect the Improvements and Personalty in order to insure that the construction of the Improvements and locations of the Personalty are in accordance with this Agreement and all applicable federal, state, and local laws and regulations. After completion of the Improvements, **City** and **Taxing Units** shall have the continuing right (upon reasonable prior notice to **Owner**) to inspect the Improvements and Personalty to insure that the Improvements and Personalty are thereafter maintained, operated and occupied in accordance with this Agreement.

15. It is understood and agreed between the parties that the **Owner**, in performing their obligations hereunder, is acting independently, and the **City** and **Taxing Units** assume no responsibilities or liabilities in connection therewith to third parties and **Owner** agrees to indemnify and hold harmless **City** and **Taxing Units** from any and all claims, suits, and causes of actions, including attorneys' fees, of any nature whatsoever arising out of **Owner's** default of their obligations hereunder.

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16. The **City** and the **Taxing Units** each represent and warrant that the Improvements and Personalty do not include any property that is owned by a member of their respective councils or boards, agencies, commissions, or other governmental bodies approving, or having responsibility for the approval of this Agreement.

17. This Agreement was authorized by Resolution of the City Council at its Council meeting on the \_\_\_\_ day of \_\_\_\_\_, 2006, authorizing the City Manager to execute the Agreement on behalf of the **City**.

18. This Agreement was authorized by the minutes of the Commissioners' Court of Collin County, Texas, at its meeting on the \_\_\_\_ day of \_\_\_\_\_, 2006, whereupon it was duly determined that the County Judge would execute the Agreement on behalf of Collin County.

19. This Agreement was authorized by the Board Minutes of the Board of Trustees of Collin County Community College District at its Board Meeting on the \_\_\_\_ day of \_\_\_\_\_, 2006, whereupon it was duly determined that the Chairman would execute the Agreement on behalf of Collin County Community College District.

20. This Agreement was entered into by **Owner** pursuant to authority granted by its Board of Directors, whereby an authorized officer was authorized to execute this Agreement on behalf of Owner.

21. This instrument shall constitute a valid and binding agreement between the **City** and **Owner** when executed in accordance herewith, regardless of whether any other **TAXING UNIT** executes this Agreement. This shall constitute a valid and binding Agreement between such **TAXING UNIT**, and the **Owner** when executed on behalf of said parties, for the abatement of such **TAXING UNIT's** taxes in accordance therewith.

22. Severability. If any term or provision of this Agreement shall, to any extent, be invalid or unenforceable, the remainder of this Agreement (or the application of such term or provision, to persons or circumstances other than those in respect of which it is invalid or unenforceable) except those terms or provisions, which are made subject to or conditioned upon such invalid or unenforceable term or provision, shall not be affected thereby, and each other term or provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

23. Applicable Law. This Agreement shall be construed in accordance with the laws of the State of Texas.

24. Counterparts. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

This Agreement is performable in Collin County, Texas. Signed this \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

CITY OF PLANO, TEXAS

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

\_\_\_\_\_  
Thomas H. Muehlenbeck, CITY MANAGER

APPROVED AS TO FORM:

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

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ATTEST:

COMMISSIONERS' COURT OF  
COLLIN COUNTY

\_\_\_\_\_

\_\_\_\_\_  
COUNTY JUDGE

ATTEST:

COLLIN COUNTY COMMUNITY  
COLLEGE DISTRICT

\_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN

ATTEST:

ADVANCED NEUMODULATION  
SYSTEMS, INC.

\_\_\_\_\_

\_\_\_\_\_  
F. Robert Merrill, III  
EXECUTIVE VICE PRESIDENT  
FINANCE

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**EXHIBIT "A"  
LEGAL DESCRIPTION  
REINVESTMENT ZONE NO. 99**

**Metes and Bounds  
16.999 Acres  
Lot 1R, Block A  
O. Epps Survey, Abstract No. 297  
Maria C. Vela Survey, Abstract No. 935  
City of Plano, Collin County, Texas**

**BEING** a tract of land out of the O. EPPS SURVEY, Abstract No. 297 and the MARIA C. VELA SURVEY, Abstract No. 935, in the City of Plano, Collin County, Texas, and being all of Lot 1R, Block A of ANS HEADQUARTERS, LOTS 1R AND 2R, BLOCK A, an addition to the City of Plano, according to the plat thereof recorded in instrument No. 20060720010003110 of the Official Public Records of Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at an "X" in concrete found in the west right-of-way line of Preston Road (a variable width ROW) for the southeast corner of LEGACY BANK ADDITION, an addition to the City of Plano, according to the plat thereof recorded in Cabinet N, Page 920 of the Map Records of Collin County, Texas;

**THENCE** with said west right-of-way line the following courses and distances to wit:

- South 17°24'04" East, a distance of 39.27 feet to an "X" In concrete found for corner;
- South 08°26'27" East, a distance of 195.32 feet to a pk nail found for corner;
- South 00°23'40" West, a distance of 232.00 feet to a 5/8" iron rod found and replaced with an aluminum disk set in concrete;
- North 89°36'20" West, a distance of 2.00 feet to a 5/8" iron rod found for corner;
- South 00°23'37" West, a distance of 335.70 feet to a 5/8" iron rod found for corner;
- South 89°36'23" East, a distance of 12.00 feet to a 5/8" iron rod found for corner;
- South 00°23'37" West, a distance of 66.15 feet to a 5/8" iron rod with "KHA" cap set for the easterly common corner of Lots 1R and 2R, Block A of the beforementioned ANS HEADQUARTERS, LOTS 1R AND 2R, BLOCK A;

**THENCE** leaving the west right-of-way line of Preston Road with the common line of Lots 1R and 2R, Block A, Due West, a distance of 1087.73 feet to a 5/8" iron rod with "KHA" cap set in the easterly line of the FOURTH PLAT OF EDS HEALTH & FITNESS CENTER, an addition to the City of Plano according to the plat thereof recorded in Cabinet M, Page 82 of the Map Records of Collin County, Texas, for the westerly common corner of Lots 1R and 2R, Block A;

**THENCE** with the east line of said addition and the east line of Lot 1, Block B of EDS LAKES ADDITION, BLOCK B, an addition to the City of Plano according to the plat thereof recorded in Cabinet H, Page 527 of the Map Records of Collin County, Texas, the following courses and distances to wit:

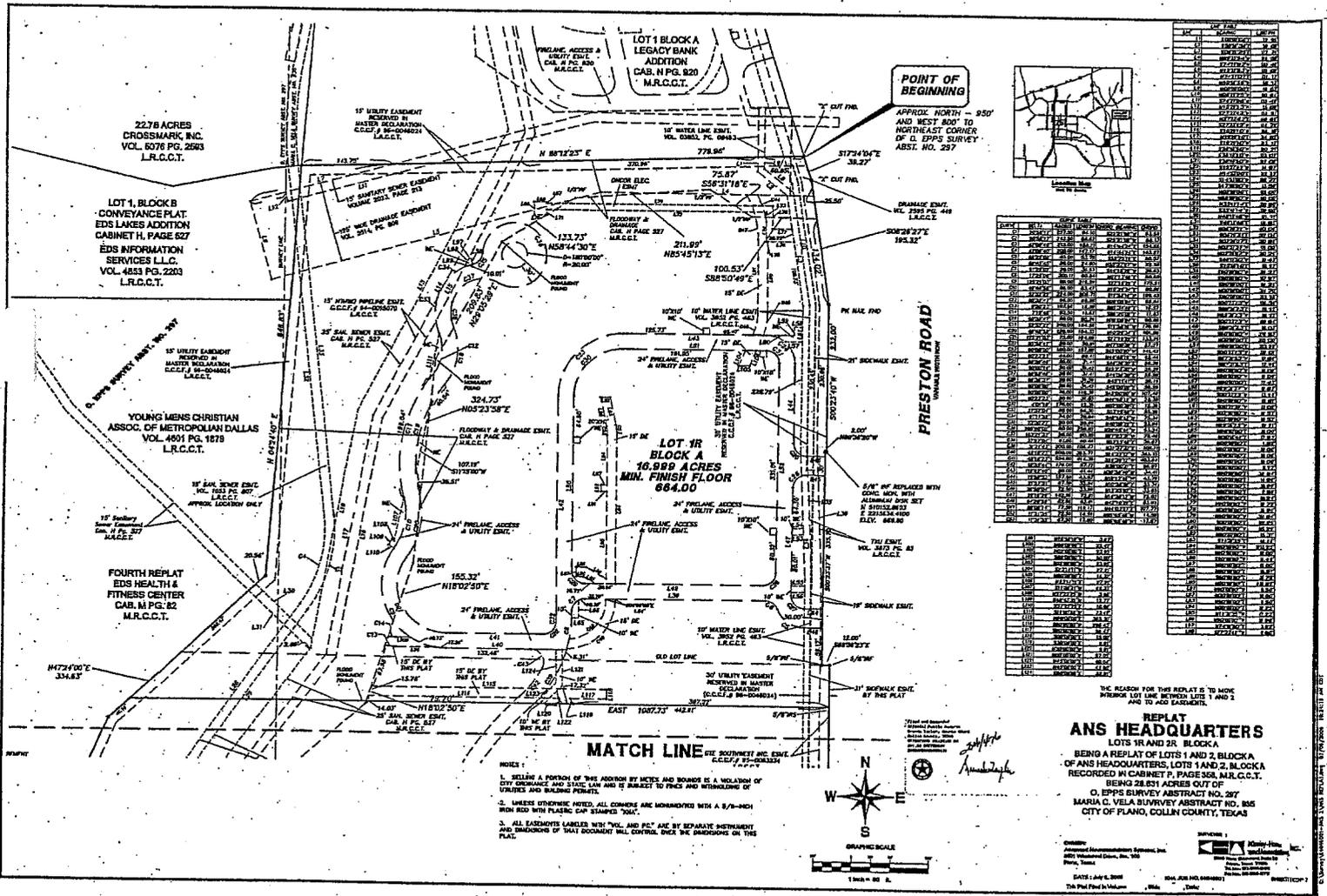
7-13

--North 47°24'00" East, a distance of 288.47 feet to a point for corner in a creek;  
--North 04°24'40" East, a distance of 646.83 feet to a point in a creek for the southwest corner of said LEGACY BANK ADDITION, and the southeast corner of a tract of land described in deed to Crossmark, Inc, recorded in Volume 5076, Page 2593 of the Land Records of Collin County, Texas;

**THENCE** with the south line of said LEGACY BANK ADDITION, North 88°12'23" East, a distance of 779.96 feet to the **POINT OF BEGINNING** and containing 16.999 acres of land.

Bearing system based on the monuments found in the north right-of-way line of Tennyson Parkway according to 28.723 acre tract of land described in deed to EDS Information Services, L.L.C., recorded in Volume 4853, Page 2203 of the Land Records of Collin County, Texas.

## EXHIBIT "B" THE DEVELOPMENT REINVESTMENT ZONE NO. 99



LOT	OWNER	ACRES	PLAT	VOL.	PAGE	REMARKS
1	...	...	...	...	...	...
2	...	...	...	...	...	...
3	...	...	...	...	...	...
4	...	...	...	...	...	...
5	...	...	...	...	...	...
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7	...	...	...	...	...	...
8	...	...	...	...	...	...
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19	...	...	...	...	...	...
20	...	...	...	...	...	...
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THE REASON FOR THIS REPLAT IS TO MOVE  
INSIDE LOT LINE BETWEEN LOTS 1 AND 2  
AND TO ADD EASEMENTS.

**REPLAT  
ANS HEADQUARTERS**  
LOTS 1R AND 2R BLOCK A  
BEING A REPLAT OF LOTS 1 AND 2, BLOCK A  
OF ANS HEADQUARTERS, LOTS 1 AND 2, BLOCK A  
RECORDED IN CABINET P, PAGE 308, M.R.C.C.T.  
BEING 28.831 ACRES OUT OF  
C. EPPS SURVEY ABSTRACT NO. 297  
MARIA C. VELA SURVEY ABSTRACT NO. 885  
CITY OF PLANO, COLLIN COUNTY, TEXAS

7-15

**EXHIBIT "C"**  
**CERTIFICATION FORM**  
**REINVESTMENT ZONE NO. 99**

This letter certifies that Advanced Neuromodulation Systems, Inc. is in compliance with each applicable term as set forth in the Agreement to Resolution No. \_\_\_\_\_(R) as of \_\_\_\_\_. The term of this agreement is January 1, 2007, through December 31, 2016. This form is due on November 1 of each year this tax abatement is in force.

ATTEST:

ADVANCED NEUROMODULATION  
SYSTEMS, INC.

\_\_\_\_\_  
F. Robert Merrill, III  
EXECUTIVE VICE PRESIDENT  
FINANCE

\_\_\_\_\_  
DATE

**NOTE: This certification form should be mailed to: City of Plano**  
**Finance Department**  
**P.O. Box 860358**  
**Plano, Texas 75086-0358**

7-16

**DATE:** August 22, 2006  
**TO:** Honorable Mayor & City Council  
**FROM:** Carolyn Kalchthaler, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of August 21, 2006

**AGENDA ITEM NO. 6 - PUBLIC HEARING  
ZONING CASE 2006-06  
APPLICANT: CITY OF PLANO**

**DESCRIPTION:**

A request to amend Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Zoning Ordinance to create a definition and standards for multistory office building sign. Tabled 04/17/06, 05/01/06, 05/15/06, 06/19/06, and 08/07/06.

**APPROVED:** 6-2 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**STIPULATIONS:**

Approved as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

1. Amend Subsection 3.1602 (Definitions) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) by adding a new sign type to read as follows:

"Sign – Multistory Office Wall - Any sign on a building with two or more stories for office use in which the tenant has no direct outside entrance from the tenant space."

2. Amend Subsection 3.1603.1 (Requirements for Wall Signs) of Subsection 3.1603 (Design and Construction Specifications) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) by adding the following new standard (c) to read as follows, and renumbering existing standards accordingly:

**"(c) Multistory Office (MSO) Wall Signs**

- (i) Multistory office wall signs shall not be required to be placed above a tenant's lease space.

- (ii) A multistory office wall sign shall not exceed 250 square feet.
- (iii) Multistory office wall signs shall be limited to three signs per elevation.
- (iv) Such signs may be located on the face of the building in either a horizontal or vertical direction. The direction of a sign positioned at an angle shall be determined based on the degree of angle from the horizontal or vertical position. If the angle between the horizontal and the sign is 45 degrees or less, the sign shall be considered as a horizontal sign. If the angle between the horizontal and the sign is greater than 45 degrees, the sign shall be considered as a vertical sign.
- (v) The height of a horizontal MSO wall sign shall not exceed six feet. The height shall be measured perpendicularly from the horizontal. The width of a vertical MSO wall sign shall not exceed six feet. The width shall be measured perpendicularly from the vertical. MSO wall signs shall not exceed 75% of the width or the height of the available building elevation based on the placement of the sign. Vertical clearance shall be subject to the requirements in 1.d (below). MSO wall signs shall not extend above the wall to which they are attached.

Exception - An MSO wall sign may exceed the six foot height or width limit as follows: In the case of a horizontal sign, for every one inch of sign height exceeding six feet, the allowable width of the sign shall be reduced by one percent; in the case of a vertical sign, for every one inch of the sign width exceeding six feet, the allowable height of the sign shall be reduced by one percent.

- (vi) The combination of MSO wall sign areas shall not exceed the product of two times the lineal footage of the designated building elevation. Such signs shall not be arranged as to have a vertical height of more than six feet, except as noted in 1.c.v (above). The combination of the sign widths, when placed side by side, shall not exceed 75% of the width of the wall elevation available to such signs.
- (vii) MSO wall signs may be illuminated only on building facades facing a nonresidential zoning district.

8-2

- (viii) An MSO wall sign shall not project more then 12 inches from the wall surface.
- (ix) Suites with direct access to the street in a multistory office shall have signage regulated by Subsection 1.b (above) for general business wall signs. However, signs using this direct access provision must remain in compliance with 1.c.iii (above)."

Commissioner Duggan voted in opposition stating he felt the proposal standards for allowable sign area were overly restrictive in comparison to current allowable area for wall signs. Commissioner Norton voted in opposition stating he felt the maximum 250 square feet allowable area for an individual sign was too large.

**FOR CITY COUNCIL MEETING OF:** September 11, 2006 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

TE/dw

CITY OF PLANO  
PLANNING AND ZONING COMMISSION

August 21, 2006

**Agenda No. 6**

**Public Hearing: Zoning Case 2006-06**

**Applicant: City of Plano**

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**DESCRIPTION:**

A request to amend Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Zoning Ordinance to create a definition and standards for multistory office building sign. Tabled 04/17/06, 05/01/06, 05/15/06, 06/19/06, and 08/07/06.

**REMARKS:**

This item was tabled at the August 7, 2006, Planning & Zoning Commission meeting. It must be removed from the table for consideration.

Currently the Zoning Ordinance limits the placement of wall signs to the same floor as the tenant space. For example, a wall sign for a tenant on the first floor of a multistory building has to be attached to the first floor portion of the building facade; it cannot be attached to any portion of the building facade above the first floor.

At their December 20, 2005, preliminary meeting, City Council and Selso Mata, Chief Building Official, discussed the creation of a multistory office building sign. Mr. Mata noted that the Building Inspections Department has received many sign permit applications to place wall signs on the upper floor facades of multistory buildings. Although many cities allow the placement of wall signs anywhere on the facade of a multistory building, Plano's sign regulations within the Zoning Ordinance limit sign placement to the same floor as the tenant space. After discussion, City Council directed Mr. Mata to prepare potential amendments to the Zoning Ordinance for their consideration to allow flexible placement of wall signs.

This item has been previously discussed in public hearing by the Commission at the April 17, 2006, May 1, 2006, and May 15, 2006, Planning & Zoning Commission meetings.

8-4

In work session, at the July 17, 2006, Planning & Zoning Commission meeting, Mr. Mata presented an overview of office signage standards, similar office sign standards from other cities, and three alternatives for multistory office sign standards. The Commission asked Mr. Mata to bring the third alternative forward for formal consideration.

The request proposes to create a new permanent sign type by adding a sign definition and creating design and construction specifications for a multistory office building sign. The proposed multistory office building sign will allow flexibility in the placement of wall signs for multi-tenant multistory office buildings. This proposed amendment would allow a first-floor tenant to place a wall sign on the facade of the upper floors of a multistory building.

### **RECOMMENDATION:**

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

1. Amend Subsection 3.1602 (Definitions) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) by adding a new sign type to read as follows:

“Sign – Multistory Office Wall - Any sign on a building with two or more stories for office use in which the tenant has no direct outside entrance from the tenant space.”

2. Amend Subsection 3.1603.1 (Requirements for Wall Signs) of Subsection 3.1603 (Design and Construction Specifications) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) by adding the following new standard (c) to read as follows, and renumbering existing standards accordingly:

#### **“(c) Multistory Office (MSO) Wall Signs**

- (i) Multistory office wall signs shall not be required to be placed above a tenant’s lease space.
- (ii) A multistory office wall sign shall not exceed 250 square feet.
- (iii) Multistory office wall signs shall be limited to three signs per elevation.
- (iv) Such signs may be located on the face of the building in either a horizontal or vertical direction. The direction of a sign positioned at an angle shall be determined based on the degree of angle from the horizontal or vertical position.

If the angle between the horizontal and the sign is 45 degrees or less, the sign shall be considered as a horizontal sign. If the angle between the horizontal and the sign is greater than 45 degrees, the sign shall be considered as a vertical sign.

- (v) The height of a horizontal MSO wall sign shall not exceed six feet. The height shall be measured perpendicularly from the horizontal. The width of a vertical MSO wall sign shall not exceed six feet. The width shall be measured perpendicularly from the vertical. MSO wall signs shall not exceed 75% of the width or the height of the available building elevation based on the placement of the sign. Vertical clearance shall be subject to the requirements in 3.1603.1.d (below). MSO wall signs shall not extend above the wall to which they are attached.

Exception - An MSO wall sign may exceed the six foot height or width limit as follows: In the case of a horizontal sign, for every one inch of sign height exceeding six feet, the allowable width of the sign shall be reduced by one percent; in the case of a vertical sign, for every one inch of the sign width exceeding six feet, the allowable height of the sign shall be reduced by one percent.

- (vi) The combination of MSO office wall sign areas shall not exceed the product of two times the lineal footage of the designated building elevation. Such signs shall not be arranged as to have a vertical height of more than six feet, except as noted in 1.c.v (above). The combination of the sign widths, when placed side by side, shall not exceed 75% of the width of the wall elevation available to such signs.
- (vii) MSO wall signs may be illuminated; however illuminated MSO wall signs on rear building facades shall be prohibited unless facing a nonresidential zoning district.
- (viii) An MSO wall sign shall not project more than 12 inches from the wall surface.
- (ix) Suites with direct access to the street in a multistory office shall have signage regulated by Subsection 3.1603.2.c for general business wall signs. However, signs using this direct access provision must remain in compliance with 1.c.iii (above)."

8-6

# **Multi-Story Office Signs Ordinance**

City Council Meeting  
September 11, 2006

# Agenda

**1. Sign Ordinance Requirements**

**2. Sign Permit Requests**

**3. Sign Ordinance Proposal**

# Multi-Story Office Signs

## 1. Sign Ordinance Requirements

### 3.1603 Design and Construction Specifications

#### (I) Requirements for Wall Signs

- (iii) In the case where two or more wall signs are installed in a single wall area, the gross surface area may not exceed two times the lineal width of the wall area available to such signs. Such signs shall not be arranged as to have a vertical height of more than six feet, except as noted in 1.b.ii. above. The combination of the sign widths, when placed side by side, shall not exceed 75% of the width of the wall available to such signs.
- (iv) General business wall signs must be located over the business for which they are intended. Wall signs may be illuminated; however, illuminated wall signs on rear building facades shall be prohibited unless facing a nonresidential zoning district.

# Multi-Story Office Signs

Ordinance requires signs directly above tenant's space



# Multi-Story Office Signs

## 2. Sign Permit Requests

- Ability to locate signs on the top floor of a building
- Flexibility to choose sign location on a building
- Review area cities for sign ordinance comparison

# Multi-Story Office Signs

## 3. Sign Ordinance Proposal

- Creates a Multi-story office sign definition
- Eliminates signs required above a tenant's space
- Creates a maximum sign area
- Allow two (2) signs per building facade

# Multi-Story Office Signs



Ordinance will allow flexible use of building signage

# Multi-Story Office Signs

## Questions?

City Council Meeting  
September 11, 2006

**ORDINANCE NO. \_\_\_\_\_**  
**(Zoning Case 2006-06)**

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING SUBSECTION 3.1602 (DEFINITIONS) OF SECTION 3.1600 (SIGN REGULATIONS) AND SUBSECTION 3.1603.1 (REQUIREMENTS FOR WALL SIGNS) OF SUBSECTION 3.1603 (DESIGN AND CONSTRUCTION SPECIFICATIONS) OF SECTION 3.1600 (SIGN REGULATIONS) OF ARTICLE 3 (SUPPLEMENTARY REGULATIONS), AND RELATED SECTIONS OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, BY ADDING A NEW SIGN TYPE AND A NEW STANDARD; 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 11th day of September, 2006, for the purpose of considering a change in the Zoning Ordinance; and

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

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 11th day of September, 2006; and

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

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

**Section I.** Subsection 3.1602 (Definitions) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended by adding a new sign type, such definition to read in its entirety as follows:

“Sign – Multistory Office Wall - Any sign on a building with two or more stories for office use in which the tenant has no direct outside entrance from the tenant space.”

**Section II.** Subsection 3.1603.1 (Requirements for Wall Signs) of Subsection 3.1603 (Design and Construction Specifications) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended by adding the following new standard to read in its entirety as follows, and renumbering existing standards accordingly:

8-15

**“(c) Multistory Office (MSO) Wall Signs**

- (i) Multistory office wall signs shall not be required to be placed above a tenant’s lease space.
- (ii) A multistory office wall sign shall not exceed 250 square feet.
- (iii) Multistory office wall signs shall be limited to two signs per elevation.
- (iv) Such signs may be located on the face of the building in either a horizontal or vertical direction. The direction of a sign positioned at an angle shall be determined based on the degree of angle from the horizontal or vertical position. If the angle between the horizontal and the sign is 45 degrees or less, the sign shall be considered as a horizontal sign. If the angle between the horizontal and the sign is greater than 45 degrees, the sign shall be considered as a vertical sign.
- (v) The height of a horizontal MSO wall sign shall not exceed six feet. The height shall be measured perpendicularly from the horizontal. The width of a vertical MSO wall sign shall not exceed six feet. The width shall be measured perpendicularly from the vertical. MSO wall signs shall not exceed 75% of the width or the height of the available building elevation based on the placement of the sign. Vertical clearance shall be subject to the requirements in 1.d (below). MSO wall signs shall not extend above the wall to which they are attached.  
  
Exception - An MSO wall sign may exceed the six foot height or width limit as follows: In the case of a horizontal sign, for every one inch of sign height exceeding six feet, the allowable width of the sign shall be reduced by one percent; in the case of a vertical sign, for every one inch of the sign width exceeding six feet, the allowable height of the sign shall be reduced by one percent.
- (vi) The combination of MSO wall sign areas shall not exceed the product of two times the lineal footage of the designated building elevation. Such signs shall not be arranged as to have a vertical height of more than six feet, except as noted in 1.c.v (above). The combination of the sign widths, when placed side by side, shall not exceed 75% of the width of the wall elevation available to such signs.
- (vii) MSO wall signs may be illuminated only on building facades facing a nonresidential zoning district.
- (viii) An MSO wall sign shall not project more than 12 inches from the wall surface.

- (ix) Suites with direct access to the street in a multistory office shall have signage regulated by 1.b (above) for general business wall signs. However, signs using this direct access provision must remain in compliance with 1.c.iii (above)."

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

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

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

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

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

**PASSED AND APPROVED THIS THE 11TH DAY OF SEPTEMBER, 2006.**

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

ATTEST:

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

APPROVED AS TO FORM:

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

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