

# CITY COUNCIL

1520 AVENUE K



DATE: 12/10/2012  
CALL TO ORDER: 7:00 p.m.  
INVOCATION: Sr. Pastor Sam Fenceroy  
Mt. Olive Church of Plano  
PLEDGE OF ALLEGIANCE: Girl Scout Troop 3465  
Thomas Elementary

ITEM NO.	EXPLANATION	ACTION TAKEN
(a)	<p>OUR MISSION - THE CITY OF PLANO IS A REGIONAL AND NATIONAL LEADER, PROVIDING OUTSTANDING SERVICES AND FACILITIES THROUGH COOPERATIVE EFFORTS THAT ENGAGE OUR CITIZENS AND CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p><b>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</b></p> <p><b><u>PROCLAMATIONS &amp; SPECIAL RECOGNITION</u></b></p> <p>Oath of Office and Introduction of Brian Crawford as the new City of Plano Fire Chief</p> <p>PRESENTATION: The Friends of the Plano Public Library organization is once again presenting a large donation to the Plano Public Library System</p> <p><b><u>COMMENTS OF PUBLIC INTEREST</u></b></p> <p><b><u>This portion of the meeting is to allow up to five (5) minutes per speaker with thirty (30) total minutes on items of interest or concern and not on items that are on the current agenda. The Council may not discuss these items, but may respond with factual or policy information. The Council may choose to place the item on a future agenda.</u></b></p> <p><b><u>CONSENT AGENDA</u></b></p> <p><b><u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></b></p> <p><b><u>Approval of Minutes</u></b></p> <p>November 26, 2012</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><b><u>Approval of Expenditures</u></b></p> <p><b>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</b></p>	
(b)	Bid No. 2013-25-B for Spectator Covers at Russell Creek, Project 6284 to Jim Bowman Construction Co., L.P. in the amount of \$225,030 and authorizing the City Manager to execute all necessary documents.	
(c)	Bid No. 2013-28-B for Bob Woodruff Park-South Pavilion Renovation Project to T&G Corporation dba Florida T&G Corporation Texas Division, Inc. in the amount of \$317,900 and authorizing the City Manager to execute all necessary documents.	
(d)	Bid No. 2013-22-B for High Point Park and Carpenter Park Athletic Facility Improvements to Dean Electric, Inc. in the amount of \$2,734,185 and authorizing the City Manager to execute all necessary documents. Improvements at High Point Park include: renovation of walkways, plaza, restrooms, electrical room, backstops, and dugouts; replacement of irrigation system and existing shade structure; and new improvements of an additional restroom, signage, shade structures, and a screened storage/dumpster area. Improvements at Carpenter Park include: a restroom building, storage area, plaza, bicycle parking and irrigation pump.	
(e)	RFP No. 2012-204-C for three (3) years effective January 1, 2013 with three (3) additional one (1) year City optional renewals for Employee Benefits Consulting Services for Human Resources to Holmes Murphy & Associates in the annual amount of \$108,000 and authorizing the City Manager to execute all necessary documents.	
	<p><b><u>Purchase from an Existing Contract</u></b></p>	
(f)	To approve the purchase of Microsoft software licenses for one (1) year with two (2) City optional one (1) year renewals, through a Microsoft Enterprise Agreement in the amount of \$1,005,196 from Dell Marketing, LP, through an existing DIR (Department of Information Resources) contract and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1014)	
	<p><b><u>Adoption of Resolutions</u></b></p>	
(g)	To approve the purchase of 1,905 sq. ft. of land for a Street Easement and 1,033 sq. ft. for a Temporary Construction Easement located at the southeast corner of Independence Parkway and Parker Road by and between Peter and Stacy Daniels and the City of Plano; and authorizing the City Manager to execute any necessary documents; and providing an effective date.	
(h)	To authorize the establishment and amendment of Daily Admission and Facility Rental Fees at the Plano Aquatic Center pursuant to Chapter 15, Parks and Recreation, Article IV, User Fees, of Section 15-81, Establishment of a Fee, of the City Code of Ordinances of the City Council of the City of Plano, Texas; and providing an effective date.	

ITEM NO.	EXPLANATION	ACTION TAKEN
(i)	To approve the purchase of software maintenance in the amount of \$57,739 from Environmental Systems Research Institute, Inc., a sole source provider; authorizing the City Manager to issue a purchase order for the services; and providing an effective date.	
(j)	To establish energy conservation goals as required by Texas Health and Safety Code §388.005, as amended by Senate Bill 898 of the 82nd Legislative Session of 2011; requiring the filing of an annual report on compliance with the City's energy conservation goals with the State Energy Conservation Office ("SECO") on a form provided by SECO; and providing an effective date.	
(k)	To approve the terms and conditions of an Interlocal Agreement requesting North Central Texas Council of Governments (NCTCOG) to pursue development of the Cotton Belt Passenger Rail Project utilizing the Public and Private Facilities and Infrastructure Act; authorizing its execution by the City Manager; and providing and effective date.	
<p><b><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></b></p>		
<p><b><u>Public Hearing Items: Applicants are limited to fifteen (15) minutes presentation time with a five (5) minute rebuttal, if needed. Remaining speakers are limited to thirty (30) total minutes of testimony time, with three (3) minutes assigned per speaker. The presiding officer may extend these times as deemed necessary.</u></b></p>		
<p><b><u>Non-Public Hearing Items: The Presiding Officer may permit limited public comment for items on the agenda not posted for a Public Hearing. The Presiding Officer will establish time limits based upon the number of speaker requests, length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Speakers will be called in the order cards are received until the cumulative time is exhausted.</u></b></p>		
(1)	Public Hearing and Comment - Review of the Consolidated Annual Performance Evaluation Report describing the use of Federal Funds. This report details how the City used U.S. Department of Housing and Urban Development funds during the 2011-2012 grant year.	
(2)	Public Hearing and consideration of an Ordinance as requested in Zoning Case 2012-26 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended; amending Heritage Resource Designation No. H-4 to allow the additional use of Assembly Hall, on 0.5± acre located at the northwest corner of M Avenue and 16th Street and being more particularly described as Lot 2-B, Block 6, Clint Foreman Heirs Addition, an addition to the City of Plano, Collin County, Texas, presently zoned Multifamily Residence-1 with Heritage Resource Designation H-4; directing a change accordingly in the official Zoning Map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Stanley E. & Pat Black. (Tabled 11/12/12)	

ITEM NO.	EXPLANATION	ACTION TAKEN
(3)	<p>Public Hearing and consideration of an Ordinance as requested in Zoning Case 2012-50 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 37.4± acres located on the west side of the Dallas North Tollway, 1,200± feet south of Spring Creek Parkway in the City of Plano, Collin County, Texas, from Regional Employment to Commercial Employment; with Specific Use Permit No. 633 so as to allow the additional use of New Car Dealer; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Owen Haggard and Acres of Sunshine, LTD.</p>	
(4)	<p>Public Hearing and consideration of an Ordinance to amend the Thoroughfare Plan map of the Comprehensive Plan as originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said map as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date. Applicant: City of Plano</p> <p><u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Training Room A/Building Inspections Training Room are located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</u></p>	



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		12/10/2012		
Department:		City Manager's Office		
Department Head		Bruce Glasscock		
Agenda Coordinator (include phone #): <b>Melinda White X7548, Cindy Pierce X5161</b>				
<b>CAPTION</b>				
PRESENTATION: "Oath of Office and Introduction of Brian Crawford as the new City of Plano Fire Chief"				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
<b>FUND(S):</b>				
<b>COMMENTS:</b>				
<b>SUMMARY OF ITEM</b>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	



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<b>CAPTION</b>				
PRESENTATION: The Friends of the Plano Public Library organization is once again presenting a large donation to the Plano Public Library System.				
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FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
<b>FUND(S):</b>				
<b>COMMENTS:</b>				
<b>SUMMARY OF ITEM</b>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

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

**COUNCIL MEMBERS PRESENT**

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

**COUNCIL MEMBERS ABSENT**

Ben Harris, Deputy Mayor Pro Tem

**STAFF PRESENT**

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

Mayor Dyer called the meeting to order at 5:01 p.m., Monday, November 26, 2012, in Training Room A of the Municipal Center, 1520 K Avenue. A quorum was present. Mayor Dyer then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071 for which a certified agenda is not required.

Mayor Dyer reconvened the meeting back into the Preliminary Open Meeting at 5:41 p.m.

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

No items were brought forward.

**Comprehensive Monthly Financial Report**

Controller Cockrell advised that the October 2012 report finds actual General Fund revenues are up \$1 million as compared to last year. She noted that General Fund expenditures are slightly higher than last year due to increases in personnel expenses, but that professional service contract expenses are down. Ms. Cockrell spoke to sales tax collections of \$6.5 million, a general improvement in the real estate market over the last 12 months and the City's unemployment rate of 5.6%.

### **Discussion and Direction Regarding Proposed Changes to the Capital Reserve Fund**

Director of Budget and Research Rhodes-Whitley spoke to the City's Sales Tax Policy which states that any funds collected over the cap (currently \$59 million) can be used for one-time expenditures, transfer to the Capital Reserve Fund, or to offset a purchase in the following year. She advised that sales tax collections are projected to end FY 2011-12 at \$69.8 million. Ms. Rhodes-Whitley spoke to creation of the Capital Reserve Fund in 1985-86 to fund maintenance related projects and advised that the City has not attained the policy goal of 75% of the annual depreciation of the total general assets. She spoke to methodology using a 20-year life cycle for buildings and a 45-year life cycle for other improvements. Ms. Rhodes-Whitley stated that contributions to the fund will total 51% of depreciation value for 2013 and spoke to recommended increases moving toward 75% in 2018. She advised regarding Facility Planning Committee policy revisions including an annual review and priority ranking of projects; expansion of the infrastructure definition to include signals and underground utilities; defining water/sewer and miscellaneous projects; inclusion of Collin county funding; and removal of the annual expenditure and fund balance limitations. She requested Council approval of the policy revisions and commitment to phased-in funding to reach 75% of the annual depreciation of the total general assets by FY 2018. City Manager Glasscock spoke to the gradual growth in the account balance while considering possible future economic conditions and the potential for increased contributions. The Council stated a consensus in agreement with the policy revisions and recommended goal.

### **FEMA Proposed Flood Insurance Rate Maps Revision**

Director of Public Works Cosgrove spoke to conversion of flood plain maps by FEMA in 2009 to a digital format without restudy of basins and their 2010 study of Plano basins including Spring Creek, Russell Creek, Pittman Creek, Prairie Creek and White Rock Creek. Mr. Cosgrove stated concern regarding areas not formerly within the 100-year flood plain now designated as such particularly Prairie Creek, and in the Willow Bend and Rasor/S. H. 121 areas. He advised that Staff has hired a consultant to review the model, submitted comments to FEMA, and notified affected property owners. Mr. Cosgrove advised that based on a possible error, FEMA will review the Willow Bend Lake No. 1 area and that the City will run a study for the Prairie Creek basin. He spoke to the appeal process, impact on property insurance rates and responded to the Council, advising that should differences be found following review of the Prairie Creek basin Staff will request FEMA rerun their study city-wide.

Real Estate Broker Shula Netzer stated concern regarding the impact on the value of property at Rasor Road and S.H. 121. Thomas Juhn of JBI Partners stated concern regarding the elevations indicated for the Rasor Road and S.H. 121 property and those near St Andrew United Methodist Church. Mr. Cosgrove spoke to the selection of the Prairie Creek area for review followed by further discussion with FEMA to address discrepancies. Mayor Pro Tem Smith spoke to providing citizens with updates and the Council stated a consensus directing Staff to move forward with the study of the Prairie Creek basin.

### **Discussion and Direction Regarding Cotton Belt Funding Strategy**

North Central Texas Council of Governments (NCTCOG) Director Michael Morris spoke to creation of a partnership between the NCTCOG and cities along the Cotton Belt Corridor to expedite development of the line. He spoke to receipt of a private sector letter of intent including a focus on economic development, proposing a special district, covering the full length of the project, and following the procurement process outlined in SB 1048. Mr. Morris spoke to establishment of a joint procurement structure which includes the creation of a temporary Responsible Government Entity to represent cities and work with transit agencies in receiving, requesting, evaluating and awarding proposals. He spoke to Council's consideration of working with other entities through an interlocal agreement to protect local government interest and advised that the SB 1048 procurement process is regional in scope, provides cities the opportunity to review and provide input, and that an interim award allows for funding finalization.

Mr. Morris advised that there are future decision points and spoke to consideration of the proposal by other municipalities. He reviewed future efforts including the DART interlocal agreement adoption process, future consideration by the NCTCOG Executive board, receipt of unsolicited proposals, review and comments. Mr. Morris responded to Mayor Pro Tem Smith, advising that the board would be likely to proceed even if only 3-4 major cities choose to participate. He further advised that NCTCOG is focused on the procurement process, leaving the private sector to work the governance process through the legislature. Mr. Morris spoke to use of a common interlocal agreement including the major points of SB 1048 and referenced the growing population in the North Texas area and the need to advance the passenger rail system. He spoke to the incremental nature of the proposal. The Council stated a consensus to consider the agreement on their December 10 agenda.

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

No items were discussed.

### **Consent and Regular Agendas**

No items were discussed.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:58 p.m.

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**Phil Dyer, MAYOR**

ATTEST

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Diane Zucco, City Secretary

**PLANO CITY COUNCIL**  
**November 26, 2012**

**COUNCIL MEMBERS PRESENT**

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

**COUNCIL MEMBERS ABSENT**

Ben Harris, Deputy Mayor Pro Tem

**STAFF PRESENT**

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

Mayor Dyer convened the Council into the Regular Session on Monday, November 26, 2012, at 7:05 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Assistant Pastor Kelvin Foley of Prestonwood Baptist Church led the invocation and Cub Scout Pack 261 of Christie Elementary led the Pledge of Allegiance. The Men of Note Chorus performed several seasonal songs.

Mayor Dyer accepted, on behalf of the City, a certificate of appreciation from The Search One Rescue Team.

**COMMENTS OF PUBLIC INTEREST**

No one appeared to speak.

**CONSENT AGENDA**

Upon a motion made by Council Member Miner and seconded by Council Member Davidson, the Council voted 7-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

**Approval of Minutes** (Consent Agenda Item "A")  
November 12, 2012

### **Approval of Expenditures**

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

**RFP No. 2012-222-C** for three (3) years with two (2) City optional one-year renewal periods for the Retirement Security Plan Investment Manager Services for Human Resources to Capital One, N.A., in the amount of \$162,363 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

#### **Purchase from an Existing Contract**

To approve the purchase of one (1) Ford F-750 Truck Chassis from Chastang Ford, in the amount of \$67,760 & one (1) Petersen Crane/Brush Truck Body from Heil of Texas, in the amount of \$61,732 totaling \$129,492 for the Fleet Department, to be utilized by Environmental Services, through an existing contract/agreement with TASB/Buyboard, and authorizing the City Manager to execute all necessary documents. (TASB/Buyboard Contract #358-10 & 357-10) (Consent Agenda Item "C")

To approve the purchase of seven (7) Crane Carrier Refuse Truck Chassis's from Bond Equipment Company, Inc., in the amount of \$1,152,953, four (4) Heil Automated Single Arm Bodies, & three (3) Rear Loader Bodies from Heil of Texas, in the amount of \$661,906, totaling \$1,814,859 for the Fleet Department, to be utilized by Environmental Services, through an existing contract/agreement with TASB/Buyboard, and authorizing the City Manager to execute all necessary documents. (TASB/Buyboard Contract #358-10 & 357-10) (Consent Agenda Item "D")

To approve the purchase of CommVault-Galaxy Software Premium Support Coverage in the amount of \$121,654 from CDW Government, LLC through an existing contract with The Cooperative Purchasing Network (TCPN) and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R5106) (Consent Agenda Item "E")

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

To approve an Architectural Services Agreement by and between the City of Plano and Alliance Architects, Inc., in the amount of \$79,300 for Space Assessment - Administrative Buildings Phase II; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "F")

#### **Adoption of Resolutions**

**Resolution No. 2012-11-12(R):** To confirm the appointment of Brian Crawford to serve as Plano Fire Chief beginning December 3, 2012, and providing an effective date. (Consent Agenda Item "G")

**Resolution No. 2012-11-13(R):** To adopt the Downtown Heritage District Design Guidelines; providing for design guidelines for preservation of heritage resource properties located within the Downtown Heritage Resource District; including amendments to the design guidelines related to roof top patio covers; and providing an effective date. (Consent Agenda Item “H”)

**Resolution No. 2012-11-14(R):** To adopt the Haggard Park Heritage Resource District Preservation Guidelines; providing for design guidelines for preservation of heritage resource properties located within the Haggard Park Heritage Resource District; and providing an effective date. (Consent Agenda Item “I”)

**Resolution No. 2012-11-15(R):** To approve a contract with David McCall of Gay, McCall, Isaacks, Gordon & Roberts, P.C. to provide collection of delinquent taxes for the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “J”)

**Resolution No. 2012-11-16(R):** To approve the terms and conditions of a Real Estate Contract by and between Argent Plano Realty, L.P. and the City of Plano, Texas for purchase of a 6.731 acre tract of land being more commonly known as Plano Tech Center – Site #8, located at Shiloh Road and 14th Street in the City of Plano, Collin County, Texas for future development as a passenger station for the Cotton Belt Rail station; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

**Resolution No. 2012-11-17(R):** To approve the terms and conditions of a Memorandum of Understanding between the City of Plano, the Regional Transportation Council, and the North Central Texas Council of Governments for which the City will be reimbursed for the purchase of a 6.731 acre tract of land being more commonly known as Plano Tech Center – Site #8, located at Shiloh Road and 14th Street in the City of Plano, Collin County, Texas for the purpose of developing a passenger station in the City of Plano for the Cotton Belt Rail System; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

**Resolution No. 2012-11-18(R):** To approve the terms and conditions of an Interlocal Agreement by and between City of Plano and City of Frisco to allow the reciprocal lending of library materials to the cities’ respective patrons; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date. (Consent Agenda Item “M”)

### **Adoption of Ordinances**

**Ordinance No. 2012-11-19:** To create Article XII of Chapter 4, Code of Ordinances, to allow non-profit search and rescue organizations to conduct search and rescue training at designated areas of City parks after obtaining a permit from the Animal Services Division; amending Section 4-1 (Definitions) of Article I, Section 4-51(d) (Public Nuisances) of Article III, and Section 15-4 (a)(6) of Article I, Chapter 15 to allow dogs participating in authorized search and rescue training to be off-leash without violating the at-large and nuisance ordinances; amending Section 4-153(d)(1) (Dangerous Animals) of Article IX to exempt dogs used for law enforcement purposes at the time of the attack, bite or mauling from the euthanasia provision per state law; and providing a penalty clause, a severability clause, a repealer clause, a publication clause and an effective date. (Consent Agenda Item “N”)

**Ordinance No. 2012-11-20:** To abandon all right, title and interest of the City, in and to that certain 15' Water Easement recorded in Volume 640, Page 7072, of the Land Records of Collin County, Texas and being situated in the McKinney and Williams Survey, Abstract No. 650, 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, Hallmark Land Holdings, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item "O")

#### **END OF CONSENT**

**Public Hearing and adoption of Ordinance No. 2012-11-21** to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 132 for tax abatement consisting of a 13.939 acre tract of land located in the Samuel Brown Survey, Abstract No. 108, Collin County and described in Exhibit "A", attached hereto, in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date. (Regular Agenda Item "1")

Director of Economic Development Bane advised that prior to entering into a tax abatement agreement, State Law requires the City to set up a reinvestment zone and conduct a Public Hearing. She further advised that the abatement will be based upon an estimated \$54 million of real property as of December 31, 2013; run for a period of ten years beginning on January 1, 2014; and shall be based on an amount equal to 50% for real property.

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

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Duggan, the Council voted 7-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 132 for tax abatement consisting of a 13.939 acre tract of land located in the Samuel Brown Survey, Abstract No. 108, Collin County and further to adopt Ordinance No. 2012-11-21.

**Resolution No. 2012-11-22(R):** To approve the terms and conditions of an Agreement by and between the City of Plano, Texas, and Capital One, National Association, a national association, providing for real property tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "2")

Director of Economic Development Bane advised that the tax abatement will be between the City and Capital One, National Association and includes real property improvements consisting of 360,000 square feet of office space and a parking garage.

Upon a motion made by Council Member Davidson and seconded by Council Member Miner, the Council voted 7-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, and Capital One, National Association; and further to adopt Resolution No. 2012-11-22(R).

**Public Hearing** to provide the citizens and residents with the opportunity to review and provide comment on the projects for the proposed 2013 Bond Referendum. (Regular Agenda Item “3”)

Director of Budget and Research Rhodes-Whitley advised that the current recommended projects total \$153.7 million and spoke to upcoming presentations by the Parks and Recreation and Public Works Departments. She advised that Public Hearings provide citizens an opportunity to present additional projects and spoke regarding information available on the City’s web page. Ms. Rhodes-Whitley provided the Council with the timeline for consideration of projects for the referendum and the Council requested the inclusion of Public Hearings with future Staff presentations.

**Receipt of Public Comment and adoption of Ordinance No. 2012-11-23** to repeal Ordinance Nos. 2008-11-16 and 2010-3-14 codified as Chapter 9, Food Code of the Code of Ordinances of the City of Plano and replacing them with a new Chapter 9, Food Code; providing a penalty clause, a repealer clause, a severability clause, a publication clause and an effective date. (Regular Agenda Item “4”)

Director of Environmental Health Collins spoke to the impact of food-borne illness, factors that contribute to its spread and the City of Plano taking the lead in food safety.

Citizen Kari Gates stated concern regarding the restrictive nature of proposed definitions limiting a successful farmers’ market and requested they align with federal and state guidelines. She spoke to the impact of placing farmers’ markets, which are temporary in nature, into the “food establishment” category and requested vendors be permitted individually. Ms. Gates spoke to the safety of food at farmers’ markets as compared to large producers and stated concern regarding requirements for infrastructure. Market Manager Scott Merner spoke to providing fresh, local foods to Plano citizens and the surrounding area and advised regarding meetings held with City Staff. He spoke to revising sections related to farmers’ markets as follows: change “produce” to “products” under *Definitions*; remove farmers’ markets from the definition of food establishments; remove designation of a “person in charge”; revise permit terms to one year; issue permits to individual vendors; and he requested the Council allow a market to operate in 2013 under a temporary permit. Brian Cummings, co-founder of Eat Green, spoke to major producers as the source of contamination. Citizen Alison Holland spoke in support of the request and to community bonding, diversity and one-stop shopping opportunities. Citizen John Reas spoke to the trend in consumers looking for locally grown products.

Mr. Collins spoke to efforts to come to agreement on options for refrigerator/freezing and the property owner’s offer to assist with equipment. He spoke regarding food safety concerns should animal products be kept in coolers and spoke to those who experience moderate symptoms of illness without filing official reports. He advised regarding Staff participation in a regional effort to develop a template ordinance. City Attorney Wetherbee advised regarding the limited liability of the City as is the case for restaurants. Mr. Collins spoke to efficient use of resources through the establishment of market managers and the potential for a separate permit for meats/cheeses/dairy products.

**Ordinance No. 2012-11-23 (cont'd)**

Health Manager Heinicke spoke to the permitting timeframe being tied to the farmers' growing season rather than one-year in length, differences among other area municipalities and providing a level playing field for those interested in establishing a farmers' market anywhere in the City.

Mayor Dyer spoke to the potential of a committee to address differences and City Manager Glasscock spoke to Staff's efforts to come to agreement on terms. Ms. Gates spoke to refrigeration provided by trucks or coolers rather than construction of a facility and in opposition of the recommended ordinance. Council Member Dunlap spoke to examples of trucks used for vending or transport of refrigerated items and Mr. Collins stated concern that temperatures would be difficult to maintain when compartments are frequently opened/closed. Council Member Miner spoke to passage of the ordinance and offered to liaison a committee addressing issues.

Upon a motion made by Mayor Dyer and seconded by Council Member Miner, the Council voted 7-0 to repeal Ordinance Nos. 2008-11-16 and 2010-3-14 codified as Chapter 9, Food Code of the Code of Ordinances of the City of Plano and replacing them with a new Chapter 9, Food Code; and further to adopt Ordinance No. 2012-11-23. Mayor Dyer requested the committee meet during December.

**Ordinance No. 2012-11-24** to repeal Ordinance No. 2010-7-8, entitled "Health Categories and Fees", and replacing it with this ordinance, to be entitled "Health Categories and Fees" to amend Animal Services and Health fees; providing a repealer clause, a severability clause, and an effective date. (Regular Agenda Item "5")

Director of Environmental Health Collins spoke to the revision of several fees included in this request and City Attorney Wetherbee recommended passage.

Upon a motion made by Council Member Dunlap and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to repeal Ordinance No. 2010-7-8, entitled "Health Categories and Fees," and replace it to amend Animal Services and Health fees; and further to adopt Ordinance No. 2012-11-24.

Nothing further was discussed. Mayor Dyer adjourned the meeting at 8:32 p.m.

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**Phil Dyer, MAYOR**

ATTEST

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Diane Zucco, City Secretary



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular <input type="checkbox"/> Statutory
Council Meeting Date:	12/10/12
Department:	Parks and Recreation
Department Head	Amy Fortenberry
Agenda Coordinator (include phone #): <b>Susan Berger (7255)</b>	

**CAPTION**

Bid No. 2013-25-B for Spectator Covers at Russell Creek, Project 6284 to Jim Bowman Construction Co., L.P. in the amount of \$225,030 and authorizing the City Manager or his designee to execute all necessary documents.

**FINANCIAL SUMMARY**

NOT APPLICABLE       OPERATING EXPENSE       REVENUE       CIP

FISCAL YEAR: <b>2012-13</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	31,195	1,318,805	700,000	<b>2,050,000</b>
Encumbered/Expended Amount	-31,195	-739,872	0	<b>-771,067</b>
This Item	0	-225,030	0	<b>-225,030</b>
BALANCE	0	353,903	700,000	<b>1,053,903</b>

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

**COMMENTS:** Funds are included in the FY 2012-13 Park Improvement CIP. This item, in the amount of \$225,030, will leave a current year balance of \$353,903 for the 09 Athletic Field Improvement project.

**STRATEGIC PLAN GOAL:** Installation of spectator shade structures relates to the City's Goal of Great Neighborhoods - 1st Choice to Live.

**SUMMARY OF ITEM**

Staff recommends the bid received from Jim Bowman Construction Co., L.P. in the amount of \$225,030 be accepted as the lowest responsible bid conditioned upon timely execution of any necessary contract documents. This amount includes the base bid amount of \$225,030.

Currently there is no spectator shade in this area.

The bid amount is under the construction cost budget of \$250,000.

In the event the low bidder cannot execute the contract documents, staff recommends that the project be awarded to the second low bidder, JDC Construction Co. in the amount of \$259,018.



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

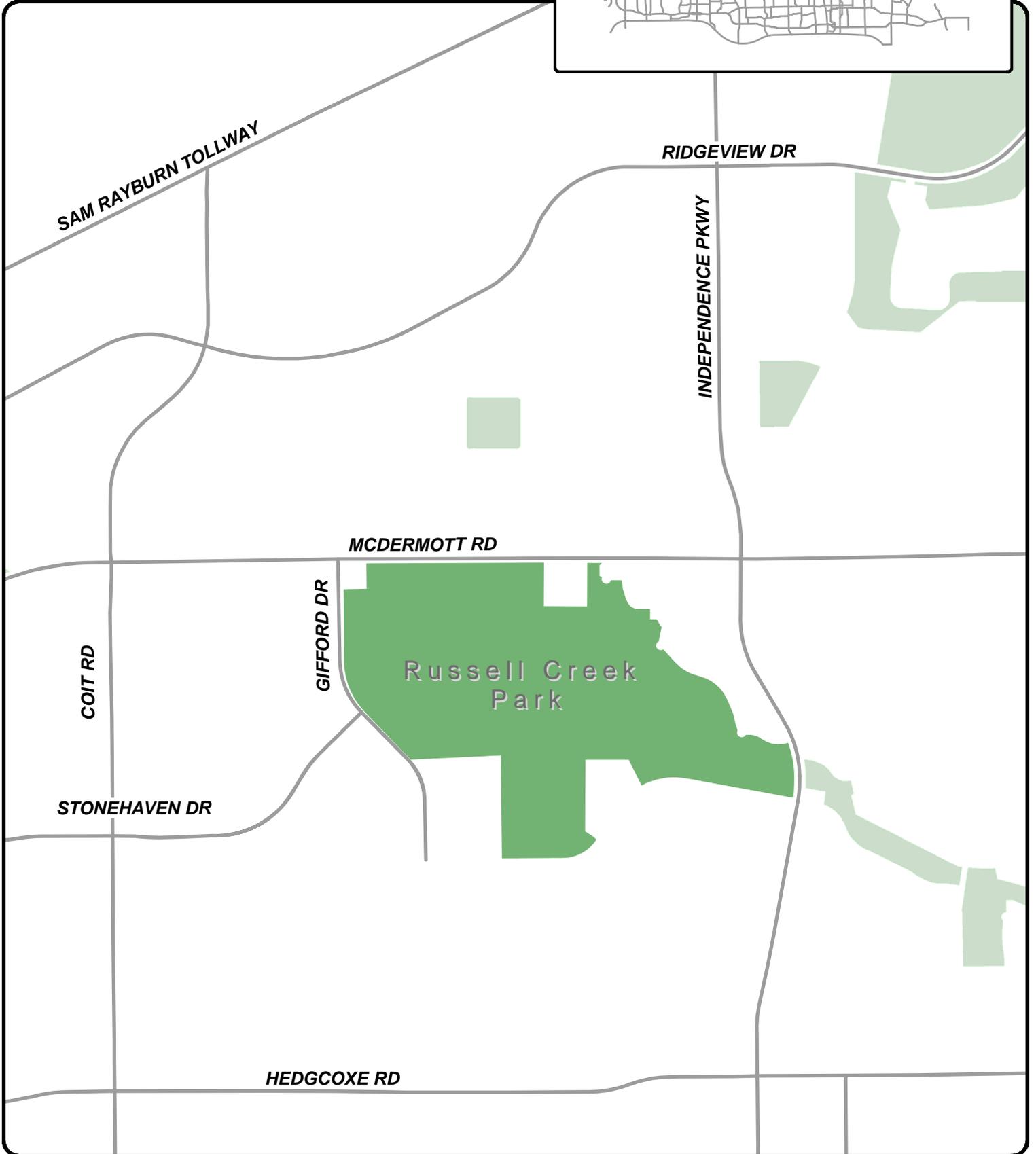
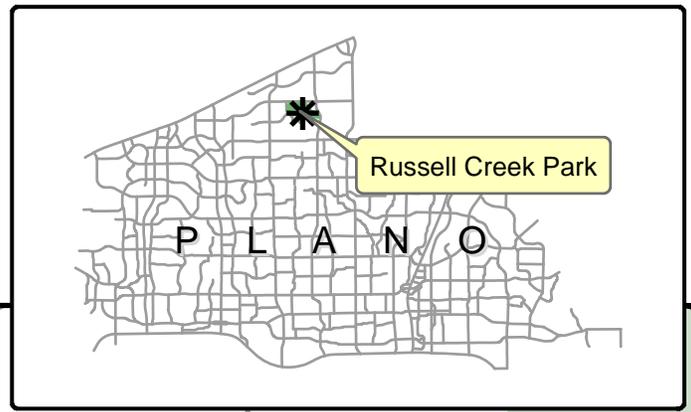
List of Supporting Documents: Location Map Memo Bid Recap	Other Departments, Boards, Commissions or Agencies



# Location Map



0 0.25 0.5 Miles





**Date:** November 29, 2012

**To:** Bruce D. Glasscock, City Manager

**From:** Amy Fortenberry, Director of Parks & Recreation

**Subject:** Spectator Covers at Russell Creek

Shade covers located over spectator seating are standard elements for new construction at our athletic sites. As renovations are made and/or as budget allows, shade is being added to older ball fields and are prioritized by programmed use of the fields.

The Frito Lay/Pepsi Youth Ball Park at Oak Point Park was the first ball field in the City with covered spectator seating. Spectators and participants alike appreciate the shade and this is a common request at all of our venues. Since many of our facilities were built prior to the introduction of shade structures, we are now going back and adding these features as budget allows. The priority is to shade ball fields that are used spring, summer and fall and to shade sites that serve as tournament venues where spectators and participants are at the site all day. This helps the Convention and Visitor's Bureau to recruit events to Plano where teams desire to have shade as a focal point of deciding where to play.

Since 1999, shade covers have been built on the south side of High Point Park and the north side will receive covers on its five fields this winter pending Council approval. Also, the eight ball fields at Heritage Yards will be shaded this winter and will go out to bid soon.

Other Plano fields that have shade include: Enfield Park (8 fields), Archgate Park (7 fields), Cheyenne Park (3 fields), and Preston Meadow (3 fields). Two of the eight fields at Carpenter Park have shade and the upcoming master plan for the site will incorporate the addition of shade on the other fields.

Old Shepard's Park (3 fields) and Jack Carter Park (2 fields) do not have shade and are a lower priority at this time, as are Schell and McCreary.

**CITY OF PLANO**  
**2013-25-B**  
**SPECTATOR COVERS AT RUSSELL CREEK**  
**PROJECT NO. 6284**

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**BID RECAP**

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**Bid opening Date/Time:** November 12, 2012 @ 3:00 pm

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

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

**Number of Bids Submitted Responsive to Bid:** 2

Jim Bowman Construction Co., L.P.	\$225,030.00
JDC Construction Co.	\$259,018.00

**Recommended Vendors:**

Jim Bowman Construction Co., L.P.	\$225,030.00
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*Nicole Griffin*

\_\_\_\_\_  
Nicole Griffin  
Buyer II

*November 13, 2012*

\_\_\_\_\_  
Date



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular <input type="checkbox"/> Statutory
Council Meeting Date:	12/10/12
Department:	Parks and Recreation
Department Head	Amy Fortenberry
Agenda Coordinator (include phone #): <b>Susan Berger (7255)</b>	

**CAPTION**

Bid No. 2013-28-B for Bob Woodruff Park-South Pavilion Renovation Project to T&G Corporation dba Florida T&G Corporation Texas Division, Inc. in the amount of \$317,900 and authorizing the City Manager or his designee to execute all necessary documents.

**FINANCIAL SUMMARY**

NOT APPLICABLE       OPERATING EXPENSE       REVENUE       CIP

FISCAL YEAR: <b>2012-13</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	423,312	422,689	100,000	<b>946,001</b>
Encumbered/Expended Amount	-423,312	-5,091	0	<b>-428,403</b>
This Item	0	-317,900	0	<b>-317,900</b>
BALANCE	0	99,698	100,000	<b>199,698</b>

**FUND(S):      CAPITAL RESERVE FUND**

**COMMENTS:** Funds are included in the FY 2012-13 Capital Reserve Fund. This item, in the amount of \$317,900, will leave a current year balance of \$99,698 for the Park Shelter Replacements project.

**STRATEGIC PLAN GOAL:** Shelter improvements for the Bob Woodruff Park South Pavilion relate to the City's Goal of Great Neighborhoods - 1st Choice to Live.

**SUMMARY OF ITEM**

Staff recommends that the bid received from T&G Corporation dba Florida T&G Corporation Texas Division, Inc. in the amount of \$317,900 be accepted as the lowest responsible bid conditioned upon timely execution of any necessary contract documents.

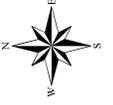
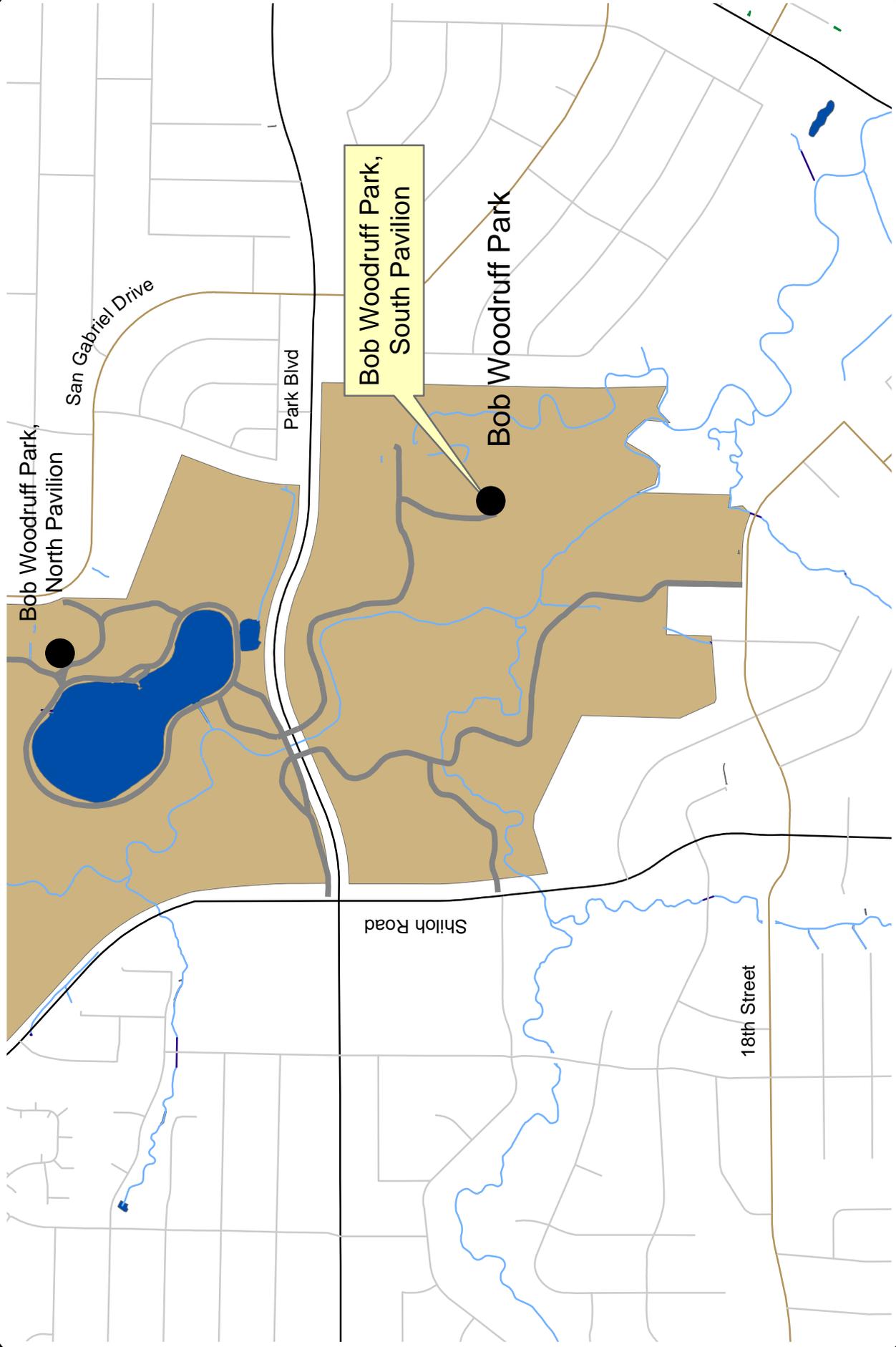
The project includes the demolition of the 28 year old south pavilion structure and replacement with a prefabricated system similar in appearance to the existing wood structure. Work also includes replacement of the lighting system and all pavement in and around the pavilion.

The low bid is under the consultant's estimate of \$362,000. In the event T&G Corporation dba Florida T&G Corporation Texas Division, Inc. fails to execute contract documents, staff recommends the bid of SFCC, Inc. in the amount of \$333,000.



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

List of Supporting Documents: Location Map Bid Recap	Other Departments, Boards, Commissions or Agencies



Parks & Recreation Department  
Park Planning

# Bob Woodruff Park, South Pavilion Renovation

**CITY OF PLANO**  
**2013-28-B**  
**BOB WOODRUFF PARK SOUTH PAVILION**  
**RENOVATION PROJECT NO 6230**

**BID RECAP**

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**Bid opening Date/Time:** November 12, 2012 @ 2:30 pm

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

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

**Bid Withdrawn:**

Parkscape Construction, Inc

**Number of Bids Submitted Responsive to Bid:** 4

T&G Corporation dba Florida T&G Corporation Texas Division, Inc.	\$317,900.00
SFCC, Inc.	\$333,000.00
The Gilbert Construction Group, Inc.	\$334,998.00
JDC Construction Co.	\$392,820.00
SCM Construction Services, LLC	\$418,000.00

**Recommended Vendor:**

T&G Corporation dba Florida T&G Corporation Texas Division, Inc.	\$317,900.00
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*Nicole Griffin*

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Nicole Griffin  
Buyer II

*November 14, 2012*

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Date



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		12/10/12		
Department:		Parks and Recreation		
Department Head		Amy Fortenberry		
Agenda Coordinator (include phone #): <b>Susan Berger (7255)</b>				
<b>CAPTION</b>				
Bid No. 2013-22-B for High Point Park and Carpenter Park Athletic Facility Improvements to Dean Electric, Inc. in the amount of \$2,734,185 and authorizing the City Manager or his designee to execute all necessary documents.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: <b>2012-13</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	341,674	3,237,632	1,750,000	<b>5,329,306</b>
Encumbered/Expended Amount	-341,674	-63,256	0	<b>-404,930</b>
This Item	0	-2,734,185	0	<b>-2,734,185</b>
BALANCE	0	440,191	1,750,000	<b>2,190,191</b>
<b>FUND(S):    PARK IMPROVEMENT CIP &amp; CAPITAL RESERVE FUND</b>				
<p><b>COMMENTS:</b> Funds are included in the FY 2012-13 Park Improvement CIP and Capital Reserve Fund. This item, in the amount of \$2,734,185, will leave a current year balance of \$440,191 for the 09 Athletic Field Renovations and Capital Reserve Athletic Field Renovation projects.</p> <p>STRATEGIC PLAN GOAL: Renovations and improvements at High Point Park and Carpenter Park Athletic Facility relate to the City's Goal of Great Neighborhoods - 1st Choice to Live.</p>				
<b>SUMMARY OF ITEM</b>				
<p>Staff recommends that the bid received from Dean Electric, Inc. in the amount of \$2,734,185 be accepted as the lowest responsible bid conditioned upon timely execution of any necessary contract documents. This amount includes the base bid amounts of \$2,274,570 for High Point Park and \$459,615 for Carpenter Park.</p> <p>High Point Park north is a lighted multipurpose athletic facility. It has not received any significant renovation since it was opened in 1984. The park is primarily used for soccer, softball and rugby. The base bid amount includes renovation of walkways, plaza, restrooms, electrical room, backstops, and dugouts. The project also includes replacement of the irrigation system and an existing shade structure. New improvements include an additional restroom, new signage, a second shade structure, bleacher shade structures, and a screened storage/dumpster area.</p>				



## CITY OF PLANO COUNCIL AGENDA ITEM

The improvements at Carpenter Park include the addition of a restroom building to serve the existing 90 foot baseball fields and Preston Ridge Trail that runs through the park. Work also includes a screened storage area, a small plaza adjacent to the restroom, bicycle parking and a new irrigation pump to be located in the new restroom building.

The low bid is \$144,185 over the consultant's estimate of \$2,590,000. The project has a tight construction schedule that is necessary in order to return the fields to use as quickly as possible in order to reduce the impact on athletic league scheduling. Staff and the consultant do not believe that rebidding the project would result in significantly lower bids. Funding for the bid amount is available in the current year budgets for Athletic Field Renovations.

List of Supporting Documents:

Location Map

Bid Recap

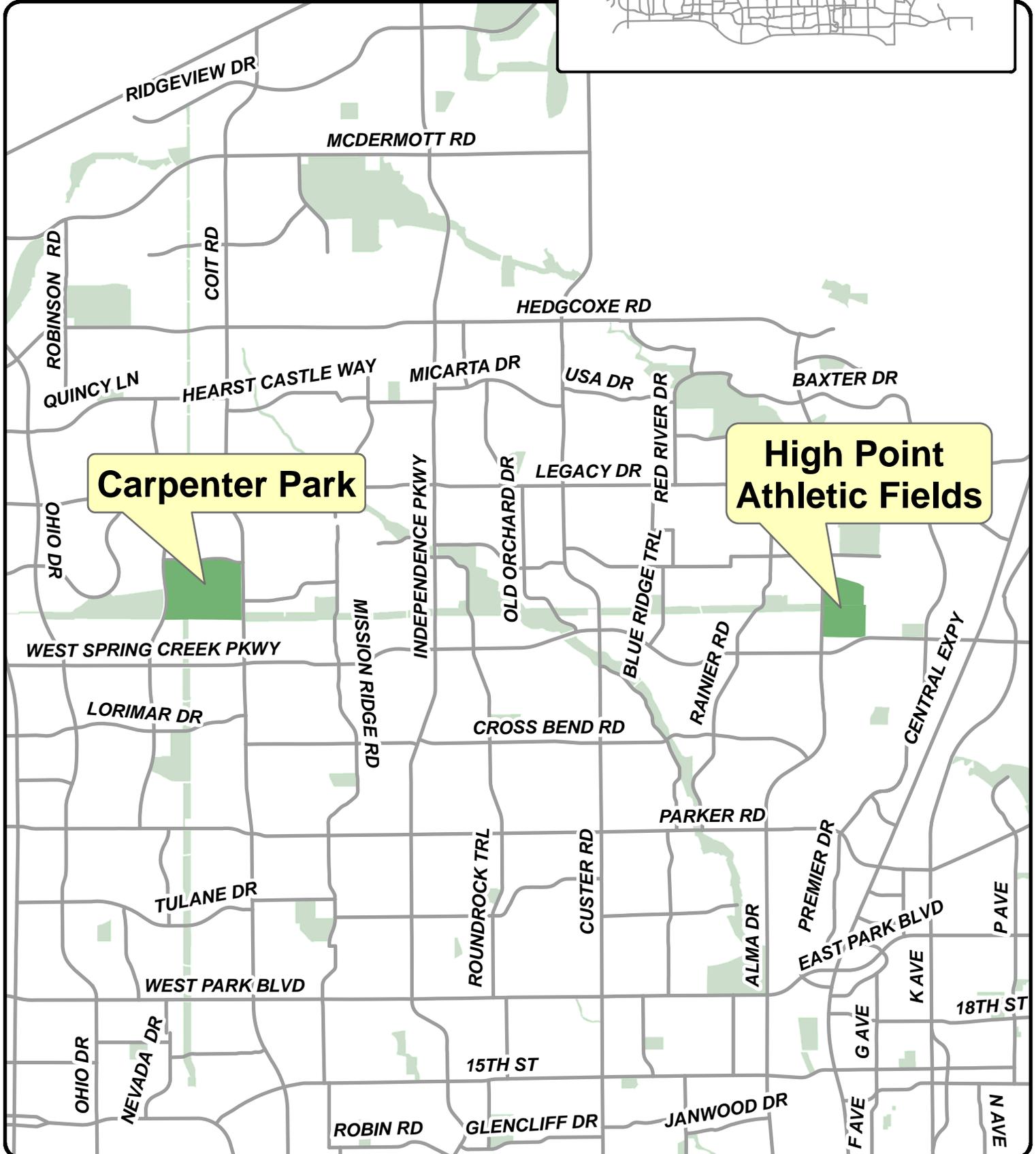
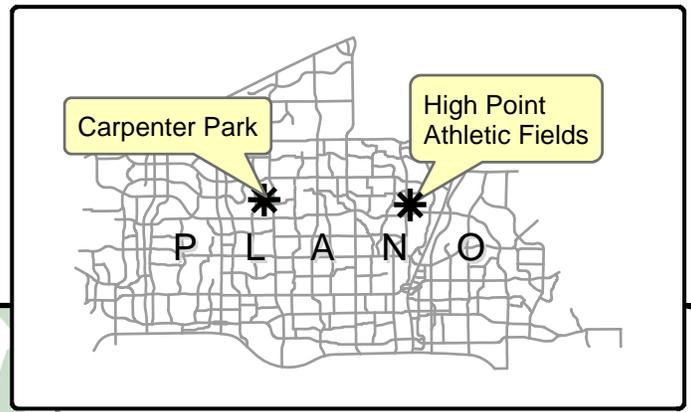
Other Departments, Boards, Commissions or Agencies



# Location Map



0 0.5 1 Miles



CITY OF PLANO

BID NO. 2013-22-B  
High Point Park & Carpenter Park Athletic Facility Improvements (2012)-  
Project Nos. 6207 & 6208  
BID RECAP

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**Bid opening Date/Time:** November 5, 2012 @ 2:00 pm

**Number of Vendors Notified:** 3769

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

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

**Number of Bids Submitted Responsive to Bid:** 2

Dean Electric, Inc. \$2,734,185.00

Cooper General Contractors \$3,276,653.00

**Recommended Vendors:**

Dean Electric, Inc. \$2,734,185.00

*Nicole Griffin*

*November 6, 2012*

\_\_\_\_\_  
Nicole Griffin  
Buyer II

\_\_\_\_\_  
Date



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		12/10/12			
Department:		Human Resources			
Department Head		Jim Parrish			
Agenda Coordinator (include phone #): <b>Sharron Mason - Ext. 7247</b>					
<b>CAPTION</b>					
RFP No. 2012-204-C RFP for three (3) years effective January 1, 2013 with three (3) additional one (1) year City optional renewals for Employee Benefits Consulting Services for Human Resources to Holmes Murphy & Associates in the annual amount of \$108,000 and authorizing the City Manager or his designee to execute all necessary documents.					
<b>FINANCIAL SUMMARY</b>					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>FY 2012-13 thru FY 2017-18</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
	Budget	0	108,000	540,000	<b>648,000</b>
	Encumbered/Expended Amount	0	0	0	<b>0</b>
	This Item	0	-108,000	-540,000	<b>-648,000</b>
	BALANCE	0	0	0	<b>0</b>
<b>FUND(S):    HEALTH CLAIMS FUND</b>					
<b>COMMENTS:</b> Funds are included in the 2012-13 Health Claims Fund for employee benefit consulting services. This item is a six year contract for the estimated amount of \$648,000, approximately \$108,000 per year for 2012-13, 2013-14, 2014-15, 2015-16, 2016-17 and 2017-18. Future year payments will be made from approved budget appropriations.					
<b>STRATEGIC PLAN GOAL:</b> Employee benefit consulting services relate to the City's Goal of Financially Strong City with Service Excellence.					
<b>SUMMARY OF ITEM</b>					
Staff recommends the award of RFP No. 2012-204-C to Holmes Murphy & Associates in the annual amount of \$108,000 for three (3) years effective January 1, 2013 with three (3) additional one (1) year City optional renewals, and conditioned upon timely execution of any necessary contract documents for Employee Benefits Consulting Services.					
List of Supporting Documents: Recommendation Memo and Recap			Other Departments, Boards, Commissions or Agencies		



**Date:** November 15, 2012  
**To:** Sharron Mason, Sr. Buyer  
**From:** Jim Parrish, Director Human Resources  
**Subject: Employee Benefits Consulting Services – RFP No. 2012-204-C**

The Evaluation Team for the Employee Benefits Consulting Services evaluated proposals from six (6) firms.

Award recommendation was based on the following evaluation criteria:

Responsiveness to the RFP	25%
Economic Evaluation	25%
Qualifications	15%
Experience with Self-Funded Plans	10%
Availability of Personnel	10%
Knowledge of Industry Practices	5%
Knowledge of Legislative Issues	5%
References and Experiences	5%

McGriff Seibels & Williams proposed the lowest cost of services. However, after interviews were completed, the evaluation team did not feel that McGriff Seibels & Williams would be able to provide the level of services required. The direction of future benefit consulting needs is changing as a result of healthcare reform and the desires to focus heavily on wellness within the health plan design. A new approach is needed. The evaluation team was focused on those aspect during the process and did not find that other firms would more effectively meet the needs of the future.

Holmes Murphy & Associates ranked the highest in all technical categories after re-scoring following the interview process. Holmes Murphy & Associates ranked third lowest in cost of the six proposers. The significant experience and broad backgrounds of personnel assigned to work with the City of Plano along with the cultural and future oriented thinking and analysis capabilities of Holmes Murphy & Associates presents quality and innovation that is expected to benefit the City of Plano's commitment to service excellence.

The Hay Group who is the current provider ranked second in the overall technical evaluation, however, had the highest proposed cost.

The evaluation team felt that Holmes Murphy & Associates presented the best qualifications for the services requested. Purchasing requested a Best and Final Offer from Holmes Murphy & Associates and in addition to the fees is willing to place 100% of the fees at risk based on pre-defined metrics on their performance. In addition, references provided by current municipal clients were high and without reservations.

Therefore, I recommend award to Holmes Murphy & Associates in the amount of \$108,000 annually.



**RFP No.: 2012-204-C**

**RFP for EMPLOYEE BENEFITS CONSULTING SERVICES**

**RFP RECAP**

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**Opening Date/Time:** **Monday, July 9, 2012 @ 3:00 p.m. (CDT)**

**Responses Received:**

**Cost Proposal**

McGriff Seibels & Williams	\$49,500
Crest Benefits Consulting a Division of JDW Insurance	\$86,760
Holmes Murphy & Associates	\$121,650
Willis of Texas, Inc.	\$150,000
The Hay Group	\$205,000
GRS Gabriel Roeder Smith & Company	\$279,000

**Recommended Vendor:**

**Holmes Murphy & Associates** is the recommended vendor for this award in the best and final annual amount of \$108,000.

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

*Sharron Mason*

Sharron Mason, Sr. Buyer

*November 19, 2012*

Date



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular <input type="checkbox"/> Statutory
Council Meeting Date:	12/10/2012
Department:	Technology Services
Department Head	David Stephens
Agenda Coordinator (include phone #): <b>Dianna Wike x7549</b>	

**CAPTION**

To approve the purchase of Microsoft software licenses for 1 year with 2 City optional one year renewals, through a Microsoft Enterprise Agreement in the amount of \$1,005,196, from Dell Marketing, LP, through an existing DIR (Department of Information Resources) contract and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1014)

**FINANCIAL SUMMARY**

NOT APPLICABLE       OPERATING EXPENSE       REVENUE       CIP

FISCAL YEAR: <b>2012-13; 2013-14; 2014-15</b>	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	3,186,621	2,163,685	<b>5,350,306</b>
Encumbered/Expended Amount	0	-809,573	0	<b>-809,573</b>
This Item	0	-1,005,196	-2,163,685	<b>-3,168,881</b>
<b>BALANCE</b>	0	1,371,852	0	<b>1,371,852</b>

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

**COMMENTS:** This item approves price quotes and an expenditure for FY 2012-13. Funds are available in the Technology Services 2012-13 Budget for annual maintenance contracts and licensing renewals. Expenditures will be made within the approved budget appropriations for each year of the contract. The estimated amount to be spent in FY 2012-13 for this contract is \$1,005,196. The estimated future amount is \$2,163,685, (\$1,055,456 in FY 2013-14 and \$1,108,229 in FY 2014-15) and will be based on need within approved budget appropriations. The 2012-13 remaining balance will be used for other maintenance agreements and contracts.  
**STRATEGIC PLAN GOAL:** True-up and Annual Microsoft License renewals relate to the City's Goal of Financially Strong City with Service Excellence.

**SUMMARY OF ITEM**

Technology Services staff recommends approval of the purchase of Microsoft software licenses for 1 year with 2 City optional one year renewals through a Microsoft Enterprise Agreement from Dell Marketing, LP, utilizing their DIR Contract, in the amount of \$1,005,196. The Microsoft Enterprise agreement allows the City of Plano to use a defined number of licenses for all Microsoft products and perform true-up at the end of the year. This alleviates the burden of ordering software licenses for each new installation by allowing for a mass update at the end of the year. The City is authorized to purchase from the State Contract list pursuant to Chapter 271 Subchapter D of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (DIR-SDD-1014)



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

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

# Memo

Date: 11/26/2012

To: Diane Palmer-Boeck, Chief Purchasing Officer

From: David Stephens, Director Technology Services

RE: Microsoft Enterprise Agreement Renewal

Technology Services proposes renewing its Microsoft Enterprise Agreement (EA) through Dell Marketing, LP. Dell Marketing, LP currently holds the master contract with the State of Texas Department of Information Resources for all Microsoft Enterprise Agreement contracts issued to any governmental agency in Texas. The contract number is DIR-SDD-1014.

The Microsoft Enterprise Agreement allows the City of Plano to use a defined number of licenses for all Microsoft products and perform a true-up at the end of the year. This alleviates the burden of ordering software licenses for each new installation by allowing for a mass update at the end of the year. This facilitates the deployment process and reduces the amount of paperwork required to keep track of licenses for compliance purposes.

Through the Microsoft EA, and the associated Subscription Assurance (SA), there are other benefits provided to the City including training vouchers for technical training, reduced pricing for home use of selected Microsoft software, the ability to upgrade or downgrade licenses based on specific needs, and access to Microsoft's TechNet portal for early access to software and problem resolution. If these features were purchased individually they would cost substantially more than as part of the SA bundle.

If we do not renew our Microsoft EA, the City of Plano will have to purchase licenses for all the Microsoft products that are currently being used at retail prices. This cost for procuring all these licenses would be substantially more than the renewal cost of the EA.

This will be a three year agreement with year one having a not to exceed price of \$1,005,196.18. Years two and three of the contract have an estimated 5% increase for each year, but this percentage increase is determined by DIR.



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		12/10/12		
Department:		Public Works		
Department Head:		Gerald P. Cosgrove, P.E.		
Agenda Coordinator (include phone #): <b>Kathleen Schonne (7198)</b>				<b>Project No. 5987.1</b>
<b>CAPTION</b>				
<p>A Resolution of the City Council of the City of Plano, Texas, approving the purchase of 1,905 sq. ft. of land for a Street Easement and 1,033 sq. ft. for a Temporary Construction Easement located at the southeast corner of Independence Parkway and Parker Road by and between Peter and Stacy Daniels and the City of Plano; and authorizing the City Manager or his authorized designee to execute any necessary documents; and providing an effective date.</p>				
<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>2012-13</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	87,833	2,548,167	0	<b>2,636,000</b>
Encumbered/Expended Amount	-87,833	-122,348	0	<b>-210,181</b>
This Item	0	-80,000	0	<b>-80,000</b>
BALANCE	0	2,345,819	0	<b>2,345,819</b>
<b>FUND(S): STREET IMPROVEMENT CIP</b>				
<p><b>COMMENTS:</b> Funds are included in the FY 2012-13 Street Improvement CIP. This item, in the amount of \$80,000, will leave a current year balance of \$2,345,819 for the Independence Parkway Corridor project.</p> <p><b>STRATEGIC PLAN GOAL:</b> The purchase of land and easement for Independence Parkway Corridor intersection improvements relates to the City's Goal of Financially Strong City with Service Excellence.</p>				
<b>SUMMARY OF ITEM</b>				
<p>This purchase is for the acquisition of a 1,905 sq. ft. of land for the Street Easement and 1,033 sq. ft. of a Temporary Construction Easement, located at the southeast corner of Independence Parkway and Parker Road intersection, in Lot 1, Block A, of Independence Square Shopping Center Addition, an addition to the City of Plano, Collin County, Texas. The City will pay \$80,000 for the two easements.</p> <p>The easement is needed for the Independence Parkway Corridor intersection improvements and staff recommends approval.</p>				
List of Supporting Documents: Resolution; Exhibits A and B			Other Departments, Boards, Commissions or Agencies N/A	

**A Resolution of the City Council of the City of Plano, Texas, approving the purchase of 1,905 sq. ft. of land for a Street Easement and 1,033 sq. ft. for a Temporary Construction Easement located at the southeast corner of Independence Parkway and Parker Road by and between Peter and Stacy Daniels and the City of Plano; and authorizing the City Manager or his authorized designee to execute any necessary documents; and providing an effective date.**

**WHEREAS**, the City of Plano (“City”) wants to acquire 1,905 sq. ft. of land for a Street Easement, attached hereto as Exhibit “A” and 1,033 sq. ft. of land for a Temporary Construction Easement, a copy of which is attached hereto as Exhibit “B” (collectively the “Easements”) from Peter and Stacy Daniels, for the Independence Parkway Corridor intersection improvements project (the “Project”); and

**WHEREAS**, the Public Works Department requests that City Council authorize the purchase of the Easements for the Project in the amount of EIGHTY THOUSAND AND NO/100 DOLLARS (\$80,000.00) (the “Purchase Price”); and

**WHEREAS**, upon full review and consideration of the acquisition request, and all matters attendant and related thereto, the City Council finds that it is in the best interest of the City to approve the amount of the Purchase Price for the acquisition of the Easements for the Project.

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

**Section I.** The Purchase Price for the acquisition of the Easements by the City from Peter and Stacy Daniels, 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 and its citizens, is hereby in all things approved.

**Section II.** The City Manager, or his authorized designee, is hereby authorized to execute all documents in connection therewith on behalf of the City to facilitate the purchase of the Easements.

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

**DULY PASSED AND APPROVED** this the 10th day of December, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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

EXHIBIT "A"

STREET EASEMENT

STATE OF TEXAS  
COUNTY OF COLLIN

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS:

THAT, PETER DANIELS and STACY DANIELS, husband and wife, whether one or more, hereinafter called "Grantors," for and in consideration of the sum of **TEN DOLLARS (\$10.00)** and other good and valuable consideration to Grantors in hand paid by the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, hereinafter called "Grantee," the receipt and sufficiency of which is hereby acknowledged, do hereby GIVE, GRANT and CONVEY to the Grantee an easement for street and highway purposes and the right to lay out, open, operate, construct, reconstruct and perpetually maintain street and highway facilities (the "Facilities"), together with all necessary incidental improvements and appurtenances, in, under, along, upon and across certain real property located in the City of Plano, Collin County, Texas, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth herein (the "Easement Property").

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



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

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by **STACY DANIELS**.

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

**AFTER RECORDING RETURN TO:**  
City Attorney's Office  
City of Plano, Texas  
P. O. Box 860358  
Plano, TX 75086-0358

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

State of California )

)ss.

County of Sacramento )

On October 25, 2012 before me, K. Hayes, Notary Public, personally appeared Peter Daniels and Stacy Daniels, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature  (Seal)

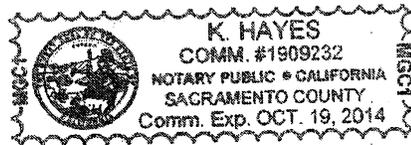
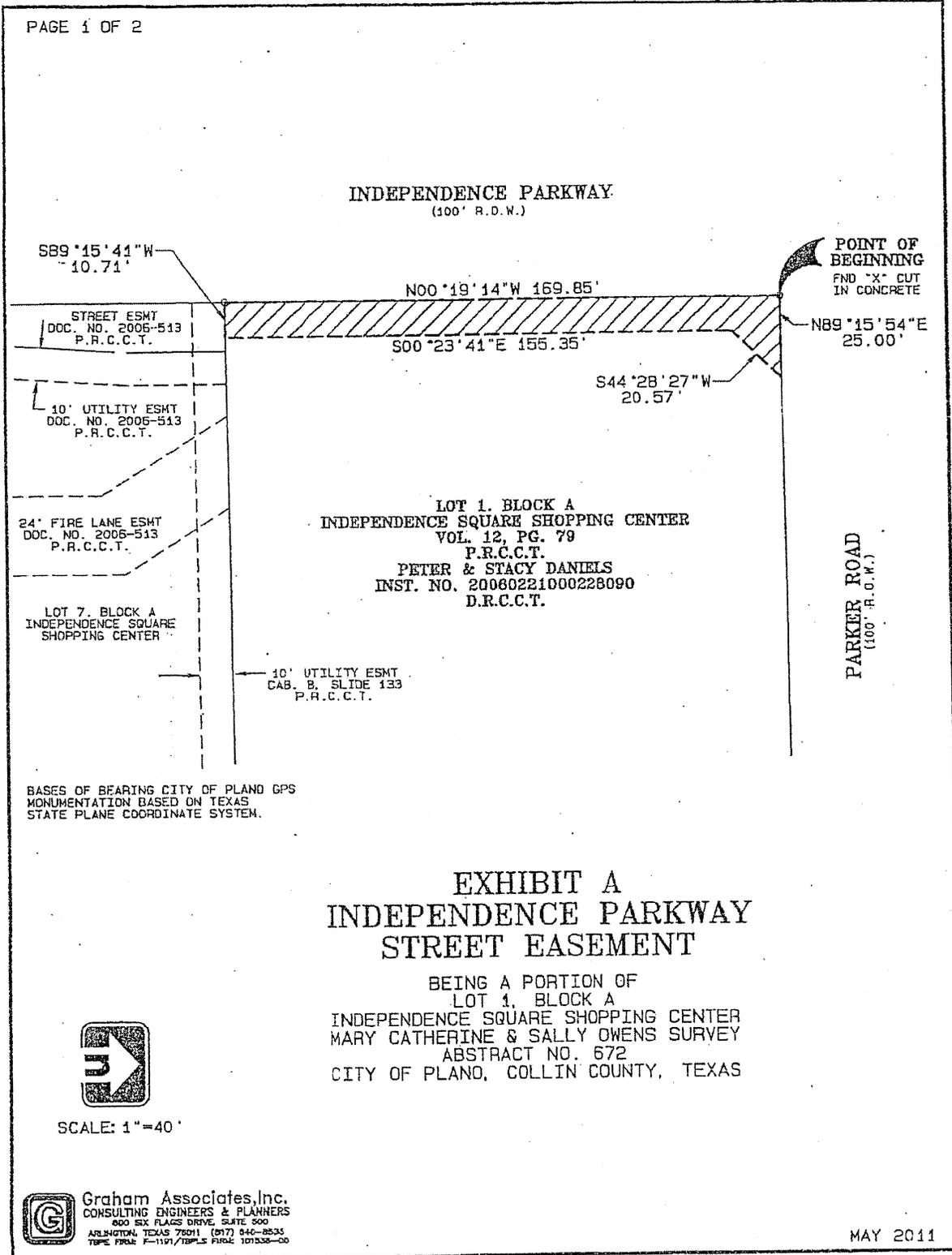


EXHIBIT "A"  
"The Easement Property"

PAGE 1 OF 2



BASES OF BEARING CITY OF PLANO GPS  
MONUMENTATION BASED ON TEXAS  
STATE PLANE COORDINATE SYSTEM.

EXHIBIT A  
INDEPENDENCE PARKWAY  
STREET EASEMENT

BEING A PORTION OF  
LOT 1, BLOCK A  
INDEPENDENCE SQUARE SHOPPING CENTER  
MARY CATHERINE & SALLY OWENS SURVEY  
ABSTRACT NO. 672  
CITY OF PLANO, COLLIN COUNTY, TEXAS



SCALE: 1"=40'

 **Graham Associates, Inc.**  
CONSULTING ENGINEERS & PLANNERS  
600 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 840-8835  
TYPE FILE: F-1101/12P.L.S. FILE: 101338-00

MAY 2011

EXHIBIT "A"  
"The Easement Property"

LEGAL DESCRIPTION  
STREET EASEMENT

Being a 0.04 acre tract of land situated in the Mary Catherine and Sally Owens Survey, Abstract No. 672, Collin County, Texas and being a portion of Lot 1, Block A of Independence Square Shopping Center, an addition to the City of Plano, as recorded in Volume 12, Page 79, Plat Records, Collin County, Texas and also being the same tract of land conveyed to Peter and Stacy Daniels, by the deed recorded in Instrument No. 20060221000228090, Deed Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a found "x" in concrete located at the northwest corner of said Lot 1, Block A and also located at the intersection of the east right-of-way line of Independence Parkway (100' R.O.W.) and the south right-of-way line of Parker Road (100' R.O.W.), for the POINT OF BEGINNING;

THENCE North 89°15'54" East, following said south line of Parker Road, a distance of 25.00 feet to a point for corner;

THENCE South 44°28'27" West, leaving said south line, a distance of 20.57 feet to a point for corner;

THENCE South 00°23'41" East, a distance of 155.35 feet to a point for corner, located in the south line of said Lot 1, Block A;

THENCE South 89°15'41" West, following along said south line, a distance of 10.71 feet to a point for corner, located in the said east line of Independence Parkway;

THENCE North 00°19'14" West, following along said east line, a distance of 169.85 feet to the POINT OF BEGINNING and CONTAINING 1,905 square feet, 0.04 acres of land, more or less.

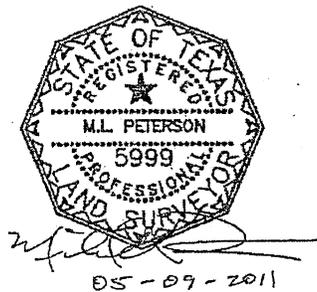


EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT

STATE OF TEXAS  
COUNTY OF COLLIN

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS:

THAT, PETER DANIELS and STACY DANIELS, husband and wife, whether one or more, hereinafter called "Grantors," for and in consideration of the sum of **TEN DOLLARS (\$10.00)** and other good and valuable consideration to Grantors in hand paid by the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, hereinafter called "Grantee," the receipt and sufficiency of which is hereby acknowledged, do GIVE, GRANT and CONVEY to Grantee, its successors and assigns, a temporary construction easement for the purpose of constructing roadway, drainage or utility facilities and grading in, on, across and through certain real property in the City of Plano, Collin County, Texas, more particularly described Exhibit "A", which is attached hereto and made a part hereof by reference as if fully set forth herein (called the "Easement Property").

Grantee will at all times, after doing any work in connection with the construction, operation or repair of the Easement Property, restore the surface of the Easement Property as close to the condition in which it was found before such work was undertaken as is reasonably practicable, except for trees, shrubs and structures within the Easement Property that were removed as a result of such work.

This Temporary Construction Easement will expire at such time that the public improvement project described as Independence Parkway Corridor, Project No. 5987.1, is completed and accepted by the City of Plano, Texas.

This Easement may be assigned in whole or in part.



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

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by **STACY DANIELS**.

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

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

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

State of California )

)ss.

County of Sacramento )

On October 25, 2012 before me, K. Hayes, Notary Public, personally appeared Peter Daniels and Stacy Daniels, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

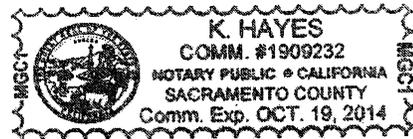
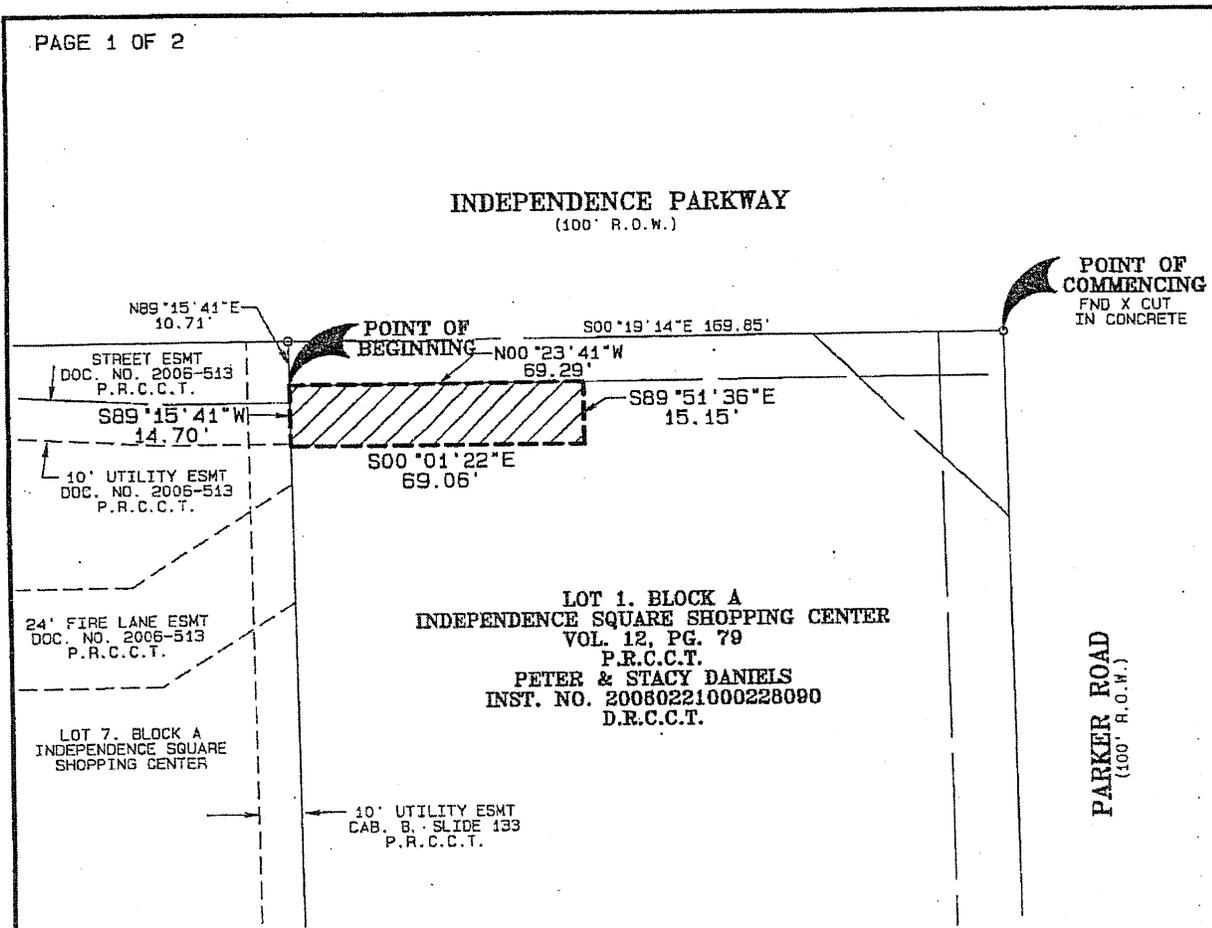


EXHIBIT "A"  
 "The Easement Property"

PAGE 1 OF 2



BASES OF BEARING CITY OF PLANO GPS  
 MONUMENTATION BASED ON TEXAS  
 STATE PLANE COORDINATE SYSTEM.

**EXHIBIT A**  
**INDEPENDENCE PARKWAY**  
**TEMPORARY CONSTRUCTION EASEMENT**

BEING A PORTION OF  
 LOT 1, BLOCK A  
 INDEPENDENCE SQUARE SHOPPING CENTER  
 MARY CATHERINE & SALLY OWENS SURVEY  
 ABSTRACT NO. 672  
 CITY OF PLANO, COLLIN COUNTY, TEXAS



SCALE: 1"=40'



**Graham Associates, Inc.**  
 CONSULTING ENGINEERS & PLANNERS  
 600 SIX FLAGS DRIVE, SUITE 500  
 ARLINGTON, TEXAS 76011 (817) 640-8535  
 TBP# FIRM# F-1191/TBPL# FIRM# 101538-00

JANUARY 2011

EXHIBIT "A"  
"The Easement Property"

LEGAL DESCRIPTION  
TEMPORARY CONSTRUCTION EASEMENT

Being a 0.02 acre tract of land situated in the Mary Catherine and Sally Owens Survey, Abstract No. 672, Collin County, Texas and being a portion of Lot 1, Block A of Independence Square Shopping Center, an addition to the City of Plano, as recorded in Volume 12, Page 79, Plat Records, Collin County, Texas and also being the same tract of land conveyed to Peter and Stacy Daniels, by the deed recorded in Instrument No. 20060221000228090, Deed Records, Collin County, Texas, and being more particularly described as follows:

COMMENCING at a found "x" in concrete located at the northwest corner of said Lot 1, Block A and also located at the intersection of the east right-of-way line of Independence Parkway (100' R.O.W.) and the south right-of-way line of Parker Road (100' R.O.W.);

THENCE South 00°19'14" East, following along the said east line of Independence Parkway, a distance of 169.85 feet to a point located at the southwest corner of said Lot 1;

THENCE North 89°15'41" East, following along the south line of said Lot 1, a distance of 10.71 feet to the POINT OF BEGINNING;

THENCE North 00°23'41" West, leaving said south line, a distance of 69.29 feet to a point;

THENCE South 89°51'36" East, a distance of 15.15 feet to a point;

THENCE South 00°01'22" East, a distance of 69.06 feet to a point located in the south line of said Lot 1;

THENCE South 89°15'41" West, following along said south line, a distance of 14.70 feet to the POINT OF BEGINNING and CONTAINING 1033 square feet, 0.02 acres of land, more or less.



*M.L. Peterson*  
01-21-2011



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		12/10/12		
Department:		Parks and Recreation		
Department Head		Amy Fortenberry		
Agenda Coordinator (include phone #): <b>Susan Berger (7255)</b>				
<b>CAPTION</b>				
<p>A Resolution pursuant to Chapter 15, Parks and Recreation, Article IV, User Fees, of Section 15-81, Establishment of a Fee, of the City Code of Ordinances of the City Council of the City of Plano, Texas authorizing the establishment and amendment of Daily Admission and Facility Rental Fees at the Plano Aquatic Center; and providing an effective date.</p>				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2012-13</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	99,569	0	<b>99,569</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	22,000	0	<b>22,000</b>
<b>BALANCE</b>	<b>0</b>	<b>121,569</b>	<b>0</b>	<b>121,569</b>
<b>FUND(S):     GENERAL FUND</b>				
<p><b>COMMENTS:</b> This item amends the Daily Admission and Facility Rental Fees at the Plano Aquatic Center beginning January 1, 2013. These fees are consistent with fees at other City of Plano recreation facilities and comparable to fees charged at other facilities in neighboring cities. The estimated annual additional amount of revenue to be received is \$22,000.</p> <p><b>STRATEGIC PLAN GOAL:</b> Adjusting fees to offset additional operation and maintenance costs associated with recent facility improvements relates to Plano's goal of a Financially Strong City with Service Excellence.</p>				
<b>SUMMARY OF ITEM</b>				
<p>Establish and amend Daily Admission and Facility Rental Fees for the Plano Aquatic Center with a January 1, 2013 effective date. Proposed fees are consistent with fees charged at other City of Plano recreation facilities. The increase is needed to cover the additional operational and maintenance cost associated with the new amenities.</p> <p>Proposed Fees: Daily Admission - \$3.00</p>				



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

Room Rentals (2 hours)	Plano Residents	Non-Residents
Indoor Party Room	\$85	\$95
Outdoor Party Area	\$65	\$75
Classroom	\$65	\$75

Pool Rental Fees - Resident/Non-Resident (2 hours)

# of people	INDOOR	OUTDOOR	BOTH
1-100	\$150/\$170	\$100/\$120	\$210/\$230
101-150	\$175/\$195	\$125/\$145	\$235/\$255
151-200	\$200/\$220	\$150/\$170	\$260/\$280
201-250	\$225/\$245	\$175/\$195	\$285/\$305
251-300	\$250/\$270	\$200/\$220	\$310/\$330

List of Supporting Documents:

Pool Rental Rates - Resident/Non-Resident  
Resolution

Other Departments, Boards, Commissions or Agencies

# City of Plano Pool/Party Area Rentals

## Plano Aquatic Center (PAC) & Rowlinson Natatorium (NAT)

**Main Pool Rental**  
Rowlinson Natatorium (NAT)  
Plano Aquatic Center (PAC)  
Sat 6:30-8:30pm  
Sun 5:30-7:30pm

**Party Room at PAC Proposed Rates**  
M-W-F 7:30-9:30pm (school year)  
Sat & Sun 1-3 or 4-6pm  
\$85/\$95 Max 25 people + \$3 age 3+

## Liberty Rec Center Pool

### Summer Rentals Only

M-W-F 7:30-9:30pm  
Sat & Sun 6:30-8:30pm  
Daily fee: \$3 per child 3-15, \$6 age 16+  
Includes pool & center use

## Jack Carter Outdoor Pool (JCP) Summer Rentals Only

**Activity Pool Only**  
Mon-Sat 8:30-10:30pm  
Sun 6:30-8:30pm  
\$55/\$75 Max 40 people  
Maximum age 6

**Main Pool Only or  
Main w/Activity Pool**  
Mon-Sat 8:30-10:30pm  
Sun 6:30-8:30pm

**Main Party Area**  
7 Days a Week 2-3 & 4-5  
\$50/\$60 Max 40 people  
Plus \$3 ages 3+  
Party area 2 rentals per day unless 2pm has 2hrs

**Activity Pool Party Area**  
Mon-Sat 11-12 & 2-3 & 4-5  
Sun 2-3 & 4-5  
\$40/\$50 Max 20 people +\$3 ages 3+

## Oak Point Center (OPC) & Tom Muehlenbeck (TMC) Pools

### School Year Rentals

**OPC Party Place**  
\$65 plus \$3 ages 3-15, \$6 age 16+  
Admission includes pool & center use  
Mon-Fri 2-3pm Sat/Sun 2-3pm and 4-5pm  
Fri. 7-8pm (only during school year)  
2 rentals Sat & Sun unless 2pm has 2hrs

**Indoor Pool**  
OPC Sat 6:30-8:30pm  
TMC Sat 6:30-8:30pm

**TMC Party Place**  
\$125/\$145 plus \$3 ages 3-15, \$6 age 16+  
Admission includes pool & center use  
Sat/Sun 1-3 and 3:30-5:30 Fri 7-9pm

### Summer Rentals

**Indoor or Outdoor or Both**  
OPC Sat 6:30-8:30pm  
TMC Sat 6:30-8:30pm

**Outdoor Pool Only**  
OPC T/Thurs/Sat 10:00am-noon  
OPC Mon-Fri 7:30-9:30pm  
TMC Mon/Wed/Fri 7:30-9:30pm  
TMC Tues/Thurs 8:30-10:30pm

**OPC Party Place/Outdoor Party Tables**  
Max 40 people - Admission includes pool & center use  
7 Days a Week – 2-3pm or 4-5pm  
\$65/\$75 plus \$3 admission ages 3-15 \$6 age 16+  
2 rentals per day unless 2pm rental has 2hrs

**TMC Indoor Party Room**  
Max 40 people - Admission includes pool & center use  
\$125/\$145 plus \$3 admission ages 3-15, \$6 age 16+  
7 Days a Week - 1-3pm or 3:30-5:30pm  
Friday 7-9pm

**TMC Outdoor Party Area (2 areas available)**  
Max 30 people - Admission includes pool & center use  
\$75/\$95 plus \$3 admission ages 3-15 \$6 age 16+  
7 Days a Week - 1-3pm or 3:30-5:50pm

Pool/party areas will be rented a maximum of 3 months in advance. After-hour private pool rentals must be made at least 2 weeks in advance. The fees listed above are for Plano residents. Non-residents may rent for an additional \$20 fee on all pool rentals and an additional \$10 fee per hour on party area rentals. All rentals must be paid at the time the reservation is made. When you rent a pool, **every** person is counted, whether they swim or not. You must have 1 adult in the pool for every 3 children under age 7. You must have 1 adult for every 12 children over age 7 actively supervising. Children must be at least 48" tall to use the slides. If you give 10 days notice to cancel, you will receive a refund less a \$5 administration fee. Any changes made to the contract must be made 10 days prior to the rental and will be charged a \$5 administration fee. If an increase in the number of participants is approved, you must pay the additional cost of the increase plus a \$5 administration fee. Admission fee required for party area rentals includes pool & center use.

### For information or to reserve a pool or party area, please call one of the following numbers:

To reserve the pool at Liberty Rec Center, call 972-769-4234 M-F 8am-5pm

To reserve the pool or a party area at Tom Muehlenbeck Center, call 972-769-4404, anytime during their normal business hours.

To make a reservation at Oak Point, Jack Carter, Plano Aquatic or Rowlinson Natatorium, call:  
Parks & Rec Admin office 972-941-7250 M-F 8am-4pm - **or** - Oak Point Center 972-941-7540 M-F 8am-5pm



## POOL RENTAL RATES – Resident/Non-Resident

# of people	NAT LIB	OPC Outdoor	OPC Indoor	OPC Both	JCP Main	JCP w/baby	TMC Indoor Lap	TMC Indoor Leisure	TMC Indoor Both	TMC Outdoor	TMC All Pools
0-60					190/210	265/285					
1-100	100/120	230/250	230/250	460/480	*215/235	*290/310	150/170	300/320	400/420	350/370	750/770
101-150	125/145	243/263	243/263	485/505	240/260	315/335	200/220	350/370	500/520	400/420	800/820
151-200	150/170	255/275	255/275	510/530	265/285	340/360	250/270	400/420	600/620	450/470	850/870
201-250	175/195	268/288	268/288	535/555	290/310	365/385				500/520	900/920
251-300	200/220	280/300	280/300	560/580	315/335	390/410				550/570	950/970
301-350			293/313	585/605	340/360	415/435				600/620	1000/1020
351-400			305/325	610/630	365/385	440/460				650/670	1050/1070
401-450			318/338	640/660	390/410	465/485				700/720	1100/1120
451-500			330/350	670/690	415/435	490/510				750/770	1150/1170
500+				720/740							1250/1270

\*61-100 people

### Plano Aquatic Center Proposed Resident/Non-Resident Pool Rental Rates

# of people	PAC Indoor	PAC Outdoor	PAC Both
0-60			
1-100	150/170	100/120	210/230
101-150	175/195	125/145	235/255
151-200	200/220	150/170	260/280
201-250	225/245	175/195	285/305
251-300	250/270	200/220	310/330

**A Resolution pursuant to Chapter 15, Parks and Recreation, Article IV, User Fees, of Section 15-81, Establishment of a Fee, of the City Code of Ordinances of the City Council of the City of Plano, Texas authorizing the establishment and amendment of Daily Admission and Facility Rental Fees at the Plano Aquatic Center; and providing an effective date.**

**WHEREAS**, the City Council recognizes the importance of providing effective and efficient Parks and Recreation services and programs; and

**WHEREAS**, the City Council recognizes an important interest in establishing and amending Daily Admission and Facility Rental Fees at the Plano Aquatic Center to increase revenue to cover the expenses and costs associated with operating the facility.

**WHEREAS**, after review and consideration of the proposed Daily Admission and Facility Rental Fees at the Plano Aquatic Center, the City Council finds that its adoption is necessary to preserve the current level of services offered by the Parks and Recreation Department, while increasing revenues and decreasing the tax subsidy for operation;

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

**Section I.** The City Council, finding the proposed Daily Admission and Facility Rental Fees at the Plano Aquatic Center acceptable and in the best interest of the City of Plano and its citizens, hereby approves establishment of the Daily Admission and Facility Rental Fees at the Plano Aquatic Center. The Daily Admission and Facility Rental Fees at the Plano Aquatic Center shall be established as follows:

Daily Admission	\$3.00		
Room Rental Fees (2 hours) – Resident/Non-Resident			
Indoor Party Room	\$85/\$95		
Outdoor Party Area	\$65/\$75		
Classroom	\$65/\$75		
Pool Rental Fees (2 hours) – Resident/Non-Resident			
# of people	Indoor Pool	Outdoor Spray Pad	Both
1-100	\$150/\$170	\$100/\$120	\$210/\$230
101-150	\$175/\$195	\$125/\$145	\$235/\$255
151-200	\$200/\$220	\$150/\$170	\$260/\$280
201-250	\$225/\$245	\$175/\$195	\$285/\$305
251-300	\$250/\$270	\$200/\$220	\$310/\$330

**Section II.** The City Council further repeals all prior Resolutions in conflict with the provisions of this Resolution.

**Section III.** This Resolution becomes effective January 1, 2013.

**DULY PASSED AND APPROVED** this 10<sup>th</sup> day of December, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		12/10/2012		
Department:		Planning		
Department Head		Phyllis Jarrell		
Agenda Coordinator (include phone #): <b>Nicole Griffin ext 7204</b>				
<b>CAPTION</b>				
<b>A Resolution of the City Council of the City of Plano, Texas, approving the purchase of software maintenance in the amount of \$57,739.27 from Environmental Systems Research Institute, Inc., a sole source provider; authorizing the City Manager or his authorized designee to issue a purchase order for the services; and providing an effective date.</b>				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2012-2013</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	94,700	0	<b>94,700</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	-57,739	0	<b>-57,739</b>
BALANCE	0	36,961	0	<b>36,961</b>
<b>FUND(S):     GENERAL FUND</b>				
<b>COMMENTS:</b> Funds are included in the 2012-13 Planning Department Budget. This item, in the amount of \$57,739 will leave a current year balance of \$36,961 for other GIS maintenance expenses.				
<b>STRATEGIC PLAN GOAL:</b> GIS maintenance relates to the City's Goal of Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
Approval of this request in the amount of \$57,739 is made for the purchase of the GIS Maintenance. Environmental System Research Institute Inc., is the sole-provider of software maintenance for ArcGIS Software.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Memo				
Resolution				

10/22/2012

**M E M O**

**TO:** Phyllis Jarrell, Director of Planning

**FROM:** Ron Reynolds, GIS Manager

**SUBJECT:** GIS software maintenance

I am submitting for approval of renewal of our annual GIS software maintenance and upgrades of ESRI's GIS software. The maintenance item cover all support and licensing of ESRI software used in the City. The maintenance contract is required for us to continue to receive support from the vendor for upgrades, technical assistance or software patches. Without the maintenance we will be unable to efficiently or reliably support GIS systems or other city systems with a GIS component. Nor would the division be able to upgrade the GIS software in the future without first repurchasing the software. Other city systems that rely on GIS would be prevented from upgrading as well without upgrades to the core GIS products.

This product is available to the City of Plano only through the software publisher Environmental Systems Research Institute (ESRI) and no other cooperative.

RR

**A Resolution of the City Council of the City of Plano, Texas, approving the purchase of software maintenance in the amount of \$57,739.27 from Environmental Systems Research Institute, Inc., a sole source provider; authorizing the City Manager or his authorized designee to issue a purchase order for the services; and providing an effective date.**

**WHEREAS**, the Planning Department of the City of Plano utilizes ArcGIS software used by the City of Plano; and

**WHEREAS**, Environmental Systems Research Institute, Inc. is the sole source provider of software maintenance for ArcGIS software; and

**WHEREAS**, the City Council has been presented a proposed purchase order for software maintenance related to ArcGIS software from Environmental Systems Research Institute, Inc., which is incorporated herein by reference as Exhibit "A".

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

**Section I.** Based upon the representations of Environmental Systems Research Institute, Inc., the City Council hereby finds and determines that Environmental Systems Research Institute, Inc. is the sole source provider for software maintenance related to ArcGIS software, and is exempt from the competitive bid requirements as provided in the Texas Local Government Code, Section 252.022(a)(7).

**Section II.** The City Manager or his authorized designee is hereby authorized to issue a purchase order for the acquisition of services in the attached Exhibit "A" in an amount up to \$57,739.27.

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

**DULY PASSED AND APPROVED** this the 10<sup>th</sup> day of December, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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



Esri Inc  
380 New York Street  
Redlands CA 92373

## **SUBJECT: MAINTENANCE QUOTE**

**DATE:** 10/08/2012  
**TO:** Ron Reynolds  
**ORGANIZATION:** CITY OF PLANO  
PLANNING DEPT  
**FAX #:** 972-941-7396 **PHONE #:** 972-941-7242  
**FROM:** Barbara Walker  
**FAX #:** 909-307-3083 **PHONE #:** 909-793-2853 Ext. 3936  
**EMAIL:** bwalker@esri.com

Number of pages transmitted  
(including this cover sheet): 5

QUOTATION #25540320  
DOCUMENT DATE: 09/04/2012

Please find the attached quotation for your forthcoming software maintenance term. Keeping your maintenance current entitles you to exclusive benefits, and if you choose to discontinue your coverage, you will become ineligible for these valuable benefits and services. All maintenance fees from the date of discontinuation will be due and payable if you decide to reactivate your coverage at a later date. For details regarding the maintenance program benefits for your licensing, please visit <http://www.esri.com/maintenancebenefits>.

Customers who have multiple copies of some Esri products may have the option of supporting some of their licenses with secondary maintenance. Please contact Customer Service to find out more about the availability of secondary maintenance.

For information about Esri Desktop, Developer software, or Web services terms of use, as well as purchase order terms and conditions, please visit <http://www.esri.com/legal/licensing/software-license.html>.

For details about ECP discounts and waivers for non-profit users please visit <http://www.conservationgis.org/grant>

If you have any questions or need additional information, please contact Customer Service at 888-377-4575 Option 5.



**esri**<sup>®</sup> 380 New York Street  
 Redlands, CA 92373  
 Phone: 909-793-28533936  
 Fax #: 909-307-3083

# Quotation

**Date:** 09/04/2012

**Quotation Number:** 25540320

**Send Purchase Orders To:**

Esri, Inc.  
 380 New York Street  
 Redlands, CA 92373-8100  
 Attn: Barbara Walker

**Please include the following remittance address on your Purchase Order:**

Esri, Inc.  
 File #54630  
 Los Angeles, CA 90074-4630

CITY OF PLANO  
 PLANNING DEPT  
 1520 AVE K STE 250  
 PLANO TX 75074  
**Attn:** Ron Reynolds

**Customer Number:** 6245

For questions regarding this document, please contact Customer Service at 888-377-4575.

Item	Qty	Material#	Unit Price	Extended Price
10	2	52384 ArcGIS for Desktop Advanced (formerly ArcInfo) Concurrent Use Primary Maintenance Start Date: 12/22/2012 End Date: 12/21/2013	3,000.00	6,000.00
1010	10	52385 ArcGIS for Desktop Advanced (formerly ArcInfo) Concurrent Use Secondary Maintenance Start Date: 12/22/2012 End Date: 12/21/2013	1,200.00	12,000.00
3010	1	86497 ArcGIS for Desktop Standard (formerly ArcEditor) Concurrent Use Primary Maintenance Start Date: 12/22/2012 End Date: 12/21/2013	1,500.00	1,500.00
4010	5	86500 ArcGIS for Desktop Standard (formerly ArcEditor) Concurrent Use Secondary Maintenance Start Date: 12/22/2012 End Date: 12/21/2013	1,200.00	6,000.00
5010	3	87194 ArcGIS for Desktop Basic (formerly ArcView) Concurrent Use Primary Maintenance Start Date: 12/22/2012	700.00	2,100.00

This quotation is valid for 90 days and is subject to your Esri License Agreement. The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, Inc. (Esri).

Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. Esri reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide Esri with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

**Issued By:** Barbara Walker

**Ext:** 3936

[CSBATCHDOM]

To expedite your order, please reference your customer number and this quotation number on your purchase order.



**esri**<sup>®</sup>

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Redlands, CA 92373  
Phone: 909-793-28533936  
Fax #: 909-307-3083

# Quotation

Page 2

Date: 09/04/2012

Quotation Number: 25540320

Item	Qty	Material#	Unit Price	Extended Price
		End Date: 12/21/2013		
6010	24	87195 ArcGIS for Desktop Basic (formerly ArcView) Concurrent Use Secondary Maintenance Start Date: 12/22/2012 End Date: 12/21/2013	500.00	12,000.00
7010	1	87232 ArcGIS Spatial Analyst for Desktop Concurrent Use Primary Maintenance Start Date: 12/22/2012 End Date: 12/21/2013	500.00	500.00
8010	1	87233 ArcGIS Spatial Analyst for Desktop Concurrent Use Secondary Maintenance Start Date: 12/22/2012 End Date: 12/21/2013	200.00	200.00
9010	1	87198 ArcGIS 3D Analyst for Desktop Concurrent Use Primary Maintenance Start Date: 12/22/2012 End Date: 12/21/2013	500.00	500.00
10010	1	87236 ArcGIS Geostatistical Analyst for Desktop Concurrent Use Primary Maintenance Start Date: 12/22/2012 End Date: 12/21/2013	500.00	500.00
11010	2	87192 ArcGIS for Desktop Basic (formerly ArcView) Single Use Primary Maintenance Start Date: 11/01/2012 End Date: 12/21/2013	455.71	911.42
12010	2	93094 ArcGIS for Desktop Basic (formerly ArcView) with Extensions Single Use Primary Maintenance Start Date: 12/22/2012 End Date: 12/21/2013	1,000.00	2,000.00
13010	7	87193 ArcGIS for Desktop Basic (formerly ArcView) Single Use Secondary Maintenance Start Date: 12/22/2012 End Date: 12/21/2013	300.00	2,100.00
14010	1	93303 ArcGIS for Desktop Standard (formerly ArcEditor) Single Use Primary Maintenance Start Date: 12/22/2012	1,500.00	1,500.00



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Fax #: 909-307-3083

# Quotation

Page 3

Date: 09/04/2012

Quotation Number: 25540320

Item	Qty	Material#	Unit Price	Extended Price
		End Date: 12/21/2013		
15010	2	97444 ArcGIS Engine without Extension Maintenance Start Date: 11/01/2012 End Date: 12/21/2013	113.93	227.85
16010	1	100571 ArcGIS Network Analyst for Desktop Concurrent Use Primary Maintenance Start Date: 12/22/2012 End Date: 12/21/2013	500.00	500.00
17010	1	100572 ArcGIS Network Analyst for Desktop Concurrent Use Secondary Maintenance Start Date: 12/22/2012 End Date: 12/21/2013	200.00	200.00
18010	2	109839 ArcGIS for Server Enterprise Standard Up to Four Cores Migrated Maintenance Start Date: 12/22/2012 End Date: 12/21/2013	2,000.00	4,000.00
19010	1	115680 ArcGIS for Server Enterprise Standard Up to Four Cores from ArcIMS 9.1 Migrated Maintenance Includes Enterprise Basic Up to Four Cores from ArcSDE 9.1 Migrated Maintenance Bundle	5,000.00	5,000.00
19020	1	109839 ArcGIS for Server Enterprise Standard Up to Four Cores Migrated Maintenance Item equals \$2,000.00 of the bundled price. Start Date: 12/22/2012 End Date: 12/21/2013		
19030	1	109840 ArcGIS for Server Enterprise Basic Up to Four Cores Migrated Maintenance Item equals \$3,000.00 of the bundled price. Start Date: 12/22/2012 End Date: 12/21/2013		

<b>Subtotal</b>	57,739.27
<b>Estimated Tax</b>	0.00
<b>Total</b>	<b>\$ 57,739.27</b>

DUNS/CEC: 06-313-4175 CAGE: 0AMS3



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380 New York Street  
Redlands, CA 92373  
Phone: 909-793-28533936  
Fax #: 909-307-3083

# Quotation

Page 4

**Date:** 09/04/2012      **Quotation No:** 25540320      **Customer No:** 6245

Item	Qty	Material#	Unit Price	Extended Price
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BY SIGNING BELOW, YOU ARE INDICATING THAT YOU ARE AUTHORIZED TO OBLIGATE FUNDS FOR YOUR ORGANIZATION. DO NOT USE THIS FORM FOR ORDER ACTIVATION IF YOUR ORGANIZATION WILL NOT HONOR AND PAY AN INVOICE THAT HAS BEEN ISSUED AT YOUR DIRECTION WITHOUT ADDITIONAL AUTHORIZING PAPERWORK.

If you have made ANY alterations to the line items included in this quote and have chosen to sign the quote to indicate your acceptance, you must fax Esri the signed quote in its entirety in order for the quote to be accepted.

If your organization is a US Federal, state, or local government agency; an educational facility; or a company that will not pay an invoice without having issued a formal purchase order, a signed quotation will not be accepted unless it is accompanied by your purchase order.

If you choose to discontinue your support, you will become ineligible for support benefits and services. All maintenance fees from the date of discontinuation will be due and payable if you decide to reactivate your support coverage at a later date.

This transaction is governed exclusively by the terms of the above-referenced contract, if any, or Esri's standard terms and conditions at [www.esri.com/legal](http://www.esri.com/legal).

In order to expedite processing, please reference the quotation number and any/all applicable Esri contract number(s) (e.g. MPA, ELA, SmartBuy, GSA, BPA) on your ordering document.

By signing below, you are authorizing Esri to issue a software support invoice in the amount of \$\_\_\_\_\_ plus sales tax, if applicable.

Please check one of the following:

I agree to pay any applicable sales tax.

I am tax exempt. Please contact me if Esri does not have my current exempt information on file.

Please indicate on your purchase order if this purchase is funded through the American Recovery and Reinvestment Act, and whether Esri is a Prime Recipient, Sub-recipient, or Vendor for reporting purposes.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Title



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		12/10/2012		
Department:		Sustainability & Environmental Services		
Department Head		Nancy Nevil		
Agenda Coordinator (include phone #): <b>Tiffany Stephens x4264</b>				
<b>CAPTION</b>				
A Resolution of the City Council of the City of Plano, Texas, establishing energy conservation goals as required by Texas Health and Safety Code §388.005, as amended by Senate Bill 898 of the 82nd Legislative Session of 2011; requiring the filing of an annual report on compliance with the City's energy conservation goals with the State Energy Conservation Office ("SECO") on a form provided by SECO; and providing an effective date.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2012-13</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	<b>0</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	0	<b>0</b>
BALANCE	0	0	0	<b>0</b>
<b>FUND(S):    SUSTAINABILITY &amp; ENVIRONMENTAL SERVICES FUND</b>				
<b>COMMENTS:</b> This item establishes a city-wide goal to reduce electrical consumption in accordance with legislation passed in 2011 that requires State of Texas subdivisions to file a report with the State Energy Conservation Office. These tasks were already being pursued by the Sustainability & Environmental Services Department and consequently there is no financial impact in complying with this law.				
<b>STRATEGIC PLAN GOAL:</b> Reducing energy consumption and meeting requirements outlined in state law relates to the City's goal of a Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
The Texas Health and Safety Code § 388.005 requires that cities in nonattainment areas commit by City Resolution to reduce energy consumption each year by at least five percent (5%) through 2021. There are no penalties in the statute for failure to meet the goals.				
We have averaged 5.43% reduction over the last six years. In the event we do not meet the 5% reduction requirement in any given year, we will provide justification that includes a representation that the City has reviewed all available options and has determined that no additional measures are cost effective and that all available cost effective measures have been implemented. At that point, we will be exempt from having to file future reports, if a subsequent report would indicate no change in status.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

**A Resolution of the City Council of the City of Plano, Texas, establishing energy conservation goals as required by Texas Health and Safety Code §388.005, as amended by Senate Bill 898 of the 82<sup>nd</sup> Legislative Session of 2011; requiring the filing of an annual report on compliance with the City's energy conservation goals with the State Energy Conservation Office ("SECO") on a form provided by SECO; and providing an effective date.**

**WHEREAS**, Senate Bill 898 of the 82nd Legislative Session of 2011 amends Texas Health and Safety Code §388.005 to require political subdivisions in nonattainment areas to establish a goal to reduce electric consumption by at least five percent (5%) each state fiscal year for 10 years beginning September 1, 2011; and

**WHEREAS**, the City of Plano, Texas, ("City") is a political subdivision located in a nonattainment area or in an affected county, not otherwise exempted from having to establish an energy conservation goal; and

**WHEREAS**, Senate Bill 898 requires the City to file an annual report of energy conservation efforts with SECO on a form to be provided by SECO; and

**WHEREAS**, reduction in consumption of electricity at City electric accounts will reduce electric generation requirements, which will in turn have a beneficial impact on ERCOT system reliability, air quality, and the City's budget.

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

**Section I.** The City hereby establishes a goal that electricity consumption be reduced by at least five percent (5%) each fiscal year for ten years, beginning September 1, 2011.

**Section II.** The City will file an annual energy consumption goal compliance report with SECO on a form provided by SECO.

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

**DULY PASSED AND APPROVED** this the 10<sup>th</sup> day of December, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		December 10, 2012		
Department:		City Manager		
Department Head		Frank F. Turner		
Agenda Coordinator (include phone #): <b>Sherry Jackson - Ext.7122</b>				
<b>CAPTION</b>				
A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an Interlocal Agreement requesting North Central Texas Council of Governments (NCTCOG) to pursue development of the Cotton Belt Passenger Rail Project utilizing the Public and Private Facilities and Infrastructure Act; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>2012-13</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>
				<b>TOTALS</b>
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S): <b>N/A</b>				
<b>COMMENTS:</b> This item has no fiscal impact.  <b>STRATEGIC PLAN GOAL:</b> Entering into an Interlocal Agreement for development of the Cotton Belt Passenger Rail Project relates to the City's Goals of Financially Strong City with Service Excellence and Partnering for Community Benefit.				
<b>SUMMARY OF ITEM</b>				
Resolution approving the terms and conditions of an Interlocal Agreement requesting NCTCOG to pursue development of the Cotton Belt Passenger Rail Project.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Interlocal Cooperative Agreement - NCTCOG				

**A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an Interlocal Agreement requesting North Central Texas Council of Governments (NCTCOG) to pursue development of the Cotton Belt Passenger Rail Project utilizing the Public and Private Facilities and Infrastructure Act; authorizing its execution by the City Manager or his authorized designee; and providing and effective date.**

**WHEREAS**, the North Central Texas Council of Governments (NCTCOG) is a Regional Planning Commission operating under Local Government Code Chapter 391; and

**WHEREAS**, NCTCOG has been approached by a private-sector developer which has formally communicated interest in developing the Cotton Belt Passenger Rail Project; and

**WHEREAS**, Subchapter A of Chapter 2267 of the Texas Government Code, known as the Public and Private Facilities and Infrastructure Act, hereinafter referred to as the "Act", authorizes public-private partnerships by eligible governmental entities in the State of Texas, including Regional Planning Commissions, and establishes the framework and processes required to enter into such arrangements; and

**WHEREAS**, the Act enables a Responsible Governmental Entity to receive solicited or unsolicited proposals, encourages competition by requiring posting of and acceptance of competing proposals for a qualifying project, calls for collaboration with affected jurisdictions in which all or part of a project is located, and may permit an award for a project development agreement; and

**WHEREAS**, in order for NCTCOG to qualify as the Responsible Governmental Entity and assist the region in advancing development of the Cotton Belt Passenger Rail Project, agreements with member governments along the corridor statutorily authorized to develop passenger rail projects are necessary; and

**WHEREAS**, the City of Plano supports innovative approaches to infrastructure delivery and desires to contract NCTCOG to procure a public-private partnership to develop the Cotton Belt Passenger Rail Project, in whole or in part, on its behalf with certain limitations; and

**WHEREAS**, this innovative public-private partnership approach to develop the Cotton Belt Passenger Rail Project, if proven successful, could provide a model for development of future high-priority passenger rail corridors in the region; and

**WHEREAS**, NCTCOG, Dallas Area Rapid Transit (DART), Fort Worth Transportation Authority (The T), and Denton County Transportation Authority (DCTA) have represented that they will develop a joint procurement process under the Act and Texas Transportation Code Chapter 452 to develop the Cotton Belt Passenger Rail Project which involves city representation in the evaluation process.

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

**Section I.** The City of Plano requests and authorizes NCTCOG to seek proposals for the development of the Cotton Belt Passenger Rail Project on its behalf as the Responsible Governmental Entity utilizing the Act to procure a public-private partnership jointly with DART, The T and DCTA in accordance with the attached Interlocal Agreement. This Resolution does not authorize the NCTCOG as a responsible governmental entity to enter into an interim or comprehensive agreement on behalf of the City of Plano.

**Section II.** This Resolution shall be transmitted to NCTCOG and all affected jurisdictions along the corridor.

**Section III.** 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 IV.** The City Manager or his authorized designee 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 V.** This Resolution shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED** this the 10<sup>th</sup> day of December, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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

**INTERLOCAL COOPERATIVE AGREEMENT**

**Between**

**CITY OF PLANO, TEXAS**

**And**

**THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS**

**For**

**PROCUREMENT OF PUBLIC-PRIVATE PARTNERSHIP TO DEVELOP THE  
COTTON BELT PASSENGER RAIL PROJECT**

This AGREEMENT (the "Agreement") is by and between the City of Plano, Texas ("LOCAL GOVERNMENT"), a home rule municipality located in Collin and Denton Counties, Texas; and the North Central Texas Council of Governments ("NCTCOG"), the Regional Planning Commission for the 16-County North Central Texas Region created and existing under Chapter 391 of the Texas Local Government Code, acting by and through their duly authorized representatives.

WHEREAS, the Cotton Belt Passenger Rail Project is located wholly or partially within the territory of LOCAL GOVERNMENT; and,

WHEREAS, LOCAL GOVERNMENT is a NCTCOG member government and is interested in development of the Cotton Belt Passenger Rail Project; and,

WHEREAS, LOCAL GOVERNMENT possesses certain statutory powers to develop or operate passenger rail projects; and,

WHEREAS, NCTCOG may contract with member governments to perform services; and,

WHEREAS, LOCAL GOVERNMENT desires to contract with NCTCOG to utilize Senate Bill 1048, now codified in Texas Government Code, Chapter 2267, Subchapter A, as the Responsible Governmental Entity to initiate and potentially procure a public-private partnership to develop the Cotton Belt Passenger Rail Project, in whole or in part, on its behalf and jointly with a Local Government Corporation created by the transit authorities; and,

WHEREAS, this Agreement was authorized by Resolution of the LOCAL GOVERNMENT City Council at its meeting on December 10, 2012; and,

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code provides authority for LOCAL GOVERNMENT and NCTCOG to enter into this agreement for the provision of governmental functions and services of mutual interest.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the Parties agree as follows:

## **1.00 Definitions**

**1.01 Cotton Belt Passenger Rail Project.** “Cotton Belt Passenger Rail Project” refers to the approximately 62-mile passenger rail project, or any subsection thereof, from southwest Fort Worth to Plano.

**1.02 Senate Bill 1048.** “Senate Bill 1048” refers to the Public and Private Facilities and Infrastructure Act passed by the 2011 Texas Legislature and effective September 1, 2011, now codified in Subchapter A, Chapter 2267 of the Texas Government Code.

**1.03 Responsible Governmental Entity.** “Responsible Governmental Entity” means a governmental entity that has the power to develop or operate an applicable qualifying project as defined in Senate Bill 1048.

**1.04 Local Government Corporation.** “Local Government Corporation (LGC)” means a corporation incorporated to act on behalf of one or more transit authorities as provided by Subchapter D of Texas Transportation Code Chapter 431.

**1.05 Transit Authorities.** “Transit Authorities” collectively refers to Dallas Area Rapid Transit (DART), the Fort Worth Transportation Authority (The T) and the Denton County Transportation Authority (DCTA).

**2.00 Purpose.** The purpose of this Agreement is to request and authorize NCTCOG to utilize Senate Bill 1048 and act as the Responsible Governmental Entity (“RGE”) to initiate and potentially procure, on behalf of LOCAL GOVERNMENT and similarly with other affected member governments, a public-private partnership to develop the Cotton Belt Passenger Rail Project. The procurement will be jointly undertaken by NCTCOG, authorized and representing LOCAL GOVERNMENT as the RGE, and Local Government Corporation (LGC), as lead for the transit authorities.

## **3.00 Term and Termination**

**3.01 Initial Term.** The Initial Term of this agreement shall begin on the date executed by the last of the Parties and shall end on December 31, 2014.

**3.02 Termination.** Except as otherwise provided herein, this Agreement may be terminated by either Party ninety days (90) after written notice of termination is delivered by the Party desiring to terminate the Agreement to the other Party at the address provided herein.

## **4.00 NCTCOG Duties/Restrictions**

**4.01 Procurement Role.** a. NCTCOG agrees to initiate statutorily required actions, upon execution of an appropriate number of agreements with member governments along the rail corridor, to become the Responsible Governmental Entity under Senate Bill 1048 for development of the Cotton Belt Passenger Rail Project.

b. Once effective, NCTCOG will initiate procurement of a public-private partnership jointly with LGC, including receipt of solicited or unsolicited proposals, posting of and acceptance of competing proposals, proposal evaluation, and all other actions except the NCTCOG is not authorized to execute a Joint Interim or Comprehensive Award unless the Plano City Council has approved the same. If the Plano City Council fails to take affirmative action to approve the proposed joint interim award and/or comprehensive agreement within 90 days of City of Plano's receipt of same, this Agreement shall terminate immediately unless the Parties agree to mutually extend the time for the City of Plano to act.

c. NCTCOG's agency in this regard is limited only to seeking proposals, it is not authorized to bind the Local Government in any respect or to enter into a joint interim or comprehensive award on behalf of Local Government unless it has received prior written approval by the Plano City Council.

**4.02 Joint Procurement Process.** Described generally:

- a. NCTCOG and LGC will jointly receive any unsolicited proposal that may be submitted for the Cotton Belt Passenger Rail Project with concurrent delivery to all affected jurisdictions along the corridor by the private sector proposer as required by Senate Bill 1048.
- b. NCTCOG and LGC will adopt common guidelines and evaluation criteria to govern the Joint Procurement Process.
- c. LGC will take the lead on publication of a joint RFP and subsequent receipt of proposals.
- d. Proposals will be evaluated through a Joint Evaluation Committee, consisting of representatives from DART, NCTCOG as the RGE, cities and transit authorities.
- e. LGC will take the lead on the technical evaluation of any proposals.
- f. NCTCOG, as the RGE, will take the lead on the financial evaluation of any proposals.
- g. LGC, under Texas Transportation Code Chapter 452, and NCTCOG, as the RGE under Senate Bill 1048, will make a Joint Interim Award following approval by their respective governing bodies, the recommendations of the Joint Evaluation Committee, and written approval by the Local Government as set out in 4.01 above.

NCTCOG will coordinate with all affected member governments when carrying out these functions.

4.03 Limitations. NCTCOG will not execute a Comprehensive Award, as that term is defined in Senate Bill 1048, with the selected proposer. The project governance structure, which is yet to be determined, will execute any final Comprehensive Award.

## **5.00 LOCAL GOVERNMENT Duties**

5.01 Authorization. LOCAL GOVERNMENT covenants that it possesses statutory powers to develop passenger rail projects in its jurisdiction and authorizes NCTCOG, acting on its behalf as the Responsible Governmental Entity, to develop the Cotton Belt Passenger Rail Project through procurement of a public-private partnership utilizing Senate Bill 1048. This includes all actions and processes contemplated in Senate Bill 1048 up to and including execution of an Interim Award.

5.02 Project Governance. LOCAL GOVERNMENT does not indicate favor or commit to any project governance structure under this Agreement. LOCAL GOVERNMENT agrees, however, to participate in discussions and understands collaboration among affected corridor jurisdictions and transit authorities is needed to reach consensus on governance and representation. Support of any governance structure is subject to future approval by the LOCAL GOVERNMENT.

5.03 No Financial Commitment. LOCAL GOVERNMENT does not commit any financial resources to NCTCOG or any other entity as a result of the undertakings under this Agreement or for any awards made to a selected proposer or for any other services that may be incurred as a part of this process.

5.04 No Equity Position. LOCAL GOVERNMENT does not indicate support of or commit to any strategy or position addressing equity among jurisdictions along the corridor as part of this Agreement.

5.05 Project Parameters. LOCAL GOVERNMENT does not commit to any proposer, project design, alignment or station locations under this Agreement.

5.06 No Fourth (4<sup>th</sup>) Transit Authority. NCTCOG's role as the Responsible Governmental Entity under this Agreement is expressly limited to the Cotton Belt Passenger Rail Project and does not constitute, nor does LOCAL GOVERNMENT or NCTCOG support, creation of a fourth (4<sup>th</sup>) transit authority in the region.

**6.00 Indemnification.** LOCAL GOVERNMENT and NCTCOG agree that each Party is responsible for its individual acts and deeds as well as the acts and deeds of their contractors, employees, representatives and agents.

**7.00 Force Majeure.** Force Majeure means any circumstance that is reasonably beyond the control of the Party obligated or permitted under this Agreement, and includes, but is not limited to reason of war, civil commotion, act of God, governmental restriction, regulation or interference, fire, explosion, hurricane, flood, failure of transportation, court injunction, or the action or failure to act of any person or entity that is not a Party to this Agreement. It is expressly understood and agreed by the Parties that if the performance of any duty or obligation under this Agreement is delayed by Force Majeure, regardless of whether any such circumstance is similar to any of those enumerated in this paragraph, the Party so obligated or permitted shall be excused from doing or performing the same during such period of delay or, in the alternative, the Parties may agree in writing to the performance of a substantially equivalent substitute.

**8.00 Contractual Relationship.** It is understood and agreed that the relationship described in this Agreement between the Parties is contractual in nature and is not to be construed to create a partnership of joint venture or agency relationship between the Parties. Nor shall any Party be liable for any debts incurred by the other Party in the conduct of such other Party's business or functions.

## **9.00 Miscellaneous Provisions**

**9.01 Compliance with Regulations.** During the performance of this Agreement, each Party, for itself, its assignees, and successors agrees to comply with all applicable local, state, and federal regulations.

**9.02 Captions.** The captions, headings, and arrangements used in this Agreement are for convenience only and shall not in any way affect, limit, amplify, or modify its terms and provisions.

**9.03 Disputes.** LOCAL GOVERNMENT and NCTCOG shall negotiate in good faith toward resolving any disputes that arise under this Agreement.

**9.04 Governing Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of Texas.

**9.05 Notice.** Notices to either Party by the other Party required under this Agreement shall be in writing and delivered to the addresses shown below. A copy shall concurrently be provided to the Contact Person, provided on the Agreement Cover Sheet, of the Party receiving notice.

City of Plano, Texas  
Bruce D. Glasscock, City Manager  
P. O. Box 860358  
Plano, TX 75086-0358

NCTCOG  
Mike Eastland, Executive Director  
P. O. Box 5888  
Arlington, TX 76005-5888

The above contact information may be modified without requiring an amendment to the Agreement.

9.06 Interest of Public Officials. No member, officer, or employee of the public body or of a local public body during his tenure or for one year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

9.07 Assignment. Neither Party may assign this Agreement in whole or in part, without first obtaining the written consent of the other Party.

9.08 Number and Gender. Whenever used herein, unless the context otherwise provides, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all other genders.

9.09 Severability. In the event anyone or more of the provisions contained in this Agreement shall be for any reason held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision(s) hereof, and this Agreement shall be revised so as to cure such invalid, illegal, or unenforceable provision(s) to carry out as near as possible the original intent of the Parties.

9.10 Merger and Amendment. This instrument constitutes the entire agreement of the Parties with respect to the matters contemplated herein and supersedes all prior understandings and agreements regarding such subject matter. This Agreement may be modified or amended only in writing, signed by all Parties hereto.

9.11 Effective Date. This Agreement shall be effective on the date this Agreement is signed by the last of those required to sign this Agreement.

9.12 Nondiscrimination. In its performance of this Agreement, LOCAL GOVERNMENT and NCTCOG each warrants that it shall not discriminate against any person on account of race, color, sex, religious creed, age, disability, ethnic or national origin, or veteran status.

9.13 No Waiver. Neither Party shall be deemed by any act or omission to have waived any of its rights or remedies hereunder unless such waiver is in writing and signed by the waiving Party, and then only to the extent specifically set forth in such writing. A

waiver with reference to one event shall not be construed as continuing or as a bar to or waiver of any right or remedy as to a subsequent event.

EXECUTED by the Parties in duplicate originals.

CITY OF PLANO, TEXAS

NORTH CENTRAL TEXAS  
COUNCIL OF GOVERNMENTS

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

\_\_\_\_\_  
R. Michael Eastland  
Executive Director

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

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



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		12/10/2012			
Department:		Planning			
Department Head		Phyllis Jarrell			
Agenda Coordinator (include phone #): <b>Karen Suiter x7566</b>					
<b>CAPTION</b>					
Public Hearing and Comment - Review of the Consolidated Annual Performance Evaluation Report describing the use of federal funds. This report details how the City used U.S. Department of Housing and Urban Development funds during the 2011-2012 grant year. The public will be given an opportunity to speak on the report during the public hearing.					
<b>FINANCIAL SUMMARY</b>					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>2012-13</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0	0
Encumbered/Expended Amount	0	0	0	0	0
This Item	0	0	0	0	0
BALANCE	0	0	0	0	0
<b>FUND(s):    NA</b>					
<b>COMMENTS:</b> This item has no fiscal impact.					
<b>STRATEGIC PLAN GOAL:</b> Reporting on the use of Federal Funds relates to the City's goal of Financially Strong City with Service Excellence.					
<b>SUMMARY OF ITEM</b>					
As a requirement of receiving funds through the U.S. Department of Housing and Urban Development annually, the City must report on the grant-funded programs and related expenditures within 90-days of the end of the grant year. The report, called a Consolidated Annual Performance and Evaluation Report, or CAPER, is designed to make public the use of these funds during the previous grant year. As part of our Citizen Participation Plan, the public is given an opportunity to both review the plan and make comment on the plan at two public hearings. The first public hearing is with the Community Relations Commission, and the second at a City Council meeting. The City publishes a notice in the local newspaper and places the information on the website as notice of these meetings. After the hearings take place, public comments are noted in the document, and it is submitted to HUD for review and acceptance.					
List of Supporting Documents: Memo, Report			Other Departments, Boards, Commissions or Agencies Community Relations Commission		

**M E M O R A N D U M**

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**DATE:** November 28, 2012  
**TO:** Frank Turner, Deputy City Manager  
**FROM:** Christina Day, Community Services Manager  
**RE:** 2011-12 Consolidated Annual Performance Evaluation Report

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Please find attached the Consolidated Annual Performance Evaluation Report (CAPER) which conveys the use of U.S. Department of Housing and Urban Development (HUD) funds in Plano. The report is prepared as an annual requirement for continued entitlement of federal dollars. Its purpose is to inform the public of the use of these funds during the most recent 12-month grant cycle, October 1, 2011 through September 30, 2012.

To summarize, Plano expended \$1,690,478 in federal funds from HUD during the 2011 grant year. One hundred percent of funds expended were used to provide housing and/or public services. A total of 771 low-income individuals and 133 low-income households obtained assistance to include three new affordable houses, 36 housing rehabilitations, and down payment and closing cost assistance for 11 first-time homebuyers.

The City of Plano also provided \$265,000 in Buffington Community Services Grant funds supporting emergency services for Plano residents, such as food, shelter, clothing and preventative healthcare assistance. City funds assisted 5,943 individuals and 63 households in need. These accomplishments directly support the strategies, objectives and outcomes established in the current 2010-2014 Consolidated Plan of Housing and Community Development Needs.

In addition to the above mentioned services, the following needs were met through grants with various non-profit organizations or City programs. (Please note that some of the residents who were assisted appear in more than one of the following categories.)

Homeless/At-Risk of Homelessness	382
Elderly	576
Persons with HIV/AIDS	35
Youth	146
Education/Literacy	146
Health Services	1306
Rent and Utility Assistance	39

The impact of these funds is felt throughout Plano, helping to stabilize those individuals in need of assistance.

The Community Relations Commission held a public hearing and commented on the report at a meeting on November 15, 2012. There were no comments from the public, but minor modifications were made as a result of Commissioner comments and suggestions. Please contact me if you have questions regarding any of the information contained in the report.

# 2011 City of Plano Consolidated Annual Performance Evaluation Report



Prepared for  
United States Department of Housing and Urban Development  
by the  
City of Plano, Texas

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## 1 Executive Summary

The City of Plano is required to submit a Consolidated Annual Performance Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD) per 24 CFR Part 91. This report is a summary of accomplishments and expenditures for activities stated in prior year Action Plans. The 2011 City of Plano CAPER describes programs during October 1, 2011 through September 30, 2012, the second program year of the five year 2010-2014 Consolidated Plan.

This report provides information requested by HUD and highlights the use of City general funds to meet the needs of the community. Below are the strategic plan objectives and areas of high priority identified in the Consolidated Plan:

1. Decent Housing Strategy
2. Suitable Living Environment Strategy
3. Economic Opportunity Strategy

Narratives detail actions the City took to collaborate with intergovernmental agencies, affirmatively further fair housing, leverage funds and other measures to accomplish the objectives set forth in the Consolidated Plan and ensure program compliance.

The CAPER must be available for public comment 15 days prior to submission. This report will be submitted to HUD within 90 days of the close of the program year.

## 2 Summary of Resources and Distribution of Funds

### 2 Summary of Resources and Distribution of Funds

Each year, at the recommendation of the Community Relations Commission, City Council allocates funding to eligible activities which may include housing activities, emergency services, public services, etc. For the 2011-12 program year (PY), the City of Plano received an entitlement of \$1,593,213 in Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funds and \$157,137 in program income (\$154,433 was drawn). The total expended for CDBG and HOME in the amount of \$1,690,478 and \$265,000 in general funds provided much needed services to assist Plano residents. All unexpended federal funds will carry over to PY 2012. With the assistance of nonprofit and faith-based organizations, the combined federal and general funds enabled the City to accomplish specific goals set forth in the 2010-2014 Consolidated Plan.

Program	Entitlement Funds	Program Income	PY 2011 Expenditures (includes prior year funds)	PY 2011 balance
CDBG	\$ 1,169,726	\$ 146,126	\$ 1,210,106	\$ 959,429
HOME	\$ 423,487	\$ 8,307	\$ 480,372	\$ 281,326
HPRP	0	0	\$ 3,617	0
BCSG	\$ 265,000	0	\$ 265,000	0
<b>TOTALS</b>	<b>\$ 1,858,213</b>	<b>\$ 154,433</b>	<b>\$ 1,959,095</b>	<b>\$1,240,755</b>

Table 2.1 Grant Balance

#### 2.1 Federal Funds

The City of Plano recognizes the important role of nonprofit organizations within our community. Table 2.1 lists agencies (and corresponding HUD activity number) that received CDBG and/or HOME funds to help the City of Plano serve residents during the 2011 program year.

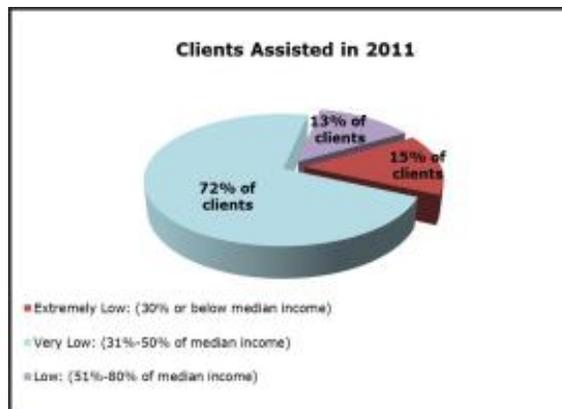
2011 Activities	HUD Activity Number
Boys and Girls Club of Collin County	546
Communities in Schools Dallas Region	545
Christ United Methodist Church	527, 568
City of Plano Housing Rehabilitation Program	501, 526, 569

## Summary of Resources and Distribution of Funds

2011 Activities	HUD Activity Number
City of Plano First Time Homebuyer Program	521, 538, 544, 552, 553, 556, 558, 559, 560, 562, 563, 567
Maurice Barnett Geriatric Wellness Center	547, 548
Habitat for Humanity of South Collin County	511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 524, 525, 557
Health Services of North Texas	540
Jewish Family Services	550
LaunchAbility	549
Plano Housing Corporation	537, 555, 561, 565, 566
City of Plano Homelessness Prevention (Samaritan Inn)	551

**Table 2.2 2011 Plano CDBG/HOME Agencies**

Federal dollars were attributed to individuals and households at or below 80% of the Dallas area median income as determined by HUD. The City of Plano requires 100% of persons assisted with HUD funds to meet income guidelines. During the past program year, 771 individuals and 133 households living in the City of Plano had access to new and/or improved services which helped them maintain and, in many cases, improve their economic situations.



**Picture 2.1**

## 2 Summary of Resources and Distribution of Funds

### 2.2 City Funds

#### **Buffington Community Services Grant Funds**

The Consolidated Plan sets a parameter to address community needs through the use of HUD and City funds. During the 2011 program year, the City of Plano set aside \$1 per capita of general fund dollars to be distributed as Buffington Community Services Grants (BCSG). These funds supplement federal resources available to accomplish Consolidated Plan goals. The program year for BCSG funds coincides with the HUD program year. In 2011, \$265,000 in general funds were set aside for BCSG grants. The following agencies received BCSG funds:

**Table 2.3**

Agency Names	
Assistance Center of Collin County	Family Outreach
Assistance League of Greater Collin County	Hope's Door
CASA of Collin County	Journey of Hope
City House	Plano Children's Medical Clinic
Collin County Adult Clinic	Plano Community Charity
Collin County Committee on Aging	Rape Crisis Center
Community Dental Care	Samaritan Inn

**Table 2.4 2011 Plano BCSG Agencies**

BCSG funds are used to provide emergency services to Plano residents such as food, shelter, clothing, crisis counseling and health care assistance. Though the City does not have a low income level requirement for BCSG funds, most BCSG agencies report they assist those with the greatest need and are low-income. During PY 2011, 5,943 individuals and 63 families/households living in Plano were assisted with BCSG funds.

In summary, the City of Plano assisted 6,711 individuals and 196 households living within the city limits through a combination of HUD and general funds.

### 3 Narratives of Consolidated Plan Goals and Objectives

The CAPER provides an overview of accomplishments in addressing community development needs and priorities through a process which included citizen input and opportunity for public comment. The 2010-2014 Consolidated Plan sets forth five-year strategies with various objectives. The strategies and objectives undertaken during PY 2011 are stated below and followed by the activities completed to address them.

HUD Tables 3A and 3B, located in the Appendices of this document, show a numerical summary of the narratives below.

#### 3.1 Decent Housing Strategy

**Strategy DH: Encourage the provision of decent, safe and affordable housing for low and moderate income and special needs residents.**

Six 2011-12 program activities are categorized under the Decent Housing Strategy of the Consolidated Plan. The objectives are as follows:

##### 3.1.1 Objective DH-1.1

**Continue to preserve and enhance existing housing stock through home rehabilitation.**

The City continues to enhance and preserve its affordable housing stock through the Housing Rehabilitation Program and has met 73% of the Consolidated Plan goal. Marketing to existing rental stock is at 10%. Staff plans to satisfy this segment of the Decent Housing commitment through scheduled meetings with rental partners over the next three grant years.

##### 3.1.1.1 City of Plano Housing Rehabilitation

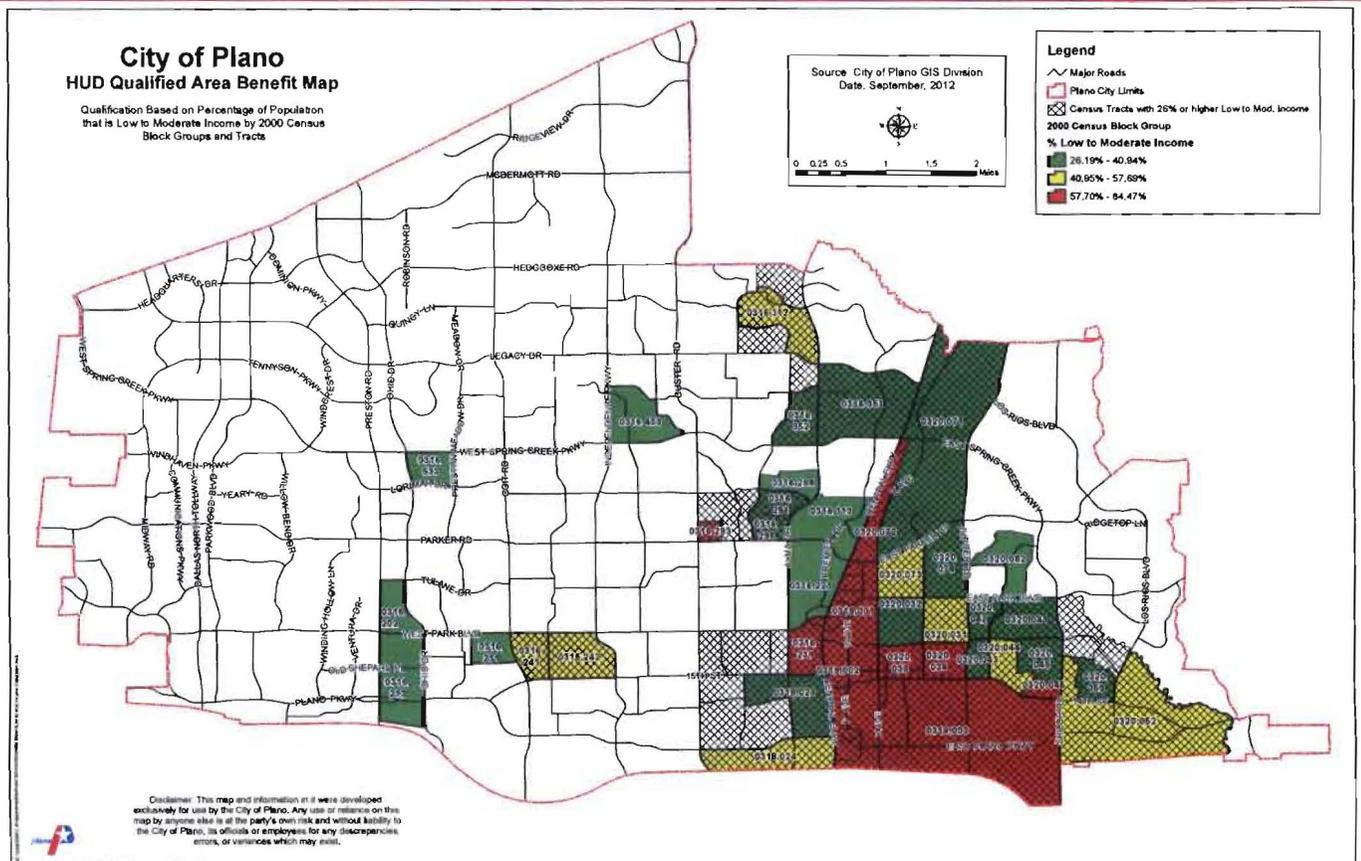
Several neighborhoods throughout the City have benefited from rehabilitation projects completed during PY 2011-12. Approximately \$813,915 in CDBG and HOME funds provided 18 emergency repairs, 17 home rehabilitations and the completion of one home reconstruct which began in PY 2010-11. Of the households assisted during PY 2011-12, seven were categorized as extremely low income with the remaining 29 in the very low to low income category.

One component of the program is to obtain the Home Energy Rating System (HERS) rating prior to and after a home rehabilitation. This rating quantifies the energy performance of the home. Again, homes rehabbed during the 2011 program year, showed improvement in the HERS rating, specifically, an average of 42% as a result of the rehabilitation. The 2011 City of Plano Housing Rehabilitation project location map (Picture 3.1) shows housing rehabilitation program activities during PY 2011.



## Narratives of Consolidated Plan Goals and Objectives

3



Picture 3.2

### 3.1.2 Objective DH-1.2

Continue to create affordable homeownership opportunities through homeownership assistance, new construction and/or acquisition and rehabilitation of land and properties for income qualified households.

Forty percent of this goal has been accomplished through developers and the City of Plano First Time Homebuyer Program. An inventory of available parcels for affordable housing has yet to be completed; however, staff intends to achieve this goal during PY 2012.

#### 3.1.2.1 Plano Housing Corporation

Plano Housing Corporation serves as the Community Housing Development Organization (CHDO) for the City of Plano. Because little land is available for new construction, the service provided is very important to the City. During PY 2011-12, this agency helped create affordable homeownership opportunities by purchasing, rehabilitating, and selling two homes to low income homebuyers. The agency also purchased a third home which is currently undergoing

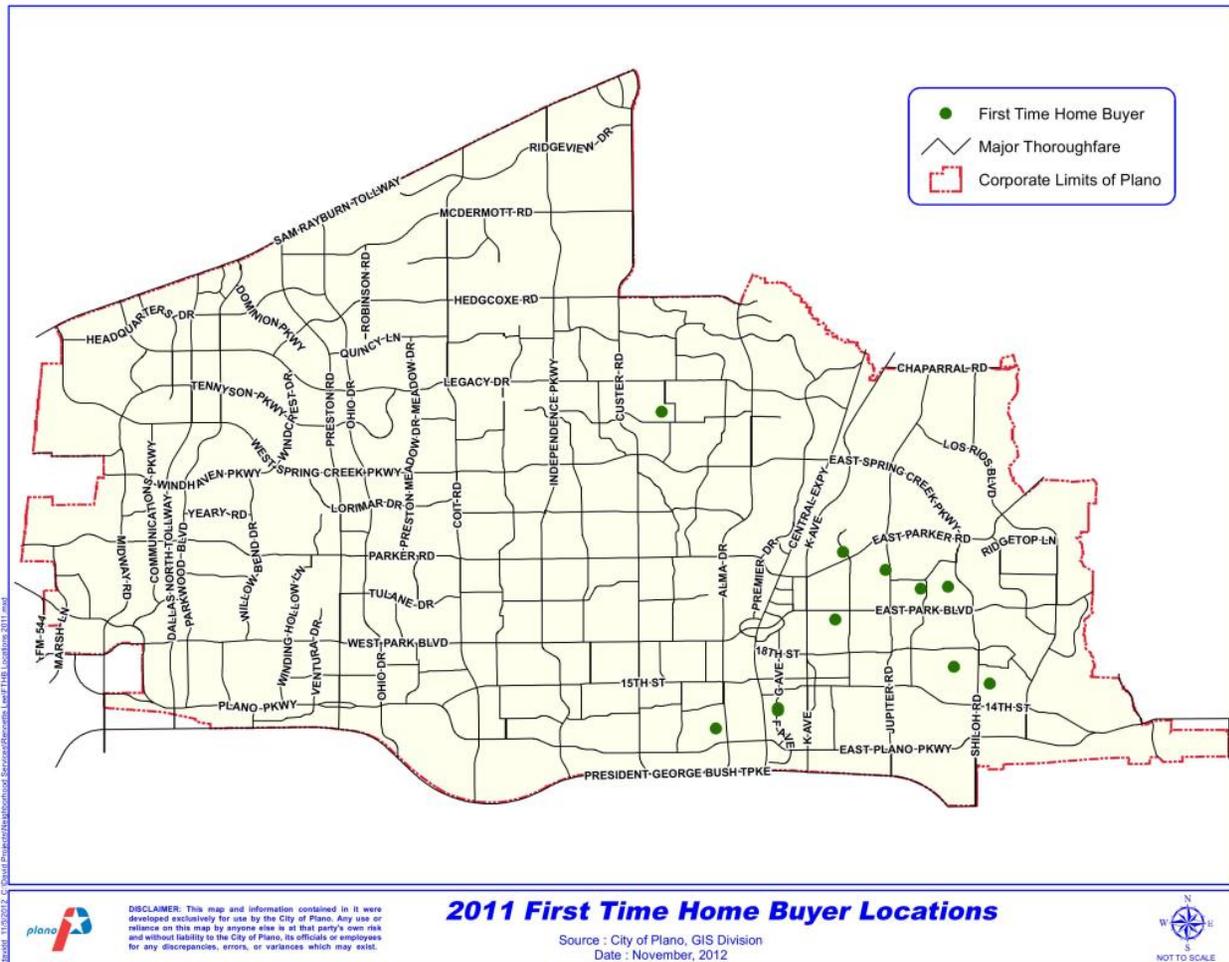
## Narratives of Consolidated Plan Goals and Objectives

rehabilitation for future sale to a low income homeowner. A total of \$20,597 in CDBG funds and \$129,338 in HOME funds were spent for these activities and associated operational expenses.

### 3.1.2.2 First Time Homebuyer Program

The City of Plano's First Time Homebuyer Program increases homeownership opportunities for qualified buyers. In PY 2011-12, the City of Plano created an Inter-local Agreement with two neighboring cities to become the central homebuyer education provider. This agreement has benefited all parties by eliminating duplication of services, improving the quality of materials, increased class participation and decreased cost for each city. Other benefits include increased partnerships with lenders, realtors and other housing professionals as their knowledge and skills are used to enhance the training of potential homebuyers.

The City spent \$46,327 in CDBG and \$59,850 in HOME funds to assist 11 low income households. The 2011 City of Plano First Time Homebuyer Project Location map (Picture 3.3) shows where homes were purchased.



Picture 3.3

### 3.1.2.3 Habitat for Humanity

Habitat for Humanity of South Collin County continues to help the City of Plano meet the need of reducing the cost burden for low income households. In PY 2011-12, the organization completed two homes and moved forward with completing construction on 10 lots purchased during the previous year. The plan for a 10 unit subdivision has resulted in two homes near completion and two under construction. These efforts will not only create affordable homes for low income families but also improved the neighborhood substantially. Habitat for Humanity of South Collin County spent \$90,604 in HOME funds to create affordable housing within Plano.

## Narratives of Consolidated Plan Goals and Objectives

### 3.1.2.4 Christ United Methodist Church

Christ United Methodist Church has a unique project known as "House on the Corner". With mostly volunteer labor, members construct a home on the church parking lot then transfer the home to a residential site. The visibility of this project has increased the awareness for housing needs in our community.

This program helps to address the City's priority to increase home ownership of low income populations. The church spent \$62,990 in HOME funds during the 2011-12 program year. These funds assisted them in building one house for sale to a low income household.

### 3.1.3 Objective DH-1.3

**Increase and support affordable rental housing opportunities in Plano.**

Forty percent of this plan goal has been accomplished through assistance to the Plano Housing Authority.

#### 3.1.3.1 Plano Housing Authority

The City of Plano continued to work with the Plano Housing Authority (PHA) during the 2011-12 program year. According to HUD, the City of Plano is the responsible entity for PHA. Generally, "responsible entity" refers to State, local, and tribal governments, within which HUD assisted projects are located, that exercise land use responsibility. As the responsible entity, the City completed an environmental review for activities that PHA will undertake using its HUD Capital Fund allocation and certified PHA's initiatives as compliant with the Consolidated Plan..

## 3.2 Suitable Living Environment Strategy

**Strategy SL: Improve and maintain suitable living environments by supporting and enhancing public facilities, public services and infrastructure for low income persons, special needs populations and neighborhoods in need of revitalization.**

Nine 2011-12 program objectives are categorized under the Suitable Living Strategy of the Consolidated Plan. The objectives are as follows:

### 3.2.1 Objective SL-2.1

**Develop and upgrade public facilities and infrastructure to help lower income persons, those with special needs and neighborhoods in need.**

## Narratives of Consolidated Plan Goals and Objectives

3

The City has accomplished 100% of the accessibility modifications commitment and met 18% of the homeless and under-housed segment of this goal. Applications to meet this outcome have been infrequent but intentional efforts to solicit agencies which provide this service are underway for the 2013-14 grant year.

### 3.2.1.1 City of Plano Housing Rehabilitation Program

As stated in Section 3.1, Decent Housing Strategy, of this document, the City of Plano Housing Rehabilitation Program provided assistance to 36 households during the 2011-12 program year. This program met the Consolidated Plan goal of accessibility modifications.

### 3.2.2 Objective SL-2.2a

**Provide support for organizations that engage in public services for Plano residents, especially special needs populations, including but not limited to low income elderly, persons with disabilities, persons with HIV/AIDS and at-risk youth.**

The City has met 29% of this goal. Agencies providing these services have assisted a significant number of Plano residents; over 600 for two consecutive years. However, the five year goal is a large and ambitious number which accounts for the small percentage.

#### 3.2.2.1 Boys and Girls Clubs of Collin County

The Boys and Girls Club of Collin County assisted 106 low income youth through their SMART Moves program. Funds provided salaries for SMART Moves staff, building maintenance and utility fees. The agency provided two gender specific youth forums to address such topics as moral compass, education and career development, and health and fitness. The agency spent \$22,000 in CDBG funds to carry out program activities.

#### 3.2.2.2 Communities in Schools

Communities in Schools spent \$18,000 in CDBG funds to conduct a mentoring and tutoring program for at-risk youth. Funds were used to pay for staff salaries and benefits of one caseworker at Armstrong Middle School. Caseworkers provided assistance to 40 students.

#### 3.2.2.3 Health Services of North Texas

Health Services of North Texas provided supportive services for persons of special needs populations. The organization spent \$10,000 in CDBG funds to assist 35 Plano residents with medically-necessary nutrition and other services for persons of special needs populations.

## Narratives of Consolidated Plan Goals and Objectives

### 3.2.2.4 Maurice Barnett Geriatric Wellness Center

The Maurice Barnett Geriatric Wellness Center assisted persons either disabled or 62 years of age and older through two CDBG funded programs. The agency used \$29,655 to provide preventive health care services to 546 individuals visiting the agency's clinic, and \$14,422 helped provide case management and counseling services to 11 at-risk seniors participating in their Gatekeepers Program.

### 3.2.2.5 City-Funded Projects

The City's general funds helped address public service needs of Plano residents; especially those deemed special needs populations by HUD. Buffington Community Service Grant (BCSG) funds were awarded to 14 agencies. Of these, \$93,000 was spent to assist the special needs population.

#### **Elderly Populations:**

The Collin County Committee on Aging provided meals to 233 senior Plano residents. This service extends the nutrition level of seniors with the least income and greatest need.

#### **Homeless Youth:**

City House assisted 18 homeless youth by providing educational and life skills mentoring.

#### **Victims of Domestic Violence:**

Hope's Door assisted 277 battered women and children with shelter and counseling.

#### **Abused Children:**

Court Appointed Special Advocates (CASA) of Collin County offers support for abused and neglected children within the court system. BCSG funds allowed advocates to serve as the voice for 134 Plano children during the 2011-12 program year.

#### **Persons in Need of Mental and/or Physical Medical Treatment:**

Services provided by health clinics oftentimes eliminate emergency room visits. The Collin County Adult Clinic provided preventative medical assistance to 258 individuals. Plano Children's Medical Clinic provided preventive health care to 2,722 of Plano children.

The Rape Crisis Center provided crisis intervention, information and referral to Collin County hospital emergency rooms for victims of sexual assault and their families. The agency assisted 161 Plano residents.

## Narratives of Consolidated Plan Goals and Objectives

3

Journey of Hope provided grief counseling at no cost to children, teens, young adults, and their families totaling 225 Plano residents.

### **School Age Youth:**

The Assistance League of Collin County provided 724 Plano school children with clothing and supplies for the 2011 school year.

### **3.2.3 Objective SL-2.2b**

**Assist homeless supportive services across the entire spectrum of need, from homelessness to self-sufficiency with continued emphasis on homelessness prevention.**

To date, the City has completed 61% of support to homeless services and 40% participation in the annual Collin County Homeless Point-in-Time count.

#### **3.2.3.1 City of Plano Homelessness Prevention (Samaritan Inn)**

Since 2006, the Samaritan Inn has administered the City of Plano's Homelessness Prevention Program. The program provided emergency rent, mortgage, and/or utility assistance to 39 Plano households and spent \$67,271 in CDBG funds. Participating households received financial assistance and case management services.

#### **3.2.3.2 HPRP-Funded Projects**

The City of Plano's Homelessness Prevention and Rapid Re-Housing Program (HPRP) ended during grant year 2010-11. However, \$3,616 remained for administrative cost. These funds were spent during the 2011-12 program year to finalize the project.

#### **3.2.3.3 City-Funded Projects**

Of the City's general funds, \$39,000 of Buffington Community Service Grant (BCSG) funds were awarded to two agencies to help address the needs of those that are homeless or at-risk of being homeless.

### **Homeless or At-risk of Homelessness:**

The Samaritan Inn used BCSG funds to assist 105 individuals with case management and shelter for residents that became homeless while living in Plano. The Assistance Center of Collin County used BCSG funds to assist 14 Plano households with rent and/or utility assistance. These emergency funds allowed clients to maintain or regain self sufficiency.

## Narratives of Consolidated Plan Goals and Objectives

### 3.3 Economic Opportunity Strategy

**Strategy EO: Encourage economic opportunities that promote private investment for low and moderate income persons and area workforces.**

One 2011-12 program activity is defined within the Economic Opportunity Strategy. The objectives undertaken are listed below:

#### 3.3.1 Objective EO-2

**Create and/or expand opportunities for small businesses and/or microenterprises.**

Forty eight percent of this goal has been accomplished.

##### 3.3.1.1 LaunchAbility

During program year 2011-12, LaunchAbility assisted 11 adults with cognitive disabilities in obtaining and maintaining employment with market pay. The agency spent \$10,000 in CDBG funds to assist Plano residents.

### 3.4 Other Strategy

Strategy O, as listed in the 2010-2014 Consolidated Plan, is to continue program planning and administration that supports all of the aforementioned HUD strategies and objectives. This strategy's sole objective is:

*Objective O-1:* Use CDBG and HOME funds to coordinate, monitor and implement the Consolidated Plan objectives according to HUD.

The City of Plano used \$267,804 in CDBG and HOME funds administering the 2011-12 program activities.

## Assessment of Consolidated Plan Goals & Objectives

4

### 4 Assessment of Consolidated Plan Goals & Objectives

The City of Plano 2010-14 Consolidated Plan's strategies, objectives, and outcomes are included in the Appendices of this document. Table 4.1 details progress made toward achieving those outcomes during the 2011 program year; year two of the five-year plan. The last column of the chart reflects outcome achievement, thus far, by percentage.

Decent Housing Strategy Objectives & Outcomes	5 Year Goal	2010	2011	2012	2013	2014	Total	%
<b>Objective DH-1.1: Preserve and enhance existing housing stock through home rehabilitation</b>								
Rehabilitate/Improve existing home  Stock (units)	<b>95</b>	34	36				<b>70</b>	<b>73%</b>
Offer and Market programs to rehabilitate existing rental stock (meetings)	<b>10</b>	0	1				<b>1</b>	<b>10%</b>
<b>Objective DH-1.2: Continue to create affordable homeownership opportunities through homeownership assistance, new construction and/or acquisition and rehabilitation.</b>								
Assist homebuyers through education and homebuyer assistance (households)	<b>60</b>	11	13				<b>24</b>	<b>40%</b>
Inventory available parcels and evaluate their feasibility for affordable housing development (develop land map)	<b>1</b>	0	0				<b>0</b>	<b>0%</b>

**Table 4.1 Numerical Summary**

## Assessment of Consolidated Plan Goals & Objectives

Decent Housing Strategy Objectives & Outcomes	5 Year Goal	2010	2011	2012	2013	2014	Total	%
<b>Objective DH-1.3: Increase and support affordable rental housing opportunities in Plano.</b>								
Support PHA to maintain affordable housing developments (environmental- reviews)	<b>5</b>	1	1				<b>2</b>	<b>40%</b>

Table 4.1

Suitable Living Environment Strategy Objectives & Outcomes	5 Year Goal	2010	2011	2012	2013	2014	Total	%
<b>Objective SL-2.1: Develop and upgrade public facilities and infrastructure to help lower income persons, those with special needs and neighborhoods in need.</b>								
Support/assist with the creation of additional shelter, supportive services, and transitional housing for homeless and under-housed (people)	<b>100</b>	18	0				<b>18</b>	<b>18%</b>
Continue to assist with housing accessibility modifications for elderly and disabled residents within the City of Plano (households)	<b>5</b>	5	0				<b>5</b>	<b>100%</b>

Table 4.1

## Assessment of Consolidated Plan Goals & Objectives

4

Suitable Living Environment Strategy Objectives & Outcomes	5 Year Goal	2010	2011	2012	2013	2014	Total	%
<b>Objective SL-2.2: Fund public service activities serving primarily lower income persons and those with special needs.</b>								
Provide support to organizations that engage in public services for Plano residents, especially special needs populations (individuals)	<b>4,625</b>	603	771				<b>1374</b>	<b>29%</b>
Assist homeless supportive services across the entire spectrum of need, from homelessness to self-sufficiency, with the continued emphasis on homelessness prevention (households)	<b>100</b>	22	39				<b>61</b>	<b>61%</b>
Participate and fund annual Collin County Homeless Point In Time count (units)	<b>5</b>	1	1				<b>2</b>	<b>40%</b>

Table 4.1

Suitable Living Environment Strategy Objectives & Outcomes	5 Year Goal	2010	2011	2012	2013	2014	Total	%
<b>Objective SL-3: Support the rehabilitation/revitalization of aging neighborhoods through a mixture of infrastructure improvements, home and business rehabilitation, code enforcement, and expanding economic opportunities.</b>								

## Assessment of Consolidated Plan Goals & Objectives

Suitable Living Environment Strategy Objectives & Outcomes	5 Year Goal	2010	2011	2012	2013	2014	Total	%
Track neighborhood well being by focusing resources on areas of greatest opportunity for improvement (neighborhoods)	3	1	2				3	100%

Table 4.1

Economic Opportunity Strategy Objectives & Outcomes	5 Year Goal	2010	2011	2012	2013	2014	Total	%
<b>Objective EO-2: Create and/or expand opportunities for small businesses and/or microenterprises.</b>								
Support activities providing job training and assist with job/small business creation (people)	50	13	11				24	48%

Table 4.1

## 5 Affirmatively Furthering Fair Housing

The City of Plano conducted an Analysis of Impediments to Fair Housing Choice (AI) in July 2010. The analysis reviewed the current City policies, federal and state regulations, and included a community survey of fair housing issues in an effort to recognize impediments to fair housing within the City of Plano. A summary of impediments are listed below along with actions taken to address them.

**Impediment No. 1:** Residents have very low awareness of who investigates housing discrimination in Plano and/or who to contact to file a complaint.

**Impediment No. 2:** Residents have limited information about fair housing laws and their rights. The city, housing authority and other partners could do more fair housing education and outreach.

**Impediment No. 3:** Plano continues to be a desirable place to live and, as such, has relatively high land and housing costs. That said, the city has policies in place to encourage affordable housing, including a Housing Infill ordinance and a Housing Density policy that allows for a mixture of housing types and densities. However, the city is predominantly intended for low-density neighborhood development.

### Fair Housing Action Plan

Based on researched performed by BBC Consulting, the firm conducting the AI, it was recommended that the City of Plano consider the following Fair Housing Action Plan (FHAP) and activities for reducing fair housing impediments:

**Action Item 1:** Make it easier for residents to find information about fair housing and the complaint process.

#### *City 2011-12 Activity Response:*

The City of Plano revised its Fair Housing Website to include a clear definition of housing discrimination and provide links to HUD's website (to assist those seeking to submit a complaint), the Texas Workforce Commission, Civil Rights Division (TWCCRD) and the Plano Housing Authority website. In addition, local housing training events were posted online to inform the general public. Notices were included in City of Plano utility bills (Picture 5.1), and staff shared fair housing brochures at neighborhood events.

**Action Item 2:** Continue policies to encourage and create mixed types of housing, affordable to households of all income levels.

## 5 Affirmatively Furthering Fair Housing

### City 2011-12 Activity Response:

As stated in the Analysis of Impediments, the City has several policies that encourage housing opportunities for low and moderate income households. The City’s Housing Infill ordinance allows the City to acquire, donate land and/or allocate other funds toward the development of affordable housing. The City’s Housing Density Policy Statement that is part of its Comprehensive Plan outlines guiding principles for the development of larger scale, multifamily developments to avoid concentrations of such housing types. The policy statement includes a discussion of the positives of multifamily developments and counters common myths about multifamily developments.

During PY 2011-12, the City provided financial support for an affordable condominium project in downtown Plano, paying for demolition costs of \$150,000 via tax increment financing funds.

In addition, the City Council approved a resolution to establish the Neighborhood Empowerment Zone No. 1 in 1999. The table below is a summary of applications, construction valuation and total fees waived to date.

	# of Applications	Construction Valuation	Total Fees Waived
<b>NEZ Waived</b>	1171	\$80,325,616	\$579,983.26

Table 5.1

The City of Plano continued to promote policies that encourage fair housing for all, as well as ensure such policies are included in the City’s Comprehensive Plan during the 2011-12 program year.



Picture 5.1

### 5.1 Actions & Outreach to MWBEs

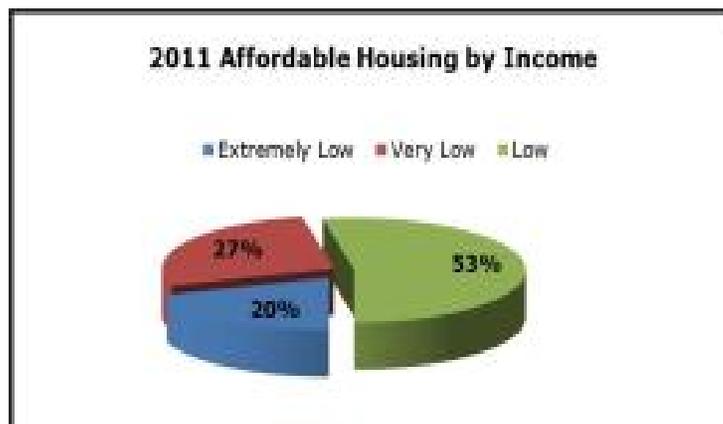
The City of Plano continued its commitment to marketing and outreach to Minority/Women Business Enterprises (MWBEs) during PY 2011. Staff followed the Community Services Affirmative Marketing policies for HUD funded projects including, but not limited to, utilizing local media; electronic and print and the Small Business Administration website as a reference to promote contracting opportunities to MWBEs and Historically Underutilized Businesses (HUBs). MWBE contractors received 89% (\$642,156) of total funds awarded.

The City met and exceeded its goal of awarding 10% of construction contracts to Section 3 businesses and 3% of non-construction contracts to Section 3 businesses. From October 1, 2011- September 30, 2012, the City of Plano paid \$715,690 to contractors providing construction and non-construction services to the City's Housing Rehabilitation Program. HUD's Section 3 Guidelines require recipients of their funds, to the greatest extent possible, provide job training, employment, and contract opportunities for low income residents. During PY 2011, 79% of construction contracts and 26% of non-construction contracts was awarded to contractors that met Section 3 guidelines.

### 5.2 Affordable Housing

The City of Plano, along with a partnering developers, has provided opportunities for affordable housing. During PY 2011-12, a total of 13 homebuyers received homeownership assistance for existing, rehabilitated or newly constructed affordable homes.

Table 3B in the Appendices provides a numerical summary of accomplishments. The income categories for households assisted equals 10 extremely low, 15 very low and 27 low income shown as a percentage in the chart below.



Picture 5.2

## 6 Continuum of Care

### 6 Continuum of Care

The City of Plano actively pursues avenues to address the homeless issues and participate in coordinating homeless services in the community. During PY 2011-12, support services for 277 Plano residents living at an emergency shelter for victims of domestic violence, 105 residents living at Collin County's only transitional living facility that accepts men, women and families, and 18 homeless youth were provided with Plano general funds.

The City's Emergency Management Department coordinated with the Salvation Army to provide shelter from inclement weather for three days during the winter and the Day Labor Center continued to provide a safe place to obtain day labor.

Through a Continuum of Care (CoC) grant, LifePath Systems continued to provide services for eight permanent supportive housing units and Hope's Door offered four transitional housing units to persons with supportive housing needs.

To address homelessness prevention, a combination of City and HUD funds were used to help 144 households remain housed through rent, mortgage, utility and/or case management services.

Other efforts to provide solutions to homelessness include participation in the Collin County Point-in-Time Homeless Count and the Collin County Homeless Coalition. The 2012 Point-in-Time Homeless Count revealed services needed but not currently available in Collin County. With this information, the coalition is seeking ways to meet those needs. The coalition consists of homeless service providers, neighboring cities, faith-based organizations and educational institutions. City staff also participated as a member of the Independent Review Committee for the CoC grant through Metro Dallas Homeless Alliance which includes Collin County.

## 7 Other Actions & Leveraging Funds

### 7.1 Other Actions

#### **Underserved Needs**

The City of Plano created the Buffington Community Services Grant (BCSG) in 1998. Recognizing Federal resources alone are inadequate to meet community needs, the grant includes \$1 per capita of general funds to help meet underserved needs and assist agencies in accomplishing their missions.

#### **Foster and Maintain/Eliminate Barriers to Affordable Housing**

Ensuring that Plano residents have access to affordable housing is a priority for the City of Plano. This effort is accomplished through the City's First Time Homebuyer Program and Housing Rehabilitation Program as noted in earlier narratives. In addition, the City is committed to implementation of its Fair Housing Action Plan, as noted previously.

#### **Overcome Institutional Gaps and Enhance Coordination**

In order to overcome gaps in institutional structures and enhance coordination, Community Services Division staff actively participates with outside agencies which include the Collin County Homeless Coalition, Metro Dallas Homeless Alliance, Collin County Social Service Association and Plano Housing Authority. Other efforts include networking with neighboring participating jurisdictions through the National Community Development Association and advocating for elimination of duplicate services amongst public service agencies.

#### **Public Housing and Resident Initiatives**

The Plano Housing Authority Family Self Sufficiency (FSS) program coordinates public and private resources to enable families to achieve economic independence through meaningful employment, higher paying jobs, high school diploma or higher degree and homeownership or similar goals. During PY 2011-12, the housing authority sponsored a "Raise the Roof" initiative in June bringing fathers and children together in the community to celebrate Father's Day and homeownership month as well as the annual Fall Festival honoring FSS graduates and new home owners.

## 7 Other Actions & Leveraging Funds

### **Lead-Based Paint Hazard Reduction**

City staff has been trained and certified in lead-based paint risk assessment and hazard reduction. All houses built prior to 1978 are inspected for lead hazards prior to rehabilitation and home purchase. If potential hazards exist, homeowners receive lead based paint notification and information and the appropriate level of action is included in the rehabilitation work.

### **Program Compliance**

Program compliance is important to the City of Plano. City staff attended various HUD-sponsored training sessions as well as participated in webinars during PY 2011-12. These efforts are to ensure staff is current with new and/or revised federal regulations regarding HUD funded programs. Below is a list of training sessions and/or webinars staff attended:

- Affordable Housing 101: Understanding Federal and State Affordable Rental Housing and Rental Assistance Programs
- CDBG Basics: Training for Practitioners
- Con Plan Tool webinar
- Construction Management Training
- Credit Impact of Foreclosure Training
- Effective Management of CDBG Subrecipients
- Environmentals webinar series
- Fair Housing
- HMIS Training
- HOME Environmental Training
- HOME Program Basic Training
- HOME Proposed Rule webinar series
- Homeowner Rehabilitation Assistance Implementation Workshop
- Homeownership Training
- Land Banking webinar
- Loan Applications and Modifications: How to Ensure Your Client's Fair Lending Rights are Preserved
- Loss Mitigation
- Monitoring HOME
- Recapture/Resale
- Share Plus - Title I Program
- Written Agreements

For planning/monitoring requirements, staff conducts regular desk monitoring and annual on-site monitoring of programs to ensure program and comprehensive planning compliance. In addition, staff requires mandatory training for all CDBG and HOME subrecipients and publishes a "CDBG and HOME Subrecipient Compliance Manual" for those agencies and provides ongoing technical assistance as needed.

### **Anti-Poverty Strategy**

Plano Housing Authority provided services to families with the objective to eliminate dependency on public assistance by gaining self sufficiency through achieving goals mentioned in the Public Housing and Resident Initiative section above. The FSS program developed various educational and job training programs in cooperation with other area agencies to help families meet these goals.

In addition, 11 low-income families purchased homes through the City of Plano First Time Homebuyer Program enabling them to begin building equity in real estate. Also, new homeowners assisted through Habitat for Humanity and Christ United Methodist Church housing programs built equity through their new home purchases.

HUD's Section 3 Guidelines require recipients of HUD funds, to the greatest extent possible, provide job training, employment, and contract opportunities for low income residents. During program year 2011, 79% of construction contracts and 26% of non-construction contracts were awarded to contractors that met Section 3 guidelines.

## **7.2 Leveraging Resources**

City of Plano subrecipients are encouraged to leverage HOME and CDBG funds in seeking other funding sources. Diversification of funding sources reduces dependence on HUD funds which are subject to change annually. Leveraging also decreases the amount of HOME and CDBG funding needed for each project, allowing the City to assist more residents.

### **First Time Homebuyer Program**

Approximately \$1.1 million in non-federal funds was leveraged in 2011. As part of the leveraged funds, a contribution from the prospective first time homebuyer is required for downpayment assistance. This permits the first time homebuyer to have greater equity initially in the home. In addition, the first time homebuyer has a five year, forgivable lien placed on the property for the amount of assistance received. By doing this, the City has the potential to recapture a portion of the costs should the homebuyer sell or vacate the property during the five year affordability period. Recapturing these funds provides resources to assist additional homebuyers.

## 7 Other Actions & Leveraging Funds

### **HOME Program**

City of Plano's HOME-funded single family residential construction and acquisition/rehabilitation projects also leverage funds to maximize affordable housing dollars. Approximately \$306,725 in non-federal funds were leveraged. The City of Plano requires non-profit agencies producing affordable single family homes to leverage outside funds to complete the construction and/or rehabilitation of houses for low income buyers. Like the First Time Homebuyer program, this permits the non-profit agency and homebuyer to have a greater equity in the home and also allows the City to distribute program funding dollars to more in need.

The City of Plano uses the cash donations from nonprofit agencies receiving HOME funds as match. HOME match requirements are satisfied by the donations received by Habitat for Humanity and Christ United Methodist.

## 8 Self Evaluation

The 2011-12 activities added outcomes toward achieving the strategies and objectives established in the 2010-2014 Consolidated Plan. This was the second year of the five year Consolidated Plan. Tables 3A and 3B in the Appendices provide an in-depth review of the City's annual outcomes. An overview of the City's accomplishments and barriers to achieving stated outcomes is provided below.

### Decent Housing Strategy

*Objective DH-1.1: Preserve and enhance existing housing stock through home rehabilitation.*

The City's Housing Rehabilitation program completed 36 projects; 97% of the expected number of units. This success can be attributed in part to continued efforts by staff to market the program and economic factors that have forced homeowners to seek assistance in maintaining and repairing their homes.

The City's Helping Partners program assisted 42 households (63% of the expected number of units) and completed 32 area projects. This program provided Plano residents minor home repairs and neighborhood clean-ups (creeks, alleys, parks, etc.) that benefited many households. The program utilized 1,390 volunteers contributing over 7,000 hours of labor to the community.

*Objective DH-1.2: Create affordable homeownership opportunities through homeownership assistance, new construction and/or acquisition and rehabilitation of land and properties for income qualifying households.*

Christ United Methodist Church met its annual commitment and began building a second property with its 2011-12 funds. The second property will be completed and sold to a low income household during the 2012-13 program year.

Plano Housing Corporation is a nonprofit organization that serves as a Community Housing Development Organization (CHDO) in the City of Plano. The organization met its goal of completing two purchase, rehab and resale projects. The prior year's organizational changes proved to be beneficial as they committed to assisting the City with meeting established goals for affordable housing.

Habitat for Humanity of South Collin County completed and sold two affordable homes to low income homebuyers. As part of a new development resulting from the purchase of 1.1 acres previously owned by the Plano Housing Authority, completion of two additional homes is expected in November 2012 with three more under construction. Habitat's undertaking of this new project has produced a substantial amount of affordable housing for the community.

## 8 Self Evaluation

The City's FTHB program continued to see a decrease in the number of qualified applicants and, as a result, fewer qualified homebuyers. The FTHB accomplished 78% of its goal. Again, during PY 2011-12, staff saw homebuyers making slightly above 80% of the area median income. Unfortunately, per HUD's income limit requirement, the City cannot use these dollars to assist households making greater than 80%. Staff will continue to market the program through local and City sponsored events, networking, and mailers in attempt to locate potential homebuyers.

### **Suitable Living Environment Strategy**

*Objective SL-2.2a: Provide support to organizations that engage in public services for Plano residents, especially special needs populations, including but not limited to low income elderly, persons with disabilities, persons with HIV/AIDS and at-risk youth.*

As listed in Table 3A, all five activities under this objective met and/or exceeded their annual outcome; Boys & Girls Clubs of Collin County, Communities in Schools Dallas Region, Health Services of North Texas, Jewish Family Services of Greater Dallas and Maurice Barnett Geriatric Wellness Center. Approximately \$8,921 in CDBG funds allocated to the Maurice Barnett Geriatric Wellness Center will be reallocated. Though the agency, as a whole, met its overall annual outcome, the Gate Keeper program served 10 less individuals than expected while the Preventive Health program served 176 more than expected. The gatekeeper program was understaffed early in the year, contributing to the shortfall.

*Objective SL-2.2b: Assist homeless supportive services across the entire spectrum of need from homelessness to self-sufficiency, with an emphasis on homelessness prevention.*

During the 2011-12 program year, the City's Homelessness Prevention Program exceeded its goal serving 15 more households than expected. This can be attributed in part to reallocated funds in the amount of \$23,516 to the program. Although outcomes were met, an increase in the amount of funds needed, as imposed by market conditions, affected the number of households receiving assistance.

### **Economic Opportunity Strategy**

*Objective E0-2: Support activities that provide job training and assist in job/small business creation.*

In this category, one program through LaunchAbility, provided services during the 2011-12 program year. The agency's Supported Employment program exceeded its annual outcome providing services to 8 more individuals than expected.

## 9 CDBG, HOME & HPRP Narrative

### 9.1 CDBG Narrative

The City of Plano used CDBG funds to address objectives set forth in the 2010-14 Consolidated Plan. Tables 3A and 3B in the Appendices show the City's annual progress. There were no significant changes in program objectives. Activities undertaken were those stated in the 2011-12 Action Plan submitted to HUD prior to the beginning of PY 2011-12.

The City of Plano received \$146,126 in program income during the year, \$44,126 more than originally estimated. These funds were reprogrammed into the City's Housing Rehabilitation Program. Program income was generated predominately from rehabilitation loan payments and is spent on new housing rehabilitation projects. As of the end of the program year, loans consist of Housing Rehabilitation forgivable and repayable loans; 122, with a balance of \$1,854,230 and 71, with a balance of \$814,931 respectively. In addition, First Time Homebuyer forgivable loans total 43 with a balance of \$114,103. A detailed loan portfolio is included in the Appendices.

The primary use of 2011 CDBG funds was affordable housing development, housing rehabilitation, and public service activities. As required by HUD, 70% of all CDBG funds expended during a particular period must benefit low-to-moderate income persons. The City exceeded this goal as all funds spent benefited low income individuals/households. Public service activities accounted for 15% of these funds. The City will reallocate unspent dollars to HUD- eligible activities.

In assessing the City's efforts to carry out planned actions as part of the City's certification to follow the HUD approved Consolidated Plan, the City of Plano has:

- Implemented all programs and activities in accordance with Local, State and Federal laws,
- Used CDBG funds toward highest priority needs and goals which satisfy national objective requirements,
- Pursued all resources listed in the Action Plan,
- Provided a certification of consistency to Plano Housing Authority in a fair and impartial manner,
- Not hindered Consolidated Plan implementation by action or willful inaction, and
- Followed anti-displacement and relocation policies.

## 9 CDBG, HOME & HPRP Narrative

### 9.2 HOME Narrative

HOME funds were used as proposed in prior year Action Plans addressing the priority need of affordable housing. Assistance was provided to first time homebuyers and for home rehabilitation, reconstruction and creation of new infill housing. All HOME funds benefited extremely low -to-low income households. Table 3B in the Appendices summarizes Affordable Housing goals.

The HOME program is required to obtain match contributions for the period covered by the Consolidated Plan program year.

As reported in the HUD's Integrated Disbursement and Information System (IDIS), the City receipted and drew down \$8,307 in program income. The estimated amount stated in the 2011-12 Action Plan is \$10,200. Similar to CDBG program income, these funds can be attributed primarily to home rehabilitation loan payments. The City then expended these funds on new home rehabilitation projects during the 2011-12 program year.

### 9.3 HPRP Narrative

HPRP funds were used exclusively for families and individuals whose income was at or below 50% of the area median income. All three agencies awarded HPRP funds successfully expended their funds. Plano families and individuals received financial assistance in the form of rent and/or utility assistance and legal aid to prevent evictions. The final \$3,617 in HPRP funds for costs associated with maintaining the HUD-required Homeless Management Information System(HMIS) were expended during PY 2011-12.

## 10 Citizen Comments

### Description of Public Comment Process

This annual report was prepared by the Community Services Division of the Planning Department. On November 11, 2012, a Notice of Public Hearing was published in the Plano Star-Courier informing the public of the completed report and of pending public hearings before the Community Relations Commission and the City Council to discuss the report. The notice also informed the public that a copy of the report could be obtained at the Planning Department Community Services office and via the web. Publication of this notice marked the beginning of the public comment period.

### Public Comments

This document was edited per comments presented by the Community Relations Commission during a public hearing November 15, 2012.

## Appendix: HUD Table 3A: 2011 Summary of Specific Annual Objectives

### 11 Appendix: HUD Table 3A: 2011 Summary of Specific Annual Objectives

Objective #	Specific Objectives	Sources of Funds	Performance Indicators	Expected Number	Actual Number	Outcome/ Objective
Owner Housing Objectives						
DH-1.1	Preserve existing affordable housing stock <i>(City of Plano Rehabilitation Program)</i>	CDBG: \$795,000* CDBG PI: <del>\$102,000</del> \$146,126  (Actual PI)	Total number of affordable units	38	36	DH-1
DH-1.2	Provide affordable housing to low-income first time home buyers <i>(City of Plano First-Time Homebuyer Program)</i>	CDBG: \$50,000*  HOME: \$100,000*  HOME PI: <del>\$10,200</del>  \$11,011  (Actual PI)	Number of first time homebuyers and/or number receiving down-payment assistance	14	11	DH-1
DH-1.3	Increase the availability/accessibility to decent housing for low-income families <i>(Plano Housing Corporation)</i>	CDBG: \$20,261*  HOME: \$117,533*	Total number of affordable units	2	2	DH-1

## Appendix: HUD Table 3A: 2011 Summary of Specific Annual Objectives

Objective #	Specific Objectives	Sources of Funds	Performance Indicators	Expected Number	Actual Number	Outcome/Objective
DH-1.4	Increase the availability/accessibility to decent housing for low-income families (Habitat for Humanity)	HOME: \$120,000*	Total number of affordable units	4	2	DH-1
DH-1.5	Increase the availability/accessibility to decent housing for low-income families (Christ United Methodist Church)	HOME: \$35,000	Total number of affordable units	1	1	DH-1
DH-3.1	Increase the availability/accessibility to decent housing for low-income families (Helping Partners-City of Plano)	CDBG: \$20,000*	Total number of households assisted	66	42	DH-1
Special Needs Objectives						
SL-1.1	Provide suitable living environments for people with HIV/AIDS (Health Services of North Texas)	CDBG: \$10,000	Number of persons assisted with new and/or improved access to a service	8	35	SL-1
Public Service Objectives						
SL-1.2	Provide accessibility to suitable living environments (Maurice Barnett Geriatric Wellness)	CDBG: \$53,000*	Number of persons assisted with new and/or	391	557	SL-1

## Appendix: HUD Table 3A: 2011 Summary of Specific Annual Objectives

Objective #	Specific Objectives	Sources of Funds	Performance Indicators	Expected Number	Actual Number	Outcome/Objective
			improved access to a service			
SL-1.3	Provide accessibility/availability for the purpose of creating suitable living environments ( <i>Communities in Schools</i> )	CDBG: \$18,000	Number of persons assisted with new and/or improved access to a service	40	40	SL-1
SL-1.4	Provide accessibility/availability for the purpose of creating suitable living environments ( <i>Boys and Girls Club</i> )	CDBG: \$22,000	Number of persons assisted with new and/or improved access to a service	90	106	SL-1
	Homeless Objective					
SL-1.5	Provide accessibility to create a sustainable living environment to persons who are at risk of being homeless ( <i>City of Plano Homeless Prevention Program</i> )	CDBG: \$43,755** \$67,271	Number of households that received emergency financial assistance to prevent homelessness	46 24	39	SL-1
	Economic Objective					
EO-1.1	Provide accessibility/availability to economic opportunity ( <i>LaunchAbility</i> )	CDBG: \$10,000	Number of persons assisted with new and/or	3	11	EO-1

## Appendix: HUD Table 3A: 2011 Summary of Specific Annual Objectives

11

Objective #	Specific Objectives	Sources of Funds	Performance Indicators	Expected Number	Actual Number	Outcome/Objective
			improved access to a service			
	Other Objective					
DH-1.8	Provide accessibility/availability by assisting in the creation of decent affordable housing ( <i>City of Plano Grant Administration</i> )	CDBG: \$215,685 HOME: \$40,000				DH-1

**Table 11.1**

\*The project did not expend all 2011-12 allocated grant funds. For actual expenditures during grant year 2011-12, refer to the narrative section of this report. Unspent funds will be reallocated and/or carry over to the 2012-13 program year.

\*\*The project received reallocated grant funds and the expected outcome was increased proportionally. All funds were spent.

### HUD Outcome/Objective Codes

	Availability/Accessibility	Affordability	Sustainability
Decent Housing	DH-1	DH-2	DH-3
Suitable Living Environment	SL-1	SL-2	SL-3
Economic Opportunity	EO-1	EO-2	EO-3

**Table 11.2**

## 12 Appendix: HUD Table 3B: 2011 Annual Housing Completion Goals

### 12 Appendix: HUD Table 3B: 2011 Annual Housing Completion Goals

Grantee Name: City of Plano Program Year: 2011-12	Expected Annual # of Units to be Completed	Actual # Completed	Resources Used During the Period
<b>BENEFICIARY GOALS (Sec. 215)</b>			
Homeless households	0	0	N/A
Non-homeless household	83	91	CDBG, HOME
Special Needs households	0	0	N/A
<b>Total Sec. 215 Beneficiaries</b>	<b>83</b>	<b>91</b>	
<b>RENTAL GOALS (Sec. 215)</b>			
Acquisition of existing units	0	0	N/A
Production of new units	0	0	N/A
Rehabilitation of existing units	0	0	N/A
Rental Assistance	24	39	CDBG
<b>Total Sec. 215 Affordable Rental</b>	<b>24</b>	<b>39</b>	
<b>HOMEOWNER GOALS (Sec. 215)</b>			
Acquisition of existing units	2	2	CDBG, HOME
Production of new units	5	3	CDBG, HOME
Rehabilitation of existing units	38	36	CDBG
Homebuyer Assistance	14	11	CDBG
<b>Total Sec. 215 Affordable Owner</b>	<b>59</b>	<b>52</b>	
<b>COMBINED RENTAL AND OWNER GOALS (Sec. 215)</b>			
Acquisition of existing units	2	2	CDBG, HOME

## Appendix: HUD Table 3B: 2011 Annual Housing Completion Goals

12

Grantee Name: City of Plano Program Year: 2011-12	Expected Annual # of Units to be Completed	Actual # Completed	Resources Used During the Period
Production of new units	5	3	CDBG, HOME
Rehabilitation of existing units	38	36	CDBG
Rental Assistance	24	39	CDBG
Homebuyer Assistance	14	11	CDBG
<b>Combined Total Sec. 215 Goals</b>	<b>83</b>	<b>91</b>	
<b>ANNUAL HOUSING GOALS</b>			
Annual Rental Housing Goal	24	39	CDBG
Annual Owner Housing Goal	59	52	CDBG, HOME
<b>Total Annual Housing Goal</b>	<b>83</b>	<b>91</b>	CDBG, HOME

***Explanation of Table 3B Expected Numbers:***

- **Non-Homeless Households:** Homelessness Prevention, First-Time Homebuyers, Plano Housing Corporation, Habitat for Humanity, Christ United Methodist, and Rehabilitation goals.
- **Rental Assistance:** Homelessness Prevention goal.
- **Acquisition of existing owner units:** Plano Housing Corporation goal.
- **Production of new owner units:** Christ United Methodist and Habitat for Humanity goals.
- **Rehabilitation of existing owner units:** Rehabilitation goal.
- **Homebuyer Assistance:** First-Time Homebuyer goal.

## 13 Appendix: 2011 HOME Developer Project Summary

### 13 Appendix: 2011 HOME Developer Project Summary

Below is a detailed explanation of HOME developer activities that took place during the PY 2011-12. The purpose of this section is to assist HUD staff in reviewing HOME funded development activities.

#### Christ United Methodist

#527 - One home constructed, but was sold to a low income household on October 28, 2011, reported as outcome for PY 2011-12.

#568 - One home constructed; began in PY 2011, will close and be reported in PY 2012.

#### Habitat for Humanity of South Collin County

#511, #512, #513, #514, #515, #516, #517, #518, #519, #520 - each number represents one lot acquired and under construction for sale to a low income household. Several lots will close and be reported in PY 2012.

#524 - Lot purchased in PY 2010, construction complete and closed in 2011.

#525 - Lot purchased in PY 2010, construction complete and closed in 2011.

#557 - One lot purchased; should be constructed, closed and reported in PY 2012.

#### Plano Housing Corporation

#537 - One home purchased, rehabilitated and sold to a low income household. Completed.

#555 - 2011 CHDO operating costs; completed.

#561 - One house purchased, rehabilitated and sold to a low income household. Completed.

#565 - One house purchased, to be rehabilitated and sold to a low income household and reported as outcome in PY 2012.

#566 - One house purchased, to be rehabilitated and sold to a low income household and reported as outcome in PY 2012.

**14 Appendix: 2010-2014 Consolidated Plan Strategies**

14 **Appendix: 2010-2014 Consolidated Plan Strategies**

# City of Plano, Texas

## Five Year Strategic Plan

This document includes Narrative Responses to specific questions that grantees of the Community Development Block Grant, HOME Investment Partnership, Housing Opportunities for People with AIDS and Emergency Shelter Grants Programs must respond to in order to be compliant with the Consolidated Planning Regulations.

### GENERAL

#### Executive Summary

*The Executive Summary is required. Include the objectives and outcomes identified in the plan and an evaluation of past performance.*

#### 5 Year Strategic Plan Executive Summary:

The City of Plano has established the following strategies, objectives and outcomes to guide its Consolidated Plan for program years 2010 to 2014.

#### **DECENT HOUSING**

**Strategy DH:** Encourage the provision of decent, safe and affordable housing for low and moderate income and special needs residents.

- **Objective DH-1.1 (Affordability):** Continue to preserve and enhance existing housing stock through home rehabilitation.

*DH-1.1 five year outcomes:*

- Provide programs to rehabilitate and improve the existing stock of homes occupied by low and moderate income owners.
  - *Outcome/five year goal:* 95 units
- Continue to offer and market programs to rehabilitate and improve existing rental stock occupied by low and moderate income renters.
  - *Outcome/five year goal:* 10 meetings and/or speaking engagements specifically to market the rehabilitation program to landlords with low and moderate tenants.

- **Objective DH-1.2 (Affordability):** Continue to create affordable homeownership opportunities through homeownership assistance, new construction and/or acquisition and rehabilitation of land and properties for income qualifying households.

*DH-1.2 five year outcomes:*

- Provide assistance to homebuyers with downpayment assistance, closing cost assistance, and/or homebuyer education and counseling.
  - *Outcome/five year goal:* 60 units

## Appendix: 2010-2014 Consolidated Plan Strategies

14

- Consider sale of publicly owned land to affordable housing developers. Inventory available parcels and evaluate their feasibility for affordable housing development.
  - *Outcome/five year goal:* Develop map of vacant parcels by zoning district for affordable housing developers.

- **Objective DH-1.3 (Affordability):** Increase and support affordable rental housing opportunities in Plano.

### DH1.3 five year outcomes:

- Continue to support the efforts of the Plano Housing Authority (PHA) to maintain affordable housing developments and issue Housing Choice Vouchers.
  - *Outcome/five year goal:* Complete 5 annual environmental reviews for PHA Capital Funding
  - *Outcome/five year goal:* Certify PHA initiatives as compliant with the Consolidated Plan as needed.
- Support applications for and the development of Low Income Housing Tax Credit (LIHTC) projects.
  - *Outcome/five year goal:* Completed on an as needed basis

## **SUITABLE LIVING ENVIRONMENT**

**Strategy SL:** Improve and maintain suitable living environments by supporting and enhancing public facilities, public services and infrastructure for low income persons, special needs populations and neighborhoods in need of revitalization.

- **Objective SL-2.1 (Availability/Accessibility):** Develop and upgrade public facilities and infrastructure to help lower income persons, those with special needs and neighborhoods in need.

### SL-2.1 five year outcomes:

- Support and assist with the creation of additional shelter, supportive services, and transitional housing for homeless and under-housed.
  - *Outcome/five year goal:* 100 people
  - *Outcome/five year goal:* Certify local agency initiatives as compliant with the Consolidated Plan, as needed.
- Continue to assist with housing accessibility modifications for elderly and disabled residents within the City of Plano.
  - *Outcome/five year goal:* 5 housing units

- **Objective SL-2.2 (Availability/Accessibility):** Fund public service activities serving primarily lower income persons and those with special needs.

*SL-2.2 five year outcomes:*

- Provide support to organizations that engage in public services for Plano residents, especially special needs populations, including but not limited to low income elderly, persons with disabilities, persons with HIV/AIDS and at-risk youth.
    - *Outcome/five year goal:* 4,625 individuals
  - Assist homeless supportive services across the entire spectrum of need, from homelessness to self-sufficiency, with the continued emphasis on homelessness prevention.
    - *Outcome/five year goal:* 100 families
    - *Outcome/five year goal:* Participate and fund annual Collin County Homeless PIT survey: 5 units
- **Objective SL-3 (Sustainability):** Support the rehabilitation/revitalization of aging neighborhoods through a mixture of infrastructure improvements, home and business rehabilitation, code enforcement, and expanding economic opportunities.

*SL-3 five year outcomes:*

- Actively pursue and track neighborhood well being by focusing resources on areas of greatest opportunity for improvement.
  - *Outcome/five year goal:* 3 neighborhoods showing measureable improvements

### **ECONOMIC OPPORTUNITIES**

**Strategy EO:** Encourage economic opportunities that promote private investment for low and moderate income persons and area workforce.

- **Objective EO-2 (Availability/Accessibility):** Create and/or expand opportunities for small businesses and/or microenterprises.

***EO-2 five year outcomes:***

- Support activities that provide job training and assist with job/small business creation.
  - *Outcome/five year goal:* 50 people

**OTHER**

**Strategy O:** Continue program planning and administration that supports all of the above strategies and objectives.

- **Objective O-1:** Use CDBG and HOME funds to coordinate, monitor and implement the Consolidated Plan objectives according to HUD.
  - *Outcome/five year goal:* Create Action Plan and CAPER documents acceptable to HUD: 10 units



## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		12/10/12		
Department:		Planning		
Department Head		P. Jarrell		
Agenda Coordinator (include phone #): <b>Doris Carter, x 5350</b>				
<b>CAPTION</b>				
<p>Public Hearing and consideration of an Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended; amending Heritage Resource Designation No. H-4 to allow the additional use of Assembly Hall, on 0.5± acre located at the northwest corner of M Avenue and 16th Street and being more particularly described as Lot 2-B, Block 6, Clint Foreman Heirs Addition, an addition to the City of Plano, Collin County, Texas, presently zoned Multifamily Residence-1 with Heritage Resource Designation H-4; directing a change accordingly in the official Zoning Map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Stanley E. &amp; Pat Black. Tabled 11/12/12.</p>				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>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	<b>0</b>
This Item	0	0	0	0
<b>BALANCE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FUND(s): N/A</b>				
<b>COMMENTS:</b> This item has no fiscal impact.				
<b>STRATEGIC PLAN GOAL:</b> This item relates to the City's Goal of Exciting Urban Centers – Destination for Residents and Guests				
<b>SUMMARY OF ITEM</b>				
<p>At its November 12, 2012 meeting, the City Council tabled this item to its December 10, 2012 meeting to allow all Council members to attend the meeting to consider this request. A 3/4 majority vote (6 out of the 8 Council members) is required for Council to approve this zoning case.</p>				
<b>List of Supporting Documents:</b> Follow-up memo Memo from Mr. Bhavesh Mittal Staff write-up Maps Information from applicant Ordinance with attachments			<b>Other Departments, Boards, Commissions or Agencies</b> Heritage Commission Planning & Zoning Commission	

**DATE:** October 16, 2012  
**TO:** Honorable Mayor & City Council  
**FROM:** Chris Caso, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of October 15, 2012

**AGENDA ITEM NO. 5 - PUBLIC HEARING  
ZONING CASE 2012-26  
APPLICANT: STANLEY E. & PAT M. BLACK**

Request to amend Heritage Resource Designation #4 (Carpenter House) on 0.5± acre located at the northwest corner of M Avenue and 16th Street to allow assembly hall as an additional permitted use. Zoned Multifamily Residence-1 with Heritage Resource Designation #4. Tabled September 4, 2012 and October 1, 2012.

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

**LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA:** **SUPPORT:** 4 **OPPOSE:** 9

**LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA:** **SUPPORT:** 0 **OPPOSE:** 8

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

**STIPULATIONS:**

Recommended for approval subject to:

1. Allow assembly hall use as defined in Section 1.600 (Definitions) of the Zoning Ordinance, as an additional permitted use with the following restrictions:
  - a. The maximum occupancy for the property (including indoor and outdoor) shall collectively be 45 people (inclusive of staff and guests);
  - b. No outdoor or indoor activity shall occur after 10:00 p.m.; and
  - c. No amplified music allowed on the property.

**FOR CITY COUNCIL MEETING OF:** November 12, 2012 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

BSM/dc

xc: Stanley E. & Pat M. Black  
Robert Miklos

**MEMO**

October 31, 2012

**TO:** Mr. Bruce D. Glasscock, City Manager  
Mr. Frank F. Turner, Deputy City Manager

**FROM:** Mr. Bhavesh Mittal, Heritage Preservation Officer

**RE:** Zoning Case 2012-26

Staff received ten letters of opposition to Zoning Case 2012-26 from adjacent property owners. Because the property owners' opposition constitutes more than 20% of the land area within the 200-foot zoning notice area, Chapter 211 of the Local Government Code requires that a three-quarter majority vote (6 out of 8 Council members), rather than a simple majority vote, will be necessary for City Council to approve Zoning Case 2012-26.

Tina Firgens, Planning Manager and Phyllis Jarrell, Director of Planning, will be present at the City Council meeting to address any questions regarding this item.

CITY OF PLANO  
PLANNING & ZONING COMMISSION

October 15, 2012

**Agenda Item No. 5**

**Public Hearing:** Zoning Case 2012-26

**Applicant:** Stanley E. & Pat M. Black

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**DESCRIPTION:**

Request to amend Heritage Resource Designation #4 (Carpenter House) on 0.5± acre located at the northwest corner of M Avenue and 16th Street to allow assembly hall as an additional permitted use. Zoned Multifamily Residence-1 with Heritage Resource Designation #4. Tabled September 4, 2012 and October 1, 2012.

**REMARKS:**

This item was tabled at the Planning & Zoning Commission meeting on October 1, 2012, and needs to be removed from the table for consideration.

The subject property is located at the northwest corner of M Avenue and 16th Street and is the site of the Carpenter House. The structure was constructed circa 1898, and designated as a heritage resource in 1982. During 1992, the heritage resource designation was amended to allow bed and breakfast as an additional permitted use with restrictions. Bed and breakfast is a prohibited use in the property's base zoning, Multifamily Residence-1 (MF-1).

**Heritage Resource Designation:**

The heritage resource designation process allows owners of heritage resource properties to request additional permitted uses for their property that are otherwise prohibited by the property's base zoning. The City's Heritage Preservation Ordinance and Zoning Ordinance allow the Heritage Commission to recommend additional uses and standards for a heritage property in order to better protect the resource. Upon a favorable recommendation from the Heritage Commission, a zoning case is initiated for a property for consideration by the Planning & Zoning Commission and City Council. Therefore, the heritage resource designation is considered a zoning action and any additional uses granted for a property stays with the property regardless of the property's ownership.

## **Request:**

The applicant is requesting to amend the subject property's heritage resource designation with proposed stipulations discussed below to allow weddings, receptions, events, meeting facilities, and social gatherings as additional permitted uses. These types of uses are classified by the Zoning Ordinance as "Assembly Hall" which is defined as "A building or portion of a building in which facilities are provided for civic, education, political, religious, or social purposes." This use is not permitted within the property's base zoning, MF-1. The intent of the MF-1 district is to provide for condominiums and apartments at a density of 12 residential units per acre in a park-like setting with extensive areas of usable open space and landscaping. MF-1 districts should be located along or near major thoroughfares and should not have principal access to standard residential streets. In addition to multifamily residences, additional permitted uses include schools, long term care facilities, and religious facilities.

Per the applicant, even though the property is marketed as a bed and breakfast use, they use this property as a residence and for hosting assembly hall events. The property has been used for many years as an assembly hall use. While this use is not permitted within the MF-1 zoning district, the city has not enforced the noncompliant use of the property due to no complaints being received from neighboring property owners. However, during June 2012, the city received complaints related to the use of the property and pursued enforcement; hence the reason for this heritage resource designation amendment request.

## **Surrounding Land Uses**

Adjacent surrounding land uses and zoning districts include: to the south across 16th Street, single-family residences zoned Urban Residential (UR) with a Heritage Resource Designation #23 (Schell House); to the west and north, multifamily residences zoned MF-1; and single family residences to the east that are zoned Single-Family Residence-7.

## **PLANNING & ZONING COMMISSION ACTION:**

At its September 4, 2012 meeting, the Commission voted to table the request and provided the applicant and staff with the following directions:

- Determine if there are any other parking solutions associated with the assembly hall use for this property.
- Staff to research what other cities are doing to handle similar situations with unique historic properties.
- Staff to evaluate if there is another appropriate use classification other than "assembly hall" that is more narrow in scope, since the assembly hall use definition allows for a broad range of activities.

## **Applicant's Proposed Stipulations**

In response to the direction received from the Commission regarding concerns related to parking and the range of activities allowed under the assembly hall use, the applicant is requesting the Commission to consider their request with the following stipulations:

1. The maximum occupancy for the property (including indoor and outdoor) shall collectively be 60 people (inclusive of staff and guests); and
2. Prohibit outdoor activity and music after 10:00 p.m.

Staff's analysis regarding the above stipulations is addressed below in this report (refer to "Parking" and "Land Use" sections).

## **Historic Resource Properties in Other Cities**

Per the Commission's request, staff contacted the City of McKinney, Granbury, Fort Worth, and Dallas to inquire how these cities were handling similar assembly hall use requests for unique historic properties. In all of these four cities, historic homes continue to host weddings, events, and other assembly hall uses even though they are not allowed to do so under their bed and breakfast classification, and because these cities have not received any complaints yet they have not enforced the noncompliant use.

## **Use Classification**

Staff has researched and evaluated other appropriate use classifications within the Zoning Ordinance and did not identify any alternative uses that encompass the various types of events held at the Carpenter House. Hence, staff continues to recommend using the "assembly hall" use as defined in the Zoning Ordinance.

## **ISSUES:**

### **Parking**

Consideration should be given to the potential impacts of parking associated with the requested use. The site is not of sufficient size to accommodate the parking needed for various assembly events hosted at the property given the potential occupancy of the building. The Zoning Ordinance does allow for offsite parking within 300 feet of a subject property. There is a nearby parking lot associated with Plano Municipal Center within 300 feet of the subject property. The Municipal Center parking lot is available for businesses within the downtown area including the Carpenter House; therefore, required parking needs could be met at this parking lot.

The applicant is proposing to limit the maximum occupancy of the property to 60 people thereby reducing the required parking needed for the use (20 spaces). While staff typically does not recommend establishing maximum occupancy requirements with zoning requests, the proposed maximum occupancy limitation can be placed on the property's Certificate of Occupancy similar to occupancy restrictions issued today for other buildings throughout the city.

Additionally the applicant is proposing the following self-enforced operational items to help minimize parking issues with the requested use:

1. Provide off duty police security for any event with more than 35 guests. This is to ensure all parking regulations and property concerns are enforced during the event.
2. For events with more than 35 guests, provide a shuttle service for parking at the Municipal Center parking lot.

While the applicant may self-impose any operational conditions on themselves, staff does not support the stipulations regarding the off duty police security and shuttle service requirements being included with the proposed designation amendment as it is difficult to enforce. If the property owner (or a future owner) intends to be sensitive to the surrounding residential neighborhood, they should take the means necessary to ensure their patrons are parking in the correct location, whether that is in the designated on-street parking areas in front of the Carpenter House (along M Avenue), on their own property, or on the city's public parking lots. The proposed maximum occupancy limitation also assists with lowering the amount of required parking needed for the use (20 spaces).

### **Land Use**

The subject property is surrounded by residential uses. Therefore, consideration should be given to the appropriateness of the requested land use within its residential setting. In addition to parking, there are other potential impacts associated with the requested use, such as noise, that may affect the surrounding residents. If this use is allowed to continue, the property owner shall be responsible for complying with the city's noise ordinance. Additionally the applicant is proposing to limit any outdoor activity and music to 10:00 p.m., which is similar to other city ordinance requirements that address equipment noise. While staff typically does not recommend operational stipulations being included with zoning requests, it may be appropriate to limit any outdoor activity and music to no later than 10:00 p.m. to further protect nearby residential uses should the Commission and Council be interested in allowing the requested use.

### **Other Items**

Should the Commission and Council determine that the requested use is appropriate for the property, the property owner shall have to obtain the following:

1. Site plan approval:

The applicant will need to submit a site plan development application to the Planning Department for review/approval. The proposed parking and any other site modifications will need to be addressed on the site plan. Additionally, any site modifications are also subject to review/approval by the Heritage Commission prior to approval of the site plan and issuance of a Certificate of Occupancy.

2. Certificate of Occupancy (CO):

Past research has shown no certificates of occupancy issued for the assembly hall uses. The last CO activity for this property dates back to 2000 when the owner made an application for a CO but it was never issued. There were several items identified that needed to be addressed and the application was placed on hold pending resolution of the various items.

**STAFF RECOMMENDATION TO THE HERITAGE COMMISSION:**

Staff recommended denial of the proposed request due to the requested assembly hall use being incompatible with surrounding residential land uses.

**HERITAGE COMMISSION ACTION:**

At its July 24, 2012 meeting, the Heritage Commission approved the heritage resource designation amendment request to allow assembly hall as an additional permitted use stating that the assembly hall use is appropriate for this heritage resource property and allows for continued preservation of the resource. Additionally, the Commission believed that since the property has been used as assembly hall uses for many years that it should be allowed to continue. The Commission acknowledged that the owner of the property needs to resolve parking and noise issues associated with the use of the property as an assembly hall.

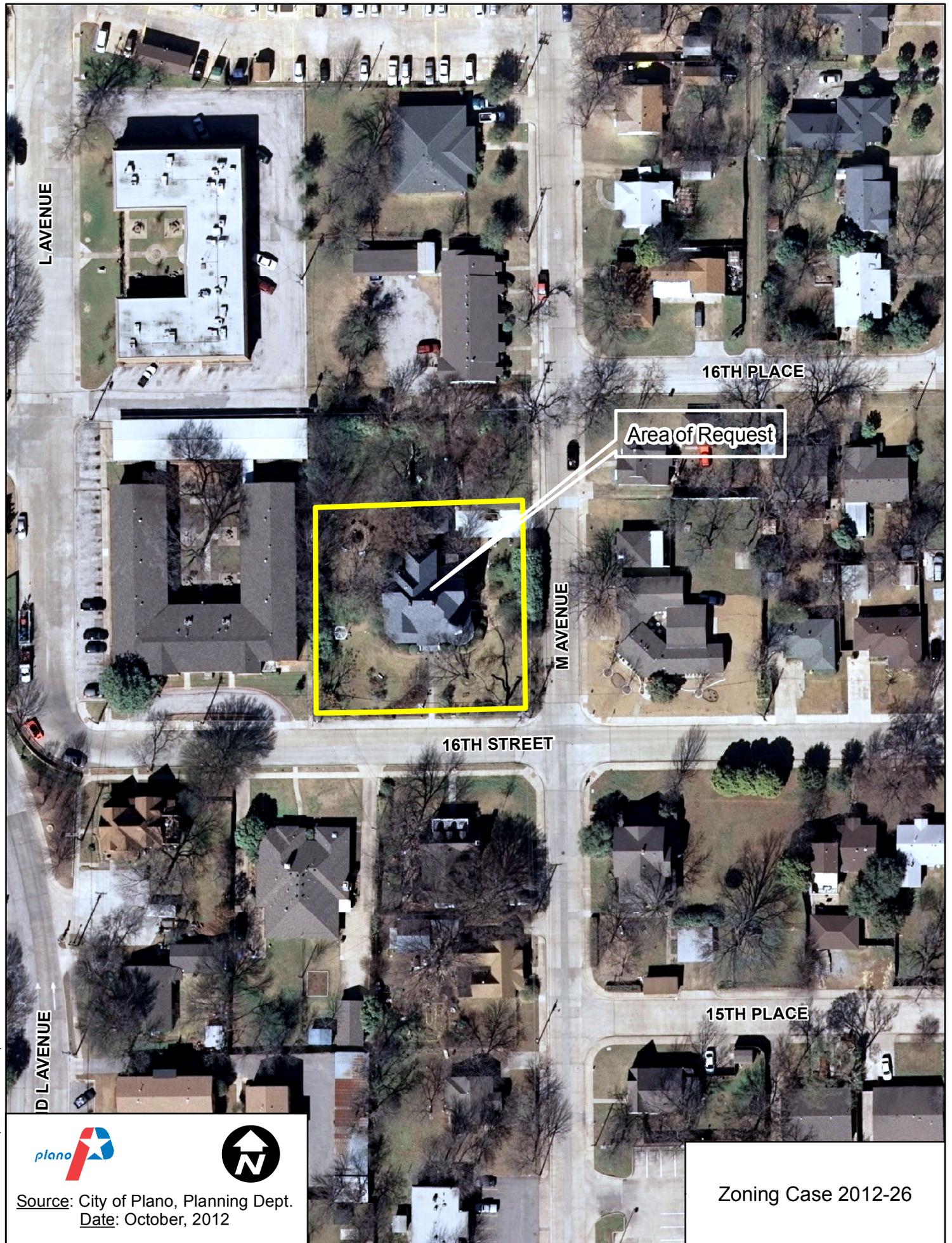
**RECOMMENDATION:**

The Heritage Commission recommends approval of the proposed heritage resource designation amendment to allow assembly hall as an additional permitted use for the subject property.

Should the Planning & Zoning Commission and City Council believe the requested assembly hall use is appropriate for the subject property, the following stipulations are recommended:

1. Allow assembly hall use as defined in Section 1.600 (Definitions) of the Zoning Ordinance, as an additional permitted use with the following restrictions:
  - a. The maximum occupancy for the property (including indoor and outdoor) shall collectively be 60 people (inclusive of staff and guests); and
  - b. No outdoor activity and music shall occur after 10:00 p.m.





L AVENUE

16TH PLACE

Area of Request

M AVENUE

16TH STREET

D L AVENUE

15TH PLACE



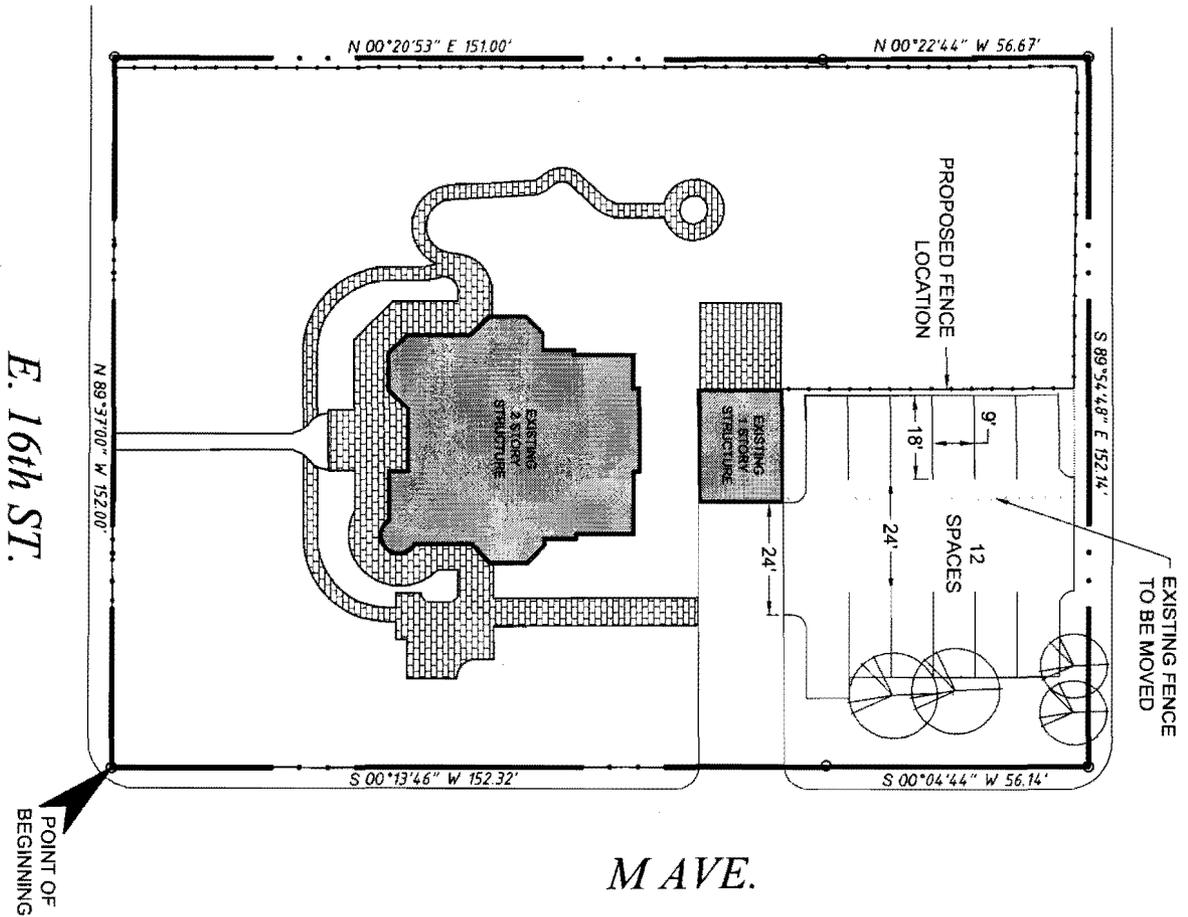
Source: City of Plano, Planning Dept.  
Date: October, 2012

Zoning Case 2012-26

FOR INFORMATION PURPOSE ONLY



SITE PLAN  
SCALE: 1" = 40'-0"



1211 E. 16th STREET  
CITY OF PLANO, TEXAS

**Baldwin**  
Associates

**BALDWIN ASSOCIATES**

3904 Elm St., Suite B  
Dallas, Texas 75226  
MOBILE: 214.729.7949  
OFFICE: 214.824.7949  
rob@baldwinplanning.com

08/24/12

PROJECT NUMBER

CASE NUMBER

## The Carpenter House Zoning Petition

### The Black Family's History with The Carpenter House

My interest in purchasing a bed and breakfast stemmed from my years as a sales representative in the textbook business. My territory was, at various times, West Texas, East Texas, and New Mexico. During school years when there were no textbook adoptions in my territory, I was sent to work Oklahoma, Arkansas, Alabama, Florida and California schools. During my 15 years selling textbooks, I stayed in many bed and breakfast establishments in the various states, and quickly learned that B & B's provided a wonderful alternative to the hotels used by my competitors to lure teachers to after-school sales presentations of textbooks. The common thread that bound all of these B & B establishments was that their owners were delighted to get the extra income from renting their establishments for a textbook presentation to area teachers. They also had the added benefit of showcasing their properties to residents who might never have had the opportunity to take a look inside these historic homes. And above all, every B & B hosted events to make ends meet.

On Friday, June 2, 2000, using a combination of a severance package and a sales bonus from my previous employer, my IRA, funds contributed from our family income and a small piece of seller financing, my husband Stan and I purchased the wedding and event business and bed and breakfast known as The Carpenter House. Yvonne Cross sold us the property and her eight-year-old business after I had worked with her since February of 2000, learning the wedding and event business from the ground up. At that time, she was not offering bed and breakfast services, as in her own words, "It just wasn't my favorite thing" (personal interview, June 29, 2012). During the months that we were waiting to close on the sale of The Carpenter House, I actually took a course from the president of the Canton, Texas Bed and Breakfast Association in which he advised the class to plan for alternatives to financing the upkeep of an historical property because the income produced from bed and breakfast wouldn't even scratch the surface of maintenance costs. Weddings, receptions and parties were his top three recommendations. As those alternatives were already a major part of The Carpenter House business plan, I was not concerned (see photocopy 7D, Dallas Morning News article from the fall of 1999, and photocopy 7E, Coldwell Banker Realtor's listing of The Carpenter House from 1999-2000). After purchasing the business and providing bed and breakfast for a handful of guests in 2000 and 2001, I had to agree with Yvonne's assessment and have not done bed and breakfast since 2002. I have left the bed and breakfast information posted on my website (see [www.thecarpenterhouse.com](http://www.thecarpenterhouse.com)) however, as brides looking for a quaint, historical setting for their weddings often search on the internet for "bed and breakfast", so the information helps drive the search engines to my website. Even with the information posted there, I get very few inquiries for bed and breakfast stays. I receive an average of six inquiries a year, so without the wedding and event business, there would be no possible way to keep The Carpenter House painted, landscaped, repaired and maintained in good condition. Also, upon closing the sale of The Carpenter House in 2000, we fully expected to retain the 100% tax abatement that had been represented to us a part of the sales package, but were informed by the Heritage Commission shortly thereafter that our tax abatement would be cut in half due to the fact that we were a commercial enterprise. We were also forced to pay commercial water and sewer rates and were barred from using the city dump without paying a fee because we were a commercial operation. And yet, we

are to assume from the current proceedings that the City of Plano was unaware of our business.

In addition to the wedding and event business, The Carpenter House has given back to the community by hosting fund raisers for non-profit organizations such as the Leukemia and Lymphoma Society and the Collin County Children's Advocacy Center and women's shelter. We have opened our doors for tours to people like Chris Coats from the Dallas Morning News (see photocopy 7F), who put together the Haunted Downtown Plano Tour to raise money for scholarships for Collin County students. We also participated in the American Association of University Women's annual Holiday Tour of Homes, which raises money for scholarships for deserving young women (see "Plano Profile" magazine, pages 32-33, and "Tea in Texas" magazine, page 17). We opened the door to The Carpenter House for the Blackland Prairie Festival with Heritage Preservation Officer Marcus Watson. Dressed in our own costumes, Stan and I gave tours, answered questions and provided free refreshments to all of the people on the tour (see photos 7A, 7B, 7C and 7D). In order to raise money for a local charity, nationally renowned medium Kathleen Tucci did readings for clients who attended a gallery at The Carpenter House. In 2008, we hosted the choir awards banquet for Centennial High School in Frisco. Film, photography and art students from Plano, Collin College and the University of North Texas have been welcomed with open arms, and none of these people were charged fees to use the house and grounds. The Carpenter House also served as one of the set locations for seven-year-old singing sensation Rhema Marvanne's "Amazing Grace" music video at no charge (see <http://www.youtube.com/watch?v=DDDlxmsciqY>). At last count, this video had received over 6,243,800 viewings!

The Carpenter House has operated openly for twenty years, less than a block from City Hall and displaying a sign in the front yard advertising "Weddings", "Receptions" and "Special Events" (see photo 7E). In 2007, Plano Television Network filmed a Lone Star Emmy nominated video about The Carpenter House and what we do there, which is still in the City of Plano website archives at <http://planotx.swagit.com/player.php?refid=08242007-8>. Collin County Justice of the Peace John Payton, among others, has performed numerous wedding ceremonies at The Carpenter House, as we constantly get calls from couples who prefer an elegant setting to the JP office for their weddings. We have actually hosted weddings, receptions and anniversary celebrations for employees of the City of Plano. I recognize that the current situation between The Carpenter House and the City of Plano is a direct result of an inquiry from another property owner wanting to get zoning for his historical home to offer weddings and bed and breakfast services; however, there is a significant difference between a business that has been in operation for twenty years and should, at the very least, be grandfathered, and a residence looking to request a zoning change 20 years after the fact. My husband and I bought a fully operating, eight-year-old wedding and event business in 2000 (see actual wedding brochure from 1999 featuring Yvonne Cross's daughter-in-law Kelly's bridal photo). We have operated for twelve years under the agreements in effect between Yvonne Cross and the City of Plano, the Heritage Commission and the Planning and Zoning Commission. During that time, we have received absolutely no notice of any new ordinances which might suggest changes in the status of those prior agreements.

In 1998, Yvonne Cross indicated that she had hosted 71 weddings at The Carpenter House (see photocopy 7G). Over the twelve years that we have owned The Carpenter House, we have hosted fewer weddings, initially due to the fact that there was more competition, but also because there were just fewer weddings taking place due to a shift in social mores. Due to the ongoing recession, the number and especially the size of the weddings we have hosted at The Carpenter House have been reduced. The majority of our weddings and events such as showers, parties and rehearsal dinners are for less than 50 people. In the last three years, we have hosted events at the following rate:

1. In 2010, we hosted 22 weddings, 17 with receptions, 5 showers, 1 rehearsal dinner, 1 anniversary party, 1 high school graduation tea and 1 Christmas party.
2. In 2011, we hosted 28 weddings, 15 with receptions, and 3 showers
3. To date in 2102, we have hosted 11 weddings, 7 with receptions. We were forced to cancel one wedding with reception scheduled for September 2, 2012 and return the bride's deposit due to the "cease and desist" letter from the City of Plano Property Standards Department. I was fortunately able to contact the bride the week prior to her printing her wedding invitations.

Although I have posted package prices on my website for outdoor weddings in the spring and fall for up to 150 people, I do not intentionally book events for over 100 people. Those upper level packages are for brides whose guest lists spiral out of control, and they end up inviting more guests than they originally intended. In addition to posting "No Parking" signs on both 16<sup>th</sup> and M Streets (see photos 7F, 7G, 7H and 7I), we own a golf cart that we position at the front gate of The Carpenter House for events for over 50 people. Along with the posted signs, our guests are advised verbally to park in the Municipal Parking lot one block west of the house, and those who need assistance are shuttled to the house and back on our golf cart, complete with a brief one-minute welcome and history of The Carpenter House, courtesy of our costumed driver. Our guests love it, and we are able to keep any parking issues to a minimum.

In deference to our neighbors, I do not book any events at The Carpenter House that will go beyond our 10:30 cut-off time. All outdoor music must be turned off at 10:00 pm, and I can count on the fingers of one hand the number of times that we have had a complaint in the 12 years that we have owned the business. We have a decibel meter and use it to enforce noise levels for any outdoor music. As The Carpenter House caters to smaller, intimate gatherings, and we have a huge lot with strategically planted shrubs, hedges and trees screening the property, along with carefully constructed fences, we really have very few issues with noise (see photos 7J, 7K, 7L, 7M, 7N, 7O, 7P, and 7Q). And yet, many of our neighbors feel free to wander into our gardens and sit on the benches by the fountain, watching the birds and enjoying the tranquility that is The Carpenter House. I've even had residents of the apartments next door ask if it was OK for them to work in the flower beds, as they missed that part of their lives as homeowners!

Finally, The Carpenter House continues to draw business to the downtown area in East Plano. Taylor Rental serves all of our chair, table and linen rental needs, as well as renting us equipment we

need to maintain the house and grounds. I refer my brides to Michael Hamilton, the outstanding florist at La Foofaraw on 15<sup>th</sup> Street. Dallas Digital Events on Avenue K provided the coffee table book from one of our weddings last October (see book provided with Attachment 7: Supplementary Materials), and we recommend their photography and video services, as well. Our brides continue to use the restaurants in the area such as Kelly's Eastside, Jorg's Café Vienna, Vickery Park, Urban Crust, etc. for their after-parties and rehearsal dinners. They love the shops downtown when they are searching for special gifts for their wedding parties and shower hostesses. It is a wonderful working relationship that we pride ourselves on fostering, as we understand the challenges of being a small business owner.

One of the most difficult hurdles I have faced since receiving the call on June 11, 2012 from Roderick Palmer in the Property Standards Department of the City of Plano, telling me that my business "should have been shut down twenty years ago", is that I have no alternative to recommend to brides, friends planning showers, grooms planning rehearsal dinners and families planning parties. The Carpenter House is unique. It is quaint and elegant, yet affordable and complete with fireflies-- a venue suitable for celebrating a wide range of special events in the lives of people. Please do take the time to look through the coffee table book put together by Chris Vouras of Dallas Digital Events on Avenue K, as these photos have truly captured the essence of The Carpenter House. I can only hope that the Heritage Committee will understand the importance of The Carpenter House to the citizens of Plano and the surrounding area, and vote to allow us to continue to provide a twenty-year tradition of event venue services to our clients.

~Pat M. Black

## The Carpenter House Zoning Petition

### History of the Property as an Event Venue

The following information is from notes taken during a telephone conversation on June 29, 2012 with Yvonne Cross, the previous owner of The Carpenter House, who leased the house in 1992 to start her event and bed and breakfast business there. During the term of her lease, she added two bathrooms upstairs and the black wrought iron fence around the front of the property, spending approximately \$50,000 to get the property ready to host events. She subsequently purchased the house from Randy Edwards in 1993 after her wedding and bed and breakfast business proved successful.

Yvonne approached Randy Edwards after seeing his sales ad in the newspaper for a Victorian home. She was looking to find another location to host weddings, as she had just had a deal that she had made to purchase the Rockwall Wedding Cottage fall through when the owner backed out at the last minute. In June of 1992, Randy Edwards wrote a letter (see photocopy 7A) to Frank Turner, Director of Planning for the City of Plano, requesting a meeting to discuss Yvonne's proposal for a bed and breakfast and wedding venue at The Carpenter House. By October of 1992, Karl Stundins, the Senior Planner for the City of Plano had outlined the actions required for her to proceed (see photocopy 7B), which included a parking plan and application for a Certificate of Appropriateness. Yvonne told me that the city planning department advised her that she must keep parking off of the street, and that they encouraged her to have event guests use the Municipal parking lot one block west of The Carpenter House. She stated that she had signs made to that effect, and they worked quite well.

Yvonne has very fond memories of the red-carpet treatment she received from the City of Plano. Plano had no bed and breakfast at the time, so the zoning was created for The Carpenter House. The lady who was the president of the downtown merchants' organization (Yvonne could not remember her name) was her ally, as she could see the advantage of bringing people into East Plano's downtown area for events scheduled at the house. Yvonne said that she sensed that the anticipation of having guests of The Carpenter House shopping in the downtown area was a very important factor in the City Council's consideration of Yvonne's proposal. Yvonne was adamant that she went to every meeting with every group, including the Historic Landmark Committee, the Planning and Zoning Commission and the Plano City Council, and put all of her cards on the table. She had done the research, and she made it clear that in order for her to be able to keep up an historical property, some source of revenue, in addition to bed and breakfast guests, would have to be in place. In countless B & B's across the United States, that additional source of income was and continues to be hosting events for the public. Yvonne assured me that everyone, every step of the way, was aware of her intentions. That statement is borne out by the inclusion in The Heritage Commission file on The Carpenter House of a copy of Yvonne's very first brochure (see photocopy 7C).

Yvonne stated that she was welcomed with quite a bit of fanfare. She was listed in a brochure put out by the Plano Centre, and a television crew did a piece on her business at The Carpenter House. A lady named Liza who worked in the Plano Parks and Recreation Department (she could not remember her last name), brought groups around and gave tours of the house. Liza also set up to hold cooking classes

at The Carpenter House. Yvonne mentioned that her favorite class was on how to make delicious biscuits from scratch. The Plano Chamber of Commerce not only hosted a ribbon cutting to open The Carpenter House, but also held a big open house with wedding cake and tea punch provided as refreshments. The chamber continued to have meetings at the house on occasion. As word spread about the new business in town, Yvonne was invited by descendants of Plano pioneers to literally come and look through their garages, attics, etc. for items that she could use to display bits and pieces of Plano's rich history. Senior citizens brought her pictures and shared wonderful stories with her about the history of the house. The people of Plano were thrilled that this beautiful old home was open to the public, and there was a steady stream of requests for tours.

The exposure that The Carpenter House brought to the City of Plano was tremendous. A few notable events were:

1. A national Chevrolet commercial was filmed at the house, complete with a thick carpet of fake fall leaves spread on the front lawn as set dressing.
2. Realtors filmed a commercial that featured a young couple who were ecstatic new homeowners waltzing across the front porch.
3. J.C. Penney did catalog shoots and hosted business meetings at the house.
4. Ann Richards hosted a kick-off for her campaign in the area for Governor of the State of Texas. Her plane got fogged in in Austin, but the party and speeches went on without her.
5. The Democratic Women hosted a re-enactment celebrating women's getting the right to vote, complete with costumes, placard-carrying protestors and rousing speeches from the front porch.
6. The Dallas Morning News ran a full-page story about the business, featuring a color photo of Yvonne sitting on the front porch of The Carpenter House with her black cat, Thomas, cradled in her lap.
7. A church group of ladies from Arlington returned year after year for their "Christmas dinner" celebration at The Carpenter House.
8. The CEO of Ericsson held 3-day business meetings in the house with his top executives on several occasions as they made plans to meet the growing demand for their mobile telephones.
9. For several years, Lyrick Studios, producers of "Barney and Friends" (The Purple Dinosaur), came from their offices for week-long retreats, first with the New York business group, and then with the California production group.
10. Guests arrived from all over the United States, Europe, Asia, South America and Australia to attend weddings at The Carpenter House.

The key point here is that since The Carpenter House was opened as a business in 1992, it has functioned successfully as both a bed and breakfast and an event venue with the full knowledge and cooperation of the City of Plano. It has drawn people from all over the world and been an outstanding ambassador of good will for the City of Plano. Several times during our hour-plus conversation, Yvonne

expressed her shock, hurt and dismay that what she and the City of Plano had worked so hard to put together twenty years ago, had been cavalierly tossed out by a new generation as if it had no value.

Cross, Yvonne. Personal interview. 29 June 2012

## Zoning Case 2012-26

**An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended; amending Heritage Resource Designation No. H-4 to allow the additional use of Assembly Hall, on 0.5± acre located at the northwest corner of M Avenue and 16th Street and being more particularly described as Lot 2-B, Block 6, Clint Foreman Heirs Addition, an addition to the City of Plano, Collin County, Texas, presently zoned Multifamily Residence-1 with Heritage Resource Designation H-4; directing a change accordingly in the official Zoning Map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.**

**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 12th day of November, 2012, 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 Heritage Commission considered this item on the 24th day of July, 2012, and recommended approval; and

**WHEREAS**, the Planning & Zoning Commission considered this item on the 15th day of October, 2012, and recommended approval; and

**WHEREAS**, the City Council of said City, pursuant to such notice, held public hearings and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 12th day of November, 2012, and the 10th day of December, 2012; and

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

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

**Section I.** The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended, amending Heritage Resource Designation No. H-4 to allow the additional use of Assembly Hall, on 0.5± acre located at the northwest corner of M Avenue and 16th Street and being more particularly described as Lot 2-B, Block 6, Clint Foreman Heirs Addition, an addition to the City of Plano, Collin County, Texas, presently zoned Multifamily Residence-1 with Heritage Resource Designation H-4; said property more fully described on the legal description in Exhibit "A" attached hereto.

**Section II.** The zoning granted in Section I above is granted subject to the following stipulations related to the use of the property as an Assembly Hall use:

1. The maximum occupancy for the property (including indoor and outdoor) shall collectively be 45 people (inclusive of staff and guests);
2. No outdoor or indoor activity shall occur after 10:00 p.m.; and
3. No amplified music allowed on the property.

**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 violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and 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 10TH DAY OF DECEMBER, 2012.**

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

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Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2012-26

Tract B:

Part of Lot 2, Block 6, of Clint Foreman Heirs Addition, an Addition to the City of Plano, Collin County, Texas, according to the Plat thereof recorded in Volume 41, Page 640, of the Map Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at 1/2-inch iron rod found at the intersection of the west line of Avenue M (a 40-foot right-of-way) and the north line of East 16th Street (a 40-foot right-of-way);

THENCE North, 89° 37' 00" West, along said north line, a distance of 152.00 feet to a cut "X" found at the southeast corner of a tract of land conveyed to Crystal Land Ltd. recorded in Volume 1190, Page 807, Deed Records, Collin County, Texas;

THENCE North, 00° 20' 53" East, along the east line of said Crystal Land Ltd. tract of land, a distance of 151.00 feet to a cut "X" found at the southwest corner of a tract of land conveyed to L.O. Brewer, recorded in Volume 771, Page 693, Deed Records, Collin County, Texas;

THENCE North, 89° 49' 46" East, along the south line of said L.O. Brewer tract of land, a distance of 152.10 feet to a 1/2-inch iron rod set in said west line of Avenue M;

THENCE South, 00° 23' 00" West, along said west line of Avenue M, a distance of 152.47 feet to the PLACE OF BEGINNING.



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

**AGENDA ITEM NO. 9A - PUBLIC HEARING  
ZONING CASE 2012-50  
APPLICANT: OWEN HAGGARD & ACRES OF SUNSHINE, LTD.**

Request to rezone 37.4± acres from Regional Employment to Commercial Employment with Specific Use Permit for New Car Dealer located on the west side of the Dallas North Tollway, 1,200± feet south of Spring Creek Parkway. Zoned Regional Employment.

**APPROVED:** 6-2 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA:** **SUPPORT:** 1 **OPPOSE:** 0

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

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

**STIPULATIONS:**

Recommended for approval. The Commissioners voting in opposition to the motion did not cite any reasons for their opposition.

**FOR CITY COUNCIL MEETING OF:** December 10, 2012 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

EH/dc

xc: Owen Haggard  
Rutledge Haggard, Acres of Sunshine, Ltd.  
Bennet Ratliff, The Ratliff Group, LLC.  
Cliff Bormann, Permit Services Manager

CITY OF PLANO  
PLANNING & ZONING COMMISSION

November 19, 2012

**Agenda Item No. 9A**

**Public Hearing:** Zoning Case 2012-50

**Applicant:** Owen Haggard & Acres of Sunshine, Ltd.

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**DESCRIPTION:**

Request to rezone 37.4± acres **from** Regional Employment **to** Commercial Employment with Specific Use Permit for New Car Dealer located on the west side of the Dallas North Tollway, 1,200± feet south of Spring Creek Parkway. Zoned Regional Employment.

**REMARKS:**

The applicant is requesting to rezone 37.4± acres from Regional Employment to Commercial Employment with Specific Use Permit for New Car Dealer located on the west side of the Dallas North Tollway, 1,200± feet south of Spring Creek Parkway. The subject property is currently partially developed as a farm with a single-family residence.

The current zoning is Regional Employment (RE). The RE district is intended to provide for office and limited manufacturing uses that are consistent with the regional status of certain tollways and expressways serving Plano and surrounding communities. Some retail uses are also appropriate when developed in conjunction with the primary uses. The district's standards are designed to ensure compatibility between the various uses within a corridor and surrounding residential neighborhoods.

The requested zoning is Commercial Employment (CE). The CE district is intended to provide the flexibility for an integrated development that may include retail, office, commercial, light manufacturing, and multifamily residences. The major focus of the CE district is to be corporate headquarters and research facilities arranged in a campus-like setting.

The requested zoning is also for a Specific Use Permit (SUP) for New Car Dealer. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district, which could benefit in a particular case the general welfare, provided that adequate development standards and safeguards are established. The Zoning

Ordinance defines new car dealer as retail sales and/or leasing of new automobiles or light load vehicles, including, as a minor part of the business, the sales and/or leasing of used automobiles or light load vehicles.

A preliminary site plan/concept plan, Ewing Auto Addition, Block 1, Lots 1 - 4 accompanies this request.

### **Surrounding Land Use and Zoning**

To the west of the subject property the land is zoned RE and is partially developed as a farm with a single-family residence. To the north, properties are zoned RE and CE with SUP #615 for New Car Dealer. A new car dealer is currently under construction immediately to the north of the subject property. To the east, across the Dallas North Tollway, the property is zoned RE and is undeveloped. The properties to the south are zoned RE with SUP #586 and #606 for Electrical Substation and are developed as substations.

### **Conformance to the Comprehensive Plan**

**Future Land Use Plan** - The Future Land Use Plan designates this property as Major Corridor Development. This request is generally consistent with this designation.

**Economic Development Element** - The Economic Development Element of the Comprehensive Plan provides a general guide for decision makers regarding Plano's future economic growth. The long range land use recommendations in this element indicate that the corridor should be preserved for future economic development opportunities. The requested CE zoning is consistent with recommendations in this element of the Comprehensive Plan given that this district allows some uses that support the Comprehensive Plan recommendation (i.e. office uses). However, the CE district also allows for a wider range of uses than the existing RE zoning.

**Land Use Element** - On April 23, 2012, the City Council adopted amendments to the Land Use Element of the Comprehensive Plan to include new revised policies pertaining to the use of undeveloped land. These amendments affirmed the city's position to reserve land along the Dallas North Tollway for economic development and employment uses. The tollway, as a major regional corridor and the main entrance to the Legacy Business Park, continues to be in demand for office and other high density employment development; therefore, large parcels of undeveloped land within this corridor should be reserved for these uses.

**Rezoning to Meet Demand** - This comprehensive planning policy provides guidance when considering requests to rezone properties. One area of focus is to ensure land use compatibility by grouping complimentary land use activities and creating transitions between conflicting activities. The requested CE zoning would allow a much wider range of uses than the RE district, including moderate-intensity manufacturing, retail uses, mini-warehouse/public storage, and warehouse/distribution center. CE also allows for new car dealer uses with a specific use permit.

The intensity and character of uses allowed within the CE district may not be appropriate within this section of the Dallas North Tollway. When the Dallas North Tollway corridor was rezoned to the RE and Regional Commercial (RC) districts (formerly Tollway Employment and Tollway Commercial), it was done to provide consistent zoning along the corridor and increase building setbacks and landscaping where adjacent to residences. It is possible that the impact associated with the more intense uses permitted in the CE district may be mitigated by the proposal to retain RE zoning on the narrower properties between the subject property and Communications Parkway (adjacent to the residential development).

A significant amount of undeveloped land remains in the CE district north and east of Spring Creek Parkway, south of State Highway 121, and west of Preston Road. This land provides opportunities for uses such as new car dealers to develop.

**Adequacy of Public Facilities** - Water and sanitary sewer services are available to serve the subject property.

**Traffic Impact Analysis (TIA)** - A TIA is not required for this request.

### **SUP Request**

In addition to the requested CE zoning, the applicant is requesting approval of an SUP for New Car Dealer. The proposed site for the new car dealer would have frontage on the Dallas North Tollway with access to Communications Parkway to the west. The site is bounded by a new car dealer under construction to the north, as well as electrical substations to the south. It is possible that the remaining RE property to the west could serve as a buffer between this use and the existing residential neighborhoods on the west side of Communications Parkway.

If the Planning & Zoning Commission determines CE to be an appropriate zoning designation for this property, staff recommends that they also consider the concurrent request for an SUP for New Car Dealer.

The Commission and City Council need to consider whether new car dealer uses are the highest and best use of land within the city's expressway corridors. Land along expressway corridors is very desirable for higher density employment development uses given the convenient access and visibility offered within these corridors. Additionally, preservation of land for the future development opportunities is important for a city's long term economic vitality to not impair our ability to attract high density employment uses that desire expressway frontage, such as along the Dallas North Tollway. Employers continue to locate along the Dallas North Tollway corridor as evidenced by the existing mid-rise development near Park Boulevard, and northward in Frisco. Additionally, the nearby electrical substations to the south also provide the needed infrastructure desired by some uses such as data centers.

Furthermore, car dealer sites can be difficult to reuse and/or redevelopment in the future as evidenced by former sites in other nearby cities. There are limited uses that can occupy a former car dealer site and that require large expansive parking areas.

However, if car dealer uses continue to be allowed within the Dallas North Tollway corridor, consideration should be given towards amending the RE and RC districts to allow the use with a specific use permit, in lieu of continuing to rezone property to CE in order to accommodate a single use.

### **Surrounding Zoning Districts**

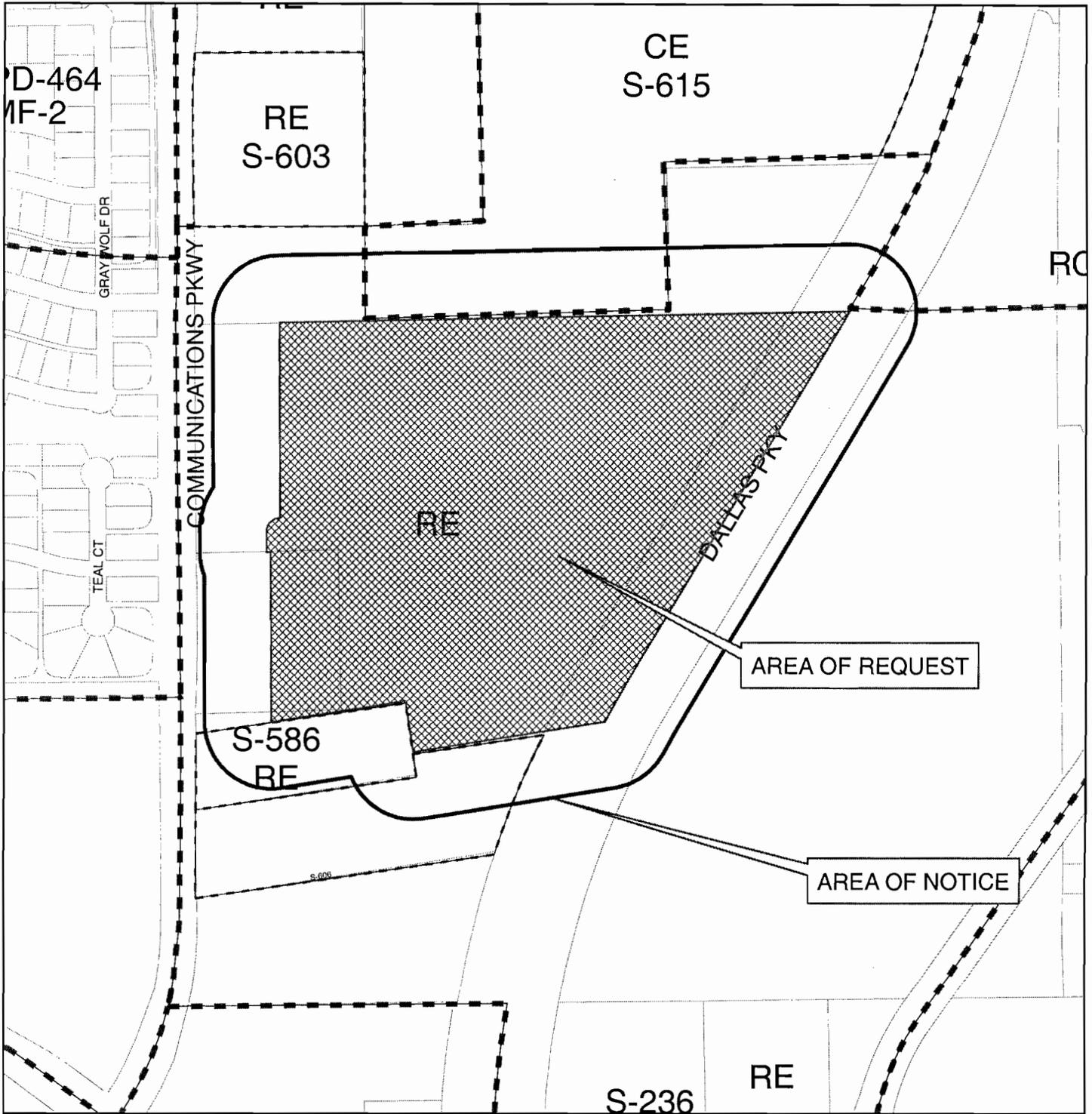
Currently, the RE zoning on the subject property is contiguous with existing RE zoning on properties to the west, adjacent to Communications Parkway, and to the north, adjacent to the Dallas North Tollway. If the subject property were rezoned to CE, the property to the north adjacent to the Dallas North Tollway would be an individually zoned RE site. It has not been the city's policy to create inconsistently zoned parcels. Staff is concerned that the wide range of allowed uses within CE would create land use inconsistencies between these properties.

### **Summary**

The applicant is requesting to rezone 37.4± acres from Regional Employment to Commercial Employment with Specific Use Permit for New Car Dealer located on the west side of the Dallas North Tollway, 1,200± feet south of Spring Creek Parkway. The requested CE zoning allows a much wider range of uses than the RE district. Furthermore, there is extensive undeveloped land within the city already zoned CE as well as other zoning districts that allow for new car dealer as a permitted use with an SUP. It is not appropriate to rezone land to allow for one additional use. Additionally, earlier this year, the City Council affirmed the city's land use policies to reserve large parcels of undeveloped land along the Dallas North Tollway for economic development and employment uses. Therefore, staff recommends denial of the proposed zoning request.

### **RECOMMENDATION:**

Recommended for denial.



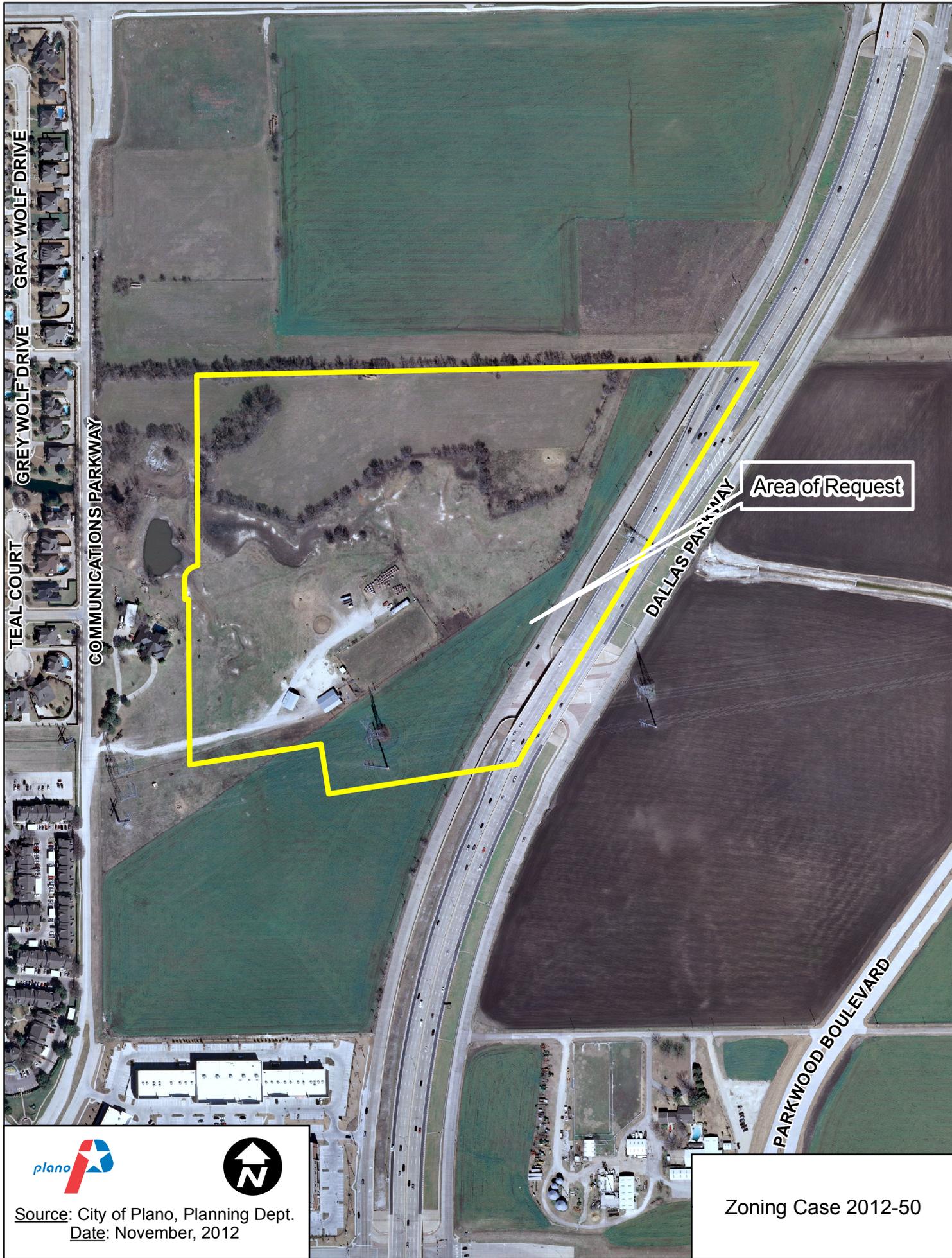
Zoning Case #: 2012-50

Existing Zoning: REGIONAL EMPLOYMENT/  
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer





Source: City of Plano, Planning Dept.  
Date: November, 2012

Zoning Case 2012-50



ZONING:  
(RE) REGIONAL EMPLOYMENT  
DALLAS NORTH TOLLWAY  
OVERLAY DISTRICT  
CURRENT USE:  
AGRICULTURE

ZONING:  
(CE) COMMERCIAL EMPLOYMENT W/  
S.U.P. #615 FOR NEW CAR DEALER  
DALLAS NORTH TOLLWAY  
OVERLAY DISTRICT  
CURRENT USE:  
NEW CAR DEALER  
CALLED 37.721 ACRES  
PACIFIC WEST LLC (1/3 INTEREST)  
VOLUME 5424, PAGE 2814  
L.R.C.C.T.

ZONING:  
(RE) REGIONAL EMPLOYMENT  
DALLAS NORTH TOLLWAY  
OVERLAY DISTRICT  
CURRENT USE:  
AGRICULTURE  
CALLED 3.000 ACRES  
PARKWAY PROFESSIONAL CENTER, LLC  
DOC. NO. 2008027000-49576  
O.P.R.C.C.T.

ZONING:  
(RC) REGIONAL COMMERCIAL  
DALLAS NORTH TOLLWAY  
OVERLAY DISTRICT  
CURRENT USE:  
AGRICULTURE

EXISTING ZONING:  
(RE) REGIONAL EMPLOYMENT  
DALLAS NORTH TOLLWAY  
OVERLAY DISTRICT

PROPOSED ZONING:  
(CE) COMMERCIAL EMPLOYMENT

GROSS ACREAGE:  
37.43 AC.

NET ACREAGE:  
32.47 AC.

CURRENT USE:  
AGRICULTURE

S.U.P.  
NEW CAR DEALER

**EXHIBIT A  
LEGAL DESCRIPTION**  
37.43 ACRES

BEING a tract of land situated in the Henry B. Miller Survey, Abstract No. 614, in the City of Plano, Collin County, Texas, and being a portion of a called 112,582 net acre tract of land conveyed to Acres of Sunshine, Ltd., as evidenced in a Special Warranty Deed, Bill of Sale and Assignment recorded in Volume 4227, Page 827 of the Land Records of Collin County, Texas (L.R.C.C.T.), and all of the 5.25 acre tract of land described in deed to Owen Haggard as evidenced in a Quitclaim Deed recorded in Volume 3262, Page 624, L.R.C.C.T. and being more particularly described by metes and bounds as follows:

**BEGINNING** at a point in the north line of said 112,582 acre tract from which a point in the east right of way line of Communications Parkway (110' ROW at this point) bears South 88°50'12" West, 279.89 feet;

**THENCE** North 88°50'12" East, along the north line of said 112,582 net acre tract, a distance of 1684.06 feet to a point in the centerline of the Dallas North Tollway (300' ROW);

**THENCE** in a southerly direction, along the center line of said Dallas North Tollway, the following courses and distances to wit:

South 31°00'52" West, a distance of 1280.88 feet to a point for the point of curvature of a curve to the left;

Along the arc of said curve to the left, through a central angle of 2°56'37", having a radius of 2864.79 feet, a chord bearing of South in 29°32'34" West, a chord distance of 147.16 feet and an arc length of 147.18 feet;

**THENCE** South 81°04'31" West, departing the centerline of said Dallas North Tollway, a distance of 584.87 feet to a point in the east line of Communications Parkway Substation, Lot 1, Block 1, an Addition to the City of Plano, Texas, according to the Map or Plat thereof recorded in Volume 2009, Page 56, M.R.C.C.T.;

**THENCE** North 08°55'29" West, along the east line of said Lot 1, Block 1, a distance of 155.00 feet to a point for the northeast corner of said Lot 1;

**THENCE** South 81°04'31" West, along the north line of said Lot 1, Block 1, a distance of 406.48 feet to a corner;

**THENCE** leaving said north line, the following courses and distances to wit:  
North 00°19'20" West, a distance of 506.71 feet to a point for corner;

South 89°41'09" West, a distance of 12.00 feet to a point for corner;

North 00°18'50" West, a distance of 59.63 feet to a point for the point of curvature of a curve to the right;

Along the arc of said curve to the right, through a central angle of 87°51'03", having a radius of 43.02 feet, a chord bearing of North 43°37'20" East, a chord distance of 59.69 feet and an arc length of 65.96 feet to point for corner;

North 00°18'51" West, a distance of 582.23 feet to the **POINT OF BEGINNING** and containing 37.43 acres of land.

Bearings based upon the City of Plano Control Monuments, Station 820 and Station 08. The bearings are Grid bearings. The distances are Surface values.

This document was prepared under 22 TAC §683.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Dana Brown  
Registered Professional Land Surveyor No. 5338  
Kinley-Horn and Associates, Inc.  
12750 Merit Drive, Suite 1000  
Dallas, Texas 75251  
Ph. 972-770-1300  
dana.brown@kinley-horn.com

**NOTE:**  
"APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED STUDY, PLAN, OR PLAN APPROVAL OF DEVELOPMENT STANDARDS SHOWN HEREON, OR THE INITIATION OF THE DEVELOPMENT PROCESS, PLANNING & ZONING COMMISSION AND/OR CITY COUNCIL ACTION ON STUDIES, PLATS OR PLANS RELATING TO DEVELOPMENT OF THIS PROPERTY SHALL BE CONSIDERED AS AN ACTION SEPARATE FROM ACTION TAKEN ON THIS ZONING CASE."

2012-50  
**ZONING EXHIBIT**  
BEING 37.43 ACRES SITUATED IN  
HENRY B. MILLER SURVEY ABSTRACT NO. 614  
CITY OF PLANO, COLLIN COUNTY, TEXAS

**APPLICANT:**  
GCP Holdings, Ltd.  
General partner: 4464 W. Plano Parkway, LLC  
4464 W. Plano Parkway  
Plano, Texas 75093  
Tel. No. (972) 612-6120  
Fax No. (972) 612-6954  
Contact:  
President and Managing Member: Riney Eving, III  
CEO and Registered Agent: Mary Hultason

**OWNER:**  
Owen Haggard  
800 Central Parkway East  
Suite 100  
Plano, Texas 75074  
Tel. No. (972) 422-4515  
Fax No. (972) 422-4518

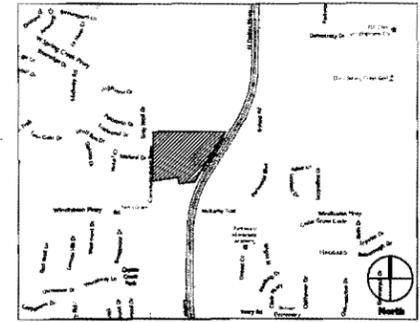
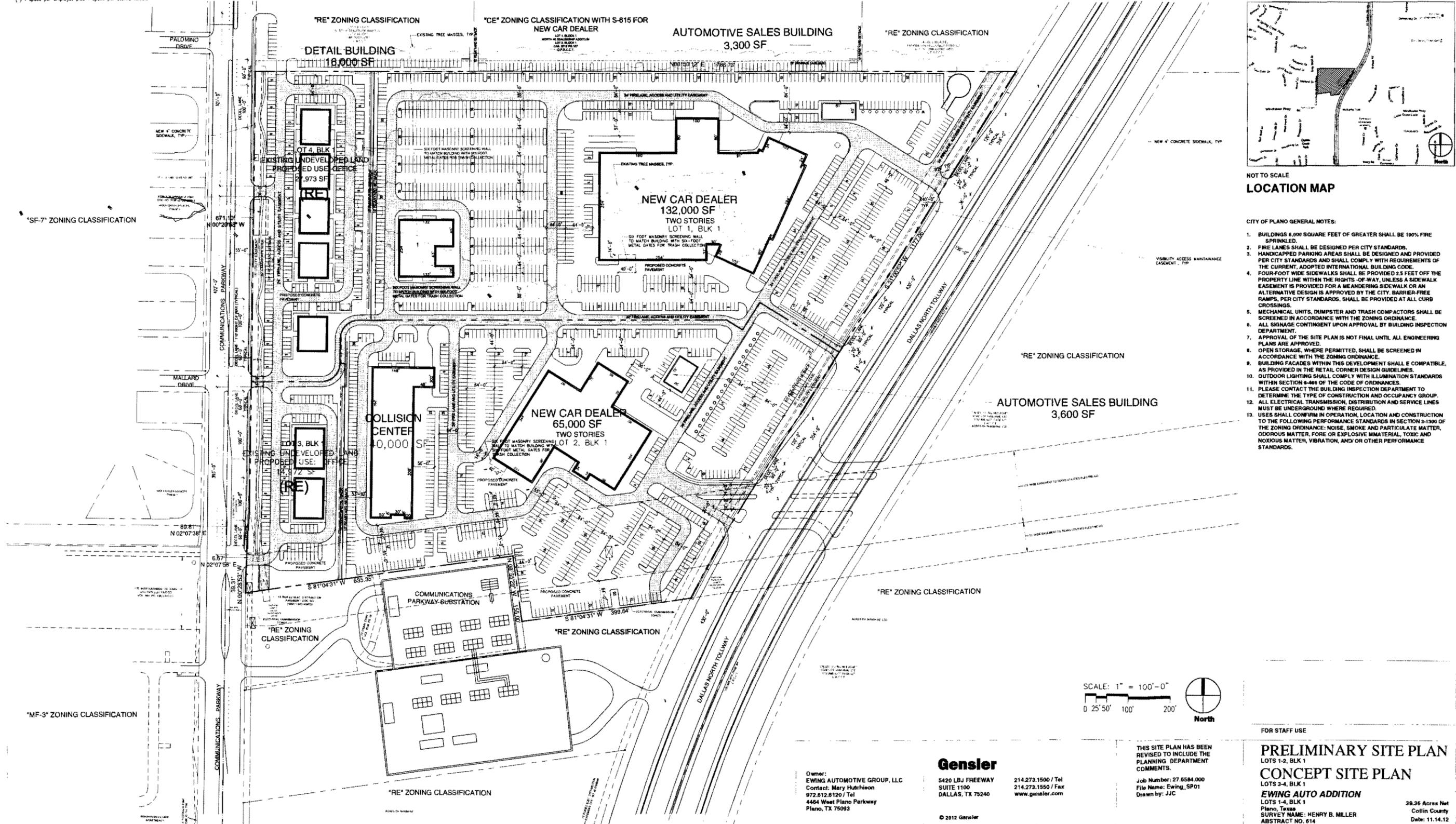
**OWNER:**  
Acres of Sunshine, Ltd.  
800 Central Parkway East  
Suite 100  
Plano, Texas 75074  
Tel. No. (972) 422-4515  
Fax No. (972) 422-4518  
Contact: Owen Haggard

**SURVEYOR:**  
Kinley-Horn and Associates, Inc.  
12750 Merit Drive, Suite 1000  
Dallas, Texas 75251  
Tel. No. 972-770-1300  
Fax No. 972-239-3820

ITEM	Lot #1	Lot #2	Lot #3	Lot #4	Total for All Lots
General Site Data					
Zoning (from Zoning Map)	CE / DNT00	CE / DNT00	RE / DNT00	RE / DNT00	CE & RE / DNT00
Land Use (from Zoning Ordinance)	NEW CAR DEALER	NEW CAR DEALER	GENERAL OFFICE	GENERAL OFFICE	
Lot Area (square feet & acres)	778,649 (17.87)	634,820 (14.57)	107,559 (2.47)	193,383 (4.44)	1,714,411 (39.36)
Building Footprint Area (square feet)	141,801	102,651	13,574	29,430	285,999
Total Building Area (square feet)	151,300	108,500	27,148	58,860	345,808
Building Height (# stories)	2 Stories	2 Stories	2 Story	2 Story	2 Stories
Building Height (feet - distance to tallest building element)	38 ft	38 ft	38 ft	38 ft	38 ft
Lot Coverage (percent - x.xx)	18.2%	16.2%	12.6%	15.2%	16.7%
Floor Area Ratio (ratio - x.xx:1)	0.19:1	0.17:1	0.25:1	0.30:1	0.20:1
Parking					
Parking Ratio (from Zoning Ordinance)	(1)	(1)	1 per 300 sf	1 per 300 sf	
Required Parking (# spaces)	1,107	841	90	197	
Provided Parking (# spaces)	1,107	841	90	216	
Accessible Parking Required (# spaces)	21	16	4	7	
Accessible Parking Provided (# spaces)	21	16	4	10	
Parking in Excess of 110% of Required Parking (# spaces)	0	0	0	0	

ITEM	Lot #1	Lot #2	Lot #3	Lot #4	Total for All Lots
Landscape Area (Including Turf Areas)					
Landscape Edge Area Provided (square feet)	25,882	21,126	18,042	25,882	90,932
Required Interior Landscape Area (square feet)	8,836	6,648	752	1,728	17,964
Additional Interior Landscape Area provided (square feet)	42,755	56,002	21,204	37,287	159,810
Other Landscape Area within the lot including Storm Water Conservation Areas (square feet)	0	0	0	0	0
Total Landscape Area (square feet)	77,023	86,776	39,998	64,897	268,694
Permeable Area (Including Landscaping or Turf Areas)					
Permeable Pavement (square feet)	0	0	0	0	0
Other Permeable Area within the lot not including landscaping or turf areas (square feet)	0	0	0	0	0
Total Permeable Area (square feet)	0	0	0	0	0
Impervious Area					
Building Footprint Area (square feet)	141,801	102,651	13,574	29,430	285,999
Area of Sidewalks, Pavement & other Impervious Flatwork (square feet)	46,001	26,002	4,020	13,116	141,801
Other Impervious Area	513,824	416,391	49,967	87,387	1,007,569
Total Impervious Area (square feet)	701,626	548,044	67,561	128,486	1,445,717

ITEM	Lot #1	Lot #2	Lot #3	Lot #4	Total for All Lots
Sum of Total Landscape Area + Total Permeable Area + Total Impervious Area (square feet) Note: Sum must equal Lot Area	778,649	634,820	107,559	193,383	1,714,411
Total Impervious Area	701,626	548,044	67,561	128,486	1,445,717
Less BMP Impervious Area Credit	0	0	0	0	0
Beebe Impervious Area	701,626	548,044	67,561	128,486	1,445,717



NOT TO SCALE  
LOCATION MAP

- CITY OF PLANO GENERAL NOTES:
- BUILDINGS 6,000 SQUARE FEET OF GREATER SHALL BE 100% FIRE SPRINKLED.
  - FIRE LANES SHALL BE DESIGNED PER CITY STANDARDS.
  - HANDICAPPED PARKING AREAS SHALL BE DESIGNED AND PROVIDED PER CITY STANDARDS AND SHALL COMPLY WITH REQUIREMENTS OF THE CURRENT, ADOPTED INTERNATIONAL BUILDING CODE.
  - FOUR-FOOT WIDE SIDEWALKS SHALL BE PROVIDED 2.5 FEET OFF THE PROPERTY LINE WITHIN THE RIGHTS-OF-WAY, UNLESS A SIDEWALK EASEMENT IS PROVIDED FOR A MEANDERING SIDEWALK OR AN ALTERNATIVE DESIGN IS APPROVED BY THE CITY. BARRIER-FREE RAMPS, PER CITY STANDARDS, SHALL BE PROVIDED AT ALL CURB CROSSINGS.
  - MECHANICAL UNITS, DUMPSTER AND TRASH COMPACTORS SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
  - ALL SIGNAGE CONTINGENT UPON APPROVAL BY BUILDING INSPECTION DEPARTMENT.
  - APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL ENGINEERING PLANS ARE APPROVED.
  - OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
  - BUILDING FACADES WITHIN THIS DEVELOPMENT SHALL BE COMPATIBLE, AS PROVIDED IN THE RETAIL CORNER DESIGN GUIDELINES.
  - OUTDOOR LIGHTING SHALL COMPLY WITH ILLUMINATION STANDARDS WITHIN SECTION 6-466 OF THE CODE OF ORDINANCES.
  - PLEASE CONTACT THE BUILDING INSPECTION DEPARTMENT TO DETERMINE THE TYPE OF CONSTRUCTION AND OCCUPANCY GROUP.
  - ALL ELECTRICAL TRANSMISSION, DISTRIBUTION AND SERVICE LINES MUST BE UNDERGROUND WHERE REQUIRED.
  - USES SHALL CONFIRM IN OPERATION, LOCATION AND CONSTRUCTION TO THE FOLLOWING PERFORMANCE STANDARDS IN SECTION 3-1300 OF THE ZONING ORDINANCE: NOISE, SMOKE AND PARTICULATE MATTER, ODOROUS MATTER, FOIE OR EXPLOSIVE MATERIAL, TOXIC AND NOXIOUS MATTER, VIBRATION, AND/OR OTHER PERFORMANCE STANDARDS.

Owner: EWING AUTOMOTIVE GROUP, LLC  
 Contact: Mary Hutchison  
 972.612.8120 / Tel  
 4464 West Plano Parkway  
 Plano, TX 75093

**Gensler**  
 5420 LBJ FREEWAY  
 SUITE 1100  
 DALLAS, TX 75240  
 214.273.1500 / Tel  
 214.273.1550 / Fax  
 www.gensler.com

Job Number: 27.6584.000  
 File Name: Ewing\_SP01  
 Drawn by: JJC

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FOR STAFF USE

**PRELIMINARY SITE PLAN**  
 LOTS 1-2, BLK 1  
**CONCEPT SITE PLAN**  
 LOTS 3-4, BLK 1  
**EWING AUTO ADDITION**  
 LOTS 1-4, BLK 1  
 Plano, Texas  
 SURVEY NAME: HENRY B. MILLER  
 ABSTRACT NO. 614

38.36 Acres Net  
 Collin County  
 Date: 11.14.12

## Zoning Case 2012-50

An Ordinance of the City of Plano amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 37.4± acres of land out of the Henry B. Miller Survey, Abstract No. 614, located on the west side of the Dallas North Tollway, 1,200± feet south of Spring Creek Parkway in the City of Plano, Collin County, Texas, from Regional Employment to Commercial Employment; with Specific Use Permit No. 633 so as to allow the additional use of New Car Dealer; directing a change accordingly in the official zoning map of the City; and providing a publication clause, 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 10th day of December, 2012, for the purpose of considering rezoning 37.4± acres of land out of the Henry B. Miller Survey, Abstract No. 614, located on the west side of the Dallas North Tollway, 1,200± feet south of Spring Creek Parkway in the City of Plano, Collin County, Texas, from Regional Employment to Commercial Employment; with Specific Use Permit No. 633 so as to allow the additional use of New Car Dealer; 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 10th day of December, 2012; and

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

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

**Section I.** The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to rezone 37.4± acres of land out of the Henry B. Miller Survey, Abstract No. 614, located on the west side of the Dallas North Tollway, 1,200± feet south of Spring Creek Parkway in the City of Plano, Collin County, Texas, from Regional Employment to Commercial Employment; with Specific Use Permit No. 633 so as to allow the additional use of New Car Dealer, said property being described in the legal description on Exhibit "A" attached hereto.

**Section II.** It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

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

**Section IV.** The repeal of any ordinance or part of ordinances 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 violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and 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 10TH DAY OF DECEMBER, 2012.**

---

Phil Dyer, MAYOR

ATTEST:

---

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

---

Diane C. Wetherbee, CITY ATTORNEY

## ZONING CASE 2012-50

BEING of a tract of land situated in the Henry B. Miller Survey, Abstract No. 614, in the City of Plano, Collin County, Texas, and being a portion of a called 112.582 net acre tract of land conveyed to Acres of Sunshine, Ltd., as evidenced in a Special Warranty Deed, Bill of Sale and Assignment recorded in Volume 4227, Page 0827 of the Land Records of Collin County, Texas (L.R.C.C.T.) and all of the 5.25 acre tract of land described in deed to Owen Haggard as evidenced in a Quitclaim Deed recorded in Volume 3262, Page 624, L.R.C.C.T. and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the north line of said 112.582 acre tract from which a point in the east right-of-way line of Communications Parkway (110-foot right-of-way at this point) bears South, 88° 50' 12" West, 279.89 feet;

THENCE North, 88° 50' 12" East, along the north line of said 112.582 net acre tract, a distance of 1,684.06 feet to a point in the centerline of the Dallas North Tollway (300-foot right-of-way);

THENCE in a southerly direction along the centerline of said Dallas North Tollway, the following courses and distances to wit:

South, 31° 00' 52" West, a distance of 1,280.88 feet to a point for the point of curvature of a curve to the left;

Along the arc of said curve to the left, through a central angle of 02° 56' 37", having a radius of 2,864.79 feet, a chord being of South, 29° 32' 34" West, a chord distance of 147.16 feet and an arc length of 147.18 feet;

THENCE South, 81° 04' 31" West, departing the centerline said Dallas North Tollway, a distance of 584.87 feet to a point in the east line of Communications Parkway Substation, Lot 1, Block 1, an Addition to the City of Plano, Texas, according to the Map or Plat thereof recorded in Volume 2009, Page 56, M.R.C.C.T.;

THENCE North, 08° 55' 29" West, along the east line of said Lot 1, Block 1, a distance of 155.00 feet to a point for the northeast corner of said Lot 1;

THENCE South, 81° 04' 31" West, along the north line of said Lot 1, Block 1, a distance of 406.48 feet to a point for corner;

THENCE leaving said north line, the following courses and distances to wit:

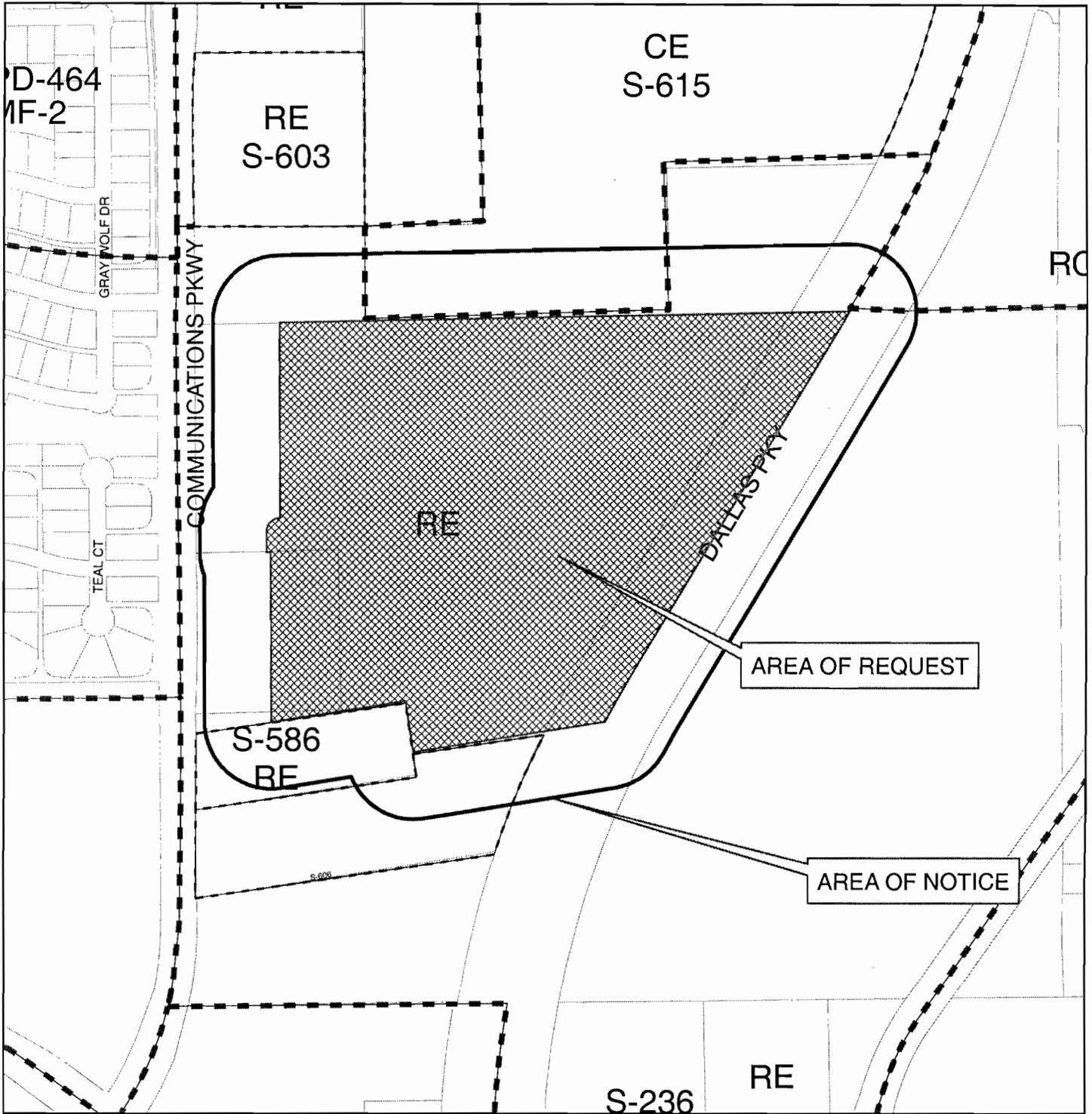
North, 00° 19' 20" West, a distance of 506.71 feet to a point for corner;

South,  $89^{\circ} 41' 09''$  West, a distance of 12.00 feet to a point for corner;

North,  $00^{\circ} 18' 50''$  West, a distance of 59.63 feet to a point the point of curvature of a curve to the right;

Along the arc of said curve to the right, through a central angle of  $87^{\circ} 51' 03''$ , having a radius of 43.02 feet, a chord bearing of North,  $43^{\circ} 37' 20''$  East, a chord distance of 59.69 feet and an arc length of 65.96 feet to a point for corner;

North,  $00^{\circ} 18' 51''$  West, a distance of 582.23 feet to the POINT OF BEGINNING and CONTAINING 37.43 acres of land.



Zoning Case #: 2012-50

Existing Zoning: REGIONAL EMPLOYMENT/  
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer





ZONING:  
(RE) REGIONAL EMPLOYMENT  
DALLAS NORTH TOLLWAY  
OVERLAY DISTRICT  
CURRENT USE:  
AGRICULTURE

ZONING:  
(CE) COMMERCIAL EMPLOYMENT W/  
S.U.P. #615 FOR NEW CAR DEALER  
DALLAS NORTH TOLLWAY  
OVERLAY DISTRICT  
CURRENT USE:  
NEW CAR DEALER  
CALLED 37.721 ACRES  
PACIFIC WEST LLC (1/3 INTEREST)  
VOLUME 5424, PAGE 2814  
L.R.C.C.T.

ZONING:  
(RE) REGIONAL EMPLOYMENT  
DALLAS NORTH TOLLWAY  
OVERLAY DISTRICT  
CURRENT USE:  
AGRICULTURE  
CALLED 3.000 ACRES  
PARKWAY PROFESSIONAL CENTER, LLC  
DOC. NO. 2008027000-49576  
O.P.R.C.C.T.

ZONING:  
(RC) REGIONAL COMMERCIAL  
DALLAS NORTH TOLLWAY  
OVERLAY DISTRICT  
CURRENT USE:  
AGRICULTURE

EXISTING ZONING:  
(RE) REGIONAL EMPLOYMENT  
DALLAS NORTH TOLLWAY  
OVERLAY DISTRICT

PROPOSED ZONING:  
(CE) COMMERCIAL EMPLOYMENT

GROSS ACREAGE:  
37.43 AC.

NET ACREAGE:  
32.47 AC.

CURRENT USE:  
AGRICULTURE

S.U.P.  
NEW CAR DEALER

**EXHIBIT A  
LEGAL DESCRIPTION**  
37.43 ACRES

BEING a tract of land situated in the Henry B. Miller Survey, Abstract No. 614, in the City of Plano, Collin County, Texas, and being a portion of a called 112,582 net acre tract of land conveyed to Acres of Sunshine, Ltd., as evidenced in a Special Warranty Deed, Bill of Sale and Assignment recorded in Volume 4227, Page 827 of the Land Records of Collin County, Texas (L.R.C.C.T.), and all of the 5.25 acre tract of land described in deed to Owen Haggard as evidenced in a Quitclaim Deed recorded in Volume 3262, Page 624, L.R.C.C.T. and being more particularly described by metes and bounds as follows:

**BEGINNING** at a point in the north line of said 112,582 acre tract from which a point in the east right of way line of Communications Parkway (110' ROW at this point) bears South 88°50'12" West, 279.89 feet;

**THENCE** North 88°50'12" East, along the north line of said 112,582 net acre tract, a distance of 1684.06 feet to a point in the centerline of the Dallas North Tollway (300' ROW);

**THENCE** in a southerly direction, along the center line of said Dallas North Tollway, the following courses and distances to wit:

South 31°00'52" West, a distance of 1280.88 feet to a point for the point of curvature of a curve to the left;

Along the arc of said curve to the left, through a central angle of 2°56'37", having a radius of 2864.79 feet, a chord bearing of South in 29°32'34" West, a chord distance of 147.16 feet and an arc length of 147.18 feet;

**THENCE** South 81°04'31" West, departing the centerline of said Dallas North Tollway, a distance of 584.87 feet to a point in the east line of Communications Parkway Substation, Lot 1, Block 1, an Addition to the City of Plano, Texas, according to the Map or Plat thereof recorded in Volume 2009, Page 56, M.R.C.C.T.;

**THENCE** North 08°55'29" West, along the east line of said Lot 1, Block 1, a distance of 155.00 feet to a point for the northeast corner of said Lot 1;

**THENCE** South 81°04'31" West, along the north line of said Lot 1, Block 1, a distance of 406.48 feet to a corner;

**THENCE** leaving said north line, the following courses and distances to wit:  
North 00°19'20" West, a distance of 506.71 feet to a point for corner;

South 88°41'09" West, a distance of 12.00 feet to a point for corner;

North 00°18'50" West, a distance of 59.63 feet to a point for the point of curvature of a curve to the right;

Along the arc of said curve to the right, through a central angle of 87°51'03", having a radius of 43.02 feet, a chord bearing of North 43°37'20" East, a chord distance of 59.69 feet and an arc length of 65.96 feet to point for corner;

North 00°18'51" West, a distance of 582.23 feet to the **POINT OF BEGINNING** and containing 37.43 acres of land.

Bearings based upon the City of Plano Control Monuments, Station 820 and Station 08. The bearings are Grid bearings. The distances are Surface values.

This document was prepared under 22 TAC §683.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Dana Brown  
Registered Professional Land Surveyor No. 5338  
Kinley-Horn and Associates, Inc.  
12750 Merit Drive, Suite 1000  
Dallas, Texas 75251  
Ph. 972-770-1300  
dana.brown@kinley-horn.com

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2012-50  
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President and Managing Member: Riney Eving, III  
CEO and Registered Agent: Mary Hultason

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Fax No. (972) 422-4518  
Contact: Owen Haggard

**SURVEYOR:**  
Kinley-Horn and Associates, Inc.  
12750 Merit Drive, Suite 1000  
Dallas, Texas 75251  
Tel. No. 972-770-1300  
Fax No. 972-239-3820

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

**AGENDA ITEM NO. 10 - PUBLIC HEARING  
COMPREHENSIVE PLAN AMENDMENT - THOROUGHFARE PLAN MAP  
APPLICANT: CITY OF PLANO**

Request to amend the Thoroughfare Plan Map of the Comprehensive Plan.

**APPROVED:** 8-0 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**STIPULATIONS:**

Recommended for approval as submitted.

SS/dc

CITY OF PLANO  
PLANNING & ZONING COMMISSION

November 19, 2012

**Agenda Item No. 10**

**Public Hearing:** Comprehensive Plan Amendment - Thoroughfare Plan Map

**Applicant:** City of Plano

---

**DESCRIPTION:**

Request to amend the Thoroughfare Plan Map of the Comprehensive Plan.

**REMARKS:**

**Background**

In 1981, the City of Plano added a thoroughfare to the Thoroughfare Plan map at the request of a property owner who owned land situated along the west side of the Dallas North Tollway from Communications Parkway to Spring Creek Parkway. The proposed thoroughfare intersected the Dallas North Tollway halfway between Windhaven Parkway and Spring Creek Parkway. The design and designation of the proposed roadway has been amended over the past thirty years from a Type C thoroughfare (major, six lanes divided) to its current designation as a Type D thoroughfare (secondary, four lanes divided). The proposed roadway would begin at Communications Parkway and travel east to an existing underpass at the Dallas North Tollway and continuing eastward terminating at Spring Creek Parkway.

**Purpose of Amendment**

The same property owner has requested the City of Plano to amend the Thoroughfare Plan by removing the western segment of the Type D thoroughfare from Communications Parkway to the Dallas North Tollway. The eastern segment of the proposed roadway from the Dallas North Tollway to Spring Creek Parkway would remain as is on the Thoroughfare Plan map.

The property owner has submitted a development proposal for his land on the west side of the Dallas North Tollway for consideration by the Planning & Zoning Commission and City Council (see companion agenda items 9A and 9B). The removal of the western segment of the proposed thoroughfare allows for development of a larger tract of land. The proposed roadway segment to be removed from the Thoroughfare Plan map is identified on the attached map within a small oval to the left of the Dallas North Tollway above Windhaven Parkway.

## **Impact of Request**

The Transportation Engineering Division provided analysis regarding the traffic impact related to the removal of the proposed segment of the roadway from the Thoroughfare Plan map, and has determined that deleting this roadway segment does not cause a significant degradation in the quality of traffic flow at existing and planned intersections in the vicinity. The Transportation Engineering Division findings are attached to this staff report.

## **RECOMMENDATION:**

Recommended for approval as submitted.

# CITY OF PLANO THOROUGHFARE PLAN

Note: The Thoroughfare Plan is intended to be used in conjunction with the Transportation chapter of the Comprehensive Plan.

Proposed Segment To Be Removed



- LEGEND**
- T A Expressway
  - B+ H C Major or Secondary Divided Thoroughfare
  - C1 D
  - E E- F Secondary Undivided Thoroughfare
  - Interchange Grade Separation
  - Railroad/Street Grade Separation
  - ✕ Grade Separation, No Interchange
  - Ⓚ DART Facility

Thoroughfare Plan and Map Adopted by City Council on March 28, 2011

All roadways are shown in approximate locations  
 \*There are presently no plans to construct any grade separated interchanges on Preston Road or Spring Creek Parkway. The intersection of Legacy Drive and Preston Road should be monitored over time as future traffic conditions may require re-evaluation to determine if a grade separated interchange would be necessary.

The section of Shiloh Road between Parker Road and 14th Street is subject to the design and development phasing plan defined in Resolution Number 96-2-24(R).





## Proposed Arterial Road Removal from the City of Plano Thoroughfare Plan

### Background:

The developer of an undeveloped parcel of land located in northwest Plano has proposed the removal of a segment (from Dallas North Tollway (DNT) to Communications Parkway) of a planned arterial road from the City of Plano Thoroughfare Plan. The removal will facilitate land development by not splitting the property thus creating one homogeneous parcel.

The planned arterial road (from Spring Creek Parkway to Communications Parkway) in question has not been built and although shown on the Thoroughfare Plan it is not contained in any local or regional transportation forecast model that could be found. Plano road development activities of the past 9 years did not consider the impact of having this particular segment built. This fact is moot since all roads and intersections during this period have been designed and constructed based on this arterial not being a part of the long range plan. These intersections are expected to continue to operate satisfactorily today and into the future. If the proposed arterial road were constructed the traffic volumes at the surrounding signalized intersections would be reduced leading to even less traffic delay than what exists today or planned for in the future.

A detailed analysis of the traffic impacts from this proposal was not undertaken given time constraints and data requirements to do so. Instead a review of available traffic data, planned local area road improvements, and discussions with Plano leadership and emergency service providers was made to ascertain the impact of the proposal.

### Road Classification:

The yet to be constructed arterial road that runs from Spring Creek Parkway to Communications Parkway is envisioned as a 35 mph Type D Arterial Road capable of carrying up to 31,600 vehicles per day (LOS E). The arterial road segment proposed for removal from the Thoroughfare Plan runs along the southern limits of the property from the DNT to Communications Parkway

### Adjacent Land Use:

The abutting land is classified as Regional Employment (RE). This classification permits office and manufacturing uses that are consistent with the regional status of tollways and expressways serving Plano and surrounding communities. A freestanding restaurant is permitted in this zone if it is 5000 square-feet or more in size with no drive-in window (see attached Regional Employment Permitted Uses sheet).

### Adjacent Intersections:

The number and type of lanes on the approach to signalized intersections surrounding the proposed site consists of left-turn, through, and dedicated right-turn lanes where appropriate.

### *Level of Service (LOS):*

The signalized intersections surrounding the proposed site operate with the following quality of service under existing and proposed conditions:

Intersection	LOS (2012)	
	Before	After
Communications at Spring Creek	C	C
Communications at Windhaven	A	A
DNT at Windhaven	C	C
DNT at Spring Creek	D	D
Parkwood at Spring Creek	B	D
Spring Creek at Windhaven	B	B
Parkwood at Windhaven	E	D

If the planned arterial road were to be constructed the intersections at Spring Creek Parkway, Parkwood Boulevard, Dallas North Tollway, and Communications Parkway will all operate at LOS D or better.

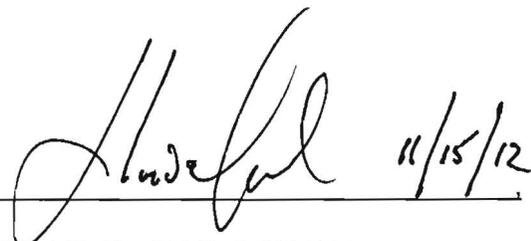
Conclusion:

The Plano Thoroughfare Road Network has been successfully designed, constructed, and operated without considering the traffic impact from building the proposed arterial road. The proposed removal of the arterial road segment (from DNT to Communications Parkway) does not cause a significant degradation in the quality of traffic flow at existing and planned intersections in the vicinity of the property.

It is the opinion of the Transportation Engineering Division that the proposed removal of a segment of the proposed arterial road from the Plano Thoroughfare Plan, for purposes of facilitating the development of the land parcel, will not cause unacceptable operation at surrounding signalized intersections.

Recommendation:

- Approve the applicant request to remove the segment (between Communication Parkway and the southbound Dallas North Tollway service road) of planned arterial road from the Plano Thoroughfare Plan.

By:  11/15/12

Lloyd E. Neal P.E. / P.T.O.E.  
Plano Transportation Engineering Manager

## Article 2. Zoning Districts and Uses

### 2.825 RE - Regional Employment

(ZC 2000-68; Ordinance No. 2000-10-11)

#### 1. Purpose

The RE district is intended to provide for office and limited manufacturing uses that are consistent with the regional status of certain tollways and expressways serving Plano and surrounding communities. Some retail uses are also appropriate when developed in conjunction with the primary uses. The district's standards are designed to ensure compatibility between the various uses within a corridor and surrounding residential neighborhoods.

#### 2. Permitted Uses

See Subsection '2.502 Schedule of Permitted Uses', for a complete listing.

#### 3. Area, Yard, and Bulk Requirements

Building placement and bulk are subject to compliance with building and fire codes.

Description	Requirement
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Depth	None
Minimum Front Yard	From the frontage roads of a Type T or AA thoroughfare (as identified on the city's Thoroughfare Plan), 50 feet From all other streets, 50 feet, except as specified in Section 3.500 or Other Setback Requirements below
Minimum Side Yard	None
--of Corner Lot	50 feet on street side
Minimum Rear Yard	None

## Article 2. Zoning Districts and Uses

Description	Requirement
Maximum Height (ZC 2001-08; Ordinance No. 2001-5-28)	<p>20 story, not to exceed 325 feet in height, except as noted in Other Setback Requirements below</p> <p>Structured parking is limited to three levels total at or above grade and may be further restricted by the setback requirements as set forth in Other Setback Requirements below. Grade level parking counts as one of the three total levels. Below grade parking may be constructed in addition to the three levels of at or above grade parking provided that at least one-half of the height of the level is below the average elevation of the ground, prior to berming, using measurements taken at each corner of the parking structure.</p>
Maximum Lot Coverage	50%, 70% if structured parking facilities are included
Maximum Floor Area Ratio	1:1
Other Setback Requirements (ZC 2001-08; Ordinance No. 2001-5-28)	<p>In addition to the front yard, side yard, rear yard, and maximum height requirements noted above, the following minimum setbacks from residential zoning districts shall apply to all main buildings, parking structures, and accessory buildings as measured from the district boundary line of the nearest residential district:</p> <p>A minimum setback of 50 feet as measured from the property line or three times the height, minus 30 feet as measured from the nearest residential district boundary line is required, whichever is more restrictive. Conversely, the allowed height of a main building, parking structure or accessory building, at a certain setback, would be equal to one-third the setback plus ten feet.</p> <p>A maximum height of eight stories or 140 feet, whichever is more restrictive, shall extend for a distance of 1,000 feet from the nearest residential district boundary line.</p> <p>Beyond 1,000 feet, the setback shall be increased at a rate of one time the height of that portion above 140 feet or eight stories, whichever is more restrictive, up to 325 feet in height or 20 stories, whichever is more restrictive.</p> <p>(See 'Appendix Illustrations' 17 for clarification.)</p>

4. **Parking Requirements (See Section '3.1100 Off-Street Parking and Loading'.)**
5. **Landscaping (See Sections '3.1200 Landscaping Requirements' and '4.600 Dallas North Tollway Overlay District' and 6. below)**

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## Article 2. Zoning Districts and Uses

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### 6. Special District Requirements

- a. The design and orientation of buildings and related elements shall be in accordance with the following:
  - i. Loading docks or spaces, trash collection facilities (dumpsters, compactors, and related devices), and automobile or truck service bays shall be located a minimum of 100 feet from rights-of-way of Type C and above thoroughfares that form a boundary between an RE district and adjacent zoning districts. The Planning & Zoning Commission may require wing walls or other techniques to visually screen loading docks or spaces, trash collection facilities, and service bays from surrounding streets. In addition to the requirements for placement and screening of these facilities as outlined above and in Sections 3.1000 and 3.1100, any loading docks or spaces, trash collection facilities, or service bays which face toward the parallel Type C and above thoroughfares and which are not blocked from view by a building or other structure shall be screened by increased landscaping requirements. In such instances, a 50-foot landscape edge will be required for the full length of the lot or parcel under development. Earthen berms of at least four feet in height, as measured from the finished grade of the lot, shall be placed within the landscape edge. Said berms shall have a maximum slope of four to one, requiring at least four feet of horizontal width for every one foot in vertical height. Said berms may be placed within the required front yard only when used to screen loading spaces, trash collection facilities, and service bays. The landscape edge shall include one three-inch caliper shade tree and one ornamental tree (seven foot planted height) per 25 feet of frontage on the specified thoroughfare. Driveways may extend through the landscape edge if they meet the city's requirements for location, design, and traffic visibility.
  - ii. Seventy-five percent of any exposed exterior wall of main buildings, parking structures, and accessory buildings shall consist of glass, native stone, clay-fired brick or tile, or a combination of these materials. All exterior building materials made of glass shall have a maximum exterior visible reflectance of 20%. Other finishes and materials may be used at the sole discretion of the Planning & Zoning Commission if adopted as part of the site plan approval and if permitted by building and fire codes. Any finish and material permitted by building and fire codes may be used on the remaining 25% of any exposed exterior wall, except that for high-rise buildings only this percentage may be increased to 50% for use of metal only. The Planning & Zoning Commission may allow, at its sole discretion, the use of concrete, concrete block, and tile, as described in the City of Plano Building Code on exterior walls that are not visible from public thoroughfares. These finishes must be consistent in color with the remainder of the building. These would include the walls of service courts and other facilities that are secluded from view by the specific design of a building or group of buildings. (ZC 2011-02; Ordinance No. 2011-2-14; ZC 2001-08; Ordinance No. 2001-5-28)
  - iii. Roof-mounted mechanical units shall be screened in accordance with Subsection 3.1003. Ground-mounted mechanical units shall be screened from view by walls constructed of the same materials and finishes as the building or by a solid landscape screen. These screens shall be a minimum of six feet in height. Plants must be placed so as to create a six-foot tall solid screen within two years of installation. All landscaping must be irrigated and must be replaced if damaged.

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## Article 2. Zoning Districts and Uses

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- iv. Cross-access easements shall be provided in accordance with Section 5.2, Lot Design and Improvements, of the City of Plano Subdivision Ordinance No. 95-4-25 and its subsequent amendments. In addition to requiring cross access to median openings, cross-access easements may be required to provide access to at least two public thoroughfares. The Planning & Zoning Commission may determine that cross access is not appropriate for reasons of security, safety, or circulation.
  
- b. Retail and service uses identified with an “\*” in Subsection 2.502, Schedule of Permitted Uses, may not occupy more than ten percent of the gross floor area\*\* of a building unless the building and the designated location and amount of said uses are part of an approved site plan for more than one building, and the amount of space for these uses does not exceed ten percent of the combined floor area of all constructed buildings. The space for these uses may be redistributed within and among the buildings with the approval of a revised site plan. If a site plan includes multiple lots, all property owners must authorize the application. These uses may not be distributed among noncontiguous parcels of land.
  
- c. A freestanding (sole use and occupant) restaurant/cafeteria is permitted in an RE district if it has a minimum of 5,000 square feet of gross floor area\*\* and no drive-in window. (ZC 2009-18; Ordinance No. 2009-11-8)

\*\* “Gross Floor Area” means the total floor area of a building from the exterior face of a building or from the centerline of a wall separating two buildings, but shall exclude any space where the floor-to-ceiling height is less than six feet and all patios, balconies, and parking facilities.

**Disclaimer** - Uses listed by zoning district are provided as a convenience but should not be relied upon as the most current and accurate source of information. Please contact the City of Plano Planning Department to verify a specific use.

## RE - Regional Employment Permitted Uses

<b>Accessory and Incidental Uses</b>	
Accessory Building or Use	P
Caretaker's/Guard's Residence	P
Construction Yard (Temporary)	35
Field Office	35
Homebuilder Marketing Center	P

<b>Automobile and Related Uses</b>	
Automobile Parking Lot/Garage	P

<b>Commercial, Manufacturing, and Industrial Uses</b>	
Concrete/Asphalt Batching Plant (Temporary)	36
Manufacturing - Light-intensity	P

<b>Educational, Institutional, Public, and Special Uses</b>	
Assembly Hall	P
Assisted Living Facility	S
Cemetery/Mausoleum	S
Civic Center	P
College/University	P
Community Center	P
Continuing Care Facility	S
Farm, Ranch, Garden, or Orchard	P
Fire Station/Public Safety Building	P
Fraternal Organization, Lodge, or Civic Club	P
Golf Course/Country Club (Private)	S

<b>Educational, Institutional, Public, and Special Uses</b>	
Helistop	S
Hospital	P
Independent Living Facility	S
Long-term Care Facility	S
Park/Playground	P
Post Office	P
Private Recreation Facility	P
Recreation Center	P
Religious Facility	P
School - Primary or Secondary (Private)	P
School - Primary or Secondary (Public or Parochial)	P
Trade/Commercial School	P

<b>Office and Professional Uses</b>	
Clinic	P
Medical Office	P
Office Center	P
Office - Professional/General Administrative	P
Research and Development Center	P

<b>Retail Uses</b>	
Antique Shop	*
Convenience Store	R, *, 33
Florist Shop	*
Food/Grocery Store	*
Furniture, Home Furnishings, and Equipment Store	*
General Merchandise Store	*
Hardware	*
Miscellaneous Retail Store	*

**P** = Permitted Use; **S** = Specific Use Permit Required; **R** = Refer to Residential Adjacency Standards of the Zoning Ordinance; \* = Uses allowed when their combined area does not exceed ten percent of the gross floor area of a development; see Subsection 2.825 or Subsection 2.826 of the Zoning Ordinance; **33** = Fuel dispensing and/or car washing facilities associated with this use may be prohibited when in proximity to residential districts. See Residential Adjacency Standards of the Zoning Ordinance

Retail Uses	
Pet Shop	*
Retail/Service (Incidental)	*
Retail Stores and Shops	*
Shopping Center	*

Service Uses	
Arcade	S
Artisan's Workshop	*
Bank, Savings and Loan, or Credit Union	P
Body Piercing	37
Business Service	P
Cleaning - Small Plant/Shop	*
Commercial Amusement (Indoor)	S
Commercial Amusement (Outdoor)	S
Commercial Pet Sitting/Kennel (Indoor Pens)	P
Data Center	P
Day Care Center	P
Day Care Center (Accessory)	P
Gymnastics/Dance Studio	P
Health/Fitness Center	S
Licensed Massage Therapy	P
Mortuary/Funeral Parlor	P
Motel/Hotel	20
Personal Service Shop	P
Print Shop (Minor)	*
Private Club	S
Residence Hotel	20
Restaurant/Cafeteria	P, 43

**P** = Permitted Use; **S** = Specific Use Permit Required; \* = Uses allowed when their combined area does not exceed ten percent of the gross floor area of a development; see Subsection 2.825 or Subsection 2.826 of the Zoning Ordinance; **20** = Permitted when the building is a minimum of 200 feet from the nearest residential district boundary; **37** = Permitted as an accessory use to a personal service shop and allowed in districts where that use is permitted; allowed by specific use permit as a primary use in the Retail, Corridor Commercial, Light Commercial, Light Industrial-1, and Light Industrial-2 districts. See Subsection 3.116 and Schedule of Permitted Uses of the Zoning Ordinance; **43** = See Subsection 2.825 of the Zoning Ordinance

Studio for Photographer, Musician, Artist, Radio, and/or TV	P
Tattooing and Permanent Cosmetics	37
Theater - Neighborhood	S
Theater - Regional	S
Veterinary Clinic	P

### Transportation, Utility, and Communications Uses

Antenna	34
Antenna Support Structure (Commercial and Amateur)	34
Electrical Substation	S
Private Utility (other than listed)	S
Transit Center	S
Transportation and Utility Structures/Facility	P
Utility Distribution/Transmission Line	P

### Wholesale Uses

Office - Showroom/Warehouse	P
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**P** = Permitted Use; **S** = Specific Use Permit Required; **34** = See Subsection 3.107 of the Zoning Ordinance; **37** = Permitted as an accessory use to a personal service shop and allowed in districts where that use is permitted; allowed by specific use permit as a primary use in the Retail, Corridor Commercial, Light Commercial, Light Industrial-1, and Light Industrial-2 districts. See Subsection 3.116 and Schedule of Permitted Uses of the Zoning Ordinance

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

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

**WHEREAS**, the Thoroughfare Plan map was last updated on March 28, 2011, (Ordinance No. 2011-4-5); and

**WHEREAS**, the Planning & Zoning Commission has reviewed the proposed amendment to the Thoroughfare Plan map of the Comprehensive Plan removing the western segment of the Type D thoroughfare from Communications Parkway to the Dallas North Tollway and located between Spring Creek Parkway and Windhaven Parkway, during a public hearing held on November 19, 2012; and

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

**WHEREAS**, the City Council held a public hearing on December 10, 2012, open to all persons wishing to comment on the proposed map amendment; and

**WHEREAS**, the City Council, having been presented the proposed map amendment, upon full review and consideration thereof, and all matters attendant and related thereto, is of the opinion that the amended Thoroughfare Plan map of the Comprehensive Plan should be approved, adopted and utilized by the City of Plano.

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

**Section I.** The Thoroughfare Plan map of the Comprehensive Plan is hereby amended removing the western segment of the Type D thoroughfare from Communications Parkway to the Dallas North Tollway and located between Spring Creek Parkway and Windhaven Parkway, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interest of the City of Plano and its citizens, is hereby approved and adopted.

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

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

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

**Section IV.** This Comprehensive Plan does not constitute zoning regulations nor does it establish zoning district boundaries. In addition, adoption of the plan as attached does not require the City to rezone property or amend development standards.

**Section V.** The Comprehensive Plan does not obligate the City to expend funds on any of the recommendations for possible activities, projects or studies.

**Section VI.** The City Council may amend the Comprehensive Plan following a public hearing held before the City Council and receipt of a report and recommendation of the Planning & Zoning Commission pertaining to the amendment. The Planning & Zoning Commission shall conduct a public hearing before making its report and recommendation to the City Council. Notice of a public hearing pertaining to consideration of an amendment to the Comprehensive Plan shall be given in a newspaper of general circulation not less than ten days prior to the hearing.

**Section VII.** City staff is permitted to add to or modify the literary and exhibit contents of the amended Transportation Element with such materials as graphs, tables, indexes, maps, background materials, additional policy statements, etc., so long as they are consistent with the policies and recommendations of the Comprehensive Plan, without the need for further City Council approval.

**Section VIII.** This ordinance shall become effective immediately from and after its passage.

**DULY PASSED AND APPROVED THIS 10TH DAY OF DECEMBER, 2012.**

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

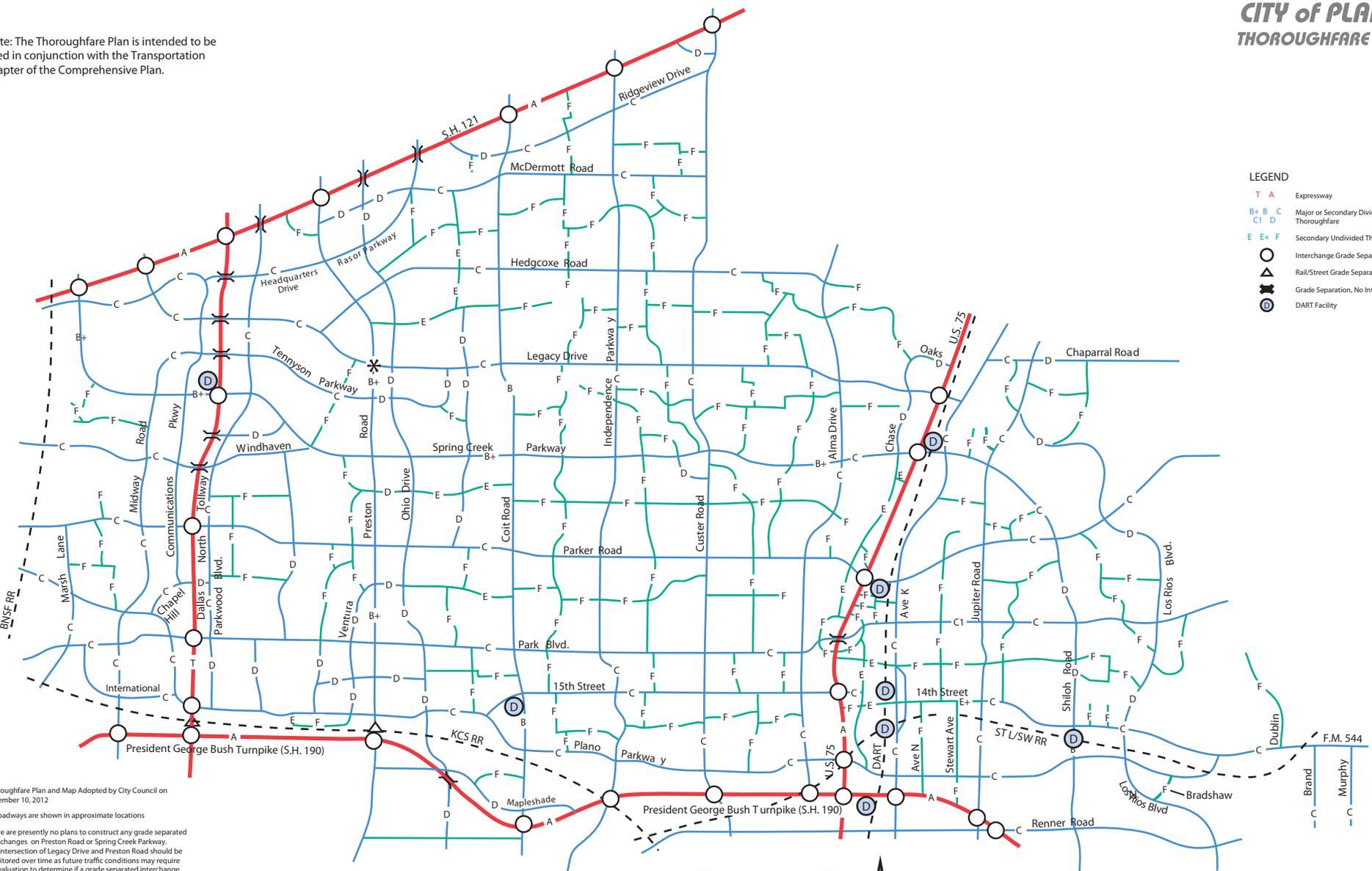
APPROVED AS TO FORM:

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Diane C. Wetherbee, CITY ATTORNEY

# CITY of PLANO THOROUGHFARE PLAN

Note: The Thoroughfare Plan is intended to be used in conjunction with the Transportation chapter of the Comprehensive Plan.



**LEGEND**

T A	Expressway
B+ B C	Major or Secondary Divided Thoroughfare
C1 D	Secondary Undivided Thoroughfare
E E+ F	Secondary Undivided Thoroughfare
○	Interchange Grade Separation
△	Rail/Street Grade Separation
✱	Grade Separation, No Interchange
⊙	DART Facility

Thoroughfare Plan and Map Adopted by City Council on December 10, 2012

All roadways are shown in approximate locations

\*There are presently no plans to construct any grade separated interchanges on Preston Road or Spring Creek Parkway. The intersection of Legacy Drive and Preston Road should be monitored over time as future traffic conditions may require re-evaluation to determine if a grade separated interchange would be necessary.

The section of Shiloh Road between Parker Road and 14th Street is subject to the design and development phasing plan defined in Resolution Number 98-2-23(R).

