



CITY COUNCIL

**1520 K Avenue, Plano, Texas 75074 and via
Videoconference**

DATE: September 14, 2020

TIME: 7:00 PM

This Council Meeting will be held in the Senator Florence Shapiro Council Chambers. The facility will not be open to the public except for limited access to make in person comments during the Tax Rate Public Hearing. Registration is required by 4:00 p.m. on the day of the meeting by using the link below.

Members of the public are entitled to participate remotely via broadcast by webinar at the following URL location (registration is required by 4:00 p.m. on the day of the meeting):

https://plano.zoom.us/webinar/register/WN_eQPXdvkNRUuWRbTKL28dWw

The meeting will be live streamed on Plano's website at www.planotv.org for those wanting to watch the meeting but not address the Council.

Emails regarding agenda items may be submitted to councilcomments@plano.gov by 4:00 p.m. on the day of the meeting.

CALL TO ORDER

INVOCATION:

PLEDGE OF ALLEGIANCE / TEXAS PLEDGE:

OUR VISION - PLANO IS A GLOBAL ECONOMIC LEADER BONDED BY A SHARED SENSE OF COMMUNITY WHERE RESIDENTS EXPERIENCE UNPARALLELED QUALITY OF LIFE.

The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.

PROCLAMATIONS AND SPECIAL RECOGNITIONS

Certificate of Commendation: The Plano Citizens Academy Class recently completed the necessary courses for graduation.

Certificate of Commendation: 2020 Census Complete Count Committee is being recognized for their work.

COMMENTS OF PUBLIC INTEREST

This portion of the meeting is to allow up to three (3) 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.

CONSENT AGENDA

The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. The Presiding Officer will establish time limits based upon the number of speaker requests.

Approval of Minutes

- (a) August 24, 2020

Approval of Expenditures

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

- (b) RFB No. 2020-0375-AC for three-year contracts for Generator Maintenance and Repairs, each with one (1) automatic three-year renewal for Fleet Services, to three companies as follows: Holt Texas, Ltd. in the estimated amount of \$180,500; Altuxex in the estimated amount of \$88,610; and Waukesha-Pearce Industries, LLC in the estimated amount of \$34,100 for preventative maintenance services; each contract will include an hourly rate for unforeseen damage, necessary repairs, and recommended upgrades to electronics, for an estimated three-year amount to Holt Texas, Ltd. for \$178,589, Altuxex for \$87,672 and Waukesha-Pearce Industries, LLC for \$33,739 for unforeseen repairs; and authorizing the City Manager to execute all necessary documents.
- (c) CSP No. 2020-0324-B for Plano Event Center Renovation, Project No. 7135, for the Facilities Department to North American Commercial Construction, L.P. in the amount of \$321,201; and authorizing the City Manager to execute all necessary documents.
- (d) RFB No. 2020-0609-B for Westgate Subdivision Paving and Water Line Improvements, Project No. 7045, for the Engineering Department to Quality Excavation, LLC in the amount of \$4,369,662; and authorizing the City Manager to execute all necessary documents.

Purchase from an Existing Contract

- (e) To approve the purchase of Food Service Equipment for the Plano Event Center in the amount of \$104,870 from Pasco Brokerage Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (Choice Partners 19/039TJ-15)

Approval of Change Order

- (f) To approve an increase to the current awarded contract amount of \$1,677,733 by \$403,200, for a total contract amount of \$2,080,933, for Arterial Pavement Maintenance Requirements Contract - Minor Repairs V, from Jerusalem Corporation for the Public Works Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2019-0327-P; Change Order No.1)

Approval of Expenditure

- (g) To approve an expenditure for Special Inspections and Construction Material Testing Services for the High Point North Maintenance Facility, Project No. 6972, in the amount of \$98,023 for the Engineering Department from Terracon Consultants, Inc.; and authorizing the City Manager to execute all necessary documents.
- (h) To approve an expenditure for construction materials testing professional services for Westgate Subdivision Paving and Water Line Improvements, Project No. 7045, in the amount of \$127,606 from Terracon Consultants, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents.

Approval of Contract / Agreement

- (i) To approve an Interlocal Agreement by and between the City of Plano and Collin County Community College District for a one-year agreement with three (3) one-year City optional renewals in the estimated annual amount of \$20,000 for higher education professional development training of City employees; and authorizing the City Manager to execute all necessary documents. (City of Plano Internal Contract No. 2020-0450-I)
- (j) To ratify the First Amendment to the Subrecipient Agreement between the City of Plano and the Legacy Area Transportation Management Association (LATMA) extending the agreement from August 31, 2020 to October 31, 2024; and ratifying the City Manager's execution of the amendment and authorizing the execution of all necessary documents.

Adoption of Resolutions

- (k) To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for the Intersection Traffic Control Project, PIN 17560006409000, targeting intersections regulated by a signal light; authorizing the City Manager or his authorized designee to execute the grant agreement and any other documents necessary to effectuate the action taken; and providing an effective date.

Adoption of Ordinances

- (l) To approve a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”) regarding the Company’s 2020 Rate Review Mechanism (“RRM”) filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the Company to reimburse ACSC’s reasonable ratemaking expenses; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and agreeing that the City will deliver this Ordinance to the Company and the ACSC’s legal counsel.

ITEMS FOR INDIVIDUAL CONSIDERATION:

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 amend these times as deemed necessary.

Non-Public Hearing Items:

The Presiding Officer will permit 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.

- (1) Public Hearing and consideration of an Ordinance as requested in Zoning Case 2019-017 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 139 for Independent Living Facility on 11.6 acres of land located on the south side of State Highway 121, 545 feet west of Kathryn Lane, in the City of Plano, Collin County, Texas, presently zoned Planned Development-104-Regional Commercial and Planned Development-476-Regional Employment; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: LA-DF Investment Fund 8, LLC (At the July 27, 2020 Council meeting, a Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's denial of Zoning Case 2019-017 and Concept Plan 2019-010 was held and remanded back to the Planning & Zoning Commission.)

- (2) Public Hearing and consideration of an Ordinance as requested in Zoning Case 2020-023 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, amending Specific Use Permit No. 90 for Household Care Institution on 7.3 acres of land located on the south side of 14th Street, 620 feet west of Shiloh Road, in the City of Plano, Collin County, Texas, presently zoned Light Commercial with Specific Use Permit No. 90 for Household Care Institution; 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: The Salvation Army
- (3) Consideration to approve an expenditure for the purchase of construction services in the amount of \$12,958,671 from Thos. S. Byrne, Inc. for the Fire Training Facility, Project No. 6824, for the Engineering Department; and authorizing the City Manager to execute all necessary documents.
- (4) Consideration of an Ordinance to approve and adopt the Operating Budget and setting the appropriations for the fiscal year beginning October 1, 2020, and terminating September 30, 2021; and providing an effective date. (Public Hearings held on August 10, 2020 and August 15, 2020.)
- (5) Consideration of an Ordinance to approve and adopt the Community Investment Program and setting the appropriations for the fiscal year beginning October 1, 2020, and ending September 30, 2021; and providing an effective date. (Public Hearings held on August 10, 2020 and August 15, 2020.)
- (6) Public Hearing on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 2.97 percent (percentage by which proposed tax rate exceeds lower of voter approval tax rate or no new revenue tax rate calculated under Chapter 26, Tax Code).
- (7) Consideration of an Ordinance to approve and adopt the Tax Rate for the fiscal year beginning October 1, 2020, and terminating September 30, 2021; and providing an effective date. (Public Hearing is being held on September 14, 2020 prior to the adoption of this Ordinance.)
- (8) Consideration of an Ordinance to ratify the property tax revenue in the 2020-21 Budget as a result of the City receiving more revenues from property taxes in the 2020-21 Budget than in the previous fiscal year; and providing an effective date. (Public Hearing is being held on September 14, 2020 prior to the adoption of this Ordinance.)

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



CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020

DEPARTMENT: City Secretary

DIRECTOR:

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AGENDA ITEM: Members of the public are entitled to participate remotely via broadcast by webinar at the following URL location (registration is required by 4:00 p.m. on the day of the meeting):

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RECOMMENDED ACTION: Location Link

ITEM SUMMARY

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Emails regarding agenda items may be submitted to councilcomments@plano.gov by 4:00 p.m. on the day of the meeting.



CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020
DEPARTMENT: City Manager
DIRECTOR:
AGENDA ITEM: Recognition of Citizens Academy Graduates
RECOMMENDED ACTION: Proclamations and Special Recognition

ITEM SUMMARY

Certificate of Commendation: The Plano Citizens Academy Class recently completed the necessary courses for graduation.

ATTACHMENTS:

Description	Upload Date	Type
Certificate of Commendation	9/2/2020	Other



THE CITY OF PLANO

Certificate of Commendation

PRESENTED TO

Plano Citizens Academy Graduates Class of 2019-2020

The Plano Citizens Academy offers Plano residents an opportunity to learn about the basic roles and functions of their city administration, management, and city council. Classes are led by the city's municipal staff and include interactive discussions and tours that cover relevant subjects and offer current and useful material. Participants also learn about how the city works with other entities such as the Plano Independent School District, Collin County government, the Collin Community Colleges, and the Chamber of Commerce.

Congratulations, graduates! We thank you for your time and hope you found the experience beneficial.

September 14, 2020

Date




Harry LaRosiliere
Mayor, Place 6



CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020
DEPARTMENT: Proclamations
DIRECTOR:
AGENDA ITEM: Certificate - 2020 Census Complete Count Committee
RECOMMENDED ACTION: Proclamations and Special Recognition

ITEM SUMMARY

Certificate of Commendation: 2020 Census Complete Count Committee is being recognized for their work.

ATTACHMENTS:

Description	Upload Date	Type
Certificate of Commendation	9/8/2020	Other



THE CITY OF PLANO

Certificate of Commendation

PRESENTED TO

2020 Census Complete Count Committee

The first U. S. Census was conducted in 1790 and counted 13 states and four districts. The Plano City Council established the Plano Census Complete Count Committee (CCC) in 2019, composed of 30 members. The CCC is gathering the necessary census information this year. The Census platform for 2020 is "Shape your future.

START HERE" and is incorporated into all awareness materials to guide and support the efforts of states, communities and nonprofit organizations as they work to collect statistics.

September 14, 2020

Date




Harry LaRosiliere
Mayor, Place 6



CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020
DEPARTMENT: City Secretary
DIRECTOR: Lisa Henderson, City Secretary
AGENDA ITEM: Approval minutes from August 24, 2020
RECOMMENDED ACTION: Approval of Minutes

ITEM SUMMARY

August 24, 2020

ATTACHMENTS:

Description	Upload Date	Type
Preliminary Meeting Minutes	9/4/2020	Minutes
Regular Session Minutes	9/4/2020	Minutes

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
August 24, 2020**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Kayci Prince, Mayor Pro Tem
Anthony Ricciardelli, Deputy Mayor Pro Tem
Maria Tu
Rick Grady
Shelby Williams
Lily Bao
Rick Smith

STAFF PRESENT

Mark Israelson, City Manager
Jack Carr, Deputy City Manager
Shelli Siemer, Deputy City Manager
Greg Rushin, Deputy City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor Pro Tem Prince called the meeting to order at 5:00 p.m., Monday, August 24, 2020, via videoconference. A quorum was present. Mayor Pro Tem Prince stated the Council would retire into Executive Session, via videoconference, in compliance with Chapter 551, Government Code, Vernon's Texas Codes Annotated in order to consult with an attorney to receive Legal Advice, Section 551.071; discuss Economic Development matters, Section 551.087; and to discuss Personnel Matters, Section 551.074: for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required. Mayor LaRosiliere left the meeting after the Executive Session and did not return.

Mayor Pro Tem Prince reconvened the meeting back into the Preliminary Open Meeting at 6:00 p.m. Council Member Williams returned at 6:01 p.m.

- **Consideration and action resulting from Executive Session discussion**
- **Designation of Council Member Grady as the City's applicant to the NLC Board of Directors, Finance Administration and Intergovernmental Relations Committee, and Military Communities Council**
Council expressed concurrence to designate Council Member Grady as the City's applicant to the NLC Board of Directors, Finance Administration and Intergovernmental Relations Committee, and Military Communities Council.
- **Discussion and direction re: CARES Small Business Grants**
With Collin County taking over the small business grant program, Council directed staff to apply unused funds earmarked for small business grants to COVID related public safety expenses.
- **Campaign Finance Presentation**
Council directed staff to bring back additional information to the September 28th Preliminary Open Meeting for further discussion.

- **Consent and Regular Agendas**

Mayor Pro Tem Prince requested that Consent Agenda Item “K” be pulled for individual consideration.

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

With no further discussion, the Preliminary Open Meeting was adjourned at 6:50 p.m.

Kayci Prince, MAYOR PRO TEM

ATTEST:

Lisa C. Henderson, City Secretary

**PLANO CITY COUNCIL
REGULAR SESSION
August 24, 2020**

COUNCIL MEMBERS PRESENT

Kayci Prince, Mayor Pro Tem
Anthony Ricciardelli, Deputy Mayor Pro Tem
Maria Tu
Rick Grady
Shelby Williams
Lily Bao
Rick Smith

COUNCIL MEMBERS ABSENT

Harry LaRosiliere, Mayor

STAFF PRESENT

Mark Israelson, City Manager
Jack Carr, Deputy City Manager
Shelli Siemer, Deputy City Manager
Greg Rushin, Deputy City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor Pro Tem Prince convened the Council into the Regular Session on Monday, August 24, 2020 at 7:00 p.m. via videoconference. A quorum was present.

Invocation and Pledge

Council Member Bao led the invocation and Council Member Grady led the Pledge of Allegiance and Texas Pledge.

Proclamations and Special Recognitions

Proclamation: September 2020 is Hunger Action Month meant to mobilize the public to take action on the issue of hunger.

Comments of Public Interest

Jackson Pierce spoke to DART bus route changes.

Consent Agenda

MOTION: Upon a motion made by Council Member Grady and seconded by Deputy Mayor Pro Tem Ricciardelli, the Council voted 7-0 to approve all items on the Consent Agenda, except Item “K”, as follows:

Approval of Minutes

August 5, 2020 Council and P & Z Joint Special Called Meeting

August 5, 2020 Grant Work Session

August 10, 2020

August 15, 2020 Budget Work Session

(Consent Agenda Item “A”)

Approval of Expenditures

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

RFB No. 2020-0603-B for two (2) Spray Trucks for Fleet Services to be used by Grounds Maintenance Services to Grapevine DCJ, LLC in the amount of \$312,706; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Purchase from an Existing Contract

To approve the purchase of Oil and Lubrication Products for a one (1) year contract with four (4) one-year City optional renewals for Inventory Control & Asset Disposal in the estimated annual amount of \$80,000 from J.A.M. Equipment Sales & Service (Brenntag) through an existing contract; and authorizing the City Manager to execute all necessary documents. (Fort Worth ITB 20-0025) (Consent Agenda Item “C”)

To approve the purchase of Swimming Pool Chemicals, Supplies and Equipment for a ten (10) month contract with two (2) one-year City optional renewals for the Parks and Recreation Department in the estimated annual amount of \$75,000 from Sunbelt Pools, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 613-20) (Consent Agenda Item “D”)

Approval of Contract Modification

To approve an increase to the current awarded contract amount of \$129,070 by \$244,820, for a total contract amount of \$373,890, for Indian Creek Tributary No. 13 Study and Shady Creek Circle Bank Stabilization, Project No. 7146, from Walter P. Moore and Associates, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (2019-0485-X; Modification No. 1) (Consent Agenda Item “E”)

Approval of Expenditure

To approve an expenditure for Sales Tax Audit Consulting Services for a one (1) year contract with five (5) automatic one-year renewals in the estimated annual amount of \$400,000 from MuniServices, LLC for the Budget Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

To approve an expenditure for Irrigation Control Replacements in the amount of \$248,234 from Interspec LLC for the Parks and Recreation Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

To approve an expenditure for engineering professional services for Bridge Repairs Phase III - Construction Plans, Project No. 7056, in the amount of \$373,000 from Huitt-Zollars, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

Adoption of Resolutions

Resolution No. 2020-8-4(R): To authorize the filing of application for federal funds in an amount not to exceed \$248,125.00 under the Fiscal Year 2020 Homeland Security Grant Program through the Office of the Governor of Texas; designating the Director of Emergency Management as authorized representative of the City of Plano for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. (Consent Agenda Item “I”)

Resolution No. 2020-8-5(R): To approve the Investment Portfolio Summary for the quarter ended June 30, 2020 and providing an effective date. (Consent Agenda Item “J”)

END OF CONSENT

Ordinance No. 2020-8-6: To amend Chapter 1, Sec. 1-4 General penalty; continuing violations; providing a repealer clause, a severability clause, a savings clause, a publication clause and an effective date. (Consent Agenda Item “K”)

MOTION: Upon a motion made by Council Member Grady and seconded by Council Member Smith, the Council voted 7-0, to amend Chapter 1, Sec. 1-4 General penalty; continuing violations; and further to adopt Ordinance No. 2020-8-6.

Public Hearing and adoption of Ordinance No. 2020-8-7 as requested in Zoning Case 2020-001 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 133 for Independent Living Facility and rescinding Specific Use Permit No. 31 (S-31) for Day Care Center, but only to the extent that S-31 applies to the subject property, on 3.9 acres of land located on the west side of Premier Drive, 550 feet north of Enterprise Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial with Specific Use Permit No. 31 for Day Care Center; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: United Pentecostal Church of Plano Texas. (Regular Agenda Item “1”)

Public Hearing and adoption of Ordinance No. 2020-8-7 (Cont'd.)

Ryan Combs, Myron Dornic, and Bill Dahlstrom, representing the applicant spoke to the project. Mayor Pro Tem Prince opened the public hearing. Paul Cook, Paula Smolenyak, James Stafford, Emmanuel Umoh, and Daniel Rigdon spoke in support of the project. Mayor Pro Tem Prince closed the public hearing.

MOTION: Upon a motion made by Council Member Bao and seconded by Council Member Williams, the Council voted 7-0, to grant Specific Use Permit No. 133 for Independent Living Facility and rescinding Specific Use Permit No. 31 (S-31) for Day Care Center, but only to the extent that S-31 applies to the subject property, on 3.9 acres of land located on the west side of Premier Drive, 550 feet north of Enterprise Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial with Specific Use Permit No. 31 for Day Care Center; directing a change accordingly in the official zoning map of the City; amended to allow balconies and porches where exterior noise levels do not exceed 65 dBA per the adopted noise study; as requested in Zoning Case 2020-001 and further to adopt Ordinance No. 2020-8-7.

Public Hearing and adoption of Ordinance No. 2020-8-8 as requested in Zoning Case 2020-017 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to amend Planned Development-87-Neighborhood Office on 4.6 acres of land located at the southwest corner of Parker Road and Townbluff Drive, in the City of Plano, Collin County, Texas, and presently zoned Planned Development-87-Neighborhood Office with Specific Use Permit No. 215 for Commercial Antenna Support Structure in order to modify development standards; 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: Parker Office Plaza, LLC (Regular Agenda Item “2”)

Mayor Pro Tem Prince opened the public hearing. No one requested to speak. Mayor Pro Tem Prince closed the public hearing.

MOTION: Upon a motion made by Council Member Grady and seconded by Council Member Tu, the Council voted 7-0, to amend Planned Development-87-Neighborhood Office on 4.6 acres of land located at the southwest corner of Parker Road and Townbluff Drive, in the City of Plano, Collin County, Texas, and presently zoned Planned Development-87-Neighborhood Office with Specific Use Permit No. 215 for Commercial Antenna Support Structure in order to modify development standards; directing a change accordingly in the official zoning map of the City; as requested in Zoning Case 2020-017 and further to adopt Ordinance No. 2020-8-8.

Public Hearing and adoption of Ordinance No. 2020-8-9 as requested in Zoning Case 2020-003 to amend Article 11 (Overlay Districts) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to create the Neighborhood Conservation Overlay District; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. (Regular Agenda Item “3”)

Public Hearing and adoption of Ordinance No. 2020-8-9 (cont'd.)

Mayor Pro Tem Prince opened the public hearing. No one requested to speak. Mayor Pro Tem Prince closed the public hearing.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Ricciardelli and seconded by Council Member Grady, the Council voted 7-0, to amend Article 11 (Overlay Districts) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to create the Neighborhood Conservation Overlay District; as requested in Zoning Case 2020-003 and further to adopt Ordinance No. 2020-8-9.

With no further discussion, the Regular City Council Meeting adjourned at 9:15 p.m.

Kayci Prince, MAYOR PRO TEM

ATTEST:

Lisa C. Henderson, City Secretary

CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020
DEPARTMENT: Fleet Services
DIRECTOR: Gerald Cosgrove, P.E., Director of Public Works
AGENDA ITEM: Award RFB No. 2020-0375-AC for Generator Maintenance and Repair
RECOMMENDED ACTION: Award/Rejection of Bid/Proposal

ITEM SUMMARY

RFB No. 2020-0375-AC for three-year contracts for Generator Maintenance and Repairs, each with one (1) automatic three-year renewal for Fleet Services, to three companies as follows: Holt Texas, Ltd. in the estimated amount of \$180,500; Altuxex in the estimated amount of \$88,610; and Waukesha-Pearce Industries, LLC in the estimated amount of \$34,100 for preventative maintenance services; each contract will include an hourly rate for unforeseen damage, necessary repairs, and recommended upgrades to electronics, for an estimated three-year amount to Holt Texas, Ltd. for \$178,589, Altuxex for \$87,672 and Waukesha-Pearce Industries, LLC for \$33,739 for unforeseen repairs; and authorizing the City Manager to execute all necessary documents.

BACKGROUND

The City has forty-six generators at thirty-six locations. These generators require preventive maintenance and occasional repairs. Fleet Services has reviewed all bids submitted to the City of Plano in response to RFB No. 2020-0375-AC Generator Maintenance and Repair.

The bids include four line items, with generators grouped by brand, as follows: Line item 1 is Caterpillar; Line item 2 includes Cummins and Onan; Line item 3 includes Kohler and Katolight; and Line item 4 includes Generac and Doosan. Each bidder had the option to submit bids for one or more of the line items. We received single bids for Line item 1 and Line item 4, received three bids for Line item 3 and received no bids for Line item 2.

The base contract is for preventative maintenance services and inspections. Additional costs associated with unforeseen damage, necessary repairs, and recommended upgrades to electronics resulting from the inspections will be charged at the hourly rate included with the bid.

Each of the contracts will include contract terms of three years, with one automatic three-year renewal.

Fleet Services recommends award of three contracts as follows:

- Line item 1 - Holt Texas, Ltd. in the amount of \$180,500 for Caterpillar Generators, with an additional charge of \$135 per hour for unforeseen repairs.
- Line item 2 - No responsive bids were received for Cummins and Onan Generators. These services will be obtained through a cooperative contract that will be submitted to the City Council for their consideration on a future agenda.
- Line item 3 – Altuxex was the lowest responsive, responsible bidder in the amount of \$88,610 for Kohler and Katolight Generators, with an additional charge of \$95 per hour for unforeseen repairs.
- Line item 4 - Waukesha-Pearce Industries, LLC in the amount of \$34,100 for Generac and Doosan Generators, with an additional charge of \$104 per hour for unforeseen repairs.

The total combined estimated expenditure for preventative maintenance services for the initial three-year term of the three contracts is \$303,210.

The total combined estimated expenditure for unforeseen damage, necessary repairs, and recommended upgrades to electronics resulting from the preventative maintenance inspections, for the initial three-year term of the contracts, is \$300,000.

The contracts for generator preventative maintenance and repairs will minimize the number of unscheduled repairs, will provide maximum reliability and availability, and will increase the useful life of the generators.

FINANCIAL SUMMARY/STRATEGIC GOALS

This item approves price quotes. Expenditures will be made in the Equipment Maintenance Fund within the approved budget appropriations for each year of the contract. The contract term is for three years with one automatic three year renewal. The total estimated expenditure for preventative maintenance services for the initial three-year term of the contract is \$303,210. The total estimated expenditure for unforeseen damage, necessary repairs, and recommended upgrades to electronics resulting from these inspections for the initial three year term of the contract is \$300,000.

Approval of the generator maintenance repair contracts relates to the City's Strategic Plan Critical Success Factor of Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Bid Recap	8/5/2020	Bid Recap
Photograph of Caterpillar Generators at Ridgeview	8/25/2020	Attachment

**CITY OF PLANO
SOLICITATION NO. 2020-0375-AC
GENERATOR MAINTENANCE AND REPAIR
BID RECAP**

Bid Opening Date/Time: June 25, 2020 @ 2 p.m.

Number of Vendors Notified: 749

Number of Vendors Submitting Nonresponsive Bids: 7

Number of Vendors Submitting Responsive Bids: 5

Item 1: Caterpillar Generators

Holt Texas, Ltd.	\$180,500.00
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Item 3: Kohler and Katolight Generators

Altorex	\$ 88,610.00
kW Power Services, LLC	\$ 98,250.00
Loftin Equipment Company	\$110,380.00

Item 4: Generac and Doosan Generators

Waukesha-Pearce Industries, LLC	\$ 34,100.00
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Recommended Vendors:

Holt Texas, Ltd.	\$180,500.00
Altorex	\$ 88,610.00
Waukesha-Pearce Industries, LLC	\$ 34,100.00
Total	\$303,210.00

Lincoln Thompson

Lincoln Thompson
Senior Buyer

July 9, 2020

Date



CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020
DEPARTMENT: Facilities
DIRECTOR: B. Caleb Thornhill, P.E., Director of Engineering
AGENDA ITEM: Plano Event Center Renovations
RECOMMENDED ACTION: Award/Rejection of Bid/Proposal

ITEM SUMMARY

CSP No. 2020-0324-B for Plano Event Center Renovation, Project No. 7135, for the Facilities Department to North American Commercial Construction, L.P. in the amount of \$321,201; and authorizing the City Manager to execute all necessary documents.

BACKGROUND

This agenda item is a companion to a concurrent agenda item, (purchase of Food Service Equipment for the Plano Event Center).

The Plano Event Center provides meals for a wide variety of events. Expansion and renovation of the kitchen is necessary to provide the volume of food and beverage required for large events and to remain competitive with comparable venues.

This project provides for the needed expansion and renovation of the kitchen. It is a complex project that requires an experienced contractor in order to minimize disruptions to the operations of the Plano Event Center. Therefore, the Competitive Sealed Proposal (CSP) delivery method was chosen to select the contractor. This delivery method allows the City to evaluate proposals based on both experience and value, and thereby identifying the contractor that is best qualified and the best value for the City.

The selection committee evaluated each proposal using cost and three technical categories, with weighted percentages, as follows:

- Cost 40%
- Experience 20%
- Qualifications 20%
- References 20%

The recommended vendor received the highest score for the three non-cost evaluation categories, demonstrating substantial experience in similar projects and presenting significant qualifications. The recommended vendor submitted the third lowest bid; however, the superior score for the three other categories identified this vendor as the best value.

The selection committee recommends the proposal submitted by North American Commercial Construction, L.P., with the best and final price of \$321,201, as being the best value to the City of Plano.

If the kitchen expansion and renovation is not completed, the facility will not be able to provide a menu with the quality the market is demanding for multi-day large events.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2019-20 Capital Maintenance Fund and is planned for 2020-21, as well. Construction services to renovate the kitchen facilities at the Plano Event Center, in the amount of \$321,201, will leave a balance of \$2,498,721 for future project expenditures.

Approval of this item will support the City's Strategic Plan Critical Success Factor of being an Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
CSP Recap	9/2/2020	CSP Recap

City of Plano
CSP No. 2020-0324-B
Plano Event Center Renovation
Project No. 7135
CSP Recap

<u>Opening Date/Time:</u>	June 4, 2020 at 2:00 PM
<u>Number of Vendors Notified:</u>	633
<u>Vendors Submitting "No Bids":</u>	5
<u>Number of Responsive Submissions:</u>	15
<u>Number of Non-Responsive Submissions:</u>	1

The following Evaluation Criteria was used in determining the best value award recommendation.

CRITERIA	WEIGHT
Project Cost	40% (2 points)
Firm and Sub-Contractors Similar Project Experience	20% (1 points)
Firm, Individual, and Sub-Contractors Qualifications	20% (1 points)
Past Performance - References	20% (1 points)
Total	100% (5 point max)

Vendor	Score - Max of 5	Rank	Total Cost
North American Commercial Construction, L.P	4.21	1	\$ 321,201.00
Nouveau Construction and Technology	3.54	2	\$ 294,000.00
Turner Construction Company	3.43	3	\$ 321,345.00
Gomez Floor Covering, Inc. dba GFC Contracting	3.40	4	\$ 323,648.00
Novel Builders	3.11	5	\$ 351,309.00
Pecos Construction	2.90	6	\$ 364,731.00
Holt Construction Corp.	2.84	7	\$ 497,384.00
JM Construction Solutions	2.84	8	\$ 323,966.02
Grahamson, Inc.	2.81	9	\$ 357,544.50
Criterion Contractors Inc.	2.65	10	\$ 278,514.00
Talley-Riggins Construction Group	2.58	11	\$ 368,960.00
Concord Commercial Services, Inc.	2.52	12	\$ 286,766.80
308 Construction, LLC	2.50	13	\$ 354,177.50
ANT Design Build, LLC	1.76	14	\$ 390,000.00
Fast General Contracting	1.62	15	\$ 485,318.19

CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020
DEPARTMENT: Engineering
DIRECTOR: B. Caleb Thornhill, P.E., Director of Engineering
AGENDA ITEM: Award of bid in the amount of \$4,369,662 for Westgate Subdivision Paving and Water Line Improvements, Project No. 7045
RECOMMENDED ACTION: Award/Rejection of Bid/Proposal

ITEM SUMMARY

RFB No. 2020-0609-B for Westgate Subdivision Paving and Water Line Improvements, Project No. 7045, for the Engineering Department to Quality Excavation, LLC in the amount of \$4,369,662; and authorizing the City Manager to execute all necessary documents.

BACKGROUND

The Engineering Department accepted bids on August 12, 2020 for the Westgate Subdivision Paving and Water Line Improvements, Project No. 7045. The project includes full pavement reconstruction along six residential streets listed below, along with the replacement of existing 8" waterlines to the same size, and upgrade the 6" lines to 8".

Cambridge Dr. (from Alma Dr. to Dickens Dr.)
Warwick Dr. (from Alma Dr. to Dickens Dr.)
Arbor Downs Dr. (from Alma Dr. to Dickens Dr.)
Eagle Pass (Cambridge Dr. to Arbor Downs Dr.)
Dickens Dr. (from Cambridge Dr. to Kipling Dr.)
Brittany Dr. (from Cambridge Dr. to the alley)

The lowest responsive and responsible bid was submitted by Quality Excavation, LLC in the amount of \$4,369,662. There were a total of 640 vendors notified of this project. Twelve (12) complete bids were received for the project as shown in the attached bid recap.

If this project is not awarded, the result will be continued deterioration of the concrete pavement and the existing aging waterline along these residential streets, resulting in continued maintenance costs and having a negative impact on the quality of life for residents and motorists in this neighborhood.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is planned in the 2020-21 Street Improvements CIP and Water CIP funds. Construction services for the full pavement reconstruction and waterline replacement along residential streets, in the total estimated amount of \$4,369,662, will leave a project balance of \$1,829,633 for future expenditures.

Approval of this item will support the City's Strategic Plan Critical Success Factors of being an Excellent, Innovative, and Accountable City Government that offers Multi-Modal Transportation and Mobility Solutions.

ATTACHMENTS:

Description	Upload Date	Type
Bid Recap	8/31/2020	Bid Recap
Location Map	8/25/2020	Map

CITY OF PLANO

RFB CIP

Bid No. 2020-0609-B

Westgate Subdivision Paving and Water Line Improvements

Project No. 7045

Bid Recap

<u>Bid Opening Date/Time:</u>	August 13, 2020 at 2:00 PM
<u>Number of Vendors Notified:</u>	640
<u>Vendors Submitting "No Bids":</u>	3
<u>Number of Non-Responsive Bids Submitted:</u>	0
<u>Number of Responsive Bids Submitted:</u>	12

<u>Vendor:</u>	<u>Total Bid:</u>
Quality Excavation, LLC	\$ 4,369,662.45
Jim Bowman Construction Company, L.P.	\$ 4,712,200.70
Pavecon Public Works, LP	\$ 4,912,027.13
Tiseo Paving Company	\$ 4,988,092.30
McMahon Contracting, LP	\$ 5,281,133.24
AXIS Contracting, Inc.	\$ 5,380,242.30
HQS Construction, LLC	\$ 5,555,912.75
Excel Aircraft, LLC DBA Excel Trenching	\$ 5,733,815.18
KIK Underground, LLC	\$ 5,779,453.50
Advance Contracting Group	\$ 5,846,007.20
Camino Construction, L.P.	\$ 5,921,038.00
FNH Construction, LLC	\$ 6,509,990.50

Recommended Vendor:

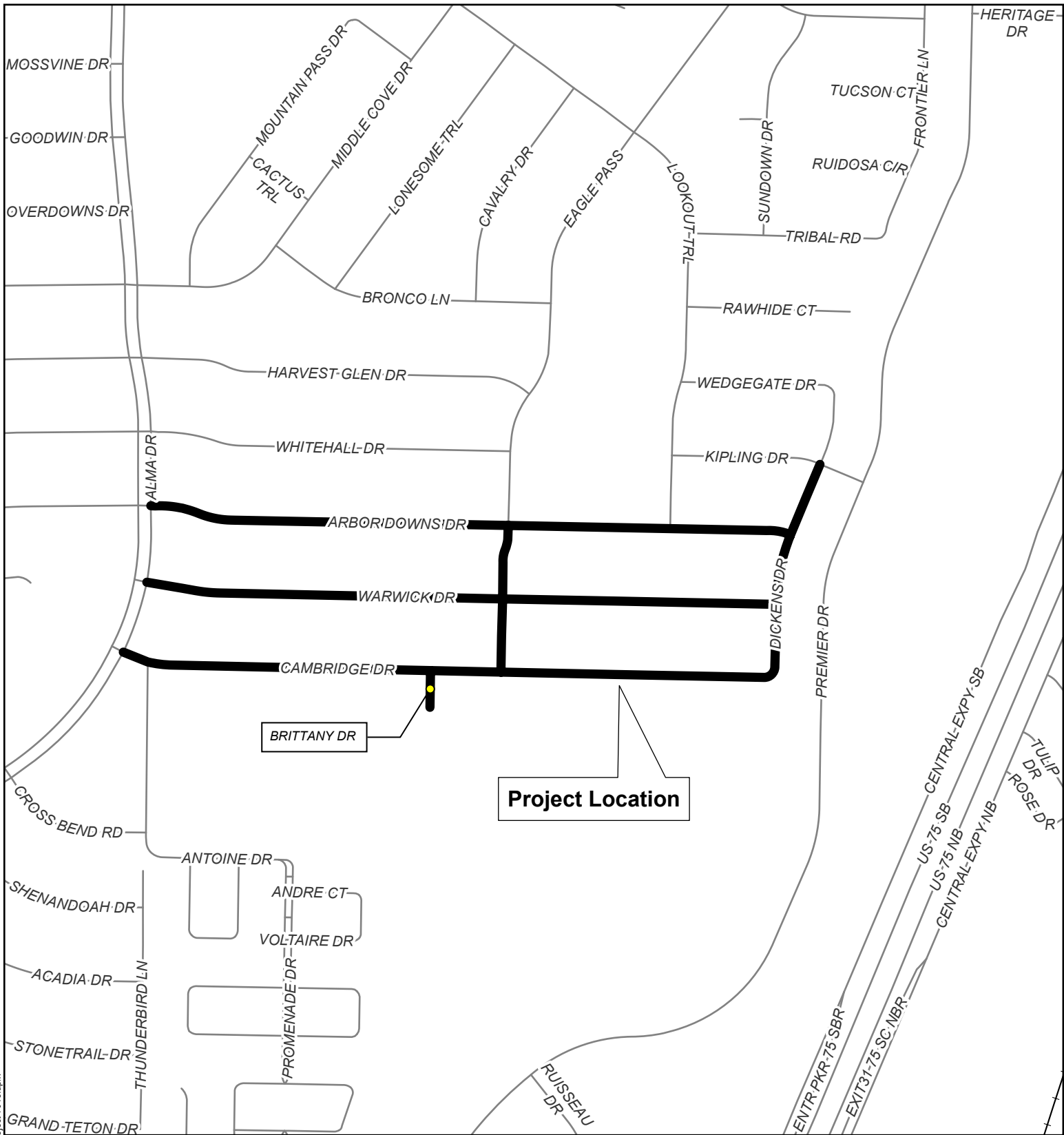
Quality Excavation, LLC	\$ 4,369,662.45
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Dave Leong

Dave Leong, Contract Administrator

20 August, 2020

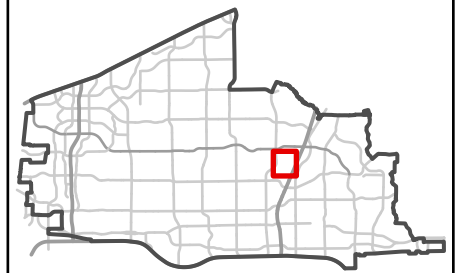
Date



Westgate Subdivision Paving and Waterline Improvements

Project No. 7045

Project Location





CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020
DEPARTMENT: Parks
DIRECTOR: Ron Smith, Director of Parks and Recreation
AGENDA ITEM: Purchase of Food Service Equipment for the Plano Event Center
RECOMMENDED ACTION: Purchase from Existing Contract

ITEM SUMMARY

To approve the purchase of Food Service Equipment for the Plano Event Center in the amount of \$104,870 from Pasco Brokerage Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (Choice Partners 19/039TJ-15)

BACKGROUND

This agenda item is a companion to a concurrent agenda item, (2020-0324-B CSP for Plano Event Center Renovation Project No. 7135).

The Plano Event Center provides meals for a wide variety of events. Expansion and renovation of the kitchen is necessary to provide the volume of food and beverage required for large events and to remain competitive with comparable venues. This agenda item provides the food service equipment for the needed expansion and renovation of the kitchen.

The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 271 Subchapter F of the Texas Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (Choice Partners 19/039TJ-15 and the City of Plano Contract No. 2020-0332-O)

Nine cooperative vendors were notified of the bid. The City received 1 response, 0 non-responsive, and 1 no bid.

Staff recommends Pasco Brokerage Inc. be awarded the contract, as the lowest responsive, responsible bidder for the City, for the Food Service Equipment for the Plano Event Center at the bid amount of \$104,870.

If the kitchen expansion and renovation is not completed, the facility will not be able to provide a menu with the quality the market is demanding for multi-day large events.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2019-20 Capital Maintenance Fund and is planned for 2020-21, as well. The purchase of food service equipment, as part of the renovation of the kitchen facilities at the Plano Event Center, in the amount of \$104,870, will leave a balance of \$2,715,052 for future project expenditures.

Approval of this item will support the City's Strategic Plan Critical Success Factor of being an Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Cooperative Quote Recap	8/25/2020	Cooperative Quote Recap



Quote No. 2020-0332-O

Food Service Equipment for Plano Event Center

Cooperative Quote Recap

Quote Due Date/Time: February 28, 2020 at 11:00 AM

Number of Vendors Contacted: 9

Vendors Submitting "No Bids": 1

Number of Quotes Submitted Non-Responsive: 0

Number of Quotes Submitted: 1

VENDOR NAME

Pasco Brokerage Inc.

AMOUNT

\$104,870.00

RECOMMENDED VENDORS

Pasco Brokerage Inc.

AMOUNT

\$104,870.00

Angie Morales

Angie Morales, Buyer II

August 7, 2020

Date

CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020

DEPARTMENT: Public Works

DIRECTOR: Gerald Cosgrove, P.E., Director of Public Works

AGENDA ITEM: Approve Change Order No. 1, in the amount of \$403,200, for additional arterial concrete repair for the Arterial Pavement Maintenance Requirements Contract - Minor Repairs V Project

RECOMMENDED ACTION: Approval of Change Order

ITEM SUMMARY

To approve an increase to the current awarded contract amount of \$1,677,733 by \$403,200, for a total contract amount of \$2,080,933, for Arterial Pavement Maintenance Requirements Contract - Minor Repairs V, from Jerusalem Corporation for the Public Works Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2019-0327-P; Change Order No.1)

PREVIOUS ACTION/PRESENTATION

On May 13, 2019, City Council awarded a construction bid in the amount of \$1,677,733, with two (2) City optional renewals, for the repair of arterial concrete pavement at various locations throughout the City for the Arterial Pavement Maintenance Requirements Contract - Minor Repairs V project.

BACKGROUND

Work has been completed at several locations throughout the city. The current location under construction is Spring Creek Pkwy between Alma Dr and US 75. This change order would allow the contractor to finish this location under the original contract, in lieu of exercising either of the two (2) City optional renewals, previously approved for this contract at Council on May 13, 2019.

Public Works Department recommends the approval of Change Order No. 1 to Jerusalem Corporation. The total contract amount will be \$2,080,933.00, which is a 24.03% increase of the original amount of \$1,677,733.00.

If this change order is not approved by Council, these additional quantities of needed arterial repairs will not take place.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2019-20 Capital Maintenance Fund and is planned for 2020-21, as well. The first change order to the Arterial Pavement Maintenance Requirements Contract - Minor Repairs V, in the amount of \$403,200, will leave a current year balance of \$1,568,095 for future project expenditures.

Approval of this item will support the City's Strategic Plan Critical Success Factors of being an Excellent, Innovative, and Accountable City Government that offers Multi-Modal Transportation and Mobility Solutions.

CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020
DEPARTMENT: Engineering
DIRECTOR: B. Caleb Thornhill, P.E., Director of Engineering
AGENDA ITEM: High Point North Maintenance Facility
RECOMMENDED ACTION: Approval of Expenditure

ITEM SUMMARY

To approve an expenditure for Special Inspections and Construction Material Testing Services for the High Point North Maintenance Facility, Project No. 6972, in the amount of \$98,023 for the Engineering Department from Terracon Consultants, Inc.; and authorizing the City Manager to execute all necessary documents.

BACKGROUND

This agenda item is for required material testing services and special inspections in support of the construction of the High Point North Maintenance Facility, approved by Council on July 27, 2020.

Parks and Recreation Department (PARC) Parks Maintenance staff currently house and deploy out of the 8,500 square foot Jack Carter Maintenance Facility. That facility is 36 years old and inadequate to meet the current and growing needs of the PARC support staff. Citizens approved the 2017 Bond Referendum to replace it with two facilities: the recently completed Enfield Athletic Field Maintenance Facility and this project. The project will construct a new 22,453 square foot facility on a 5.7 acre site in the High Point North Athletic Complex. Upon completion, the current Jack Carter Maintenance Facility site will then be converted to park land.

This expenditure is necessary to ensure construction materials comply with construction specifications and to conduct third party special inspections required by building codes. Terracon Consultants, Inc. is an approved material testing firm selected with RFQ 2019-0397-X.

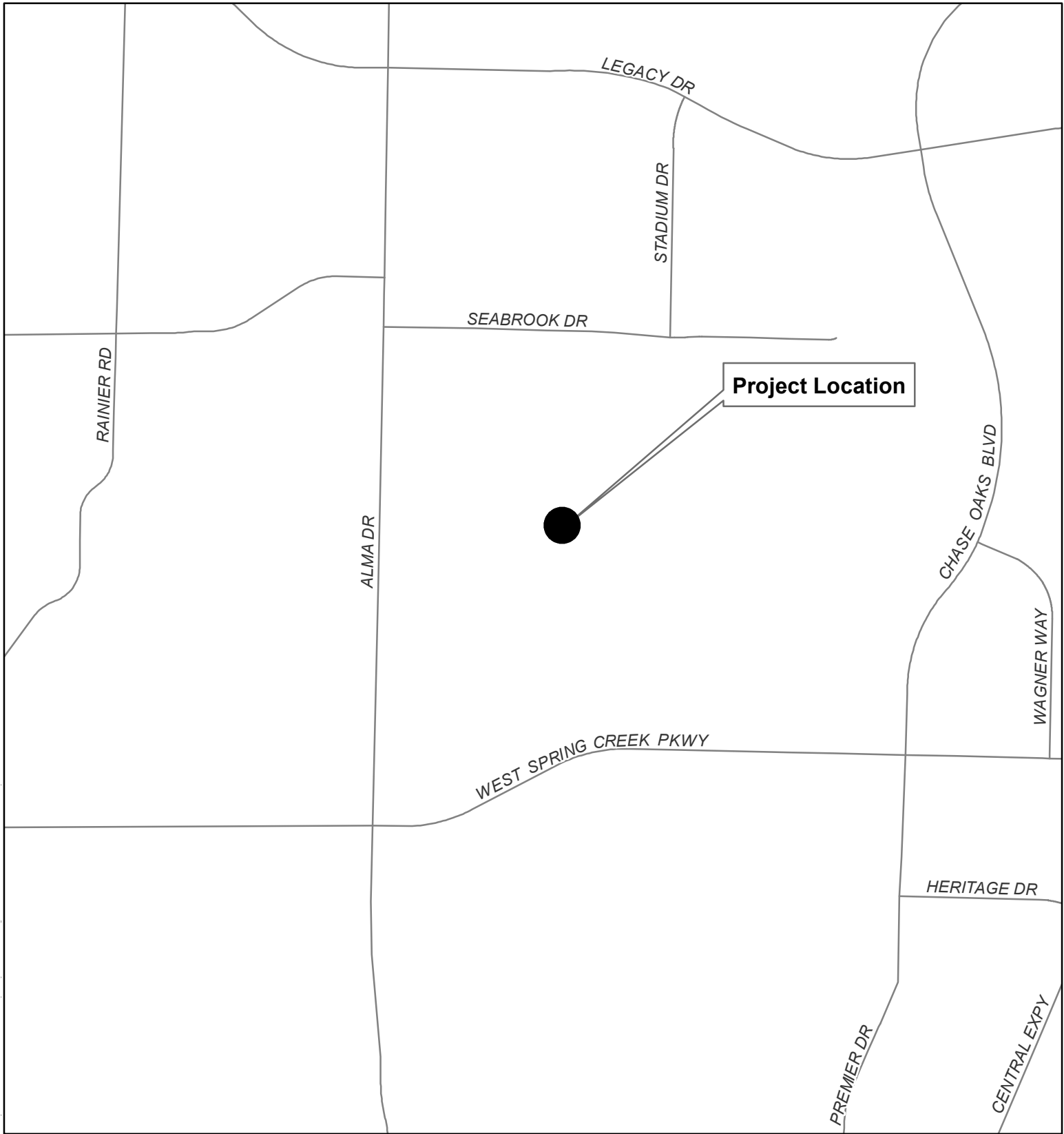
FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2019-20 Park Improvements CIP and is planned for 2020-21, as well. Construction material testing services, in the total estimated amount of \$98,023, for the High Point North Maintenance Facility, will leave a current year balance of \$438,179 for future project expenditures.

Approval of this item will support the City's Strategic Plan Critical Success Factor of being an Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Location Map	8/27/2020	Map



0 300 600
Feet



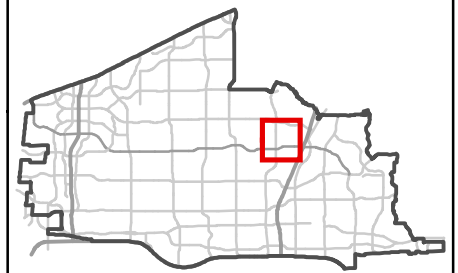
City of Plano GIS Division

High Point North Maintenance Facility

Project 6972

Page 35

Project Location



CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020

DEPARTMENT: Engineering

DIRECTOR: B. Caleb Thornhill, P.E., Director of Engineering

AGENDA ITEM: Approval of an expenditure in the amount of \$127,606 for construction materials testing professional services for Westgate Subdivision Paving and Water Line Improvements, Project No. 7045

RECOMMENDED ACTION: Approval of Expenditure

ITEM SUMMARY

To approve an expenditure for construction materials testing professional services for Westgate Subdivision Paving and Water Line Improvements, Project No. 7045, in the amount of \$127,606 from Terracon Consultants, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents.

BACKGROUND

The Engineering Department recommends approval of an expenditure in the amount of \$127,606 for providing construction materials testing professional services from Terracon Consultants, Inc. for the Westgate Subdivision Paving and Water Line Improvements, Project No. 7045. This contract includes testing services for new water line placement and pavement reconstruction along the following residential streets:

- Cambridge Dr. (from Alma Dr. to Dickens Dr.)
- Warwick Dr. (from Alma Dr. to Dickens Dr.)
- Arbor Downs Dr. (from Alma Dr. to Dickens Dr.)
- Eagle Pass (Cambridge Dr. to Arbor Downs Dr.)
- Dickens Dr. (from Cambridge Dr. to Kipling Dr.)
- Brittany Dr. (from Cambridge Dr. to the alley)

The total expenditure is \$127,606. Terracon Consultants, Inc. was deemed most qualified based on their Statement of Qualifications submission for RFQ No. 2019-0397-X.

Materials testing ensures quality construction will be performed and limit future maintenance and replacement of the project's infrastructure.

Not approving the expenditure would result in City of Plano's specified requirements not being met, and potentially reducing the new construction's service life and increasing future maintenance costs.

FINANCIAL SUMMARY/STRATEGIC GOALS

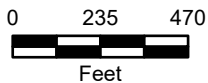
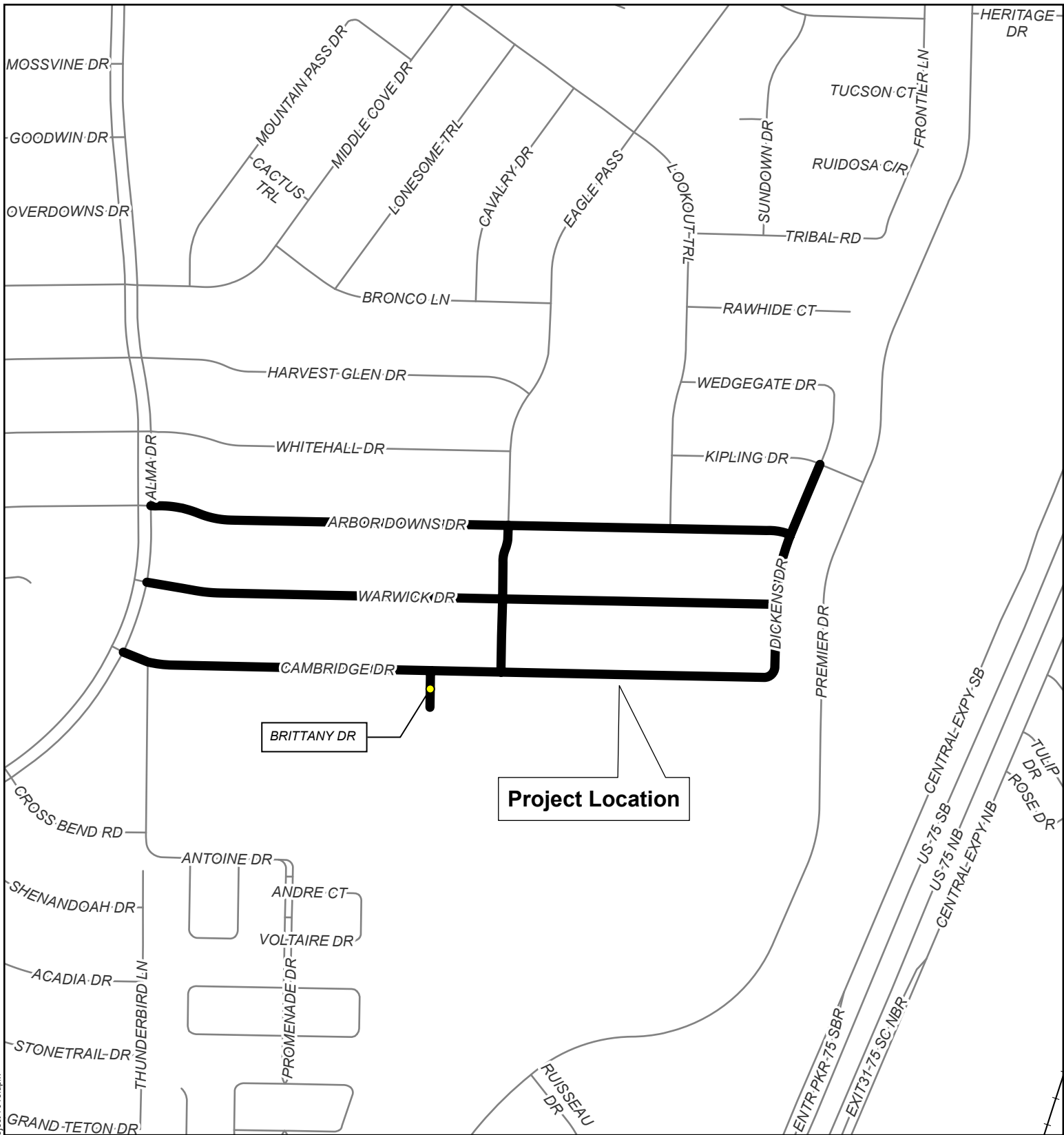
Funding for this item is available in the 2019-20 Street Improvements CIP and Water CIP and is planned in both funds for 2020-21, as well. Construction material testing professional services, in the total amount of \$127,606, will leave a combined balance of \$6,279,489 for future project expenditures.

Approval of this item will support the City's Strategic Plan Critical Success Factors of being an Excellent,

Innovative, and Accountable City Government that offers Multi-Modal Transportation and Mobility Solutions.

ATTACHMENTS:

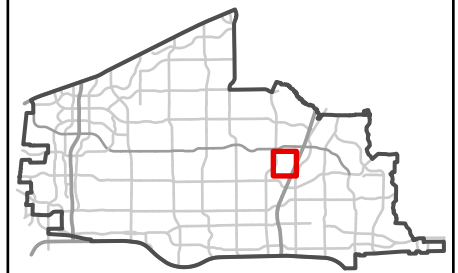
Description	Upload Date	Type
Location Map	8/25/2020	Map



Westgate Subdivision Paving and Waterline Improvements

Project No. 7045

Project Location



CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020

DEPARTMENT: HR

DIRECTOR: Shanté Akafia, Director of Human Resources/Risk Management

AGENDA ITEM: Approval of Interlocal Agreement with Collin County Community College District for higher education professional development training of City employees.

RECOMMENDED ACTION: Approval of Contract / Agreement

ITEM SUMMARY

To approve an Interlocal Agreement by and between the City of Plano and Collin County Community College District for a one-year agreement with three (3) one-year City optional renewals in the estimated annual amount of \$20,000 for higher education professional development training of City employees; and authorizing the City Manager to execute all necessary documents. (City of Plano Internal Contract No. 2020-0450-I)

BACKGROUND

This is a recommendation to award Collin County Community College District an interlocal agreement (ILA) for professional services for training and development of city employees. The City of Plano has partnered with Collin County Community College District through an ILA for employee training and development programs since 2008. The scope of services provided by Collin County Community College District includes professional development training for employees in the areas of leadership, communication, management, and desktop publishing.

As Human Resources continues to offer relevant programs for employees, this continued partnership will provide the ability to offer programs developed in conjunction with Collin County Community College District.

Failure to approve this recommendation would directly impact our 'Develop' Tenant of the City's Talent Management Program in that we would lose a valuable professional development resource for our employee population with facilitators who are familiar with the culture of our organization. Collin County Community College District is well-respected as a credible source for training and development.

FINANCIAL SUMMARY/STRATEGIC GOALS

Approval of this item will provide for City of Plano employee training. The term for this contract is one (1) year with three (3) optional renewals. Expenditures will be made within the approved budget appropriations for each year of the contract. The estimated total amount to be spent, if all optional renewals are used, is \$80,000 (or \$20,000 per year for FY 2020-21 through FY 2023-24).

Approval of the Interlocal Agreement will support the City's Strategic Plan Critical Success Factor of being an Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
2020-0450-I Interlocal Agreement	8/21/2020	Agreement

**INTERLOCAL AGREEMENT BY AND BETWEEN
THE CITY OF PLANO, TEXAS AND
COLLIN COUNTY COMMUNITY COLLEGE DISTRICT
FOR HIGHER EDUCATION
2020-0450-I**

THIS AGREEMENT is made and entered by and between the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, hereinafter referred to as "Plano", and **COLLIN COUNTY COMMUNITY COLLEGE DISTRICT**, hereinafter referred to as "College", as follows:

WITNESSETH:

WHEREAS, Plano is a political subdivision and College is an institution of higher education within the meaning of Interlocal Cooperation Act, Texas Government Code, Chapter 791, as amended (the "Act"); and

WHEREAS, the Act provides authority for entities such as Plano and College to enter into interlocal agreements with each other to perform governmental functions and services as set forth in the Act; and

WHEREAS, Plano wishes to give its employees the ability to obtain Higher Education Continuing Education Courses (the "Program") offered by College; and

WHEREAS, College is an institution of higher education that offers business productivity education courses and desires to offer the courses to Plano employees; and

WHEREAS, Plano has current revenues available to satisfy the fees and/or expenses incurred pursuant to this Agreement; and

WHEREAS, the Program will provide Plano employees with additional knowledge and skills to more effectively serve the citizens.

NOW, THEREFORE, Plano and College, for and in consideration of the recitals set forth above and terms and conditions below, agree as follows:

**I.
TERM**

This Agreement shall be for an initial period of twelve (12) months commencing upon the Effective Date (hereinafter defined); provided however, that Plano shall have the right and option to extend the term hereof by up to three (3) additional twelve (12) month periods by giving written notice to College of Plano's election to extend the term, such notice to be given not more than ninety (90) days prior to the expiration of the initial term or the immediately preceding term.

II. THE PROGRAM

The parties agree that College shall offer Soft Skills, Business Productivity and Language courses as identified in **Exhibit "A"** attached hereto and incorporated herein by reference. The parties understand and agree that any deviations or modifications in the terms of the Agreement may be authorized from time to time, but said authorization must be made in writing and agreed to by the parties.

III. ROLES AND GENERAL RESPONSIBILITIES OF THE PARTIES

1. Plano shall designate a Program liaison who will manage Program details and work with College's Program manager in content and logistics planning. Plano shall provide College with required student-employee information for the purpose of registration and documentation. Plano shall also provide appropriate training facilities and all reasonably necessary equipment, including AV equipment.
2. College shall provide curriculum design, Program delivery, assembly of Program materials, development of materials for participants, and a Program manager to work with Plano.

IV. CONSIDERATION / FEES

A. Plano shall pay College according to the terms set out in **Exhibit "A"**, attached hereto and made a part hereof. Payment shall be made by Plano within 30 days of receipt of invoice for services provided. Total compensation under this Agreement is estimated to be **TWENTY THOUSAND AND NO/100 DOLLARS (\$20,000.00)**. Plano will pay for the fees and/or expenses incurred pursuant to this Agreement from its current available revenues. Any renewal will be subject to Plano having the revenues available for that contract term.

Course materials may include workbooks from industry vendors or custom-designed materials from a professional trainer approved by the College. Plano reserves the right to review all course presentations and materials prior to the scheduled course. Material costs will vary. Any material cost exceeding \$40.00 per participant for any course will need prior approval from Plano. If Plano cancels a class less than seven (7) days before the training start date, College will assess a charge equal to fifty percent (50%) of the class fee plus the cost of non-refundable, non-returnable materials if applicable.

B. College recognizes that this Agreement shall commence upon the Effective Date (hereinafter defined) and continue in full force and effect until termination in accordance with its provisions. College and Plano herein recognize that the continuation of any contract after the close of any given fiscal year of the City of Plano, which fiscal year ends on September 30th of each year, shall be subject to Plano City Council approval. In the event that the Plano City Council does not approve the appropriation of funds for this Agreement, the Agreement shall terminate at the end of the fiscal year for which funds

were appropriated, and the parties shall have no further obligations hereunder for future payments.

**V.
TERMINATION**

Either party may terminate this Agreement at any time without cause or penalty by giving thirty (30) days advance written notice. Plano shall pay all fees and costs, if any, incurred by College pursuant to this Agreement through the effective date of termination or receipt of final invoice.

**VI.
RELEASE AND HOLD HARMLESS**

COLLEGE, TO THE EXTENT AUTHORIZED UNDER THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, AGREES TO BE RESPONSIBLE FOR ITS OWN ACTS OF NEGLIGENCE AND PLANO, TO THE EXTENT ALLOWED BY LAW AND WITHOUT WAIVING ANY RIGHTS OR PROTECTIONS PROVIDED THEREIN, AGREES TO BE RESPONSIBLE FOR ITS OWN ACTS OF NEGLIGENCE WHICH MAY ARISE IN CONNECTION WITH ANY AND ALL CLAIMS FOR DAMAGES, COST, AND EXPENSES TO PERSON OR PERSONS AND PROPERTY THAT MAY ARISE OUT OF OR BE OCCASIONED BY THIS AGREEMENT.

IN THE EVENT OF JOINT AND CONCURRENT NEGLIGENCE, COLLEGE AND PLANO AGREE THAT RESPONSIBILITY SHALL BE APPORTIONED COMPARATIVELY. THIS OBLIGATION SHALL BE CONSTRUED FOR THE BENEFIT OF THE PARTIES HERETO, AND NOT FOR THE BENEFIT OF ANY THIRD PARTIES, NOR TO CREATE LIABILITY FOR THE BENEFIT OF ANY THIRD PARTIES, NOR TO DEPRIVE THE PARTIES HERETO OF ANY DEFENSES EACH MAY HAVE AS AGAINST THIRD PARTIES UNDER THE LAWS AND COURT DECISIONS OF THE STATE OF TEXAS.

**VII.
NOTICE**

Any notice provided under this Agreement shall be delivered by mail or personal service to the parties named below:

**Collin County Community College
Representative:**

Natalie Greenwell
Director, Center for Workforce and
Economic Development
Collin County Community College District
4800 Preston Park Blvd.
Plano, Texas 75093
(972) 985-3768

City of Plano Representative:

Debbie Speed
Training Administrator
City of Plano
1520 Avenue K, Suite 130
Plano, Texas 75074
(972) 941-7217

VIII.
AUTHORITY TO SIGN/CITY COUNCIL AUTHORIZATION

The undersigned officer and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto. Plano has executed this Agreement pursuant to duly authorized action of the Plano City Council. College has executed this Agreement pursuant to the authority granted by its governing body. Each of the parties shall provide written documentation evidencing the grant of approval by its respective governing body.

IX.
SEVERABILITY

The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held to be contrary to the law or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of the Agreement. However, upon the occurrence of such event, either party may terminate this Agreement by giving the other party thirty (30) days written notice.

X.
VENUE

This Agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas. The parties agree that this Agreement shall be enforceable in Collin County, Texas, and, if legal action is necessary, exclusive venue shall lie in Collin County, Texas.

XI.
INSURANCE AND CERTIFICATES OF INSURANCE

College shall procure and maintain for the duration of the Agreement insurance coverage as set forth in the Insurance Requirements marked **Exhibit "B"**, attached hereto and incorporated herein by reference. College shall provide a signed insurance certificate verifying that it has obtained the required insurance coverage prior to the effective date of this Agreement.

XII.
INTERPRETATION OF AGREEMENT

Although this Agreement is drafted by Plano, this is a negotiated document. Should any part of this Agreement be in dispute, the parties agree that the Agreement shall not be construed more favorably for either party.

**XIII.
REMEDIES**

No right or remedy granted herein or reserved to the parties is exclusive of any right or remedy granted by law or equity; but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this Agreement may be waived without the express written consent of the parties. It is further agreed that one (1) or more instances of forbearance by either party in the exercise of its respective rights under this Agreement shall in no way constitute a waiver thereof.

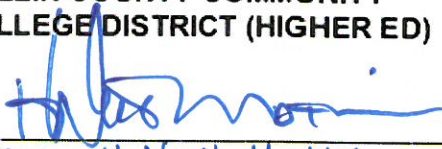
**XIV.
SUCCESSORS AND ASSIGNS**

The parties each bind themselves, their respective successors, executors, administrators and assigns to the other party to this contract. Neither party will assign, sublet, subcontract or transfer any interest in this Agreement without the prior written consent of the other party. No assignment, delegation of duties or subcontract under this Agreement will be effective without the written consent of both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the last date listed below (the "Effective Date" when signed by the parties..

**COLLIN COUNTY COMMUNITY
COLLEGE DISTRICT (HIGHER ED)**

Date: Aug 12, 2020

By: 
Name: H. Neil Matkin
TITLE: District President

CITY OF PLANO, TEXAS

Date: _____

By: _____
Mark D. Israelson
CITY MANAGER

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

EXHIBIT "A"

Program: Four Areas of Specialization Include: Executive Resources, Business Solutions, Essential Soft Skills, and IT/Computer Education.

Courses offered under this Program may include, but are not limited to, the following:

- Coaching
- Change Management
- New Manager/Supervisor
- Leadership
- Board Development
- Lean Six Sigma
- Customer Service
- Organization/Time Management
- Communication Skills
- Implicit Bias/Cultural Diversity
- Sexual Harassment Prevention
- Languages
- Cybersecurity
- Microsoft Office Suite – Excel, Word, PowerPoint, Access, Outlook
- QuickBooks
- Programming – Java, UNIX/LINUX
- AWS Certification
- Coding

Continuing Education Units: City employees will be given the opportunity to receive continuing education units as appropriate for each course length.

Materials/Supplies Costs: City of Plano will make copies of most course materials. Material costs will not exceed \$20.00 per student for any course without prior authorization.

Scheduled Course Dates: To be determined by **Plano** and **College**.

Instructor: College will employ qualified instructors to provide educational services in accordance with state regulations and policies of the College.

Participants and Tuition:

Plano ILO

Year 0	Thru 8/31/2020		
	per/person		min/class
1/2 day	\$82.50		\$1,320.00
full day	\$165.00		\$2,640.00
Yr 1-2	9/1/2020 -8/31/22		
1/2 day	\$85.50		\$1,368.00
full day	\$171.00		\$2,736.00
Yr 3-4	9/1/22 -8/31/2024		
1/2 day	\$88.75		\$1,420.00
full day	\$177.50		\$2,840.00

Online courses available for individual or groups.

Online course fees are based upon course.

COMPLIANCE WITH HIGHER EDUCATION COORDINATING BOARD RULES

Under the terms and conditions of this Agreement:

- A. The courses will remain under the sole and direct control of the College;
- B. Instructors of Company must meet qualifications stipulated by the College;
- C. College retains supervision of instructors;
- D. College will approve curriculum provided by the Company;
- E. College is responsible for recruitment through Company, admission, counseling of students; and
- F. If the Texas Higher Education Coordinating Board adopts new rules during the term of this Agreement, these new rules will prevail.

CITY OF PLANO GENERAL CONTRACTUAL INSURANCE REQUIREMENTS

Vendors/Contractors performing work on City property for the City of Plano shall provide the City a certificate of insurance evidencing the coverage's and coverage provisions identified herein. Vendors/Contractors shall provide the City evidence that all subcontractors performing work on the project have the same types and amounts of insurance as required herein or that the subcontractors are included under the vendors/contractor's policy. The City, at its discretion, may require a certified copy of the policies, including all relevant endorsements.

Listed on the following pages are the types and amounts of insurance required.

General Requirements Applicable to All Insurance

1. The vendor/contractor shall obtain and maintain the minimum insurance coverage set forth in this section during the entire contract period.
2. The vendor/contractor agrees that the insurance requirements specified herein do not reduce the liability vendor/contractor has assumed in any indemnification/hold harmless section of the contract.
3. Coverage shall be on a primary basis and non-contributory with any other insurance coverage and/or self-insurance carried by City.
4. Vendor/contractor is responsible for providing the City a minimum of 30 days' notice of a material change or voluntary cancellation of insurance coverage required under this contract and notice within 10 days of any notice of termination no matter the cause.
5. Where indicated as required, "The City of Plano, the City Council and its members, the City's agents, officers, directors, and employees shall be included as an additional insured under all insurance coverage required." (This statement must be in the Description of Operations/Locations/Vehicles Section of the ACORD 25 Form).
6. Endorsements for certain coverages may be required, see the following pages for coverages requiring endorsements.

Evidence of Insurance Required

Prior to commencement of work, and thereafter upon renewal or replacement of coverage required by this contract, vendor/contractor shall furnish City a Certificate(s) of Insurance (COI) on a form approved by the Texas Department of Insurance and signed by an authorized representative of each insurer.

The COI shall contain the following information and accompany required endorsements as identified (see #3, #5 and #6):

- List each insurer's NAIC Number or FEIN
- State the following in the Certificate Holder Section:

The City of Plano
Risk Management Division
1520 K Avenue, Suite 117
Plano, Texas. 75074

Educational Training on site Insurance Requirements

Coverage	Requirement	Details	Importance
Auto	Limit per Accident or Combined Single Limit	1,000,000	Major
	Coverage to include "Owned, Non-Owned, and Hired" automobiles.		Major
	Additional Insured - CA 2048		Major
	Waiver of Subrogation		Major
	Self-Insured Retention Declared & Approved		Major
	Primary & Non-Contributory		Major
	Project number and name/description must be included.		Major
	AM Best Rating	A (Excellent)	Major
	30 Day NOC		Major
	"The City, City Council & its members, City's agents, officers, directors & employees" shall be included as additional insured.		Major
General Liability	Limit per Occurrence	1,000,000	Major
	Aggregate Limit	2,000,000	Major
	Personal & Advertising Injury Limit	1,000,000	Major
	Products & Completed Operations Limit	2,000,000	Major
	Additional Insured - CG 2010, 2037, or 2033		Major
	Primary & Non-Contributory		Major
	Project number and name/description must be included.		Major
	AM Best Rating	A (Excellent)	Major
	30 Day NOC		Major
	"The City, City Council & its members, City's agents, officers, directors & employees" shall be included as additional insured.		Major
Workers Compensation	Employers Liability Limit	1,000,000	Major
	Limit Meets WC Statutory Minimum		Major
	Waiver of Subrogation		Major
	Primary & Non-Contributory		Major
	Self-Insured Retention Declared & Approved		Major
	Project number and name/description must be included.		Major
	30 Day NOC		Major



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/30/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Roach Howard Smith & Barton 8750 N. Central Expressway Suite 500 Dallas TX 75231	CONTACT NAME: Helen Stuart PHONE (A/C No. Ext): (972) 744-2704 FAX (A/C No.): (972) 744-2804 E-MAIL: hstuart@rheb.com ADDRESS:
INSURED Collin County Community College District P.O. Box 8021 McKinney TX 75070	INSURER(S) AFFORDING COVERAGE INSURER A: Deep East SIF INSURER B: Texas Public Entity Group INSURER C: United Educators Insurance INSURER D: INSURER E: INSURER F:

COVERAGES

CERTIFICATE NUMBER: Cert ID 45966

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADD'L SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER		6604G003791	11/01/2019	11/01/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 BI/PD Combined Ded \$ 25,000 COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ BI/PD Combined Ded \$ 10,000
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		8104F268091	11/01/2019	11/01/2020	BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ BI/PD Combined Ded \$ 10,000
C	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$		Y3709N	11/01/2019	11/01/2020	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> N/A	225	09/01/2019	09/01/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER EL EACH ACCIDENT \$ 1,000,000 EL DISEASE - EA EMPLOYEE \$ 1,000,000 EL DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
General and Auto Liability policies include a Blanket Automatic Additional Insured endorsement or provision that provides Additional Insured status to certificate holder only when there is a written contract between named insured and certificate holder that requires such status. General Liability policy contains a special endorsement or provision with Additional Insureds-Primary and Non-Contributory. General and Auto Liability policies include a Blanket Automatic Waiver of Subrogation endorsement or provision that provides this feature only when there is a written contract between named insured and certificate holder that requires it.

CERTIFICATE HOLDER

CANCELLATION

For Information Purposes Only
Confers No Rights to Holder

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020

DEPARTMENT: Engineering

DIRECTOR: B. Caleb Thornhill, P.E., Director of Engineering

AGENDA ITEM: First Amendment to a Subrecipient Agreement between the City of Plano and the Legacy Area Transportation Management Association.

RECOMMENDED ACTION: Approval of Contract / Agreement

ITEM SUMMARY

To ratify the First Amendment to the Subrecipient Agreement between the City of Plano and the Legacy Area Transportation Management Association (LATMA) extending the agreement from August 31, 2020 to October 31, 2024; and ratifying the City Manager's execution of the amendment and authorizing the execution of all necessary documents.

PREVIOUS ACTION/PRESENTATION

On February 26, 2018, the City Council approved an agreement with the Texas Department of Transportation that provides funds for the Legacy Area Transportation Management Association (LATMA).

On June 24, 2019, the City Council approved a subrecipient agreement with the LATMA, funded through the TxDOT agreement.

BACKGROUND

The TxDOT funding agreement that provides funds for LATMA expired on August 31, 2020. TxDOT has approved an extension of the agreement to a revised expiration date of October 31, 2024. This extension was granted due to TxDOT delays in developing the agreement and getting approvals; delays in getting an approved Federal Project Authorization and Agreement from the Federal Highway Administration, and issues associated with COVID-19. The extension of the agreement with TxDOT allows for the agreement with the LATMA to also be extended to October 31, 2024.

FINANCIAL SUMMARY/STRATEGIC GOALS

This item has no financial impact.

Approving this item to amend the agreement between the City of Plano and Legacy Area Transportation Management Association relates to the Strategic Plan Critical Success Factor of Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Agreement	9/3/2020	Agreement

FIRST AMENDMENT TO THE SUBRECIPIENT AGREEMENT
between
THE CITY OF PLANO
and
LEGACY AREA TRANSPORTATION MANAGEMENT ASSOCIATION
for the
NON-CONSTRUCTION ADVANCE FUNDING AGREEMENT
for a
SURFACE TRANSPORTATION BLOCK GRANT PROGRAM

WHEREAS, on November 8, 2018 the State of Texas through the Texas Department of Transportation (State) and the City of Plano, Texas (City), entered into a Local Transportation Project Non-Construction Advance Funding Agreement for a Surface Transportation Block Grant Program, On-System and Off-System (Funding Agreement); and

WHEREAS, the City intends to pass through funding it receives from the Funding Agreement to the Legacy Area Transportation Management Association, a Texas 501(c)(6) association(LATMA), for expenses eligible under the Funding Agreement and approved by the City; and

WHEREAS, the City and LATMA entered into a Subrecipient Agreement (Agreement) to set forth the obligations of each party regarding the funds received from the Funding Agreement and the Agreement was executed on July 22, 2019; and

WHEREAS, the Agreement had a deadline of August 31, 2020 for completion of the scope of work, but the parties wish to extend the deadline due to the COVID pandemic and because the parties have received an extension from the Texas Department of Transportation.


NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the parties hereby amend the Agreement as follows:

ARTICLE 3. SCOPE OF WORK

...
3.3 Deadline. LATMA shall complete the Scope by October 31, 2024.

IN WITNESS WHEREOF, the Parties have executed this First Amendment to the Agreement on the 7th day of September, 2020.

CITY OF PLANO



Mark D. Israelson
City Manager

LEGACY AREA TRANSPORTATION MANAGEMENT ASSOCIATION

Lissa Smith
Lissa Smith
Chair

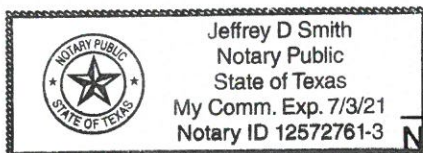
APPROVED AS TO FORM:

Michelle D'Andrea
for: Paige Mims, CITY ATTORNEY

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

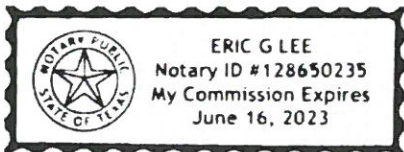
This instrument was acknowledged before me on the 1st day of September, 2020 by Mark D. Israelson, City Manager of the CITY OF PLANO, TEXAS, a home-rule municipal corporation, on behalf of said corporation.



[Signature]
Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF Dallas §

This instrument was acknowledged before me on the 29 day of August, 2020 by Lissa Smith, Chair of LEGACY AREA TRANSPORTATION MANAGEMENT ASSOCIATION, a Texas 501(c)(6) association, on behalf of said association.



[Signature]
Notary Public, State of Texas

29 Aug 2020
Date



CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020
DEPARTMENT: Police
DIRECTOR: Ed Drain, Chief of Police
AGENDA ITEM: Approval to accept the 2020-21 TxDot Traffic Safety Grant and the required City Match.
RECOMMENDED ACTION: Adoption of Resolutions

ITEM SUMMARY

To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for the Intersection Traffic Control Project, PIN 17560006409000, targeting intersections regulated by a signal light; authorizing the City Manager or his authorized designee to execute the grant agreement and any other documents necessary to effectuate the action taken; and providing an effective date.

BACKGROUND

In 2002, we applied to the Texas Department of Transportation (TxDOT) for grant funds to place additional enforcement at several problem intersections where red light crashes were resulting in injuries and deaths.

We are requesting approval to accept the FY 20/21 grant of \$162,336 for traffic enforcement, \$32,471 of which will be the required City match (\$129,865 in federal funds and \$32,471 in local funds). This grant is an 80/20 matching grant.

We are requesting the match in hard dollars for salaries and benefits in the amount of \$32,471 be funded from the Traffic Safety Fund.

The grant will fund added speed and intersection enforcement at documented high crash locations throughout the City.

Traffic safety is one of our four Performance Measures. If funding is not approved, the Police Department's traffic enforcement activities will be adversely impacted and the State's matching funds will be forfeited.

FINANCIAL SUMMARY/STRATEGIC GOALS

The grant contract, if approved, provides an 80% STEP Grant reimbursement, in the estimated annual amount of \$129,865 from TXDOT to reimburse police officer overtime expenditures, benefits, operating expenditures, and travel expenses related to enforcing traffic intersection laws during FY 2020-21. The required City "match" of FY 2020-21 expenditures, at 20%, totals approximately \$32,471, which will be included within the FY 2020-21 Traffic Safety Fund Budget.

Approval of this item will support the City's Strategic Plan Critical Success Factors of being an Excellent, Innovative, and Accountable City Government that supports Safe, Vibrant Neighborhoods.

ATTACHMENTS:

Description	Upload Date	Type
STEP Grant Resolution	8/24/2020	Resolution
2021 STEP Grant Agreement	8/25/2020	Agreement

A Resolution of the City of Plano, Texas, authorizing the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for the Intersection Traffic Control Project, PIN 17560006409000, targeting intersections regulated by a signal light; authorizing the City Manager or his authorized designee to execute the grant agreement and any other documents necessary to effectuate the action taken; and providing an effective date.

WHEREAS, the City of Plano has applied for and been awarded a grant through the State of Texas and the Texas Highway Traffic Safety Program that provides funding for Intersection Traffic Control (ITC) projects as part of a Selective Traffic Enforcement Program (STEP), the purpose of which is to reduce fatalities, injuries, and crashes at intersections in Plano where there is a history of high frequency crashes and where traffic is regulated by a traffic signal light; and

WHEREAS, the City Council of the City of Plano has been presented a proposed Grant Agreement by and between the City of Plano and the State of Texas, acting by and through the Texas Department of Transportation, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Grant Agreement"); and

WHEREAS, upon full consideration of all matters attendant and related thereto, the City Council of the City of Plano is of the opinion that participation in and receipt of funding through the Texas Highway Traffic Safety Program, PIN 17560006409000, for the purpose of conducting an Intersection Traffic Control (ITC) project is in the best interest of the City and its citizens, and that the City Manager or his authorized designee should be authorized to execute the Grant Agreement and any other documents necessary for such participation in and receipt of funding through the Texas Highway Traffic Safety Program.

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

Section I. Participation in and receipt of funding through the Texas Highway Traffic Safety Program by the City of Plano and the terms and conditions of the Grant Agreement, having been found to be acceptable and in the best interest of the City of Plano by the City Council, is hereby in all things approved.

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

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

DULY PASSED AND APPROVED this the 14th day of September, 2020.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Texas Traffic Safety eGrants

Fiscal Year 2021

Organization Name: City of Plano Police Department

Legal Name: City of Plano

Payee Identification Number: 17560006409000

Project Title: STEP Comprehensive

ID: 2021-PlanoPD-S-1YG-00050

Period: 10/01/2020 to 09/30/2021

GENERAL INFORMATION

Project Title:STEP Comprehensive

Project Description:

Program Elements

When performing enforcement activities under this grant, officers should make the enforcement of the STEP elements listed below their top priority, although any traffic-related probable cause can be used to initiate a vehicle stop

1. DWI : Driving While Intoxicated
2. Speed: Speed Enforcement
3. OP: Occupant Protection (Safety Belt and Child Safety Seat)
4. ITC: Intersection Traffic Control
5. DD: Distracted Driving

Holiday Periods

Enforcement activities under this grant may be conducted on any day at any time of day the agency deems appropriate. However, subgrantee should make it a priority to conduct enforcement activities during state and federally determined holiday periods, which are:

1. Christmas/New Year's
2. Spring Break
3. Memorial Day
4. Independence Day
5. Labor Day

STEP Mobilization Calendar is available on [eGrantsHelp page](#)

X Agency agrees to enforce the above Program Elements and Holiday Periods as part of the Selective Traffic Enforcement Program

GRANT AGREEMENT GENERAL TERMS AND CONDITIONS *(Revised:07/18/2019)*

Definitions: For purposes of these Terms and Conditions, the "Department" is also known as the "State" and the "prospective primary participant" and the "Subgrantee" is also known as the "Subrecipient" and "prospective lower tier participant"

ARTICLE 1. COMPLIANCE WITH LAWS

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

ARTICLE 2. STANDARD ASSURANCES

The Subgrantee assures and certifies that it will comply with the regulations, policies, guidelines, and requirements, including 2 CFR, Part 200; and the Department's Traffic Safety Program Manual, as they relate to the application, acceptance, and use of federal or state funds for this project. Also, the Subgrantee assures and certifies that:

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

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

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

D. Political activity (Hatch Act) (applies to subrecipients as well as States). The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

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

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

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

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

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

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

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

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

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

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

ARTICLE 3. COMPENSATION

A. The method of payment for this agreement will be based on actual costs incurred up to and not to exceed the limits specified in the Project Budget. The amount included in a Project Budget category will be deemed to be an estimate only and a higher amount can be reimbursed, subject to the conditions specified in paragraph B of this Article. If the Project Budget specifies that costs are based on a specific rate, per-unit cost, or other method of payment, reimbursement will be based on the specified method.

B. All payments will be made in accordance with the Project Budget.

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

2. If the overrun is five (5) percent or less, the Subgrantee must provide written notification to the Department, through the TxDOT Electronic Grants Management System (eGrants), prior to the Request for Reimbursement being approved. The notification must indicate the amount, the percent over, and the specific reason(s) for the overrun.

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

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

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

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

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

E. Payment of costs incurred under this agreement is further governed by the cost principles outlined in 2 CFR Part 200.

F. The Subgrantee agrees to submit monthly Requests for Reimbursement, as designated in this Grant Agreement, within thirty (30) days after the end of the billing period. The Request for Reimbursement and appropriate supporting documentation must be submitted through eGrants.

G. The Subgrantee agrees to submit the final Request for Reimbursement under this agreement within forty-five (45) days of the end of the grant period.

H. Payments are contingent upon the availability of appropriated funds.

I. Project agreements supported with federal or TxDOT funds are limited to the length of this Grant Period specified in this Grant Agreement. If the Department determines that the project has demonstrated merit or has potential long-range benefits, the Subgrantee may apply for funding assistance beyond the initial agreement period.

Preference for funding will be given to projects based on (1) proposed cost sharing and (2) demonstrated performance history.

ARTICLE 4. LIMITATION OF LIABILITY

Payment of costs incurred under this agreement is contingent upon the availability of funds. If at any time during this Grant Period, the Department determines that there is insufficient funding to continue the project, the Department shall notify the Subgrantee, giving notice of intent to terminate this agreement, as specified in Article 11 of this agreement. If at the end of a federal fiscal year, the Department determines that there is sufficient funding and performance to continue the project, the Department may notify the Subgrantee to continue this agreement.

ARTICLE 5. AMENDMENTS

This agreement may be amended prior to its expiration by mutual written consent of both parties, utilizing the Grant Agreement Amendment in eGrants. Any amendment must be executed by the parties within the Grant Period, as specified in this Grant Agreement.

ARTICLE 6. ADDITIONAL WORK AND CHANGES IN WORK

A. If the Subgrantee is of the opinion that any assigned work is beyond the scope of this agreement and constitutes additional work, the Subgrantee shall promptly notify the Department in writing through eGrants. If the Department finds that such work does constitute additional work, the Department shall advise the Subgrantee and a written amendment to this agreement will be executed according to Article 5, Amendments, to provide compensation for doing this work on the same basis as the original work. If performance of the additional work will cause the maximum amount payable to be exceeded, the work will not be performed before a written grant amendment is executed.

B. If the Subgrantee has submitted work in accordance with the terms of this agreement but the Department requests changes to the completed work or parts of the work which involve changes to the original scope of services or character of work under this agreement, the Subgrantee shall make those revisions as requested and directed by the Department. This will be considered as additional work and will be paid for as specified in this Article.

C. If the Subgrantee submits work that does not comply with the terms of this agreement, the Department shall instruct the Subgrantee to make any revisions that are necessary to bring the work into compliance with this agreement. No additional compensation shall be paid for this work.

D. The Subgrantee shall make revisions to the work authorized in this agreement that are necessary to correct errors or omissions, when required to do so by the Department. No additional compensation shall be paid for this work.

E. The Department shall not be responsible for actions by the Subgrantee or any costs incurred by the Subgrantee relating to additional work not directly associated with or prior to the execution of an amendment.

ARTICLE 7. REPORTING AND MONITORING

A. Not later than thirty (30) days after the end of each reporting period, the Subgrantee shall submit a performance report through eGrants. Reporting periods vary by project duration and are defined as follows:

1. For short term projects, the reporting period is the duration of the project. Subgrantee shall submit a performance report within 30 days of project completion.

2. For longer projects, the reporting period is monthly. Subgrantee shall submit a performance report within 30 days of the completion of each project month and within 30 days of project completion.

3. For Selective Traffic Enforcement Program (STEP) Wave projects, the reporting period is each billing cycle. Subgrantee shall submit a performance report within 30 days of the completion of each billing cycle.

B. The performance report will include, as a minimum: (1) a comparison of actual accomplishments to the objectives established for the period, (2) reasons why established objectives and performance measures were not met, if appropriate, and (3) other pertinent information, including, when appropriate, an analysis and explanation of cost underruns, overruns, or high unit costs.

C. The Subgrantee shall promptly advise the Department in writing, through eGrants, of events that will have a significant impact upon this agreement, including:

1. Problems, delays, or adverse conditions, including a change of project director or other changes in Subgrantee personnel, that will materially affect the ability to attain objectives and performance measures, prevent the meeting of time schedules and objectives, or preclude the attainment of project objectives or performance measures by the established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated and any Department or federal assistance needed to resolve the situation.

2. Favorable developments or events that enable meeting time schedules and objectives sooner than anticipated or achieving greater performance measure output than originally projected.

D. The Subgrantee shall submit the Final Performance Report through eGrants within thirty (30) days after completion of the grant.

ARTICLE 8. RECORDS

The Subgrantee agrees to maintain all reports, documents, papers, accounting records, books, and other evidence pertaining to costs incurred and work performed under this agreement (called the "Records"), and shall make the Records available at its office for the time period authorized within the Grant Period, as specified in this Grant Agreement. The Subgrantee further agrees to retain the Records for four (4) years from the date of final payment under this agreement, until completion of all audits, or until pending litigation has been completely and fully resolved, whichever occurs last.

Duly authorized representatives of the Department, the USDOT, the Office of the Inspector General, Texas State Auditor, and the Comptroller General shall have access to the Records. This right of access is not limited to the four (4) year period but shall last as long as the Records are retained.

ARTICLE 9. INDEMNIFICATION

A. To the extent permitted by law, the Subgrantee, if other than a government entity, shall indemnify, hold, and save harmless the Department and its officers and employees from all claims and liability due to the acts or omissions of the Subgrantee, its agents, or employees. The Subgrantee also agrees, to the extent permitted by law, to indemnify, hold, and save harmless the Department from any and all expenses, including but not limited to attorney fees, all court costs and awards for damages incurred by the Department in litigation or otherwise resisting claims or liabilities as a result of any activities of the Subgrantee, its agents, or employees.

B. To the extent permitted by law, the Subgrantee, if other than a government entity, agrees to protect, indemnify, and save harmless the Department from and against all claims, demands, and causes of action of every kind and character brought by any employee of the Subgrantee against the Department due to personal injuries to or death of any employee resulting from any alleged negligent act, by either commission or omission on the part of the Subgrantee.

C. If the Subgrantee is a government entity, both parties to this agreement agree that no party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds, as well as the acts and deeds of its contractors, employees, representatives, and agents.

ARTICLE 10. DISPUTES AND REMEDIES

This agreement supersedes any prior oral or written agreements. If a conflict arises between this agreement and the Traffic Safety Program Manual, this agreement shall govern. The Subgrantee shall be responsible for the settlement of all contractual and administrative issues arising out of procurement made by the Subgrantee in support of work under this agreement. Disputes concerning performance or payment shall be submitted to the Department for settlement, with the Executive Director or his or her designee acting as final referee.

ARTICLE 11. TERMINATION

A. This agreement shall remain in effect until the Subgrantee has satisfactorily completed all services and obligations described in this agreement and these have been accepted by the Department, unless:

1. This agreement is terminated in writing with the mutual consent of both parties; or
2. There is a written thirty (30) day notice by either party; or
3. The Department determines that the performance of the project is not in the best interest of the Department and informs the Subgrantee that the project is terminated immediately.

B. The Department shall compensate the Subgrantee for only those eligible expenses incurred during the Grant Period specified in this Grant Agreement that are directly attributable to the completed portion of the work covered by this agreement, provided that the work has been completed in a manner satisfactory and acceptable to the Department. The Subgrantee shall not incur nor be reimbursed for any new obligations after the effective date of termination.

ARTICLE 12. INSPECTION OF WORK

A. The Department and, when federal funds are involved, the USDOT, or any of their authorized representatives, have the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed under this agreement and the premises in which it is being performed.

B. If any inspection or evaluation is made on the premises of the Subgrantee or its subcontractor, the Subgrantee shall provide and require its subcontractor to provide all reasonable facilities and assistance for the safety and convenience of the inspectors in the performance of their duties. All inspections and evaluations shall be performed in a manner that will not unduly delay the work.

ARTICLE 13. AUDIT

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under this agreement or indirectly through a subcontract under this agreement. Acceptance of funds directly under this agreement or indirectly through a subcontract under this agreement acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

ARTICLE 14. SUBCONTRACTS

A subcontract in excess of \$25,000 may not be executed by the Subgrantee without prior written concurrence by the Department. Subcontracts in excess of \$25,000 shall contain all applicable terms and conditions of this agreement. No subcontract will relieve the Subgrantee of its responsibility under this agreement.

ARTICLE 15. GRATUITIES

A. Texas Transportation Commission policy mandates that employees of the Department shall not accept any benefit, gift, or favor from any person doing business with or who, reasonably speaking, may do business with the Department under this agreement. The only exceptions allowed are ordinary business lunches and items that have received the advanced written approval of the Department's Executive Director.

B. Any person doing business with or who reasonably speaking may do business with the Department under this agreement may not make any offer of benefits, gifts, or favors to Department employees, except as mentioned here above. Failure on the part of the Subgrantee to adhere to this policy may result in termination of this agreement.

ARTICLE 16. NONCOLLUSION

The Subgrantee warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Subgrantee, to solicit or secure this agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or making of this agreement. If the Subgrantee breaches or violates this warranty, the Department shall have the right to annul this agreement without liability or, in its discretion, to deduct from the agreement price or consideration, or otherwise recover the full amount of such fee, commission, brokerage fee, contingent fee, or gift.

ARTICLE 17. CONFLICT OF INTEREST

The Subgrantee represents that it or its employees have no conflict of interest that would in any way interfere with its or its employees' performance or which in any way conflicts with the interests of the Department. The Subgrantee shall exercise reasonable care and diligence to prevent any actions or conditions that could result in a conflict with the Department's interests.

ARTICLE 18. SUBGRANTEE'S RESOURCES

A. The Subgrantee certifies that it presently has adequate qualified personnel in its employment to perform the work required under this agreement, or will be able to obtain such personnel from sources other than the Department.

B. All employees of the Subgrantee shall have the knowledge and experience that will enable them to perform the duties assigned to them. Any employee of the Subgrantee who, in the opinion of the Department, is incompetent or whose conduct becomes detrimental to the work, shall immediately be removed from association with the project.

C. Unless otherwise specified, the Subgrantee shall furnish all equipment, materials, supplies, and other resources required to perform the work.

ARTICLE 19. PROCUREMENT AND PROPERTY MANAGEMENT

The Subgrantee shall establish and administer a system to procure, control, protect, preserve, use, maintain, and dispose of any property furnished to it by the Department or purchased pursuant to this agreement in accordance with its own procurement and property management procedures, provided that the procedures are not in conflict with (1) the Department's procurement and property management standards and (2) the federal procurement and property management standards provided by 2 CFR §§ 200.310-.316, 200.318-.324.

ARTICLE 20. OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Upon completion or termination of this Grant Agreement, whether for cause or at the convenience of the parties, all finished or unfinished documents, data, studies, surveys, reports, maps, drawings, models, photographs, etc. prepared by the Subgrantee, and equipment and supplies purchased with grant funds shall, at the option of the Department, become the property of the Department. All sketches, photographs, calculations, and other data prepared under this agreement shall be made available, upon request, to the Department without restriction or limitation of their further use.

A. Intellectual property consists of copyrights, patents, and any other form of intellectual property rights covering any databases, software, inventions, training manuals, systems design, or other proprietary information in any form or medium.

B. All rights to Department. The Department shall own all of the rights (including copyrights, copyright applications, copyright renewals, and copyright extensions), title and interests in and to all data, and other information developed under this contract and versions thereof unless otherwise agreed to in writing that there will be joint ownership.

C. All rights to Subgrantee. Classes and materials initially developed by the Subgrantee without any type of funding or resource assistance from the Department remain the Subgrantee's intellectual property. For these classes and materials, the Department payment is limited to payment for attendance at classes.

ARTICLE 21. SUCCESSORS AND ASSIGNS

The Department and the Subgrantee each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of the other party in respect to all covenants of this agreement. The Subgrantee shall not assign, sublet, or transfer interest and obligations in this agreement without written consent of the Department through eGrants.

ARTICLE 22. CIVIL RIGHTS COMPLIANCE

A. Compliance with regulations: The Subgrantee shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation

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(USDOT): 49 CFR, Part 21; 23 CFR, Part 200; and 41 CFR, Parts 60-74, as they may be amended periodically (called the "Regulations"). The Subgrantee agrees to comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 and as supplemented by the U.S. Department of Labor regulations (41 CFR, Part 60).

B. Nondiscrimination: (applies to subrecipients as well as States) The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 et seq.), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 et seq.), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

The State highway safety agency-

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance:

- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:

"During the performance of this contract/funding agreement, the contractor/funding recipient agrees-

- a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- e. To insert this clause, including paragraphs (a) through (e), in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

C. Solicitations for subcontracts, including procurement of materials and equipment: In all solicitations either by competitive bidding or negotiation made by the Subgrantee for work to be performed under a subcontract, including procurements of materials and leases of equipment, each potential subcontractor or supplier shall be notified by the Subgrantee of the Subgrantee's obligations under this agreement and the regulations relative to nondiscrimination on the grounds of race, color, sex, national origin, age, religion, or disability.

D. Information and reports: The Subgrantee shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the USDOT to be pertinent to ascertain compliance with the Regulations or directives. Where any information required of the Subgrantee is in the exclusive possession of another who fails or refuses to furnish this information, the Subgrantee shall certify that to the Department or the USDOT, whichever is appropriate, and shall set forth what efforts the Subgrantee has made to obtain the requested information.

E. Sanctions for noncompliance: In the event of the Subgrantee's noncompliance with the nondiscrimination provision of this agreement, the Department shall impose such sanctions as it or the USDOT may determine to be appropriate.

F. Incorporation of provisions: The Subgrantee shall include the provisions of paragraphs A. through

E. in every subcontract, including procurements of materials and leases of equipment, unless exempt by the regulations or directives. The Subgrantee shall take any action with respect to any subcontract or procurement that the Department may direct as a means of enforcing those provisions, including sanctions for noncompliance. However, in the event a Subgrantee becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such direction, the Subgrantee may request the Department to enter into litigation to protect the interests of the state; and in addition, the Subgrantee may request the United States to enter into such litigation to protect the interests of the United States.

ARTICLE 23. DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

A. The parties shall comply with the DBE Program requirements established in 49 CFR Part 26.

B. The Subgrantee shall adopt, in its totality, the Department's federally approved DBE program.

C. The Subgrantee shall set an appropriate DBE goal consistent with the Department's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Subgrantee shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.

D. The Subgrantee shall follow all other parts of the Department's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity and attachments found at web address <http://www.txdot.gov/business/partnerships/dbe.html>

E. The Subgrantee shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Subgrantee shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of USDOT-assisted contracts. The Department's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Subgrantee of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).

F. Each contract the Subgrantee signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.

ARTICLE 24. CERTIFICATION REGARDING DEBARMENT AND SUSPENSION (applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.

4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or

voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions

(1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered

transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

ARTICLE 25. CERTIFICATION REGARDING FEDERAL LOBBYING (applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation,

renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

ARTICLE 26. CHILD SUPPORT CERTIFICATION

Under Section 231.006, Texas Family Code, the Subgrantee certifies that the individual or business entity named in this agreement is not ineligible to receive the specified grant, loan, or payment and acknowledges that this agreement may be terminated and payment may be withheld if this certification is inaccurate. If the above certification is shown to be false, the Subgrantee is liable to the state for attorney's fees and any other damages provided by law or the agreement. A child support obligor or business entity ineligible to receive payments because of a payment delinquency of more than thirty (30) days remains ineligible until: all arrearages have been paid; the obligor is in compliance with a written repayment agreement or court order as to any existing delinquency; or the court of continuing jurisdiction over the child support order has granted the obligor an exemption from Subsection (a) of Section 231.006, Texas Family Code, as part of a court-supervised effort to improve earnings and child support payments.

ARTICLE 27. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT REQUIREMENTS

A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms:

<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf> and
<http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf>.

B. The Subgrantee agrees that it shall:

1. Obtain and provide to the State a System for Award Management (SAM) number (48 CFR subpt. 4.11) if this award provides for more than \$25,000 in Federal funding. The SAM number may be obtained by visiting the SAM web-site at: <https://www.sam.gov>

2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the Federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>;

and

3. Report the total compensation and names of its top five (5) executives to the State if:

- i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
- ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

ARTICLE 28. SINGLE AUDIT REPORT

A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in 2 CFR Part 200.

B. If threshold expenditures of \$750,000 or more are met during the Subgrantee's fiscal year, the Subgrantee must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at singleaudits@txdot.gov

C. If expenditures are less than \$750,000 during the Subgrantee's fiscal year, the Subgrantee must submit a statement to TxDOT's Audit Office as follows: "We did not meet the \$750,000 expenditure threshold and therefore, are not required to have a single audit performed for FY ____."

D. For each year the project remains open for federal funding expenditures, the Subgrantee will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

ARTICLE 29. BUY AMERICA ACT (applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

ARTICLE 30. RESTRICTION ON STATE LOBBYING (applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

ARTICLE 31. NONGOVERNMENTAL ENTITY'S PUBLIC INFORMATION

(This article applies only to non-profit entities.)

The Subgrantee is required to make any information created or exchanged with the Department pursuant to this Grant Agreement and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the Department. [SB-1368, 83rd Texas Legislature, Regular Session, Effective 9/1/13]

ARTICLE 32. PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE
(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

ARTICLE 33. INTERNAL ETHICS AND COMPLIANCE PROGRAM

Subgrantee shall comply with Title 43 Texas Administrative Code §25.906(b). Subgrantee certifies it has adopted an internal ethics and compliance program that satisfies the requirements of Title 43 Texas Administrative Code §10.51 (relating to Internal Ethics and Compliance Program). Subgrantee shall enforce compliance with that program.

Data Universal Numbering System: The Data Universal Numbering System (DUNS) is a unique nine-digit number recognized as the universal standard for identifying and tracking businesses worldwide. The Federal Spending Transparency Directive and the previous Federal Funding Accountability and Transparency Act (FFATA) requires grantees and sub-grantees to have a DUNS number. Most agencies and organizations have DUNS numbers established, please check with your accounting staff. To obtain a DUNS number, applicants should go to the Dun and Bradstreet website at: <http://fedgov.dnb.com/webform>

Data Universal Numbering System (D-U-N-S)

784723231

2 C.F.R. Part 200 Compliance

Enter the Begin Date and End Date of your Agency's Fiscal Year 2021

Begin Date : 10/1/2020 End Date : 9/30/2021

Your entity is required to comply with federal (OMB A-133) and/or state (State of Texas Single Audit Circular) requirements.

If threshold expenditures of \$750,000 or more are met during your agency's fiscal year, please submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 East Eleventh Street, Austin, TX 78701 or contact TxDOT's Audit Office at singleaudits@txdot.gov

If expenditures are less than \$750,000 during your agency's fiscal year, please submit a statement to TxDOT's Audit Office as follows:

"We did not meet the \$750,000 expenditure threshold and therefore we are not required to have a single audit performed for FY ."

X I agree

STEP Operating Policies and Procedures

All STEP agencies must either have established written STEP operating policies and procedures, or will develop written policies and procedures before STEP grants can be executed. Please click here for [STEP Policies and Procedures requirements](#).

If your agency has approved STEP Operating Policies and Procedures, please upload here :

https://www.dot.state.tx.us/apps/egrants/_Upload/939785_337697-

[STEPPolicyandProcedurePerformance.pdf](#)

If your agency does not have approved STEP Operating Policies and Procedures, please certify the following:

I certify that our agency will develop STEP Operating Policies and Procedures before executing the grant.

PROPOSING AGENCY AUTHENTICATION

X The following person has authorized the submittal of this proposal.

Name	:Mark Israelson
Title	:City Manager
Address	:1520 Ave K
City	:Plano
State	:Texas
Zip Code	:75074
Phone Number	:972-941-7749
Fax Number	:
E-mail address	:Marki@plano.gov

COUNTY SERVED

Collin County - Dallas District
Denton County - Dallas District

POLITICAL DISTRICT SERVED

U.S. Congress* Congressional District 3
Congressional District 24

Texas Senate* Texas Senate District 8
Texas Senate District 12

Texas House* Texas House of Representatives District 66
Texas House of Representatives District 67

GOALS AND STRATEGIES

Goal: To increase effective enforcement and adjudication of traffic safety-related laws to reduce crashes, fatalities, and injuries.

Strategies: Increase and sustain high visibility enforcement of traffic safety-related laws.
Increase public education and information campaigns regarding enforcement activities.

Goal: To reduce the number of alcohol impaired and driving under the influence of alcohol and other drug-related crashes, injuries, and fatalities.

Strategy: Increase and sustain high visibility enforcement of DWI laws.

Goal: To increase occupant restraint use in all passenger vehicles and trucks.

Strategy: Increase and sustain high visibility enforcement of occupant protection laws.

Goal: To reduce the number of speed-related crashes, injuries, and fatalities.

Strategy: Increase and sustain high visibility enforcement of speed-related laws.

Goal: To reduce intersection-related motor vehicle crashes, injuries, and fatalities.

Strategy: Increase and sustain high visibility enforcement of Intersection Traffic Control (ITC) laws.

Goal: To reduce Distracted Driving motor vehicle crashes, injuries, and fatalities.

Strategies: Increase and sustain high visibility enforcement of state and local ordinances on cellular and texting devices.
Increase public information and education on Distracted Driving related traffic issues.

☒ I agree to the above goals and strategies.

BASELINE INFORMATION

Baseline Definition: A number serving as a foundation for subgrantees to measure pre-grant traffic enforcement activity. Baseline information must be provided by the subgrantee in order to identify local traffic enforcement related activity. This information should exclude any activity generated with STEP grant dollars. Once the baseline is established, these figures will be used to compare subsequent year's local and grant traffic enforcement activity.

Note: Baseline data used must be no older than 2017.

Baseline Year (12 months) **From 1/1/2018 To 12/31/2018**

<u>Baseline Measure</u>	<u>Arrests/Citations</u>	<u>Written Warnings</u>	<u>KA Crashes</u>
Driving Under Influence (DUI)	864	0	18
Speed	19663	14479	10
Safety Belt	96	83	12
Child Safety Seat	88	21	
Intersection Traffic Control (ITC)	3761	605	46
Distracted Driving Citations	59	103	0
Other Elements	29069	13160	106

If you have additional attachments, provide them on the "Attachments" page.

LAW ENFORCEMENT OBJECTIVE/PERFORMANCE MEASURE

Objective/Performance Measure	Target Number	Not Applicable
Reduce the number of Driving Under Influence (DUI) crashes to	16	
Reduce the number of Speed-related crashes to	1	
Reduce the number of Safety Belt-related crashes to	4	
Reduce the number of Child Safety Seat-related crashes to		X
Reduce the number of ITC-related crashes to	11	
Reduce the number of Distracted Driving-related crashes to		X
Number of Enforcement Hours	1873	

Note: Nothing in this agreement shall be interpreted as a requirement, formal or informal, that a peace officer issue a specified or predetermined number of citations in pursuance of the Subgrantee's obligations hereunder. Department and Subgrantee acknowledge that Texas Transportation Code Section 720.002 prohibits using traffic-offense quotas and agree that nothing in this Agreement is establishing an illegal quota.

In addition to the STEP enforcement activities, the subgrantee must maintain baseline non-STEP funded citation and arrest activity due to the prohibition of supplanting.

PI&E OBJECTIVE/PERFORMANCE MEASURE

Objectives/Performance Measure	Target Number
Support Grant efforts with a public information and education (PI&E) program	
a. Conduct presentations	5
b. Conduct media exposures (e.g. news conferences, news releases, and interviews)	5
c. Conduct community events (e.g. health fairs, booths)	2

OPERATIONAL PLAN

Zone Name : Zone 1

Zone SH 190 as the south boundary. Alma Road as the west boundary. West Parker Road as

Location : the north boundary. Ave K as the east boundary

Zone Hours :

Zone Heat

Map : (attach) https://www.dot.state.tx.us/apps/egrants/_Upload/949844_337651-Zone1Combined.pdf

OPERATIONAL PLAN

Zone Name : Zone 2

Zone South boundary is West Parker Road. West boundary is Alma Road. North boundary is

Location : the north city limits. East boundary is Jupiter Road.

Zone Hours :

Zone Heat

Map : (attach) https://www.dot.state.tx.us/apps/egrants/_Upload/949846_337651-Zone2Combined.pdf

OPERATIONAL PLAN

Zone Name : Zone 3 (deleted)

Zone Location : This zone is being deleted from this grant request. Plano will have zones 1, 2, 4 and 6 for this grant year.

Zone Hours :

Zone Heat Map : https://www.dot.state.tx.us/apps/egrants/_Upload/949847_337651-
(attach) Zone3Deletion.docx

OPERATIONAL PLAN

Zone
Name : Zone 4

Zone
Location : South boundary is Tennyson Parkway. West boundary is Corporate Drive until it reaches Legacy Drive and continues to the west. North boundary is Sam Rayburn Tollway. East boundary is Ohio Drive.

Zone
Hours :

Zone Heat

Map : https://www.dot.state.tx.us/apps/egrants/_Upload/949848_337651-Zone4Combined.pdf
(attach)

OPERATIONAL PLAN

Zone Name : Zone 6

Zone Location : South boundary is West Plano Parkway. West boundary is Parkwood Blvd. North boundary is West Park Blvd. East boundary is Independence Parkway.

Zone Hours :

Zone Heat

Map : https://www.dot.state.tx.us/apps/egrants/_Upload/949850_337651-Zone6Combined.pdf
(attach)

City of Plano Police Department
STEP Comprehensive 2021

SALARIES AND FRINGE BENEFITS

Law Enforcement Hours: 1873								
X Overtime Regular Time								
	TxDOT Hours	Match Hours	Wage Rate	TxDOT Salaries	Match Salaries	Total Salaries	Fringe %	Total Fringe:
A. Enforcement								
Officers/Deputies:	1647	31	\$69.025	\$113,684.18	\$2,139.78	\$115,823.95	18.66%	\$21,612.75
Sergeants:	150	20	\$79.190	\$11,878.50	\$1,583.80	\$13,462.30	18.66%	\$2,512.07
Lieutenants/Other:	5	20	\$86.710	\$433.55	\$1,734.20	\$2,167.75	18.66%	\$404.50
B. PI&E Activities								
PI&E Activities:	20	20	\$74.263	\$1,485.26	\$1,485.26	\$2,970.52	18.66%	\$554.30
C. Administrative Duties								
STEP Activity- Data Entry, Oversight and Accounting	30	0	\$79.460	\$2,383.80		\$2,383.80	18.66%	\$444.82
			\$0				%	\$0
			\$0				%	\$0
			\$0				%	\$0
			\$0				%	\$0
			\$0				%	\$0
Total:				\$129,865.29	\$6,943.04	\$136,808.32		\$25,528.43
Category	TxDOT	%		Match		%	Total	
Salaries:	\$129,865.29	94.92%		\$6,943.04		5.08%	\$136,808.32	
Fringe Benefits:	\$0	0.00%		\$25,528.43		100.00%	\$25,528.43	
Breakdown of Fringe Percentages:								
TMRS 17.21%	Details of regular time, if included in any of the above hours :							
Medicare 1.45%								
Total Fringe 18.66%								

BUDGET SUMMARY

Budget Category		TxDOT	Match	Total
Category I - Labor Costs				
(100)	Salaries:	\$129,865.29	\$6,943.04	\$136,808.32
(200)	Fringe Benefits:	\$0	\$25,528.43	\$25,528.43
	Sub-Total:	\$129,865.29	\$32,471.47	\$162,336.75
Category II - Other Direct Costs				
(300)	Travel:	\$0	\$0	\$0
(400)	Equipment:	\$0	\$0	\$0
(500)	Supplies:	\$0	\$0	\$0
(600)	Contractual Services:	\$0	\$0	\$0
(700)	Other Miscellaneous:	\$0	\$0	\$0
	Sub-Total:	\$0	\$0	\$0
Total Direct Costs:		\$129,865.29	\$32,471.47	\$162,336.75
Category III - Indirect Costs				
(800)	Indirect Cost Rate:	\$0	\$0	\$0
Summary				
	Total Labor Costs:	\$129,865.29	\$32,471.47	\$162,336.75
	Total Direct Costs:	\$0	\$0	\$0
	Total Indirect Costs:	\$0	\$0	\$0
Grand Total		\$129,865.29	\$32,471.47	\$162,336.75
	Fund Sources (Percent Share):	80.00%	20.00%	
Salary and cost rates will be based on the rates submitted by the Subgrantee in its grant application in Egrants.				

CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020

DEPARTMENT: Gov Relations

DIRECTOR: Brandi Youngkin, Director of Policy & Government Relations

AGENDA ITEM: To approve a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding Atmos' 2020 Rate Review Mechanism filing.

RECOMMENDED ACTION: Adoption of Ordinances

ITEM SUMMARY

To approve a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company") regarding the Company's 2020 Rate Review Mechanism ("RRM") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and agreeing that the City will deliver this Ordinance to the Company and the ACSC's legal counsel.

PREVIOUS ACTION/PRESENTATION

An Ordinance approving the negotiated settlement between Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding Atmos' Rate Review Mechanism filing was passed in September 2019.

BACKGROUND

The City of Plano, along with 171 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division "Atmos Mid-Tex" or "Company") is a member of the Atmos Cities Steering Committee ("ACSC").

In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018.

On or about March 31, 2020, the Atmos Mid-Tex Division filed a rate request pursuant to the RRM Tariff adopted by the ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2019, entitled it to additional system-wide revenues of \$141.2 million. This application of the standards set forth in ACSC's RRM Tariff required Atmos to reduce its request to \$136.3 million, \$98.7 million of which would be applicable to ACSC members. This request is significantly larger than any filing

Atmos Mid-Tex has ever made in its history. No prior request in a traditional rate case filed has exceeded \$70 million. Atmos Mid-Tex claims that 95% of the increase relates to the recovery of expenses related to pipe replacement, damage prevention and leak surveying activities. ACSC's consultants concluded that the system-wide deficiency under the RRM regime should be \$111.5 million instead of the claimed \$136.3 million. The amount of the \$111.5 million deficiency applicable to ACSC members would be \$80.8 million.

After the Company reviewed ACSC's consultants' report, ACSC's Executive Committee and the Company negotiated a settlement whereby the Company would receive an increase of \$90 million from ACSC Cities, but with a two-month delay in the Effective Date until December 1, 2020. This should save ratepayers approximately \$9 million such that the case is functionally equivalent to ACSC's consultants' recommendation of \$80.8 million.

The Executive Committee recommends a settlement at \$90 million. The Effective Date for new rates is December 1, 2020. ACSC members should take action approving the Ordinance before November 1, 2020.

FINANCIAL SUMMARY/STRATEGIC GOALS

This item has no financial impact.

Approval of this Ordinance supports the City's Strategic Plan Critical Success Factor of Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Memo	8/26/2020	Memo
Memo Attachments	8/26/2020	Attachment
Ordinance	8/26/2020	Ordinance
Exhibits	8/26/2020	Exhibit

Date: September 14, 2020

To: Plano City Council

From: Brandi Youngkin

Subject: Ordinance to Approve Atmos RRM Tariff

Summary On or about March 31, 2020, the Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”) filed a rate request pursuant to the RRM Tariff adopted by Atmos Cities Steering Committee (“ACSC”) members, which City of Plano is a member. The Company claimed that its cost-of-service in a test year ending December 31, 2019, entitled it to additional system-wide revenues of \$141.2 million. This Application of the standards set forth in ACSC’s RRM Tariff required Atmos to reduce its request to \$136.3 million, \$98.7 million of which would be applicable to ACSC members. This request is significantly larger than any filing Atmos Mid-Tex has ever made in its history. No prior request in a traditional rate case filed has exceeded \$70 million. Atmos Mid-Tex claims that 95% of the increase relates to the recovery of expenses related to pipe replacement, damage prevention and leak surveying activities. ACSC’s consultants concluded that the system-wide deficiency under the RRM regime should be \$111.5 million instead of the claimed \$136.3 million. The amount of the \$111.5 million deficiency applicable to ACSC members would be \$80.8 million.

After the Company reviewed ACSC’s consultants’ report, ACSC’s Executive Committee and the Company negotiated a settlement whereby the Company would receive an increase of \$90 million from ACSC Cities, but with a two-month delay in the Effective Date until December 1, 2020. This should save ratepayers approximately \$9 million such that the case is functionally equivalent to ACSC’s consultants’ recommendation of \$80.8 million.

The Executive Committee recommends a settlement at \$90 million. The Effective Date for new rates is December 1, 2020. ACSC members should take action approving the Ordinance before November 1, 2020.

Background The City of Plano, along with 171 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division is a member of the Atmos Cities Steering Committee.

In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018.

In support of this Ordinance, the following attachments provide further explanation to the current settlement between Atmos Mid-Tex and the Atmos Cities Steering Committee.

Proof of Revenues

Atmos generated proof that the rate tariffs attached to the Ordinance will generate \$90 million in additional revenues from ACSC Cities. That proof is attached as Attachment 1 to this Memo. ACSC consultants have agreed that Atmos' Proof of Revenues is accurate.

Bill Impact

The impact of the settlement on average residential rates is an increase of \$5.15 on a monthly basis, or 9.9 percent. The increase for average commercial usage will be \$15.48 or 6.56 percent. A bill impact comparison is attached as Attachment 2.

Summary of ACSC's Objection to the Utilities Code Section 104.301 GRIP Process

ACSC strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues while rewarding the Company for increasing capital investment on an annual basis. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or allow recovery of Cities' rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In ACSC's view, the GRIP process unfairly raises customers' rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

RRM Savings over GRIP

While residents outside municipal limits must pay rates governed by GRIP, there are some cities served by Atmos Mid-Tex that chose to remain under GRIP rather than adopt RRM. Additionally, the City of Dallas adopted a variation of RRM which is referred to as DARR. When new rates become effective on December 1, 2020, ACSC residents will maintain a slight economic monthly advantage over GRIP and DARR rates (Attachment 3).

Explanation of "Be It Ordained" Paragraphs

- I. This section approves all findings in the Ordinance.
- II. This section adopts the RRM rate tariffs and finds the adoption of the new rates to be just, reasonable, and in the public interest.
- III. This section makes it clear that Cities may challenge future costs associated with gas leaks like the explosion in North Dallas or the evacuation in Georgetown.
- IV. This section finds that existing rates are unreasonable. Such finding is a necessary predicate to establishment of new rates. The new tariffs will permit Atmos Mid-Tex to recover an additional \$90 million from ACSC Cities.
- V. This section approves an exhibit that establishes a benchmark for pensions and retiree medical benefits to be used in future rate cases or RRM filings.
- VI. This section approves an exhibit to be used in future rate cases or RRM filings regarding recovery of regulatory liabilities, such as excess deferred income taxes.
- VII. This section requires the Company to reimburse the City for expenses associated with review of the RRM filing, settlement discussions, and adoption of the Ordinance approving new rate tariffs.
- VIII. This section repeals any resolution or ordinance that is inconsistent with the Ordinance.
- IX. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
- X. This section is a savings clause, which provides that if any section is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Ordinance. This section further directs that the remaining provisions of the Ordinance are to be interpreted as if the offending section or clause never existed.
- XI. This section provides for an effective date upon passage. December 1, 2020 represents a two month delay in the Effective Date established by the RRM tariff.
- XII. This section directs that a copy of the signed Ordinance be sent to a representative of the Company and legal counsel for ACSC.

Conclusion The Legislature's GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly (both from a consumer rate impact perspective and from a ratemaking perspective) than the GRIP process. Given Atmos Mid-Tex's claim that its historic cost of service should entitle it to recover \$141.2 million in additional system-wide revenues, the RRM settlement at \$90 million for ACSC Cities reflects substantial savings to ACSC Cities.

ACSC's consultants produced a report indicating that Atmos had justified increased revenues for ACSC Cities of at least \$81 million. Settlement at \$90 million (equivalent to \$81 million with a two-month delay) is fair and reasonable. The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the Resolution before November 1, 2020. New rates become effective December 1, 2020.

Attachment 1

2020 RRM

Proof of Revenues

ATMOS ENERGY CORP., MID-TEX DIVISION
RRM CITIES RATE REVIEW MECHANISM
PROOF OF REVENUES - RRM CITIES
TEST YEAR ENDING DECEMBER 31, 2019

Line No.	Customer Class	Current	Proposed	Bills	Ccf/MmBtu	Current Revenues	Proposed Revenues	Increase
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
1	Residential							
2	Customer Charge	\$ 19.55	\$ 20.25	13,644,834		\$ 266,756,505	\$ 276,307,889	
3	Consumption Charge	0.17423	0.26651		608,491,998	106,017,561	162,169,202	
4	Revenue Related Taxes					26,692,882	31,397,617	
5	Total Class Revenue					<u>\$ 399,466,948</u>	<u>\$ 469,874,708</u>	<u>\$ 70,407,760</u>
6								
7	Commercial							
8	Customer Charge	\$ 46.50	\$ 54.50	1,115,081		\$ 51,851,267	\$ 60,771,915	
9	Consumption Charge	0.09924	0.11728		398,510,866	39,548,218	46,737,354	
10	Revenue Related Taxes					6,544,757	7,698,315	
11	Total Class Revenue					<u>\$ 97,944,242</u>	<u>\$ 115,207,584</u>	<u>\$ 17,263,342</u>
12								
13	Industrial & Transportation							
14	Customer Charge	\$ 845.50	\$ 1,014.50	7,272		\$ 6,148,476	\$ 7,377,444	
15	Consumption Charge Tier 1	\$ 0.3572	\$ 0.4157		7,769,155	2,775,142	3,229,638	
16	Consumption Charge Tier 2	\$ 0.2616	\$ 0.3044		8,666,094	2,267,050	2,637,959	
17	Consumption Charge Tier 3	\$ 0.0561	\$ 0.0653		13,696,172	768,355	894,360	
18	Revenue Related Taxes					856,339	1,012,467	
19	Total Class Revenue					<u>\$ 12,815,362</u>	<u>\$ 15,151,868</u>	<u>\$ 2,336,505</u>
20								
21	Total Excluding Other Revenue					<u>\$ 510,226,552</u>	<u>\$ 600,234,159</u>	<u>\$ 90,007,608</u>
22								
23								
24	Revenue Related Tax Factor	7.1606%						

Attachment 2
2020 RRM

Bill Impact

ATMOS ENERGY CORP., MID-TEX DIVISION
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2019

Line No.						Current	Proposed	Change
1	Rate R @ 44.5 Ccf							
2	Customer charge					\$ 19.55		
3	Consumption charge	44.5	CCF	X \$ 0.17423	=	7.75		
4	Rider GCR Part A	44.5	CCF	X \$ 0.17750	=	7.90		
5	Rider GCR Part B	44.5	CCF	X \$ 0.29953	=	13.33		
6	Subtotal					\$ 48.53		
7	Rider FF & Rider TAX			X 0.07161	=	3.48		
8	Total					\$ 52.01		
9								
10	Customer charge						\$ 20.25	
11	Consumption charge	44.5	CCF	X \$ 0.26651	=		11.86	
12	Rider GCR Part A	44.5	CCF	X \$ 0.17750	=		7.90	
13	Rider GCR Part B	44.5	CCF	X \$ 0.29953	=		13.33	
14	Subtotal						\$ 53.34	
15	Rider FF & Rider TAX			X 0.07161	=		3.82	
16	Total						\$ 57.16	\$ 5.15
17								9.90%
18								
19	Rate C @ 357.4 Ccf							
20	Customer charge					\$ 46.50		
21	Consumption charge	357.4	CCF	X \$ 0.09924	=	35.47		
22	Rider GCR Part A	357.4	CCF	X \$ 0.17750	=	63.44		
23	Rider GCR Part B	357.4	CCF	X \$ 0.20954	=	74.89		
24	Subtotal					\$ 220.30		
25	Rider FF & Rider TAX			X 0.07161	=	15.77		
26	Total					\$ 236.07		
27								
28	Customer charge						\$ 54.50	
29	Consumption charge	357.4	CCF	X \$ 0.11728	=		41.91	
30	Rider GCR Part A	357.4	CCF	X \$ 0.17750	=		63.44	
31	Rider GCR Part B	357.4	CCF	X \$ 0.20954	=		74.89	
32	Subtotal						\$ 234.74	
33	Rider FF & Rider TAX			X 0.07161	=		16.81	
34	Total						\$ 251.55	\$ 15.48
35								6.56%

						Current	Proposed	Change
36	Rate I @ 4143 MMBTU							
37	Customer charge					\$ 845.50		
38	Consumption charge	1,500	MMBTU	X \$ 0.3572 =		535.80		
39	Consumption charge	2,643	MMBTU	X \$ 0.2616 =		691.54		
40	Consumption charge	0	MMBTU	X \$ 0.0561 =		-		
41	Rider GCR Part A	4,143	MMBTU	X \$ 1.7334 =		7,182.31		
42	Rider GCR Part B	4,143	MMBTU	X \$ 0.4531 =		1,877.54		
43	Subtotal					\$ 11,132.69		
44	Rider FF & Rider TAX		\$ 11,132.69	X 0.07161 =		797.17		
45	Total					<u>\$ 11,929.86</u>		
46								
47	Customer charge						\$ 1,014.50	
48	Consumption charge	1,500	MMBTU	X \$ 0.4157 =			623.55	
49	Consumption charge	2,643	MMBTU	X \$ 0.3044 =			804.68	
50	Consumption charge	0	MMBTU	X \$ 0.0653 =			-	
51	Rider GCR Part A	4,143	MMBTU	X \$ 1.7334 =			7,182.31	
52	Rider GCR Part B	4,143	MMBTU	X \$ 0.4531 =			1,877.54	
53	Subtotal						\$ 11,502.58	
54	Rider FF & Rider TAX		\$ 11,502.58	X 0.07161 =			823.65	
55	Total						<u>\$ 12,326.23</u>	\$ 396.37
56								3.32%
57	Rate T @ 4143 MMBTU							
58	Customer charge					\$ 845.50		
59	Consumption charge	1,500	MMBTU	X \$ 0.3572 =		535.80		
60	Consumption charge	2,643	MMBTU	X \$ 0.2616 =		691.54		
61	Consumption charge	0	MMBTU	X \$ 0.0561 =		-		
62	Rider GCR Part B	4,143	MMBTU	X \$ 0.4531 =		1,877.54		
63	Subtotal					\$ 3,950.38		
64	Rider FF & Rider TAX		\$ 3,950.38	X 0.07161 =		282.87		
65	Total					<u>\$ 4,233.25</u>		
66								
67	Customer charge						\$ 1,014.50	
68	Consumption charge	1,500	MMBTU	X \$ 0.4157 =			623.55	
69	Consumption charge	2,643	MMBTU	X \$ 0.3044 =			804.68	
70	Consumption charge	0	MMBTU	X \$ 0.0653 =			-	
71	Rider GCR Part B	4,143	MMBTU	X \$ 0.4531 =			1,877.54	
72	Subtotal						\$ 4,320.27	
73	Rider FF & Rider TAX		\$ 4,320.27	X 0.07161 =			309.36	
74	Total						<u>\$ 4,629.63</u>	\$ 396.38
75								9.36%

Attachment 3
2020 RRM

RRM Monthly Savings Over GRIP and DARR Rates

**ATMOS ENERGY CORP., MID-TEX DIVISION
RESIDENTIAL AVERAGE RATE COMPARISON
TEST YEAR ENDING DECEMBER 31, 2019**

	ACSC Settled	DARR Filing	ATM Filing	Environs Filing
Cust Charge	\$20.25	\$23.75	\$26.40	\$24.60
Monthly Ccf	44.5	44.5	44.5	44.5
Cons Charge	\$0.26651	\$0.19336	\$0.14846	\$0.18653
Average Mo Bill	\$32.11	\$32.35	\$33.01	\$32.90
		-\$0.24	-\$0.90	-\$0.79

An Ordinance of the City of Plano, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”) regarding the Company’s 2020 Rate Review Mechanism (“RRM”) filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the Company to reimburse ACSC’s reasonable ratemaking expenses; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and agreeing that the City will deliver this Ordinance to the Company and the ACSC’s legal counsel.

WHEREAS, the City of Plano, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about March 31, 2020, Atmos Mid-Tex filed its 2020 RRM rate request with ACSC Cities based on a test year ending December 31, 2019; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2020 RRM filing through its Executive Committee, assisted by ACSC’s attorneys and consultants, to resolve issues identified in the Company’s RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC’s counsel and consultants, recommends that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$90 million applicable to ACSC Cities with an Effective Date of December 1, 2020; and

WHEREAS, ACSC agrees that Atmos’ plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the two-month delayed Effective Date from October 1 to December 1 will save ACSC ratepayers approximately \$9 million off the new rates imposed by the attached tariffs ("Exhibit A"), and, as a result, the impact on ratepayers should approximate the reasonable value of the rate filing found by the ACSC Consultants' Report, which was \$81 million; and

WHEREAS, the attached tariffs ("Exhibit A") implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits ("Exhibit B"); and

WHEREAS, the settlement agreement establishes an amortization schedule for regulatory liability prepared by Atmos Mid-Tex ("Exhibit C"); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications.

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

Section I. The findings set forth in this Ordinance are hereby in all things approved.

Section II. Without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$90 million for ACSC Cities represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2020 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section III. Despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

Section IV. The existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Exhibit A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$90 million from customers in ACSC Cities, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

Section V. The ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Exhibit B, attached hereto and incorporated herein.

Section VI. Subject to any future settlement or decision regarding the balance of Excess Deferred Income Tax to be refunded to ratepayers, the amortization of regulatory liability shall be consistent with the schedule found in Exhibit C, attached hereto and incorporated herein.

Section VII. Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2020 RRM filing.

Section VIII. To the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section IX. The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section X. If any one or more sections or clauses of this Ordinance are adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section XI. Consistent with the City Ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after December 1, 2020.

Section XII. A copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

DULY PASSED AND APPROVED on this the 14th day of September, 2020.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**
RRC Tariff No:

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 20.25 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 20.30 per month
Commodity Charge – All <u>Ccf</u>	\$0.26651 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2020.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**
RRC Tariff No:

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 54.50 per month
Rider CEE Surcharge	\$ 0.02 per month ¹
Total Customer Charge	\$ 54.52 per month
Commodity Charge – All Ccf	\$ 0.11728 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2020.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,014.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4157 per MMBtu
Next 3,500 MMBtu	\$ 0.3044 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0653 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**
RRC Tariff No:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,014.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4157 per MMBtu
Next 3,500 MMBtu	\$ 0.3044 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0653 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf

R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.

HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class

NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

ADD = billing cycle actual heating degree days.

BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_{ji} = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	10.73	0.1545	94.79	0.7284
Austin	9.53	0.1489	211.76	0.9405
Dallas	15.77	0.1792	199.74	0.9385
Waco	9.99	0.1341	145.27	0.7110
Wichita Falls	11.61	0.1402	120.34	0.5747

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2019

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Supplemental Executive Benefit Plan	Post-Employment Benefit Plan	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Proposed Benefits Benchmark - Fiscal Year 2020 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 3,460,135	\$ 3,695,384	\$ 6,132,704	\$ 280,578	\$ 4,992,449	
2	Allocation to Mid-Tex	43.29%	43.29%	76.59%	100.00%	76.59%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 1,497,774	\$ 1,599,605	\$ 4,697,072	\$ 280,578	\$ 3,823,744	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3)	\$ 1,497,774	\$ 1,599,605	\$ 4,697,072	\$ 280,578	\$ 3,823,744	\$ 11,898,774
6							
7							
8	Summary of Costs to Approve (1):						
9							
10	O&M Expense Factor (WP_F-2.3, Ln 2)	79.55%	79.55%	37.83%	11.67%	37.83%	
11							
12							
13	Total Pension Account Plan	\$ 1,191,410		\$ 1,777,056			\$ 2,968,466
14	Total Post-Employment Benefit Plan		\$ 1,272,412			\$ 1,446,647	2,719,060
15	Total Supplemental Executive Benefit Plan				\$ 32,754		32,754
16	Total (Ln 13 + Ln 14 + Ln 15)	\$ 1,191,410	\$ 1,272,412	\$ 1,777,056	\$ 32,754	\$ 1,446,647	\$ 5,720,280

Notes:

1. Studies not applicable to Mid-Tex or Shared Services are omitted.
2. Mid-Tex is proposing that the Fiscal Year 2020 Willis Towers Watson actuarial amounts shown on WP_F-2.3 and WP_F-2.3.1, be approved by the RRM Cities as the benchmark amounts to be used to calculate the regulatory asset or liability for future periods. The benchmark amount approved by the RRM Cities for future periods includes only the expense amount. The amount attributable to capital is recorded to utility plant through the overhead process as described in the CAM.
3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.

ATMOS ENERGY CORP., MID-TEX DIVISION
RATE BASE ADJUSTMENTS
TEST YEAR ENDING DECEMBER 31, 2019
AMORTIZATION OF REGULATORY LIABILITY

Line No.	Year Ended Dec. 31	Beginning of Year Rate Base Adjustment Amount	Annual Amortization (1)	End of Year Rate Base Adjustment Amount (2)	Corrected Balance for December 31, 2017 (3)
	(a)	(b)	(c)	(d)	(e)
1	2017		\$ -	\$ 292,268,881	\$ 292,268,881
2	2018	292,268,881	12,075,562	280,193,319	
3	2019	280,193,319	12,085,165	268,108,155	
4	2020	268,108,155	11,171,173	256,936,982	
5	2021	256,936,982	11,171,173	245,765,809	
6	2022	245,765,809	11,171,173	234,594,635	
7	2023	234,594,635	11,171,173	223,423,462	
8	2024	223,423,462	11,171,173	212,252,289	
9	2025	212,252,289	11,171,173	201,081,116	
10	2026	201,081,116	11,171,173	189,909,943	
11	2027	189,909,943	11,171,173	178,738,770	
12	2028	178,738,770	11,171,173	167,567,597	
13	2029	167,567,597	11,171,173	156,396,424	
14	2030	156,396,424	11,171,173	145,225,251	
15	2031	145,225,251	11,171,173	134,054,077	
16	2032	134,054,077	11,171,173	122,882,904	
17	2033	122,882,904	11,171,173	111,711,731	
18	2034	111,711,731	11,171,173	100,540,558	
19	2035	100,540,558	11,171,173	89,369,385	
20	2036	89,369,385	11,171,173	78,198,212	
21	2037	78,198,212	11,171,173	67,027,039	
22	2038	67,027,039	11,171,173	55,855,866	
23	2039	55,855,866	11,171,173	44,684,692	
24	2040	44,684,692	11,171,173	33,513,519	
25	2041	33,513,519	11,171,173	22,342,346	
26	2042	22,342,346	11,171,173	11,171,173	
27	2043	11,171,173	11,171,173	(0)	
28					
29	Revenue Related Tax Factor		7.16%	See WP_F-5.1	
	Revenue Related Taxes on Annual			Amortization * Tax	
30	Amortization		\$ 799,924	Factor	
31	Amortization Including Revenue		<u>\$ 11,971,097</u>	Amortization + Taxes	
32					
33	Notes:				
34	1. The annual amortization of a 26 year recovery period is based on the				
35	Reverse South Georgia Method.				
36	2. The Regulatory Liability is recorded to FERC Account 253, Sub Account 27909.				
37	3. This is the final Mid-Tex liability balance filing the Fiscal Year 2018 tax return.				

CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020
DEPARTMENT: Zoning
DIRECTOR: Christina Day, Director of Planning
AGENDA ITEM: Public Hearing and consideration of an Ordinance as requested in Zoning Case 2019-017.
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2019-017 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 139 for Independent Living Facility on 11.6 acres of land located on the south side of State Highway 121, 545 feet west of Kathryn Lane, in the City of Plano, Collin County, Texas, presently zoned Planned Development-104-Regional Commercial and Planned Development-476-Regional Employment; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: LA-DF Investment Fund 8, LLC (At the July 27, 2020 Council meeting, a Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's denial of Zoning Case 2019-017 and Concept Plan 2019-010 was held and remanded back to the Planning & Zoning Commission.)

BACKGROUND

P&Z recommended approval by a vote of 6-2.

FINANCIAL SUMMARY/STRATEGIC GOALS

Approval of this agenda item will support the City's Critical Success Factor of Residential and Commercial Economic Vitality. For detailed comments on the comprehensive plan related to this item, please see the attached write-up.

ATTACHMENTS:

Description	Upload Date	Type
Supplemental documents	9/8/2020	Informational
ZC2019-017 - Ordinance With Attachments	8/26/2020	Ordinance

DATE: August 18, 2020

TO: Honorable Mayor & City Council

FROM: John Muns, Chair, Planning & Zoning Commission

SUBJECT: Results of Planning & Zoning Commission Meeting of August 17, 2020



**AGENDA ITEM NO. 1A - PUBLIC HEARING
ZONING CASE 2019-017
APPLICANT: LA-DF INVESTMENT FUND 8, LLC**

Request for a Specific Use Permit for Independent Living Facility on 11.6 acres located on the south side of State Highway 121, 545 feet west of Kathryn Lane. Zoned Planned Development-104-Regional Commercial and Planned Development-476-Regional Employment and located within the State Highway 121 Overlay District. Project #ZC2019-017.

APPROVED: 6-2 **DENIED:** _____ **TABLED:** _____

The Commissioners voting in opposition expressed that this in an inappropriate location for an independent living facility citing concerns with the impacts of surrounding land uses.

Speaker Card(s) Received	Support: <u>9</u>	Oppose: <u>0</u>	Neutral: <u>0</u>
Letters Received Within 200' Notice Area:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>
Petition Signatures Received:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>
Other Responses:	Support: <u>9</u>	Oppose: <u>0</u>	Neutral: <u>1</u>

STIPULATIONS:

Recommended for approval as follows: (Additions are indicated by underlining; deletions are indicated by strike-through)

Recommended for approval with the consideration noted above and the following stipulations:

1. A maximum of 252 independent living facility units are allowed subject to the following restrictions:
 - a. Independent living facility buildings must be set back at least 65 feet from the front property line. All units must be set back at least 75 feet from the front property line.

- b. The property will be constructed substantially and functionally consistent with Figure 2. Project Day-Night Level (Ldn) Roadway Noise Exposure as shown in the addendum attached to Ordinance 2020-(number incorporated upon passage).
 - c. Building IV must be constructed substantially and functionally consistent with the building elevations and wall sections as shown in the addendum attached to Ordinance 2020-(number incorporated upon passage).
 - d. Air intake vents must be located as far away from the expressway as practical.
 - e. All building mechanical rooms must be located on the southern side of buildings and face away from State Highway 121.
2. If the project has not obtained a building permit and commenced physical construction activity on site before January 1, 2026, the environmental health analysis expires and must be updated before the City will issue further project approvals. The updated environmental health analysis may recommend enhanced mitigation standards and, if so, this matter must be brought to the Planning & Zoning Commission for consideration of the required noise mitigation. The Planning & Zoning Commission may not impose conditions to the SUP that are unrelated to noise mitigation, including but not limited to the number of units. Changes required by the Planning & Zoning Commission as a result of updated noise mitigation requirements will be noted on the series of plans. If the updated environmental health analysis does not recommend enhanced mitigation standards, no further consideration by the Planning & Zoning Commission is required. If minimal mitigation standards are recommended, then the developer may work with staff to integrate those measures into the plans.
3. Cross access will be constructed to Custer 121 Addition, Block 1, Lot 4R.

FOR CITY COUNCIL MEETING OF: September 14, 2020 (To view the agenda for this meeting, see www.plano.gov)

PUBLIC HEARING - ORDINANCE

CF/dz

xc: Robert Yu, LA-DF Investment Fund 8, LLC
Neda Hosseiny, Kimley-Horn
Kent Conine, Conine Residential Group
Meg Conine, Conine Residential Group
William Dahlstrom, Jackson Walker, LLP
Jeanna Scott, Building Inspections Manager

<https://goo.gl/maps/81UdTyJsBXJfCPzY7>

CITY OF PLANO
PLANNING & ZONING COMMISSION

August 17, 2020

Agenda Item No. 1A

Public Hearing: Zoning Case 2019-017

Applicant: LA-DF Investment Fund 8, LLC

DESCRIPTION:

Request for a Specific Use Permit for Independent Living Facility on 11.6 acres located on the south side of State Highway 121, 545 feet west of Kathryn Lane. Zoned Planned Development-104-Regional Commercial and Planned Development-476-Regional Employment and located within the State Highway 121 Overlay District. Project #ZC2019-017.

REMARKS:

Zoning Case Timeline

The applicant submitted an application requesting a Specific Use Permit (SUP) for Independent Living Facility on September 12, 2019. The request was tabled by the Planning & Zoning Commission on October 21, 2019; November 4, 2019; December 16, 2019; February 3, 2020; and March 2, 2020, to provide additional time for the applicant to refine their request and associated noise and air pollution study. On April 6, 2020, the Planning & Zoning Commission voted 4-3 to deny the SUP request.

The applicant appealed the denial to City Council who held a public hearing on July 27, 2020. City Council voted unanimously to remand the SUP request back to the Planning & Zoning Commission. The applicant has modified their request and related concept plan (agenda item 1B) in order to address concerns expressed by the Commission at the April 6, 2020, meeting.

Request

The applicant is requesting an SUP for Independent Living Facility on a vacant property. The existing zoning is Planned Development-104-Regional Commercial (PD-104-RC) and Planned Development-476-Regional Employment (PD-427-RE). The RC district is an architectural and cultural district intended for use in conjunction with an RE district in high visibility locations which are of regional cultural and architectural importance to the community due to its significance for generating economic investment. It provides for

retail and service uses at appropriate nodes within the corridor of specified tollways and expressways serving Plano and surrounding communities, in addition to office and limited manufacturing uses. The district's standards are designed to ensure compatibility between various uses within a corridor and surrounding residential neighborhoods.

The RE district is an architectural and cultural district intended to provide for office and limited manufacturing uses in high visibility locations which are of regional cultural and architectural importance to the community due to its significance for generating economic investments 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.

A planned development district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls to both off and onsite conditions.

An independent living facility is defined as a development providing dwelling units specifically designed for the needs of elderly persons. In addition to housing, this type of facility may provide convenience services, such as meals, housekeeping and transportation, and community facilities, such as central dining rooms and activity rooms. Independent living facilities require approval of a Specific Use Permit (SUP) in the RC and RE zoning districts.

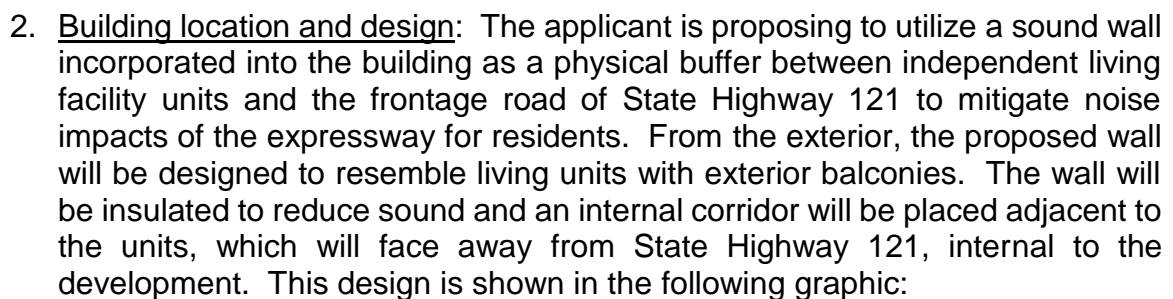
An SUP authorizes and regulates a use not normally permitted in a district, which could in a particular case benefit the general welfare, provided that adequate development standards and safeguards are established. Additionally, Section 6.100 (Specific Use Permits) of Article 6 (Specific Use Permits and Certificates of Occupancy) states the following:

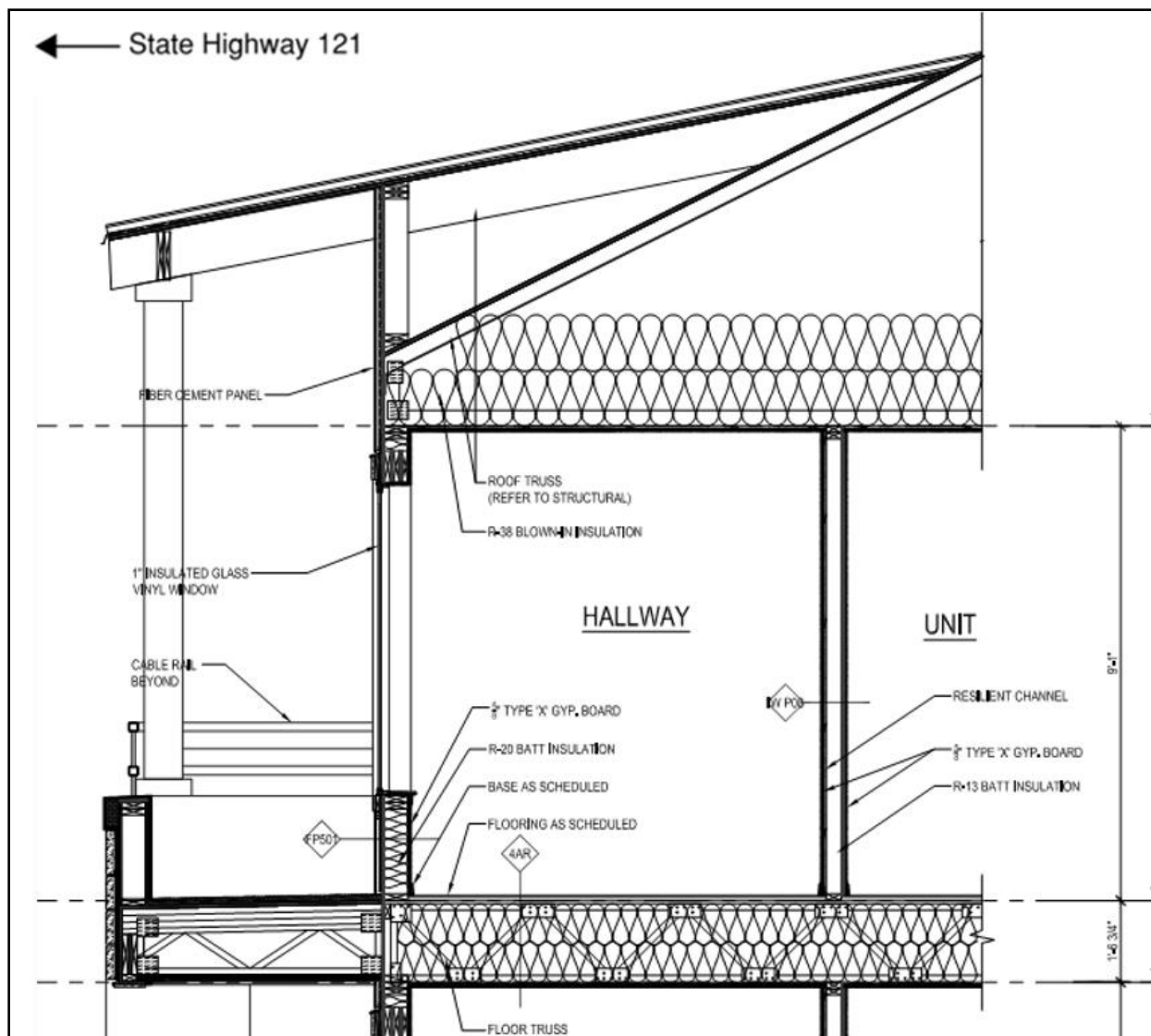
"The Planning & Zoning Commission in considering and determining its recommendations to the City Council on any request for a specific use permit may require from the applicant plans, information, operating data, and expert evaluation concerning the location, function, and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to insure compliance with this ordinance, establish conditions of operation, location, arrangement, and type and manner of construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as specific use permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, traffic, or other undesirable or hazardous conditions."

The subject property is undeveloped. The property will gain access from the State Highway 121 frontage road and from the adjacent mini-warehouse development to the east. A concept plan, Plano Kathryn Senior Living, Block A, Lot 1, accompanies this request as Agenda Item No. 1B.

The applicant has modified their request in response to questions and concerns expressed by the Commission at their April 6, 2020, meeting. The following updates were made since the prior consideration:

- Source: HMMH 2020





Additionally, the applicant is proposing other building design restrictions to set buildings and units back from the expressway, and restrict the locations of resident balconies, air intake vents, and mechanical rooms. These stipulations are consistent with the recommendations of the applicant's noise study and are supported by the city's Expressway Corridor Environmental Health Guidelines. With this design, the associated noise study shows that all of the residential units will meet the recommended noise levels of 64 dBA Ldn or lower.

3. Cross Access: This change is proposed due to concerns expressed by City Council regarding site access. The applicant will be constructing cross access to the eastern property line of the subject property as shown on the companion concept plan. Although a paved driveway connection does not exist today on the adjacent property to the east, Custer 121 Addition, Block 1, Lot 4R, cross access is required by zoning and must be provided with future improvements or redevelopment. The applicant has stated that they are working with the adjacent property owner to the east to provide an access drive to Kathryn Lane.

These amendments have substantially changed the design of the site as shown in the accompanying concept plan.

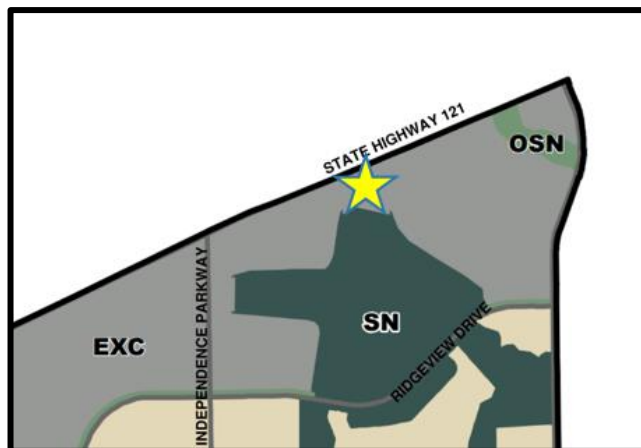
Surrounding Land Use and Zoning

North	State Highway 121, further north is a permanent concrete batch plant in the City of Frisco
East	Mini-warehouse/public storage facility and truck/bus leasing zoned Planned Development-106-Regional Commercial (PD-106-RC)
South	Golf course zoned PD-104-RC with SUP No. 294 for Golf Course and multifamily residence zoned Planned Development-476-Regional Employment (PD-476-RE)
West	State Highway 121 and multifamily residence zoned PD-476-RE

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Expressway Corridor (EXC).

The Expressway Corridor future land use category applies to development along major expressways serving regional and interstate commerce. Development in these corridors is expected to include a mix of retail, service, office, restaurant, medical, hotel, and technology based uses. Uses should be serviced by parking structures to reduce surface parking and encourage efficient use of land. Due to noise and health impacts of expressways, residential development is generally not appropriate in these corridors. Adequate building setbacks must be considered when development is proposed near neighborhoods.



The EXC designation recommends a mix of commercial uses as the primary land uses within these corridors. Due to noise and health impacts, residential development is generally not appropriate. Independent living facilities are classified as institutional uses, because they provide housing, services, and care to residents. Although these uses are classified as institutional, they also function as housing. As a type of housing, the city should be cautious when considering the appropriateness of the location of these uses. It would be to the detriment of future residents if the city were to ignore the housing functions of these uses, as we are aware of health impacts along expressway corridors.

The applicant has performed a site specific noise study, which details the noise impacts on the subject property. The study provides detailed information on site conditions, which the applicant has utilized to propose stipulations intended to mitigate the health impacts of the expressway for future residents. The stipulations limit the number of units, specify

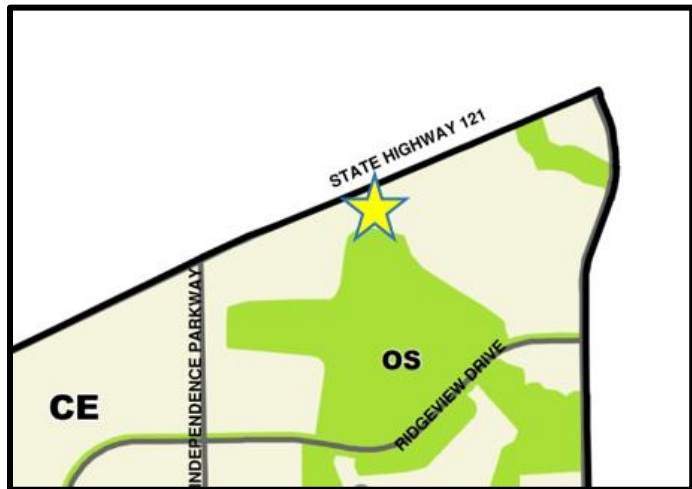
building setbacks, require the placement of a sound wall integrated into the building facade between the expressway and the independent living facility units, and include other building design standards. With the use of a sound wall as a buffer, the applicant has removed the previously proposed parking garage.

Although housing is generally not appropriate in these corridors, the applicant has proposed SUP restrictions that are intended to protect retirement housing residents from the impacts of State Highway 121 as detailed in the associated noise study. This request is neutral to the Future Land Use Map designation.

Growth and Change Map - The Growth and Change Map designates the subject property as Conserve and Enhance (CE).

These areas are expected to retain the current form of development, but will experience some minor infill and ongoing rehabilitation consistent with the present form and character.

The applicant's request is an infill development that would allow for multistory buildings consistent with the allowed form and character of the existing zoning. Although the building layouts and development form are consistent with the existing zoning, placing residents in close proximity to the expressway is inconsistent with the present form and character of residential development in the general area. Other residential developments in the area have more significant setbacks from the expressway, in addition to landscaping or nonresidential development buffers. This request is neutral with the CE designation.



Undeveloped Land Policy - *Plano will reserve its remaining undeveloped land for high quality development with distinctive character, emphasizing businesses offering highly skilled employment and limiting housing and retail uses, except when integrated into compact complete centers to ensure adequate land for projected employment growth.*

The proposed independent living facility is not integrated into a compact complete center and would have direct connections to adjacent nonresidential uses. The subject property has limited access due to the drainage system to the west and south but does benefit from direct highway frontage and visibility. The applicant is proposing building and site design standards that could create a high quality development and are intended to protect residents from the noise and air impacts of the expressway. This request is neutral with this policy.

Undeveloped Land Action Statement UL3 - *Situate new housing growth adjacent to existing residential neighborhoods.*

The proposed independent living facility will be an isolated community with access only to the frontage road of State Highway 121 and adjacent nonresidential

development. Although the proposed independent living facility is within proximity to multifamily residential developments in the area, the subject property is separated from these properties by existing natural barriers and commercial developments. This request is not in conformance with this action statement.

Redevelopment of Regional Transportation Corridors RTC4 - *Develop design guidelines for residential development adjacent to expressways that reduce noise and provide for proper filtering, ventilation, and exhaust of vehicle air emissions.*

On October 14, 2019, the city adopted guidelines and regulations for residential development adjacent to expressways which showed that the subject property would be impacted by noise and air pollution from the State Highway 121 expressway. Since this zoning case was submitted prior to the adoption of those requirements, they do not apply. However, staff recommended the applicant consider the city's guidelines and provide a study of their own to determine the impacts on future residents.

In response, the applicant has provided a noise study, which is attached to this report and has been updated based upon the amended request. Using the findings from the study, the applicant has identified stipulations intended to mitigate the impact of adding the independent living facility use on the subject property. The applicant's stipulations are generally consistent with the city's adopted guidelines. This request is in conformance with policy RTC4.

Housing Trends Analysis and Strategic Plan - Plano residents and workforce over 55 years of age noted quality construction, lack of HOA fees, lower maintenance living, and walkability to be chief considerations in affecting housing decisions. The city's aging population has difficulty finding diversity of housing inventory to suit their housing needs and remain in the city, sometimes due to housing affordability or ability to maintain a home. This proposal does offer a low maintenance living situation and could be affordable.

Adequacy of Public Facilities - Water and sanitary sewer services are available to serve the subject property. However, the applicant will need to verify that sanitary sewer capacity is sufficient to accommodate the proposed change in use from commercial to senior housing.

Traffic Impact Analysis (TIA) - A TIA is not required for this rezoning request. However, in considering the traffic impact using the average Institute of Traffic Engineers (ITE) trip generation rates, staff compared the proposed development with the potential build-out of the subject property as general office. The associated concept plan proposes 252 units on the eastern portion of the subject property. Using a similar professional/general administrative office building footprint, it is possible that 75,000 square feet of office could be constructed instead of the independent living facility. The table below shows the estimated traffic generation for a single hour during weekday peak hours (7:00-9:00 a.m. and 4:00-6:00 p.m.):

	AM	PM
Independent Living Facility (252 units)	73	86
Professional/General Administrative Office (75,000 square feet)	116	112

From the table above, it is evident that independent living facility development would generate less peak hour traffic.

Public Safety Response Time - Based upon existing personnel, equipment, and facilities, fire emergency response times will be sufficient to serve the site.

Independent Living Facility Use

The city has long maintained policies separating housing from major thoroughfares. The purpose for these policies has been to reserve the frontage roads for significant commercial development and to encourage a high quality of living for all residents within Plano. In most recent zoning requests, with a few exceptions, significant setbacks have been established by the city when considering placing housing in close proximity to major highways. Most recently, the zoning for the developments of Legacy Central Addition (Breezeway Farms), adjacent to U.S. Highway 75, specified minimum setbacks from the centerline of the highway and required nonresidential buildings or parking garages to be constructed to buffer residences from the highway.

Although the adjacent mini-warehouse and truck bus leasing use is not preferable adjacent to retirement housing, there are other existing residential developments and a golf course within proximity to the subject property, which are supportive of retirement housing uses.

SUP Stipulations

The applicant's request includes updates to stipulations 1.a, 1.b, 1.c, and 3 as noted in the recommendation section below. The other stipulations are unchanged. The amended restrictions are intended to adopt building design standards to create an independent living facility that will meet the city's noise guidelines. Although the amended request includes significant site design changes, including bringing the building closer to the expressway, the associated noise study shows that all units will comply with the city's recommended noise guidelines. Additionally, an access drive will be required to be extended to the eastern property line for a future cross connection with the adjacent mini-warehouse development.

Public Transportation

During the July 27, 2020, meeting, City Council members expressed concern regarding public transportation access for the subject property and surrounding area. The nearest DART bus routes, routes 452 and 211, run along Spring Creek Parkway, approximately four and a half miles to the south. The subject property is within DART's on-demand GoLink service, but mobility is limited within the Far North Plano service area which is bounded by State Highway 121, Spring Creek Parkway, Ohio Drive and Custer Road.

DART's GoLink will not take passengers outside of their service area or to destinations in nearby Frisco or McKinney.

SUMMARY:

The applicant is requesting an SUP for Independent Living Facility with specific development restrictions intended to support independent living residents on the subject property. The request is neutral to the recommendations of the Comprehensive Plan but meets housing needs in the community as defined by the Housing Trends Analysis. Existing uses in the general area include both residential and nonresidential uses. With these considerations in mind, staff recommends approval if the Planning & Zoning Commission believes that adequate development standards and safeguards are established through the proposed stipulations to protect independent living facility residents from the health impacts of State Highway 121.

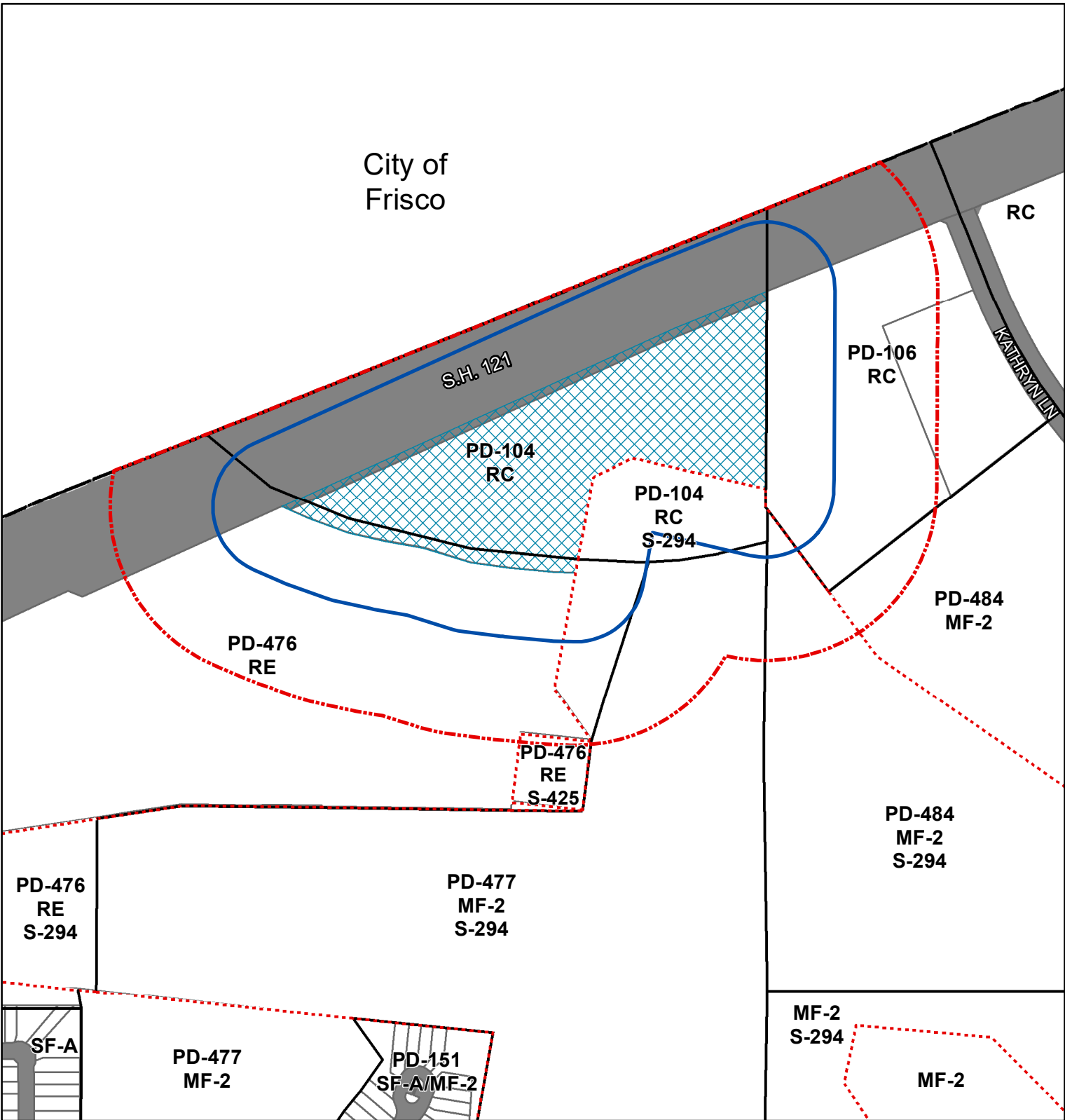
RECOMMENDATION:

Recommended for approval with the consideration noted above and the following stipulations:

1. A maximum of 252 independent living facility units are allowed subject to the following restrictions:
 - a. Independent living facility buildings must be set back at least 65 feet from the front property line. All units must be set back at least 75 feet from the front property line.
 - b. The property will be constructed substantially and functionally consistent with Figure 2. Project Day-Night Level (Ldn) Roadway Noise Exposure as shown in the addendum attached to Ordinance 2020-(number incorporated upon passage).
 - c. Building IV must be constructed substantially and functionally consistent with the building elevations and wall sections as shown in the addendum attached to Ordinance 2020-(number incorporated upon passage).
 - d. Air intake vents must be located as far away from the expressway as practical.
 - e. All building mechanical rooms must be located on the southern side of buildings and face away from State Highway 121.
2. If the project has not obtained a building permit and commenced physical construction activity on site before January 1, 2026, the environmental health analysis expires and must be updated before the City will issue further project approvals. The updated environmental health analysis may recommend enhanced mitigation standards and, if so, this matter must be brought to the Planning & Zoning Commission for consideration of the required noise mitigation. The Planning & Zoning Commission may not impose conditions to the SUP that are unrelated to noise mitigation, including but not limited to the number of units. Changes required by the Planning & Zoning Commission as a result of updated noise mitigation requirements will be noted on the

series of plans. If the updated environmental health analysis does not recommend enhanced mitigation standards, no further consideration by the Planning & Zoning Commission is required. If minimal mitigation standards are recommended, then the developer may work with staff to integrate those measures into the plans.

3. Cross access will be constructed to Custer 121 Addition, Block 1, Lot 4R.

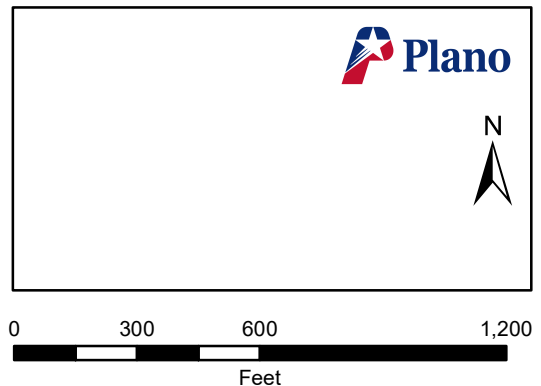


Zoning Case: 2019-017

Existing Zoning: Planned Development-104-Regional Commercial and
Planned Development-476-Regional Employment and
located within the State Highway 121 Overlay District

Proposed Zoning: Specific Use Permit for Independent Living Facility

- 500' Courtesy Notification Buffer
- 200' Notification Buffer
- Subject Property
- Streets
- Zoning Boundary Change/SUP
- Specific Use Permit
- Zoning Boundary
- Municipal Boundaries





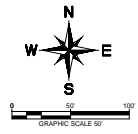
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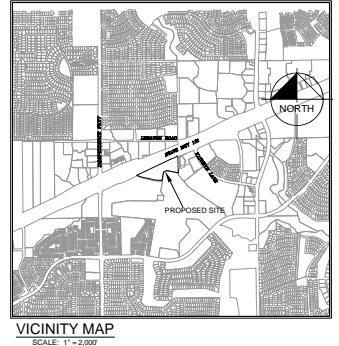
Area of Request

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Feet

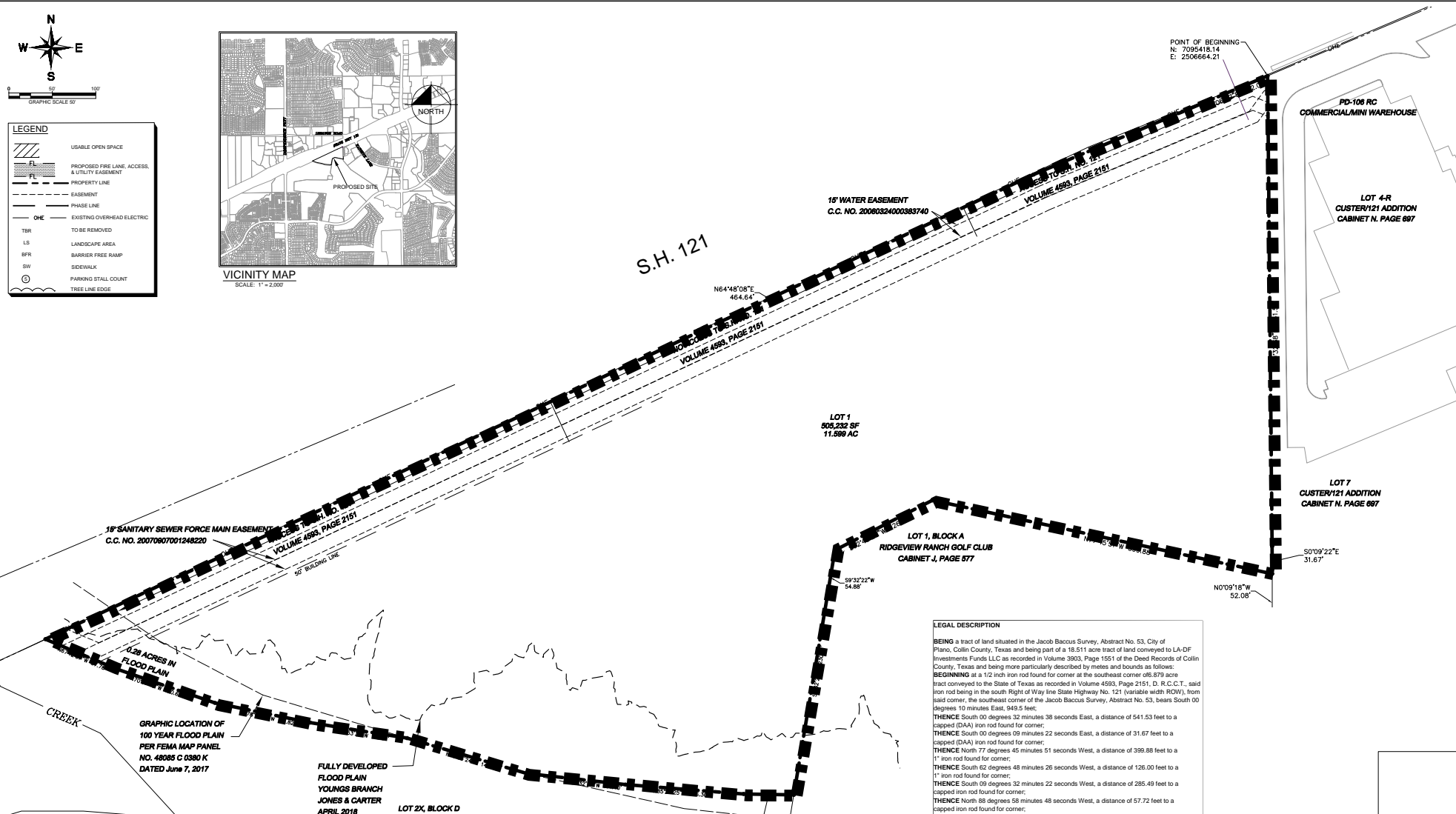
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LEGEND	
	USABLE OPEN SPACE
	PROPOSED FIRE LINE, ACCESS, & UTILITY EASEMENT
	PROPERTY LINE
	EASEMENT
	PHASE LINE
	OHE EXISTING OVERHEAD ELECTRIC TO BE REMOVED
	LS LANDSCAPE AREA
	BFR BARRIER FREE RAMP
	SW SIDEWALK
	P PARKING STALL COUNT
	TE TREE LINE EDGE



S.H. 121



LEGAL DESCRIPTION

BEING a tract of land situated in the Jacob Bacous Survey, Abstract No. 53, City of Plano, Collin County, Texas and being part of a 18.511 acre tract of land conveyed to LA-DF Investments Funds LLC as recorded in Volume 3903, Page 1551 of the Deed Records of Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner at the southeast corner of 06.879 acre tract conveyed to the State of Texas as recorded in Volume 4593, Page 2151, D. R.C.T., said iron rod being in the south Right of Way line State Highway No. 121 (variable width ROW), from said corner, the southeast corner of the Jacob Bacous Survey, Abstract No. 53, bears South 00 degrees 10 minutes East, 949.5 feet;

THENCE South 00 degrees 32 minutes 38 seconds East, a distance of 541.53 feet to a capped (DAA) iron rod found for corner;

THENCE South 00 degrees 09 minutes 22 seconds East, a distance of 31.67 feet to a capped (DAA) iron rod found for corner;

THENCE North 77 degrees 45 minutes 51 seconds West, a distance of 399.88 feet to a 1" iron rod found for corner;

THENCE South 62 degrees 48 minutes 26 seconds West, a distance of 126.00 feet to a 1" iron rod found for corner;

THENCE South 09 degrees 32 minutes 22 seconds West, a distance of 285.49 feet to a capped iron rod found for corner;

THENCE North 88 degrees 58 minutes 48 seconds West, a distance of 57.72 feet to a capped iron rod found for corner;

THENCE North 85 degrees 27 minutes 25 seconds West, a distance of 136.30 feet to a capped iron rod found for corner;

THENCE North 83 degrees 32 minutes 37 seconds West, a distance of 114.40 feet to a capped iron rod found for corner;

THENCE North 73 degrees 33 minutes 24 seconds West, a distance of 143.43 feet to a capped iron rod found for corner;

THENCE North 80 degrees 53 minutes 52 seconds West, a distance of 112.91 feet to a capped iron rod found for corner;

THENCE North 78 degrees 17 minutes 56 seconds East, a distance of 111.82 feet to a capped iron rod found for corner;

THENCE North 70 degrees 57 minutes 42 seconds West, a distance of 120.60 feet to a capped iron rod found for corner;

THENCE North 67 degrees 12 minutes 37 seconds West, a distance of 87.78 feet to a capped 1/2 inch iron rod found in the south ROW line of said S.H. No. 121, said point lies within a creek;

THENCE North 64 degrees 48 minutes 08 seconds East following the south ROW line of said S.H. No. 121, a distance of 1256.13 feet to a broken concrete highway monument found for corner;

THENCE North 67 degrees 06 minutes 57 seconds East following the south ROW line of said S.H. No. 121, a distance of 292.08 feet to the **POINT OF BEGINNING** and containing 505,232 square feet or 11.599 acres of land.

GRAPHIC LOCATION OF
100 YEAR FLOOD PLAIN
PER FEMA MAP PANEL
NO. 48085 C 0380 K
DATED June 7, 2017

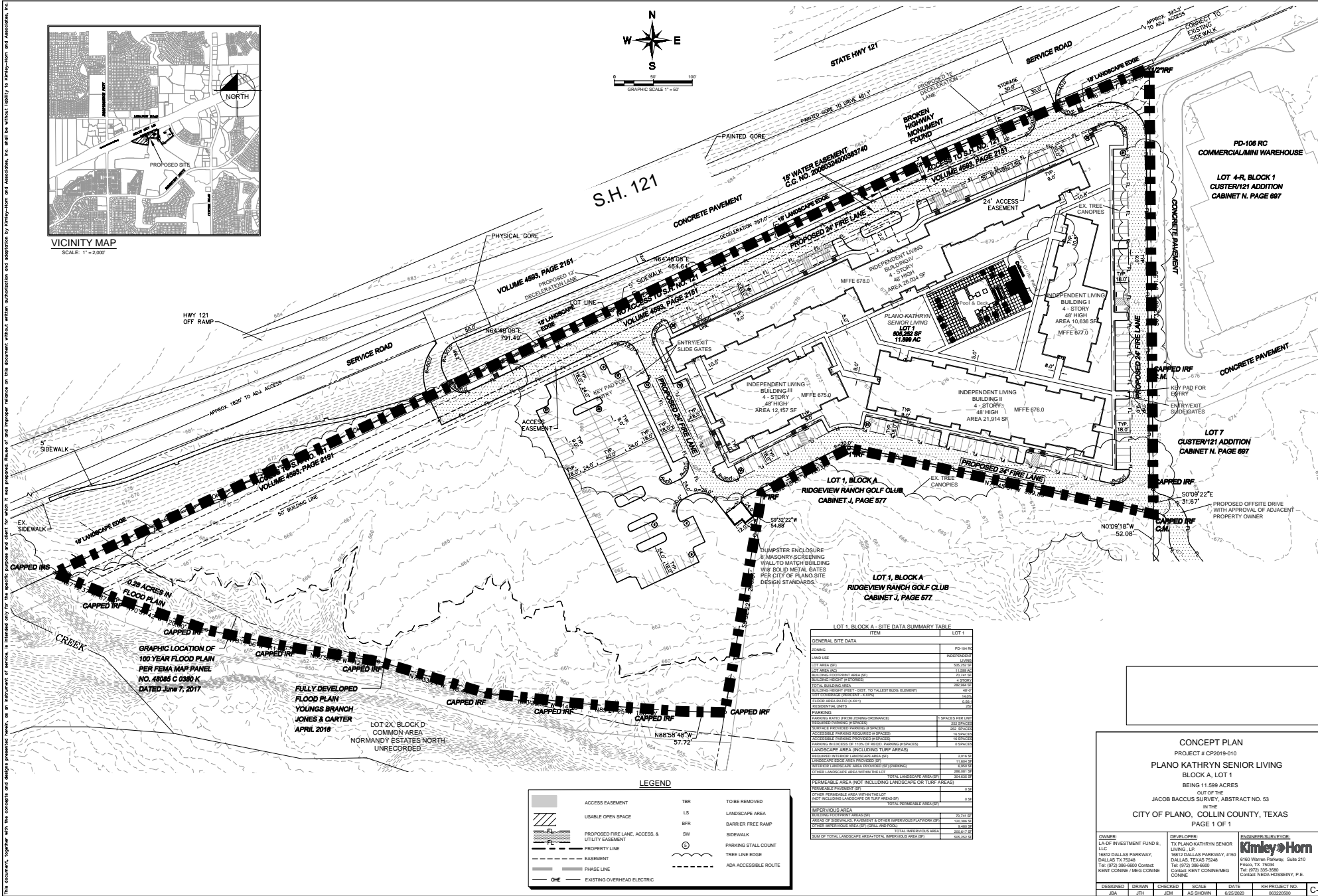
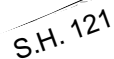
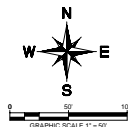
FULLY DEVELOPED
FLOOD PLAIN
YOUNGS BRANCH
JONES & CARTER
APRIL 2018

LOT 2X, BLOCK D
COMMON AREA
NORMANDY ESTATES NORTH
UNRECORDED

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, ON 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 TAKEN ON THIS ZONING CASE.

ZONING EXHIBIT			
"SUP FOR INDEPENDENT LIVING FACILITY"			
PROJECT #202019-017			
PLANO KATHRYN SENIOR LIVING			
BLOCK A, LOT 1			
BEING 11.599 ACRES			
OUT OF THE			
JACOB BACOUS SURVEY, ABSTRACT NO. 53			
IN THE			
CITY OF PLANO, COLLIN COUNTY, TEXAS			
OWNER:	DEVELOPER:	ENGINEER/SURVEYOR:	
LA OF INVESTMENTS FUND & LLC	TX PLANO KATHRYN SENIOR LIVING, LP	Kimley-Horn	
1812 DALLAS PARKWAY, #150	1812 DALLAS PARKWAY, #150	6160 Warner Parkway, Suite 210	
DALLAS, TEXAS 75244	DALLAS, TEXAS 75244	Frisco, TX 75034	
Tel: (972) 386-4600	Tel: (972) 386-4600	Tel: (972) 326-3400	
FAX: (972) 386-4600	FAX: (972) 386-4600	Contact: NEDA HOSEBERRY, P.E.	
DESIGNED:	DRAWN:	CHECKED:	SCALE:
JBA	JTH	EBH	AS SHOWN
DATE:	DATE:	DATE:	DATE:
8/14/2020	8/14/2020	8/14/2020	8/14/2020
PROJECT NO.:	PROJECT NO.:	PROJECT NO.:	PROJECT NO.:
20200000	20200000	20200000	20200000
Z-1			

VICINITY MAP
SCALE: 1" = 2,000'

[illegible]

CONCEPT PLAN
PROJECT # CP2019-010
PLANO KATHRYN SENIOR LIVING
BLOCK A, LOT 1
BEING 11.599 ACRES
OUT OF THE
JACOB BACCUS SURVEY, ABSTRACT NO. 53
IN THE
CITY OF PLANO, COLLIN COUNTY, TEXAS
PAGE 1 OF 1

<p>OWNER: LA-DF INVESTMENT FUND & L.L.C. 16812 DALLAS PARKWAY, DALLAS TX 75248 Tel: (972) 386-6600 Contact: KENT CONINE / MEG CONINE</p>	<p>DEVELOPER: TX PLANO KATHRYN SENIOR LIVING, LP 16812 DALLAS PARKWAY, #150 DALLAS, TEXAS 75248 Tel: (972) 386-6600 Contact: KENT CONINE/MEG</p>	<p>ENGINEER/SURVEYOR:  6160 Warren Parkway, Suite 210 Frisco, TX 75034 Tel: (972) 335-3580</p>
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DESIGNED	DRAWN	CHECKED	SCALE	DATE	KH PROJECT NO.	C-1
JRA	JTH	JFM	A/S SH/WWN	6/25/2020	061220500	

August 14, 2020

William S. Dahlstrom
(214) 953-5932 (Direct Dial)
(214) 661-6616 (Direct Fax)
wdahlstrom@jw.com

VIA ELECTRONIC MAIL

Christina Day
City of Plano
1520 K Avenue
Plano, TX 75074

Re: ZC2019-017 and CP2019-010.

Dear Christina:

Thank you and your Staff again for their assistance with this important project. As you know, since the April P&Z hearing and City Council consideration, our team has worked diligently to address issues we heard from the City. These activities included extensive redesign of the facility, additional noise analysis, and negotiations with an adjacent property owner to secure additional access. We are respectfully requesting approval of our revised design and revised SUP stipulations in place of the plans and stipulations previously considered by the Planning and Zoning Commission.

In further support of this application, and in response to questions concerning particulates emanating from batching plants across SH 121, Conine Residential also engaged Terracon to conduct another air quality study for the subject site. That study, which was submitted to you under separate cover, concluded that the particulate matters were below the EPA National Ambient Air Quality Standards criteria. As previously indicated, Conine Residential had earlier engaged MAS-D Environmental & Associates, Inc. and its certified environmental specialists to assess the air quality for residential uses on the subject property. MAS-D Environmental & Associates, Inc. concluded, "The subject tract is acceptable for occupancy by [sic] based on air quality environmental conditions." We trust that these reports confirm that air quality has been sufficiently analyzed and acceptable for the proposed independent living facility.

Thank you very much for your consideration of this proposed request. If you need any additional information, please do not hesitate to contact us.

Regards,
William S. Dahlstrom
William S. Dahlstrom

Noise Analysis Report

Plano 121 Senior Living

(Revised June 2020)

HMMH Project Number 311300

June 23, 2020

Prepared for:

Conine Residential Group

Prepared by:

John Weston, AICP

Emma Butterfield



HMMH

700 District Ave. Suite 800

Burlington, MA 01803

Executive Summary

The purpose of this report is to evaluate the environmental noise conditions of a proposed senior living community located along Sam Rayburn Tollway (SRT) near Kathryn Lane in Plano, Texas. The site plan used for this evaluation was revised from a site plan evaluated in March 2020 by HMMH on this same site. This revised site plan includes a different building configuration and layout.

The report identifies projected noise conditions upon project completion. With the revised site plan, **no noise mitigation or abatement is necessary** to meet the Expressway Corridor Environmental Health Goal under which sensitive land uses within Expressway Corridor Environmental Health Areas should achieve a maximum outdoor noise level of less than 65 dBA Ldn. The noise analysis methodology is consistent with the spirit of the EHA Site Analysis Requirements identified in the City of Plano Expressway Corridor Environmental Health Guidelines.

The analysis was undertaken to predict 2040 day-night average sound level (L_{dn}) for each residential unit and the proposed outdoor use / recreational area. The predictions were developed by implementing the Plano city-wide model previously developed and calibrated to establish Plano Expressway Corridor Environmental Health Areas. The model was further validated with the data collected on-site that established existing noise conditions and the planned building and site configuration of the Plano 121 project. It was confirmed while conducting on-site measurements that noise at the project site is predominantly generated from the Sam Rayburn Tollway (Route 121).

The results of the analysis indicate that no residential units on the site would be subject to outdoor noise levels that exceed typically recommended levels for residential developments (65 dBA Ldn or more). Outdoor noise levels in areas where outdoor activity is planned (at the development's principal outdoor use area) will be well shielded from expressway noise and appropriate for frequent use.

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1 Noise Exposure Standards

Federal and local guidelines provide the basis for understanding acceptable noise exposure at the project, specifically areas where people would sleep. The City of Plano and Federal agencies have developed guidelines related to noise that will clarify the acceptable levels of noise exposure for this project. Some additional information on the fundamentals of acoustics, is included in Appendix A of this report that further explains some of the technical information included in the government guidelines and recommendations.

1.1 City of Plano

The City of Plano recently established noise guidelines for Sensitive Land Uses (SLU) located near expressway as part of a change to the City of Plano's Comprehensive Plan. The guidance is used within two areas designated as Expressway Corridor Environmental Health Area One (EHA-1) and Expressway Corridor Environmental Health Area Two (EHA-2) both of which are located on the Plano 121 parcel. EHA-1 is defined where outdoor noise levels are greater than or equal to 65 dBA L_{dn} and less than 75 dBA L_{dn} and EHA-2 is where the outdoor noise levels are above 75 dBA L_{dn} . The areas are further defined in the City of Plano Expressway Corridor Environmental Health Map¹. SLUs within EHA-1 are identified as appropriate if proper mitigation is achieved and evaluated through a site analysis whereas a SLU within EHA-2 may be deemed inappropriate unless it is redevelopment of an existing site. Although this newly adopted guideline does not apply to Plano 121, the analysis will be conducted with the spirit of the guideline to assess developments that are located within the areas and identify applicable mitigation.

2 Methodology

Roadway noise exposure levels for the project were computed using an acoustical planning and modeling program called SoundPLAN® (Version 8.1). SoundPLAN® was created by Braunstein & Berndt GmbH. An industry standard, SoundPLAN® was developed to provide estimates of sound levels at distances from specific noise sources taking into account the effects of terrain features including relative elevations of noise sources, receivers, and intervening objects (buildings, hills, trees), and ground effects due to areas of hard ground (pavement, water) and soft ground (grass, field, forest). In addition to computing sound levels at specific receiver positions, SoundPLAN® can produce noise contour graphics that show areas of equal and similar sound level.

2.1 Noise Model Input

The model used for this analysis was the same as the one used to in evaluation of environmental noise in the City of Plano and establishment of the Expressway Corridor Environmental Health Areas. The model included traffic data from the Statewide Traffic Analysis and Reporting System maintained by TXDOT and the North Texas Tollway Authority (NTTA) Comprehensive Traffic & Toll Revenue Study. Geometric data was incorporated from elevation contours derived from city wide 2017 Lidar provided by the City of Plano. Building data was incorporated from CAD drawings of the proposed development (Plano 121) and the City of Plano Buildings GIS layer 2016 (buildings on neighboring lots).

¹ City of Plano, City of Plano Expressway Corridor Environmental Health Map, 2019

3 Noise Measurements and Modeling

The following section summarizes the purpose of conducting on-site noise measurements, how the model is validated with the noise measurement results, and the results of noise measurements on the subject site.

3.1 Purpose of Noise Measurements/Traffic Counts

The purpose of conducting noise measurements and traffic counts at a specific project development site is solely to ensure that the model is accurately reflecting noise conditions at the site, through what is called a model validation process. Validation of the model increases the confidence that the model is accurately reflecting conditions at the project site. Reasons why the model may not accurately reflect current conditions could include:

- Noise from sources besides the expressway that significantly influenced measured noise levels;
- Changes in topography, roadway configuration, or nearby buildings since the model was originally developed;
- Changes to soil or pavement between roadway and project site since the model was originally developed;
- Small details in the study area that were not included in the original model, such as roadside safety barriers or open-water stormwater retention basins, that influence noise levels.

Standard practice is to follow Federal Highway Administration guidance, which identifies that a highway noise model is considered validated if the measured data and the modeled data are within 3 dBA. In cases where the model does not reflect measured noise levels, the model is refined until it is accurate within the 3 dBA standard.

3.2 Noise Model Validation

The model validation process includes conducting several short-term noise measurements on the site while simultaneously conducting traffic counts on the nearby expressway. The on-site data is then compared to model output to evaluate how closely the model is able to approximate on-site conditions. The model validation process can be done during any period of the day since the process is comparing the counted traffic /measured noise with the modeled noise with the same volume of traffic. However, it is recommended that noise measurements and traffic counts are conducted during periods when traffic is free-flowing. Depending upon the expressway, conducting measurements during the peak traffic hour is often avoided, since traffic is not at free-flow speeds during the peak-hour which then results in lower expressway noise levels.

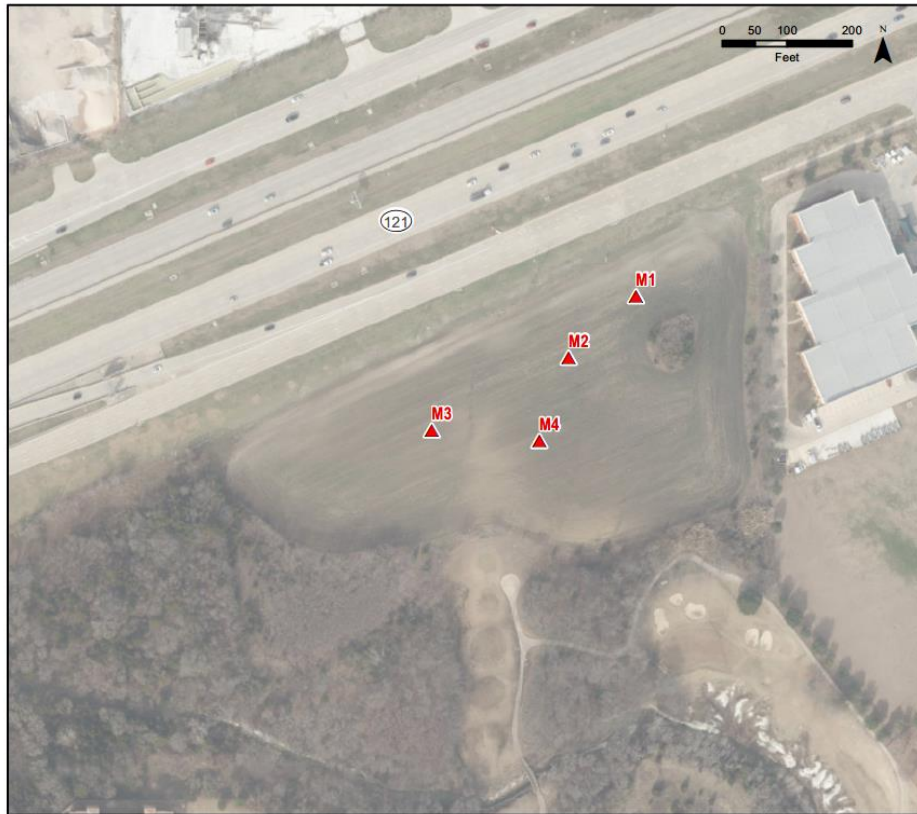
Consistent with Federal Highway Administration guidance, a noise model is considered validated if the measured data and the modeled data are within 3 dBA. Once it is determined that the model is accurately reflecting on-site noise levels, the measured noise levels and traffic counts are not used in other stages of the noise modeling process.

3.3 Model Validation at Plano 121 Senior Living parcel

Noise measurements were completed to document existing noise levels and to validate the roadway noise model. Four short-term measurements (30 minutes) were collected throughout the site to validate the roadway noise model. The measurements were collected on January 2, 2020. Figure 2 is a map of the measurement locations.

Figure 1. Measurement Locations

Source: Map Image and Data © ESRI 2020, HMMH 2020.



The short-term measurements were completed with a Larson Davis 824 with operator present. Each sound level meter was paired with a preamplifier and 1/2" microphone. The equipment used meets the American National Standards Institute (ANSI) S1.4 specifications for a Type 1 precision meter. The sound level meters were calibrated before and after the test with calibration traceable to the National Institute of Standards and Technology (NIST).

Roadway traffic counts were collected concurrent with each short-term measurement. These traffic counts were converted to hourly equivalent volumes and applied to each of the noise model roadways for validation purposes

Appendix B provides annual calibration sheets for the equipment used in the noise measurement effort.

3.4 Noise Measurement Results

Table 1 provides the results of the short-term measurement effort and the corresponding validation model sound levels. Since the modeled sound levels are within 3 dB of the measured sound levels the roadway noise model is considered a valid predictor of noise. The dominant noises source was Sam Rayburn Tollway and the occasional breeze. Kathryn Lane did not have enough traffic to contribute to the noise.

Table 1. Short-Term Measurement and Model Validation Results

Source: HMMH 2020

Measurement Location	Time	Measured dBA L _{eq}	Modeled dBA L _{eq}	Difference (dB)
M1	9:25-9:55	66.7	68.4	1.6
M2	10:10-10:40	65.8	65.3	-0.4
M3	10:52-11:22	64.2	63.6	-0.6
M4	11:30-12:00	61.0	63.3	2.4

Since the noise measurements were within +/- 3 dBA of the modeled noise levels at the same location, the model is considered to be a valid predictor of noise at this site, consistent with TxDOT and FHWA guidance.

3.1 Noise Modeling Process

Once the model is validated, the analysis is conducted using the model incorporating future projected traffic volumes to estimate future noise levels. This includes incorporating both the Annual Average Daily Traffic (AADT) and the distribution of traffic over the course of the day. For site noise analysis, the 2040 traffic volumes are used as the base for generating the estimated future noise levels. Using a future anticipated condition is in keeping with the long-term nature of land use decisions.

Daily traffic volumes were established for the Sam Rayburn Tollway from the Statewide Traffic Analysis and Reporting System (STARS) maintained by TxDOT, which includes recent Annual Average Daily Traffic (AADT) and truck percentage data on the expressways. A forecasted growth percentage was applied to 2017 AADT data to establish the 2040 volumes. The forecasted growth percentages, hourly traffic distributions, and truck percentages were utilized from the North Texas Tollway Authority (NTTA) Comprehensive Traffic & Toll Revenue Study.

The posted speed limits were used for the noise modeling. The expressway posted speed limit is 70 mph and the frontage road is 55 mph.

As shown in Table 2, the traffic volumes used for the project noise model include a projected 50% increase in daily traffic on the primary through-lanes of the Sam Rayburn Tollway as well as the frontage road traffic lanes (Route 121).

Table 2. Traffic Data Used in Noise Modeling

Source: HMMH 2018

Lanes	2017 AADT	2040 AADT
Sam Rayburn Tollway Mainline	93,380	141,311
Sam Rayburn Tollway Eastbound Frontage	29,410	44,506
Sam Rayburn Tollway Westbound Frontage	33,200	50,241

3.1 Noise Model Analysis at Plano 121 Senior Living parcel

The traffic projections identified above were incorporated into the validated model to develop baseline conditions under which the project was evaluated. As shown in Table 3, the noise levels at each of the

measurement locations are projected to increase by 1 to 2 decibels with the increase in traffic volumes between 2017 and 2040. The project was evaluated using the 2040 AADT traffic volumes and resultant noise conditions.

It is also noteworthy that the modeled noise levels with 2017 AADT are +/- 1 dBA of the modeled noise levels from 1/2/20 shown in Table 1, even with the variation in traffic volumes.

Table 3. Noise Levels with Change in Traffic Volumes

Source: HMMH 2020

Measurement Location	Time	Modeled dBA L _{eq} with 2017 AADT	Modeled dBA L _{eq} with 2040 AADT
M1	9:25-9:55	69.3	71.0
M2	10:10-10:40	64.7	66.4
M3	10:52-11:22	64.0	65.6
M4	11:30-12:00	63.6	65.2

4 Project Noise Exposure

The proposed project would be predominantly subject to roadway noise from the Sam Rayburn Tollway. Secondary sound sources would continue to include rustling vegetation in the wind and wildlife noise from sources such as insects and birds.

As discussed in Section 3 of this report, the latest existing (2017) AADT volumes and speeds for the roadways near the project were obtained from TxDOT and the City. AADT were not available for local roadways. Future average Day-Night Level (L_{dn}) Roadway Noise Exposure was calculated for comparison to the newly enacted Plano Comprehensive Plan's Expressway Corridor Environmental Health Guidelines.

Projected roadway noise levels were calculated for each unit location within each residential building to identify if any threshold would be exceeded. Noise levels were modelled for each floor of the buildings. Each of the four proposed buildings are 48 feet tall with 4 floors of units.

4.1 Project Noise Results

Evaluation of the proposed site plan for the Plano 121 Senior Living facility demonstrates that the project would meet the Expressway Corridor Environmental Health Goal under which sensitive land uses within Expressway Corridor Environmental Health Areas should achieve a maximum outdoor noise level of less than 65 dBA L_{dn}.

Since the revised site plan does not include any residential units fronting along the expressway and uses the buildings themselves to provide shielding for the primary exterior windows, doors and balconies, of each unit, noise at the exterior of all units is below 65 dBA L_{dn}.

Particular attention was made to incorporate features into the building design to reduce outdoor noise in select locations.

- At Building III, a 28-foot-wide wall along the side of the building was included in the design to minimize noise on the upper three floors at locations 3.04, 3.05 and 3.06.
- At Building IV, the design includes an 8-foot-wide barrier along the front edge of the balcony at the units on the 2nd, 3rd and 4th floor at location 4.14. The barrier, which would be a minimum of 6 feet in height and could be constructed of wood studs with stucco exterior, 3/8-inch plate glass,

5/8-inch Plexiglas, any masonry material or a combination of these materials. The barrier would limit outdoor expressway noise from reaching the balcony.

- At Building II, the design includes a 6-foot-wide barrier along the front edge of the balcony at the unit on the 4th floor at location 2.12. The material and height of the barrier would be similar to those included at Building IV.

Included within the design is an exterior recreation area with a pool and deck located in the middle open area between the four buildings. The outdoor exterior levels of this area will be below the 65 dBA L_{dn} exterior noise threshold of the Expressway Corridor Environmental Health Goal and no mitigation will be necessary for this area. The residential buildings provide enough shielding to protect the area from the noise of the SRT.

Figure 2 provides the location and graphical depiction of the noise levels at each unit. Table 4 provides the estimated noise levels at each unit.

Figure 2. Project Day-Night Level (Ldn) Roadway Noise Exposure

Source: HMMH 2020.

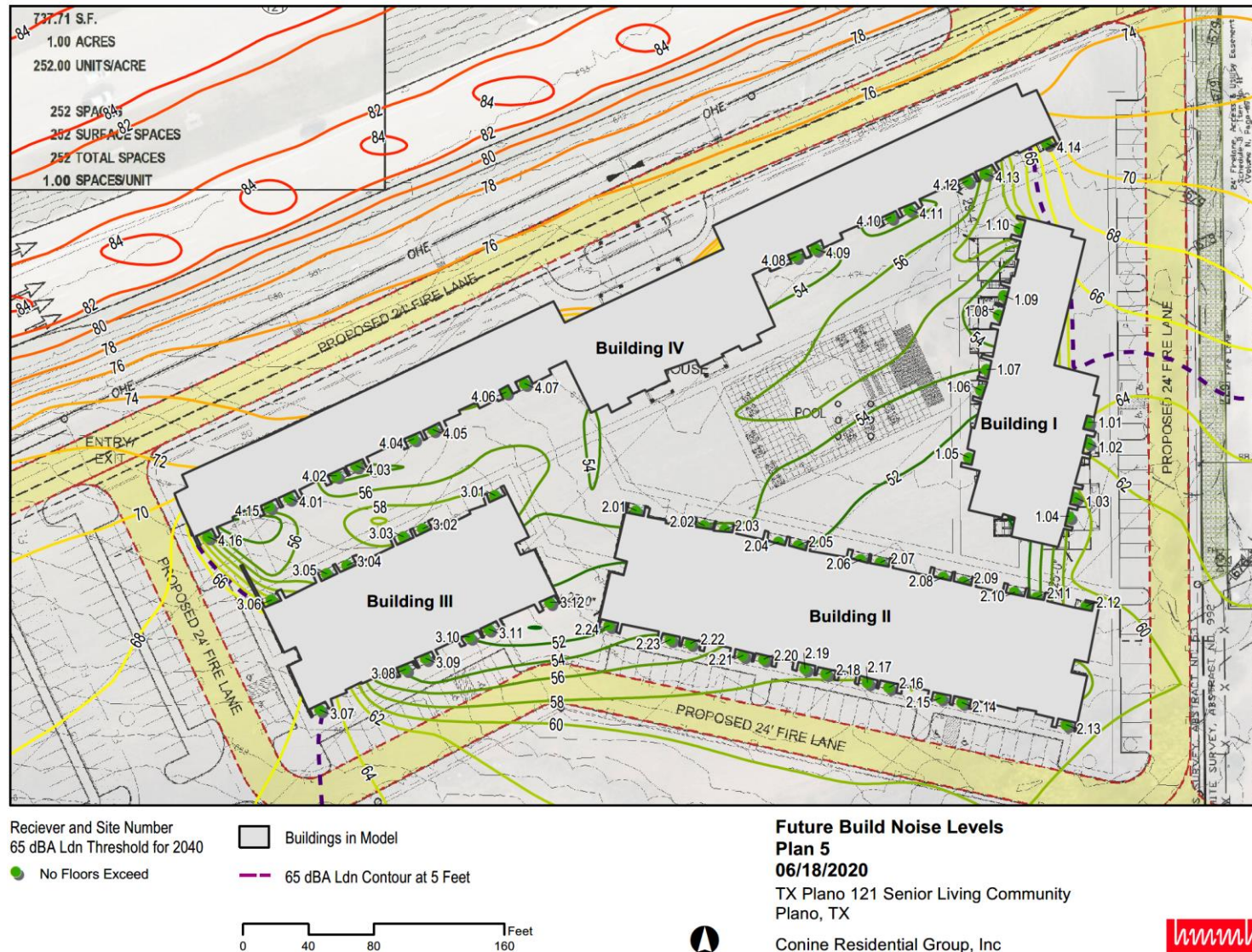


Table 4: Receiver Exterior Sound Levels

Source: HMMH 2020

Location	Ground Floor (Ldn)	2 nd Floor (Ldn)	3 rd Floor (Ldn)	4 th Floor (Ldn)
1.01	56.9	59.4	60.4	64.3
1.02	56.6	59.1	60.0	63.6
1.03	55.2	57.6	58.6	62.7
1.04	54.3	56.7	57.5	61.6
1.05	51.1	51.8	52.7	56.4
1.06	52.0	52.8	54.6	57.3
1.07	54.1	54.3	55.4	57.8
1.08	53.5	54.1	55.6	58.2
1.09	52.6	53.2	55.4	58.2
1.10	51.9	53.1	55.5	60.0
1.11	54.0	55.3	57.9	59.7
1.12	54.0	57.0	58.7	59.9
1.13	53.3	56.2	58.2	59.5
1.14	51.6	53.5	55.5	57.7
1.15	51.4	52.9	55.0	57.3
1.16	50.7	51.7	53.6	56.1
1.17	50.4	51.7	53.8	56.5
2.01	49.8	51.3	52.4	55.3
2.02	49.7	51.3	52.4	55.9
2.03	50.5	52.0	53.2	58.6
2.04	54.9	57.5	58.3	62.0
2.05	50.4	52.9	53.6	57.1
2.06	57.2	57.6	58.1	59.2
2.07	57.2	57.8	58.2	59.3
2.08	58.5	59.1	59.6	60.6
2.09	59.2	60.0	60.3	61.4
2.10	55.5	56.7	57.4	59.3
2.11	58.5	59.4	59.8	61.1
2.12	57.4	58.6	59.1	60.4
2.13	57.1	58.5	58.9	60.4
2.14	56.7	58.2	58.7	60.5
2.15	56.7	58.2	58.7	60.5
2.16	53.4	55.9	56.9	59.5
2.17	55.9	57.9	58.8	60.7

Location	Ground Floor (Ldn)	2 nd Floor (Ldn)	3 rd Floor (Ldn)	4 th Floor (Ldn)
3.01	52.0	55.3	57.2	60.1
3.02	57.7	58.4	59.3	60.8
3.03	59.2	60.1	61.5	62.7
3.04	58.4	60.1	61.9	62.7
3.05	58.1	62.8	64.1	64.5
3.06	57.2	61.4	62.9	63.7
3.07	53.1	57.4	58.5	59.4
3.08	56.4	58.7	59.4	59.8
3.09	51.9	55.7	56.4	57.1
3.10	53.2	56.3	57.1	56.4
3.11	51.0	54.0	55.6	57.9
3.12	51.0	53.7	55.8	58.0
4.01	50.8	53.8	55.9	58.8
4.02	49.8	52.2	53.9	57.8
4.03	50.4	52.6	53.7	58.0
4.04	51.2	53.3	54.6	58.3
4.05	53.1	56.1	58.0	59.9
4.06	53.1	56.4	58.8	60.1
4.07	53.7	56.2	58.3	59.9
4.08	54.1	56.9	59.5	60.9
4.09	53.4	54.6	57.4	59.0
4.10	53.9	55.0	57.8	59.5
4.11	52.1	53.2	56.3	58.3
4.12	51.9	52.7	55.4	58.0
4.13	52.6	53.4	56.4	58.6

5 Air Quality

As identified in the City of Plano's Expressway Corridor Environmental Health Study, exposure to highway-based air pollutants is greatly reduced at approximately 300 feet from the expressway edge and that exposure can be further mitigated through design of building ventilation system.

The site plan for the Plano 121 development includes residential units that are either located more than 300 feet from the highway edge or are located with primary doors and windows in an area that will be screened by a four story building from the direct high concentrations of highway based air pollutants. In addition, all building mechanical rooms will be located on the southern side of the building (away from the SRT), which results in the building itself acting as additional screening to exposure to highway-based air pollutants. With the combination of the location of the residential units on the site and the screening provided by the garage, residents are not expected to experience higher concentrations expressway-based air pollutants.

6 Conclusions

In conclusion, the project site design has been developed in a manner that will reduce exposure to outdoor noise from the Sam Rayburn Tollway to below the City of Plano Expressway Corridor Environmental Health Goal. The established goal is for sensitive land uses within Expressway Corridor Environmental Health Areas to achieve a maximum outdoor noise level of less than 65 dBA Ldn. Residents of the Plano 121 Senior Living facility will not be exposed to high levels of expressway noise either within the units themselves, at the unit balcony, or at the outdoor use area. The primary outdoor use area will be located among the buildings so that highway noise will be effectively screened. Air pollution impacts coming from the adjacent Sam Rayburn Tollway will be minimized since effective on-site air pollution mitigation strategies have been integrated into the project design.

Appendix A Fundamentals of Acoustics

This attachment describes the noise terminology and metrics used in this report.

A.1 Decibels (dB), Frequency and the A-Weighted Sound Level

Loudness is a subjective quantity that enables a listener to order the magnitude of different sounds on a scale from soft to loud. Although the perceived loudness of a sound is based somewhat on its frequency and duration, chiefly it depends upon the sound pressure level. Sound pressure level is a measure of the sound pressure at a point relative to a standard reference value; sound pressure level is always expressed in decibels (dB).

Decibels are logarithmic quantities, so combining decibels is unlike common arithmetic. For example, if two sound sources each produce 100 dB operating individually and they are then operated together, they produce 103 dB. Each doubling of the number of sources produces another three decibels of noise. A tenfold increase in the number of sources makes the sound pressure level go up 10 dB, and a hundredfold increase makes the level go up 20 dB. If two sources differ in sound pressure level by more than 10 decibels, then operating together, the total level will approximately equal the level of the louder source; the quieter source doesn't contribute significantly to the total.

People hear changes in sound level according to the following rules of thumb: 1) a change of 1 decibel or less in a given sound's level is generally not readily perceptible except in a laboratory setting; 2) a 5-dB change in a sound is considered to be generally noticeable in a community setting; and 3) it takes approximately a 10-dB change to be heard as a doubling or halving of a sound's loudness.

Another important characteristic of sound is its frequency, or "pitch." This is the rate of repetition of sound pressure oscillations as they reach our ears. Frequency is expressed in units known as Hertz (abbreviated "Hz" and equivalent to one cycle per second). Sounds heard in the environment usually consist of a range of frequencies. The distribution of sound energy as a function of frequency is termed the "frequency spectrum."

The human ear does not respond equally to identical noise levels at different frequencies. Although the normal frequency range of hearing for most people extends from a low of about 20 Hz to a high of 10,000 Hz to 20,000 Hz, people are most sensitive to sounds in the voice range, between about 500 Hz to 2,000 Hz. Therefore, to correlate the amplitude of a sound with its level as perceived by people, the sound energy spectrum is adjusted, or "weighted."

The weighting system most commonly used to correlate with people's response to noise is "A-weighting" (or the "A-filter") and the resultant noise level is called the "A-weighted noise level" (dBA). A-weighting significantly de-emphasizes those parts of the frequency spectrum from a noise source that occurs both at lower frequencies (those below about 500 Hz) and at very high frequencies (above 10,000 Hz) where we do not hear as well. The filter has very little effect, or is nearly "flat," in the middle range of frequencies between 500 and 10,000 Hz. In addition to representing human hearing sensitivity, A-weighted sound levels have been found to correlate better than other weighting networks with human perception of "noisiness." One of the primary reasons for this is that the A-weighting network emphasizes the frequency range where human speech occurs, and noise in this range interferes with speech communication. Another reason is that the increased hearing sensitivity makes noise more annoying in this frequency range.

A.2 Equivalent Sound Level (L_{eq})

The Equivalent Sound Level, abbreviated L_{eq} , is a measure of the total exposure resulting from the accumulation of A-weighted sound levels over a particular period of interest -- for example, an hour, an 8-hour school day, nighttime, or a full 24-hour day. However, because the length of the period can be different depending on the timeframe of interest, the applicable period should always be identified or clearly understood when discussing the metric. Such durations are often identified through a subscript, for example L_{eq1h} , or $L_{eq(24-hour)}$.

The L_{eq} may be thought of as a constant sound level over the period of interest that contains as much sound energy as (is “equivalent” to) the actual time-varying sound level with its normal peaks and valleys. It is important to recognize, however, that the two signals (the constant one and the time-varying one) would sound very different from each other. Also, the “average” sound level suggested by L_{eq} is not an arithmetic value, but a logarithmic, or “energy-averaged” sound level. Thus, the loudest events may dominate the noise environment described by the metric, depending on the relative loudness of the events.

A.3 Day-Night Sound Level (L_{dn})

The L_{dn} represents a concept of noise dose as it occurs over a 24-hour period. It is the same as a 24-hour L_{eq} , with one important exception; L_{dn} treats nighttime noise differently from daytime noise. In determining L_{dn} , it is assumed that the A-weighted levels occurring at nighttime (10 p.m. to 7 a.m.) are 10 dB louder than they really are. These penalties are applied to account for greater sensitivity to nighttime noise, and the fact that events at nighttime are often perceived to be more intrusive because the background ambient noise at night is less than the ambient noise during the day.

Appendix B Annual Calibration Sheets




ISO 17025: 2005, ANSI/NCSL Z540:1994 Part 1
ACCREDITED by NVLAP (an ILAC MRA signatory)

ISO 17025: 2005, ANSI/NCSL Z540:1994 Part 1
ACCREDITED by NVLAP (an ILAC MRA signatory)

Calibration Certificate No.42283

Instrument: Sound Level Meter Model: 824 Manufacturer: Larson Davis Serial number: A0795 Tested with: Mic. 40AQ s/n 19907 & 40AE s/n 8310 Preamp. PRM902 s/n 1208 & s/n 3185 Type (class): 1 Customer: Harris Miller Miller & Hanson Inc. Tel/Fax: 781-229-0707 x3119 / 781-229-7939	Date Calibrated: 2/11/2019 Cal Due: Status: <table border="1" style="display: inline-table;"><tr><td>Received</td><td>Sent</td></tr><tr><td>X</td><td>X</td></tr></table> In tolerance: <table border="1" style="display: inline-table;"><tr><td>X</td><td>X</td></tr></table> Out of tolerance: <table border="1" style="display: inline-table;"><tr><td></td><td></td></tr></table> See comments: Contains non-accredited tests: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Calibration service: <input type="checkbox"/> Basic <input checked="" type="checkbox"/> Standard Address: 77 South Bedford Street, Burlington, MA 01803	Received	Sent	X	X	X	X		
Received	Sent								
X	X								
X	X								

Tested in accordance with the following procedures and standards:
Calibration of Sound Level Meters, Scantek Inc., Rev. 6/26/2015
SLM & Dosimeters – Acoustical Tests, Scantek Inc., Rev. 7/6/2011

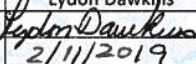
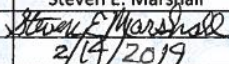
Instrumentation used for calibration: Nor-1504 Norsonic Test System:

Instrument - Manufacturer	Description	S/N	Cal. Date	Traceability evidence Cal. Lab / Accreditation	Cal. Due
483B-Norsonic	SME Cal Unit	31052	Oct 31, 2018	Scantek, Inc. / NVLAP	Oct 31, 2019
DS-360-SRS	Function Generator	33584	Oct 24, 2017	ACR Env. / A2LA	Oct 24, 2019
34401A-Agilent Technologies	Digital Voltmeter	MY47011118	Oct 1, 2018	ACR Env. / A2LA	Oct 1, 2019
HM30-Thommen	Meteo Station	1040170/39633	Nov 13, 2018	ACR Env. / A2LA	Nov 13, 2019
PC Program 1019 Norsonic	Calibration software	v.6.1T	Validated Nov 2014	Scantek, Inc.	-
1251-Norsonic	Calibrator	30878	Nov 11, 2018	Scantek, Inc. / NVLAP	Nov 11, 2019

Instrumentation and test results are traceable to SI (International System of Units) through standards maintained by NIST (USA) and NPL (UK).



Environmental conditions:

Temperature (°C)	Barometric pressure (kPa)	Relative Humidity (%)
23.0	100.78	38.7

Calibrated by:	Lydon Dawkins	Authorized signatory:	Steven E. Marshall
Signature		Signature	
Date	2/11/2019	Date	2/14/2019

Calibration Certificates or Test Reports shall not be reproduced, except in full, without written approval of the laboratory.
This Calibration Certificate or Test Reports shall not be used to claim product certification, approval or endorsement by NVLAP, NIST, or any agency of the federal government.
Document stored Z:\Calibration Lab\SLM 2019\LD824-27dB_A0795_M1.doc

Page 1 of 2

ISO 17025: 2005, ANSI/NC SL Z540:1994 Part 1
 ACCREDITED by NVLAP (an ILAC MRA signatory)

Calibration Certificate No.42291

Instrument: Acoustical Calibrator
Model: CAL250
Manufacturer: Larson Davis
Serial number: 4182
Class (IEC 60942): 1L
Barometer type:
Barometer s/n:
Customer: Harris Miller Miller & Hanson Inc.
Tel/Fax: 781-229-0707 x3119 / 781-229-7939

Date Calibrated: 2/7/2019 **Cal Due:**
Status:

Received	Sent
X	X

In tolerance:

--	--

Out of tolerance:

--	--

See comments:

--	--

Contains non-accredited tests: Yes X No

Address: 77 South Bedford Street,
 Burlington, MA 01803

Tested in accordance with the following procedures and standards:
 Calibration of Acoustical Calibrators, Scantek Inc., Rev. 10/1/2010

Instrumentation used for calibration: Nor-1504 Norsonic Test System:

Instrument - Manufacturer	Description	S/N	Cal. Date	Traceability evidence	Cal. Due
				Cal. Lab / Accreditation	
483B-Norsonic	SME Cal Unit	31052	Oct 31, 2018	Scantek, Inc. / NVLAP	Oct 31, 2019
DS-360-SRS	Function Generator	33584	Oct 24, 2017	ACR Env. / A2LA	Oct 24, 2019
34401A-Agilent Technologies	Digital Voltmeter	MY47011118	Oct 1, 2018	ACR Env. / A2LA	Oct 1, 2019
HM30-Thommen	Meteo Station	1040170/39633	Nov 13, 2018	ACR Env. / A2LA	Nov 13, 2019
140-Norsonic	Real Time Analyzer	1406423	Nov 3, 2018	Scantek / NVLAP	Nov 3, 2019
PC Program 1018 Norsonic	Calibration software	v.6.1T	Validated Nov 2014	Scantek, Inc.	-
4134-Brüel&Kjaer	Microphone	173368	Nov 11, 2018	Scantek, Inc. / NVLAP	Nov 11, 2019
1203-Norsonic	Preamplifier	14059	Feb 12, 2018	Scantek, Inc. / NVLAP	Feb 12, 2019

Instrumentation and test results are traceable to SI (International System of Units) through standards maintained by NIST (USA) and NPL (UK)

Calibrated by:	Authorized signatory:	
Signature <i>Lydon Dawkins</i>	Signature <i>Steven E. Marshall</i>	
Date <i>2/7/2019</i>	Date <i>2/12/2019</i>	

Calibration Certificates or Test Reports shall not be reproduced, except in full, without written approval of the laboratory.
 This Calibration Certificate or Test Reports shall not be used to claim product certification, approval or endorsement by NVLAP, NIST, or any agency of the federal government.
 Document stored as: Z:\Calibration Lab\Cal 2019\LDCAL250_4182_M1.doc

Page 1 of 2

MEMORANDUM

To: Kent Conine
From: John Weston
Date: April 21, 2020
Subject: Plano 121 Senior Living - Noise Model Calibration Clarification

During the City of Plano Planning & Zoning Commission Meeting on April 6, 2020 there seemed to be some confusion regarding the specific purpose and use of the traffic counts and noise measurements that we conducted on January 2, 2020. I am providing the following information to help clarify the purpose of taking noise measurements and traffic counts, how those data are used in the noise modeling process, and to provide additional insight related to the noise and traffic measurements taken at the project site.

The noise analysis undertaken for the Plano 121 Senior Living project was conducted using a noise model that was originally developed to evaluate the impacts of expressway noise across the entire City of Plano. During development of the original model, HMMH conducted twelve long-term (24-hour) measurements and six short-term (30 minute) measurements at sites near expressways throughout Plano. In addition to conducting the noise measurements, development of the model included compilation of detailed topographic information, building information, geometric roadway information, and identifying average existing and future expressway traffic volumes.



Purpose of Noise Measurements/Traffic Counts

The purpose of taking noise measurements and traffic counts at a specific project development site is solely to ensure that the model is accurately reflecting noise conditions at the site, through what is called a model validation process. Validation of the model increases the confidence that the model is accurately reflecting conditions at the project site. Reasons why the model may not accurately reflect current conditions could include:

- Noise from sources besides the expressway that significantly influenced measured noise levels;
- Changes in topography, roadway configuration, or nearby buildings since the model was originally developed;
- Changes to soil or pavement between roadway and project site since the model was originally developed;
- Small details in the study area that were not included in the original model, such as roadside safety barriers or open-water stormwater retention basins, that influence noise levels.

Standard practice is to follow Federal Highway Administration guidance, which identifies that a highway noise model is considered validated if the measured data and the modeled data are within 3 dB(A). In cases where the model does not reflect measured noise levels, the model is refined until it is accurate within the 3 dB(A) standard.

Noise Model Validation

The model validation process includes conducting several short-term noise measurements on the site while simultaneously conducting traffic counts on the nearby expressway. The on-site data is then compared to model output to evaluate how closely the model is able to approximate on-site conditions.

The model validation process can be done during any period of the day since the process is comparing the counted traffic /measured noise with the modeled noise with the same volume of traffic. However, it is recommended that noise measurements and traffic counts are conducted during periods when traffic is free-flowing. Depending upon the expressway, conducting measurements during the peak traffic hour is often

avoided, since traffic is not at free-flow speeds during the peak-hour which then results in lower expressway noise levels.

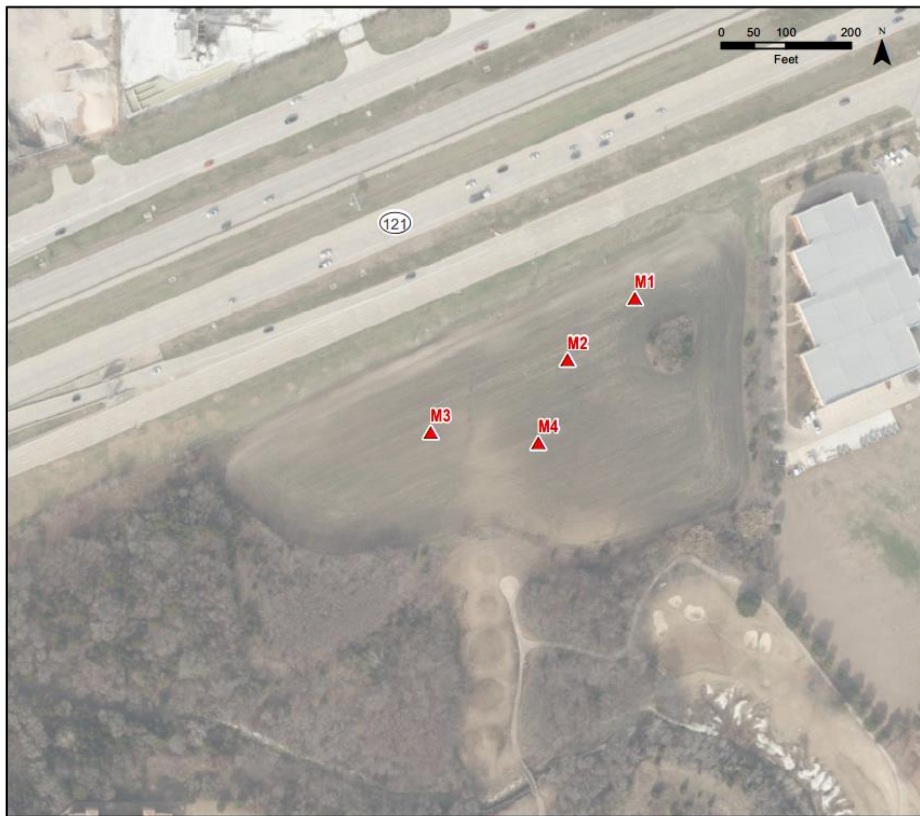
Consistent with Federal Highway Administration guidance, a noise model is considered validated if the measured data and the modeled data are within 3 dB(A). Once it is determined that the model is accurately reflecting on-site noise levels, **the measured noise levels and traffic counts are not used in other stages of the noise modeling process.**

Model Validation at Plano 121 Senior Living parcel

Noise measurements were completed to document existing noise levels and to validate the roadway noise model. Four short-term measurements (30 minutes) were collected throughout the site to validate the roadway noise model. The measurements were collected on January 2, 2020. Figure 2 is a map of the measurement locations.

Figure 1. Measurement Locations

Source: Map Image and Data © ESRI 2020, HMMH 2020.



The short-term measurements were completed with a Larson Davis 824 with operator present. Each sound level meter was paired with a preamplifier and 1/2" microphone. The equipment used meets the American National Standards Institute (ANSI) S1.4 specifications for a Type 1 precision meter. The sound level meters were calibrated before and after the test with calibration traceable to the National Institute of Standards and Technology (NIST).

Roadway traffic counts were collected concurrent with each short-term measurement. These traffic counts were converted to hourly equivalent volumes and applied to each of the noise model roadways for validation purposes

Noise Measurement Results

Table 1 provides the results of the short-term measurement effort and the corresponding validation model sound levels. Since the modeled sound levels are within 3 dB of the measured sound levels the roadway noise model is considered a valid predictor of noise. The dominant noises source was Sam Rayburn Tollway and the occasional breeze. Kathryn Lane did not have enough traffic to contribute to the noise.

Table 1. Short-Term Measurement and Model Validation Results

Source: HMMH 2020

Measurement Location	Time	Measured dBA L_{eq}	Modeled dBA L_{eq}	Difference (dB)
M1	9:25-9:55	66.7	68.4	1.6
M2	10:10-10:40	65.8	65.3	-0.4
M3	10:52-11:22	64.2	63.6	-0.6
M4	11:30-12:00	61.0	63.3	2.4

It is important to note that the traffic volumes counted on Sam Rayburn Tollway and the frontage road (a.k.a Route 121) did not follow the same hourly patterns on January 2, 2020 as a “typical” weekday. It was found that overall traffic volumes during the two and 1/2 hour period when noise measurements and traffic counts were actively being taken were consistent with average traffic volumes, since total volumes were only 4% to 9% less than average over the entire period. However, the pattern of traffic was different on that day since traffic volumes were below typical by as much as 40% during the 9AM hour but were greater than normal by 50% during the 10 AM hour.

Regardless of whether the traffic flows were typical, the data collected was used solely to validate the accuracy of the model and was not used to estimate future noises. Further detail regarding the data used for modeling and predicting future noise at the project site is provided below.

Noise Modeling Process

Once the model is validated, the analysis is conducted using the model with **future** projected traffic volumes to estimate **future** noise levels. This includes incorporating both the Annual Average Daily Traffic (AADT) and the distribution of traffic over the course of the day. For site noise analysis, the 2040 traffic volumes are used as the base for generating the estimated future noise levels. Using a future anticipated condition is in keeping with the long-term nature of land use decisions.

Daily traffic volumes were established for the Sam Rayburn Tollway from the Statewide Traffic Analysis and Reporting System (STARS) maintained by TXDOT, which includes recent Annual Average Daily Traffic (AADT) and truck percentage data on the expressways. A forecasted growth percentage was applied to 2017 AADT data to establish the 2040 volumes. The forecasted growth percentages, hourly traffic distributions, and truck percentages were utilized from the North Texas Tollway Authority (NTTA) Comprehensive Traffic & Toll Revenue Study.

As shown in Table 2., the traffic volumes used for the project noise model include a projected 50% increase in daily traffic on the primary through-lanes of the Sam Rayburn Tollway as well as the frontage road traffic lanes (Route 121).

Table 2. Traffic Data Used in Noise Modeling

Source: HMMH 2018

Lanes	2017 AADT	2040 AADT
Sam Rayburn Tollway Mainline	93,380	141,311
Sam Rayburn Tollway Eastbound Frontage	29,410	44,506
Sam Rayburn Tollway Westbound Frontage	33,200	50,241

Noise Model Analysis at Plano 121 Senior Living parcel

The traffic projections identified above were incorporated into the validated model to develop baseline conditions under which the project was evaluated. As shown in Table 3, the noise levels at each of the measurement locations are projected to increase by 1 to 2 decibels with the increase in traffic volumes between 2017 and 2040. **The project was evaluated using the 2040 AADT traffic volumes and resultant noise conditions.**

It is also noteworthy that the modeled noise levels with 2017 AADT are +/- 1 dBA of the modeled noise levels from 1/2/20 shown in Table 2, even with the variation in traffic volumes.

Table 3. Noise Levels with Change in Traffic Volumes

Source: HMMH 2020

Measurement Location	Time	Modeled dBA L_{eq} with 2017 AADT	Modeled dBA L_{eq} with 2040 AADT
M1	9:25-9:55	69.3	71.0
M2	10:10-10:40	64.7	66.4
M3	10:52-11:22	64.0	65.6
M4	11:30-12:00	63.6	65.2

Daily Change in Noise

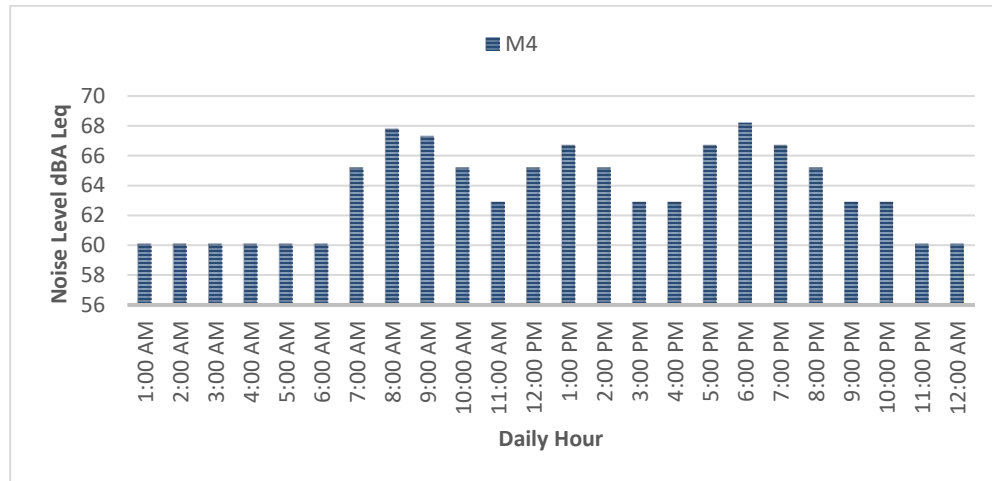
Clarification also appeared necessary to understand the change in noises over time. Much of the noise analysis for land use and development is conducted using a daily average noise level value (L_{dn}) that measures the average noise over the entire of a day (with a penalty for night time noise since noise causes more annoyance at night). This is done since noise levels are typically consistent from day to day and even the patterns of noise over the course of a day tend to be consistent. This allows a daily average value (L_{dn}) to be used to describe the typical conditions at a site.

However, when noise is being evaluated over a shorter time period it is important to understand the length of the time period and the time of day. This variability in noise levels has been incorporated into the noise model and the analysis of noise at Plano 121 Senior Living. An example of the variability of noise over the course of the day is included in Figure 1, which shows hourly average modeled decibel levels at measurement site #4 (M4) under 2040 traffic conditions. It is expected that hourly noise levels during peak traffic hours would increase to as much as 68 dBA but would fall to 60 dBA during the night time when traffic is limited. It should also be noted that even during the course of an hour, noise levels could vary significantly depending on the

impact and duration of a specific event (such as a loud motorcycle passing by), which would cause the instantaneous noise levels to be higher or lower but may not significantly change the average level (shown as Leq).

Figure 1. Change in Daily Noise Levels

Source: HMMH 2020



This additional information is being provided to clarify data that was included in the analysis of future noise conditions at the Plano 121 Senior Living development. Since measurement and analysis of noise is not commonly conducted as part of a development review it is understandable that some of the information included in the noise analysis needed additional clarification. I am happy to provide this additional information to bolster the confidence that the analysis was conducted using the highest level of professionalism and standards. HMMH has a long history and nationwide reputation for technical excellence in evaluating highway noise and has performed environmental noise studies and noise abatement design for highway, transit, railroad and aviation projects throughout the United States and the world.

The company was founded in 1981 to specifically focus on transportation noise issues and since that time has been a leader in the industry. In fact, based on our relentless focus on quality and technical excellence, the Federal Highway Administration, Federal Transit Administration, and Federal Railroad administration have all turned to HMMH's team of consultants when developing guidance for noise analysis and software tools for use by highway planners and engineers across the country. I hope that is clear that the analysis conducted by HMMH was conducted with the utmost integrity with the goal of providing the best possible information for you and the City to understand future noise conditions on the project site and its potential impact on future residents.

Please feel free to contact me at 781.852.3163 or jweston@hmmh.com if you have any addition questions.

TECHNICAL MEMORANDUM

To: Kent Conine
16812 Dallas Parkway
Suite 150
Dallas, TX 75248

From: HMMH - John Weston & Emma Butterfield

Date: August 12, 2020

Subject: Plano 121 Senior Living Noise Analysis Addendum

Reference: HMMH Project Number 311300



During a previous hearing on the Plano 121 Senior Living project with the City of Plano Planning and Zoning Commission questions were raised regarding whether noise measurements previously conducted during non-peak traffic hours on January 2nd, 2020 were representative of noise conditions on the site. Although the noise measurements are used exclusively to validate the accuracy of the model, the development team conducted additional on-site measurements to confirm the model was accurately predicting current daily average noise conditions.

The original report used four short term measurements (30 minutes) taken on January 2, 2020 to validate the noise model. The field measured L_{eq} was compared to a modeled L_{eq} using traffic counted during the specific measurement period. The noise model did validate using this Federal Highway Administration supported method for conditions on the subject and therefore was used to conduct the Noise Analysis Report. To further validate the model 24-hour measurements were taken on July 23rd – 24th 2020 and were used to calculate an existing Day-Night level (L_{dn}) to compare against the L_{dn} in the existing scenario in the City of Plano's Expressway Corridor Environmental Health Study.

The long term 24-hour measurement site was located at the January 2nd, 2020 measurement location M4 shown in Figure 1. This site represented the most secure location for leaving the measurement equipment unattended for 24 hours. The measurements began at 12:30 PM on July 23rd, 2020 and ended at 11:30 AM on July 22nd, 2020 for 24 hours of continuous data. **The measured L_{dn} at site M4 is 62 dBA.** Using the SoundPLAN noise model and the existing conditions identified in the City of Plano's Expressway Corridor Environmental Health Study, **the modeled L_{dn} for site M4 is 63.1 dBA.** Therefore, the measured L_{dn} is 1.1 dBA quieter than the existing modeled value from the Environmental Health Study. TxDOT and FHWA consider a noise model to be a valid predictor of noise if a traffic noise measurement agrees with the modeled sound level within +/- 3 dB. Based on this information, the noise model used in Noise Analysis Report developed from the January 2nd, 2020 short term measurements does not need to be adjusted and therefore the calculated 2040 noise levels are an accurate representation of noise conditions in the future case.

Figure 1. Measurement Site Locations



OUTDOOR AIR QUALITY SAMPLING ASSESSMENT
Real Time Readings (H₂S, N, CO, CO₂, CH₄ and VOC's)
SWQ of Kathryn Lane and SRT 121 ("Site")
aka
Plano 121 Senior Living
Highway 121 and Kathryn Lane,
Plano, Collin County, Texas 75025

MAS-D ENVIRONMENTAL
PROJECT NO. MA1908157(M)
November 22, 2019

Prepared for:

CONINE RESIDENTIAL GROUP, INC.
5220 Spring Valley Road #204,
Dallas, Texas 75254
Attention: Ms. Meg Conine

Prepared by:

MAS-D Environmental & Associates, Inc.
PO Box 543032
Dallas, Texas 75354
Office: (972) 527-4422 Cell: (972) 670-5656
md.masdenv@gmail.com

Noise Survey Assessment for
Plano 121 Senior Living
Highway 121 and Kathryn Lane,
Plano, Collin County, Texas

Dear Ms. Meg Conine:

MAS-D Environmental & Associates, Inc. (MAS-D Environmental) is pleased to report the results of the comparative outdoor due diligence air quality measurement of the subject and adjacent properties that was directed at real time monitoring for total volatile organic compounds (VOCs) with additional for measurements for hydrogen sulfide (H₂S), methane (CH₄), oxygen (O₂), carbon dioxide (CO₂), and carbon monoxide (CO) based on the requested scope of services.

This assessment was conducted by Mr. Michael Teeling, a senior project manager, and Mr. Maxim Dinka, an environmental consultant for MAS-D Environmental. The assessment was initiated on the 19th of November of 2019.

MAS-D Environmental has accomplished the real time measurements as approved by the Conine Residential Group, Inc. that is intended to represent current conditions with the purpose of documentation of acceptable air quality at the Site.

Rationale:

1. Hydrogen Sulfide (H₂S) is a colorless chalcogen hydride gas with the characteristic foul odor of rotten eggs. It is very poisonous, corrosive, and flammable is a common additive for natural gas in order to provide an odor discernable by the common person that is attributable to a leak or rupture of lines related to heating and other uses such as stoves or other mechanical equipment.
2. Carbon monoxide is a colorless, odorless, and tasteless flammable gas that is slightly less dense than air and can be generated by incomplete combustion of natural gas.
3. Carbon Dioxide (CO₂) is a colorless gas with a density about 60% higher than that of dry air. Carbon dioxide consists of a carbon atom covalently double bonded to two oxygen atoms. It occurs naturally in Earth's atmosphere as a trace gas and can represent a measurement of air exchange in a given area.
4. Volatile organic compounds (VOCs) have the potential to impact health and safety of humans and can be generated from various source points including paints, furniture, carpet, motor vehicle traffic, etc.
5. Methane (CH₄) is a chemical compound with the chemical formula CH₄. It is a group-14 hydride and the simplest alkane, and is the main constituent of natural gas.

Noise Survey Assessment for
Plano 121 Senior Living
 Highway 121 and Kathryn Lane,
 Plano, Collin County, Texas

MiniRae 3000 - SN 592-907755
 Eagle 2 – SN E2H632
 Real Time Measurements
 H₂S, CO, CO₂, CH₄, O₂, VOCs

LOCATION	H ₂ S (ppm)	CO (ppm)	CO ₂ (ppm)	CH ₄ (% LEL)	O ₂ (ppm)	VOCs (ppm)
Subject Property (vacant land)	0.0	0.0	0.2	2%	20.9	0.0
U-Haul Moving & Storage – 2560 Kathryn Lane	0.0	0.0	0.1	1%	20.9	0.0
Ridgeview Ranch Golf Course – 2701 Ridgeview Road	0.0	0.0	0.0	0%	20.9	0.0
23Hundred at Ridgeview – 2300 Kathryn Lane	0.0	0.0	0.2	2%	20.9	0.0
Estancia at Ridgeview Ranch – 10200 Independence	0.0	0.0	0.1	0%	20.9	0.0

Summary for Volatile Organic Compounds and Non-VOC Gases:

The analysis of data for the suite indicates well margined real time measurements for various air quality aspects. The data indicates acceptable levels for non-VOC and VOC considerations. No impact to the air quality is associated with the field data in comparison between the subject property and adjacent tracts with varying uses.

SUMMARY OF FINDINGS:

The results of the sampling event are as follows:

1. Volatile organic compounds (VOC gases) real time measurements are within acceptable ranges per current industry standards for all tracts.
2. Non-VOC gases real time measurements are within acceptable ranges for all tracts measured.
3. The subject tract is acceptable for occupancy by based on air quality environmental conditions.

Noise Survey Assessment for
Plano 121 Senior Living
Highway 121 and Kathryn Lane,
Plano, Collin County, Texas

If you have any questions or require additional clarifications/information regarding report, please do not hesitate to contact us at the office, (972) 527-4422, cell phone (972) 670-5656, or email us at md.masdenv@gmail.com.

Sincerely,


Maxim Dinka, IAC



Noise Survey Assessment for
Plano 121 Senior Living
Highway 121 and Kathryn Lane,
Plano, Collin County, Texas

APPENDIX

Noise Survey Assessment for
Plano 121 Senior Living
Highway 121 and Kathryn Lane,
Plano, Collin County, Texas

QUALIFICATIONS OF THE ENVIRONMENTAL PROFESSIONAL

SUMMARY OF EXPERIENCE:

Michael Teeling has in excess of twenty years of continuous experience in the management of environmental considerations including Phase I-III examinations through remediation projects with corporate environmental management experience. Mr. Teeling has served as a facility consultant for the review of commercial sites and structures (Property Condition Assessments). Licenses and certifications include those for a Certified Hazardous Waste Manager, Texas licensed Corrective Action Specialist, Mold Assessment Consultant, Asbestos Inspector, and Asbestos Management Planner.

PROFESSIONAL EXPERIENCE

CAMBRIDGE SERVICES GROUP, INC.

05/98-Present

Environmental Consultant for Mold, Asbestos Management, Environmental Assessment, Underground Storage Tank Assessment and Removal/Remediation, FEMA review and modification, Phase II and III activities, Municipal Setting Designation consultant.

LEXINGTON GROUP INTERNATIONAL, INC.

04/94-05/98

Manager - Environmental and Safety Services

Asbestos Management, Environmental Assessment, Underground Storage Tank Assessment and Removal/Remediation, Safety Audit and Review, Municipal Assessments and Recommendations, Process Safety Management, FEMA review and modification, Environmental Site Audit, Phase II and III activities.

SUNBELT SAVINGS ASSOCIATION, FSB

12/91-03/94

Michael Teeling was the corporate manager responsible for all environmental issues including the review of assets/and loans, design and remediation of contaminated sites, and communication with state and federal regulatory authorities.

SOUTHWEST FEDERAL SAVINGS ASSOCIATION

08/85-12/91

Michael Teeling was the corporate manager/officer for all environmental issues, real estate research, construction and environmental abatement/remediation, and contracting for corporate services.

Noise Survey Assessment for
Plano 121 Senior Living
Highway 121 and Kathryn Lane,
Plano, Collin County, Texas

EDUCATION AND QUALIFICATIONS

Bachelor of Business Administration
University of North Texas; Denton, Texas

Certified Hazardous Materials Manager - 1990:
Regulations Training in Hazardous Materials
Communication Standard for Hazardous Materials
Chemical Analysis of Hazardous Materials
Site Assessments
Hazardous Materials VII-Medical Waste
Emergency Response to Hazardous Materials
Advanced Emergency Response to Hazardous Materials
Risk Awareness (Interview and Public Media)

Certified Environmental Manager - 2002

Asbestos Building Inspector's Course (AHERA) 190-164
Asbestos Management Planner's Course (AHERA) 190-110
Texas Licensed Asbestos Inspector and Management Planner 205515
Texas Licensed Mold Assessment Consultant MAC 0221
Texas Licensed Corrective Action Specialist RCAS 00822

Hazard Communication and Hazardous Materials Awareness –
Texas A & M University
EPA - Air Monitoring for Hazardous Materials (165.4)
Hazardous Materials Emergency Response - Operations Level (40 Hours)

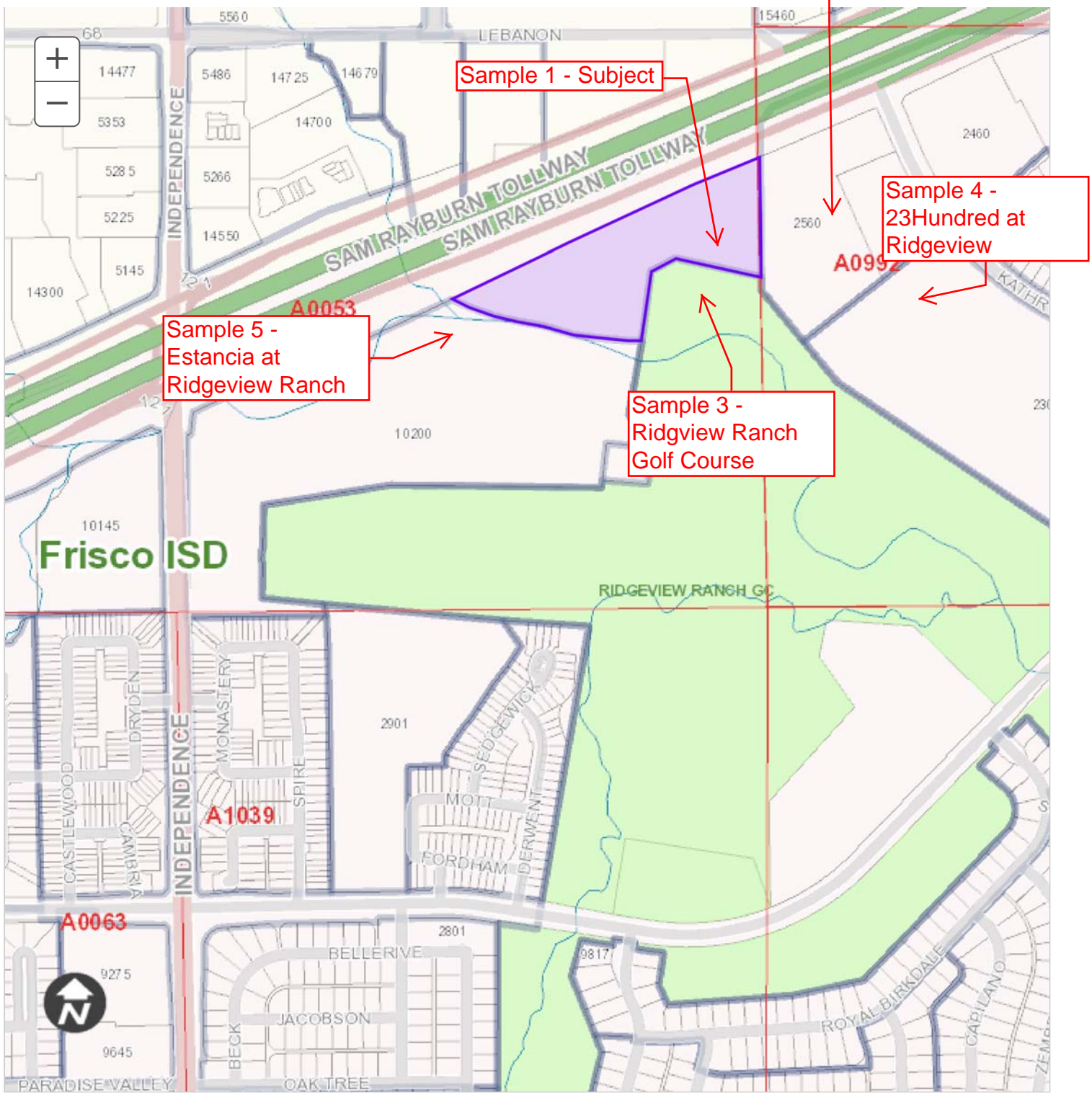
Low Flow Sampling (EPA and TCEQ) – Geotech Environmental Equipment
Air Quality Monitoring & Sampling – Geotech Environmental Equipment
Slug and Water Testing - Geotech Environmental Equipment
Survey and Transit Elevation - Geotech Environmental Equipment
Lead Based Paint Certificate – XRF - Geotech Environmental Equipment

GHH Engineering, Inc – Certified Mold Awareness and Inspector GEBCO – Mold Consultant
Training (40 hrs.)

American Water College – Basic Water Works Operation (20 hrs.)

Noise Survey Assessment for
Plano 121 Senior Living
Highway 121 and Kathryn Lane,
Plano, Collin County, Texas

LOCATIONAL TAX AND PLAT DATA





If you'd prefer to use a standalone version of this map, please [click here](#).


Property Search

Property ID: 2056041 - Tax Year: **2020**

General Information

Property ID	2056041
Property Status	Active
Geographic ID	R-6053-000-0300-1
Property Type	Real
Property Address	Plano, TX
Total Land Area	11.6320 acres
Total Improvement Main Area	n/a
Abstract/Subdivision	 Jacob Baccus Survey
Primary State Code	D1 (Qualified Open-space Ag Land)
Legal Description	Abs A0053 Jacob Baccus Survey, Tract 30, 11.632 Acres
Tax Agent	 David Hall Consulting, Inc

Owner Information

Owner ID	371319
Owner Name(s)	 L A D F Investment Fund
Exemptions	None
Percent Ownership	100.00%
Mailing Address	212 S Palm Ave Fl 2 Alhambra, CA 91801-3105

2020 Value Information

Value information for Property ID 2056041 in the 2020 tax year is unavailable. Value information for prior years may be available in the [Value History](#) section below.

Entities

Taxing Entity	Tax Rate	Collected By
CPL (Plano City)	0.448200 (2019 Rate)	Collin County Tax Office
GCN (Collin County)	0.174951 (2019 Rate)	Collin County Tax Office
JCN (Collin College)	0.081222 (2019 Rate)	Collin County Tax Office
SFR (Frisco ISD)	1.338300 (2019 Rate)	Collin County Tax Office

Improvements

Our records don't show any improvement data for Property ID 2056041 in the year 2020.

Land Segments

Land Segment #1	Cropland
State Code	D1 (Qualified Open-space Ag Land)
Homesite	No
Market Value	
Ag Use Value	1D1
Land Size	11.6320 acres 506,690 sq. ft.

Value History

Year	Improvement	Land	Market	Ag Loss	Appraised	HS Cap Loss	Assessed
2019	\$0	\$3,546,829	\$3,546,829	\$3,544,921	\$1,908	\$0	\$1,908
2018	\$0	\$3,546,829	\$3,546,829	\$3,544,945	\$1,884	\$0	\$1,884
2017	\$0	\$2,660,122	\$2,660,122	\$2,658,226	\$1,896	\$0	\$1,896
2016	\$0	\$2,282,422	\$2,282,422	\$2,280,456	\$1,966	\$0	\$1,966
2015	\$0	\$1,652,688	\$1,652,688	\$1,650,664	\$2,024	\$0	\$2,024

Deed History

Deed Date	Seller	Buyer	Instr #	Volume/Page
05/01/1997	HRC RANCH LTD	L A D F INVESTMENT FUND		97-/0034504

SB 541 - Amends Section 25.027 of the Property Tax Code, effective September 1, 2005**RESTRICTION ON POSTING DETAILED IMPROVEMENT INFORMATION ON INTERNET WEBSITE:**

Information in appraisal records may not be posted on the Internet if the information is a photograph, sketch, or floor plan of an improvement to real property that is designed primarily for use as a human residence. This section does not apply to an aerial photograph that depicts five or more separately owned buildings.

HB 394 - Amends Section 25.027 of the Property Tax Code, effective September 1, 2015**RESTRICTION ON POSTING AGE RELATED INFORMATION ON INTERNET WEBSITE:**

Information in appraisal records may not be posted on the Internet if the information indicates the age of a property owner, including information indicating that a property owner is 65 years of age or older.

Noise Survey Assessment for
Plano 121 Senior Living
Highway 121 and Kathryn Lane,
Plano, Collin County, Texas

CALIBRATION CERTIFICATES



Calibrated at Geotech's Texas service center

1600 North I 35E Suite 114

Carrollton, TX 75006

(800) 276-5325 Fax: (972) 245-8889

MiniRae 3000 Calibration Certificate

Unit Number: 3829

Calibration Date 11/15/2019

Serial Number: 592-907755

Technician: Taylor Benton

- ☒ Cleaned PID and Case
- ☒ Visually inspect for damage and missing part
- ☒ Manual is in case.
- ☒ Unit display is showing fully charged

Lamp Type

- ☒ 10.6eV
- ☐ 11.7eV

Charger (V) 12 **Pass**
Spare Battery (V) 4 **Pass**
Lamp Serial # 2R11475
Sensor Serial # 23030032P3
Pump Flow (ml/min) 500 **Pass**

Raw Readings 10A

Zero	61255	Pass
Span	42566	Pass
Delta	18689	Pass

Calibration

	<u>Calibration</u>	<u>Reading</u>	<u>Variance</u>		<u>Calibration Gas</u>	<u>Gas Lot #</u>	<u>Exp. Date</u>	
Zero	0 ppm	0 ppm	0.00%	Pass	Nitrogen	1300-3001		
Span	100 ppm	100 ppm	0.00%	Pass	Isobutylene	18-6534	9/21	Pass

Geotech Environmental Equipment, Inc. takes pride in ensuring this instrument is tested to function as specified by the manufacturer and was calibrated in accordance to manufacturer specifications. All calibration standards used are NIST traceable. With the provided lot numbers we can provide NIST documents on request. Call us at (800) 833-7958 and we will be glad to help.



Calibrated at Geotech's Texas service center

1600 North I 35E Suite 114

Carrollton, TX 75006

(800) 276-5325

Fax: (972) 245-8889

RKI Eagle 2 Calibration Certificate

Unit Number: 6670

Field Calibration Date: 11/8/2019 12:49 PM

Serial Number: E2H632

Technician:

Taylor Benton

- ☒ Cleaned Unit and Case
- ☒ Visually inspect for damage and missing parts
- ☒ Manual is on USB.

Battery (V)	6 V	Pass
Spare Battery (V)	6 V	Pass
Pump flow	3500 ml/min	Pass

Zero

Gas Zered	Zero	Reading	Variance		Zero Gas	Lot #
LEL CH ₄	0 %	0 %	0.00%	Pass	Ambient Air	Not Applicable
CO ₂	0 %	0 %	0.00%	Pass	Ambient Air	Not Applicable
CO	0 ppm	0 ppm	0.00%	Pass	Ambient Air	Not Applicable
H ₂ S	0 ppm	0 ppm	0.00%	Pass	Ambient Air	Not Applicable
O ₂	20.9 %	20.9 %	0.00%	Pass	Ambient Air	Not Applicable

Span

Gas Spaned	Span	Reading	Variance		Calibration Gas	Lot #	Exp. Date	
LEL CH ₄	50 %	50 %	0.00%	Pass	4 Gas	18-6575	11/20	Pass
CO ₂	15 %	15 %	0.00%	Pass	Gem Gas	16-5731	11/19	Pass
CO	50 ppm	50 ppm	0.00%	Pass	4 Gas	18-6575	11/20	Pass
H ₂ S	10 ppm	10 ppm	0.00%	Pass	4 Gas	18-6575	11/20	Pass
O ₂	18 %	18 %	0.00%	Pass	4 Gas	18-6575	11/20	Pass

Geotech Environmental Equipment, Inc. takes pride in ensuring this instrument is tested to function as specified by the manufacturer and was calibrated in accordance to manufacturer specifications. All calibration standards used are NIST traceable. With the provided lot numbers we can provide NIST documents on request. Call us at (800) 833-7958 and we will be glad to help.

Industrial Hygiene Services Report

**Plano 121 Senior Living Center
Highway 121 and Kathryn Lane
Plano, Texas**

August 13, 2020
Terracon Project No. 95207417

Prepared for:
Conine Residential Group, Inc.
Dallas, Texas

Prepared by:
Terracon Consultants, Inc.
Fort Worth, Texas

terracon.com

Terracon

Environmental



Facilities



Geotechnical



Materials



August 13, 2020

Conine Residential Group, Inc.
16812 Dallas Pkwy., Suite 150
Dallas, Texas 75248-1919

Attn: Ms. Meg Conine
T: 214-533-8839
E: meg@conine.com

Re: Industrial Hygiene Services
Plano 121 Senior Living Center
Highway 121 and Kathryn Lane
Plano, Texas
Terracon Project 95207417

Dear Ms. Conine:

The purpose of this report is to present the results of the ambient air quality evaluation conducted on August 5, 2020, at the above referenced location.

Terracon appreciates the opportunity to provide this service to Conine Residential Group, Inc. If you have any questions regarding this report, please contact the undersigned at (817) 268-8600.

Sincerely,



Robert Garrison
Senior Associate
Department Manager, Industrial Hygiene

for:
Andrew Cassidy
Senior Staff Industrial Hygienist



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APPENDIX A: Sample Location Diagram

APPENDIX B: Table 1.0

APPENDIX C: Graphic Results

INDUSTRIAL HYGIENE SERVICES REPORT
PLANO 121 SENIOR LIVING CENTER
HIGHWAY 121 AND KATHRYN LANE
PLANO, TEXAS
Terracon Project 95207417
August 13, 2020

1.0 PROJECT DESCRIPTION

Terracon Consultants, Inc. (Terracon) conducted air quality measurements for particulate matter at the 11.599 acre agricultural and vacant land located south of Highway 121 and west of Kathryn Lane in Plano, Collin County, Texas. Terracon representative, Ms. Anna Humphries, performed the sampling on August 5, 2020. The evaluation was performed in general accordance with Terracon proposal P95207417, dated July 27, 2020.

1.1 Scope of Services

The air quality evaluation conducted on August 5, 2020, consisted of continuous air sampling at representative locations along the northern fence line of the property for particulate matter 2.5 micrometers or less (PM_{2.5}) and particulate matter 10 micrometers or less (PM₁₀), temperature and relative humidity.

1.2 Standard of Care

This air sampling was conducted at the subject site on August 5, 2020, based on information provided to Terracon regarding building conditions. Terracon did not attempt to identify every potential exposure or hazard present at the subject site.

This investigation was conducted in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions in the same locale. The results, findings, conclusions, and recommendations expressed in this report are based on conditions observed during our August 5, 2020, sampling. Many factors such as weather conditions, wind patterns, and seasonal variations or local sources of outdoor particulates can affect the conditions observed. The information contained in this report should not be relied upon to represent conditions that existed previously or at a later date. Terracon does not warrant the services of regulatory agencies, laboratories, or other third parties supplying information that may have been used in the preparation of this report.

1.3 Reliance

The report has been prepared on behalf of and exclusively for use by Conine Residential Group, Inc. for specific application to their project as discussed. No other individual or entity may rely on this report without written permission of Terracon and Conine Residential Group, Inc. Reliance on

this report by Conine Residential Group, Inc. and all authorized parties will be subject to the key understandings and limitations stated in the proposal, this report, and Terracon's Agreement for Services. The limitation of liability defined in Terracon's Agreement for Services is the aggregate limit of Terracon's liability to Conine Residential Group, Inc. and all relying parties.

2.0 Evaluation Criteria

2.1 Particulate Matter

Particulate matter (PM) is the term for a mixture of solid particles and liquid droplets found in the air. Some particles such as dust, dirt, soot, or smoke are large or dark enough to be seen with the naked eye. Others are so small they can only be detected using a microscope.

Particle matter includes:

- PM₁₀: Inhalable particles with diameters that are generally 10 micrometers and smaller.
- PM_{2.5}: Fine inhalable particles with diameters that are generally 2.5 micrometers and smaller.

The Environmental Protection Agency (EPA) National Ambient Air Quality Standard (NAAQS) for PM₁₀ is 150 micrograms per cubic meter of air ($\mu\text{g}/\text{m}^3$) averaged over a 24-hour period, and for PM_{2.5} is 35 $\mu\text{g}/\text{m}^3$ as a 24-hour average. The EPA typically averages data collected over a three-year period when establishing if a geographic region is non-compliant with the NAAQS.

2.2 Temperature and Relative Humidity

There are no regulatory standards for ambient temperature and relative humidity that would apply to this study.

3.0 METHODS

3.1 SGS Smart Sense Units

Data for all parameters were collected by the SGS Smart Sense™ monitoring system using state-of-the-art optical and electrochemical sensors mounted in a weather-tight case. These are data-logging systems that collect and store one data point per minute. Following the data collection period, data were downloaded from the SGS web site for analysis. Cellular technology was used for communication with the monitoring system in real time. A Verizon Wireless Jetpack hotspot was used with each monitor to connect to the local cellular system. Ambient air sampling was conducted for approximately eight hours during normal business hours.

PM_{2.5} and PM₁₀ results are reported in µg/m³. Temperature is reported in degrees Fahrenheit (°F) and relative humidity is reported in per cent (%).

4.0 RESULTS

General Information: On the day of the sample event, wind speed averaged 7.1 miles per hour and was primarily from the east-northeast and east-southeast with gusts from the north-northeast and there was intermittent cloud cover. The sampling equipment was placed approximately 45 to 50 feet south of the Highway 121 frontage road at generally evenly spaced locations. The Smart Sense™ units were located near the vegetation boundary at the west end of the property, in the center of the property and on the east end of the property. An anemometer was also attached to the Smart Sense™ unit located in the center of the property to measure wind speed and direction.

A sample location site diagram is presented in Appendix A.

4.1 Particulate Matter (2.5)

PM_{2.5} concentrations were averaged over the approximate 8-hour sample time. The average PM_{2.5} concentrations on August 5, 2020, ranged from 3.1 µg/m³ to 4.6 µg/m³, with a maximum concentration of 13.8 µg/m³ and a minimum concentration of 2.6 µg/m³.

The PM_{2.5} concentrations were below the EPA NAAQS recommended levels during the sampling period.

A summary of the PM_{2.5} measurements is presented in Appendix B, Table 1.0 and in graph format in Appendix C.

4.2 Particulate Matter (10)

PM₁₀ concentrations were averaged over the approximate 8-hour sample time. The average PM₁₀ concentrations on August 5, 2020, ranged from 3.7 µg/m³ to 8.6 µg/m³, with a maximum concentration of 31.2 µg/m³ and a minimum concentration of 2.8 µg/m³.

A summary of the PM₁₀ measurements is presented in Appendix B, Table 1.0 and in graph format in Appendix C.

4.3 Temperature and Relative Humidity

Temperature and relative humidity were measured at the same locations as previously described. The average temperature on August 5, 2020, ranged from 79.8° F to 85.3° F, with a maximum of 104.5° F and a minimum of 73.5° F.

The average relative humidity on August 5, 2020, ranged from 54.8% to 61.7%, with a maximum of 67.2% and a minimum of 45.5%.

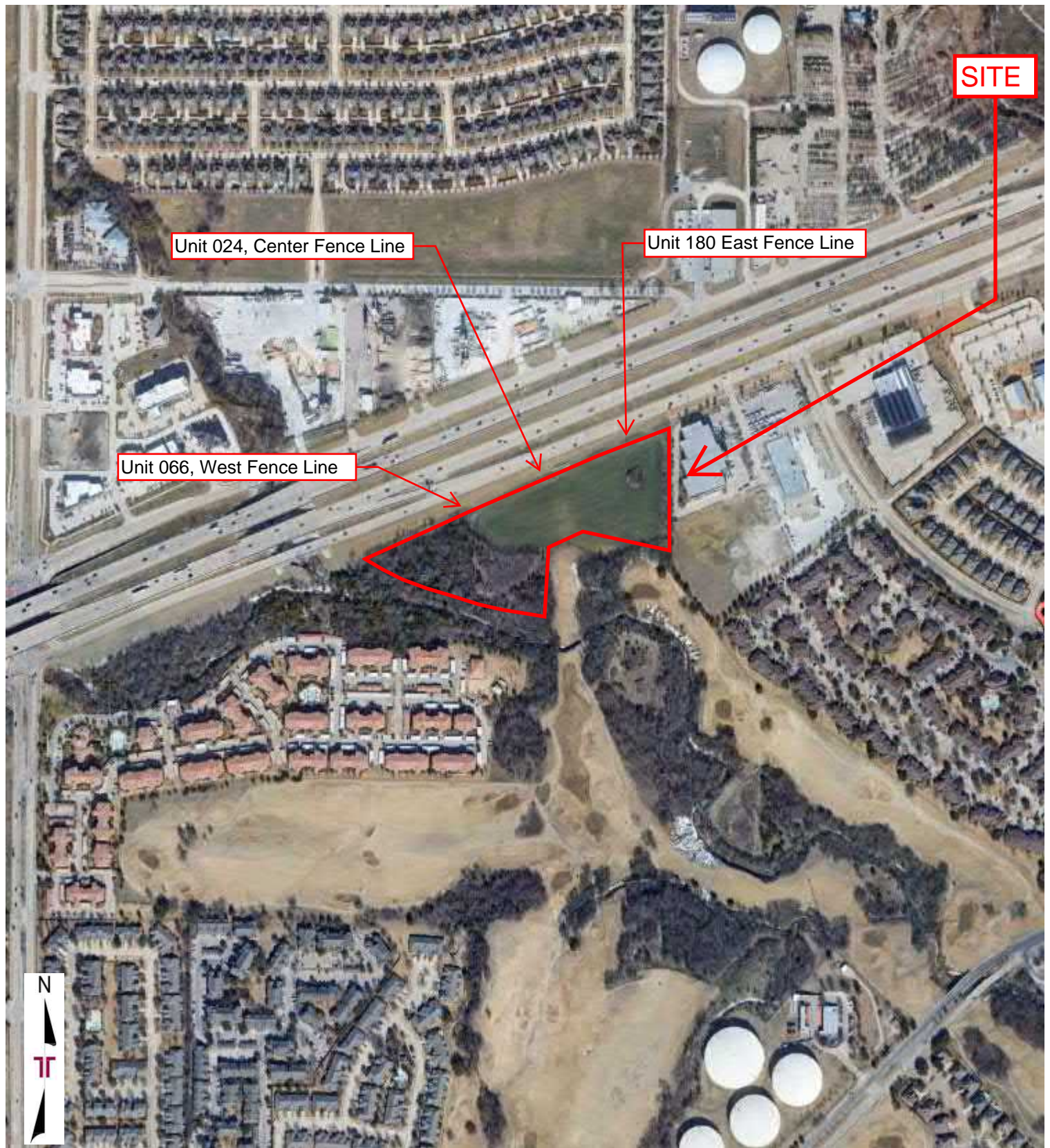
A summary of the temperature and relative measurements is presented in Appendix B, Table 1.0.

5.0 SUMMARY

The air sampling conducted on August 5, 2020, along the northern fence line of the subject property indicates that PM_{2.5}, and PM₁₀ were below the EPA NAAQS criteria.

APPENDIX A

SAMPLE LOCATION DIAGRAM



Project No.	95207417
Scale:	1" ~ 500'
Source:	Google Earth
Date:	2018

Terracon
Consulting Engineers & Scientists

8901 Carpenter Freeway, Suite 100 Dallas, Texas 75247
PH. (214) 630-1010 FAX. (214) 630-7070

PM Sample Locations	Appendix
Plano 121 Senior Living Center Highway 121 and Kathryn Lane Plano, Collin County, Texas	A

APPENDIX B

TABLE 1.0

TABLE 1.0, RESULTS SUMMARY

WEST END OF FENCE LINE, INSTRUMENT 066								
	PM _{2.5} 8/5/2020	PM ₁₀ 8/5/2020	Temperature 8/5/2020	RH 8/5/2020	Wind Speed 8/5/2020	Wind Direction 8/5/2020	EPA NAAQS PM _{2.5} Reference	EPA NAAQS PM ₁₀ Reference
Average	3.1 µg/m ³	3.7 µg/m ³	85.3 F	54.8 %	NA	NA	35 µg/m ³	150 µg/m ³
Max	3.8 µg/m ³	5.4 µg/m ³	104.5 F	58.3 %	NA	NA	NA	NA
Min	2.6 µg/m ³	2.8 µg/m ³	76.2 F	45.5 %	NA	NA	NA	NA
CENTER OF FENCE LINE, INSTRUMENT 024								
	PM _{2.5} 8/5/2020	PM ₁₀ 8/5/2020	Temperature 8/5/2020	RH 8/5/2020	Wind Speed 8/5/2020	Wind Direction 8/5/2020	EPA NAAQS PM _{2.5} Reference	EPA NAAQS PM ₁₀ Reference
Average	4.6 µg/m ³	7.8 µg/m ³	83.9 F	56.6 %	7.1 mph	ENE	35 µg/m ³	150 µg/m ³
Max	6.7 µg/m ³	27.5 µg/m ³	101.9 F	61.2 %	17.4 mph	NA	NA	NA
Min	3.5 µg/m ³	4.6 µg/m ³	74.7 F	47.8 %	0 mph	NA	NA	NA
EAST END OF FENCE LINE, INSTRUMENT 180								
	PM _{2.5} 8/5/2020	PM ₁₀ 8/5/2020	Temperature 8/5/2020	RH 8/5/2020	Wind Speed 8/5/2020	Wind Direction 8/5/2020	EPA NAAQS PM _{2.5} Reference	EPA NAAQS PM ₁₀ Reference
Average	4.5 µg/m ³	8.6 µg/m ³	79.8 F	61.7 %	NA	NA	35 µg/m ³	150 µg/m ³
Max	13.8 µg/m ³	31.2 µg/m ³	90.6 F	67.2 %	NA	NA	NA	NA
Min	2.7 µg/m ³	3.6 µg/m ³	73.5 F	55.3 %	NA	NA	NA	NA

Notes: µg/m³ = micrograms per cubic meter of air

F = Degrees Fahrenheit

RH = percent Relative Humidity

Mph = miles per hour

WNW = West Northwest

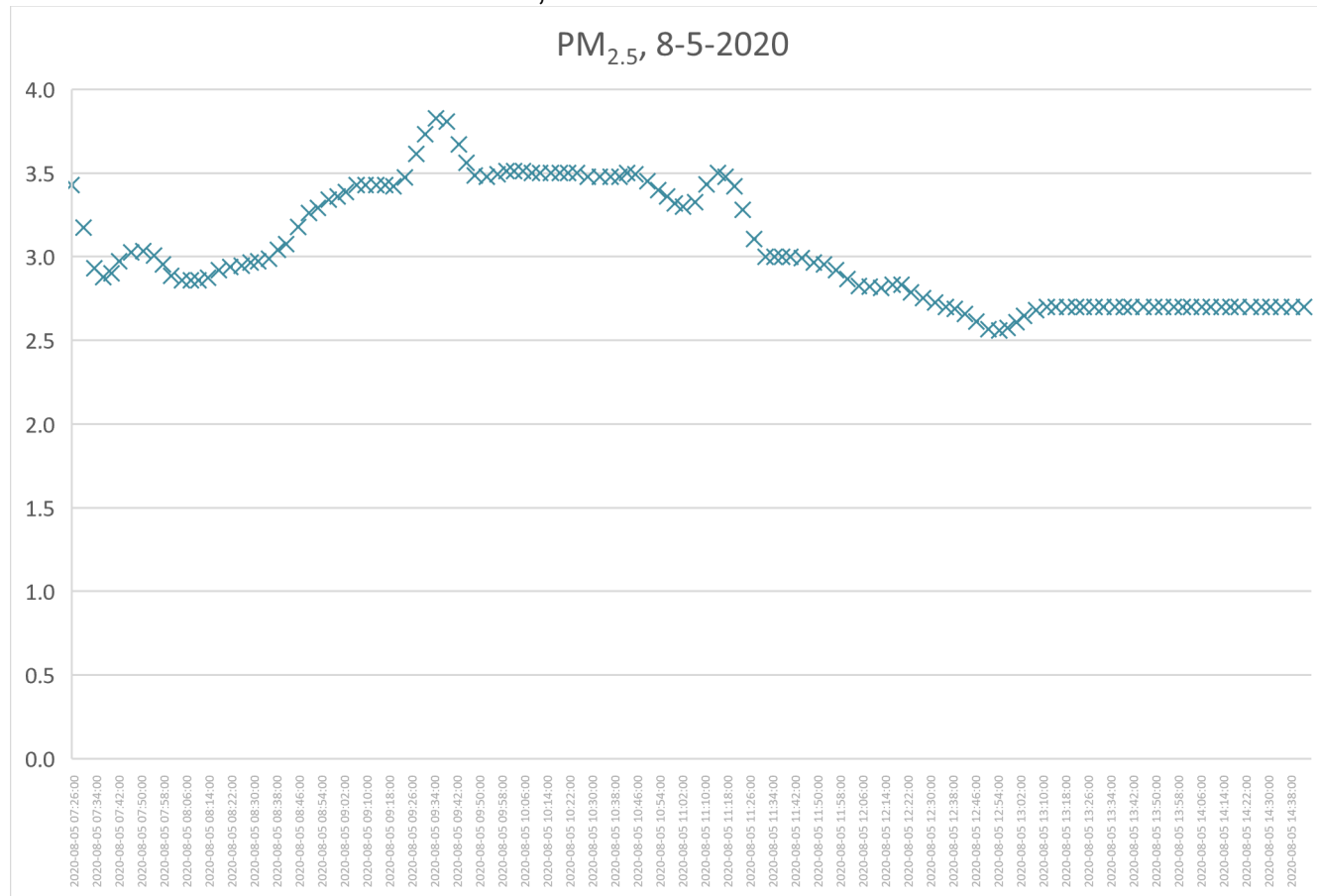
EPA National Ambient Air Quality Standard (NAAQS) for PM_{2.5} of 35 µg/m³ average over three years

EPA NAAQS for PM₁₀ of 150 µg/m³ not be exceeded more than once per year averaged over three years

APPENDIX C

GRAPHIC RESULTS

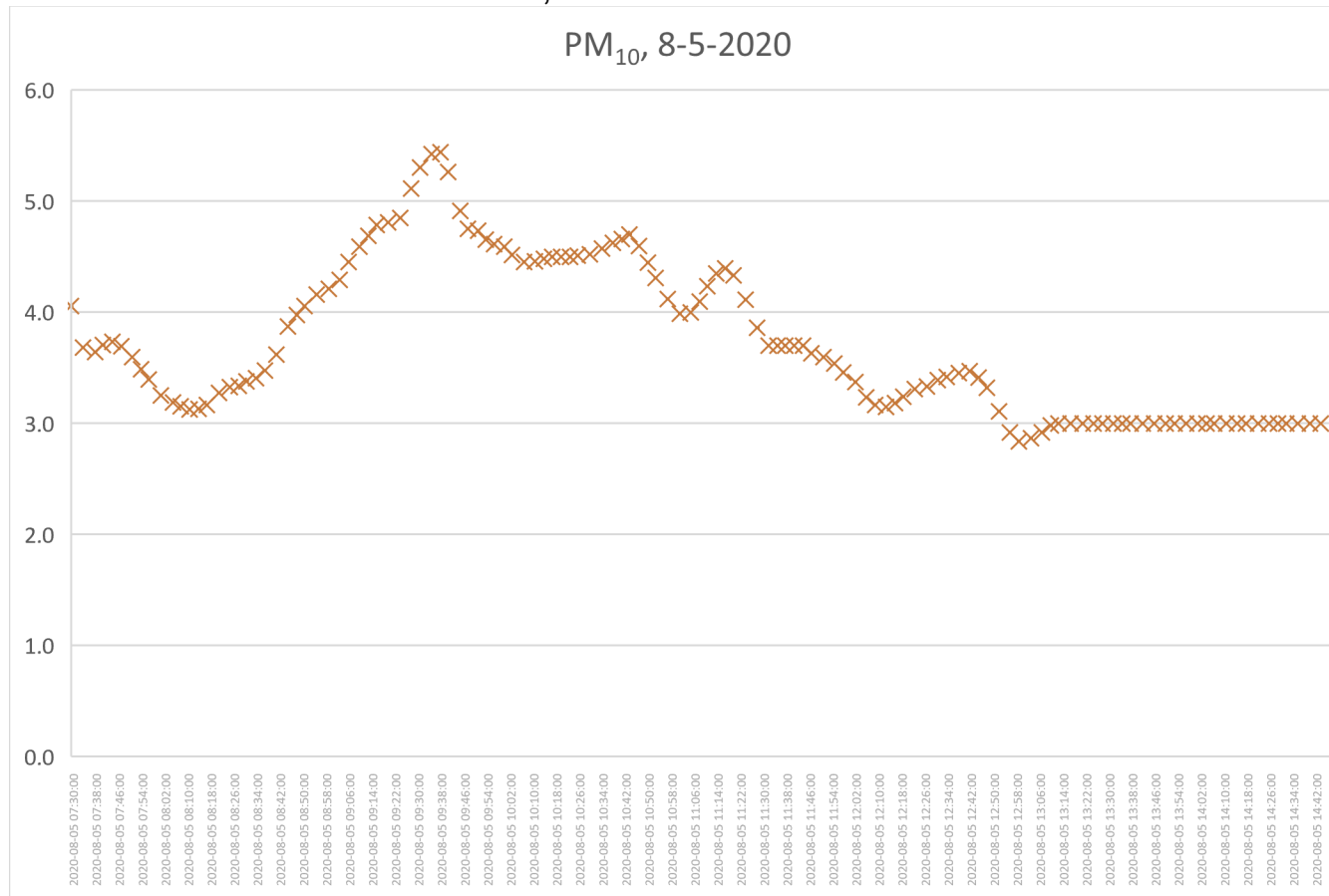
LOCATION 1, WEST END OF PROPERTY



Particulate Matter less than 2.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$ / PM_{2.5}) of air over 8-hour sample period.

EPA NAAQS for PM_{2.5} is 35 $\mu\text{g}/\text{m}^3$ over a 24-hour period averaged over 3-years.

LOCATION 1, WEST END OF PROPERTY

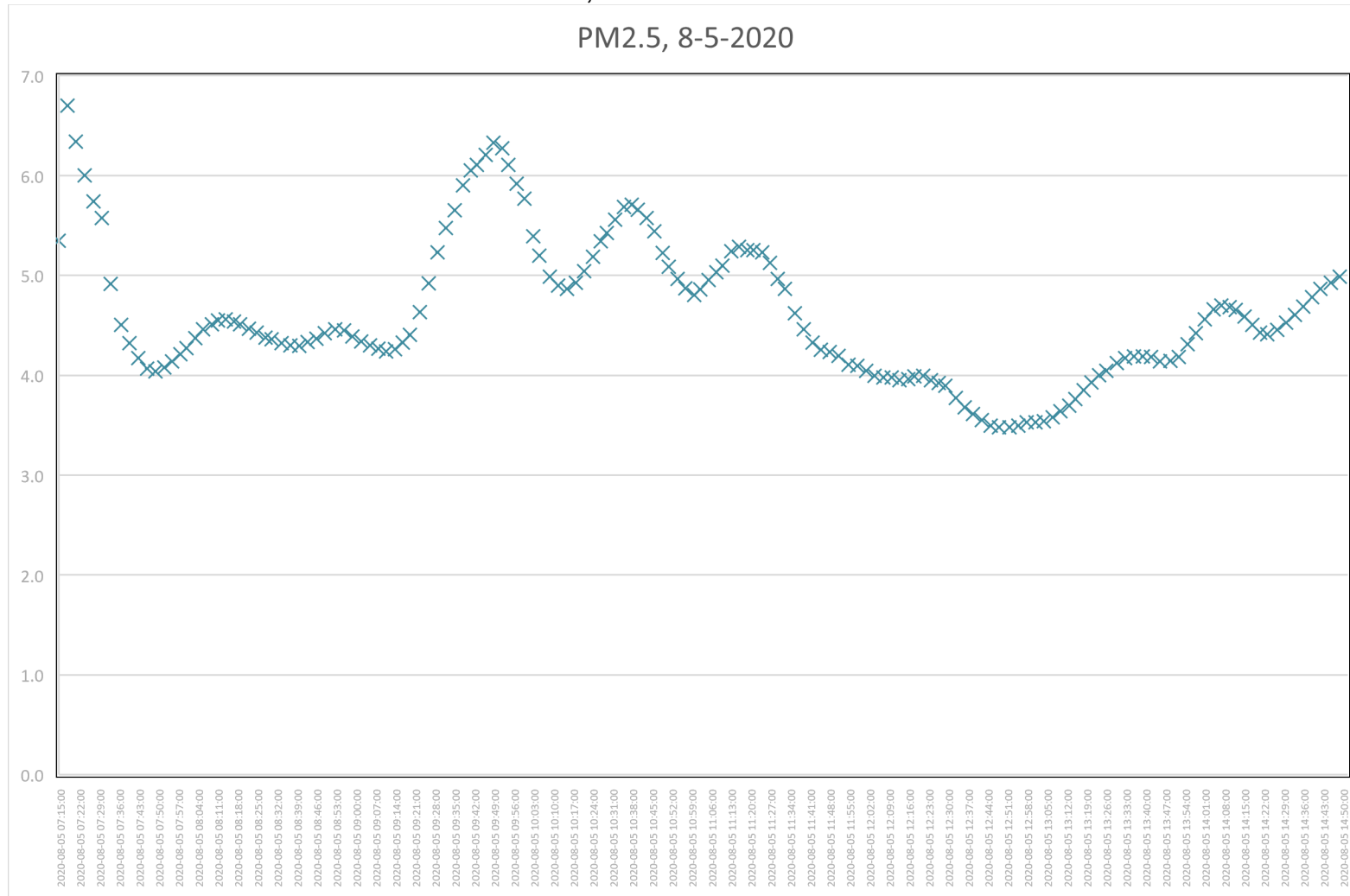


Particulate Matter less than 10 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$ / PM₁₀) of air over 8-hour sample period.

EPA NAAQS for PM₁₀ is 150 $\mu\text{g}/\text{m}^3$ over a 24-hour period not to be exceeded more than once per year on average over 3 years

LOCATION 2, CENTER OF PROPERTY

PM2.5, 8-5-2020

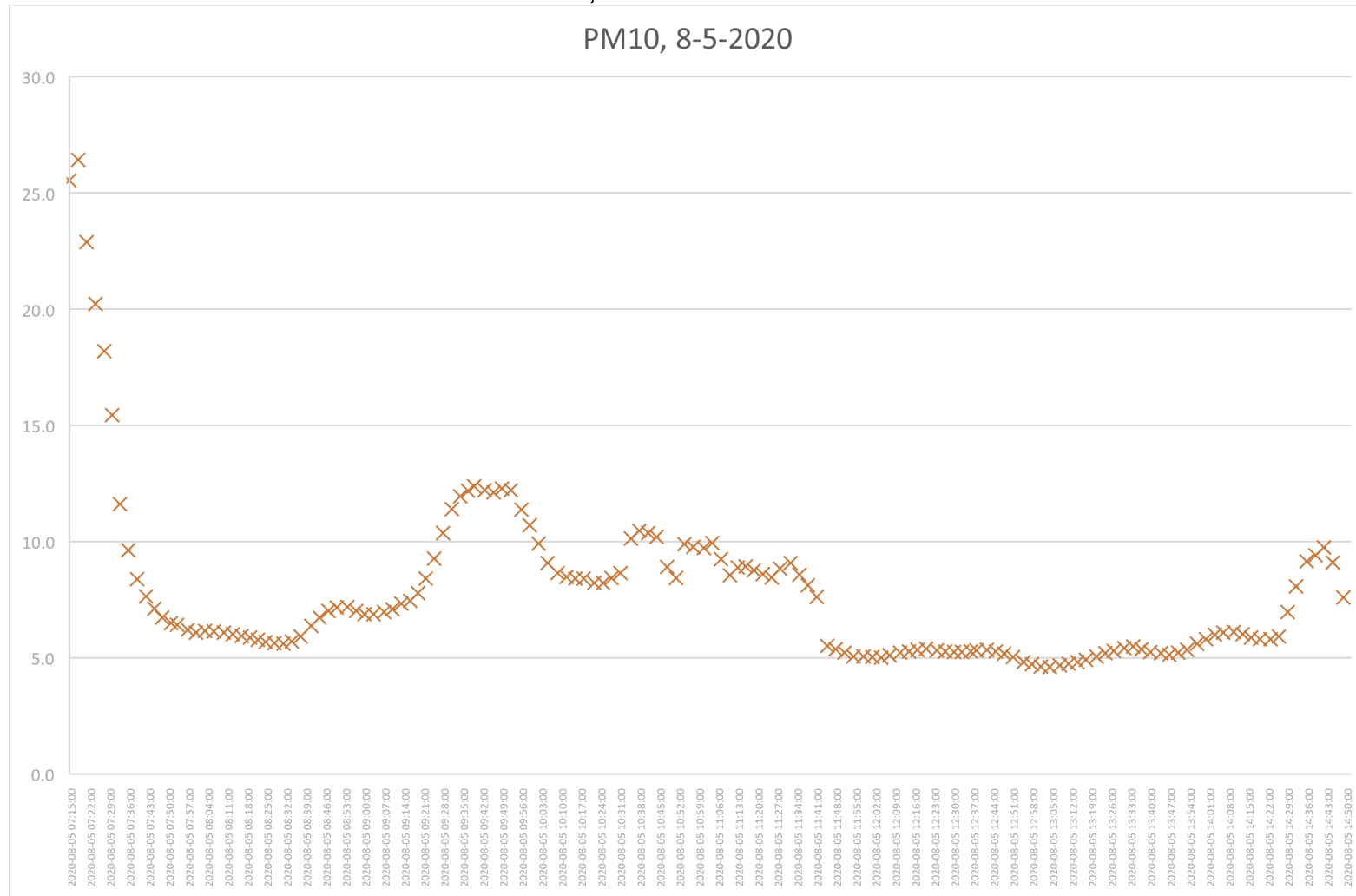


Particulate Matter less than 2.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$ / $\text{PM}_{2.5}$) of air over 8-hour sample period.

EPA NAAQS for $\text{PM}_{2.5}$ is $35 \mu\text{g}/\text{m}^3$ over a 24-hour period averaged over 3-years.

LOCATION 2, CENTER OF PROPERTY

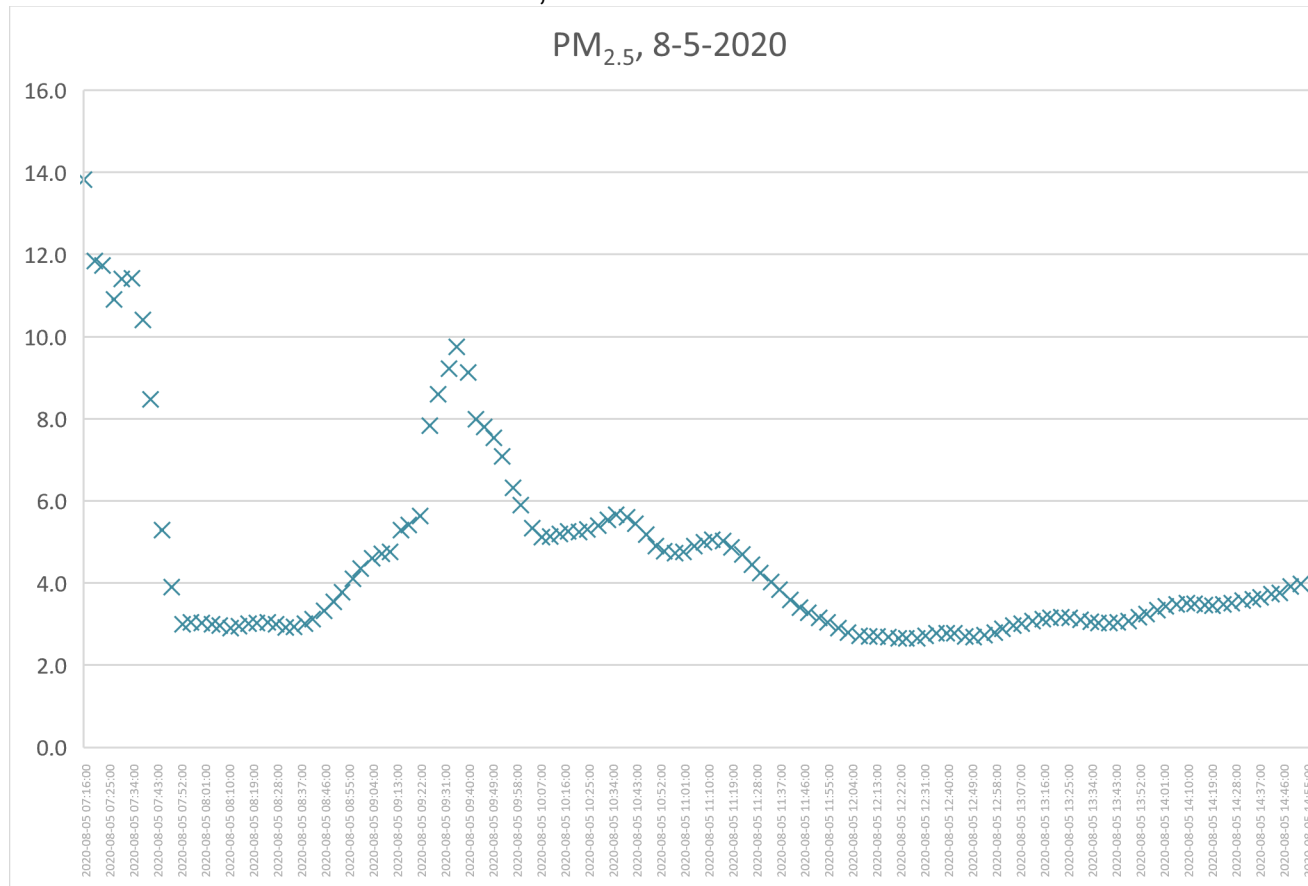
PM10, 8-5-2020



Particulate Matter less than 10 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$ / PM_{10}) of air over 8-hour sample period.

EPA NAAQS for PM_{10} is $150 \mu\text{g}/\text{m}^3$ over a 24-hour period not to be exceeded more than once per year on average over 3 years

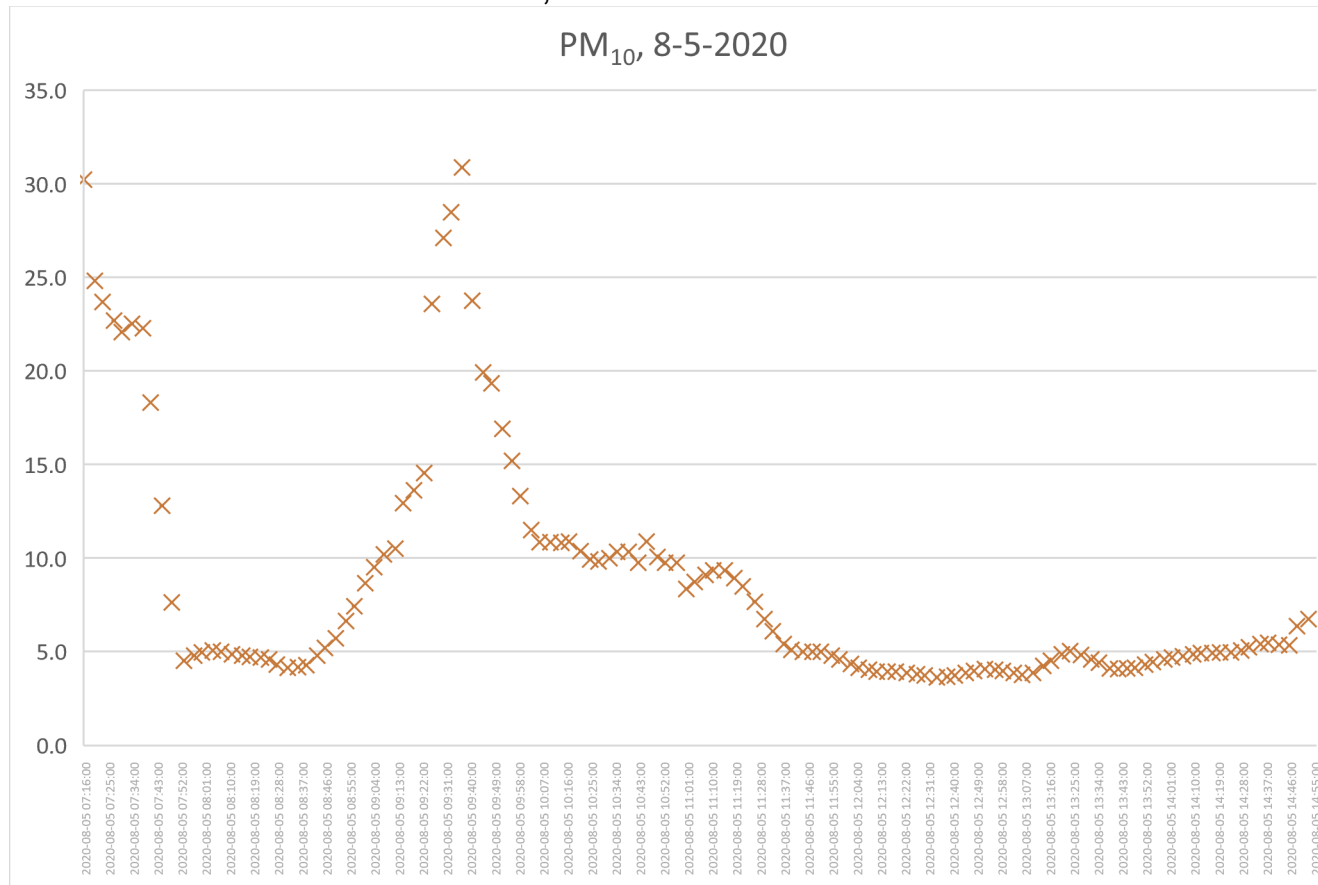
LOCATION 1, EAST END OF PROPERTY



Particulate Matter less than 2.5 micrograms per cubic meter (µg/m³ / PM_{2.5}) of air over 8-hour sample period.

EPA NAAQS for PM_{2.5} is 35 µg/m³ over a 24-hour period averaged over 3-years.

LOCATION 1, EAST END OF PROPERTY



Particulate Matter less than 10 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$ / PM₁₀) of air over 8-hour sample period.

EPA NAAQS for PM₁₀ is 150 $\mu\text{g}/\text{m}^3$ over a 24-hour period not to be exceeded more than once per year on average over 3 years

Zoning Case 2019-017

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 139 for Independent Living Facility on 11.6 acres of land out of the Jacob Baccus Survey, Abstract No. 53, located on the south side of State Highway 121, 545 feet west of Kathryn Lane, in the City of Plano, Collin County, Texas, presently zoned Planned Development-104-Regional Commercial and Planned Development-476-Regional Employment; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

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 14th day of September 2020, for the purpose of considering granting Specific Use Permit No. 139 for Independent Living Facility on 11.6 acres of land out of the Jacob Baccus Survey, Abstract No. 53, located on the south side of State Highway 121, 545 feet west of Kathryn Lane, in the City of Plano, Collin County, Texas, presently zoned Planned Development-104-Regional Commercial and Planned Development-476-Regional Employment; 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 14th day of September 2020; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 139 for Independent Living Facility on 11.6 acres of land out of the Jacob Baccus Survey, Abstract No. 53, located on the south side of State Highway 121, 545 feet west of Kathryn Lane, in the City of Plano, Collin County, Texas, presently zoned Planned Development-104-Regional Commercial and Planned Development-476-Regional Employment, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

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

Section I. The Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 139 for Independent Living Facility on 11.6 acres of land out of the Jacob Baccus Survey, Abstract No. 53, located on the south side of State Highway 121, 545 feet west of Kathryn Lane, in the City of Plano, Collin County, Texas, presently zoned Planned Development-104-Regional Commercial and Planned Development-476-Regional Employment, said property being more fully described on the legal description in Exhibit A attached hereto.

Section II. The change in Section I is granted subject to the following:

1. A maximum of 252 independent living facility units are allowed subject to the following restrictions:
 - a. Independent living facility buildings must be set back at least 65 feet from the front property line. All units must be set back at least 75 feet from the front property line.
 - b. The property will be constructed substantially and functionally consistent with Figure 2. Project Day-Night Level (Ldn) Roadway Noise Exposure as shown in Addendum 1 attached hereto.
 - c. Building IV must be constructed substantially and functionally consistent with the building elevations and wall sections as shown in Addendum 2 attached hereto.
 - d. Air intake vents must be located as far away from the expressway as practical.
 - e. All building mechanical rooms must be located on the southern side of buildings and face away from State Highway 121.
2. If the project has not obtained a building permit and commenced physical construction activity on site before January 1, 2026, the environmental health analysis expires and must be updated before the City will issue further project approvals. The updated environmental health analysis may recommend enhanced mitigation standards and, if so, this matter must be brought to the Planning & Zoning Commission for consideration of the required noise mitigation. The Planning & Zoning Commission may not impose conditions to the SUP that are unrelated to noise mitigation, including but not limited to the number of units. Changes required by the Planning & Zoning Commission as a result of updated noise mitigation requirements will be noted on the series of plans. If the updated environmental health analysis does not recommend enhanced mitigation standards, no further consideration by the Planning & Zoning Commission is required. If minimal mitigation standards are recommended, then the developer may work with staff to integrate those measures into the plans.

3. Cross access will be constructed to Custer 121 Addition, Block 1, Lot 4R.

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

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

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

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

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

PASSED AND APPROVED THIS THE 14TH DAY OF SEPTEMBER 2020.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2019-017

BEING a tract of land situated in the Jacob Baccus Survey, Abstract No. 53, City of Plano, Collin County, Texas and being part of a 18.511 acre tract of land conveyed to LA-DF Investments Funds LLC as recorded in Volume 3903, Page 1551 of the Deed Records of Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner at the southeast corner of 6.879 acre tract conveyed to the State of Texas as recorded in Volume 4593, Page 2151, D. R.C.C.T., said iron rod being in the south Right of Way line State Highway No. 121 (variable width ROW), from said corner, the southeast corner of the Jacob Baccus Survey, Abstract No. 53, bears South 00 degrees 10 minutes East, 949.5 feet;

THENCE South 00 degrees 32 minutes 38 seconds East, a distance of 541.53 feet to a capped (DAA) iron rod found for corner;

THENCE South 00 degrees 09 minutes 22 seconds East, a distance of 31.67 feet to a capped (DAA) iron rod found for corner;

THENCE North 77 degrees 45 minutes 51 seconds West, a distance of 399.88 feet to a 1" iron rod found for corner;

THENCE South 62 degrees 48 minutes 26 seconds West, a distance of 126.00 feet to a 1" iron rod found for corner;

THENCE South 09 degrees 32 minutes 22 seconds West, a distance of 285.49 feet to a capped iron rod found for corner;

THENCE North 88 degrees 58 minutes 48 seconds West, a distance of 57.72 feet to a capped iron rod found for corner;

THENCE North 85 degrees 27 minutes 25 seconds West, a distance of 136.30 feet to a capped iron rod found for corner;

THENCE North 83 degrees 32 minutes 37 seconds West, a distance of 114.40 feet to a capped iron rod found for corner;

THENCE North 73 degrees 33 minutes 24 seconds West, a distance of 143.43 feet to a capped iron rod found for corner;

THENCE North 80 degrees 53 minutes 52 seconds West, a distance of 112.91 feet to a capped iron rod found for corner;

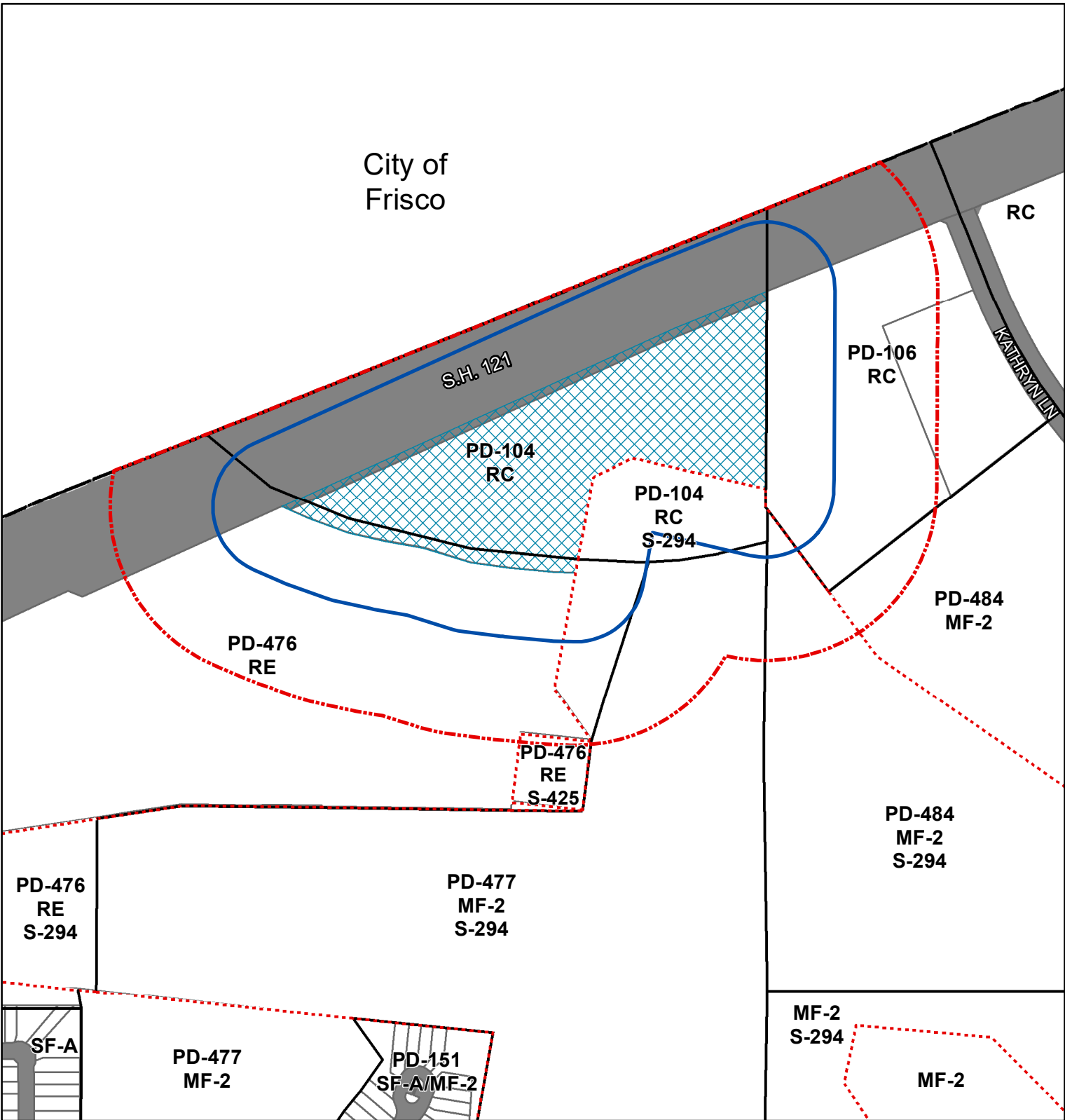
THENCE North 78 degrees 17 minutes 56 seconds West, a distance of 111.82 feet to a capped iron rod found for corner;

THENCE North 70 degrees 57 minutes 42 seconds West, a distance of 120.60 feet to a capped iron rod found for corner;

THENCE North 67 degrees 12 minutes 37 seconds West, a distance of 87.78 feet to a capped 1/2 inch iron rod found in the south ROW line of said S.H. No. 121, said point lies within a creek;

THENCE North 64 degrees 48 minutes 08 seconds East following the south ROW line of said S.H. No. 121, a distance of 1256.13 feet to a broken concrete highway monument found for corner;

THENCE North 67 degrees 06 minutes 57 seconds East following the south ROW line of said S.H. No. 121, a distance of 292.08 feet to the POINT OF BEGINNING and containing 505,232 square feet or 11.599 acres of land.

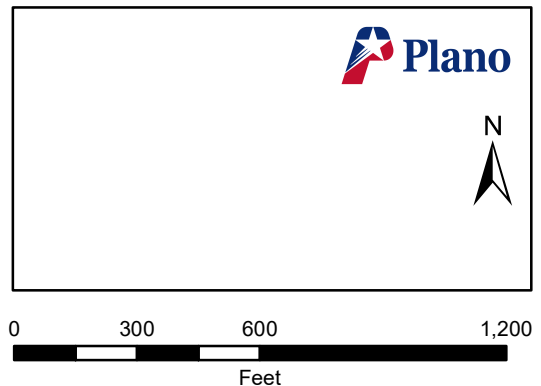


Zoning Case: 2019-017

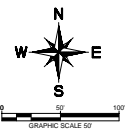
Existing Zoning: Planned Development-104-Regional Commercial and
Planned Development-476-Regional Employment and
located within the State Highway 121 Overlay District

Proposed Zoning: Specific Use Permit for Independent Living Facility

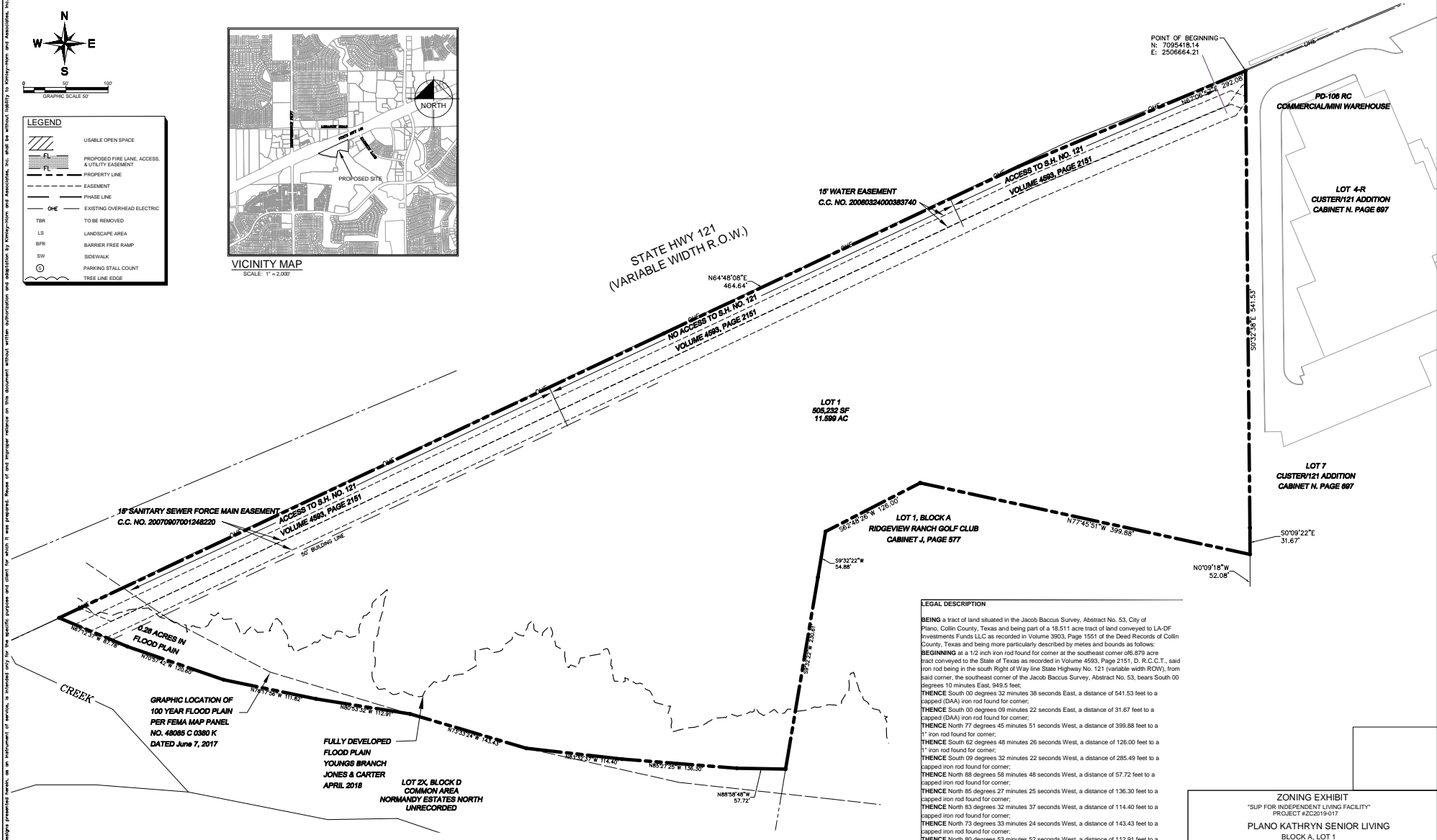
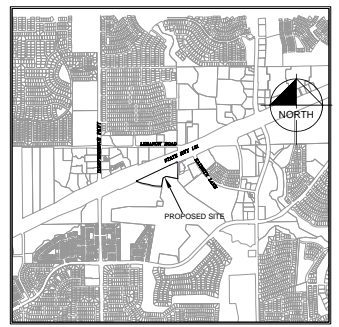
- 500' Courtesy Notification Buffer
- 200' Notification Buffer
- Subject Property
- Streets
- Zoning Boundary Change/SUP
- Specific Use Permit
- Zoning Boundary
- Municipal Boundaries



This document, together with the concepts and design presented herein, are an instrument of service, as defined by the specific purpose and client for which it was prepared. Plans of and property owners on this document without authorization and adaptation by Kierulff-Horn and Associates, Inc. shall be without liability to Kierulff-Horn and Associates, Inc.



LEGEND	
	USABLE OPEN SPACE
	PROPOSED FIRE LANE, ACCESS, & UTILITY EASEMENT
	PROPERTY LINE
	EASEMENT
	PHASE LINE
	EXISTING OVERHEAD ELECTRIC
	TO BE REMOVED
	LANDSCAPE AREA
	BARRIER FREE RAMP
	SIDEWALK
	PARKING STALL COUNT
	TREE LINE EDGE



LEGAL DESCRIPTION

BEING a tract of land situated in the Jacob Bacous Survey, Abstract No. 53, City of Plano, Collin County, Texas and being part of a 18.511 acre tract of land conveyed to LA-DF Investments Funds LLC as recorded in Volume 3903, Page 1551 of the Deed Records of Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner at the southeast corner of 66.879 acre tract conveyed to the State of Texas as recorded in Volume 4593, Page 2151, D. R.C.C.T., said iron rod being in the south Right of Way line State Highway No. 121 (variable width ROW), from said corner, the southeast corner of the Jacob Bacous Survey, Abstract No. 53, bears South 00 degrees 10 minutes East, 949.5 feet;

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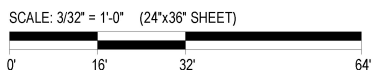
THENCE North 67 degrees 06 minutes 57 seconds East following the south ROW line of said S.H. No. 121, a distance of 292.08 feet to the **POINT OF BEGINNING** and containing 505,232 square feet or 11.599 acres of land.

APPROVAL OF THE ZONING CASE ASSOCIATED WITH THIS EXHIBIT SHALL NOT IMPLY APPROVAL OF ANY ASSOCIATED STUDY, PLAT OR PLAN. APPROVAL OF DEVELOPMENT STANDARDS SHOWN HEREON ON 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 TAKEN ON THIS ZONING CASE.

ZONING EXHIBIT		
"SUP FOR INDEPENDENT LIVING FACILITY"		
PROJECT #2019-017		
PLANO KATHRYN SENIOR LIVING		
BLOCK A, LOT 1		
BEING 11.599 ACRES		
OUT OF THE		
JACOB BACOUS SURVEY, ABSTRACT NO. 53		
IN THE		
CITY OF PLANO, COLLIN COUNTY, TEXAS		
OWNER:	DEVELOPER:	ENGINEER/SURVEYOR:
LA-DF INVESTMENTS FUND & LLC	TX PLANO KATHRYN SENIOR LIVING, LP	Kierulff-Horn
1812 DALLAS PARKWAY, DALLAS, TX 75244	1812 DALLAS PARKWAY, #100 DALLAS, TEXAS 75244	8160 Warren Parkway, Suite 210 Plano, TX 75044
Tel: (972) 386-4600 Contact: MONT CONNOR / ANG CONNOR	Tel: (972) 386-4600 Contact: MONT CONNOR / ANG CONNOR	Tel: (972) 335-5380 Contact: NEDA HOSEINY, P.E.
DESIGNED:	DRAWN:	CHECKED:
JBA	JTH	JSM
SCALE:	DATE:	PROJECT NO:
AS SHOWN	8/14/2020	80322000
Z-1		



FRONT ELEVATION -B



SIDE ELEVATIONS

121 Senior Living
SAN ANTONIO, TX
HPA# 20104

July 17, 2020

HUMPHREYS & PARTNERS ARCHITECTS, L.P.
5339 Alpha Rd., Suite 300, Dallas, TX 75240 | 972.701.9636 | www.humphreys.com

NOTES:

1. PLATE HEIGHTS AND TRUSS HEEL HEIGHTS ARE FOR DESIGN INTENT ONLY, TRUSS MANUFACTURER TO VERIFY.
2. REFER TO STRUCTURAL DRAWINGS AND TRUSS FABRICATION DRAWINGS FOR EXACT PLATE AND HEEL HEIGHTS.
3. REFER TO STRUCTURAL DRAWINGS FOR SLL PLATE ANCHOR BOLT SIZES, EMBEDMENT, DEPTHS, AND SPACINGS.
4. REFER TO ROOF PLAN FOR THE HEEL HEIGHT OF SIMILAR SECTIONS.



These drawings are for preliminary coordination only and not to be used for regulatory approval or construction.

HUMPHREYS & PARTNERS
URBAN ARCHITECTURE, L.P.
5339 ALPHA ROAD - SUITE 300 - DALLAS, TEXAS 75240
(972) 701-9636 - (972) 701-9639 FAX
LAS VEGAS - CHARLOTTE - CHICAGO - DENVER - NEW ORLEANS - NEW YORK -
NEWPORT BEACH - OMAHA - SCOTTSDALE - SEATTLE - SINGAPORE - MIAMI -
LONDON - MONTREAL - MEXICO CITY - TORONTO
www.humphreys.com



SHEET CONTENTS:

WALL SECTIONS TYPICAL
BUILDING 4

SHEET NO.

A5.12

20104



CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020
DEPARTMENT: Zoning
DIRECTOR: Christina Day, Director of Planning
AGENDA ITEM: Public Hearing and consideration of an Ordinance as requested in Zoning Case 2020-023.
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2020-023 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, amending Specific Use Permit No. 90 for Household Care Institution on 7.3 acres of land located on the south side of 14th Street, 620 feet west of Shiloh Road, in the City of Plano, Collin County, Texas, presently zoned Light Commercial with Specific Use Permit No. 90 for Household Care Institution; 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: The Salvation Army

BACKGROUND

P&Z approved with a vote of 8-0.

FINANCIAL SUMMARY/STRATEGIC GOALS

Approval of this agenda item will support the City's Critical Success Factor of Residential and Commercial Economic Vitality. For detailed comments on the comprehensive plan related to this item, please see the attached write-up.

ATTACHMENTS:

Description	Upload Date	Type
ZC2020-023 - Supplemental Information	9/4/2020	Informational
ZC2020-023 - Ordinance with Attachments	9/4/2020	Ordinance

DATE: August 18, 2020
TO: Honorable Mayor & City Council
FROM: John Muns, Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of August 17, 2020



**AGENDA ITEM NO. 1A - PUBLIC HEARING
ZONING CASE 2020-023
APPLICANT: THE SALVATION ARMY**

Request to amend Specific Use Permit No. 90 for Household Care Institution on 7.3 acres located on the south side of 14th Street, 620 feet west of Shiloh Road. Zoned Light Commercial with Specific Use Permit No. 90 for Household Care Institution. Project #ZC2020-023.

APPROVED:	<u>8-0</u>	DENIED:	<u> </u>	TABLED:	<u> </u>
Speaker Card(s) Received	Support: <u>1</u>	Oppose: <u>0</u>	Neutral: <u>0</u>		
Letters Received Within 200' Notice Area:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>		
Petition Signatures Received:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>		
Other Responses:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>		

STIPULATIONS:

Recommended for approval as follows: (Additions are indicated by underlining; deletions are indicated by strike-through)

1. Maximum number of daily residents: 100
2. Days and Hours of Operation: ~~November 1 through March 31~~ During the hours of 6:00 p.m. through 7:00 a.m. on days when the temperature is forecasted by the National Weather Service to be ~~35~~ 40 degrees Fahrenheit or lower, and on any day(s) chosen by HUD to conduct a national Point-in-Time homeless survey.

FOR CITY COUNCIL MEETING OF: September 14, 2020 (To view the agenda for this meeting, see www.plano.gov)

PUBLIC HEARING - ORDINANCE

AM/dz

xc: Lt. Michael Cain, The Salvation Army
Jeanna Scott, Building Inspections Manager

<https://goo.gl/maps/m6we25n9M6qemVGc6>

CITY OF PLANO
PLANNING & ZONING COMMISSION

August 17, 2020

Agenda Item No. 3

Public Hearing: Zoning Case 2020-023

Applicant: The Salvation Army

DESCRIPTION:

Request to amend Specific Use Permit No. 90 for Household Care Institution on 7.3 acres located on the south side of 14th Street, 620 feet west of Shiloh Road. Zoned Light Commercial with Specific Use Permit No. 90 for Household Care Institution. Project #ZC2020-023.

REMARKS:

The subject property is developed with a 21,450-square-foot religious facility and household care institution. The applicant is requesting to amend Specific Use Permit No. 90 for Household Care Institution to modify the provisions approved in 2018 regarding the days and hours of operation.

The Zoning Ordinance defines a household care institution as a facility that provides residence and care to more than 8 persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, or neglected children; victims of domestic violence; convalescing from illness; or rendered temporarily homeless due to fire, natural disaster, or financial setback. Where applicable, a household care institution shall have appropriate licensing and/or registration by the State of Texas.

The subject property is zoned Light Commercial (LC). The LC district is intended to provide for a wide array of retail, office, and service uses to meet the needs of local residents and businesses. Some vehicle-related uses and limited assembly, which address local service and employment opportunities are also included in LC districts.

The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district, which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established. Section 6.100 (Specific Use Permits) of Article 6 (Specific Use Permits and Certificates of Occupancy) states the following:

“The Planning & Zoning Commission in considering and determining its recommendations to the City Council on any request for a specific use permit may require from the applicant plans, information, operating data, and expert evaluation concerning the location, function, and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to insure compliance with this ordinance, establish conditions of operation, location, arrangement, and type and manner of construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as specific use permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, traffic, or other undesirable or hazardous conditions.”

Surrounding Land Use and Zoning

North	Across 14th Street, multifamily residences zoned Planned Development-5-Multifamily Residence-2.
East	Professional/general administrative office zoned Light Commercial with Specific Use Permit No. 590 for 80-foot commercial antenna support structure.
South	Dallas Area Rapid Transit (DART) railroad right-of-way with the Silver Line Shiloh Road Station under development, and further south, office-showroom/warehouse zoned Research/Technology Center.
West	Mini-warehouse/public storage zoned Light Commercial.

Conformance to the Comprehensive Plan

Special Housing Needs Policy - *Plano will accommodate senior and special needs housing through inclusive regulations and goals stated in the Consolidated Plan.*

Plano’s 2020-2024 Consolidated Plan of housing and community development needs, prepared for the U.S. Department of Housing and Urban Development, has strategies that include addressing the emergency and transitional housing needs of the city’s homeless population. Homeless services are a public service priority for the city. As such, the proposed household care institution is consistent with the Special Housing Needs policy of the Comprehensive Plan.

Proposed Amendments

The subject property operated a temporary accessory housing shelter for the purposes of cold weather sheltering until receiving approval for S-90 in 2018. As outlined in the accompanying letter, the applicant would like to modify the restrictions of S-90 to better meet the needs of the homeless during cold weather events.

S-90 currently has the following restrictions:

1. Maximum number of daily residents: 100
2. Days and Hours of Operation: November 1 through March 31 during the hours of 6:00 p.m. through 7:00 a.m. when the temperature is forecasted by the National Weather Service to be 35 degrees Fahrenheit or lower.

As described in the applicant's letter, there have been nights outside of the allowed calendar dates where temperatures have been 35 degrees Fahrenheit or below. The expansion of dates and higher temperatures would likely result in the shelter being open on dates in October through April, based on a review of record low temperatures over the past 10 years.

The applicant states that substantial wind and/or rain creates dangerous conditions that cause comparable risks of hypothermia, even if temperatures are higher than 35 degrees Fahrenheit. As currently restricted, the facility is not able to operate on nights under these conditions. Information from Healthwise.org via University of Michigan Medicine (uofmhealth.org) confirms that hypothermia can occur at temperatures of 50°F or higher in wet and windy weather.

Additionally, the City of Plano collaborates with the Collin County Homeless Coalition and Metro Dallas Homeless Alliance to perform an annual, one-night, Point-in-Time survey of the population living without permanent housing. The nationwide event, required by U.S. Department of Housing and Urban Development (HUD) for Continuums of Care, is typically scheduled in January. A Continuum of Care (CoC) is a regional or local planning body that coordinates housing and services funding for families and individuals experiencing homelessness; the local CoC is Metro Dallas Homeless Alliance for Collin and Dallas counties. Under U.S. Law, the Department of Housing and Urban Development (HUD) funds most homeless services housing providers through such CoC organizations. To achieve a more accurate count of the population experiencing homelessness in the city of Plano, it would be helpful for the facility to be open on this night, regardless of weather conditions.

Staff is in support of the requested amendments.

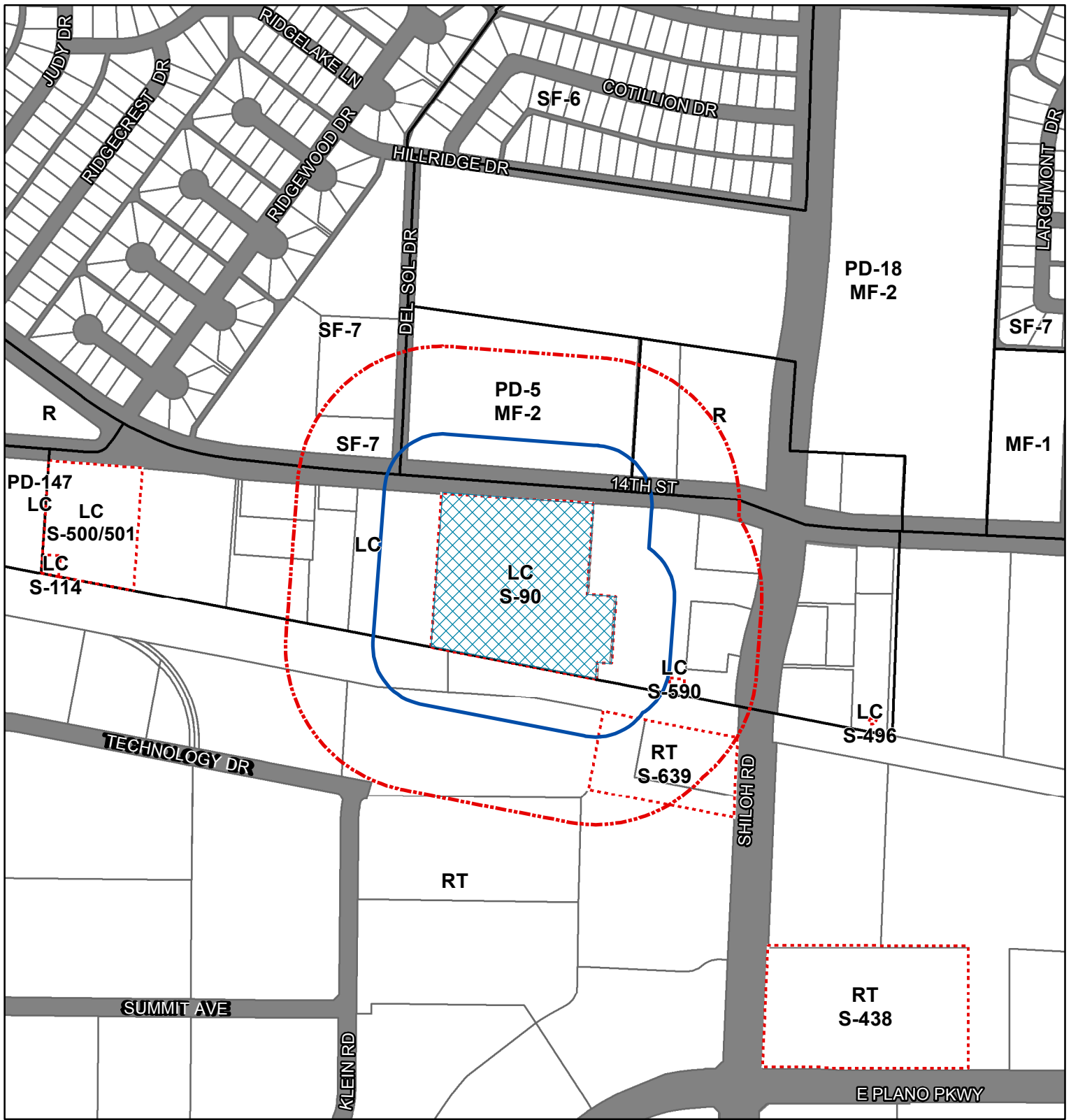
SUMMARY:

The applicant is requesting to amend Specific Use Permit No. 90 for Household Care Facility to better meet the needs of the city's population living with homelessness. The amended restrictions continue to limit the operating days and times of the institution, ensuring it is only open at night and during times of the year where needs are most urgent to the city's homeless population. Staff is in support of the request to amend the SUP.

RECOMMENDATION:

Recommended for approval as follows: (Additions are indicated by underlining; deletions are indicated by strike-through)

1. Maximum number of daily residents: 100
2. Days and Hours of Operation: ~~November 1 through March 31~~ During the hours of 6:00 p.m. through 7:00 a.m. on days when the temperature is forecasted by the National Weather Service to be ~~35~~ 40 degrees Fahrenheit or lower, and on any day(s) chosen by HUD to conduct a national Point-in-Time homeless survey.

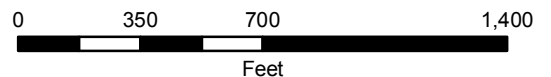
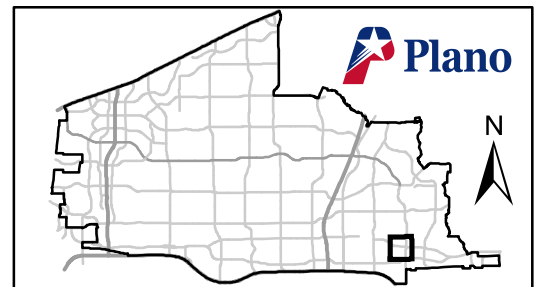


Zoning Case: 2020-023

Existing Zoning: Light Commercial with Specific Use Permit No. 90 for Household Care Institution (LC w/ S-90)

Proposed Zoning: Amend Specific Use Permit No. 90 for Household Care Institution (LC w/ S-90)

- | | | |
|-----------------------------------|----------------------------|---------------------|
| 500' Courtesy Notification Buffer | Streets | Zoning Boundary |
| 200' Notification Buffer | Zoning Boundary Change/SUP | Specific Use Permit |
| Subject Property | Municipal Boundaries | |





DEL SOL DR

14TH ST

SHILOH RD

TECHNOLOGY DR



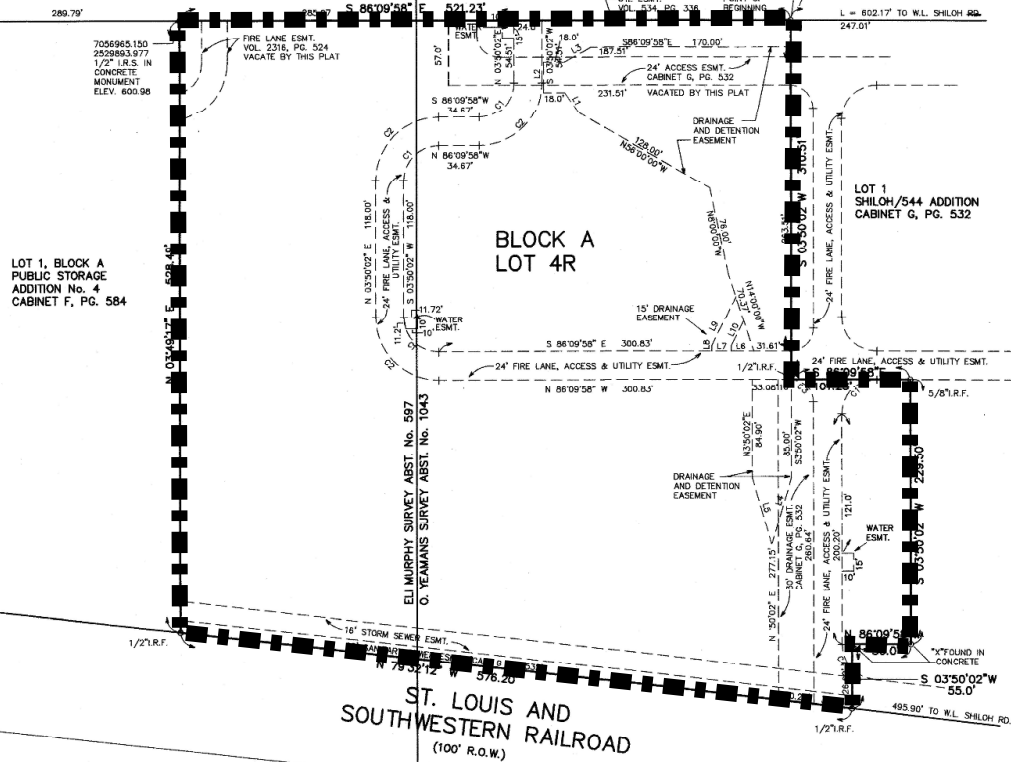
Zoning Case 2020-023

Area of Request

0 212.5 425
Feet

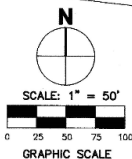
DEL SOL DR.

14 TH STREET (FM 544)
(110' R.O.W.)



LINE NO.	BEARING	LENGTH
1	N 10°00'00" E	23.00'
2	N 30°50'02" E	28.00'
3	N 84°00'00" E	28.00'
4	S 20°00'00" W	60.00'
5	N 12°00'00" W	60.00'
6	N 86°09'58" W	19.07'
7	N 86°09'58" W	16.54'
8	N 63°50'02" E	5.00'
9	N 29°17'22" E	47.32'
10	S 29°17'22" W	24.25'

CURVE NO.	DELTA	RADIUS	TANGENT	ARC
C1	90°00'00"	30.00'	30.00'	47.12'
C2	90°00'00"	24.00'	24.00'	34.89'
C3	90°00'00"	20.00'	20.00'	31.42'
C4	48°11'00"	30.00'	12.79'	24.18'



LEGAL DESCRIPTION

WHERE AS, THE SALVATION ARMY, a Georgia Corporation, is the owner of a tract of land situated in the Eli Murphy Survey, Abstract No. 597 and the D. Yeamans Survey, Abstract No. 1043, in the City of Plano, Collin County, Texas, and being that tract of land conveyed to The Salvation Army by deed recorded in volume 4326, Page 3498, Deed Records of Collin County, Texas, being Lot 4 of Shiloh / 544 Addition, and addition to the City of Plano, Texas, recorded in Cabinet G, Page 532, Map Records, Collin County, Texas, and being more particularly described as follows:

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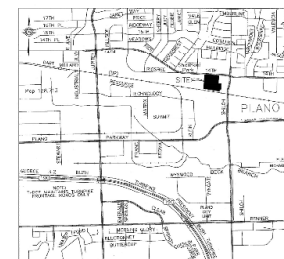
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THENCE South 86°09'58" East a distance of 621.23 ft. along the north line of said Lot 4 and the south line of 14th Street (F.M. 544), a 110 ft. right of way, to the Point of Beginning and containing 7.2799 acres (313,112 square feet of land).

"Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat, or plan, approval of development standards shown hereon, or the initiation of the development process. Planning & 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."



VICINITY MAP
NOT TO SCALE

CONTACT

Owner:
THE SALVATION ARMY NORTH TEXAS AREA COMMAND
PLANO CORPS COMMANDING OFFICER
LT. MICHAEL CAIN
TJ972-423-8254
E) michael.cain@uss.salvationarmy.org

ZONING EXHIBIT

DATE OF PREPARATION: 7/27/2020

CITY PROJECT: ZC2020-023
SPECIFIC USE PERMIT FOR HOUSEHOLD CARE INSTITUTION LOT 4R, BLOCK A
SHILOH / 544 ADDITION
OUT OF THE ELI MURPHY SURVEY, ABSTRACT NO. 597
AND
D. YEAMANS SURVEY, ABSTRACT NO. 1043
AN ADDITION TO THE CITY OF PLANO
COLLIN COUNTY, TEXAS
7.2799 ACRES

PURPOSE LETTER

Zoning Petition – Special Use Permit – Household Care Institution

Submitted By:

**The Salvation Army
3528 E. 14th Street
Plano, TX 75074**

Introduction

We are applying to revise Special Use Permit for Existing S-90 Household Care Institution (Ordinance No. 2018-11-6) which provides a life-saving service to the City of Plano, specifically for those individuals who, due to the lack of housing, may find themselves at risk for loss of life or illness due to Cold-Weather temperatures.

Key Truths

- For the past several years, The Salvation Army has, at the request of the Plano Police Department provided a warm place for homeless individuals to shelter during inclement weather.
- In 2018, with the primary hope to meet the need for those who may find themselves at a higher risk of mortality due to cold weather exposure, the Collin County Homeless Coalition (“CCHC”) approached The Salvation Army about creating a collaboration with faith-based entities to serve this need better.
- For the past two years, this collaboration has resulted in providing shelter to 351 individuals over 44 nights and provided 1921 bed-nights of relief from freezing weather at The Salvation Army facilities in Plano.
- Cold weather events are greatly magnified with the presence of rain, even at temperatures above 35°, the current threshold for opening the Warming Station.

What is the Plano Overnight Warming Station (POWS)?

- POWS is a short-term emergency housing program that opens when temperatures (or a combination of precipitation, wind, and temperature) become dangerously inclement. The paramount purpose is the prevention of death and injury from exposure to the elements. In recent years, The Salvation Army-Plano has served as the POWS site.
- POWS brings faith communities and service agencies together to provide a safe, secure overnight sleeping environment and assist those in greatest need during these nights.
- The POWS site is currently approved to open when the forecasted temperature is 35 degrees or below.
- The program operates from Nov 1. – March 31 annually.
- The maximum number of persons sleeping at the facility is limited to 100.
- Transportation is provided from convenient pickup points in Plano to POWS.
- Hot meals are served
- A clothes closet is available.
- Security is contracted with the City of Plano Police Department with off-duty police officers.
- The following groups are currently supporting this effort:
 - Ave F Church of Christ
 - Christ United Methodist Church
 - City of Plano, Neighborhood Services Department
 - First Baptist Church
 - First Christian Church
 - Collin County Homeless Coalition
 - Plano Police Department
 - St. Elizabeth Ann Seaton Catholic Church
 - St. Mark the Evangelist Catholic Church
 - St. Jude Catholic Church
 - The Assistance Center of Collin County
 - The Salvation Army of Plano & Collin County
 - Citizens Church

Revisions to Specific Use Permit (SUP) Requested

- The current SUP allows opening between November 1 – March 31. This past year there were two nights in October when the temperature requirements were met and POWS could not open. Thus, we are requesting to modify the SUP to allow opening whenever the temperature requirements are met.
- The current SUP allows opening POWS when the temperatures reach 35° or below. During the past two years, conditions have occurred when substantial rain and wind have made outside conditions at 40° and lower miserable and dangerous. The increased risk of hyperthermia when individuals are wet and cold is an issue that should be addressed. Thus, we are requesting to modify the SUP to allow opening at 40° or lower to accommodate these situations.
- Once a year, normally in January, HUD conducts the National Point-in-Time (PIT) survey to count the number of sheltered and unsheltered individuals experiencing homelessness in the nation. Plano meets this requirement by sending teams throughout Plano to survey those sheltering outside. This is done on a specific date, regardless of the temperatures on that night, and we are requesting approval for POWS to be open that night

Proposed Revision Language:

1. Maximum number of daily residents: 100
2. Days and Hours of Operation: During the hours of 6:00 PM thru 7:00 AM whenever the temperature is forecasted by the National Weather Service to be 40 degrees Fahrenheit or lower, and on any day(s) chosen by HUD to conduct a national Point-in-Time homeless survey.

Why the Citizens of Plano support this Special Use Permit Revision and request approval:

- The demographics from the past two years show that 70-75% of the people coming to POWS spent the previous night sheltering in Plano, suggesting these are individuals who regularly stay in Plano.
- The Salvation Army is a trusted name in providing various types of assistance in the Plano community and over the past two years there have been no citizen issues with the POWS program held at The Salvation Army-Plano.
- There is a strong coalition of Plano organizations and religious institutions behind the effort. This is a collaborative effort of citizens in our city.
- The program is being continuously monitored with the goal of improving services.
- It saves lives
- It provides help for those most vulnerable to the cold.
- It's the right thing to do!



PLANO OVERNIGHT
WARMING STATION

3528 E. 14th St. Plano 75074



Collaborative Project Providing Overnight Emergency Shelter during Freezing Weather Conditions

- Transportation
- Shelter
- Food
- Clothing
- Showers
- Hospitality

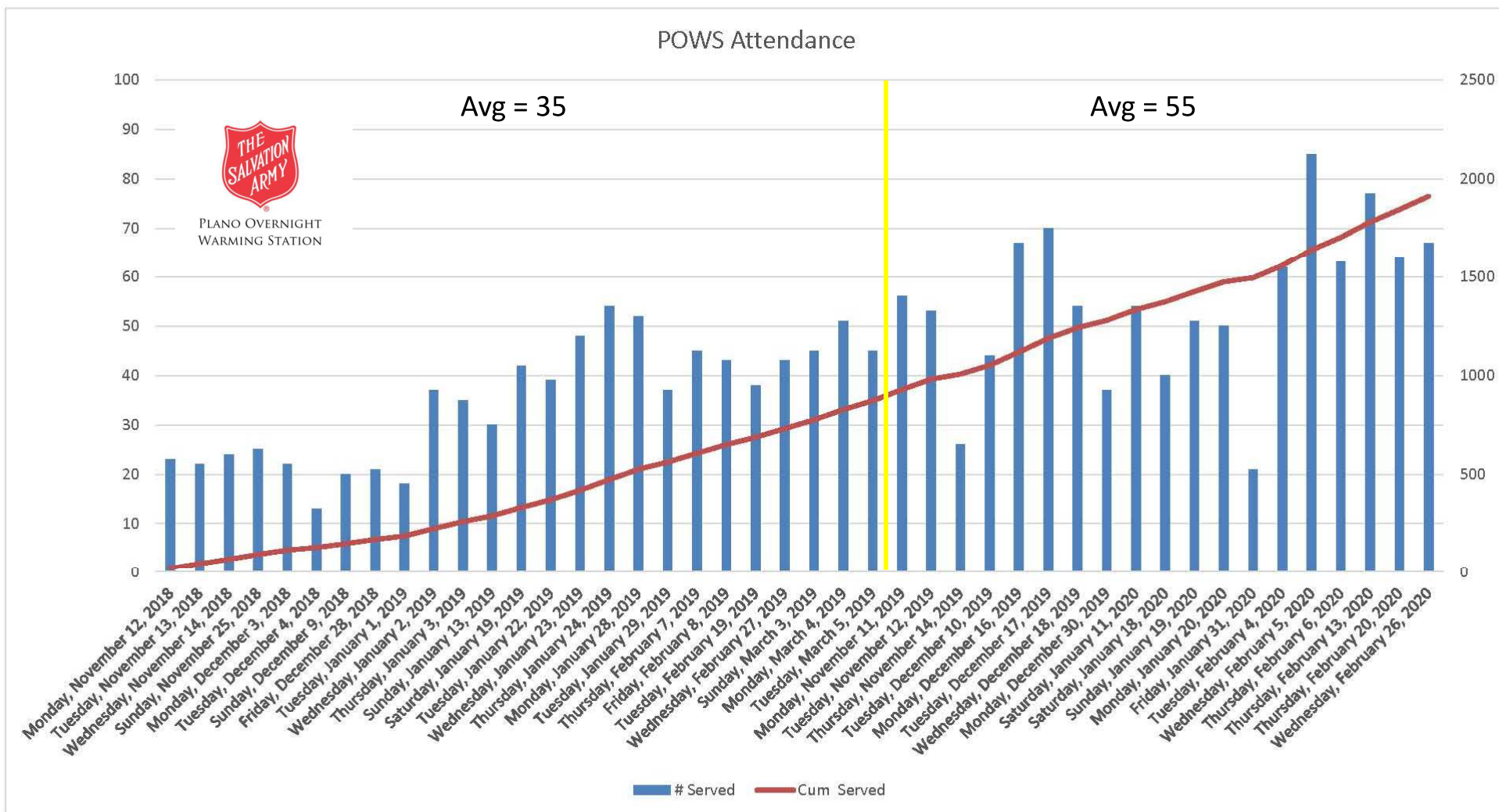


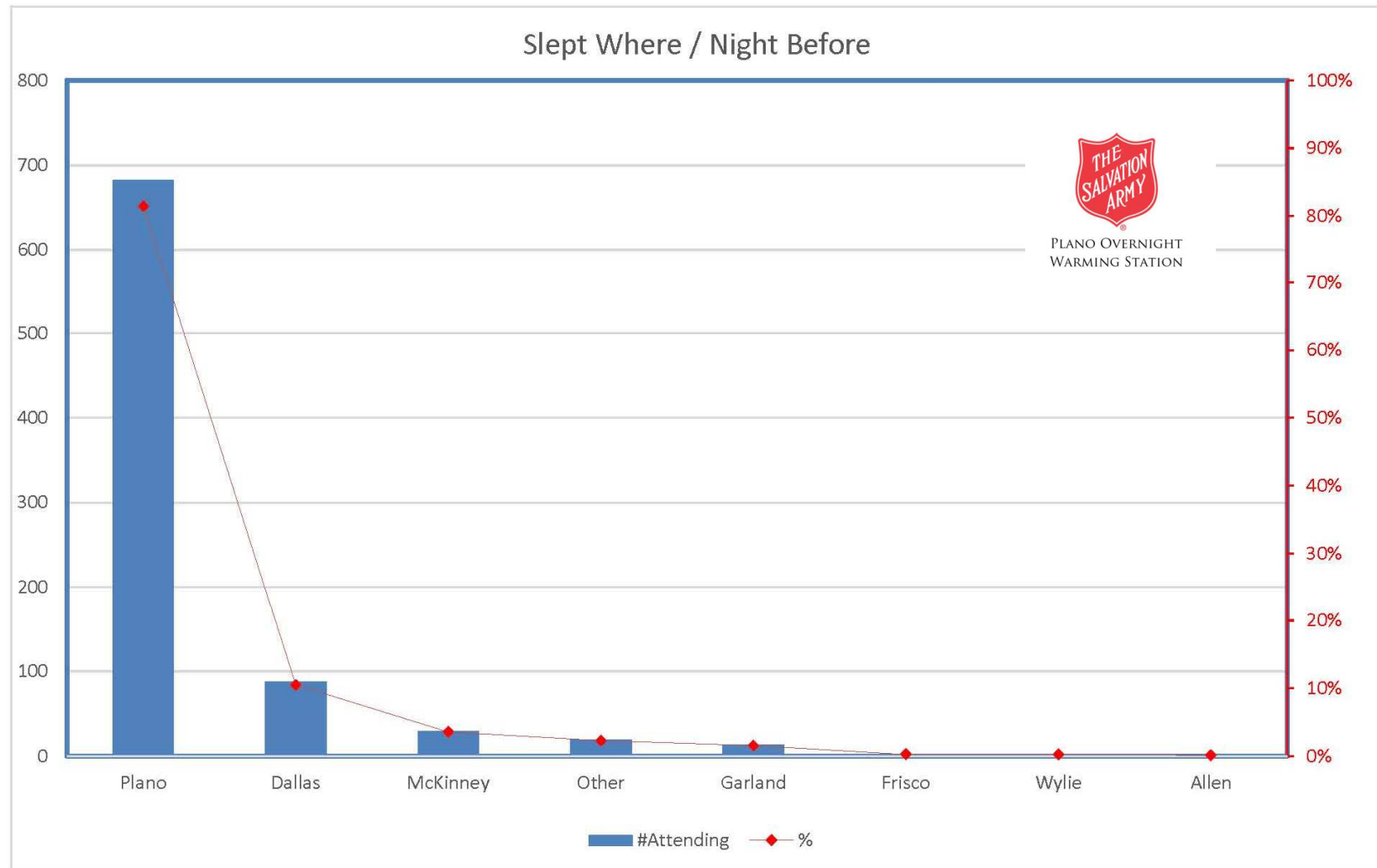
POWS PARTICIPANTS (300+ Volunteers)

- Arapaho United Methodist Church
- Custer Road United Methodist Church
- Christ United Methodist Church
- City of Plano
- Citizens Church
- Collin County Homeless Coalition
- First Baptist Church of Plano
- First United Methodist Church of Plano
- Metro Dallas Homeless Alliance
- Plano Police Department
- St. Elizabeth Ann Seton Catholic Church
- St. Jude Catholic Church
- St. Mark the Evangelist Catholic Church
- The Assistance Center of Collin County
- The Salvation Army (Warming Station Site)



CURRENT SUP	PROPOSED SUP
<ul style="list-style-type: none">Maximum Attendees = 100	<ul style="list-style-type: none">Maximum Attendees = 100
<ul style="list-style-type: none">Open from November 1 – March 31 when Temp $\leq 35^{\circ}$	<ul style="list-style-type: none">Open Whenever Temp $\leq 40^{\circ}$
	<ul style="list-style-type: none">Open for HUD Point-in-Time Count







POWS - NOW	POWS - PROPOSED	IMPACT
<ul style="list-style-type: none">Forecast Temp $\leq 32^{\circ}$	<ul style="list-style-type: none">Forecast Temp $\leq 32^{\circ}$	None
<ul style="list-style-type: none">Forecast Temp $\leq 35^{\circ}$ and Rain $\geq 50\%$	<ul style="list-style-type: none">Forecast Temp $\leq 40^{\circ}$ and Rain $\geq 50\%$	Would have added 4 Events over past 2 years



PLANO OVERNIGHT
WARMING STATION

APPROVAL REQUESTED

- Plano's Only Adult Emergency Shelter during Life-Threatening Weather
 - Saves Lives
 - Assistance for the Most Vulnerable
- Services Provided to Plano Residents
- Zero Citizen Complaints
- Broad Community Support and Participation



PLANO OVERNIGHT
WARMING STATION

QUESTIONS ?

Zoning Case 2020-023

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, amending Specific Use Permit No. 90 for Household Care Institution on 7.3 acres of land out of the Eli Murphy Survey, Abstract No. 597 and the D. Yeamans Survey, Abstract No. 1043, located on the south side of 14th Street, 620 feet west of Shiloh Road, in the City of Plano, Collin County, Texas, presently zoned Light Commercial with Specific Use Permit No. 90 for Household Care Institution; 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 14th day of September 2020, for the purpose of considering amending Specific Use Permit No. 90 for Household Care Institution on 7.3 acres of land out of the Eli Murphy Survey, Abstract No. 597 and the D. Yeamans Survey, Abstract No. 1043, located on the south side of 14th Street, 620 feet west of Shiloh Road, in the City of Plano, Collin County, Texas, presently zoned Light Commercial with Specific Use Permit No. 90 for Household Care Institution; 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 14th day of September 2020; and

WHEREAS, the City Council is of the opinion and finds that amending Specific Use Permit No. 90 for Household Care Institution on 7.3 acres of land out of the Eli Murphy Survey, Abstract No. 597 and the D. Yeamans Survey, Abstract No. 1043, located on the south side of 14th Street, 620 feet west of Shiloh Road, in the City of Plano, Collin County, Texas, presently zoned Light Commercial with Specific Use Permit No. 90 for Household Care Institution, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

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

Section I. The Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to amend Specific Use Permit No. 90 for Household Care Institution on 7.3 acres of land out of the Eli Murphy Survey, Abstract No. 597 and the D. Yeamans Survey, Abstract No. 1043, located on the south side of 14th Street, 620 feet west of Shiloh Road, in the City of Plano, Collin County, Texas, presently zoned Light Commercial with Specific Use Permit No. 90 for Household Care Institution, said property being more fully described on the legal description in Exhibit A attached hereto.

Section II. The change in Section I is amended subject to the following restrictions:

1. Maximum number of daily residents: 100
2. Days and Hours of Operation: During the hours of 6:00 p.m. through 7:00 a.m. on days when the temperature is forecasted by the National Weather Service to be 40 degrees Fahrenheit or lower, and on any day(s) chosen by HUD to conduct a national Point-in-Time homeless survey.

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

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

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

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

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

PASSED AND APPROVED THIS THE 14TH DAY OF SEPTEMBER 2020.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2020-023

WHEREAS, THE SALVATION ARMY, a Georgia Corporation, is the owner of a tract of land situated in the Eli Murphy Survey, Abstract No. 597 and the D. Yeamans Survey, Abstract No. 1043, in the City of Plano, Collin County, Texas, and BEING that tract of land conveyed to The Salvation Army by deed recorded in volume 4326, Page 3499, Deed Records of Collin County, Texas, BEING Lot 4 of Shiloh/544 Addition, and addition to the City of Plano, Texas, recorded in Cabinet G, Page 532, Map Records, Collin County, Texas, and BEING more particularly described as follows:

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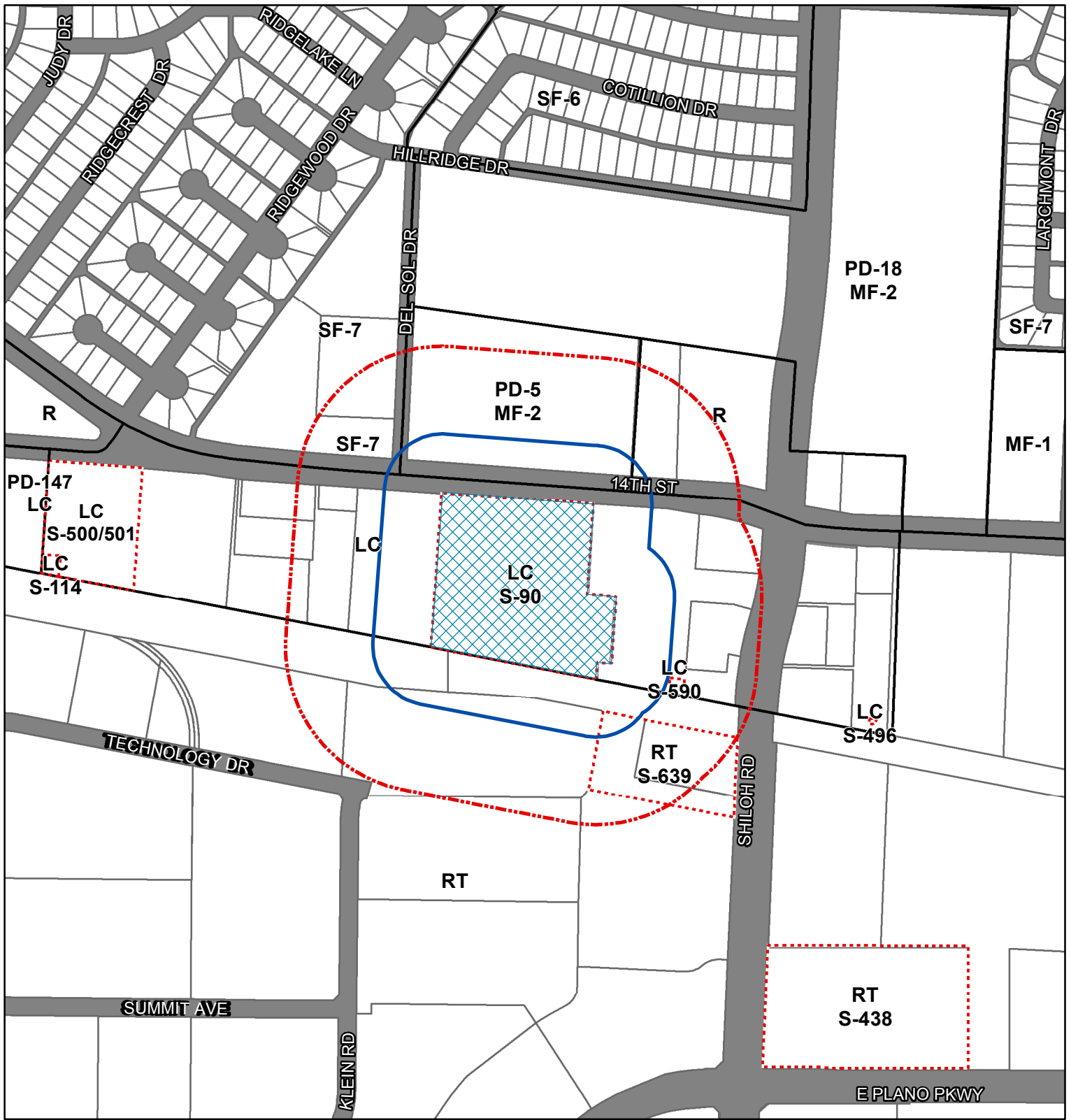
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THENCE South 86°09'58" East a distance of 521.23 ft. along the north line of said Lot 3 and the south line of 14th Street (F.M. 544), a 110 ft. right of way, to the POINT OF BEGINNING AND CONTAINING 7.2799 acres (313,112 square feet of land).

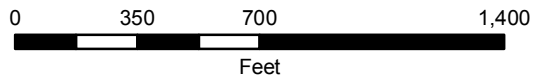
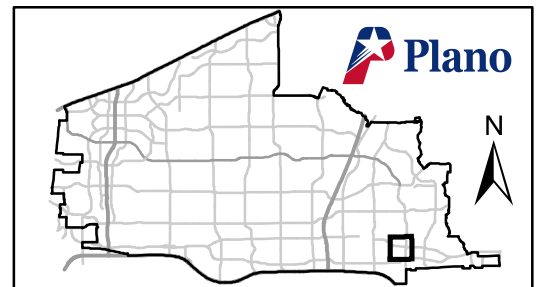


Zoning Case: 2020-023

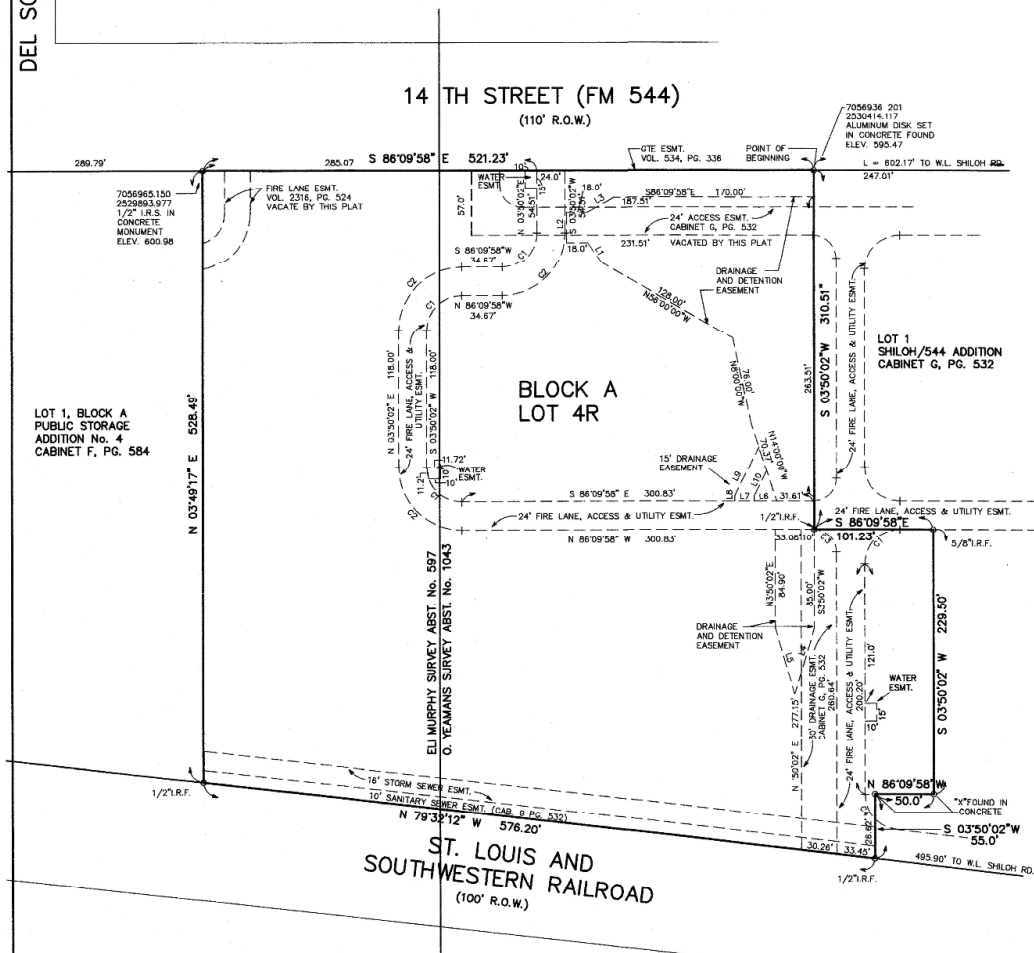
Existing Zoning: Light Commercial with Specific Use Permit No. 90 for Household Care Institution (LC w/ S-90)

Proposed Zoning: Amend Specific Use Permit No. 90 for Household Care Institution (LC w/ S-90)

- | | | |
|-----------------------------------|----------------------------|---------------------|
| 500' Courtesy Notification Buffer | Streets | Zoning Boundary |
| 200' Notification Buffer | Zoning Boundary Change/SUP | Specific Use Permit |
| Subject Property | Municipal Boundaries | |



DEL SOL DR.



LEGAL DESCRIPTION

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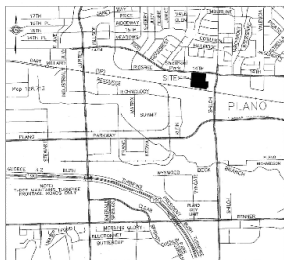
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VICINITY MAP
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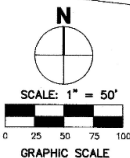
CONTACT

Owner:
THE SALVATION ARMY NORTH TEXAS AREA COMMAND
PLANO CORPS COMMANDING OFFICER
LT. MICHAEL CAIN
TJ972-423-8254
E) michael.cain@uss.salvationarmy.org

ZONING EXHIBIT

DATE OF PREPARATION: 7/27/2020

CITY PROJECT: ZC2020-023
SPECIFIC USE PERMIT FOR HOUSEHOLD CARE INSTITUTION LOT 4R, BLOCK A
SHILOH / 544 ADDITION
OUT OF THE ELI MURPHY SURVEY, ABSTRACT NO. 597
AND
D. YEAMANS SURVEY, ABSTRACT NO. 1043
AN ADDITION TO THE CITY OF PLANO
COLLIN COUNTY, TEXAS
7.2799 ACRES



CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020
DEPARTMENT: Engineering
DIRECTOR: B. Caleb Thornhill, P.E., Director of Engineering
AGENDA ITEM: Fire Training Facility
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Consideration to approve an expenditure for the purchase of construction services in the amount of \$12,958,671 from Thos. S. Byrne, Inc. for the Fire Training Facility, Project No. 6824, for the Engineering Department; and authorizing the City Manager to execute all necessary documents.

BACKGROUND

The 2017 Bond Referendum authorized funding for a Fire Training Facility that would create a dynamic live-fire training facility for the Plano Fire Rescue Department. The campus of the Fire Training Facility has been acquired at the northeast corner of the intersection of Robinson Road and McDermott Road. The facility includes a multi-story training tower, a Technical Rescue Team training structure, single- and multi-family simulation structures, a training classroom and staff building, and a mock three bay apparatus building.

Thos. S. Byrne, Inc. was selected as the Construction Manager at Risk (CMAR) for this project. Using CMAR as the delivery method, allows consultation with the owner during the design of the facility, then the CMAR assumes the risk for the construction of the facility at the contracted price. The next step in the development of this project is to enter into a contract for the second phase of the CMAR process, with Thos. S. Byrne, Inc. as the contractor for the construction of the facility.

Thos. S. Byrne, Inc. has developed the Guaranteed Maximum Price (GMP) for management and construction of the project. Staff and the design consultant have reviewed the GMP and recommend acceptance and approval in the amount of \$12,958,671 for the project.

If this item is not approved, Plano Fire Rescue crews will continue to be reliant on other jurisdictions' training facilities resulting in fewer resources being available to respond to emergencies within the city and increased response times, while crews are training outside of Plano. Plano Fire Rescue will also be at the mercy of other agencies when scheduling training at remote training centers.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is planned in the Fire & Public Safety Facilities CIP for 2020-21 and 2021-22. Entering into a construction services contract for the construction of the Fire Training Center, in the total estimated amount of \$12,958,671, will leave a project balance of \$419,010 for future expenditures.

Approval of this item will support the City's Strategic Plan Critical Success Factors of being an Excellent, Innovative, and Accountable City Government that supports Save, Vibrant Neighborhoods.

ATTACHMENTS:

Description	Upload Date	Type
-------------	-------------	------

Presentation
Location Map

9/3/2020
8/26/2020

Other
Map



Fire Training Facility





“Don’t train until we get it right, but train until you can’t get it wrong”.

-Captain Ron Cooper



Background

- Fire and Emergency Medical Services (EMS) training has evolved significantly over the past 30 years
- The City of Plano has grown substantially over the same time period
- Previously utilized training facility at Collin College in McKinney



Evolution of Fire and EMS Training

- Move away from live fire training in acquired structures
- Focus on safe, realistic, environmentally friendly training
- Additional specialties require additional training



Effects of area growth on PFR

- Organization has grown to 399 members
- Travel times to out-of-city training have increased
- Changing service needs
 - Hazmat
 - Special Rescue



Benefits to the Citizens

- Improved service delivery
 - More realistic training
 - Ability to simulate high risk/low frequency events
 - Ability to practice new techniques in a safe non-emergency setting
 - PFR will not compete with other agencies for training dates



Benefits to the Citizens

- Response time improvements
 - Companies remain inside city limits
 - Reduced training travel time
 - Ability to rapidly release companies into service



Benefits to the Citizens

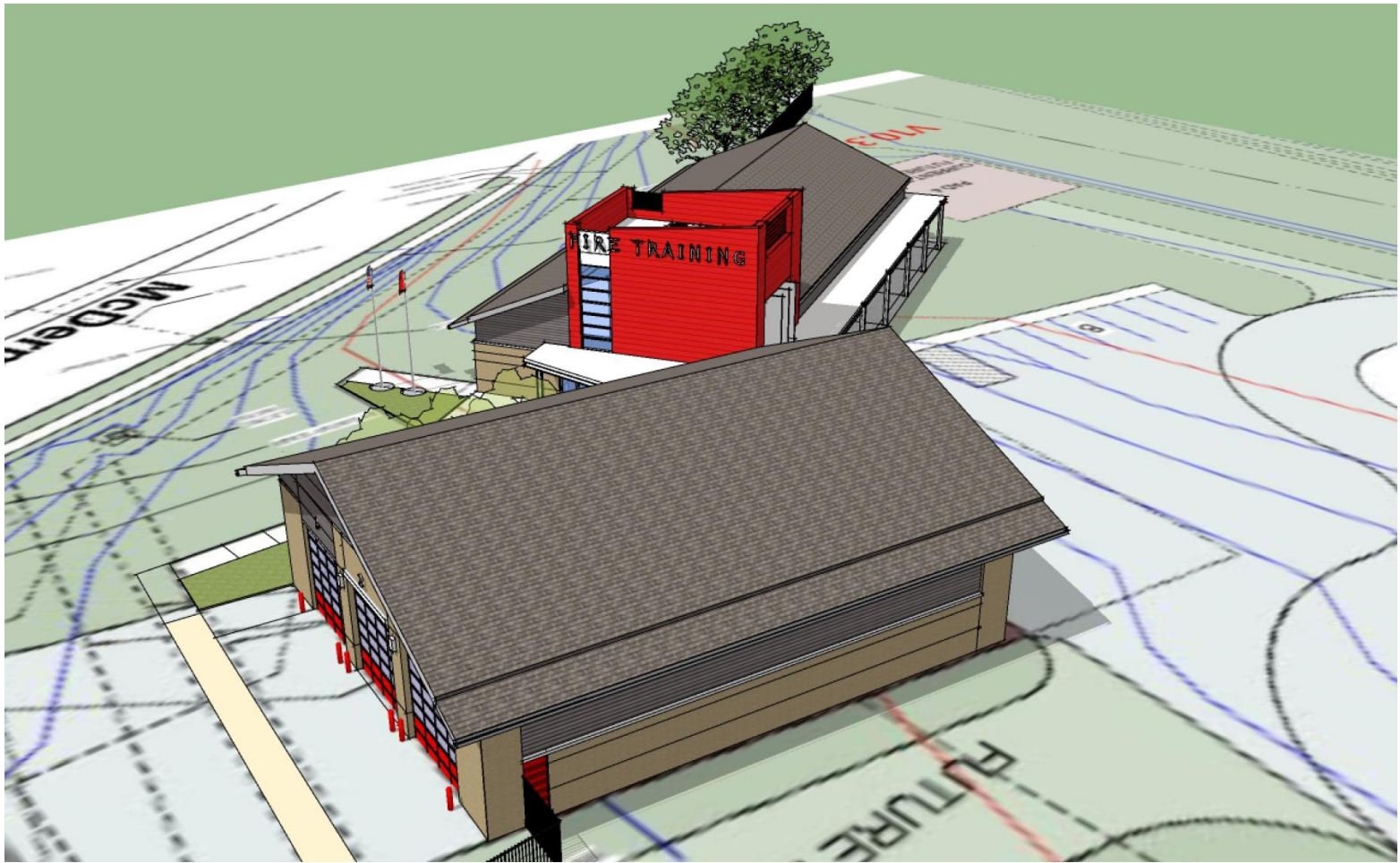
- ISO Training Facility Requirements
 - Live-fire drill tower w/ simulated smoke
 - 2 acres in size
 - Individuals assigned to field operations must attend 18 hours of facility-use training annually







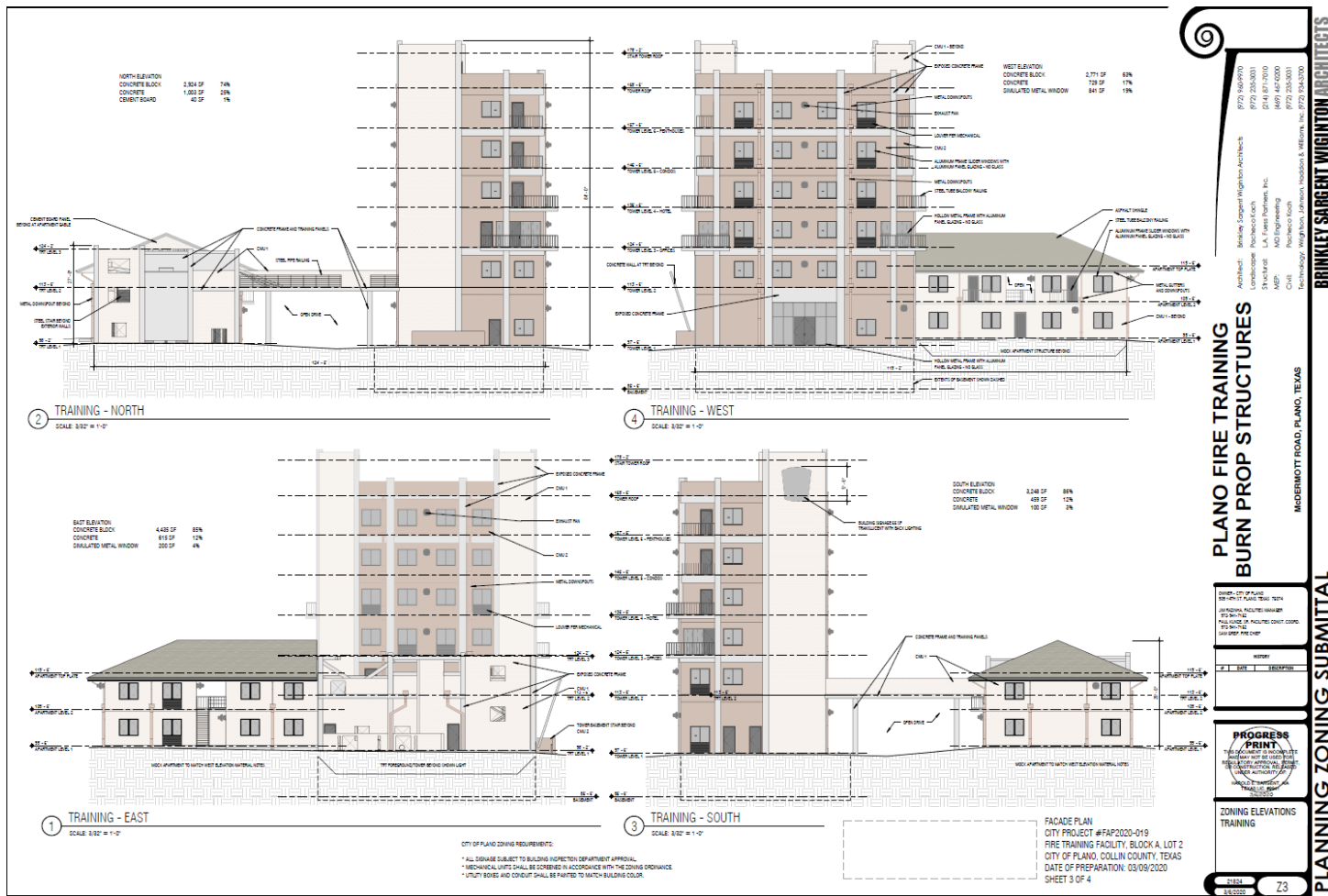




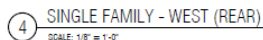
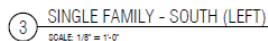
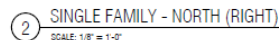
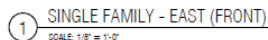


9/14/2020

Page 243



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QUESTIONS?



planofire.org
planotx.org

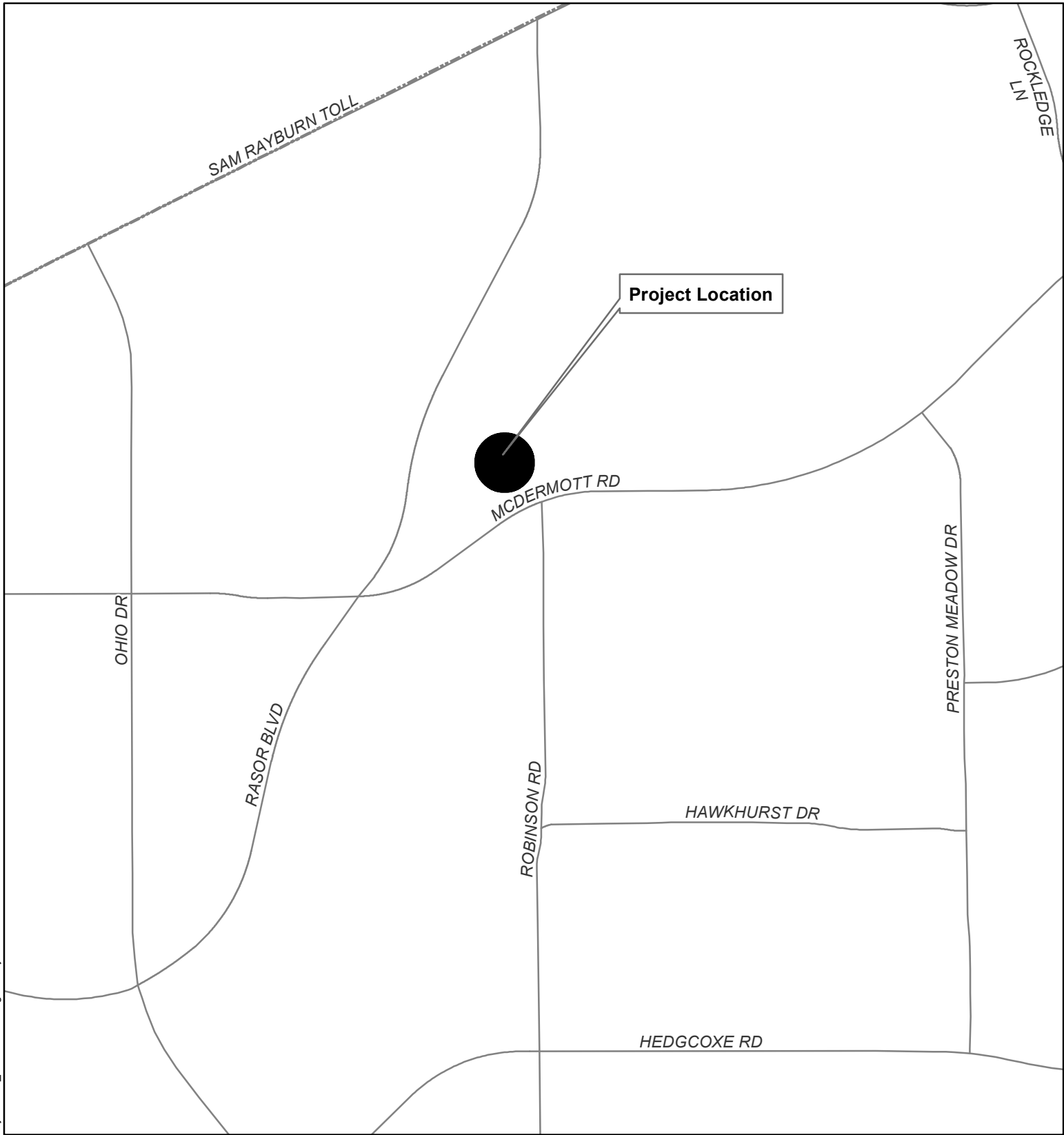


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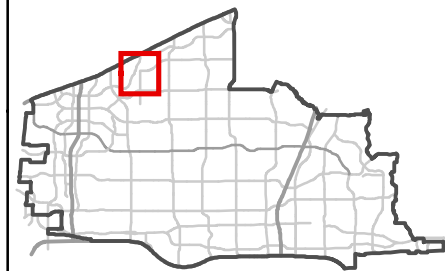
Professional service with heart – integrity always.



Fire Training Facility

Project No. 6824

Project Location



CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020
DEPARTMENT: Budget
DIRECTOR: Karen Rhodes-Whitley, Director of Budget and Research
AGENDA ITEM: FY 2020-21 Budget Ordinance
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Consideration of an Ordinance to approve and adopt the Operating Budget and setting the appropriations for the fiscal year beginning October 1, 2020, and terminating September 30, 2021; and providing an effective date. (Public Hearings held on August 10, 2020 and August 15, 2020.)

BACKGROUND

This Ordinance adopts the Operating Budget for Fiscal Year 2020-21 and sets the level of appropriations and transfers for the various funds, as reviewed and adjusted by the City Council.

FINANCIAL SUMMARY/STRATEGIC GOALS

This item has no financial impact.

Adoption of this Ordinance relates to the City's Strategic Plan Critical Success Factor of Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
2020-21 City Council Memo	9/3/2020	Memo
2020-21 Budget Ordinance	8/28/2020	Ordinance
2020-21 Fund Summaries	8/28/2020	Attachment

Date: September 3, 2020

To: Mark D. Israelson, City Manager

From: Karen Rhodes-Whitley, Director of Budget & Research

Subject: FY 2020-21 Tax Rate, Budget & CIP Adoption

On the evening of Monday, September 14, 2020, the City Council will have five (5) agenda items regarding the adoption of the FY 2020-21 Property Tax Rate, Operating Budget and Community Investment Program. Listed below is a brief description regarding each agenda item.

1. Public Hearing on Property Tax Rate – Chapter 26 of the Property Tax Code requires a municipality to hold an in person public hearing on the proposed property tax rate if the proposed property tax rate exceeds the lower of the voter approval tax rate or no new revenue tax rate. This year's no new revenue tax rate is \$0.4454 cents per \$100 of assessed property value. Our proposed tax rate is \$0.4482 cents per \$100 of assessed property value which is 2.97% over the no new revenue tax rate. Therefore, a public hearing is required and was posted in the newspaper along with the City's website and PTV network.
2. Ordinance to approve and adopt the Operating Budget and set appropriations for FY 2020-21 – The FY 2020-21 Operating Budget totals \$605.1 million. Updated fund summaries are provided in your packet. Public Hearings were held on August 10, 2020 and August 15, 2020. The FY 2020-21 Operating Budget effective date is October 1, 2020 and terminating September 30, 2021.
3. Ordinance to approve and adopt the Community Investment Program and set appropriations for FY 2020-21 – The FY 2020-21 Community Investment Program totals \$298.6 million. An updated combined fund summary is provided in your packet. Public Hearings were held on August 10, 2020 and August 15, 2020. The FY 2020-21 Community Investment Program effective date is October 1, 2020 and terminating September 30, 2021.
4. Ordinance to approve and adopt the Property Tax Rate for FY 2020-21 – The proposed tax rate is \$0.4482 cents per \$100 of assessed property valuation, which is the same tax rate as FY 2019-20. The O&M portion of the tax rate will remain at \$0.3372 cents with debt remaining at \$0.1110 cents per \$100 of assessed property valuation. Public Hearing on the proposed tax rate will be held prior to the adoption of this ordinance.

Chapter 26 of the Property Tax Code requires on the cover page of the agenda item the acknowledgment of the difference between the Maintenance & Operation (M&O) no new revenue rate and the M&O proposed tax rate on a \$100,000 house. The agenda item includes this statement in adherence to the tax code. *The tax rate will effectively be raised by 0.63% and will raise taxes for maintenance and operations on a \$100,000 house by approximately \$2.80.* However, this statement is only alerting the taxpayers of the difference between the no new revenue rate and the proposed tax rate. In fact, the average home value is projected to decrease from \$379,629 down to \$375,000 for a decrease of \$16 annually at the proposed rate of \$0.4482 cents.

5. Ordinance to ratify the Property Tax Revenue – Chapter 26 of the Property Tax Code requires that if a municipality raises even \$1 more in revenue than the prior year, an ordinance must be passed recognizing the property tax revenue increase in the budget. This is called the Ratification Ordinance. The FY 2020-21 Budget will raise more total property taxes than last year's budget by \$6,007,235 or 2.97% and of that amount \$3,717,634 is tax revenue to be raised from new property added to the tax roll this year.

An Ordinance of the City of Plano, Texas, approving and adopting the Operating Budget and setting the appropriations for the fiscal year beginning October 1, 2020, and terminating September 30, 2021; and providing an effective date.

WHEREAS, following public notice duly posted and published as required by law, public hearings were held on August 10, 2020 and August 15, 2020, by and before the City Council of the City of Plano, the subject of which was the proposed Operating Budget of the City of Plano for Fiscal Year 2020-21 as filed and submitted by the City Manager in accordance with provisions of the City Charter and state and federal statutes; and

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

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

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

Section I. Subject to the applicable provisions of state law and the City Charter, the Operating Budget for the Fiscal Year beginning October 1, 2020, and terminating September 30, 2021, as filed and submitted by the City Manager and shown attached as Exhibit "A", and adjusted by the City Council, containing estimates of resources and revenues for the year from all of the various sources, and the projects, operations, activities, and purchases proposed to be undertaken during the year, together with the estimated costs thereof, and estimated amounts of all other proposed expenditures, is hereby approved and adopted, as follows:

A.	General Fund - Operating Appropriation:	\$276,760,496
B.	General Fund - Transfer to Capital Maintenance Fund:	35,250,549
C.	General Fund - Transfer to Risk Management Fund:	5,000,000
D.	General Fund - Transfer to Technology Fund:	1,000,000
E.	General Fund - Transfer to Technology Services Replacement Fund:	500,000
F.	General Fund - Transfer to Economic Development Incentive Fund:	9,225,287
G.	Convention & Tourism Fund - Operating Appropriation:	12,148,496
H.	Convention & Tourism Fund - Transfer to General Fund:	952,394

I.	Convention & Tourism Fund - Transfer to Capital Maintenance Fund:	500,000
J.	Convention & Tourism Fund - Transfer to Technology Fund:	20,000
K.	Water & Sewer Fund - Operating Appropriation:	141,283,499
L.	Water & Sewer Fund - Transfer to General Fund:	17,199,219
M.	Water & Sewer Fund - Transfer to Water & Sewer CIP:	12,500,000
N.	Water & Sewer Fund – Transfer to Capital Maintenance Fund:	2,000,000
O.	Water & Sewer Fund – Transfer to Water & Sewer Debt Service Fund:	3,738,000
P.	Water & Sewer Fund - Transfer to Risk Management Fund:	877,722
Q.	Water & Sewer Fund - Transfer to Technology Fund:	300,000
R.	Water & Sewer Fund - Transfer to Technology Services Fund:	3,592,670
S.	Sustainability & Environmental Services Fund - Operating Appropriation:	27,465,838
T.	Sustainability & Environmental Services Fund - Transfer to General Fund:	2,139,875
U.	Sustainability & Environmental Services Fund - Transfer to Technology Fund:	60,000
V.	Sustainability & Environmental Services Fund - Transfer to Risk Management Fund:	477,712
W.	Municipal Drainage Fund - Operating Appropriation:	4,467,070
X.	Municipal Drainage Fund - Transfer to General Fund:	763,502
Y.	Municipal Drainage Fund - Transfer to Capital Maintenance Fund:	500,000
Z.	Municipal Drainage Fund – Transfer to Technology Fund:	20,000

AA.	Municipal Drainage Fund - Transfer to Municipal Drainage Debt:	4,305,495
BB.	Recreation Revolving Fund - Operating Appropriation:	2,306,003
CC.	Recreation Revolving Fund - Transfer to General Fund:	153,000
DD.	Golf Course Fund - Operating Appropriation:	957,066
EE.	Golf Course Fund - Transfer to General Fund:	51,529
FF.	Risk Management Fund - Operating Appropriation:	7,206,455
GG.	HUD Grant Fund - Operating Appropriation:	2,362,989
HH.	PTV Fund - Operating Appropriation:	1,788,496
II.	Criminal Investigation Fund - Operating Appropriation:	1,833,173
JJ.	Technology Fund - Operating Appropriation:	5,342,607
KK.	Technology Fund - Transfer to PTV Fund:	250,000
LL.	Technology Services Replacement Fund - Operating Appropriation:	2,690,694
MM.	General Obligation Bond - Debt Service Appropriation:	52,234,901
NN.	Water & Sewer Revenue Bond - Debt Service Appropriation:	3,739,500

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

DULY PASSED AND APPROVED this the 14th day of September, 2020.

Harry LaRosiliere, **MAYOR**

ATTEST:

Lisa C. Henderson, **CITY SECRETARY**

APPROVED AS TO FORM:

Paige Mims, **CITY ATTORNEY**

COMBINED OPERATING BUDGET

	Actuals 2017-18	Actuals 2018-19	Budget 2019-20	Re-Est 2019-20	Budget 2020-21	Variance	
						Bud to Bud	Est to Bud
BEGINNING BALANCES							
Operating Funds:							
General Fund	\$51,635,123	\$52,213,524	\$42,612,028	\$58,680,053	\$37,366,924	-12.3%	-36.3%
Water & Sewer Fund	23,418,929	35,236,651	25,592,177	39,267,803	34,872,841	36.3%	-11.2%
Sustainability & Env. Svc. Fund	5,268,641	3,976,958	2,532,892	2,897,664	1,911,272	-24.5%	-34.0%
Convention & Tourism Fund	5,172,619	5,712,873	4,819,395	8,565,919	5,226,210	8.4%	-39.0%
Municipal Drainage Utility Fund	4,228,637	4,641,134	3,376,389	5,237,675	4,202,884	24.5%	-19.8%
Recreation Revolving Fund	1,221,118	1,174,933	761,619	898,714	563,275	-26.0%	-37.3%
Municipal Golf Course Fund	(6,657)	(38,430)	(111,858)	161	72,861	-165.1%	45155.3%
PTV Fund	1,738,793	1,880,193	1,166,861	2,163,172	1,197,629	2.6%	-44.6%
TOTAL OPERATING FUNDS	\$92,677,203	\$104,797,836	\$80,749,503	\$117,711,161	\$85,413,896	5.8%	-27.4%
Debt Service Funds:							
General Obligation	\$4,440,933	\$6,571,577	\$5,261,612	\$5,548,057	\$7,132,635	35.6%	28.6%
Water & Sewer Debt	805,916	822,101	832,101	854,652	872,952	4.9%	2.1%
TOTAL DEBT SERVICE FUNDS	\$5,246,849	\$7,393,678	\$6,093,712	\$6,402,709	\$8,005,587	31.4%	25.0%
TOTAL BEGINNING BALANCES	\$97,924,052	\$112,191,514	\$86,843,216	\$124,113,870	\$93,419,483	7.6%	-24.7%
REVENUES & TRANSFERS IN							
Operating Funds:							
General Fund	\$300,147,696	\$319,313,071	\$314,512,227	\$303,057,811	\$312,860,849	-0.5%	3.2%
Water & Sewer Fund	169,018,937	166,530,740	171,813,253	174,142,524	177,909,931	3.5%	2.2%
Sustainability & Env. Svc. Fund	26,788,460	28,235,313	27,229,342	28,019,596	29,140,872	7.0%	4.0%
Convention & Tourism Fund	11,979,284	15,147,743	14,519,628	10,715,850	12,588,319	-13.3%	17.5%
Municipal Drainage Utility Fund	7,657,009	7,723,369	7,675,719	7,981,960	9,943,307	29.5%	24.6%
HUD Grant Fund	1,731,558	1,852,123	1,974,824	2,158,478	2,362,989	19.7%	9.5%
Recreation Revolving Fund	3,756,306	4,199,989	4,337,321	1,933,789	2,187,935	-49.6%	13.1%
Municipal Golf Course Fund	977,664	919,609	1,086,532	1,028,033	1,030,578	-5.1%	0.2%
PTV Fund	1,251,530	1,283,838	1,194,381	933,709	902,049	-24.5%	-3.4%
TOTAL OPERATING FUNDS	\$523,308,444	\$545,205,795	\$544,343,227	\$529,971,750	\$548,926,829	0.8%	3.6%
Debt Service Funds:							
General Obligation	\$45,545,947	\$47,188,836	\$49,426,477	\$48,387,974	\$50,290,295	1.7%	3.9%
Water & Sewer Debt	1,842,626	3,308,621	3,277,700	3,286,000	3,748,000	14.3%	14.1%
TOTAL DEBT SERVICE FUNDS	\$47,388,573	\$50,497,457	\$52,704,177	\$51,673,974	\$54,038,295	2.5%	4.6%
TOTAL REVENUE & TRANSFERS IN	\$570,697,017	\$595,703,252	\$597,047,404	\$581,645,724	\$602,965,124	1.0%	3.7%
Less: Interfund Transfers	21,493,217	21,204,854	22,265,023	22,602,219	21,509,519	-3.4%	-4.8%
NET BUDGET REVENUE	\$549,203,800	\$574,498,398	\$574,782,381	\$559,043,505	\$581,455,605	1.2%	4.0%
TOTAL AVAILABLE FUNDS	\$647,127,852	\$686,689,912	\$661,625,597	\$683,157,375	\$674,875,088	2.0%	-1.2%
APPROPRIATIONS & TRANSFERS OUT							
Operations:							
General Fund	\$299,569,295	\$312,846,542	\$333,973,522	\$324,370,940	\$327,736,332	-1.9%	1.0%
Water & Sewer Fund	157,201,215	162,499,588	176,001,801	178,537,487	181,491,110	3.1%	1.7%
Sustainability & Env. Svc. Fund	28,080,143	29,314,607	29,067,696	29,005,988	30,143,426	3.7%	3.9%
Convention & Tourism Fund	11,439,030	12,294,697	15,403,190	14,055,559	13,620,890	-11.6%	-3.1%
Municipal Drainage Utility Fund	7,244,512	7,126,828	8,040,984	7,733,558	10,056,067	25.1%	30.0%
HUD Grant Fund	1,731,558	1,852,123	1,974,824	2,158,478	2,362,989	19.7%	9.5%
Recreation Revolving Fund	3,802,491	4,476,206	4,459,164	2,269,228	2,459,003	-44.9%	8.4%
Municipal Golf Course Fund	1,009,438	881,017	964,960	955,333	1,008,595	4.5%	5.6%
PTV Fund	1,110,130	1,000,859	1,846,929	1,899,252	1,788,496	-3.2%	-5.8%
TOTAL OPERATIONS	\$511,187,812	\$532,292,467	\$571,733,070	\$560,985,823	\$570,666,908	-0.2%	1.7%
Debt Service Funds:							
General Obligation	\$43,415,303	\$48,212,356	\$48,643,108	\$46,803,396	\$52,234,901	7.4%	11.6%
Water & Sewer Debt	1,826,442	3,276,070	3,267,700	3,267,700	3,739,500	14.4%	14.4%
TOTAL DEBT SERVICE FUNDS	\$45,241,745	\$51,488,426	\$51,910,808	\$50,071,096	\$55,974,401	7.8%	11.8%
TOTAL APPROPRIATIONS & TRANSFERS OUT	\$556,429,557	\$583,780,893	\$623,643,879	\$611,056,919	\$626,641,309	0.5%	2.6%
Less: Interfund Transfers	21,493,217	21,204,854	22,265,023	22,602,219	21,509,519	-3.4%	-4.8%
NET BUDGET APPROPRIATIONS	\$534,936,340	\$562,576,039	\$601,378,855	\$588,454,700	\$605,131,789	0.6%	2.8%

ENDING BALANCES**Operating Funds:**

General Fund	\$52,213,524	\$58,680,053	\$23,150,733	\$37,366,924	\$22,491,441	-2.8%	-39.8%
Water & Sewer Fund	35,236,651	39,267,803	21,403,629	34,872,841	31,291,662	46.2%	-10.3%
Sustainability & Env. Svc. Fund	3,976,958	2,897,664	694,538	1,911,272	908,717	30.8%	-52.5%
Convention & Tourism Fund	5,712,873	8,565,919	3,935,833	5,226,210	4,193,639	6.6%	-19.8%
Municipal Drainage Utility Fund	4,641,134	5,237,675	3,011,124	5,486,077	4,090,125	35.8%	-25.4%
Recreation Revolving Fund	1,174,933	898,714	639,776	563,275	292,206	-54.3%	-48.1%
Municipal Golf Course Fund	(38,430)	161	9,715	72,861	94,845	876.3%	30.2%
PTV Fund	1,880,193	2,163,172	514,313	1,197,629	311,182	-39.5%	-74.0%
TOTAL OPERATING FUNDS	\$104,797,836	\$117,711,161	\$53,359,660	\$86,697,089	\$63,673,817	19.3%	-26.6%

Debt Service Funds:

General Obligation	\$6,571,577	\$5,548,057	\$6,044,980	\$7,132,635	\$5,188,030	-14.2%	-27.3%
Water & Sewer Debt	822,101	854,652	842,101	872,952	881,452	4.7%	1.0%
TOTAL DEBT SERVICE FUNDS	\$7,393,678	\$6,402,709	\$6,887,081	\$8,005,587	\$6,069,482	-11.9%	-24.2%
TOTAL ENDING BALANCES	\$112,191,514	\$124,113,870	\$60,246,741	\$94,702,676	\$69,743,299	15.8%	-26.4%
TOTAL APPROPRIATIONS & ENDING BALANCES	\$647,127,854	\$686,689,909	\$661,625,597	\$683,157,376	\$674,875,088	2.0%	-1.2%

GENERAL FUND

	Actual 2017-18	Actual 2018-19	Budget 2019-20	Re-Est 2019-20	Budget 2020-21	Variance	
						Bud to Bud	Est to Bud
UNAPPROPRIATED FUND							
BALANCE	\$51,635,123	\$52,213,524	\$42,612,028	\$53,423,541	\$37,366,924	-12.3%	-36.3%
Encumbrance Adjustment				5,256,512			
Revenues							
Taxes	\$220,989,088	\$234,812,567	\$235,869,298	\$230,957,825	\$238,149,738	1.0%	3.1%
Franchise Fees	24,354,134	23,330,387	21,197,461	21,021,330	20,943,405	-1.2%	-0.4%
Fines & Forfeits	6,304,020	6,480,503	6,120,395	4,422,069	5,202,336	-15.0%	17.6%
Miscellaneous Revenue	2,693,535	5,501,534	3,339,852	3,830,311	3,666,910	9.8%	-4.3%
Licenses & Permits	9,521,069	8,794,102	9,378,993	7,752,744	8,619,791	-8.1%	11.2%
Charges for Services	13,765,830	17,684,251	14,808,376	11,188,697	12,823,736	-13.4%	14.6%
Intergovernmental Revenue	1,526,803	2,004,873	2,032,830	1,532,616	2,195,415	8.0%	43.2%
Subtotal Revenues	\$279,154,479	\$298,608,217	\$292,747,204	\$280,705,592	\$291,601,330	-0.4%	3.9%
Intragovernmental Transfers	20,993,217	20,704,854	21,765,023	22,352,219	21,259,519	-2.3%	-4.9%
TOTAL REVENUES & TRANSFERS	\$300,147,696	\$319,313,071	\$314,512,227	\$303,057,811	\$312,860,849	-0.5%	3.2%
TOTAL RESOURCES	\$351,782,819	\$371,526,595	\$357,124,255	\$361,737,864	\$350,227,773	-1.9%	-3.2%
APPROPRIATIONS							
Operating Expense							
Salaries & Wages	\$196,353,984	\$205,714,437	\$214,185,843	\$210,673,353	\$213,207,641	-0.5%	1.2%
Materials & Supplies	8,160,681	9,274,730	9,686,881	10,247,946	9,314,311	-3.8%	-9.1%
Contractual	53,608,384	52,984,259	59,647,424	57,152,669	56,983,490	-4.5%	-0.3%
Community Services Agencies	550,000	562,780	569,400	569,400	570,380	0.2%	0.2%
Sundry	1,162,170	1,553,708	1,456,900	1,631,897	1,560,946	7.1%	-4.3%
Reimbursements	(3,861,807)	(4,639,390)	(4,665,903)	(4,687,222)	(4,876,272)	4.5%	4.0%
CARES Act Reimbursement	0	0	0	(5,500,000)	0	0.0%	-100.0%
Subtotal	\$255,973,412	\$265,450,524	\$280,880,545	\$270,088,043	\$276,760,496	-1.5%	2.5%
Capital Outlay	3,599,793	2,164,976	867,600	2,107,520	0	-100.0%	-100.0%
TOTAL OPERATIONS	\$259,573,205	\$267,615,500	\$281,748,145	\$272,195,563	\$276,760,496	-1.8%	1.7%
Capital Maintenance Fund	\$25,869,000	\$30,250,549	\$35,250,549	\$35,250,549	\$35,250,549	0.0%	0.0%
Risk Management Fund	4,647,411	4,771,520	4,800,000	5,000,000	5,000,000	4.2%	0.0%
Technology Fund	1,000,000	1,000,000	2,000,000	2,000,000	1,000,000	-50.0%	-50.0%
TS Replacement Fund	500,000	500,000	1,000,000	1,000,000	500,000	-50.0%	-50.0%
PTV Fund	250,000	250,000	250,000	0	0	-100.0%	0.0%
Economic Development Incentive	7,729,679	8,458,973	8,924,828	8,924,828	9,225,287	3.4%	3.4%
TOTAL TRANSFERS	\$39,996,090	\$45,231,042	\$52,225,377	\$52,175,377	\$50,975,836	-2.4%	-2.3%
TOTAL APPROPRIATIONS	\$299,569,295	\$312,846,542	\$333,973,522	\$324,370,940	\$327,736,332	-1.9%	1.0%
UNAPPROPRIATED FUND	\$52,213,524	\$58,680,053	\$23,150,733	\$37,366,924	\$22,491,441	-2.8%	-39.8%
Days of Operation					30		

GENERAL FUND REVENUE BY SOURCE

	Actual 2017-18	Actual 2018-19	Budget 2019-20	Re-Est 2019-20	Budget 2020-21	Variance	
						Bud to Bud	Est to Bud
SOURCE OF INCOME							
Taxes							
Ad Valorem Taxes:							
Current	\$132,366,014	\$143,760,694	\$145,043,456	\$145,605,408	\$148,792,332	2.6%	2.2%
Delinquent	143,137	(161,972)	1,519,925	0	1,565,120	3.0%	100.0%
Penalty & Interest	465,592	458,623	759,963	566,804	782,560	3.0%	38.1%
Sales Tax	85,592,104	88,231,063	86,072,232	82,892,605	84,879,855	-1.4%	2.4%
Mixed Frink Tax	2,322,487	2,402,680	2,357,648	1,722,749	2,004,001	-15.0%	16.3%
Bingo Gross Receipts Tax	67,392	75,546	70,141	79,737	79,936	14.0%	0.2%
Excess Proceeds on Taxes	32,362	45,933	45,933	90,522	45,933	0.0%	-49.3%
TOTAL TAXES	\$220,989,088	\$234,812,567	\$235,869,298	\$230,957,825	\$238,149,738	1.0%	3.1%
Franchise Fees							
Electrical Franchise	\$13,419,319	\$12,217,535	\$12,183,931	\$12,310,654	\$12,310,654	1.0%	0.0%
Telephone Franchise	4,027,144	3,758,430	2,107,635	2,415,323	2,415,323	14.6%	0.0%
Fiber Optics Franchise	80,484	56,351	56,351	56,351	56,351	0.0%	0.0%
Gas Franchise	3,156,302	3,796,830	3,619,046	3,122,006	3,122,006	-13.7%	0.0%
Cable TV Franchise	3,670,885	3,501,241	3,230,498	3,116,996	3,039,071	-5.9%	-2.5%
TOTAL FRANCHISE FEES	\$24,354,134	\$23,330,387	\$21,197,461	\$21,021,330	\$20,943,405	-1.2%	-0.4%
Fines & Forfeits							
Municipal Court	\$6,151,858	\$6,417,186	\$6,060,000	\$4,389,108	\$5,151,000	-15.0%	17.4%
Library Fines	152,162	63,317	60,395	32,961	51,336	100.0%	55.7%
TOTAL FINES & FORFEITS	\$6,304,020	\$6,480,503	\$6,120,395	\$4,422,069	\$5,202,336	-15.0%	17.6%
Miscellaneous Revenue							
Interest Earnings	\$890,026	\$3,558,767	\$1,400,000	\$2,000,000	\$1,700,000	21.4%	-15.0%
Sale/Rental of Property	514,615	502,580	542,958	433,417	542,958	0.0%	25.3%
Insurance Collections	649,063	624,970	676,439	676,439	703,497	4.0%	4.0%
Sundry	639,831	815,217	720,455	720,455	720,455	0.0%	0.0%
TOTAL MISCELLANEOUS REVENUE	\$2,693,535	\$5,501,534	\$3,339,852	\$3,830,311	\$3,666,910	9.8%	-4.3%
Licenses and Permits							
Food Handlers Permits	\$757,760	\$764,595	\$801,788	\$612,456	\$681,520	-15.0%	11.3%
Land / Burning / Liquid Waste	28,255	20,400	26,297	23,424	23,483	-10.7%	0.2%
Grease Trap Permits	52,000	76,323	20,491	53,823	20,491	0.0%	-61.9%
Fire Inspection Fees	299,765	308,955	301,256	252,713	301,256	0.0%	19.2%
Rental Registration Fees	330,930	337,410	338,060	375,807	376,747	11.4%	0.2%
Animal Licenses	119,457	118,805	125,960	107,746	125,960	0.0%	16.9%
Restaurant Plan Review	42,900	32,250	34,419	14,025	34,419	0.0%	145.4%
Alarm Permits	1,347,645	1,451,008	1,458,008	1,237,474	1,312,207	-10.0%	6.0%
Filing Fees	460,923	338,620	347,443	243,348	347,443	0.0%	42.8%
Fire Protection Plan Review	321,542	300,996	327,928	244,565	327,928	0.0%	34.1%
Building Permits	4,492,462	3,724,380	4,386,544	3,276,822	3,728,562	-15.0%	13.8%
Electrical Permits	125,254	127,719	121,864	129,769	129,769	6.5%	0.0%
Plumbing Permits	333,371	342,416	315,124	369,429	369,429	17.2%	0.0%
Heating & A/C Permits	164,842	177,427	165,586	181,167	181,167	9.4%	0.0%
Fence Permits	39,335	42,132	35,762	43,727	43,727	22.3%	0.0%
Swimming Pool Permits	36,209	27,888	30,000	37,856	37,856	26.2%	0.0%
Pool Inspection	66,150	88,830	85,552	85,552	85,552	0.0%	0.0%
Irrigation Permits	47,168	44,763	40,417	35,262	35,262	-12.8%	0.0%
Day Laborer Fees	14,188	12,088	12,291	9,597	12,291	0.0%	28.1%
Sign Permits	121,864	150,803	116,516	150,000	150,000	28.7%	0.0%
Reoccupancy Permits	149,010	132,030	135,481	108,940	135,481	0.0%	24.4%
Misc. Licenses & Permits	170,039	174,264	152,205	159,242	159,242	4.6%	0.0%
TOTAL LICENSES & PERMITS	\$9,521,069	\$8,794,102	\$9,378,993	\$7,752,744	\$8,619,791	-8.1%	11.2%
Fees & Service Charges							
Animal Pound & Adoption Fee	\$256,668	\$272,868	\$263,402	\$256,340	\$256,981	-2.4%	0.2%
Ambulance Service	5,034,277	5,713,744	4,984,994	4,547,695	4,759,064	-4.5%	4.6%
False Alarm Response	263,793	257,441	268,784	227,059	268,784	0.0%	18.4%
Emergency 911	890,464	790,304	820,657	500,345	697,558	-15.0%	39.4%
Contractor Registration Fee	208,496	200,923	197,735	163,403	197,735	0.0%	21.0%
Engineering Inspection Fee	337,809	600,557	340,000	300,000	300,000	-11.8%	0.0%
Residential Building Plan Review	79,938	54,520	64,600	56,475	64,600	0.0%	14.4%
Reinspection Fee	87,150	82,850	85,400	58,105	85,400	0.0%	47.0%
File Searches	50,926	58,881	54,798	50,835	54,798	0.0%	7.8%
Same Day Inspection Fee	74,085	71,460	72,035	59,594	72,035	0.0%	20.9%
Convenience Copiers	10,974	10,798	10,842	6,524	10,842	0.0%	66.2%
Lease Fees	161,127	114,370	150,000	150,000	150,000	0.0%	0.0%
Recreation User Fee	665,349	986,243	853,793	600,583	640,345	-25.0%	6.6%
Recreation Rental Fee	338,876	350,721	350,574	190,403	262,931	-25.0%	38.1%
Swimming Fees	1,042,803	1,151,296	1,148,727	456,597	861,545	-25.0%	88.7%
Recreation Membership Card Fee	2,105,208	4,606,842	2,774,820	2,046,051	2,253,406	-18.8%	10.1%

Tennis Center Fee	331,569	264,178	253,449	208,858	253,449	0.0%	21.3%
Food Manager/Handler Training	1,150	800	1,002	0	0	-100.0%	0.0%
Tree Trimming Assessments	154,486	138,921	155,797	155,797	156,186	0.2%	0.2%
Child Safety Fees	109,240	105,589	103,512	67,529	87,985	-15.0%	30.3%
Sundry	1,561,442	1,850,945	1,853,455	1,086,504	1,390,091	-25.0%	27.9%
TOTAL FEES & SVC CHARGES	\$13,765,830	\$17,684,251	\$14,808,376	\$11,188,697	\$12,823,736	-13.4%	14.6%
Intergovernmental Revenue -							
FISD School Resource Officer	113,320	67,668	69,012	57,510	71,460	3.5%	24.3%
PISD School Resource Officers	1,129,820	1,688,176	1,726,224	1,221,895	1,870,744	8.4%	53.1%
Plano-Richardson Trng. Ctr. / Misc.	283,663	249,029	237,594	253,211	253,211	6.6%	0.0%
TOTAL INTERGOVT'L REVENUE	\$1,526,803	\$2,004,873	\$2,032,830	\$1,532,616	\$2,195,415	8.0%	43.2%
TOTAL REVENUE	\$279,154,479	\$298,608,217	\$292,747,204	\$280,705,592	\$291,601,330	-0.4%	3.9%
Intragovernmental Transfers							
Intra-Fund Transfers From:							
Water & Sewer Fund	\$17,388,959	\$16,917,188	\$17,421,787	\$17,172,051	\$17,199,219	-1.3%	0.2%
Sustain. & Environ. Services Fund	2,239,325	2,340,311	2,340,311	2,097,917	2,139,875	-8.6%	2.0%
Recreation Revolving Fund	207,646	210,007	440,187	150,000	153,000	-65.2%	2.0%
Golf Course Fund	50,409	0	0	0	51,529	100.0%	100.0%
Convention & Tourism Fund	571,539	695,103	1,030,688	933,720	952,394	-7.6%	2.0%
Municipal Drainage Fund	528,073	530,988	532,050	748,531	763,502	43.5%	2.0%
PIC Fund (Plano Improvement Corp.)	7,266	11,257	0	0	0	0.0%	0.0%
Technology Fund	0	0	0	1,250,000	0	0.0%	-100.0%
TOTAL INTRAGOV'T'L TRANSFERS	\$20,993,217	\$20,704,854	\$21,765,023	\$22,352,219	\$21,259,519	-2.3%	-4.9%
TOTAL GENERAL FUND	\$300,147,696	\$319,313,071	\$314,512,227	\$303,057,811	\$312,860,849	-0.5%	3.2%

CONVENTION & TOURISM

	Actual 2017-18	Actual 2018-19	Budget 2019-20	Re-Est 2019-20	Budget 2020-21	Variance	
						Bud to Bud	Est to Bud
WORKING CAPITAL	\$5,172,619	\$5,712,873	\$4,819,395	\$8,565,919	\$5,226,210	8.4%	-39.0%
Revenues							
Hotel/Motel Receipts	\$9,209,353	\$11,474,715	\$11,134,026	\$8,308,850	\$9,281,319	-16.6%	11.7%
Plano Event Center Fees	2,705,788	3,402,967	3,270,602	2,200,000	3,100,000	-5.2%	40.9%
Miscellaneous	14,498	6,986	15,000	7,000	7,000	-53.3%	0.0%
Interest Income	49,645	263,075	100,000	200,000	200,000	100.0%	0.0%
TOTAL REVENUES	\$11,979,284	\$15,147,743	\$14,519,628	\$10,715,850	\$12,588,319	-13.3%	17.5%
TOTAL RESOURCES	\$17,151,903	\$20,860,616	\$19,339,023	\$19,281,769	\$17,814,529	-7.9%	-7.6%
APPROPRIATIONS							
Operating Expenses							
Visit Plano	\$3,024,353	\$3,527,270	\$5,155,433	\$3,771,308	\$4,540,217	-11.9%	20.4%
Plano Event Center	3,733,842	3,972,111	4,334,290	3,622,580	5,165,838	19.2%	42.6%
Cultural Arts	899,999	993,357	1,000,000	998,125	800,000	-20.0%	-19.8%
Historic Preservation	735,852	796,130	800,000	832,727	640,000	-20.0%	-23.1%
Community & Cultural Events	218,075	333,082	332,579	45,000	279,441	-16.0%	521.0%
Music Festival	177,010	134,469	185,000	140,000	148,000	-20.0%	5.7%
Wayfinding Project	0	0	0	2,250,000	0	0.0%	-100.0%
Event Center Equip.Rpl. Charge	500,000	530,923	500,000	500,000	500,000	0.0%	0.0%
Visit Plano Equip.Rpl. Charge	0	0	75,000	75,000	75,000	0.0%	0.0%
Subtotal	\$9,289,131	\$10,287,342	\$12,382,302	\$12,234,740	\$12,148,496	-1.9%	-0.7%
Capital Outlay	118,360	42,252	20,200	17,099	0	-100.0%	-100.0%
TOTAL OPERATIONS	\$9,407,491	\$10,329,594	\$12,402,502	\$12,251,839	\$12,148,496	-2.0%	-0.8%
Transfer to General Fund	\$571,539	\$695,103	\$1,030,688	\$933,720	\$952,394	-7.6%	2.0%
Transfer to Capital Maint. Fund	1,440,000	1,250,000	850,000	850,000	500,000	-41.2%	-41.2%
Transfer to Technology Fund	20,000	20,000	20,000	20,000	20,000	0.0%	0.0%
Transfer to Revenue Debt	0	0	1,100,000	0	0	-100.0%	-100.0%
TOTAL TRANSFERS	\$2,031,539	\$1,965,103	\$3,000,688	\$1,803,720	\$1,472,394	-50.9%	-18.4%
TOTAL APPROPRIATIONS	\$11,439,030	\$12,294,697	\$15,403,190	\$14,055,559	\$13,620,890	-11.6%	-3.1%
WORKING CAPITAL	\$5,712,873	\$8,565,919	\$3,935,833	\$5,226,210	\$4,193,639	6.6%	-19.8%
Days of Operation					126		

WATER & SEWER

	Actual 2017-18	Actual 2018-19	Budget 2019-20	Re-Est 2019-20	Budget 2020-21	Variance	
						Bud to Bud	Est to Bud
WORKING CAPITAL	\$23,418,929	\$35,236,651	\$25,592,177	\$39,267,803	\$34,872,841	36.3%	-11.2%
Revenues							
Water Income	\$99,371,447	\$94,448,505	\$99,036,793	\$102,945,547	\$102,158,261	3.2%	-0.8%
Sewer Income	65,274,389	67,602,303	68,570,845	68,043,625	71,779,156	4.7%	5.5%
Water Taps	61,812	10,984	40,920	22,874	23,160	-43.4%	1.3%
Water & Sewer Penalties	1,587,378	1,346,498	1,384,432	553,583	1,346,498	-2.7%	143.2%
Water Meters/AMR Devices	297,846	192,665	255,016	133,800	135,473	-46.9%	1.3%
Construction Water	371,921	311,035	284,421	322,550	326,582	14.8%	1.3%
Service Connect Fee	246,890	244,110	244,134	235,360	238,302	-2.4%	1.3%
Backflow Testing	624,455	661,855	652,764	639,180	647,170	-0.9%	1.3%
Sewer Tie-On	27,525	13,300	22,260	13,678	13,849	-37.8%	1.2%
Pre-Treatment Permits	29,870	24,710	32,684	26,804	27,139	-17.0%	1.3%
Interest Earnings	169,666	924,453	400,000	500,000	500,000	25.0%	0.0%
Misc. Income	955,738	750,322	888,984	705,523	714,342	-19.6%	1.3%
TOTAL REVENUES	\$169,018,937	\$166,530,740	\$171,813,253	\$174,142,524	\$177,909,931	3.5%	2.2%
TOTAL RESOURCES	\$192,437,866	\$201,767,391	\$197,405,430	\$213,410,327	\$212,782,772	7.8%	-0.3%
APPROPRIATIONS							
Operating Expense							
Salaries & Wages	\$10,489,947	\$10,821,508	\$11,469,084	\$10,784,741	\$11,214,482	-2.2%	4.0%
Materials & Supplies	1,279,735	1,788,207	2,635,594	2,380,341	2,484,942	-5.7%	4.4%
Contractual	3,765,535	4,244,179	4,940,412	6,343,545	6,752,097	36.7%	6.4%
NTMWD - Water	72,334,642	74,718,352	79,892,229	79,892,229	79,892,229	0.0%	0.0%
NTMWD - Wastewater	18,629,748	19,140,667	20,945,614	22,322,430	23,386,470	11.7%	4.8%
NTMWD - Upper E. Fork Interceptor	12,798,332	12,886,770	14,521,432	14,873,562	15,358,833	5.8%	3.3%
Retirement of NTMWD Debt	1,935	0	0	0	0	0.0%	0.0%
Sundry	1,242,735	1,050,960	659,463	1,186,606	1,182,431	79.3%	-0.4%
Reimbursements	764,172	909,568	929,006	969,348	1,012,015	8.9%	4.4%
Subtotal	\$121,306,781	\$125,560,211	\$135,992,834	\$138,752,802	\$141,283,499	3.9%	1.8%
Capital Outlay	1,019	73,443	24,600	24,600	0	100.0%	0.0%
TOTAL OPERATIONS	\$121,307,800	\$125,633,654	\$136,017,434	\$138,777,402	\$141,283,499	3.9%	1.8%
Transfer to General Fund	\$17,388,959	\$16,917,188	\$17,421,787	\$17,172,051	\$17,199,219	-1.3%	0.2%
Transfer to W & S CIP	10,000,000	10,000,000	12,500,000	12,500,000	12,500,000	0.0%	0.0%
Transfer to Capital Maintenance	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	0.0%	0.0%
Transfer to W&S Debt Service	1,835,400	3,272,570	3,267,700	3,267,700	3,738,000	14.4%	14.4%
Transfer to Risk Management Fund	797,838	807,476	853,271	872,881	877,722	2.9%	0.6%
Transfer to Technology Fund	300,000	300,000	300,000	300,000	300,000	0.0%	0.0%
Transfer to Technology Svcs	3,571,218	3,568,700	3,641,609	3,647,453	3,592,670	-1.3%	-1.5%
TOTAL TRANSFERS	\$35,893,415	\$36,865,934	\$39,984,367	\$39,760,085	\$40,207,611	0.6%	1.1%
TOTAL APPROPRIATIONS	\$157,201,215	\$162,499,588	\$176,001,801	\$178,537,487	\$181,491,110	3.1%	1.7%
WORKING CAPITAL	\$35,236,651	\$39,267,803	\$21,403,629	\$34,872,841	\$31,291,662	46.2%	-10.3%
Days of Operation					81		

SUSTAINABILITY & ENVIRONMENTAL SERVICES

	Actual 2017-18	Actual 2018-19	Budget 2019-20	Re-Est 2019-20	Budget 2020-21	Variance	
						Bud to Bud	Est to Bud
WORKING CAPITAL	\$5,268,641	\$3,976,958	\$2,532,892	\$2,897,664	\$1,911,272	-24.5%	-34.0%
Revenues							
Commercial Franchise	\$8,631,271	\$9,035,082	\$9,118,796	\$9,118,796	\$9,301,172	2.0%	2.0%
Special Refuse Collection	101,121	101,576	104,747	104,747	104,957	0.2%	0.2%
Residential Collection	14,019,511	14,017,878	14,173,074	14,173,074	15,100,548	6.5%	6.5%
Allied Waste, Inc.	92,919	0	0	0	0	0.0%	0.0%
Recycling	39,271	82,261	0	0	0	0.0%	0.0%
Sales of Landscape Bags	17,064	0	0	0	0	0.0%	0.0%
Contributions via Utility Billing	7,444	9,155	10,080	10,080	10,100	0.2%	0.2%
Sale of Compost	2,431,029	2,218,692	2,265,051	2,400,252	2,405,053	6.2%	0.2%
Tipping Fees	716,323	1,416,848	756,048	1,416,848	1,419,682	87.8%	0.2%
Miscellaneous	337,712	441,237	307,163	307,163	310,235	1.0%	1.0%
Reimbursements	179,795	183,291	184,382	178,635	179,126	-2.9%	0.3%
Construction & Demolition Program	215,000	727,660	310,000	310,000	310,000	0.0%	0.0%
TOTAL REVENUES	\$26,788,460	\$28,233,680	\$27,229,342	\$28,019,596	\$29,140,872	7.0%	4.0%
TOTAL RESOURCES	\$32,057,101	\$32,210,638	\$29,762,234	\$30,917,260	\$31,052,143	4.3%	0.4%
APPROPRIATIONS							
Operating Expense							
Salaries & Wages	\$7,515,084	\$7,762,068	\$7,918,844	\$7,879,997	\$7,995,600	1.0%	1.5%
Materials & Supplies	667,866	576,983	547,741	548,931	519,595	-5.1%	-5.3%
Contractual	7,550,283	8,674,796	8,454,294	8,652,205	9,417,944	11.4%	8.9%
NTMWD	8,604,886	8,444,388	8,725,000	8,650,284	9,176,009	5.2%	6.1%
Sundry	178,860	135,972	89,927	130,063	99,988	11.2%	-23.1%
Reimbursements	118,763	169,952	173,862	213,290	213,703	22.9%	0.2%
Subtotal	\$24,635,742	\$25,764,159	\$25,909,668	\$26,074,770	\$27,422,838	5.8%	5.2%
Capital Outlay	785,310	746,324	331,000	331,000	43,000	-87.0%	-87.0%
TOTAL OPERATIONS	\$25,421,052	\$26,510,483	\$26,240,668	\$26,405,770	\$27,465,838	4.7%	4.0%
Transfer to General Fund	\$2,239,325	\$2,340,311	\$2,340,311	\$2,097,917	\$2,139,875	-8.6%	2.0%
Transfer to Technology Fund	60,000	60,000	60,000	60,000	60,000	0.0%	0.0%
Transfer to Risk Management Fund	359,766	402,180	426,717	442,301	477,712	12.0%	8.0%
TOTAL TRANSFERS	\$2,659,091	\$2,802,491	\$2,827,028	\$2,600,218	\$2,677,588	-5.3%	3.0%
TOTAL APPROPRIATIONS	\$28,080,143	\$29,312,974	\$29,067,696	\$29,005,988	\$30,143,426	3.7%	3.9%
WORKING CAPITAL	\$3,976,958	\$2,897,664	\$694,538	\$1,911,272	\$908,717	30.8%	-52.5%
Days of Operation					12		

MUNICIPAL DRAINAGE UTILITY

	Actual 2017-18	Actual 2018-19	Budget 2019-20	Re-Est 2019-20	Budget 2020-21	Variance	
						Bud to Bud	Est to Bud
WORKING CAPITAL	\$4,228,637	\$4,641,134	\$3,376,389	\$5,237,675	\$4,202,884	24.5%	-19.8%
Revenues							
Environmental Assessment Fees:							
Residential Class Fees	\$3,737,459	\$3,684,748	\$3,753,757	\$3,834,029	\$4,792,536	27.7%	25.0%
Commercial Class Fees	\$3,830,260	3,851,142	3,846,962	4,011,519	5,014,359	30.3%	25.0%
Miscellaneous	50,632	11,364	0	11,412	11,412	0.0%	0.0%
Interest Income	38,658	176,115	75,000	125,000	125,000	66.7%	0.0%
TOTAL REVENUES	\$7,657,009	\$7,723,369	\$7,675,719	\$7,981,960	\$9,943,307	29.5%	24.6%
TOTAL RESOURCES	\$11,885,646	\$12,364,503	\$11,052,108	\$13,219,635	\$14,146,191	28.0%	7.0%
APPROPRIATIONS							
Operating Expense							
Salaries & Wages	\$1,832,304	\$1,794,541	\$2,123,873	\$2,002,359	\$2,233,413	5.2%	11.5%
Materials & Supplies	229,020	204,748	392,294	203,717	327,566	-16.5%	60.8%
Contractual	786,759	761,447	866,657	761,418	909,620	5.0%	19.5%
Sundry	42,897	4,541	4,530	4,603	6,418	41.7%	39.4%
Reimbursements	834,391	1,051,960	1,075,949	967,299	990,053	-8.0%	2.4%
Subtotal	\$3,725,371	\$3,817,237	\$4,463,303	\$3,939,396	\$4,467,070	0.1%	13.4%
Capital Outlay	28,570	540	28,100	28,100	0	0.0%	0.0%
TOTAL OPERATIONS	\$3,753,941	\$3,817,777	\$4,491,403	\$3,967,496	\$4,467,070	-0.5%	12.6%
Transfer to General Fund	\$528,073	\$530,988	\$532,050	\$748,531	\$763,502	43.5%	2.0%
Transfer to Capital Maintenance	500,000	500,000	500,000	500,000	500,000	0.0%	0.0%
Transfer to Technology Fund	20,000	20,000	20,000	20,000	20,000	0.0%	0.0%
Transfer to Revenue Debt	2,442,498	2,258,063	2,497,531	2,497,531	4,305,495	72.4%	72.4%
TOTAL TRANSFERS	\$3,490,571	\$3,309,051	\$3,549,581	\$3,766,062	\$5,588,997	57.5%	48.4%
TOTAL APPROPRIATIONS	\$7,244,512	\$7,126,828	\$8,040,984	\$7,733,558	\$10,056,067	25.1%	30.0%
RESERVE REQUIREMENT	0	0	0	1,283,193	0	0.0%	-100.0%
WORKING CAPITAL	\$4,641,134	\$5,237,675	\$3,011,124	\$4,202,884	\$4,090,125	35.8%	-2.7%
Days of Operation					334		

RECREATION REVOLVING

	Actual 2017-18	Actual 2018-19	Budget 2019-20	Re-Est 2019-20	Budget 2020-21	Variance	
						Bud to Bud	Est to Bud
WORKING CAPITAL	\$1,221,118	\$1,174,933	\$761,619	\$898,714	\$563,275	-26.0%	-37.3%
Revenues							
Recreation Fees	\$3,669,943	\$4,027,037	\$4,231,137	\$1,832,214	\$2,115,176	-50.0%	15.4%
Contributions	6,202	8,550	9,000	12,065	4,274	-52.5%	-64.6%
Interest Income	27,417	100,508	40,000	30,000	10,000	-75.0%	-66.7%
Miscellaneous	52,744	63,894	57,184	59,510	58,485	2.3%	-1.7%
TOTAL REVENUES	\$3,756,306	\$4,199,989	\$4,337,321	\$1,933,789	\$2,187,935	-49.6%	13.1%
TOTAL RESOURCES	\$4,977,424	\$5,374,922	\$5,098,940	\$2,832,503	\$2,751,210	-46.0%	-2.9%
APPROPRIATIONS							
Operating Expense							
Salaries & Wages	\$1,340,318	\$1,465,755	\$1,552,195	\$912,380	\$1,081,103	-30.4%	18.5%
Materials & Supplies	207,639	214,661	238,682	122,973	150,570	-36.9%	22.4%
Contractual	1,793,756	2,053,914	2,193,080	1,058,618	1,051,910	-52.0%	-0.6%
Sundry	34,380	31,869	35,020	9,869	22,420	-36.0%	127.2%
Subtotal	\$3,376,093	\$3,766,199	\$4,018,977	\$2,103,840	\$2,306,003	-42.6%	9.6%
Capital Outlay	218,752	500,000	0	15,388	0	0.0%	0.0%
TOTAL OPERATIONS	\$3,594,845	\$4,266,199	\$4,018,977	\$2,119,228	\$2,306,003	-42.6%	8.8%
Transfer to General Fund	\$207,646	\$210,007	\$440,187	\$150,000	\$153,000	-65.2%	2.0%
TOTAL TRANSFERS	\$207,646	\$210,007	\$440,187	\$150,000	\$153,000	-65.2%	2.0%
TOTAL APPROPRIATIONS	\$3,802,491	\$4,476,206	\$4,459,164	\$2,269,228	\$2,459,003	-44.9%	8.4%
WORKING CAPITAL	\$1,174,933	\$898,714	\$639,776	\$563,275	\$292,206	-54.3%	-48.1%
Days of Operation					46		

GOLF COURSE

	Actual 2017-18	Actual 2018-19	Budget 2019-20	Re-Est 2019-20	Budget 2020-21	Variance	
						Bud to Bud	Est to Bud
WORKING CAPITAL	(\$6,657)	(\$38,430)	(\$111,858)	\$161	\$72,861	-165.1%	45155.3%
Revenues							
Golf Fees	\$889,323	\$838,993	\$993,843	\$953,444	\$955,828	-3.8%	0.2%
Concessions	57,301	62,514	62,690	64,589	64,750	3.3%	0.2%
Interest Income	0	0	0	0	0	0.0%	0.0%
Miscellaneous	31,040	18,101	30,000	10,000	10,000	0.0%	0.0%
TOTAL REVENUES	\$977,664	\$919,608	\$1,086,532	\$1,028,033	\$1,030,578	-5.1%	0.2%
TOTAL RESOURCES	\$971,007	\$881,178	\$974,674	\$1,028,194	\$1,103,439	13.2%	7.3%
APPROPRIATIONS							
Operating Expense							
Salaries & Wages	\$635,387	\$558,396	\$615,782	\$611,130	\$643,279	4.5%	5.3%
Supplies	103,476	93,525	115,111	108,075	109,145	-5.2%	1.0%
Contractual Services	218,163	227,955	232,017	229,528	203,592	-12.3%	-11.3%
Sundry Charges	2,003	1,141	2,050	6,600	1,050	-48.8%	-84.1%
Subtotal	\$959,029	\$881,017	\$964,960	\$955,333	\$957,066	-0.8%	0.2%
Capital Outlay	0	0	0	0	0	0.0%	0.0%
TOTAL OPERATIONS	\$959,029	\$881,017	\$964,960	\$955,333	\$957,066	-0.8%	0.2%
Transfer to General Fund	50,409	0	0	0	51,529	100.0%	100.0%
TOTAL TRANSFERS	\$50,409	\$0	\$0	\$0	\$51,529	100.0%	100.0%
TOTAL APPROPRIATIONS	\$1,009,438	\$881,017	\$964,960	\$955,333	\$1,008,595	4.5%	5.6%
WORKING CAPITAL	(\$38,430)	\$161	\$9,715	\$72,861	\$94,845	876.3%	30.2%
Days of Operation					36		

RISK MANAGEMENT FUND

	Actual 2017-18	Actual 2018-19	Budget 2019-20	Re-Est 2019-20	Budget 2020-21	Variance	
						Bud to Bud	Est to Bud
WORKING CAPITAL	\$697,615	\$101,938	\$3,464,772	\$2,444,450	\$2,067,528	-40.3%	-15.4%
Resources							
General Fund Transfer In	\$4,654,304	\$4,771,520	\$4,800,000	\$5,000,000	\$5,000,000	4.2%	0.0%
Water & Sewer Fund Transfer In	797,838	807,476	853,271	872,881	877,722	2.9%	0.6%
Sustain. & Env. Svcs. Fund Transfer In	359,766	402,180	426,717	442,301	477,712	12.0%	8.0%
Health Claims Fund Transfer In	0	2,500,000	0	0	0	0.0%	0.0%
Claims Recovered	1,581,032	1,896,819	250,000	350,000	250,000	0.0%	-28.6%
Interest Earned	44,552	199,364	50,000	150,000	100,000	100.0%	-33.3%
TOTAL REVENUES	\$7,437,492	\$10,577,359	\$6,379,988	\$6,815,182	\$6,705,434	5.1%	-1.6%
TOTAL RESOURCES	\$8,135,107	\$10,679,297	\$9,844,760	\$9,259,632	\$8,772,962	-10.9%	-5.3%
APPROPRIATIONS							
Workers' Compensation	\$3,711,988	\$3,567,314	\$2,602,058	\$3,000,000	\$2,602,058	0.0%	-13.3%
Judgements and Damages	2,285,572	2,483,265	1,500,000	1,500,000	1,500,000	0.0%	0.0%
Risk Management Operations	2,035,609	2,184,268	2,876,229	2,692,104	3,104,397	7.9%	15.3%
TOTAL APPROPRIATIONS	\$8,033,169	\$8,234,847	\$6,978,287	\$7,192,104	\$7,206,455	3.3%	0.2%
UNAPPROPRIATED FUND BALANCE	\$101,938	\$2,444,450	\$2,866,473	\$2,067,528	\$1,566,507	-45.4%	-24.2%

HUD GRANTS

	Actual 2017-18	Actual 2018-19	Budget 2019-20	Re-Est 2019-20	Budget 2020-21	Variance	
						Bud to Bud	Est to Bud
TOTAL HUD REVENUES	\$1,731,558	\$1,852,123	\$1,974,824	\$2,158,478	\$2,362,989	19.7%	9.5%
APPROPRIATIONS							
CDBG:							
Housing Rehabilitation Administrative	\$176,009	\$198,719	\$161,050	\$192,160	\$194,820	21.0%	1.4%
Housing Rehabilitation (CDBG)	447,633	563,744	614,402	619,775	690,726	12.4%	11.4%
CDBG Administrative	237,252	237,252	0	269,945	281,706	100.0%	4.4%
Homelessness Prevention	106,159	122,000	122,000	448,000	122,000	0.0%	-72.8%
Homeownership Program	7,537	19,450	10,000	7,825	8,000	-20.0%	2.2%
Boys and Girls Clubs of Collin County	45,907	52,000	53,455	53,455	56,955	6.5%	6.5%
Plano Community Homes	58,855	0	0	0	0	0.0%	0.0%
Texas Muslim Women's Foundation	50,965	42,000	44,545	44,545	45,825	2.9%	2.9%
Rebuilding Together of Greater Dallas	0	35,000	194,328	19,506	0	-100.0%	-100.0%
Habitat for Humanity of Collin County	0	0	0	0	30,000	100.0%	100.0%
Agape Resource & Assistance Center	0	0	0	0	54,000	100.0%	100.0%
Sub-Total CDBG:	\$1,130,317	\$1,270,165	\$1,199,780	\$1,655,211	\$1,484,032	23.7%	-10.3%
HOME:							
Housing Rehabilitation	\$154,036	\$259,898	\$138,050	\$133,273	\$159,378	15.4%	19.6%
HOME Administrative	38,984	43,866	51,464	51,464	115,116	123.7%	123.7%
HOME Tenant-Based Rental Assistance	0	0	0	0	238,300	100.0%	100.0%
Homeownership Program	115,000	108,194	262,000	135,000	150,000	-42.7%	11.1%
Habitat for Humanity of S. Collin County	22,000	80,000	13,530	93,530	0	-100.0%	-100.0%
Christ United Methodist Church	35,577	0	0	0	0	0.0%	0.0%
Housing Channel	235,644	90,000	310,000	90,000	216,163	-30.3%	140.2%
Sub-Total HOME:	\$601,241	\$581,958	\$775,044	\$503,267	\$878,957	13.4%	74.7%
TOTAL APPROPRIATIONS	\$1,731,558	\$1,852,123	\$1,974,824	\$2,158,478	\$2,362,989	19.7%	9.5%

PTV FUND

	Actual 2017-18	Actual 2018-19	Budget 2019-20	Re-Est 2019-20	Budget 2020-21	Variance	
						Bud to Bud	Est to Bud
WORKING CAPITAL	\$1,738,793	\$1,880,193	\$1,166,861	\$2,163,172	\$1,197,629	2.6%	-44.6%
Revenues							
Plano Television Network Fee	\$734,018	\$700,248	\$668,881	\$633,209	\$601,549	-10.1%	-5.0%
Interest Income	17,512	83,156	25,000	50,000	50,000	100.0%	0.0%
Transfer In Gen Fund - Franch. Fees	250,000	250,000	250,000	0	0	-100.0%	0.0%
Transfer In Technology Fund	250,000	250,000	250,000	250,000	250,000	0.0%	0.0%
Miscellaneous	0	434	500	500	500	0.0%	0.0%
TOTAL REVENUES	\$1,251,530	\$1,283,838	\$1,194,381	\$933,709	\$902,049	-24.5%	-3.4%
TOTAL RESOURCES	\$2,990,323	\$3,164,031	\$2,361,242	\$3,096,881	\$2,099,678	-11.1%	-32.2%
APPROPRIATIONS							
Operating Expense							
Salaries & Wages	\$627,177	\$637,856	\$644,973	\$666,741	\$609,676	-5.5%	-8.6%
Materials & Supplies	70,110	62,616	78,920	78,868	75,165	-4.8%	-4.7%
Contractual	258,082	275,987	473,036	503,643	453,655	-4.1%	-9.9%
Equipment Reserve	0	24,400	650,000	650,000	650,000	0.0%	0.0%
Subtotal	955,369	1,000,859	1,846,929	1,899,252	1,788,496	-3.2%	-5.8%
Capital Outlay	154,761	0	0	0	0	0.0%	0.0%
TOTAL APPROPRIATIONS	1,110,130	1,000,859	1,846,929	1,899,252	1,788,496	-3.2%	-5.8%
WORKING CAPITAL	\$1,880,193	\$2,163,172	\$514,313	\$1,197,629	\$311,182	-39.5%	-74.0%
Days of Operation					64		

CRIMINAL INVESTIGATION

	Actual 2017-18	Actual 2018-19	Budget 2019-20	Re-Est 2019-20	Budget 2020-21	Variance	
						Bud to Bud	Est to Bud
UNAPPROPRIATED FUND							
BALANCE	\$4,296,230	\$4,591,099	\$3,250,703	\$4,517,382	\$2,976,433	-8.4%	-34.1%
Forfeited Property	\$130,111	\$74,984	\$53,000	\$165,000	\$75,000	41.5%	-54.5%
Equitable Sharing	524,030	305,976	125,000	30,000	40,000	-68.0%	33.3%
Auction Proceeds	8,900	10,200	1,000	21,466	1,000	0.0%	-95.3%
Grants and Miscellaneous	37,117	30,626	0	0	0	0.0%	0.0%
TOTAL REVENUES	\$700,158	\$421,786	\$179,000	\$216,466	\$116,000	-35.2%	-46.4%
TOTAL RESOURCES	\$4,996,388	\$5,012,885	\$3,429,703	\$4,733,848	\$3,092,433	-9.8%	-34.7%
APPROPRIATIONS							
Operating Expense							
Materials & Supplies	\$270,539	\$208,543	\$721,030	\$898,415	\$272,500	-62.2%	-69.7%
Contractual - Professional	63,707	120,370	225,000	384,000	335,000	48.9%	-12.8%
Reimbursements to Other Funds	38,561	30,712	0	0	0	0.0%	0.0%
Capital Outlay	32,482	135,878	1,874,100	475,000	1,225,673	-34.6%	158.0%
TOTAL APPROPRIATIONS	\$405,289	\$495,503	\$2,820,130	\$1,757,415	\$1,833,173	-35.0%	4.3%
UNAPPROPRIATED FUND							
BALANCE	\$4,591,099	\$4,517,382	\$609,573	\$2,976,433	\$1,259,260	106.6%	-57.7%

TECHNOLOGY FUND

	Actual 2017-18	Actual 2018-19	Budget 2019-20	Re-Est 2019-20	Budget 2020-21	Variance	
						Bud to Bud	Est to Bud
WORKING CAPITAL	\$20,895,058	\$19,321,948	\$2,018,410	\$15,049,039	\$5,796,006	187.2%	-61.5%
Revenues							
General Fund	\$1,000,000	\$1,000,000	\$2,000,000	\$2,000,000	\$1,000,000	-50.0%	-50.0%
Water & Sewer Fund	300,000	300,000	300,000	300,000	300,000	0.0%	0.0%
Sustainability & Environmental	60,000	60,000	60,000	60,000	60,000	0.0%	0.0%
Municipal Drainage Fund	20,000	20,000	20,000	20,000	20,000	0.0%	0.0%
Convention & Tourism Fund	20,000	20,000	20,000	20,000	20,000	0.0%	0.0%
Technology Services Fund	0	0	0	0	0	0.0%	0.0%
Interest Earnings	198,551	770,874	184,389	200,000	200,000	8.5%	0.0%
Tax Note Sale	0	0	0	0	0	0.0%	0.0%
TOTAL REVENUES	\$1,598,551	\$2,170,874	\$2,584,389	\$2,600,000	\$1,600,000	-38.1%	-38.5%
TOTAL RESOURCES	\$22,493,609	\$21,492,822	\$4,602,799	\$17,649,039	\$7,396,006	60.7%	-58.1%
APPROPRIATIONS							
Operating Expense							
Fund 62 Projects	\$1,168,303	\$281,814	\$2,757,965	\$6,015,921	\$1,015,000	-63.2%	-83.1%
Fund 29 Projects	1,753,358	5,911,969	220,000	4,337,112	4,327,607	1867.1%	-0.2%
TOTAL OPERATIONS	\$2,921,661	\$6,193,783	\$2,977,965	\$10,353,033	\$5,342,607	79.4%	-48.4%
Transfer to PTV	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	0.0%	0.0%
Transfer to General Fund	0	0	0	1,250,000	0	0.0%	-100.0%
TOTAL TRANSFERS	\$250,000	\$250,000	\$250,000	\$1,500,000	\$250,000	0.0%	-83.3%
TOTAL APPROPRIATIONS	\$3,171,661	\$6,443,783	\$3,227,965	\$11,853,033	\$5,592,607	73.3%	-52.8%
WORKING CAPITAL	\$19,321,948	\$15,049,039	\$1,374,834	\$5,796,006	\$1,803,399	31.2%	-68.9%

TS REPLACEMENT FUND

	Actual 2017-18	Actual 2018-19	Budget 2019-20	Re-Est 2019-20	Budget 2020-21	Variance	
						Bud to Bud	Est to Bud
WORKING CAPITAL	\$3,347,111	\$4,755,642	\$2,253,714	\$5,980,863	\$2,253,714	0.0%	-62.3%
Revenues							
General Fund	\$977,596	\$976,871	\$973,978	\$820,274	\$820,274	-15.8%	0.0%
PTV Fund	5,125	5,125	5,125	3,763	3,763	-26.6%	0.0%
Municipal Court Technology	733	733	733	0	0	-100.0%	0.0%
Water & Sewer Fund	46,192	46,192	46,192	37,733	37,733	-18.3%	0.0%
Sustainability & Environ. Svcs.	17,308	17,308	17,308	17,333	17,333	0.1%	0.0%
Convention & Tourism	25,942	25,942	25,942	13,462	13,462	-48.1%	0.0%
Municipal Drainage	3,658	3,658	3,658	4,872	4,872	33.2%	0.0%
Golf Course	1,467	1,467	1,467	2,878	2,878	96.2%	0.0%
Recreation Revolving	733	733	733	2,461	2,461	235.7%	0.0%
Equipment Maintenance	8,775	8,775	8,775	5,627	5,627	-35.9%	0.0%
Municipal Warehouse	1,467	1,467	1,467	4,019	4,019	174.0%	0.0%
Risk Management	8,525	8,525	8,525	4,567	4,567	-46.4%	0.0%
Technology Services	94,967	94,967	94,967	176,684	176,684	86.0%	0.0%
Traffic Safety Fund	1,242	1,242	1,242	0	0	-100.0%	0.0%
Interest	41,671	228,992	90,322	125,000	125,000	38.4%	0.0%
Transfer from General Fund	500,000	500,000	1,000,000	1,000,000	500,000	-50.0%	-50.0%
TOTAL REVENUES	\$1,735,401	\$1,921,997	\$2,280,434	\$2,218,673	\$1,718,673	-24.6%	-22.5%
TOTAL RESOURCES	\$5,082,512	\$6,677,639	\$4,534,148	\$8,199,536	\$3,972,387	-12.4%	-51.6%
APPROPRIATIONS							
Operating Expense							
Printer & Plotter Replacement	\$7,145	\$35,301	\$75,000	\$104,639	\$75,000	0.0%	-28.3%
PC, Laptop & Tablet Replacement	155,610	355,981	1,400,000	1,429,353	1,127,694	-19.5%	-21.1%
Servers, Switches, Routers & SAN	108,797	159,527	1,400,000	1,039,927	540,000	-61.4%	-48.1%
Camera Replacement	2,629	10,109	500,000	1,406,307	500,000	0.0%	-64.4%
RFID Replacement	0	0	143,000	572,000	143,000	0.0%	-75.0%
Audio Visual Replacements	52,689	135,858	250,000	413,409	305,000	22.0%	-26.2%
TOTAL OPERATIONS	\$326,870	\$696,776	\$3,768,000	\$4,965,635	\$2,690,694	-28.6%	-45.8%
TOTAL APPROPRIATIONS	\$326,870	\$696,776	\$3,768,000	\$4,965,635	\$2,690,694	-28.6%	-45.8%
WORKING CAPITAL	\$4,755,642	\$5,980,863	\$766,148	\$3,233,901	\$1,281,693	67.3%	-60.4%

GENERAL OBLIGATION DEBT SERVICE

	Actual 2017-18	Actual 2018-19	Budget 2019-20	Re-Est 2019-20	Budget 2020-21	Variance	
						Bud to Bud	Est to Bud
UNAPPROPRIATED FUND BALANCE	\$4,440,933	\$6,571,577	\$5,261,612	\$5,548,057	\$7,132,635	35.6%	28.6%
Revenues							
Ad Valorem Tax							
Current	\$44,853,154	\$45,686,746	\$47,723,081	\$47,864,027	\$48,954,129	2.6%	2.3%
Delinquent	80,575	(47,459)	500,331	(117,980)	515,209	3.0%	-536.7%
Penalty & Interest	137,746	121,030	200,133	132,666	206,083	3.0%	55.3%
Fund Interest Income	322,477	1,279,957	868,361	500,000	500,000	-42.4%	0.0%
Police Academy Reimbursement	151,994	148,562	134,572	9,261	114,874	-14.6%	1140.4%
TOTAL REVENUES	\$45,545,947	\$47,188,836	\$49,426,477	\$48,387,974	\$50,290,295	1.7%	3.9%
TOTAL RESOURCES	\$49,986,880	\$53,760,413	\$54,688,089	\$53,936,031	\$57,422,931	5.0%	6.5%
APPROPRIATIONS							
Bond and Certificates							
Principal	\$25,250,000	\$26,550,000	\$26,020,000	\$26,020,000	\$28,330,000	8.9%	8.9%
Interest	13,787,755	17,279,231	16,845,771	16,845,771	18,720,441	11.1%	11.1%
Transfer to CO's Radio Sys Repl	801,700	802,725	357,875	357,875	0	-100.0%	-100.0%
Transfer to Tax Notes Radio Repl, PLL, Phone Sys	998,800	995,700	997,300	997,300	999,100	0.2%	0.2%
Transfer to Tax Notes NextGen	2,567,950	2,571,700	2,570,450	2,570,450	2,569,200	0.0%	0.0%
Exchanges Fees & Bond Sale Expense	9,098	13,000	12,000	12,000	12,750	6.3%	6.3%
Subtotal	\$43,415,303	\$48,212,356	\$46,803,396	\$46,803,396	\$50,631,491	8.2%	8.2%
New Debt Projection	0	0	1,839,713	0	1,603,410	-12.8%	100.0%
TOTAL APPROPRIATIONS	\$43,415,303	\$48,212,356	\$48,643,108	\$46,803,396	\$52,234,901	7.4%	11.6%
UNAPPROPRIATED FUND BALANCE	\$6,571,577	\$5,548,057	\$6,044,980	\$7,132,635	\$5,188,030	-14.2%	-27.3%

WATER & SEWER DEBT SERVICE

	Actual 2017-18	Actual 2018-19	Budget 2019-20	Re-Est 2019-20	Budget 2020-21	Variance	
						Bud to Bud	Est to Bud
WORKING CAPITAL	\$805,916	\$822,101	\$832,101	\$854,652	\$872,952	4.9%	2.1%
Revenues							
Transfer In (W & S Fund)	1,835,400	3,272,570	3,267,700	3,267,700	3,738,000	14.4%	14.4%
Fund Interest Income	7,226	36,051	10,000	18,300	10,000	0.0%	-45.4%
TOTAL	\$1,842,626	\$3,308,621	\$3,277,700	\$3,286,000	\$3,748,000	14.3%	14.1%
TOTAL RESOURCES	\$2,648,542	\$4,130,722	\$4,109,801	\$4,140,652	\$4,620,952	12.4%	11.6%
APPROPRIATIONS							
Principal	\$855,000	\$1,825,000	\$1,855,000	\$1,855,000	\$1,935,000	4.3%	4.3%
Interest	980,400	1,446,070	1,411,200	1,411,200	1,803,000	27.8%	27.8%
Fees	(8,958)	5,000	1,500	1,500	1,500	0.0%	0.0%
Subtotal	\$1,826,442	\$3,276,070	\$3,267,700	\$3,267,700	\$3,739,500	14.4%	14.4%
New Debt Projection	0	0	0	0	0	0.0%	0.0%
TOTAL APPROPRIATIONS	\$1,826,442	\$3,276,070	\$3,267,700	\$3,267,700	\$3,739,500	14.4%	14.4%
WORKING CAPITAL	\$822,101	\$854,652	\$842,101	\$872,952	\$881,452	4.7%	1.0%

CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020
DEPARTMENT: Budget
DIRECTOR: Karen Rhodes-Whitley, Director of Budget and Research
AGENDA ITEM: 2020-21 CIP Appropriation Ordinance
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Consideration of an Ordinance to approve and adopt the Community Investment Program and setting the appropriations for the fiscal year beginning October 1, 2020, and ending September 30, 2021; and providing an effective date. (Public Hearings held on August 10, 2020 and August 15, 2020.)

BACKGROUND

This Ordinance approves and adopts the capital improvement projects in the Community Investment Program (CIP) to be completed or undertaken in 2020-21, and sets the level of appropriations for the various funds, as reviewed by City Council.

FINANCIAL SUMMARY/STRATEGIC GOALS

This item has no financial impact as it solely sets Community Investment Program appropriations for the 2020-21 fiscal year.

Adoption of this Ordinance relates to the City' Strategic Plan Critical Success Factor of Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
2020-21 City Council Memo	9/3/2020	Memo
2020-21 CIP Appropriation Ordinance	9/1/2020	Ordinance
2020-21 CIP Combined Expenditure Summary	8/28/2020	Attachment

Date: September 3, 2020

To: Mark D. Israelson, City Manager

From: Karen Rhodes-Whitley, Director of Budget & Research

Subject: FY 2020-21 Tax Rate, Budget & CIP Adoption

On the evening of Monday, September 14, 2020, the City Council will have five (5) agenda items regarding the adoption of the FY 2020-21 Property Tax Rate, Operating Budget and Community Investment Program. Listed below is a brief description regarding each agenda item.

1. Public Hearing on Property Tax Rate – Chapter 26 of the Property Tax Code requires a municipality to hold an in person public hearing on the proposed property tax rate if the proposed property tax rate exceeds the lower of the voter approval tax rate or no new revenue tax rate. This year's no new revenue tax rate is \$0.4454 cents per \$100 of assessed property value. Our proposed tax rate is \$0.4482 cents per \$100 of assessed property value which is 2.97% over the no new revenue tax rate. Therefore, a public hearing is required and was posted in the newspaper along with the City's website and PTV network.
2. Ordinance to approve and adopt the Operating Budget and set appropriations for FY 2020-21 – The FY 2020-21 Operating Budget totals \$605.1 million. Updated fund summaries are provided in your packet. Public Hearings were held on August 10, 2020 and August 15, 2020. The FY 2020-21 Operating Budget effective date is October 1, 2020 and terminating September 30, 2021.
3. Ordinance to approve and adopt the Community Investment Program and set appropriations for FY 2020-21 – The FY 2020-21 Community Investment Program totals \$298.6 million. An updated combined fund summary is provided in your packet. Public Hearings were held on August 10, 2020 and August 15, 2020. The FY 2020-21 Community Investment Program effective date is October 1, 2020 and terminating September 30, 2021.
4. Ordinance to approve and adopt the Property Tax Rate for FY 2020-21 – The proposed tax rate is \$0.4482 cents per \$100 of assessed property valuation, which is the same tax rate as FY 2019-20. The O&M portion of the tax rate will remain at \$0.3372 cents with debt remaining at \$0.1110 cents per \$100 of assessed property valuation. Public Hearing on the proposed tax rate will be held prior to the adoption of this ordinance.

Chapter 26 of the Property Tax Code requires on the cover page of the agenda item the acknowledgment of the difference between the Maintenance & Operation (M&O) no new revenue rate and the M&O proposed tax rate on a \$100,000 house. The agenda item includes this statement in adherence to the tax code. *The tax rate will effectively be raised by 0.63% and will raise taxes for maintenance and operations on a \$100,000 house by approximately \$2.80.* However, this statement is only alerting the taxpayers of the difference between the no new revenue rate and the proposed tax rate. In fact, the average home value is projected to decrease from \$379,629 down to \$375,000 for a decrease of \$16 annually at the proposed rate of \$0.4482 cents.

5. Ordinance to ratify the Property Tax Revenue – Chapter 26 of the Property Tax Code requires that if a municipality raises even \$1 more in revenue than the prior year, an ordinance must be passed recognizing the property tax revenue increase in the budget. This is called the Ratification Ordinance. The FY 2020-21 Budget will raise more total property taxes than last year's budget by \$6,007,235 or 2.97% and of that amount \$3,717,634 is tax revenue to be raised from new property added to the tax roll this year.

An Ordinance of the City of Plano, Texas, approving and adopting the Community Investment Program and setting the appropriations for the fiscal year beginning October 1, 2020, and ending September 30, 2021; and providing an effective date.

WHEREAS, following public notice duly posted and published as required by law, public hearings were held on August 10, 2020, and August 15, 2020 by and before the City Council of the City of Plano, the subject of which was the proposed Operating Budget and Community Investment Program of the City of Plano for Fiscal Year 2020-21; and

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

WHEREAS, the City Council, upon full consideration of the matter, is of the opinion that the appropriations for the 2020-21 Community Investment Program hereinafter set forth is proper and should be approved and adopted.

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

Section I. Appropriations for the Community Investment Program for the year beginning October 1, 2020 and ending September 30, 2021, as filed and submitted by the City Manager, containing estimates for the various projects to be expended, is hereby approved and adopted as follows:

A.	Recreation Center Facilities Fund	5,942,386
B.	Library Facilities Fund	8,700,000
C.	Fire & Public Safety Facilities Fund	13,000,000
D.	Municipal Facilities Fund	6,700,000
E.	Service Center Facilities Fund	2,000,000
F.	Park Improvements Fund	29,016,315
G.	Street Improvements Fund	87,639,896
H.	Public Infrastructure Improvements Fund	1,570,000
I.	Technology Improvements Fund	4,327,607
J.	Municipal Drainage CIP Fund	47,829,400
K.	Park Fee Program	339,205
L.	Capital Maintenance Fund	47,499,614
M.	Water Projects Fund	28,074,355
N.	Sewer Projects Fund	15,988,446

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

DULY PASSED AND APPROVED this the 14th day of September, 2020.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

COMBINED EXPENDITURE SUMMARY

(Includes All Resources)

Re-Estimate								
Project Expenditures	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	Future	Total
Fire & Public Safety Facilities	1,227,031	13,000,000	0	0	0	0	0	14,227,031
Library Facilities	1,393,321	8,700,000	470,000	4,705,000	0	0	0	15,268,321
Police & Court Facilities	7,839,670	0	0	0	0	0	0	7,839,670
Existing Municipal Facilities	825,000	6,700,000	2,675,000	10,925,000	1,550,000	0	0	22,675,000
Joint Use Facility	7,683	0	0	0	0	0	0	7,683
Service Center Facilities	57,000	2,000,000	2,000,000	2,000,000	2,000,000	0	0	8,057,000
Park Improvements	34,921,156	29,016,315	35,005,000	26,655,000	24,900,000	32,080,000	5,525,000	188,102,471
Recreation Center	8,223,431	5,942,386	5,600,443	18,325,000	0	0	41,800,000	79,891,260
Public Infrastructure Improvements	10,074,644	1,570,000	0	0	0	0	0	11,644,644
Street Improvements	60,059,296	87,639,896	102,793,093	57,003,000	58,634,000	34,500,000	59,580,000	460,209,285
Street Enhancements	<u>100,000</u>	<u>0</u>	<u>1,250,000</u>	<u>750,000</u>	<u>750,000</u>	<u>750,000</u>	<u>750,000</u>	<u>4,350,000</u>
Total General Obligation	124,728,232	154,568,597	149,793,536	120,363,000	87,834,000	67,330,000	107,655,000	812,272,365
Public Art	110,135	0	0	0	0	0	0	110,135
Technology Improvements	<u>4,337,112</u>	<u>4,327,607</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>8,664,719</u>
Total Short Term Debt	4,447,247	4,327,607	0	0	0	0	0	8,774,854
Municipal Drainage	<u>6,765,359</u>	<u>47,829,400</u>	<u>4,660,000</u>	<u>3,075,000</u>	<u>2,875,000</u>	<u>1,175,000</u>	<u>10,245,000</u>	<u>76,624,759</u>
Total Revenue Bond	6,765,359	47,829,400	4,660,000	3,075,000	2,875,000	1,175,000	10,245,000	76,624,759
Park Fee Program	588,633	339,205	2,518,266	3,826,308	928,424	0	0	8,200,836
Neighborhood Services Facilities	1,566,000	0	0	0	0	0	0	1,566,000
Capital Maintenance Fund:								
Streets & Drainage Projects	38,562,153	30,000,000	28,031,421	16,817,234	5,336,223	5,336,223	4,520,000	128,603,254
Parks & Recreation Projects	8,159,184	7,164,911	5,994,359	4,875,359	4,931,359	4,361,759	4,050,359	39,537,290
Municipal Facilities Projects	11,366,517	9,648,703	6,103,030	6,417,000	6,217,400	6,031,500	79,162	45,863,312
Utility & Other Projects	<u>357,562</u>	<u>686,000</u>	<u>1,866,000</u>	<u>500,000</u>	<u>500,000</u>	<u>500,000</u>	<u>501,000</u>	<u>4,910,562</u>
Capital Maintenance Fund Total	58,445,416	47,499,614	41,994,810	28,609,593	16,984,982	16,229,482	9,150,521	218,914,418
Total Other Funds	60,600,049	47,838,819	44,513,076	32,435,901	17,913,406	16,229,482	9,150,521	228,681,254
Water	23,860,491	28,074,355	26,685,400	16,880,000	9,720,000	17,300,000	9,560,000	132,080,246
Sewer	<u>8,254,170</u>	<u>15,988,446</u>	<u>8,400,000</u>	<u>13,750,000</u>	<u>9,750,000</u>	<u>7,000,000</u>	<u>8,400,000</u>	<u>71,542,616</u>
Total Water & Sewer	32,114,661	44,062,801	35,085,400	30,630,000	19,470,000	24,300,000	17,960,000	203,622,862
TOTAL	228,655,548	298,627,224	234,052,012	186,503,901	128,092,406	109,034,482	145,010,521	1,329,976,094

CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020
DEPARTMENT: Budget
DIRECTOR: Karen Rhodes-Whitley, Director of Budget and Research
AGENDA ITEM: Public Hearing on Property Tax Rate
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Public Hearing on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 2.97 percent (percentage by which proposed tax rate exceeds lower of voter approval tax rate or no new revenue tax rate calculated under Chapter 26, Tax Code).

BACKGROUND

The City of Plano tax rate is proposed to remain at \$0.4482 per \$100 of taxable value. The City Council is scheduled to adopt the tax rate on Monday, September 14, 2020.

FINANCIAL SUMMARY/STRATEGIC GOALS

Public hearing on the proposed tax revenue increase.

A Public Hearing on the proposed tax revenue increase relates to the City's Strategic Plan Critical Success Factor of Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
2020-21 City Council Memo	9/3/2020	Memo

Date: September 3, 2020

To: Mark D. Israelson, City Manager

From: Karen Rhodes-Whitley, Director of Budget & Research

Subject: FY 2020-21 Tax Rate, Budget & CIP Adoption

On the evening of Monday, September 14, 2020, the City Council will have five (5) agenda items regarding the adoption of the FY 2020-21 Property Tax Rate, Operating Budget and Community Investment Program. Listed below is a brief description regarding each agenda item.

1. Public Hearing on Property Tax Rate – Chapter 26 of the Property Tax Code requires a municipality to hold an in person public hearing on the proposed property tax rate if the proposed property tax rate exceeds the lower of the voter approval tax rate or no new revenue tax rate. This year's no new revenue tax rate is \$0.4454 cents per \$100 of assessed property value. Our proposed tax rate is \$0.4482 cents per \$100 of assessed property value which is 2.97% over the no new revenue tax rate. Therefore, a public hearing is required and was posted in the newspaper along with the City's website and PTV network.
2. Ordinance to approve and adopt the Operating Budget and set appropriations for FY 2020-21 – The FY 2020-21 Operating Budget totals \$605.1 million. Updated fund summaries are provided in your packet. Public Hearings were held on August 10, 2020 and August 15, 2020. The FY 2020-21 Operating Budget effective date is October 1, 2020 and terminating September 30, 2021.
3. Ordinance to approve and adopt the Community Investment Program and set appropriations for FY 2020-21 – The FY 2020-21 Community Investment Program totals \$298.6 million. An updated combined fund summary is provided in your packet. Public Hearings were held on August 10, 2020 and August 15, 2020. The FY 2020-21 Community Investment Program effective date is October 1, 2020 and terminating September 30, 2021.
4. Ordinance to approve and adopt the Property Tax Rate for FY 2020-21 – The proposed tax rate is \$0.4482 cents per \$100 of assessed property valuation, which is the same tax rate as FY 2019-20. The O&M portion of the tax rate will remain at \$0.3372 cents with debt remaining at \$0.1110 cents per \$100 of assessed property valuation. Public Hearing on the proposed tax rate will be held prior to the adoption of this ordinance.

Chapter 26 of the Property Tax Code requires on the cover page of the agenda item the acknowledgment of the difference between the Maintenance & Operation (M&O) no new revenue rate and the M&O proposed tax rate on a \$100,000 house. The agenda item includes this statement in adherence to the tax code. *The tax rate will effectively be raised by 0.63% and will raise taxes for maintenance and operations on a \$100,000 house by approximately \$2.80.* However, this statement is only alerting the taxpayers of the difference between the no new revenue rate and the proposed tax rate. In fact, the average home value is projected to decrease from \$379,629 down to \$375,000 for a decrease of \$16 annually at the proposed rate of \$0.4482 cents.

5. Ordinance to ratify the Property Tax Revenue – Chapter 26 of the Property Tax Code requires that if a municipality raises even \$1 more in revenue than the prior year, an ordinance must be passed recognizing the property tax revenue increase in the budget. This is called the Ratification Ordinance. The FY 2020-21 Budget will raise more total property taxes than last year's budget by \$6,007,235 or 2.97% and of that amount \$3,717,634 is tax revenue to be raised from new property added to the tax roll this year.

CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020
DEPARTMENT: Budget
DIRECTOR: Karen Rhodes-Whitley, Director of Budget and Research
AGENDA ITEM: 2020-21 Property Tax Rate Adoption Ordinance
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Consideration of an Ordinance to approve and adopt the Tax Rate for the fiscal year beginning October 1, 2020, and terminating September 30, 2021; and providing an effective date. (Public Hearing is being held on September 14, 2020 prior to the adoption of this Ordinance.)

BACKGROUND

This Ordinance sets the ad valorem tax rate for 2020-21 at \$0.4482 cents per \$100 assessed valuation, to be distributed as follows:

\$0.3372 for Operation & Maintenance

\$0.1110 for General Obligation Debt

\$0.4482 Total Tax Rate

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 0.63% AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$2.80.

FINANCIAL SUMMARY/STRATEGIC GOALS

This item has no financial impact.

Adoption of this Ordinance relates to the City's Strategic Plan Critical Success Factor of Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
2020-21 City Council Memo	9/3/2020	Memo
2020-21 Property Tax Rate Adoption Ordinance	8/31/2020	Ordinance

Date: September 3, 2020

To: Mark D. Israelson, City Manager

From: Karen Rhodes-Whitley, Director of Budget & Research

Subject: FY 2020-21 Tax Rate, Budget & CIP Adoption

On the evening of Monday, September 14, 2020, the City Council will have five (5) agenda items regarding the adoption of the FY 2020-21 Property Tax Rate, Operating Budget and Community Investment Program. Listed below is a brief description regarding each agenda item.

1. Public Hearing on Property Tax Rate – Chapter 26 of the Property Tax Code requires a municipality to hold an in person public hearing on the proposed property tax rate if the proposed property tax rate exceeds the lower of the voter approval tax rate or no new revenue tax rate. This year's no new revenue tax rate is \$0.4454 cents per \$100 of assessed property value. Our proposed tax rate is \$0.4482 cents per \$100 of assessed property value which is 2.97% over the no new revenue tax rate. Therefore, a public hearing is required and was posted in the newspaper along with the City's website and PTV network.
2. Ordinance to approve and adopt the Operating Budget and set appropriations for FY 2020-21 – The FY 2020-21 Operating Budget totals \$605.1 million. Updated fund summaries are provided in your packet. Public Hearings were held on August 10, 2020 and August 15, 2020. The FY 2020-21 Operating Budget effective date is October 1, 2020 and terminating September 30, 2021.
3. Ordinance to approve and adopt the Community Investment Program and set appropriations for FY 2020-21 – The FY 2020-21 Community Investment Program totals \$298.6 million. An updated combined fund summary is provided in your packet. Public Hearings were held on August 10, 2020 and August 15, 2020. The FY 2020-21 Community Investment Program effective date is October 1, 2020 and terminating September 30, 2021.
4. Ordinance to approve and adopt the Property Tax Rate for FY 2020-21 – The proposed tax rate is \$0.4482 cents per \$100 of assessed property valuation, which is the same tax rate as FY 2019-20. The O&M portion of the tax rate will remain at \$0.3372 cents with debt remaining at \$0.1110 cents per \$100 of assessed property valuation. Public Hearing on the proposed tax rate will be held prior to the adoption of this ordinance.

Chapter 26 of the Property Tax Code requires on the cover page of the agenda item the acknowledgment of the difference between the Maintenance & Operation (M&O) no new revenue rate and the M&O proposed tax rate on a \$100,000 house. The agenda item includes this statement in adherence to the tax code. *The tax rate will effectively be raised by 0.63% and will raise taxes for maintenance and operations on a \$100,000 house by approximately \$2.80.* However, this statement is only alerting the taxpayers of the difference between the no new revenue rate and the proposed tax rate. In fact, the average home value is projected to decrease from \$379,629 down to \$375,000 for a decrease of \$16 annually at the proposed rate of \$0.4482 cents.

5. Ordinance to ratify the Property Tax Revenue – Chapter 26 of the Property Tax Code requires that if a municipality raises even \$1 more in revenue than the prior year, an ordinance must be passed recognizing the property tax revenue increase in the budget. This is called the Ratification Ordinance. The FY 2020-21 Budget will raise more total property taxes than last year's budget by \$6,007,235 or 2.97% and of that amount \$3,717,634 is tax revenue to be raised from new property added to the tax roll this year.

An Ordinance of the City of Plano, Texas, approving and adopting the Tax Rate for the fiscal year beginning October 1, 2020 and terminating September 30, 2021 and providing an effective date.

WHEREAS, the City Council of the City of Plano has been presented with a proposed Ad Valorem Tax Rate for Fiscal Year 2020-21, and such Tax Rate would impose an amount of taxes that would exceed the levy for Fiscal Year 2019-20; and

WHEREAS, Section 26.05 of the Texas Tax Code, as amended, provides that the City may not adopt a Tax Rate for Fiscal Year 2020-21 that exceeds the lower of the Voter Approval Tax Rate or the No New Revenue Tax Rate calculated without notice of and holding a public hearing on the proposed tax rate; and

WHEREAS, the proposed Tax Rate does exceed the No New Revenue Tax Rate by 0.0028 cents or 0.63%; and

WHEREAS, upon full review of and consideration of the matter, the City Council is of the opinion that the proposed Tax Rate for Fiscal Year 2020-21 should be approved and adopted for Fiscal Year 2020-21.

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

Section I. There is hereby levied and shall be assessed for the Fiscal Year 2020-21 of the City of Plano an Ad Valorem Tax Rate on each ONE HUNDRED DOLLARS (\$100.00) valuation of property within the limits of the City of Plano and subject to taxation as follows:

\$0.3372	for purposes of General Fund maintenance and operation.
\$0.1110	for payment of principal and interest on all General Obligation Bond funded debt of this City.

<hr/> \$0.4482	Total Tax Rate
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Section II. The Tax Assessor of the City of Plano is hereby directed to assess for the 2020-21 Fiscal Year the rates and amounts herein levied and, when such taxes are collected, to distribute the collections in accordance with this Ordinance.

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

DULY PASSED AND APPROVED, this the 14th day of September 2020.

Harry LaRosiliere, **MAYOR**

ATTEST:

Lisa C. Henderson, **CITY SECRETARY**

APPROVED AS TO FORM:

Paige Mims, **CITY ATTORNEY**

CITY COUNCIL AGENDA MEMO

MEETING DATE: 9/14/2020
DEPARTMENT: Budget
DIRECTOR: Karen Rhodes-Whitley, Director of Budget and Research
AGENDA ITEM: FY 2020-21 Property Tax Revenue Ratification Ordinance
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Consideration of an Ordinance to ratify the property tax revenue in the 2020-21 Budget as a result of the City receiving more revenues from property taxes in the 2020-21 Budget than in the previous fiscal year; and providing an effective date. (Public Hearing is being held on September 14, 2020 prior to the adoption of this Ordinance.)

BACKGROUND

As required by Local Government Code 102.007, adoption of a Budget that raises more property tax revenue than was generated the previous year requires three votes by the City Council (a) one vote to adopt the Budget, and (b) one vote to adopt the tax rate, and (c) a separate vote to "ratify" the property tax revenue increase reflected in the Budget.

This Ordinance ratifies the property tax revenue increase as reflected in the 2020-21 Budget by adding the following statement:

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$6,007,235 OR 2.97% AND OF THAT AMOUNT \$3,717,634 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

FINANCIAL SUMMARY/STRATEGIC GOALS

This item has no financial impact.

Adoption of this Ordinance relates to the City's Strategic Plan Critical Success Factor of Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
2020-21 City Council Memo	9/3/2020	Memo
2020-21 Property Tax Revenue Ratification Ordinance	8/28/2020	Ordinance

Date: September 3, 2020

To: Mark D. Israelson, City Manager

From: Karen Rhodes-Whitley, Director of Budget & Research

Subject: FY 2020-21 Tax Rate, Budget & CIP Adoption

On the evening of Monday, September 14, 2020, the City Council will have five (5) agenda items regarding the adoption of the FY 2020-21 Property Tax Rate, Operating Budget and Community Investment Program. Listed below is a brief description regarding each agenda item.

1. Public Hearing on Property Tax Rate – Chapter 26 of the Property Tax Code requires a municipality to hold an in person public hearing on the proposed property tax rate if the proposed property tax rate exceeds the lower of the voter approval tax rate or no new revenue tax rate. This year's no new revenue tax rate is \$0.4454 cents per \$100 of assessed property value. Our proposed tax rate is \$0.4482 cents per \$100 of assessed property value which is 2.97% over the no new revenue tax rate. Therefore, a public hearing is required and was posted in the newspaper along with the City's website and PTV network.
2. Ordinance to approve and adopt the Operating Budget and set appropriations for FY 2020-21 – The FY 2020-21 Operating Budget totals \$605.1 million. Updated fund summaries are provided in your packet. Public Hearings were held on August 10, 2020 and August 15, 2020. The FY 2020-21 Operating Budget effective date is October 1, 2020 and terminating September 30, 2021.
3. Ordinance to approve and adopt the Community Investment Program and set appropriations for FY 2020-21 – The FY 2020-21 Community Investment Program totals \$298.6 million. An updated combined fund summary is provided in your packet. Public Hearings were held on August 10, 2020 and August 15, 2020. The FY 2020-21 Community Investment Program effective date is October 1, 2020 and terminating September 30, 2021.
4. Ordinance to approve and adopt the Property Tax Rate for FY 2020-21 – The proposed tax rate is \$0.4482 cents per \$100 of assessed property valuation, which is the same tax rate as FY 2019-20. The O&M portion of the tax rate will remain at \$0.3372 cents with debt remaining at \$0.1110 cents per \$100 of assessed property valuation. Public Hearing on the proposed tax rate will be held prior to the adoption of this ordinance.

Chapter 26 of the Property Tax Code requires on the cover page of the agenda item the acknowledgment of the difference between the Maintenance & Operation (M&O) no new revenue rate and the M&O proposed tax rate on a \$100,000 house. The agenda item includes this statement in adherence to the tax code. *The tax rate will effectively be raised by 0.63% and will raise taxes for maintenance and operations on a \$100,000 house by approximately \$2.80.* However, this statement is only alerting the taxpayers of the difference between the no new revenue rate and the proposed tax rate. In fact, the average home value is projected to decrease from \$379,629 down to \$375,000 for a decrease of \$16 annually at the proposed rate of \$0.4482 cents.

5. Ordinance to ratify the Property Tax Revenue – Chapter 26 of the Property Tax Code requires that if a municipality raises even \$1 more in revenue than the prior year, an ordinance must be passed recognizing the property tax revenue increase in the budget. This is called the Ratification Ordinance. The FY 2020-21 Budget will raise more total property taxes than last year's budget by \$6,007,235 or 2.97% and of that amount \$3,717,634 is tax revenue to be raised from new property added to the tax roll this year.

An Ordinance of the City of Plano, Texas ratifying the property tax revenue in the 2020-21 Budget as a result of the City receiving more revenues from property taxes in the 2020-21 Budget than in the previous fiscal year; and providing an effective date.

WHEREAS, Local Government Code 102.007 relating to Adoption of the Budget, requires the City to ratify by a separate vote and providing the necessary disclosure language in the ratification, when there is an increase to the property tax revenues in the proposed budget as compared to the previous year; and

WHEREAS, The City's 2020-21 Budget has an increase in property tax revenues as compared to the previous year; and

WHEREAS, as a result of the approval of the 2020-21 Budget, the City Council finds that it must ratify the increased revenue from property taxes.

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

Section I. The increased revenue from property taxes in the 2020-21 City Budget is hereby ratified, with the following declaration:

"THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$6,007,235 OR 2.97%, AND OF THAT AMOUNT \$3,717,634 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR."

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

DULY PASSED AND APPROVED, this the 14th day of September, 2020.

Harry LaRosiliere, **MAYOR**

ATTEST:

Lisa C. Henderson, **CITY SECRETARY**

APPROVED AS TO FORM:

Paige Mims, **CITY ATTORNEY**