

**AGENDA  
CITY OF ALLEN  
CITY COUNCIL WORKSHOP MEETING  
MARCH 24, 2009 – 6:00 P.M.  
COUNCIL CONFERENCE ROOM  
ALLEN CITY HALL  
305 CENTURY PARKWAY**

**Call to Order and Announce a Quorum is Present.**

**Questions on Current Agenda.**

**Items of Interest.**

1. Presentation Regarding Proposed Stacy Road Median Artwork —  
John Baumgartner, Director of Engineering  
Rich Morgan, Artist
2. Committee Updates from City Council Liaisons —

**Adjourn to Regular Meeting.**

*- open to the public -*

This notice was posted at Allen City Hall, 305 Century Parkway, Allen, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Friday, March 20, 2009, at 5:00 p.m.

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Shelley B. George, City Secretary

Allen City Hall is wheelchair accessible. Access to the building and special parking are available at the entrance facing Century Parkway. 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 214.509.4105.

<b>CITY COUNCIL AGENDA COMMUNICATION</b>
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**AGENDA DATE:** March 24, 2009

**SUBJECT:** Presentation Regarding Proposed Stacy Road Median Artwork

**STAFF RESOURCE:** John Baumgartner, Director of Engineering

**PREVIOUS COUNCIL ACTION:** None

**ACTION PROPOSED:** Information Item

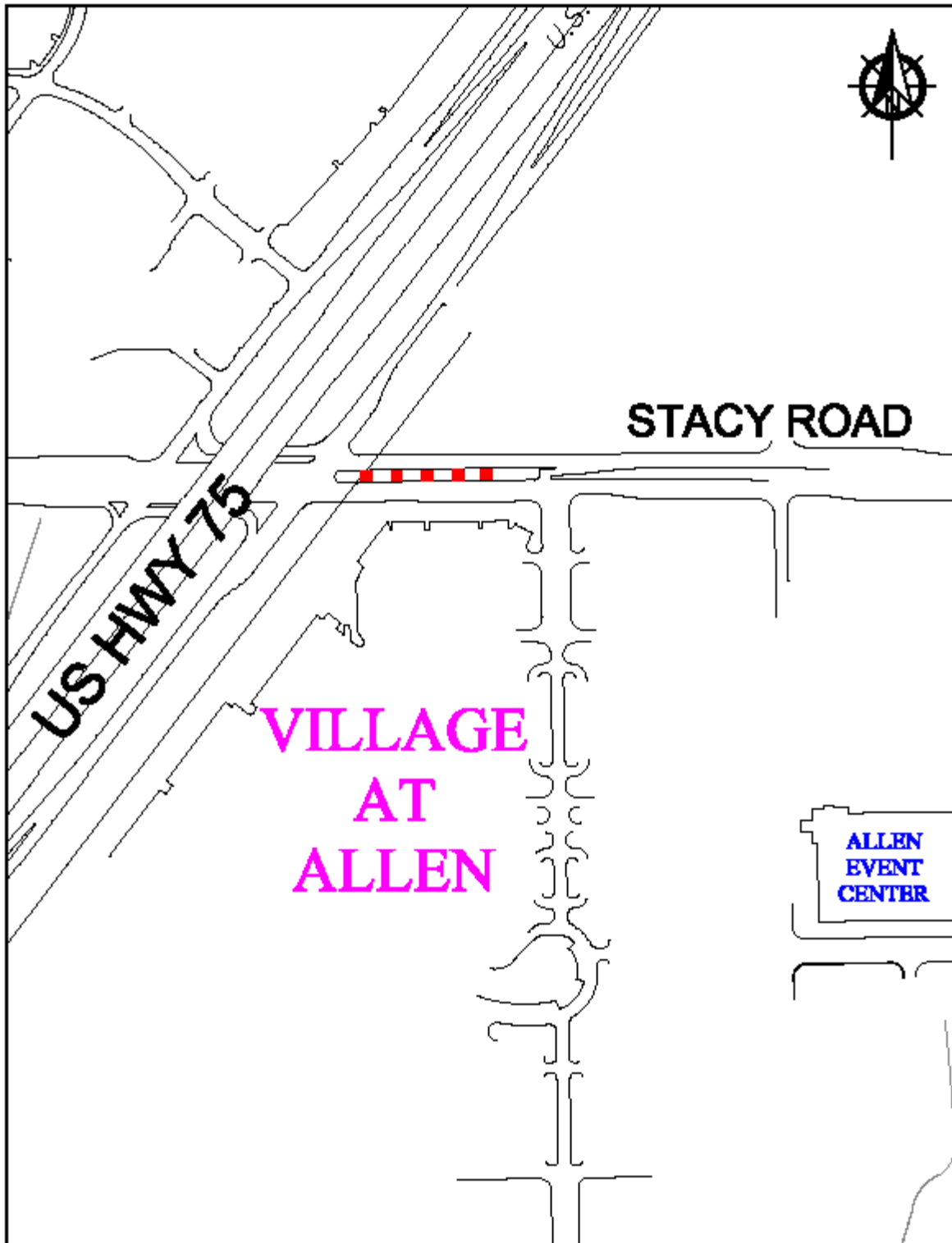
**BACKGROUND**

The Village at Allen has submitted a proposal to locate artwork in the median between US 75 and the first median opening east of US 75. There are five proposed metal panels approximately 10 feet wide and 20 feet high. The creator is Mr. Rich Morgan. Mr. Michael Stautz of The MGHerring Group along with the artist, Mr. Morgan, will be making the presentation to the City Council. Additional attendees from The MGHerring Group are Gar Herring, Matthew Gallo and David Stautz.

**ATTACHMENT**

Location Map

**Location Map**  
**Stacy Road Artwork**



**AGENDA  
CITY OF ALLEN  
CITY COUNCIL REGULAR MEETING  
MARCH 24, 2009 – 7:00 P.M.  
COUNCIL CHAMBERS  
ALLEN CITY HALL  
305 CENTURY PARKWAY**

**Call to Order and Announce a Quorum is Present.**

**Pledge of Allegiance.**

**Public Recognition.**

1. Citizens' Comments. *[The City Council invites citizens to speak to the Council on any topic not on the agenda or not already scheduled for Public Hearing. Prior to the meeting, please complete a "Public Meeting Appearance Card" and present it to the City Secretary. The time limit is three minutes per speaker, not to exceed a total of fifteen minutes for all speakers.]*
2. Presentation of a Check by Collin County Commissioner Joe Jaynes to the City of Allen in the Amount of \$313,198 for the Celebration Pass Pedestrian Trail.
3. Present a Plaque-of-Appreciation to Former Member of the Economic Development Corporation.
4. Presentation of Proclamations by the Office of the Mayor:
  - Presentation of a Proclamation to Representatives of the Library Board Proclaiming April 14, 2009, as *Library Workers Day*.
  - Presentation of a Proclamation to Representatives of the Library Board Proclaiming April 12-18, 2009, as *Library Week*.

**Consent Agenda.** *[Routine Council business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Councilmember or member of staff.]*

5. Approve Minutes of the March 10, 2009, Regular Meeting.
6. Adopt a Resolution Authorizing the City's Bond Counsel, the City's Financial Adviser, and City Staff to Proceed with Arrangements for the Sale of General Obligation Bonds, Series 2009.
7. Adopt a Resolution Reappointing Members to Fill Expiring Terms on the Board of Directors for Tax Increment Financing (TIF) Reinvestment Zone No. 1 (Garden District).
8. Adopt a Resolution Reappointing Members to Fill Expiring Terms on the Board of Directors for Tax Increment Financing (TIF) Reinvestment Zone No. 2 (Central Business District).
9. Declare a Vacancy in Place No. 3 of the Economic Development Corporation.
10. Authorize the City Manager to Execute Amendment Number Three of the Economic Development Agreement between the City of Allen and The MGHerring Group Adding Article VIII A—Trail Improvements, and Approving the Economic Development Grant for an Amount Not to Exceed \$70,669.
11. Authorize the City Manager to Execute Documents to Provide Permanent and Temporary Easements to North Texas Municipal Water District (NTMWD) for the Installation of a Sewer Pipeline.
12. Receive the CIP (Capital Improvement Program) Status Report.
13. Receive the Summary of Property Tax Collections as of February 2009.

**Regular Agenda.**

14. Conduct a Public Hearing and Adopt an Ordinance Granting SUP Specific Use Permit No. 107 for a RaceTrac Fueling Station on Property Zoned Planned Development No. 3 for SC Shopping Center Uses, on 2± Acres Located in Tracts 1 and 2 of the Bethany Center Two Addition.

**Other Business.**

15. Calendar.

- April 6 - TRIAD Meeting

16. Items of Interest. *[Council announcements regarding local civic and charitable events, meetings, fundraisers, and awards.]*

**Executive Session. (As needed)**

Legal, Section 551.071; Property, Section 551.072; Personnel, Section 551.074.  
*As authorized by Section 551.071(2) of the Texas Government Code, the Workshop Meeting and/or the Regular Agenda may be Convened into Closed Executive Session for the Purpose of Seeking Confidential Legal Advice from the City Attorney on any Agenda Item Listed Herein.*

(Closed to Public as Provided in the Texas Government Code.)

17. Reconvene and Consider Action on Items Discussed during Executive Session.

**Adjournment.**

This notice was posted at Allen City Hall, 305 Century Parkway, Allen, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Friday, March 20, 2009, at 5:00 p.m.

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Shelley B. George, City Secretary

Allen City Hall is wheelchair accessible. Access to the building and special parking are available at the entrance facing Century Parkway. 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 214.509.4105.

<b>CITY COUNCIL AGENDA COMMUNICATION</b>
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**AGENDA DATE:** March 24, 2009

**SUBJECT:** Present a Plaque-of-Appreciation to Former Member of the Economic Development Corporation

**STAFF RESOURCE:** Shelley B. George, City Secretary

**PREVIOUS COUNCIL ACTION:** In 2002, Council appointed Kurt Kizer to the Economic Development Corporation

**ACTION PROPOSED:** Present Plaque-of-Appreciation

**BACKGROUND**

The Mayor will present a Plaque-of-Appreciation to the following individual for his service on a City Corporation:

- <sup>1</sup> Kurt Kizer, Economic Development Corporation, 2002-2009

<b>CITY COUNCIL AGENDA COMMUNICATION</b>
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**AGENDA DATE:** March 24, 2009

**SUBJECT:** Presentation of Proclamations

**ACTION PROPOSED:** Presentation of Proclamations

**BACKGROUND**

Presentation of Proclamations by the Office of the Mayor:

- <sup>1</sup> Presentation of a Proclamation to Representatives of the Library Board Proclaiming April 14, 2009, as *Library Workers Day*.
- <sup>1</sup> Presentation of a Proclamation to Representatives of the Library Board Proclaiming April 12-18, 2009, as *Library Week*.

**ATTACHMENT**

Proclamation - Library Workers Day  
Proclamation - Library Week



*Office of the Mayor  
City of Allen*

*Proclamation*

**WHEREAS**, there are thousands of public, academic, school, governmental, and special libraries in the United States who provide excellent and invaluable service to library users regardless of age, ethnicity, or socio-economic background; and,

**WHEREAS**, the Allen Public Library provided over 300,000 people with the knowledge and information they need to live, learn and work in the 21st Century; and,

**WHEREAS**, the Allen Public Library and support staff brings the Allen community a world of knowledge in person and online, as well as personal service and expert assistance in finding what is needed when it is needed; and,

**WHEREAS**, I encourage everyone to take a moment to thank the staff of the Allen Public Library who work to provide access to the past while preserving the present.

**NOW, THEREFORE, I, STEPHEN TERRELL, MAYOR OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, do hereby proclaim April 14, 2009, as:**

**“LIBRARY WORKERS DAY”**

in Allen, Texas, and I urge all citizens to take cognizance of this event and participate in all the events related thereto in this community.

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Stephen Terrell, MAYOR

*Office of the Mayor  
City of Allen*

*Proclamation*

**WHEREAS**, the City of Allen librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy; and,

**WHEREAS**, libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning; and,

**WHEREAS**, the Allen Public Library plays a vital role in supporting the quality of life in the Allen community; and,

**WHEREAS**, the Allen Public Library can help you discover a world of knowledge, both in person and online, as well as personal service and assistance in finding what you need, when you need it.

**NOW, THEREFORE, I, STEPHEN TERRELL, MAYOR OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, do hereby proclaim April 12-18, 2009, as:**

**“LIBRARY WEEK”**

in Allen, Texas, and I urge all citizens to take cognizance of this event and participate in all the events related thereto in this community.

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Stephen Terrell, MAYOR

**ALLEN CITY COUNCIL**

**REGULAR MEETING**

**MARCH 10, 2009**

**Present:**

Stephen Terrell, Mayor

**Councilmembers:**

Debbie Stout, Mayor Pro Tem  
Ross Obermeyer  
Joey Herald  
Robin L. Sedlacek  
Gary L. Caplinger  
Jeff McGregor

**City Staff:**

Peter H. Vargas, City Manager  
Shelli Siemer, Assistant City Manager  
Shelley B. George, City Secretary  
Pete Smith, City Attorney (absent)  
Joe Gorfida, Attorney

**Workshop Session**

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With a quorum of the Councilmembers present, the Workshop Session of the Allen City Council was called to order by Mayor Terrell at 6:15 p.m. on Tuesday, March 10, 2009, in the Council Conference Room of the Allen City Hall, 305 Century Parkway, Allen, Texas:

- Introduction of Susan McDaniel, Vice-Chair of the Library Board
- Update Regarding the Allen Event Center Programming
- Briefing Regarding the Public Art Committee's Annual Work Plan
- Committee Updates from City Council Liaisons
- Discussion of Regular Agenda Items

With no further discussion, the Workshop Session of the Allen City Council was adjourned at 7:02 p.m. on Tuesday, March 10, 2009.

**Call to Order and Announce a Quorum is Present**

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With a quorum of the Councilmembers present, the Regular Meeting of the Allen City Council was called to order by Mayor Terrell at 7:05 p.m. on Tuesday, March 10, 2009, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

**Pledge of Allegiance**

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**Public Recognition**

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**ALLEN CITY COUNCIL  
REGULAR MEETING  
MARCH 10, 2009**

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**1. Citizens' Comments.**

George Truitt, 600 Freestone Drive, Allen, Texas, expressed concern over the lack of screening between his property and the Wildwood Apartment complex. He requested Council require the complex to install a fence as screening.

**2. Presentation of Proclamations by the Office of the Mayor:**

- **Presentation of a Proclamation to Gail Donaldson, Water Conservation Manager, Proclaiming March 16-20, 2009, as, "*Fix A Leak Week*."**
- **Presentation of a Proclamation to Gail Donaldson, Water Conservation Manager, Proclaiming March 2009, as, "*Smartscape Your Landscape Month*."**

**3. Present Plaques-of-Appeal to Former Members of the Various Boards and Commissions.**

- Steve Shaffer, Central Business District Design Review Committee, 2006-2009
- Jason Shepard, Keep Allen Beautiful Board, 2008-2009

**4. Presentation of the Library Board's Annual Report by Vice-Chair Susan McDaniel.**

**Consent Agenda**

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**MOTION:** Upon a motion made by Councilmember Obermeyer and a second by Councilmember Herald, the Council voted seven (7) for and none (0) opposed to adopt the items on the Consent Agenda as follows:

**5. Approve Minutes of the February 24, 2009, Regular Meeting.**

**6. Adopt Resolutions Determining the Public Necessity for Acquisition of 1.5± Acres of Land and 1.1± Acres of Land along Watters Road from Bossy Boots Drive to Star Trail Drive and Authorizing the City Manager and City Attorney to Initiate Eminent Domain Proceedings, if Necessary.**

**RESOLUTION NO. 2806-3-09(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, DETERMINING THE NECESSITY FOR THE ACQUISITION OF RIGHT-OF-WAY EASEMENT FOR WATTERS ROAD AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, WITHIN THE CITY OF ALLEN, COLLIN COUNTY, TEXAS; AUTHORIZING THE CITY ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE THE RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE.

**RESOLUTION NO. 2807-3-09(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, DETERMINING THE NECESSITY FOR THE ACQUISITION OF RIGHT-OF-WAY EASEMENT FOR WATTERS ROAD AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, WITHIN THE CITY OF ALLEN, COLLIN COUNTY, TEXAS; AUTHORIZING THE CITY ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE THE RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ALLEN CITY COUNCIL  
REGULAR MEETING  
MARCH 10, 2009**

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- 7. Authorize the City Manager to Execute a Deed Dedicating a 0.2± Acre Portion of City of Allen Property South of Kitty Hawk as Right-of-Way for Watters Road.**
- 8. Motion to Appoint Mr. Steve Matthews as the Second Allen Appointee to the Arts of Collin County Commission, Inc. Board of Directors.**
- 9. Declare a Vacancy for the At-Large Representative on the Arts of Collin County Commission, Inc. Board of Directors for a Term to Expire September 30, 2011.**

The motion carried.

**Regular Agenda.**

- 10. Motion to Accept the 2007-2008 Comprehensive Annual Financial Report (CAFR) as Presented by Weaver and Tidwell L.L.P.**

**MOTION:** Upon a motion made by Councilmember Caplinger and a second by Councilmember Sedlacek, the Council voted seven (7) for and none (0) opposed to accept the 2007-2008 Comprehensive Annual Financial Report. The motion carried.

**Other Business**

- 11. Calendar.**
  - April 7 – TRIAD Meeting
- 12. Items of Interest.** [Council announcements regarding local civic and charitable events, meetings, fundraisers, and awards.]

Council recognized members of Boy Scout Troop No. 817 in attendance for the communication merit badge and citizenship in the community merit badge.

**Executive Session**

The Executive Session was not held.

- 13. Reconvene and Consider Action on Items Discussed during Executive Session.**

**Adjourn**

**MOTION:** Upon a motion made by Mayor Pro Tem Stout and a second by Councilmember McGregor, the Council voted seven (7) for and none (0) opposed to adjourn the Regular Meeting of the Allen City Council at 7:50 p.m. on Tuesday, March 10, 2009. The motion carried.

**ALLEN CITY COUNCIL  
REGULAR MEETING  
MARCH 10, 2009**

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These minutes approved on the 24<sup>th</sup> day of March, 2009.

**APPROVED:**

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**Stephen Terrell, MAYOR**

**ATTEST:**

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**Shelley B. George, CITY SECRETARY**

<b>CITY COUNCIL AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	March 24, 2009
<b>SUBJECT:</b>	Adopt a Resolution Authorizing the City's Bond Counsel, the City's Financial Adviser, and City Staff to Proceed with Arrangements for the Sale of General Obligation Bonds, Series 2009
<b>STAFF RESOURCE:</b>	Kevin Hammeke, Finance Director Joanne Stoehr, Assistant Finance Director
<b>PREVIOUS COUNCIL ACTION:</b>	None
<b>ACTION PROPOSED:</b>	Adopt a resolution authorizing the City's bond counsel, the City's financial adviser, and City staff to proceed with arrangements for the sale of General Obligation Bonds, Series 2009

**BACKGROUND**

Attached is a resolution prepared by the City's bond counsel, Fulbright & Jaworski L.L.P., that authorizes the City staff, financial adviser, and bond counsel to proceed with all necessary arrangements related to the sale of General Obligation Bonds, Series 2009.

This bond issue is for the purpose of providing funds for construction and improvements that were authorized from the 2007 bond election. The General Obligation Bonds, Series 2009 par amount is estimated to be \$15,400,000 with interest rates estimated at 5%.

The City will apply to Moody's Investors Service, Inc. and Standard & Poor's Corporation (S&P) for ratings on the bond issue. Bond insurance will also be evaluated to determine its financial feasibility.

The bond sale is tentatively scheduled for May 12th with closing on June 9th. The bond sale information and ordinance authorizing the issuance of the bonds will be presented at the May 12th Council meeting.

**BUDGETARY IMPACT**

Depending upon the final interest rates, debt payments associated with the issuance of the

General Obligation Bonds, Series 2009 totaling \$15,400,000 are estimated to be \$1,235,736 beginning in fiscal year 2010.

### **STAFF RECOMMENDATION**

Staff recommends adopting the resolution authorizing City staff, the City's financial adviser, and the City's bond counsel to proceed with the arrangements for the sale of General Obligation Bonds, Series 2009.

### **MOTION**

*I make a motion to adopt Resolution No. \_\_\_\_\_ authorizing City staff, the City's financial adviser, and the City's bond counsel to proceed with the arrangements for the sale of General Obligation Bonds, Series 2009.*

### **ATTACHMENT**

Resolution to Proceed



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

A RESOLUTION approving a date for the sale of general obligation bonds; authorizing appropriate personnel and consultants to proceed with arrangements and the preparation of documents for the issuance and sale of such bonds and resolving other matters incident and related thereto.

WHEREAS, based on capital improvement projects currently planned and authorized to be undertaken, staff of the City has requested approval and authorization to proceed with the issuance and sale of general obligation bonds to finance the costs thereof on or about May 12, 2009; and

WHEREAS, the City Council hereby finds and determines such approval and authorization to proceed with the sale of such general obligation bonds should be given; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, TEXAS:**

SECTION 1: The Finance Director for the City, together with the City's financial advisor, Estrada Hinojosa & Company, Inc. and bond counsel, Fulbright and Jaworski L.L.P., are hereby authorized and directed to proceed on behalf of the City with the preparation of the documents and make the appropriate arrangements for the offering and sale of general obligation bonds in the approximate amount of \$15,400,000, and the Finance Director and other appropriate officials of the City are hereby authorized and directed to assist and furnish said consultants with information and data, including the amount of bonds ultimately to be offered for sale, necessary for the preparation of an official statement and other documents for a sale of such bonds to occur and be approved by the City Council at a meeting to be held on or about May 12, 2009.

SECTION 2: It is officially found, determined and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business considered at said meeting, including this Resolution, was given, all as required by V.T.C.A., Government Code, Chapter 551, as amended.

SECTION 3: This Resolution shall be in force and effect from and after its passage on the date shown below.

**PASSED AND ADOPTED, this March 24, 2009.**

**CITY OF ALLEN, TEXAS**

\_\_\_\_\_  
Stephen Terrell, MAYOR

ATTEST:

\_\_\_\_\_  
Shelley B. George, CITY SECRETARY

(City Seal)

<b>CITY COUNCIL AGENDA COMMUNICATION</b>
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**AGENDA DATE:** March 24, 2009

**SUBJECT:** Adopt a Resolution Reappointing Members to Fill Expiring Terms on the Board of Directors for Tax Increment Financing (TIF) Reinvestment Zone No. 1 (Garden District)

**STAFF RESOURCE:** Shelley B. George, City Secretary

**PREVIOUS COUNCIL ACTION:** On February 27, 2007, Council adopted Resolution No. 2596-2-07(R) reappointing Board Members to Place Nos. 4 and 6

**ACTION PROPOSED:** Adopt a Resolution Reappointing Members to Fill Expiring Terms on the Board of Directors for Tax Increment Financing (TIF) Reinvestment Zone No. 1 (Garden District)

**BACKGROUND**

On December 13, 2005, the City Council designated Allen Tax Increment Financing Reinvestment Zone No. 1 and appointed the initial Board of Directors. Members are appointed to serve two year staggered terms. The City Council is asked to consider the following reappointments to fill expiring terms:

Place 4	Kevin Hammeke Director, Finance Department City of Allen	New Term Expiration: 2011
Place 6	Robert Winningham Executive Director Allen Economic Development Corporation	New Term Expiration: 2011

**STAFF RECOMMENDATION**

Staff recommends the City Council make reappointments to fill expiring terms on the Board of Directors for Tax Increment Financing (TIF) Reinvestment Zone No. 1 (Garden District).

**MOTION**

*I make a motion to adopt Resolution No. \_\_\_\_\_ reappointing members to fill expiring terms on the Board of Directors for Tax Increment Financing (TIF) Reinvestment Zone No. 1 (Garden District).*

**ATTACHMENT**

Resolution

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPOINTING THE BOARD OF DIRECTORS OF THE ALLEN TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Allen City Council previously adopted Ordinance No. 2471-12-05 designated a certain area within the City as Allen Tax Increment Financing Reinvestment Zone No. 1 (Garden District) and appointed the initial Board of Directors; and

**WHEREAS**, the City Council desires to appoint the successor directors to the Board of Directors whose terms of office will expire.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

**SECTION 1.** The following persons are hereby appointed to the respective places of the Board of Directors of Allen Tax Increment Financing Reinvestment Zone No. 1, beginning on the date of expiration of the current term of office for such places.

Place 4:	Kevin Hammeke Director, Finance Department City of Allen 305 Century Parkway Allen, Texas 75013 (214) 509-4627 (214) 509-4672 (fax)	Term Expiration: 2011
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Place 6:	Robert Winningham Executive Director Allen Economic Development Corporation 700 Central Expressway South, Suite 210 Allen, Texas 75013 (214) 727-0250 (469) 519-2385 (fax)	Term Expiration: 2011
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**SECTION 2.** Members of the Board are appointed to provide for two (2) year staggered terms.

**SECTION 3.** Peter H. Vargas is appointed Chairperson of the Board for a term of one year that ends on December 31, 2009. Thereafter, Peter H. Vargas is hereby appointed as Chairperson for successive terms of one year each until such time as the City Council appoints a different Chairperson. The Board of Directors may elect a Vice-Chairperson to preside in the absence of the Chairperson, or when there is a vacancy in the office of Chairperson. The Board may elect other officers as it considers appropriate.

**SECTION 4.** This Resolution shall take effect from and after its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 24<sup>TH</sup> DAY OF MARCH, 2009.**

**APPROVED:**

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**Stephen Terrell, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

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**Peter G. Smith, CITY ATTORNEY**

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**Shelley B. George, TRMC, CITY SECRETARY**

<b>CITY COUNCIL AGENDA COMMUNICATION</b>
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**AGENDA DATE:** March 24, 2009

**SUBJECT:** Adopt a Resolution Reappointing Members to Fill Expiring Terms on the Board of Directors for Tax Increment Financing (TIF) Reinvestment Zone No. 2 (Central Business District)

**STAFF RESOURCE:** Shelley B. George, City Secretary

**PREVIOUS COUNCIL ACTION:** On February 27, 2007, Council Adopted Resolution No. 2597-02-07(R) Reappointing Board Members to Place Nos. 1, 3 and 5

**ACTION PROPOSED:** Adopt a Resolution Reappointing Members to Fill Expiring Terms on the Board of Directors for Tax Increment Financing (TIF) Reinvestment Zone No. 2 (Central Business District)

**BACKGROUND**

On December 12, 2006, the City Council designated Allen Tax Increment Financing Reinvestment Zone No. 2 and appointed the initial Board of Directors. Members are appointed to serve two year staggered terms. The City Council is asked to consider the following reappointments to fill expiring terms:

Place 1	Peter H. Vargas City Manager City of Allen	New Term Expiration: 2011
Place 3	Lee Battle Assistant Director, Planning and Development City of Allen	New Term Expiration: 2011
Place 5	Robert Winningham Executive Director Allen Economic Development Corporation	New Term Expiration: 2011

**STAFF RECOMMENDATION**

Staff recommends the City Council make reappointments to fill expiring terms on the Board of Directors for Tax Increment Financing (TIF) Reinvestment Zone No. 2 (Central Business District).

**MOTION**

*I make a motion to adopt Resolution No. \_\_\_\_\_ reappointing members to fill expiring terms on the Board of Directors for Tax Increment Financing (TIF) Reinvestment Zone No. 2 (Central Business District).*

**ATTACHMENT**

Resolution

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPOINTING THE BOARD OF DIRECTORS OF THE ALLEN TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 2; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has designated Allen Tax Increment Financing Reinvestment Zone No. 2 and appointed the initial Board of Directors; and

**WHEREAS**, the City Council desires to appoint successor directors to the Board of Directors whose terms of office will expire.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

**SECTION 1.** The following persons are appointed to the respective places of the Board of Directors of Allen Tax Increment Financing Reinvestment Zone No. 2, beginning on the date of expiration of the current term of office for such places:

Place 1:	Peter H. Vargas City Manager City of Allen 305 Century Parkway Allen, Texas 75013 (214) 509-4110 (214) 509-4118 (fax)	Term Expiration: September 30, 2011
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Place 3:	Lee Battle Assistant Director, Planning and Development City of Allen 305 Century Parkway Allen, Texas 75013 (214) 509-4163 (214) 509-4179 (fax)	Term Expiration: September 30, 2011
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Place 5:	Robert Winningham Executive Director Allen Economic Development Corporation 700 Central Expressway South, Suite 210 Allen, Texas 75013 (214) 727-0250 (469) 519-2385 (fax)	Term Expiration: September 30, 2011
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**SECTION 2.** Members of the Board are appointed to provide for two year staggered terms.

**SECTION 3.** Peter H. Vargas is appointed Chairperson of the Board for a term of one year that ends on December 31, 2009. Thereafter, Peter H. Vargas is hereby appointed as Chairperson for successive terms of one year each until such time as the City Council appoints a different Chairperson. The Board of Directors may elect a Vice-Chairperson to preside in the absence of the Chairperson, or when there is a vacancy in the office of Chairperson. The Board may elect other officers as it considers appropriate.

**SECTION 4.** This Resolution shall take effect from and after its passage.



**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 24TH DAY OF MARCH, 2009.**

**APPROVED:**

\_\_\_\_\_  
**Stephen Terrell, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
**Peter G. Smith, CITY ATTORNEY**

\_\_\_\_\_  
**Shelley B. George, TRMC, CITY SECRETARY**

<b>CITY COUNCIL AGENDA COMMUNICATION</b>
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**AGENDA DATE:** March 24, 2009

**SUBJECT:** Declare a Vacancy in Place No. 3 of the Economic Development Corporation

**STAFF RESOURCE:** Shelley B. George, City Secretary

**ACTION PROPOSED:** Declare a Vacancy

**BACKGROUND**

On March 9, 2009, Kurt Kizer filed as a candidate for the City Council General Election, thereby resulting in his automatic resignation as a member of the Economic Development Corporation. Attached is a copy of his resignation letter.

Section 7.04(5) of the City of Allen City Charter states “Should the Mayor, a member of the City Council or any appointed member of a council-appointed commission, committee or study group become a candidate for any elective public office other than the office presently held, such candidacy shall constitute an automatic resignation of such office.”

**STAFF RECOMMENDATION**

Staff recommends the City Council declare a vacancy in Place No. 3 of the Economic Development Corporation.

**MOTION**

*I make a motion to declare a vacancy in Place No. 3 of the Economic Development Corporation.*

**ATTACHMENT**

Resignation Letter - Kizer

**RECEIVED**

MAR 9 2009

March 9, 2009

CITY OF ALLEN  
CITY SECRETARY

The Honorable Stephen Terrell  
Mayor of Allen  
City Hall  
305 Century Parkway  
Allen, TX 75013

Dear Mayor Terrell:

I respectfully submit my resignation, effective immediately, from the board of directors of the Allen Economic Development Corporation in order to pursue a seat on the Allen City Council.

I am extremely proud of what the AEDC has accomplished during my more than six years of service on the board. I am honored to have worked with people such as yourself, members of the City Council, the City Manager and his staff, both the current and former AEDC Directors and their staff, as well as all of the outstanding members of the AEDC board of directors.

Although I will miss being part of this organization, I look forward to continued service to the City and its citizens.

Sincerely,



Kurt Kizer

c: City Council  
Peter Vargas, City Manager  
Robert Winningham, AEDC Executive Director  
AEDC Board of Directors

<b>CITY COUNCIL AGENDA COMMUNICATION</b>
--

**AGENDA DATE:**

March 24, 2009

**SUBJECT:**

Authorize the City Manager to Execute Amendment Number Three of the Economic Development Agreement between the City of Allen and The MGHerring Group Adding Article VIII A—Trail Improvements, and Approving the Economic Development Grant for an Amount Not to Exceed \$70,669.

**STAFF RESOURCE:**

John Baumgartner, Director of Engineering  
Tim Dentler, Director of Parks and Recreation

**PREVIOUS COUNCIL ACTION:**

On October 2, 2007, the City and the Herring Group entered into an Economic Development Agreement which has been modified by two amendments

**ACTION PROPOSED:**

Authorize the City Manager to enter into Amendment Number Three with The MGHerring Group establishing Article VIII A – Trails Improvement section of the Economic Development Agreement

**BACKGROUND**

The City of Allen approached The MGHerring Group to amend the Economic Development Agreement for the purpose of the widening the 5-foot sidewalk to provide trail improvements along Stacy Road and provide a grant to offset the cost of constructing the improvements in an amount not to exceed \$70,669. This amount offsets the difference between the cost of a 5-foot sidewalk and a 10-foot trail.

**BUDGETARY IMPACT**

Funds for the grant will come from CDC Trail funds.

**STAFF RECOMMENDATION**

Staff recommends the Council approve Amendment Number Three to the Economic Development Agreement.

**MOTION**

***I make a motion to authorize the City Manager to execute Amendment Number Three of the Economic Development Agreement between the City of Allen and The MGHerring Group adding Article VIII A—Trail Improvements and approving the economic development grant for an amount not to exceed \$70,669.***

**ATTACHMENT**

Economic Development Agreement-Amendment Number 3

### **THIRD AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT**

THIS THIRD AMENDMENT TO DEVELOPMENT AGREEMENT ("Third Amendment") is made by and between the City of Allen, Texas ("City"), a Texas home rule municipality and The Village at Allen, L.P., a Texas limited partnership ("Company"), acting by and through the respective authorized officers.

#### **WITNESSETH:**

**WHEREAS** on October 2, 2007 City and Company entered into an Economic Development Agreement as amended by the First Amendment to Economic Development Agreement and the Second Amendment to the Economic Development Agreement (collectively "Agreement"); and

**WHEREAS** the parties desire to amend the Agreement for the purpose of the City providing an economic development grant to offset the costs of construction of certain trail improvements by the Company as set forth herein; and

**WHEREAS** Section 10.1 of the Agreement authorizes the City Manager, or designee, to approve any amendments to the Agreement on behalf of the City.

**NOW, THEREFORE**, in consideration of the terms and conditions hereinafter set forth and set forth in the Agreement, and for other good consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. That Article I of the Agreement is hereby amended to add the following definition:

"Trail Improvements" shall mean a 10 foot trail designed and constructed in replacement of a 5 foot sidewalk in accordance with plans approved by the City.

2. That the Agreement is hereby amended to add Article VIII A Trail Improvements to read as follows:

#### **Article VIII A Trail Improvements**

##### **8A.1 Trail Improvement.**

The Company agrees to design and construct the Trail Improvements in accordance with a construction schedule mutually agreed to by the parties. The City agrees to provide an economic development grant in the amount not to exceed \$70,669.00 to offset the cost difference between the cost of a 5-foot sidewalk and the 10-foot trail, incurred and paid by the Company for the design and construction of the Trail Improvements. The attached proposal from Mario Sinacola and Sons shall provide the basis for the unit prices used to determine the cost differential. The Company shall be paid for the actual work to complete the 10-foot trail

less the cost of the 5-foot sidewalk. The company shall provide detailed invoices for the work including the charges against the allowance for irrigation work. The City shall pay the company within 30 days after receipt of a written invoice following Completion of Construction of the Trail Improvements.

3. The defined terms as contained herein are as set forth in the Agreement.

4. In case of any conflict in the terms of the Third Amendment and the Agreement, this Second Amendment controls.

5. Except as amended by this Third Amendment, the Agreement shall remain in full force and effect.

EXECUTED on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

CITY OF ALLEN, TEXAS

By: \_\_\_\_\_  
Peter H. Vargas, City Manager

ATTEST:

By: \_\_\_\_\_  
City Secretary

AGREED AS TO FORM:

By: \_\_\_\_\_  
City Attorney

EXECUTED on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

THE VILLAGE AT ALLEN LP  
a Texas Limited Partnership

By: HERRING VILLAGE AT ALLEN GP INC.,  
a Texas Corporation, its General Partner

By: \_\_\_\_\_  
Gar Herring, President

# MARIO SINACOLA & SONS

EXCAVATING, INC.

December 23, 2008

The MGHerring Group  
5710 LBJ Freeway, Suite 450  
Dallas, Texas 75240-6399

ATTENTION: Ms. Donna Dickinson

GENTLEMEN: We propose to furnish all labor, materials and equipment necessary to construct the following described work:

PROJECT: Stacy Road (US 75 to SH 5) - Concrete Sidewalk Along Stacy Road - RFP 113  
LOCATION: Allen, Texas

## OPTION 1 5' CONCRETE SIDEWALK ALONG STACY ROAD

Item	Description	Quantity	Unit	Unit Bid	Total Bid
1	5' x 4" Concrete Sidewalk	2,130.00	LF	17.50	\$ 37,275.00
2	Handicap Ramps	13.00	EA	850.00	\$ 11,050.00
3	Landscape/Irrigation Repair (BUDGET)	1.00	LS	5,000.00	\$ 5,000.00
4	Payment/Performance Bond	1.00	LS	750.00	\$ 750.00
5' CONCRETE SIDEWALK ALONG STACY ROAD TOTAL					\$ 54,075.00

## OPTION 2 10' CONCRETE SIDEWALK ALONG STACY ROAD

Item	Description	Quantity	Unit	Unit Bid	Total Bid
1	10' x 5" Concrete Sidewalk	2,130.00	LF	38.50	\$ 82,005.00
2	Handicap Ramps	13.00	EA	850.00	\$ 11,050.00
3	Landscape/Irrigation Repair (BUDGET)	1.00	LS	30,000.00	\$ 30,000.00
4	Payment/Performance Bond	1.00	LS	1,700.00	\$ 1,700.00
10' CONCRETE SIDEWALK ALONG STACY ROAD TOTAL					\$ 124,755.00

### QUALIFICATIONS:

- ~ This quote is for concrete sidewalk along Stacy Rd.
- ~ Final billing to be based on field measured quantities
- ~ No erosion control
- ~ No utility relocates
- ~ Plans based on CAD file received from BDD on 12/23/08
- ~ No select or base material for subgrade
- ~ Landscape/Irrigation is a budget number that will be invoiced on actual landscape repair costs
- ~ See attached drawing for sidewalk

Should you have any questions, or need clarification regarding this proposal, please feel free to contact this office.

Sincerely,

MARIO SINACOLA & SONS EXCAVATING, INC.

*Harlan Jones*  
Harlan Jones  
Vice President



<b>CITY COUNCIL AGENDA COMMUNICATION</b>
--

**AGENDA DATE:** March 24, 2009

**SUBJECT:** Authorize the City Manager to Execute Documents Necessary to Grant Permanent and Temporary Easements to North Texas Municipal Water District for Installation of a Sewer Pipeline

**STAFF RESOURCE:** John Baumgartner, Director of Engineering

**PREVIOUS COUNCIL ACTION:** None

**ACTION PROPOSED:** Authorize the City Manager to execute documents necessary to grant permanent and temporary easements for installation of a sewer pipeline to North Texas Municipal Water District

**BACKGROUND**

The North Texas Municipal Water District (NTMWD) requested permanent and temporary easements from the City of Allen for construction, maintenance and operation of a sewer force main located along SH 121.

The Permanent Easement includes 0.053 acres and the Temporary Easement is 0.382 acres. As a requirement of construction, the NTMWD will be required to restore the property as a result of this project.

The easements are in Cottonwood Creek adjacent to the StarCreek Commercial development. This force main will provide capacity for the City of Allen in the existing system by removing flow from McKinney and Frisco.

**BUDGETARY IMPACT**

None

**STAFF RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to execute the easement documents.

**MOTION**

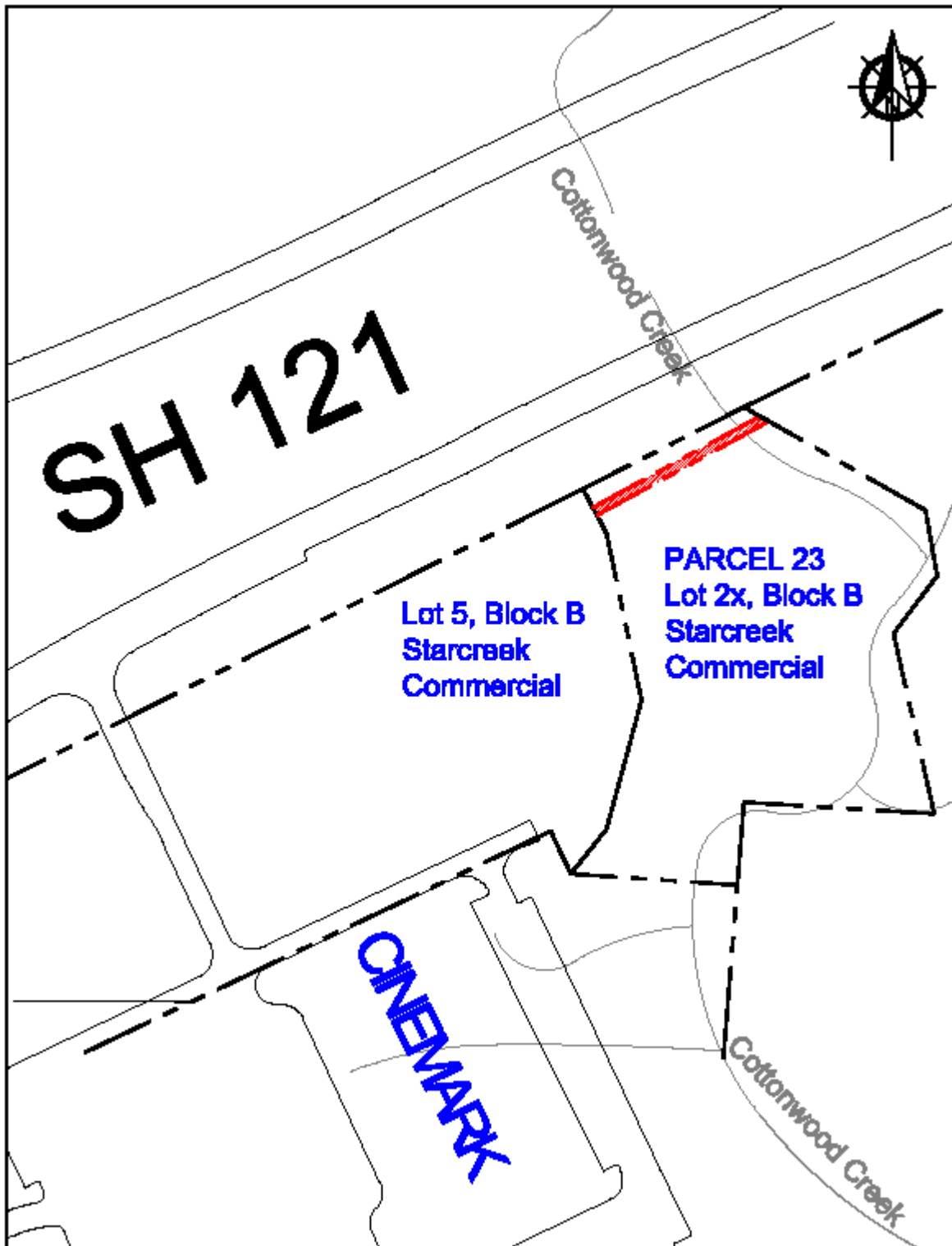
*I make a motion to authorize the City Manager to execute documents to provide permanent and temporary easements to North Texas Municipal Water District for the installation of a sewer pipeline.*

**ATTACHMENT**

Easement Agreement  
Location Map

# LOCATION MAP

## NTMWD Easement



**EASEMENT FOR RIGHT-OF-WAY  
SANITARY SEWER PIPELINE  
INDIAN CREEK FORCE MAIN  
PROJECT 139, IRS 06-1**

STATE OF TEXAS           §       KNOWN ALL MEN BY THESE PRESENTS:  
                                      §  
COUNTY OF COLLIN       §

THAT the undersigned, **City of Allen**, (hereinafter called "Grantor") for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash in hand paid by the **NORTH TEXAS MUNICIPAL WATER DISTRICT** (hereinafter called "Grantee") the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed, and by these presents, does grant, sell and convey unto the Grantee a Permanent Easement and right-of-way, along with a Temporary Construction Easement, in and through those certain premises owned by Grantor to construct, operate, reconstruct, perpetually maintain and remove one pipeline, for the transportation of wastewater (the "Sanitary Sewer" pipeline), with all incidental equipment, and appurtenances under or through the following described lands situated in Collin County, Texas, to-wit:

**BEING** a tract of land situated in the George Fitzhugh Survey, Abstract No. 321, City of Allen, Collin County, Texas, and being a part of Lot 2X, Block B of Starcreek Commercial, an addition to the City of Allen according to the plat thereof recorded in Volume 2008, Page 354 Official Public Records of Collin County, Texas (OPRCCT), and being more particularly described as follows:

**SEE ATTACHED EXHIBIT "A" FOR DESCRIPTION**

The Grantee shall utilize the easement for one Sanitary Sewer pipeline and appurtenances, including above grade appurtenances consisting of man holes and access covers (referred to herein collectively as "Grantee's pipeline or the pipeline") as may be required for its operation of the pipeline. Grantee, and Grantee's successors and assigns, shall have the continued and unobstructed right of ingress and egress over the permanent easement granted for the installation, operation, inspection, and maintenance of Grantee's facilities.

The Temporary Construction Easement granted and described herein will terminate and cease upon completion of the construction and testing of the pipeline. Said Temporary Construction Easement is described in Exhibit "A".

Grantee, and Grantee's successors and assigns, agrees to bury said pipeline to a depth of at least 48" from the top of the pipeline to existing ground surface except where a burying the pipeline to such depth would impair the normal and efficient operation of the pipeline. Grantee will, insofar as practicable, restore the ground disturbed by the laying, constructing, repairing, maintaining, replacing or removing of said pipeline, and will take such steps as may be reasonably required to prevent damage to the property of Grantor from soil erosion resulting

from operations of Grantee hereunder. Grantee will separate the topsoil during construction by double-ditching and will restore said topsoil within the easement. Grantee shall leave the surface as nearly as reasonably possible as it was prior to the construction of the pipeline and will restore all improvements, including fences, driveways, bridges, drainage channels, and other improvements damaged through the use of said easement to substantially the same condition as they were prior to the construction of the pipeline. Grantee agrees to re-seed the easement areas after construction of said pipeline.

Grantee has the right to trim or cut down or eliminate trees or shrubbery to the extent, in the reasonable judgment of Grantee, its successors and assigns, as may be necessary to prevent possible interference with the installation and operation of said pipelines and to remove possible hazards thereto, and the right to remove or prevent the construction of any and all improvements, buildings, reservoirs or other obstructions on said permanent easement, except as are specifically allowed under the terms hereof. Grantor shall not construct or permit to be constructed, any house, building, reservoir, or other prohibited improvement on or within the permanent easement or remove soil which would impair the lateral support for Grantee's pipeline or leave it with insufficient cover for the safe operation of said pipeline. However, Grantor retains the right to cross the permanent easement area with fences, streets, roads, and utilities ("facilities") at angles not less than 45 degrees provided that said facilities do not endanger or interfere with Grantee's pipeline and provided that Grantee is provided with a copy of the construction plans and drawings not less than 30 days before the beginning of construction of said facilities. Grantor shall not grant any other easements within the permanent easement which would (1) endanger or interfere with the safe and efficient operation of Grantee's pipeline, or (2) cross Grantee's easement at less than a 45 degree angle. Grantee may not fence or enclose the easement but may install gates in any fence along or crossing the easement for access.

If Grantee should abandon the rights granted herein for said pipeline and appurtenances constructed upon said land and, if such abandonment should continue for a continuous period of as long as thirty-six (36) months, all rights of Grantee herein shall terminate and revert to Grantor, their heirs, legal representatives, successors and assigns. Grantee shall have the right for one year following any termination of this easement to remove its pipe, valves and all other property. Following the expiration of such period, any such property remaining on said land shall be and become the property of Grantor.

Grantee shall have the right to assign the easement in whole or in part to one or more assignees. Grantee, shall indemnify, defend, assume all liability for, and hold harmless the Grantor, its successors and assigns, from all actions, claims, suits, penalties, obligations, liabilities, and/or injuries and/or death to persons that may be caused by Grantee's activities pursuant to this Easement, or arising out of or in connection with such activities. Nothing in this indemnity provision shall be read to extend indemnification to Grantor for Grantor's own negligence, gross negligence, or intentional tortuous acts in the performance of this Easement.

The above described easements and rights shall inure unto the said Grantee, and Grantee's successors and assigns, and the covenants and agreements contained herein shall constitute covenants running with the land, binding upon Grantor, its legal representatives, successors and assigns, for the benefit of Grantee, and Grantee's successors and assigns.

By executing this Easement, the undersigned represents that they are duly authorized to execute this document; that Grantor is the owner of fee simple title to the property across which the easement is being granted; that the property is held by Grantor free and clear of any liens or encumbrances and that Grantor is the sole party entitled to receive the consideration being paid for the easement.

**TO HAVE AND TO HOLD** unto the said **NORTH TEXAS MUNICIPAL WATER DISTRICT**, its successors and assigns, the above described easement and right-of-way, and I do hereby bind myself, any heirs, executors, and administrators to warrant and forever defend all and singular the said premises to the **NORTH TEXAS MUNICIPAL WATER DISTRICT**, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof herein.

WITNESS OUR HANDS this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**GRANTOR:**

\_\_\_\_\_

#### ACKNOWLEDGMENT

THE STATE OF TEXAS           §  
   §  
COUNTY OF COLLIN         §

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public in and for  
the State of Texas

My commission expires: \_\_\_\_\_

PARCEL 23  
PAGE 1 of 3

**EXHIBIT "A"**

**NORTH TEXAS MUNICIPAL WATER DISTRICT  
INDIAN CREEK FORCE MAIN PROJECT-PHASE 2  
10' WIDE PERMANENT SANITARY SEWER EASEMENT**

*OWNER*  
**CITY OF ALLEN, TEXAS**

**Description for Parcel 23  
0.053 Acre**

**BEING** a tract of land situated in the George Fitzhugh Survey, Abstract No. 321, City of Allen, Collin County, Texas, and being a part of Lot 2X, Block B of Starcreek Commercial, an addition to the City of Allen according to the plat thereof recorded in Volume 2008, Page 354 Official Public Records of Collin County, Texas (OPRCCT), and being more particularly described as follows:

**BEGINNING** at a point in the west line of said Lot 2X, Block B, same being the east line of Lot 5, Block B in said Starcreek Commercial, from which the south line of State Highway No. 121 (controlled access highway having a variable width right-of-way) and the northwest corner of said Lot 2X, Block B bears N 28°01'41" W, 24.87 feet

**THENCE** N 61°20'16" E, departing the west line of said Lot 2X, Block B and east line of said Lot 5, Block B, 226.73 feet to a point in the east line of said Lot 2X, Block B, same being the southwest line of a tract of land as described in deed to Southern One Twenty One Investments, Ltd. recorded under Clerk's File No. 20060301000260150 in the Deed Records of Collin County, Texas;

**THENCE** S 59°46'52" E, along the east line of said Lot 2X, Block B and southwest line of said Southern One Twenty One Investments tract, 11.68 feet;

**THENCE** S 61°20'16" W, departing the east line of said Lot 2X, Block B and southwest line of said Southern One Twenty One Investments tract, 232.88 feet to a point in the west line of said Lot 2X, Block B and east line of said Lot 5, Block B;

**THENCE** N 28°01'41" W, along the west line of said Lot 2X, Block B and east line of said Lot 5, Block B, 10.00 feet to the POINT of BEGINNING, and containing 2,298 square feet or, 0.053 acre of land.

**TOGETHER** with a temporary construction easement adjoining each side of the aforescribed 10 foot wide sanitary sewer easement being described as follows.

PARCEL 23  
PAGE 2 of 3

**NORTH TEXAS MUNICIPAL WATER DISTRICT  
INDIAN CREEK FORCE MAIN PROJECT-PHASE 2  
TEMPORARY CONSTRUCTION EASEMENT**

**BEING** a tract of land situated in the George Fitzhugh Survey, Abstract No. 321, City of Allen, Collin County, Texas, and being a part of Lot 2X, Block B of Starcreek Commercial, an addition to the City of Allen according to the plat thereof recorded in Volume 2008, Page 354 Official Public Records of Collin County, Texas (OPRCCT), and being more particularly described as follows:

**BEGINNING** at a point in the south line of State Highway No. 121 (controlled access highway having a variable width right-of-way), at the northwest corner of said Lot 2X, Block B, same being the northeast corner of Lot 5, Block B of said Starcreek Commercial;


**THENCE** N 61°18'51" E, along the south line of said State Highway No. 121, 211.40 feet to the northeast corner of said Lot 2X, Block B, same being the northwest corner of a tract of land as described in deed to Southern One Twenty One Investments, Ltd. recorded under Clerk's File No. 20060301000260150 in the Deed Records of Collin County, Texas;

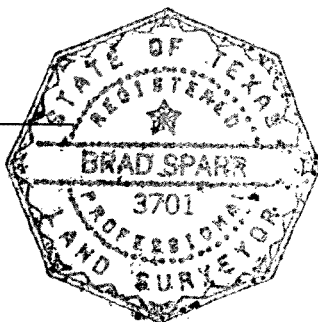
**THENCE** S 59°46'52" E, departing the south line of said State Highway No. 121, along the east line of said Lot 2X, Block B and southwest line of said Southern One Twenty One Investments tract, 93.39 feet;

**THENCE** S 61°20'16" W, departing the east line of said Lot 2X, Block B and southwest line of said Southern One Twenty One Investments tract, 266.71 feet to a point in the west line of said Lot 2X, Block B and east line of said Lot 5, Block B;

**THENCE** N 11°50'53" W, along the west line of said Lot 2X, Block B and east line of said Lot 5, Block B, 22.13 feet;

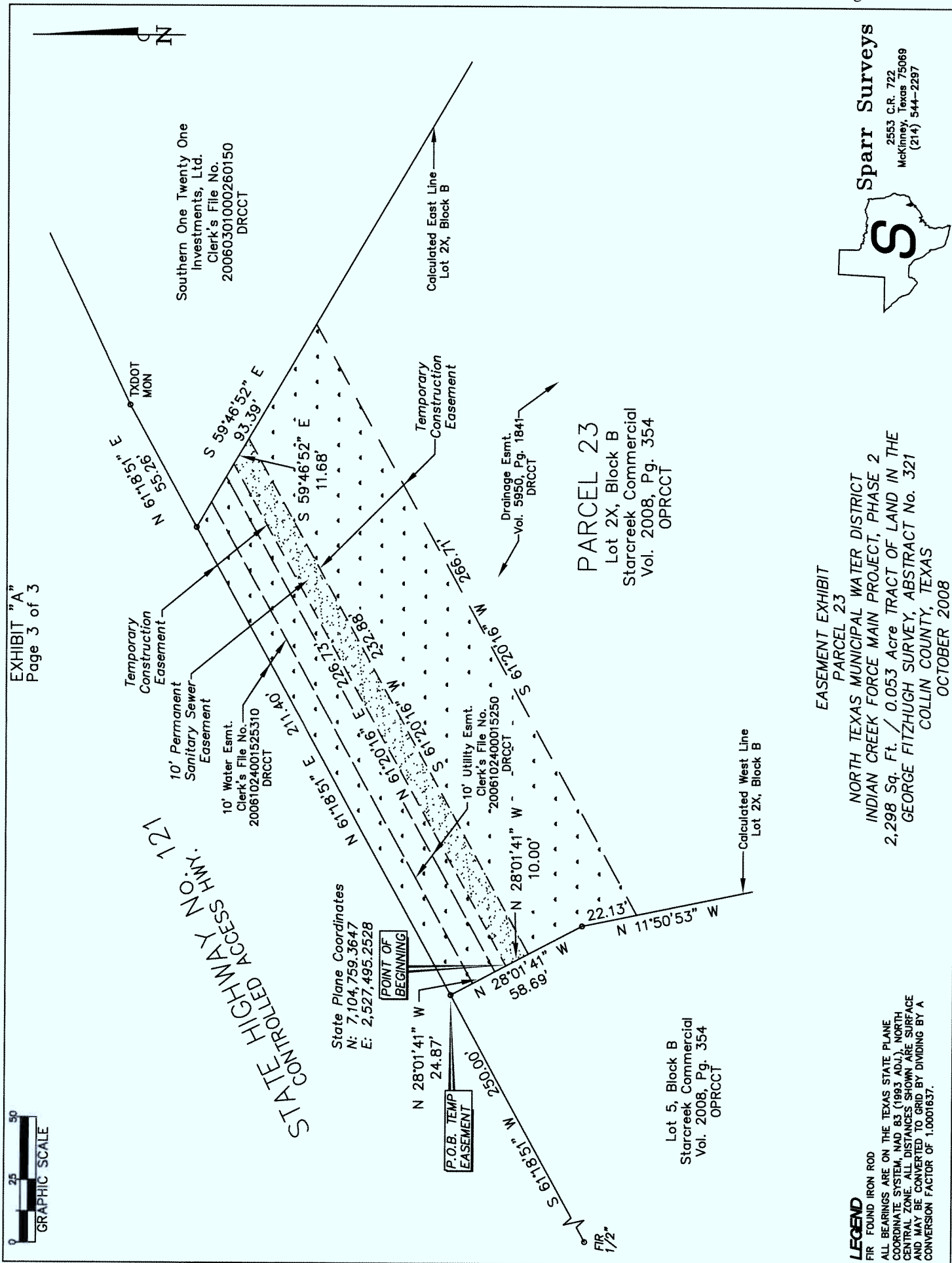
**THENCE** N 28°01'41" W, continuing along the west line of said Lot 2X, Block B and east line of said Lot 5, Block B, 58.69 feet to the POINT of BEGINNING, SAVE and EXCEPT the aforescribed sanitary sewer easement and containing 16,624 square feet or, 0.382 acre of land.

  
\_\_\_\_\_  
Brad Sparr  
Registered Professional  
Land Surveyor No. 3701



Sparr Surveys  
2553 County Road 722  
McKinney, TX 75069  
(214) 544-2297





<b>CITY COUNCIL AGENDA COMMUNICATION</b>
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**AGENDA DATE:**

March 24, 2009

**SUBJECT:**Receive the CIP (Capital Improvement  
Program) Status Report**ATTACHMENT**

Active CIP Status Report

Closed to Fixed Asset Report



# CAPITAL IMPROVEMENT PROJECTS

Prepared by Finance Department

**Active Status**

Date: 3/12/2009

Project Number	Project Description	Funding Sources	Completion Date	Project Estimate	Total Encumbrance & Expenditures	Percent Expended
CD0201	HERITAGE GLD HISTORIC VLG	NON-BONDS, CDC, GRANT	9/30/2009	\$1,202,284	\$1,182,466	98.4%
DR0602	BOWLING ALLEY DRAINAGE	GO BOND & NON-BONDS	3/31/2009	\$450,284	\$440,077	97.7%
DR0801	BUCKINGHAM DRAINAGE REHAB	NON-BONDS	9/30/2009	\$23,003	\$17,373	75.5%
DR0802	RIDGEVIEW DRIVE	NON-BONDS	9/30/2009	\$101,448	\$0	0.0%
DR0803	FOUNTAIN GATE ALLEY DRAIN	NON-BONDS	9/30/2009	\$72,720	\$67,378	92.7%
EC0801	EVENT CENTER BUILDING	CDC BONDS	10/29/2009	\$27,600,000	\$17,705,551	64.2%
EC0802	EVENT CTR PARKING GARAGE	CDC BONDS	2/20/2010	\$7,000,000	\$7,000,000	100.0%
EC0803	EVENT CTR INFRASTRUCTURE	EDC BONDS	2/20/2010	\$13,095,545	\$13,095,545	100.0%
IT0701	IT MASTER PLAN	NON-BONDS	9/30/2009	\$522,935	\$0	0.0%
IT0801	IT PUBLIC SAFETY WIRELESS	GO BONDS, NON BONDS	9/30/2010	\$560,821	\$560,821	100.0%
LB0601	LIBRARY DONOR WALL	NON-BONDS	9/30/2009	\$143,000	\$130,000	90.9%
PR0202	HILLSIDE PARK	CDC, GO BOND, NON-BOND	9/30/2009	\$569,064	\$15,831	2.8%
PR0204	TREE FARM	CDC	12/31/2009	\$48,000	\$5,341	11.1%
PR0302	JUPITER PARK	GO BOND	9/30/2009	\$785,156	\$20,990	2.7%
PR0305	ENTRY & MONUMENT SIGNAGE	CDC, GO BOND	9/30/2009	\$75,304	\$6,039	8.0%
PR0402	DAYSRING NATURE PRESERVE	CDC, PARK DEDICATION FEES	9/30/2009	\$300,330	\$11,787	3.9%
PR0405	TRAILS CONSTRUCTION, PH 3	CDC, GO BOND, NON-BONDS	9/30/2010	\$651,890	\$342,198	52.5%
PR0406	ALLENWOOD PARK DEVELOPMNT	GO BOND, CDC, PARKLAND	4/30/2009	\$1,037,307	\$1,034,306	99.7%
PR0408	PUBLIC ART	NON-BONDS	9/30/2009	\$1,127	\$0	0.0%
PR0418	HERITAGE VILLAGE LANDSCAP	NON-BONDS	9/30/2009	\$25,000	\$0	0.0%
PR0504	ALLEN BARK PARK	CDC	9/30/2009	\$247,000	\$25,830	10.5%
PR0508	FOX HOLLOW RECREATION A.	CDC	4/30/2009	\$72,000	\$0	0.0%
PR0509	FORD POOL REDEVLPMNT PLAN	CDC	6/30/2009	\$100,000	\$74,500	74.5%
PR0514	6 CITIES TRL CONNECTION 8	CDC,GO BOND,NON-BONDS,GR	9/30/2009	\$930,422	\$76,300	8.2%
PR0604	COUNTRY MEADOW PARK IMP#2	CDC, PARKLAND, BOND,NON B	6/30/2009	\$226,515	\$213,553	94.3%
PR0609	BETHANY LAKES VETERAN'S	CDC	5/30/2010	\$25,000	\$25,000	100.0%
PR0611	PARKS & REC MASTER PLAN	BONDS	9/30/2009	\$30,000	\$0	0.0%
PR0615	CHASE OAKS IMPROVEMENT II	CDC	9/30/2010	\$1,135,392	\$250,923	22.1%
PR0701	PARK LAND ACQUISITION #3	GO BONDS	9/30/2010	\$3,244,288	\$1,043	0.0%
PR0702	WINDRIDGE NEIGHBORHOOD PK	PARKLAND FEE	12/31/2009	\$160,000	\$144,320	90.2%
PR0703	SHADOW LAKES GREENBELT	CDC	12/31/2009	\$150,000	\$7,500	5.0%
PR0705	PARK COMP SECURITY SYSTEM	CDC	9/30/2009	\$150,000	\$0	0.0%
PR0706	MOLSEN FARM MASTER PLAN	CDC	5/30/2009	\$25,000	\$25,000	100.0%
PR0707	SHADE STRUC @ BALLFIELDS	CDC	9/30/2009	\$236,802	\$215,512	91.0%
PR0709	ASP II BRIDGE DECK	GO BOND, GRANT, CDC	6/30/2009	\$36,381	\$36,360	99.9%
PR0710	YOUTH CENTER CUST COUNTER	NON-BONDS	9/30/2009	\$6,500	\$0	0.0%
PR0711	WATER FORD PARK PH 5 NP	GO BONDS,PARK DEDICATION	9/30/2010	\$745,350	\$745,349	100.0%
PR0801	SHADE @ CELEBRATION PARK	CDC	9/30/2009	\$100,000	\$0	0.0%
PR0804	MOLSEN FARM DRIVE	CDC	5/30/2009	\$150,000	\$0	0.0%
PR0805	BETHANY LAKES PIER	CDC	9/30/2009	\$85,000	\$0	0.0%
PR0806	RAIL/DAM ARCHEOLOGICAL	CDC	9/30/2009	\$30,000	\$0	0.0%
PR0809	SHELLEY FARM NEIGHBH PARK	PARKLAND	12/31/2010	\$6,000	\$6,000	100.0%
PR0810	CELEBRATION PASS PED TRL	CDC,GRANT	12/31/2009	\$91,224	\$48,000	52.6%
PR0812	WATTERS BRANCH BRIDGE	CDC	9/30/2009	\$50,000	\$37,200	74.4%



## CAPITAL IMPROVEMENT PROJECTS

Prepared by Finance Department

Active Status

Date: 3/12/2009

Project Number	Project Description	Funding Sources	Completion Date	Project Estimate	Total Encumbrance & Expenditures	Percent Expended
PR0813	CANCER WALK OF HOPE	NON-BOND	5/30/2009	\$40,000	\$1,200	3.0%
PR0814	PUBLIC ART BONDS FUND	BONDS	9/30/2010	\$88,501	\$0	0.0%
PR0815	CELEBRATION PARK PHASE II	GO-BOND,CDC	12/31/2009	\$682,352	\$272,325	39.9%
PR0901	PATIENT MOBILE TRANSPORT	CDC	9/30/2009	\$25,000	\$23,645	94.6%
PR0904	SCOREBOARDS (ASP/BOLIN)	CDC	9/30/2009	\$49,500	\$35,753	72.2%
PR0907	STACY RD - VILLAGES TRAIL	CDC	9/30/2009	\$70,680	\$0	0.0%
PR0909	WALDEN PARK RENOVATION	PARKLAND	9/30/2009	\$80,000	\$0	0.0%
PS0601	FIRE STATION #5	NON-BONDS, BONDS	9/30/2010	\$3,743,726	\$574,770	15.4%
PS0701	SERVICE CENTER	NON-BONDS	9/30/2011	\$2,356,461	\$1,372,423	58.2%
PS0801	JAIL EXPANSION	GO BONDS	9/30/2009	\$746,407	\$737,180	98.8%
PS0802	ANIMAL SHELTER EXPANSION	GO BONDS	2/28/2010	\$147,719	\$18,070	12.2%
PS0803	FIRE STATION #6	GO BONDS	9/30/2012	\$196,501	\$66,699	33.9%
PS0901	PS COMMUNICATION SYSTEMS	GO BONDS	9/30/2011	\$196,502	\$0	0.0%
ST0110	SH5, EXCHANGE-STACY	GO BOND & NON-BOND	9/30/2009	\$1,470,518	\$1,336,726	90.9%
ST0312	SIGNAL UPGRADE/COM.SYSTEM	GO BOND & NON-BOND	9/30/2009	\$1,134,131	\$1,016,706	89.6%
ST0316	FM 2551	FACILITY AGREEMENT	9/30/2010	\$553,080	\$0	0.0%
ST0317	N BETHANY LAKES-WALL PRJ	FACILITY AGREEMENT	9/30/2009	\$100,000	\$0	0.0%
ST0501	EXCHANGE,WATTERS-W.BRANCH	FACILITY AGRMNT, NON-BONDS	9/30/2009	\$2,450,000	\$2,375,030	96.9%
ST0503	EXCHANGE PK,TWN CRK-SH121	FACILITY AGRM, NON-BONDS	9/30/2010	\$3,480,981	\$3,192,354	91.4%
ST0603	STACY RD-US 75 TO GREENVI	NON-BONDS, FCLTY AG	9/30/2009	\$635,652	\$540,560	85.0%
ST0610	ANGEL PARKWAY, PH III	GO BONDS, NON-BOND, FAC AGR	9/30/2009	\$860,564	\$803,964	93.4%
ST0704	STACY PII-GREENV TO ANGEL	NON-BONDS	10/31/2011	\$52,500	\$0	0.0%
ST0709	COUNTRY BROOK LANE	NON-BONDS	9/30/2009	\$535,000	\$463,662	86.7%
ST0710	RIDGEVIEW DRIVE	ROADWAY IMPACT FEES	9/30/2009	\$84,000	\$44,800	53.3%
ST0713	STREET LIGHTS PHASE II	NON-BONDS	9/30/2009	\$17,752	\$0	0.0%
ST0714	EXCHANGE/STACY RAMP REVER	EDC BONDS	2/20/2010	\$1,905,141	\$1,875,482	98.4%
ST0801	RIDGEVIEW-CUSTER TO ALMA	GO BONDS	3/30/2010	\$5,236,887	\$2,559,600	48.7%
ST0802	WATTERS RD BOSSY TO RIDGE	NON-BONDS	9/30/2010	\$502,141	\$204,863	40.8%
ST0806	ALMA IMP ROWLETT/TATUM	NON-BONDS	9/30/2009	\$253,404	\$4,985	2.0%
ST0810	ALMA/HEDGCOXE TRAFFIC SIG	NON-BONDS	9/30/2009	\$43,740	\$33,097	75.7%
ST0811	2009 TRAFFIC SIGNALS	NON-BONDS	12/31/2009	\$470,644	\$123,876	26.3%
ST0812	FY09 STREET & ALLEY REPAIR	NON-BONDS	9/30/2009	\$429,938	\$342,940	79.8%
ST0813	SHALLOWATER DRIVE	GO BONDS	9/30/2009	\$35,000	\$33,685	96.2%
ST9904	CHAPARRAL BRIDGE	GO BOND, NON-BONDS, FCLTY	9/30/2010	\$1,572,025	\$403,713	25.7%
WA0118	ALLENWOOD SANITARY SEWER	NON-BONDS	9/30/2009	\$1,128,234	\$1,098,732	97.4%
WA0240	CUSTER RD PMP STA#3 EXPNS	W&S BOND, NON-BONDS, IMPACT	4/30/2009	\$6,003,821	\$5,762,463	96.0%
WA0305	OVERSIZING W/S	NON-BONDS, IMPACT FEES	9/30/2010	\$250,000	\$131,109	52.4%
WA0335	WESTSIDE WATERLINE	W&S BOND, NON-BONDS, IMPACT	9/30/2009	\$3,500,459	\$3,377,426	96.5%
WA0401	US75 LIFT STA +12"FRC MN	NON-BONDS	9/30/2011	\$450,054	\$0	0.0%
WA0602	EXCHANGE PARKWAY WATERLIN	NON-BONDS	9/30/2009	\$84,000	\$71,545	85.2%
WA0703	BEACON HILL/MCDERMOTT W/L	NON-BONDS	3/31/2009	\$60,117	\$53,399	88.8%
WA0704	CUSTER ROAD WATERLINE	NON-BONDS	8/31/2009	\$400,000	\$322,501	80.6%
WA0803	LIFT STATION IMPROVEMENTS	NON-BONDS	9/30/2009	\$40,000	\$23,197	58.0%
WA0804	PUMP STATION IMPROVEMENTS	NON-BONDS	9/30/2009	\$50,000	\$36,419	72.8%



## CAPITAL IMPROVEMENT PROJECTS

Prepared by Finance Department

**Active Status**

Date: 3/12/2009

Project Number	Project Description	Funding Sources	Completion Date	Project Estimate	Total Encumbrance & Expenditures	Percent Expended
WA0805	HILLSIDE WATER TOWER	IMPACT FEES	6/30/2010	\$4,534,676	\$233,200	5.1%
WA0806	STACY TANK CATHODIC PROTE	NON-BONDS	9/30/2009	\$10,000	\$9,813	98.1%
WA0807	HIGH MEADOWS SEWER LINE	NON-BONDS	9/30/2009	\$150,000	\$81,900	54.6%
WA0808	WATERLINE REPLACEMENT	NON-BONDS	9/30/2009	\$750,000	\$0	0.0%
WA0809	PUMP STATION REHABILITATI	NON-BONDS	9/30/2009	\$25,000	\$0	0.0%
WA0810	LIFT STATION REHABILITATI	NON-BONDS	9/30/2009	\$15,000	\$0	0.0%
WA0901	ROWLETT WATER TOWER FENCE	NON BONDS	9/30/2009	\$185,000	\$0	0.0%
WA9998	FUTURE CIP FUNDING PER RS	NON-BONDS	9/30/2009	\$500,000	\$0	0.0%



## CAPITAL IMPROVEMENT PROJECTS

Prepared by Finance Department

Closed to Fixed Assets

Date: 3/12/2009

Project Number	Fixed Assets #	Project Description	Completion Date	Project Estimate	Project Total Costs
CD0102	88	FIRE & WEATHER SAFETY TRL	9/30/2001	\$39,722	\$39,722
CD0401	628	HISTORICAL VLG LAND	9/30/2004	\$126,549	\$126,549
DR0311	742	TWIN CREEKS DRAINAGE	9/30/2005	\$703,849	\$703,847
DR0401	703	DRAINAGE REPLACEMENTS	9/30/2005	\$72,991	\$72,991
DR0601	1096	FOREST GROVE	9/12/2008	\$18,993	\$18,992
DR0701	1100	ROWLETT CREEK FLOODPLAIN	9/18/2008	\$30,133	\$30,132
DR9301	576	MUSTANG CREEK	9/30/2003	\$1,123,034	\$1,123,034
DR9905	445	HILLSIDE DRAINAGE	9/30/2004	\$252,944	\$252,944
DR9906	339	HISTORIC DAM	9/30/2003	\$333,226	\$333,226
ED0201	322	MILLENIUUM TECH	9/30/2002	\$963,788	\$963,588
ED0301	318	MILLENIUUM TECH, PH 2	6/7/2006	\$1,017,817	\$1,017,817
ED0302	628	CENTURY @ BUTLER LAND	6/7/2006	\$597,488	\$587,361
ED8900	862	RIDGEMONT	9/30/2006	\$547,613	\$547,613
ED8910	768	MILLENIUUM CORPORATE CNTR	6/7/2006	\$3,277,340	\$3,277,340
G05011	697	SW GRAPPLE TRUCK	9/30/2005	\$89,473	\$89,410
IS0305	313	IT CONDUIT/PHONE SYS,PH1	9/30/2005	\$80,240	\$80,240
IS0306	998	IT CONDUIT/PHONE SYS,PH2	12/20/2007	\$83,225	\$83,225
IS0406	388	CIVIC BLDGS IMPRV, PH3	9/30/2005	\$52,666	\$52,666
IS0501	866	SERVICE CTR LAND ACQUISIT	8/31/2006	\$2,451,091	\$2,451,091
IS0503	850	PUMP STATION PWR FACTOR C	9/7/2006	\$27,666	\$27,666
IS0504	313	CITY HALL BLDG IMPROVEMNT	2/28/2006	\$18,802	\$18,800
IS0505	545	NATATORIUM POWER FACTOR C	3/22/2006	\$30,000	\$30,000
IS0601	877	CITY HALL REMODEL 2006	6/20/2007	\$29,700	\$29,700
IS0602	387	CITY HALL ANNEX RMDL 2006	3/22/2007	\$19,722	\$19,720
IS0702	377	FIRE STATION #2 ROOF	9/21/2007	\$50,038	\$50,038
IS0703	1121	IT DATA CENTER @CITY HALL	9/30/2008	\$506,061	\$506,060
IS0704	984	FIRE STATION #1 CARPET	9/21/2007	\$14,535	\$14,534
IS0705	984	FIRE STATION #1 WRK ROOM	9/21/2007	\$2,301	\$2,301
LB0101	693	MAIN LIBRARY	8/31/2006	\$11,855,075	\$11,855,075
LB0401	848	LIBRARY-ADAPTIVE RE-USE	9/30/2007	\$1,162,673	\$1,162,672
LB0501	863	LIBRARY BOOKS	8/25/2006	\$100,000	\$99,999
LB0701	885	MAIN LIBRARY PHASE II	9/6/2007	\$7,533	\$7,532
PR0002	575	NATATORIUM	9/30/2003	\$9,983,369	\$9,983,369
PR0003	357	BETHANY LAKES AMEN.BLDG.	9/30/2003	\$355,158	\$355,146
PR0004	580	CELEBRATION PARK	9/30/2003	\$6,797,817	\$6,797,814
PR0005	743	TRAILS CONSTRUCTION	11/4/2005	\$606,464	\$606,464
PR0006	334	MEDIAN BEAUTIFICATION	9/30/2002	\$131,333	\$131,333
PR0007	561	ALLEN STA PRK PH.1B	9/30/2003	\$640,777	\$640,777
PR0008	420	GLNDVR,BETHNY,TWNCRK	9/30/2003	\$803,452	\$803,452

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## CAPITAL IMPROVEMENT PROJECTS

Prepared by Finance Department

Closed to Fixed Assets

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Project Number	Fixed Assets #	Project Description	Completion Date	Project Estimate	Project Total Costs
PR0009	233	BOLIN/SUNCREEK PRK	9/30/2002	\$866,922	\$866,922
PR0011	227	CITY HALL LANDSCAPE PH2	9/30/2002	\$455,665	\$455,665
PR0101	233	BOLIN PARK FENCE	9/30/2002	\$85,408	\$85,408
PR0102	746	ALLEN STATION PARK, PH 2	6/4/2007	\$6,571,744	\$6,545,273
PR0103	456	HERITAGE HOUSE TRAINDEPOT	9/30/2003	\$605,706	\$605,706
PR0104	864	CIVIC CENTER PLAZA	8/18/2006	\$1,709,740	\$1,701,446
PR0105	987	SPRING MEADOWS PARK	1/2/2008	\$574,240	\$574,238
PR0106	764	COM. PARK ACQUISITION #1	3/30/2006	\$2,860,834	\$2,860,834
PR0107	368	LOST CREEK PARK	9/30/2003	\$310,140	\$310,140
PR0109	566	FORD EAST PARK RENOVATION	9/30/2005	\$232,147	\$232,147
PR0110	566	FORD WEST PLAYGROUND	9/30/2003	\$47,937	\$47,937
PR0111	570	CTTNWOOD BEND PLAYGROUND	9/30/2003	\$58,629	\$58,007
PR0112	432	REED PARK PLAYGROUND	9/30/2003	\$65,847	\$65,846
PR0113	369	CELEBRATION PLAYGROUND	9/30/2003	\$206,276	\$206,277
PR0114	391	PARK ACQUISITION #2	9/30/2003	\$587,080	\$587,080
PR0115	711	STACY RIDGE PARK	9/30/2005	\$557,444	\$557,444
PR0116	359	MAIN ST LANDSCAPING	9/30/2003	\$205,907	\$205,907
PR0117	577	VALCON SYSTEM	9/30/2003	\$130,207	\$130,207
PR0201	896	COLLIN SQUARE GREENBELT	12/14/2006	\$4,700	\$4,700
PR0203	716	STORY PARK	9/30/2005	\$609,312	\$609,312
PR0206	376	FIRE STA #1 REMODEL	9/30/2004	\$123,736	\$123,736
PR0207	336	SIX CITIES TRAIL	9/30/2002	\$7,500	\$7,500
PR0211	301	BLUFF @ LOST CREEK PH 2	9/30/2002	\$300,000	\$300,000
PR0303	1011	PARK SIGNAGE	1/15/2008	\$56,336	\$56,336
PR0304	696	WATTERS CREEK TRAIL	9/30/2005	\$231,979	\$231,979
PR0306	233	BOLIN/SUNCREEK PARK PH2	9/30/2003	\$3,927	\$3,927
PR0307	389	FORD POOL RENOVATION	9/30/2003	\$83,753	\$83,317
PR0308	840	SENIOR CITIZENS CENTER	9/7/2007	\$4,807,328	\$4,804,321
PR0309	660	TWN CRK 3, IRRIGATION	9/30/2004	\$39,723	\$39,723
PR0401	820	LOST CREEK, PH 3	12/30/2005	\$340,000	\$340,000
PR0403	865	CELEBRATION ADDITIONS #1	8/18/2006	\$483,282	\$400,404
PR0407	432	REED PARK, PH 2	9/30/2005	\$10,900	\$10,320
PR0409	904	NATATORIUM PH 1B	1/2/2007	\$5,000	\$4,850
PR0410	456	HERITAGE CNTR,PH1B	9/30/2004	\$21	\$21
PR0412	817	GLENDOVER NP, PH2	12/31/2005	\$277,024	\$277,024
PR0413	818	BETHANY RIDGE NP, PH2	12/31/2005	\$173,514	\$173,514
PR0414	819	DAYSRING NP (TWN CRK)	12/31/2005	\$39,208	\$39,208
PR0415	740	QUAIL RUN PARK	8/16/2006	\$403,664	\$403,664
PR0419	937	JUPITER RD STORAGE FAC	6/22/2007	\$36,331	\$36,331

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## CAPITAL IMPROVEMENT PROJECTS

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Project Number	Fixed Assets #	Project Description	Completion Date	Project Estimate	Project Total Costs
PR0420	748	GOLF COURSE-TAX EXEMPT	7/3/2007	\$5,350,272	\$5,350,268
PR0422	765	GOLF COURSE-TAXABLE	9/30/2006	\$919,887	\$919,883
PR0503	821	BETHANY LAKES PLAYGROUND	12/31/2005	\$114,201	\$114,201
PR0505	911	HERITAGE PARK BRIDGE	3/14/2007	\$184,255	\$184,255
PR0507	1012	BRIDGEWATER CROSSING R.A.	1/17/2008	\$120,653	\$120,652
PR0511	390	FORD PARK EAST IMPRVMNTS	9/30/2005	\$2,505	\$2,505
PR0512	383	J FARMER RCQTBL CT REPLCM	9/30/2005	\$51,899	\$51,899
PR0513	744	COTTONWOOD PARK PH 1B	9/30/2005	\$4,750	\$4,750
PR0602	1116	CMPTR CNTRLS/IRRIG+LIGHTS	9/30/2008	\$143,995	\$143,995
PR0603	1135	CELEBRATION #2 SPRAYGRD	12/11/2008	\$125,545	\$125,545
PR0605	870	BETHANY LAKES DISCGOLF EQ	9/7/2006	\$21,071	\$21,070
PR0607	849	CHASE OAKS CLUBHOUSE IMP	12/31/2007	\$175,619	\$175,618
PR0608	859	FORD PARK WEST-HOCKY WALL	8/30/2006	\$24,980	\$24,980
PR0610	1079	HOCKEY STORAGE FACILITY	8/19/2008	\$5,000	\$5,000
PR0612	871	RESERVATION MESSAGE BOARD	9/7/2006	\$4,880	\$4,880
PR0613	1003	CHASE OAKS PAVILION ENCLO	12/14/2007	\$210,800	\$210,799
PR0704	1136	JFRC RENOVATION PHASE 1	12/17/2008	\$22,170	\$22,169
PR0708	989	EX EQUIPMENT @ JFRC & DRN	6/2/2008	\$275,790	\$275,790
PR0722	986	GOLF COURSE-TAXABLE PH 2	12/26/2007	\$19,811	\$19,811
PR0802	1077	FORD SOFTBALL IMPROVEMENT	8/12/2008	\$59,366	\$59,366
PR0803	1047	DRN UV H2O TREATMENT PKG	3/31/2008	\$60,650	\$60,650
PR0807	1076	TWIN CREEK NP	8/7/2008	\$485,000	\$465,190
PR0808	1137	POLICE MONUMENT SIGN	12/11/2008	\$33,750	\$33,750
PR0811	1043	BOLIN PARK ACCESSIBILITY	3/25/2008	\$12,178	\$12,178
PR0816	1132	OUTDOOR CINEMA SYSTEM	1/28/2009	\$19,902	\$19,902
PR3S03	0	SUMMER SOUNDS CONCERT SER	9/22/2004	\$105,257	\$117,692
PS0001	388	POLICE BLDG EXPANSION	9/30/2003	\$4,628,393	\$4,628,393
PS0004	546	CENTRAL FIRE STATION	9/30/2003	\$4,300,041	\$4,300,041
PS0201	730	FIRE STA APPARATUS	9/30/2005	\$349,981	\$349,981
PS0301	629	EMERGENCY MGMT WARNG SYST	9/30/2005	\$294,713	\$294,713
PS0302	374	EXHST SYS STA3&4	9/30/2003	\$17,110	\$17,110
PS0304	546	CNTRL FIRE ST GARAGE	9/30/2004	\$143,452	\$143,452
PS0305	630	CNTRL FIRE STA RENOVATION	9/30/2004	\$31,902	\$31,902
PS0306	691	FIRE STA 2 3&4 RENOVATION	9/30/2005	\$37,700	\$36,975
PS0401	388	POLICE STA ADDITIONS	9/30/2004	\$60,867	\$60,867
PS0402	927	PARKING LOT EXPNSN-POLICE	4/16/2007	\$245,443	\$245,442
PS0403	546	FIRE STATION IMPRVMNT	9/30/2005	\$11,980	\$11,980
ST0035	574	ANGEL PKWY & MALONE	9/30/2003	\$3,290,404	\$3,290,404
ST0036	574	ANGEL PKWY,BY DVLPR	9/30/2003	\$131,042	\$131,042

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## CAPITAL IMPROVEMENT PROJECTS

Prepared by Finance Department

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Date: 3/12/2009

Project Number	Fixed Assets #	Project Description	Completion Date	Project Estimate	Project Total Costs
ST0101	728	ALLEN HTS,BTHNY-PRKMEDIAN	9/30/2005	\$345,000	\$333,385
ST0111	761	FM2170E, ALLEN HTS-FM2551	9/12/2007	\$7,014,185	\$7,014,185
ST0113	854	BETHANY E, US75-ALLEN HTS	5/8/2006	\$3,915,419	\$3,915,419
ST0123	671	E EXCHANGE,SH5-1378	9/30/2004	\$3,014,641	\$3,014,641
ST0127	367	SGNL LT-CNTRY@MCDRM	9/30/2003	\$445,783	\$445,783
ST0136	672	ALMA DR,TATUM-BELAIR	9/30/2004	\$1,181,982	\$1,181,982
ST0137	330	WATTERS RD, PH I	9/30/2002	\$351,626	\$351,626
ST0141	395	ASPHALT PAVEMENT,PH I	9/30/2003	\$361,382	\$361,381
ST0142	556	CONCRETE ALLEY REPLCMNT	9/30/2003	\$672,824	\$672,823
ST0146	195	MAIN/MALONE INTERSECTION	9/30/2002	\$150,000	\$148,279
ST0148	231	101 S BUTLER,ASBSTS	9/30/2002	\$14,086	\$14,086
ST0201	396	SH 5 SIDEWALKS, PH2	9/30/2003	\$314,059	\$314,059
ST0202	876	ALLEN DRIVE	9/27/2006	\$3,036,182	\$3,036,182
ST0203	674	ST MARY'S DRIVE	9/30/2004	\$550,731	\$550,729
ST0204	360	STREET LIGHT INSTALLATION	9/30/2003	\$425,933	\$425,933
ST0205	361	ASH DRIVE	9/30/2003	\$320,736	\$320,735
ST0206	193	TEN OAKS	9/30/2002	\$58,880	\$58,880
ST0207	670	BETHANY SIGNAL	9/30/2004	\$151,140	\$151,140
ST0249	1089	ALLEN CENTRAL DRIVE	9/10/2008	\$48,116	\$48,116
ST0301	731	RIDGEMONT DRIVE	9/30/2005	\$824,510	\$824,510
ST0302	652	ASPHLT RPLCMNT PH2	9/30/2004	\$648,681	\$648,681
ST0304	364	RIDGEVIEW, US75-STACY RD	9/30/2004	\$228,000	\$227,250
ST0306	895	ANGEL PKWY, LANDSCAPE& LT	11/20/2006	\$418,831	\$418,830
ST0309	664	CONCRETE ALLEY PH 11	9/30/2004	\$476,646	\$476,035
ST0310	766	ALLEN DRIVE, PHASE 2	9/7/2006	\$674,124	\$674,124
ST0311	1058	INTERSECTION IMPROVEMENTS	4/30/2008	\$95,194	\$95,193
ST0313	628	BEL AIR DR ROW	9/30/2004	\$186,099	\$186,099
ST0315	767	BETHANY DRIVE EAST	12/8/2006	\$1,825,519	\$1,825,519
ST0318	351	BTHNY @AYLSBY SGNL	9/30/2004	\$74,840	\$74,840
ST0319	373	RDGVIEW/RWLT CR BRG	9/30/2003	\$74,376	\$74,375
ST0320	673	EXCHNGE PKWY@RVRCST	9/30/2004	\$92,298	\$92,298
ST0321	657	TRAFFIC SIGNALS	9/30/2004	\$130,700	\$130,700
ST0338	703	CONCRETE REPLACEMENTS	9/30/2005	\$835,525	\$835,525
ST0403	812	ST. MARY DRIVE, PH 2	2/10/2006	\$617,417	\$617,417
ST0404	853	HEDGCOXE RD,DCHSS-LNGWOOD	5/2/2006	\$144,283	\$144,282
ST0406	672	BEL AIR - ALMA SIGNAL	9/30/2005	\$106,916	\$106,916
ST0407	739	TWIN CREEKS 7A1 AND 7A2	9/30/2005	\$133,380	\$133,380
ST0415	720	WATTERS RD,TWN CRK-WTRAIL	9/30/2005	\$244,935	\$244,935
ST0416	940	HILLSIDE/WNDRDGE ST.LIGHT	7/5/2007	\$7,248	\$7,248

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## CAPITAL IMPROVEMENT PROJECTS

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Closed to Fixed Assets

Date: 3/12/2009

Project Number	Fixed Assets #	Project Description	Completion Date	Project Estimate	Project Total Costs
ST0504	855	LED SIGNAL LIGHTS	5/11/2006	\$42,027	\$42,026
ST0505	979	RIDGEVIEW/CUSTER INTR SCTN	8/31/2007	\$153,014	\$153,014
ST0506	739	TEN OAKS LANDSCAPE	9/30/2005	\$25,000	\$24,210
ST0507	1090	ST. MARY DRIVE, PH 3	9/10/2008	\$2,007,891	\$2,007,890
ST0508	856	MCDERMOTT/75 INTERSECTION	5/11/2006	\$158,835	\$158,835
ST0509	822	McDRMTT@ALLEN DR INTR SCTN	2/20/2006	\$132,508	\$132,508
ST0601	1101	FIRE STA 2&3 EMERG SIGNAL	9/18/2008	\$130,870	\$130,871
ST0604	935	DUCHESSE AND HEDGCOXE	6/21/2007	\$120,958	\$120,958
ST0606	941	CUMBERLAND CROSSING	7/5/2007	\$43,954	\$43,953
ST0607	939	SHALLOWATER BRIDGE	7/2/2007	\$180,000	\$180,000
ST0608	1117	STACY-WATTERS TRAFFIC SIG	9/30/2008	\$146,318	\$140,317
ST0697	892	SIDEWALK	9/30/2006	\$17,308	\$17,308
ST0701	1113	ALLEN DRIVE, PHASE 3	9/30/2008	\$361,098	\$361,098
ST0702	1120	EXCHANGE PKWY SIGNALS	9/30/2008	\$141,638	\$141,638
ST0703	923	WINDRIDGE EXCHANGE PKWY	3/22/2007	\$78,432	\$78,431
ST0705	1091	ALMA/HEDGCOXE	9/9/2008	\$480,000	\$410,322
ST0706	1083	JUPITER RD REPLACEMENT	9/5/2008	\$193,810	\$193,809
ST0707	954	US 75/SH 121 ROW	9/9/2008	\$150,000	\$150,000
ST0708	980	MCDERMOTT TURN LANE	9/12/2007	\$25,044	\$25,044
ST0711	1154	MAIN STREET LANDSCAPING	1/19/2009	\$289,681	\$289,681
ST0712	1092	2551/MAIN ST SIDEWALKS	9/12/2008	\$19,613	\$19,612
ST0715	1093	HEDGCOXE ROAD	9/10/2008	\$400,000	\$370,051
ST0717	1094	MCDERMOTT PAVEMENT REHABI	9/10/2008	\$348,729	\$348,728
ST0805	1167	STREET & ALLEY REPAIR	2/12/2009	\$297,649	\$297,648
ST0809	1119	BETHANY TRAFFIC SIGNALS	9/30/2008	\$8,750	\$8,750
ST9508	719	SH5 MEDIANS, CHP-XCH	9/30/2005	\$1,367,605	\$1,367,605
ST9512	229	MCDERMOTT, CUSTER-US75	9/30/2002	\$11,638,037	\$11,638,037
ST9809	572	COLLECTOR SIDEWALKS	9/30/2003	\$559,631	\$559,225
ST9828	230	ALMA DR, EXCHANGE-SH121	9/30/2002	\$3,566,608	\$3,566,608
ST9829	538	STACY RD, US75-SH121	9/30/2003	\$9,672,319	\$9,672,319
ST9903	541	BETHANY WEST	9/30/2003	\$5,671,564	\$5,671,564
ST9918	366	WATTERS, BETHANY-MCDERMOTT	9/30/2003	\$1,689,394	\$1,689,394
WA0009	228	LOST CREEK LIFT STATION	9/30/2001	\$88,000	\$87,879
WA0016	87	HIGHPOINT WATER LINE	9/30/2001	\$57,271	\$57,271
WA0027	560	ALLEN HTS IMPROVEMENTS	9/30/2003	\$1,170,306	\$1,170,302
WA0030	537	ALLEN HTS, PH II WATERLINE	9/30/2003	\$1,205,493	\$1,205,491
WA0036	579	STACY RD PUMP STA#2	9/30/2003	\$5,130,942	\$5,130,942
WA0112	872	PRESTIGE CIR WATER TOWER	9/12/2006	\$4,165,604	\$4,165,604
WA0120	632	LOST CREEK RANCH PH2A	9/30/2004	\$348,230	\$348,230



## CAPITAL IMPROVEMENT PROJECTS

Prepared by Finance Department

Closed to Fixed Assets

Date: 3/12/2009

Project Number	Fixed Assets #	Project Description	Completion Date	Project Estimate	Project Total Costs
WA0132	557	S.C.A.D.A.	9/30/2003	\$352,456	\$352,456
WA0133	356	HEDGCOXE WATERLINE	9/30/2003	\$255,881	\$255,881
WA0134	356	OVERSIZING W&S	9/30/2003	\$14,654	\$14,654
WA0214	392	WATERLINE REPLACEMENT	9/30/2003	\$124,375	\$124,375
WA0215	677	OLA SEWER/LIFT STA.	9/30/2004	\$936,723	\$936,720
WA0216	578	COTTONWOOD CREEK SEWER	9/30/2003	\$835,838	\$835,838
WA0217	731	RIDGEMONT SEWERLINE	9/30/2005	\$225,000	\$225,000
WA0218	308	STACY RIDGE LIFT STATION	9/30/2002	\$218,550	\$218,550
WA0219	358	BETHANY RIDGE LIFTSTATION	9/30/2003	\$113,616	\$113,616
WA0301	1122	TWN CREEKS 36" WTRLIN 6B	9/30/2008	\$734,100	\$734,099
WA0302	735	WATER TOWER SECURITYLIGHT	9/30/2005	\$423,572	\$423,572
WA0303	676	FAIRVIEW WSTWTR INTR	9/30/2004	\$104,682	\$104,682
WA0402	698	36" WATERLINE TC6A	9/30/2005	\$211,242	\$211,242
WA0403	811	ST. MARY DRIVE, PH 2	2/9/2006	\$83,000	\$82,798
WA0407	739	TWIN CREEKS 7A1 AND 7A2	9/30/2005	\$237,435	\$237,435
WA0415	720	WATTERS RD-QUAIL RUN	9/30/2005	\$29,470	\$29,470
WA0507	936	ST MARY DR PH III WATER	6/20/2007	\$57,000	\$57,000
WA0511	932	EAST MAIN WATER LINE	6/12/2007	\$1,554,666	\$1,554,666
WA0601	950	JUPITER RD SEWER REPLACEM	1/19/2009	\$488,201	\$488,200
WA0701	579	STACY RD GROUND STORAGE	9/12/2007	\$555,816	\$555,816
WA0702	1095	COUNTRY CLUB WATERLINE	9/9/2008	\$97,442	\$96,121
WA0801	1084	ALLEN DRIVE PHASE III	9/5/2008	\$161,198	\$161,198
WA0802	1156	FAIR MEADOW SANITARY SEWE	1/19/2009	\$123,876	\$123,876
WA9822	226	PUMP STA #3 & 2 TNK	9/30/2002	\$9,552	\$9,552
WA9923	224	LNDSCP 2 ELEV TANK	9/30/2002	\$6,645	\$6,645
WA9925	225	CUSTER PMP ST3 LDSC	9/30/2002	\$89,488	\$89,488
WA9931	636	ALMA,TATUM-BELAIR	9/30/2004	\$20,921	\$20,920
<b>Total Expenditures:</b>				<b>\$181,568,572</b>	

<b>CITY COUNCIL AGENDA COMMUNICATION</b>
--

**AGENDA DATE:**

March 24, 2009

**SUBJECT:**

Receive the Summary of Property Tax  
Collections as of February 2009

**ATTACHMENT**

Summary of Property Tax Collections as of February 2009

Kenneth L Maun  
Tax Assessor/Collector  
Collin County  
P O Box 8046  
McKinney Tx 75070

Page 1

Monthly Collection Status Report  
February 2009

City of Allen #06

	Collections Month of February	Cumulative Total 10/1/08 thru 2/27/09	% of Collections
Current Tax Year Collections			
Base M&O	\$3,855,902.34	28,715,468.21	97.83%
Base I&S	1,204,061.89	8,966,824.93	
Base I&S Bond			
P&I M&O	21,053.91	21,053.91	
P&I I&S	6,574.28	6,574.28	
P&I I&S Bond			
Attorney Fee	1,002.90	1,002.90	
Subtotal	<u>\$5,088,595.32</u>	<u>\$37,710,924.23</u>	97.91%
Delinquent TaxYears Collections			
Base M&O	\$46,250.85	213,305.95	
Base I&S	16,609.15	69,128.53	
Base I&S Bond			
P&I M&O	3,214.37	24,173.90	
P&I I&S	1,066.07	7,971.89	
P&I I&S Bond			
Attorney Fee	2,007.27	31,568.29	
Other>	0.00	0.00	
Subtotal	<u>\$69,147.71</u>	<u>\$346,148.56</u>	0.90%
Combined Current & Delinquent:			
Base M&O	\$3,902,153.19	\$28,928,774.16	
Base I&S	\$1,220,671.04	\$9,035,953.46	
Base I&S Bond			
P&I M&O	24,268.28	45,227.81	
P&I I&S	7,640.35	14,546.17	
P&I I&S Bond			
Attorney Fee	3,010.17	32,571.19	
Other>	0.00	0.00	
Total Collections	<u><u>\$5,157,743.03</u></u>	<u><u>\$38,057,072.79</u></u>	98.81%
			100.00%
Original 2008 Tax Levy		<u><u>\$38,516,734.63</u></u>	



Kenneth L Maun  
Tax Assessor/Collector  
Collin County  
P O Box 8046  
McKinney Tx 75070

Page 3

Levy Outstanding Status Report  
February 2009

City of Allen #06

	Current Tax Year	Delinquent Tax Years
Current Month:		
Tax Levy Remaining as of 1/31/09	\$6,579,408.58	\$371,487.93
Base M&O Collections	5,059,964.23	62,860.00
Supplement/Adjustments	-9,940.68	-139.25
Write-off	0.00	0.00
Remaining Levy as of 2/27/09	<u>\$1,509,503.67</u>	<u>\$308,488.68</u>
Cumulative (From 10/01/08 thru 2/27/09)		
Original 2008 Tax Levy (as of 10/01/08)	\$38,516,734.63	\$466,141.10
Base M&O + I&S Collections	37,682,293.14	282,434.48
Supplement/Adjustments	675,062.18	124,782.06
Write-off	0.00	0.00
Remaining Levy as of 2/27/09	<u>\$1,509,503.67</u>	<u>\$308,488.68</u>

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Kenneth L Maun  
Tax Assessor/Collector  
Collin County  
P O Box 8046  
McKinney Tx 75070

Monthly Distribution Report  
February 2009

City of Allen #06

	Distribution Month of February	Distribution 10/1/08 thru 2/27/09
Weekly Remittances:		
Week Ending 2/7/09	\$4,413,433.21	\$6,755,706.34
Week Ending 2/13/09	366,860.25	\$3,555,036.10
Week Ending 2/20/09	78,048.08	\$9,448,990.14
Week Ending 2/27/09	\$296,027.93	\$7,818,732.91
		\$10,445,333.21
Total Weekly Remittances	<u>\$5,154,369.47</u>	<u>\$38,023,798.70</u>
Overpayment from Prior Month	\$0.00	\$0.00
Manual Adjustment Refund	\$0.00	\$0.00
Commission Paid Delinquent Attorney	\$3,010.17	\$32,571.19
Entity Collection Fee	\$0.00	\$0.00
Judgement Interest	0.00	\$0.00
5% CAD Rendition Penalty	363.39	\$702.90
Total Disbursements	<u><u>\$5,157,743.03</u></u>	<u><u>\$38,057,072.79</u></u>
Carryover to Next Month	\$0.00	\$0.00



<b>CITY COUNCIL AGENDA COMMUNICATION</b>
--

**AGENDA DATE:**

March 24, 2009

**SUBJECT:**

Conduct a Public Hearing and Adopt an Ordinance Granting SUP Specific Use Permit No. 107 for a RaceTrac Fueling Station on Property Zoned Planned Development No. 3 for SC Shopping Center Uses, on 2± Acres Located in Tracts 1 and 2 of the Bethany Center Two Addition

**STAFF RESOURCE:**

Lee Battle, Assistant Director of Planning and Development

**BOARD/COMMISSION ACTION:**

The Planning Commission recommended approval of the SUP at their March 3, 2009, meeting.

**ACTION PROPOSED:**

Conduct a Public Hearing and Adopt an Ordinance Granting SUP Specific Use Permit No. 107 for a RaceTrac Fueling Station on Property Zoned Planned Development No. 3 for SC Shopping Center Uses, on 2± Acres Located in Tracts 1 and 2 of the Bethany Center Two Addition

**BACKGROUND**

The property is located west of Greenville Avenue and north of Bethany Drive. The property to the east and north is zoned PD Planned Development No. 3 for SC Shopping Center uses. The property to the west is zoned PD Planned Development No. 3 for LI Light Industrial Uses. The property to the south, across Bethany Drive, is zoned LI Light Industrial.

The applicant, RaceTrac, is proposing to construct a convenience store with fuel pumps at this location on Bethany Road. The ALDC requires an SUP for fuel pumps. The applicant and land owners have worked with City staff for several months on development of the proposed plans.

The property is zoned Shopping Center, is surrounded by commercial and light industrial properties, is located in an area with a limited number of existing fueling stations, and is located on an arterial roadway. Staff supports this as a suitable location for a fueling station. At their March 3, 2009, meeting, the Planning Commission also approved a General Development Plan showing the relationship of this site to the remaining properties.

**PUBLIC NOTICE INFORMATION**

Sign placed on property – February 20, 2009

Notices mailed to property owners within 200 ft. – February 20, 2009

Newspaper Notices emailed to Allen American- March 3, 2009

**STAFF RECOMMENDATION**

Staff recommends approval.

**MOTION**

*I make a motion to adopt Ordinance No. \_\_\_\_\_ granting Specific Use Permit No. 107 for a Racetrac fueling station, on property zoned Planned Development No. 3 for SC Shopping Center Uses, on 2± acres located in Tracts 1 and 2 of the Bethany Center Two Addition.*

**ATTACHMENT**

Site Plan

Landscape Plan

Elevations

Rendering

Ordinance

Minutes from 030309 PandZ Meeting

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE AND ZONING MAP, AS PREVIOUSLY AMENDED, BY GRANTING SPECIFIC USE PERMIT NO. 107 TO ALLOW A FUELING STATION 2.319± ACRES ZONED PD #3 SC – SHOPPING CENTER, AND FURTHER DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR THE APPROVAL OF THE SITE PLAN, ELEVATIONS AND FUELING TRUCK ROUTE ATTACHED HERETO AS EXHIBITS “B,” “C,” AND “D”; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Allen, Texas, and the governing body of the City of Allen, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Allen, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Texas, as previously amended, should be amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

:

**SECTION 1.** The Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Collin County, Texas, be amended by granting Specific Use Permit No. 107 for a fueling station for 2.319± acres zoned PD #3 SC – Shopping Center and being further described in Exhibit “A,” attached hereto and made a part hereof for all purposes.

**SECTION 2.** The property shall be used only in the manner and for the purposes provided for in the Allen Land Development Code Zoning Regulations, as heretofore amended, and as amended herein, subject to the following special conditions:

1. The Specific Use Permit shall terminate six (6) months after the adoption of this ordinance unless a certificate of occupancy has been issued for that use within that time period, or an extension has been granted as provided in Allen Land Development Code Section.
2. The property shall be developed and used only in accordance with the Site Plan, Elevations, and Fueling Truck Route, attached hereto as Exhibits “B,” “C,” and “D,” respectively, which are made a part hereof for all purposes, and which are hereby approved.

**SECTION 3.** All ordinances of the City of Allen in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect.

**SECTION 4.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Allen Land Development Code Zoning Regulations, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Allen Land Development Code Zoning Regulations, as amended hereby, which shall remain in full force and effect.

**SECTION 5.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Allen Land Development Code Zoning Regulations, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6.** Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in Allen Land Development Code Zoning Regulations of the City of Allen, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

**SECTION 7.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Allen, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 24<sup>TH</sup> DAY OF MARCH, 2009.**

**APPROVED:**

---

**Stephen Terrell, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

---

**Peter G. Smith, CITY ATTORNEY (35572)**

---

**Shelley B. George, TRMC, CITY SECRETARY**

**LEGAL DESCRIPTION**  
**2.319 ACRES**  
**WILLIAM PERRY SURVEY, A-708**  
**COLLIN COUNTY, TEXAS**

**BEING** a 2.319 acre tract of land situated in the William Perry Survey, Abstract Number 708, Collin County, Texas, and being part of a called 4.308 acre tract , Page described as Tract I, in a deed to CD & A Ventures, Ltd., recorded in Volume 5871, Page 3104, Official Public Records, Collin County, Texas, and being a part of a called 8.108 acre tract of land described in a deed to Allen Commercial Partnership, recorded in County Clerk’s File Number 96-0051225, Official Public Records, Collin County, Texas, said 2.319 acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a X Cut in concrete set in the North right-of-way line of Bethany Drive (a 120-foot public right-of-way), for the Southwest corner of Bethany Center Two, an addition to the City of Allen, Collin County, Texas, recorded in Cabinet F, Slide 455, Plat Records, Collin County, Texas, and being the beginning of a non-tangent curve to the right, with a radius of 545.87 feet, having a central angle of 12°34’09”, whose chord bears North 27°35’10” West, 119.51 feet;

**THENCE** with the Northeast right-of-way line of said Bethany Drive, the following two (2) calls:

- With said curve to the right, an arc distance of 119.75 feet to a 5/8-inch capped iron rod (stamped “BHB INC”) set for corner;
- North 21°10’03” West, 35.80 feet to a 5/8-inch capped iron rod (stamped “BHB INC”) set for corner;

**THENCE** over, across and through said Allen Commercial Partnership tract and said Tract I, the following nine (9) calls:

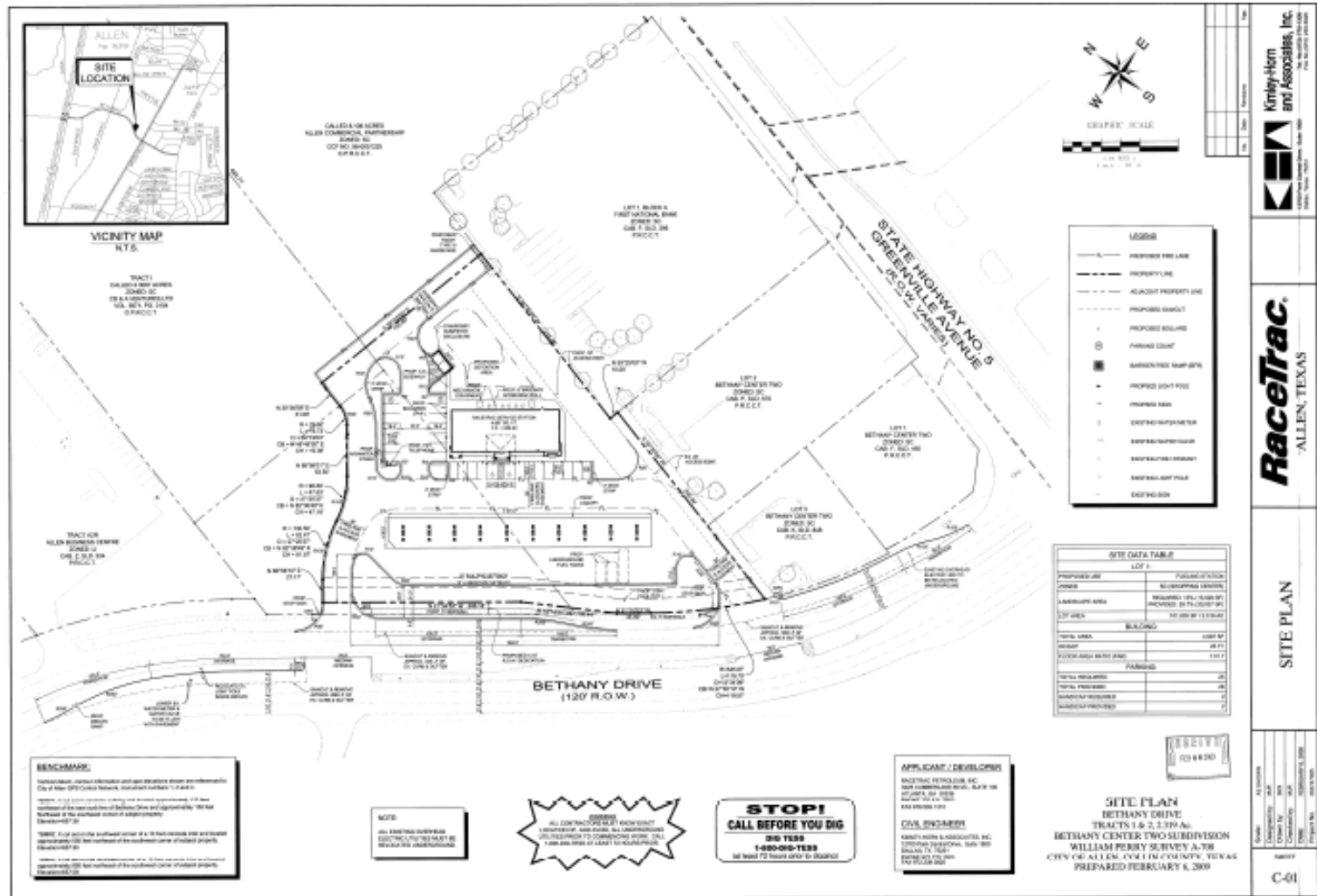
- North 14°13’11” West, 100.44 feet to a 5/8-inch capped iron rod (stamped “BHB INC”) set for corner;
- North 21°04’53” West, 206.18 feet to a 5/8-inch capped iron rod (stamped “BHB INC”) set for corner;
- North 68°56’20” East, 23.33 feet to a 5/8-inch capped iron rod (stamped “BHB INC”) set for the beginning of a curve to the right, with a radius of 130.50 feet, having a central angle of 27°25’37”, whose chord bears North 82°38’49” East, 61.87 feet;
- With said curve to the right, an arc distance of 62.47 feet to a 5/8-inch capped iron rod (stamped “BHB INC”) set for the beginning of a curve to the left, with a radius of 99.50 feet, having a central angle of 27°25’37”, whose chord bears North 82°38’49” East, 47.18 feet;
- With said curve to the left, an arc distance of 47.63 feet to a 5/8-inch capped iron rod (stamped “BHB INC”) set for corner;
- North 68°56’01” East, 53.50 feet to a 5/8-inch capped iron rod (stamped “BHB INC”) set for the beginning of a curve to the left, with a radius of 29.50 feet, having a central angle of 38°19’03”, whose chord bears North 49°46’30” East, 19.36 feet;
- With said curve to the left, an arc distance of 19.73 feet to a 5/8-inch capped iron rod (stamped “BHB INC”) set for corner;
- North 30°36’58” East, 31.60 feet to a 5/8-inch capped iron rod (stamped “BHB INC”) set for corner;
- South 59°25’00” East, 212.10 feet to a 5/8-inch capped iron rod (stamped “BHB INC”) set for corner in the Northwest line of Lot 1, Block A, First National Bank, an addition to the City of Allen, Collin County, Texas, recorded in Cabinet F, Slide 396, Plat Records, Collin County, Texas;

**THENCE** South 30°35’00” West, with the Northwest line of said Lot 1, a distance of 215.58 feet to a X Cut in concrete set for the Southwest corner of said Lot 1;

**THENCE** South 59°25'00" East, with the Southwest line of said Lot 1, a distance of 10.00 feet to a X Cut in concrete found for the North corner of Lot 2-R, Bethany Center Two, an addition to the City of Allen, Collin County, Texas, recorded in Cabinet P, Slide 670, Plat Records, Collin County, Texas;

**THENCE** South 30°35'00" West, with the Northwest lines of said Lots 2-R and 3, a distance of 245.94 feet to the **POINT OF BEGINNING** and **CONTAINING** 2.319 acres, or 101,016 square feet of land, more or less.

## EXHIBIT “B” SITE PLAN

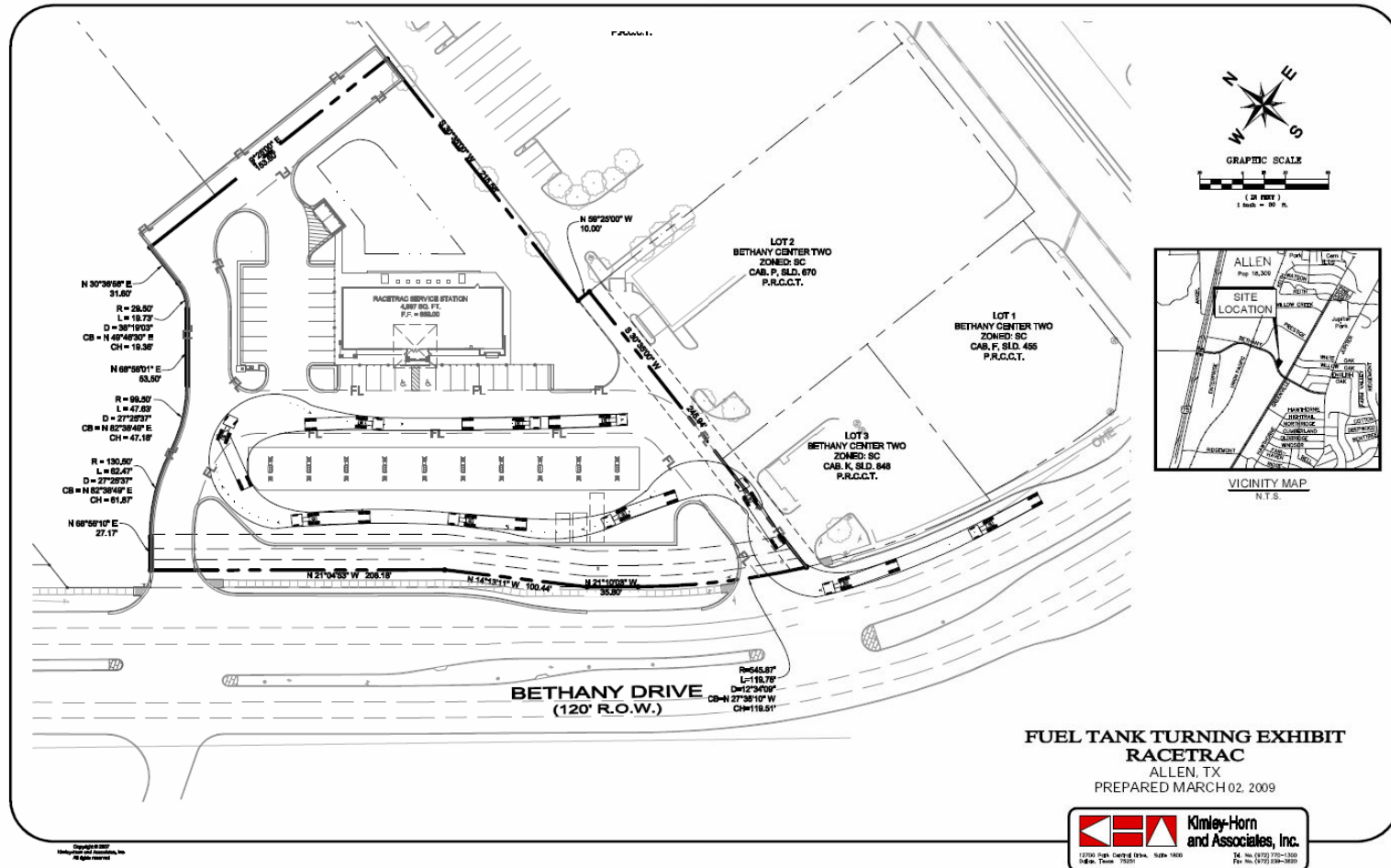


**EXHIBIT “C”  
ELEVATIONS**





# EXHIBIT "D" FUELING TRUCK ROUTE



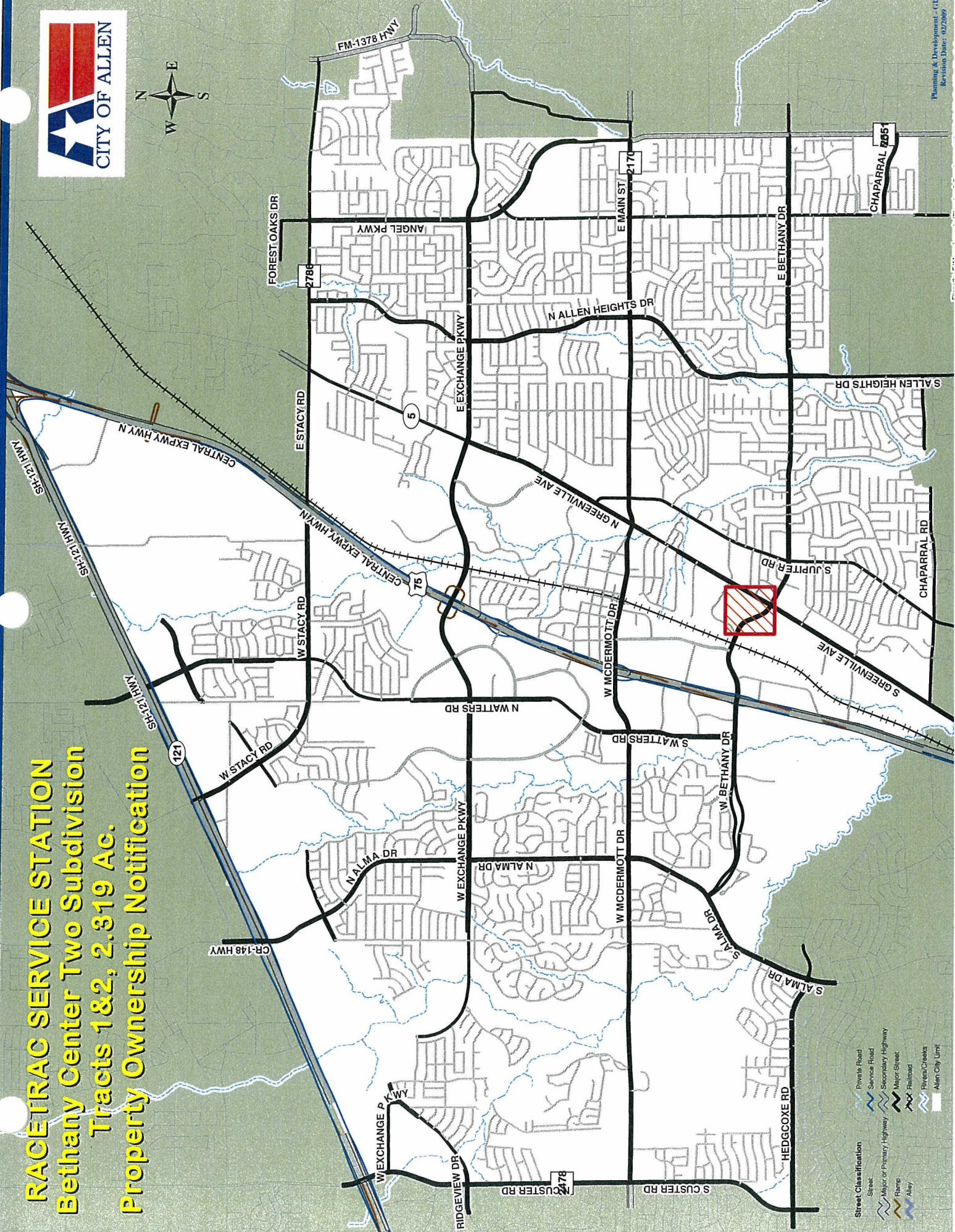
**FUEL TANK TURNING EXHIBIT  
RACETRAC**  
ALLEN, TX  
PREPARED MARCH 02, 2009



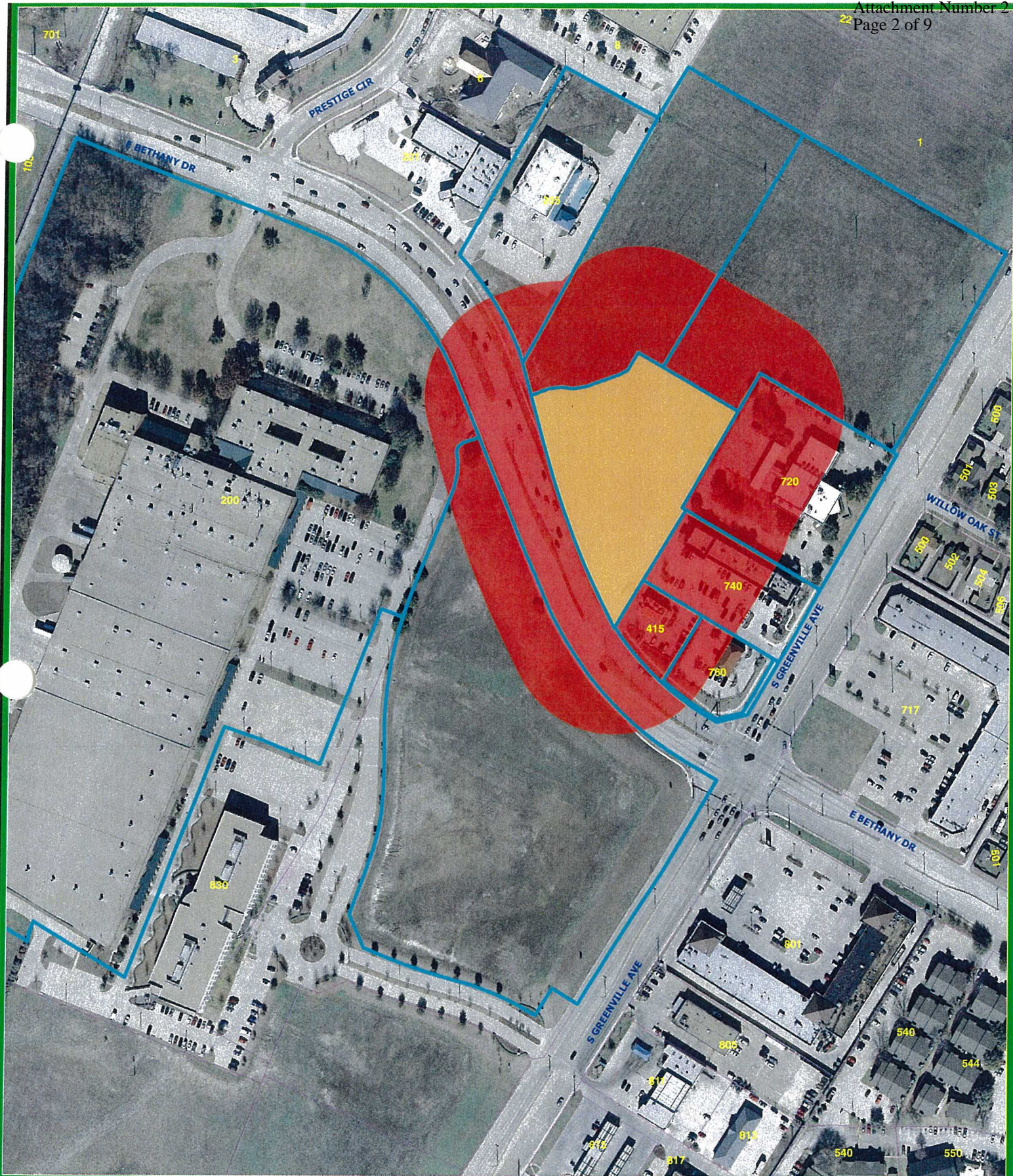




# **RACETRAC SERVICE STATION** **Bethany Center Two Subdivision** **Tracts 1&2, 2.319 Ac.** **Property Ownership Notification**







**RACETRAC SERVICE STATION**  
Bethany Center Two Subdivision  
Tracts 1&2, 2.319 Ac.  
Property Ownership Notification

### Map Legend

- Subject Area
- 200-ft Buffer
- Railroad
- City Limit
- Property Boundary



Planning & Development - 018  
Revision Date: 02/2007





# RaceTrac\_GreenvilleBethany

## Property Owners within 200

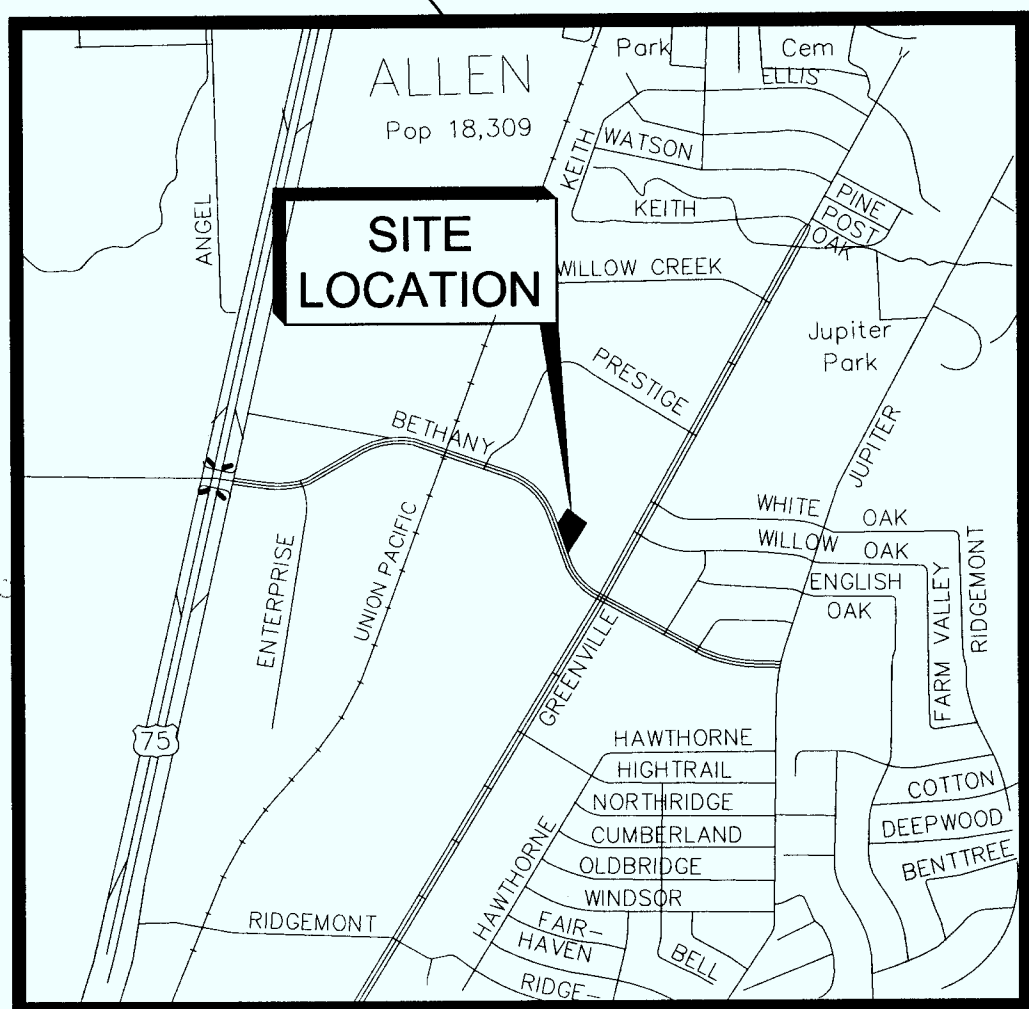
file_as_na	addr_line1	addr_line2	addr_city	addr_state	addr
ARLTON I	DIGMAN PROPERTIES LLC	11080 SW ALLEN BLVD STE 600	BEAVERTON	OR	9700
REALTY IN	PORTFOLIO MANAGEMENT DEPA	PO BOX 460069	ESCONDIDO	CA	9204
ROWLETT		19 FAIRTIDE CT	THE WOODLAND	TX	7738
FIRST NATI		102 W MOORE AVE	TERRELL	TX	7516
ALLEN CIT		ONE ALLEN CIVIC PLAZA	ALLEN	TX	7501
LFP REAL E		200 E BETHANY DR	ALLEN	TX	7500
STREETER		1218 EVANGELINE WAY	ALLEN	TX	7500
LFP REAL E		200 E BETHANY DR	ALLEN	TX	7500
ALLEN CO		2112 W SPR CRK PKWY STE 200	PLANO	TX	7502
C D & A VE	C/O C&D BETHANY JOINT VENTU	5127 SEA PINES DR	DALLAS	TX	7528
ALLEN CO		2112 W SPR CRK PKWY STE 200	PLANO	TX	7502

### Engineer and Property Owner/Applicant:

Kimley-Horn and Associates, Inc.  
Michael Ruelle, P.E.  
12700 Park Central Drive, Suite 1800  
Dallas, TX 75251

Racetrack Petroleum, Inc.  
3225 Cumberland Blvd., Suite 100  
Atlanta, GA 30339





VICINITY MAP  
N.T.S.

TRACT I  
CALLED 4.3087 ACRES  
ZONED: SC  
CD & A VENTURES, LTD  
VOL. 5871, PG. 3104  
O.P.R.C.C.T.

CALLED 8.108 ACRES  
ALLEN COMMERCIAL PARTNERSHIP  
ZONED: SC  
CCF NO. 96-0051225  
O.P.R.C.C.T.

LOT 1, BLOCK A  
FIRST NATIONAL BANK  
ZONED: SC  
CAB. F. SLD. 396  
P.R.C.C.T.

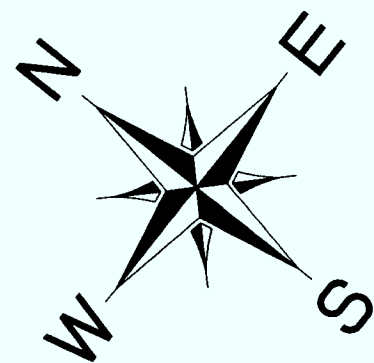
LOT 2  
BETHANY CENTER TWO  
ZONED: SC  
CAB. P. SLD. 670  
P.R.C.C.T.

STATE HIGHWAY NO. 5  
(R.O.W. VARIES)

LOT 1  
BETHANY CENTER TWO  
ZONED: SC  
CAB. F. SLD. 455  
P.R.C.C.T.

LOT 3  
BETHANY CENTER TWO  
ZONED: SC  
CAB. K. SLD. 848  
P.R.C.C.T.

TRACT A2R  
ALLEN BUSINESS CENTRE  
ZONED: LI  
CAB. Z. SLD. 934  
P.R.C.C.T.



GRAPHIC SCALE

( IN FEET )  
1 inch = 40' ft.

LEGEND

- FL PROPOSED FIRE LANE
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- PROPOSED SAWCUT
- PROPOSED BOLLARD
- PARKING COUNT
- BARRIER FREE RAMP (BFR)
- PROPOSED LIGHT POLE
- PROPOSED SIGN
- EXISTING WATER METER
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING LIGHT POLE
- EXISTING SIGN

SITE DATA TABLE

LOT 1:	
PROPOSED USE	FUELING STATION
ZONED	SC (SHOPPING CENTER)
LANDSCAPE AREA	REQUIRED: 15% (15,028 SF) PROVIDED: 29.7% (30,037 SF)
LOT AREA	101,003 SF / 2.319 AC
BUILDING:	
TOTAL AREA	4,997 SF
HEIGHT	25 FT
FLOOR AREA RATIO (FAR)	1:31.7
PARKING:	
TOTAL REQUIRED	25
TOTAL PROVIDED	28
HANDICAP REQUIRED	2
HANDICAP PROVIDED	2

BETHANY DRIVE  
(120' R.O.W.)

BENCHMARK:

Vertical datum, contour information and spot elevations shown are referenced to City of Allen GPS Control Network, monument numbers 1, 2 and 4.

TBM#1: X cut set in concrete curbing and located approximately 123 feet northeast of the east curb line of Bethany Drive and approximately 150 feet northeast of the southwest corner of subject property.  
Elevation=657.36

TBM#2: X cut set on the southwest corner of a 10 foot concrete inlet and located approximately 550 feet northeast of the southwest corner of subject property.  
Elevation=657.20

TBM#3: X cut set on the northeast corner of a 10 foot concrete inlet and located approximately 850 feet northeast of the southwest corner of subject property.  
Elevation=657.08

NOTE:

ALL EXISTING OVERHEAD  
ELECTRIC UTILITIES MUST BE  
RELOCATED UNDERGROUND.

WARNING!

ALL CONTRACTORS MUST KNOW EXACT  
LOCATION OF, AND AVOID, ALL UNDERGROUND  
UTILITIES PRIOR TO COMMENCING WORK. CALL  
1-800-DIG-TESS AT LEAST 72 HOURS PRIOR.

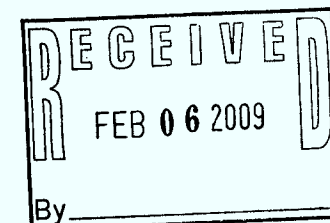
**STOP!**  
**CALL BEFORE YOU DIG**  
**DIG TESS**  
**1-800-DIG-TESS**  
(at least 72 hours prior to digging)

APPLICANT / DEVELOPER

RACETRAC PETROLEUM, INC.  
3225 CUMBERLAND BLVD., SUITE 100  
ATLANTA, GA 30339  
PHONE 770.431.7600  
FAX 678.503.1310

CIVIL ENGINEER

KIMLEY-HORN & ASSOCIATES, INC.  
12700 Park Central Drive, Suite 1800  
DALLAS, TX 75251  
PHONE 972.770.1300  
FAX 972.239.3820



**SITE PLAN**  
BETHANY DRIVE  
TRACTS 1 & 2, 2.319 AC.  
BETHANY CENTER TWO SUBDIVISION  
WILLIAM PERRY SURVEY A-708  
CITY OF ALLEN, COLLIN COUNTY, TEXAS  
PREPARED FEBRUARY 6, 2009

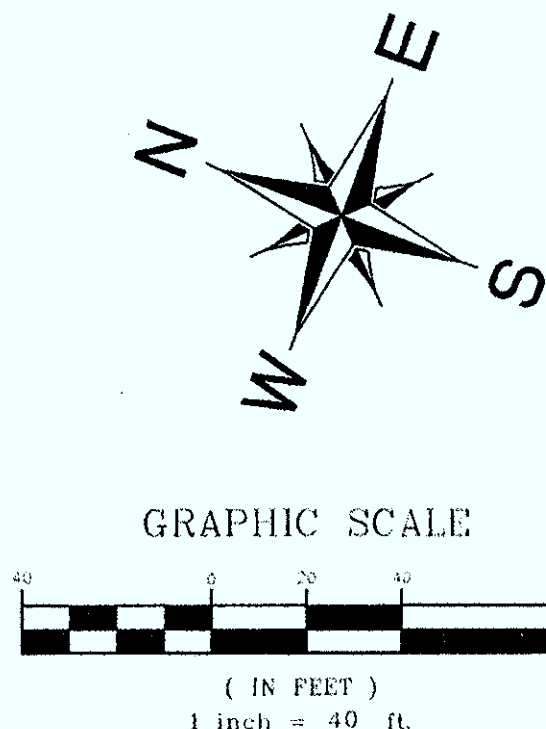
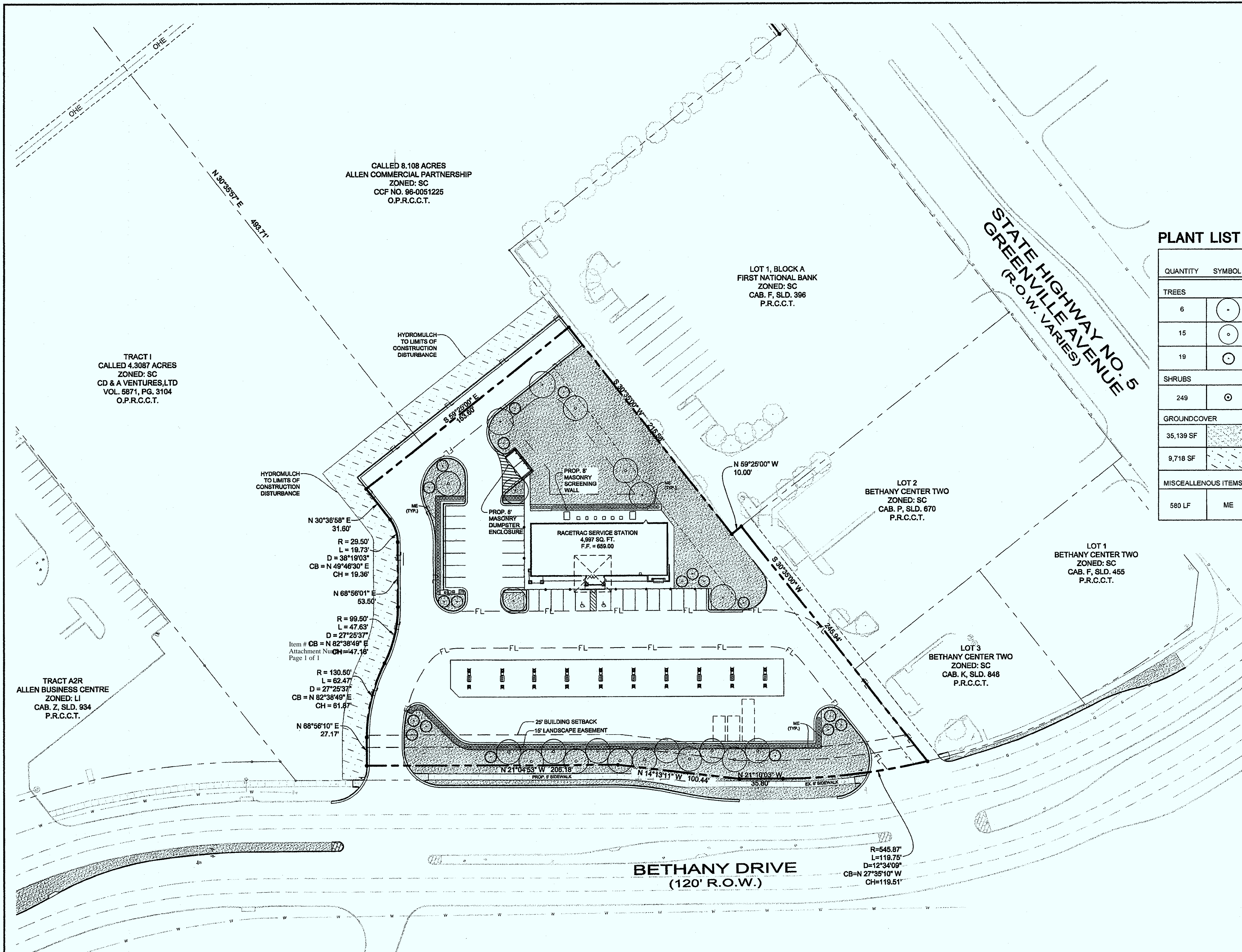
Kimley-Horn  
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Dallas, Texas 75251  
Tel. No. (972) 770-1300  
Fax No. (972) 239-3820

**Racetrac**  
ALLEN, TEXAS

SITE PLAN

Scale: AS SHOWN  
Designed by: MJR  
Drawn by: SES  
Checked by: MJR  
Date: FEBRUARY 6, 2009  
Project No. 063747025  
SHEET  
C-01





PLANT LIST

QUANTITY	SYMBOL	BOTANICAL NAME	COMMON NAME	SPECIFICATION
TREES				
6	○	Quercus virginiana	Live Oak	3" Caliper, Container Grown, 10-12' height, 36"-48" spread
15	○	Fraxinus pennsylvanica	Texas Ash	3" Caliper (min.) 12-15' height
19	○	Cercis canadensis var. texensis	Texas Rosebud	3" Caliper, Container Grown 8' min. height, 36" min. spread
SHRUBS				
249	○	Ilex cornuta 'Burfordii'	Dwarf Burford Holly	5 Gal., 3.5' O.C. 36" height, 24" spread
GROUND COVER				
35,139 SF		Cynodon dactylon	Bermuda Grass	Add 3" of Top Soil Prior to Sod Installation
9,718 SF		Cynodon dactylon	Bermuda Grass	Hydro-Mulch (2 lbs per 1,000 SF seed)
MISCELLANEOUS ITEMS				
580 LF	ME	Prosteel Steel Edging, or Approved Equal		Provide edging between all planting beds and lawn areas as called for on plans.

LEGEND

○ EXISTING OFFSITE TREE

LANDSCAPE TABULATIONS		
CITY OF ALLEN REQUIREMENTS		
SITE AREA:	101,003 SF/2.319 AC	
BUILDING AREA:	4,897 SF	
REQUIRED LANDSCAPED AREA (15% OF TOTAL AREA)	15,028 SF	
PROVIDED LANDSCAPED AREA	30,037 SF	
PARKING LOT LANDSCAPE REQUIREMENTS		
SHADE TREES (1 PER 30 PARKING SPACES)	REQ. 1	PROV. 4
ORNAMENTAL TREES (1 PER 30 PARKING SPACES)	REQ. 1	PROV. 5
2 FT PAVED AREA ADJACENT TO BACK OF CURB SHALL BE INSTALLED ADJACENT TO ALL PARKING SPACES	YES	YES
PARKING ISLANDS SHALL BE LOCATED AT BOTH ENDS OF EVERY INTERIOR AND PERIPHERAL PARKING ROW	YES	YES
PARKING LOT ISLANDS SHALL BE NO LESS THAN 8 FT WIDE AND 17 FT LONG, AND NO LESS THAN 136 SF IN AREA	YES	YES
STREET RIGHT-OF-WAY LANDSCAPE REQUIREMENTS		
LANDSCAPE BUFFER	REQ. 15 FT	PROV. 17 FT
SHADE TREES (1 PER 40 SF OF STREET FRONTAGE)	REQ. 12	PROV. 12
ORNAMENTAL TREES (1 FOR EVERY 2 SHADE TREES)	REQ. 7	PROV. 8

**TREE PROTECTION NOTE:**

THERE ARE NO EXISTING TREES LOCATED ON THE SUBJECT SITE AND THUS NO TREE PROTECTION WILL BE REQUIRED.

**IRRIGATION NOTE:**

AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM SHALL BE PROVIDED TO IRRIGATE ALL LANDSCAPE AREAS. OVERSPRAY ON STREETS AND WALKS IS PROHIBITED.

**APPLICANT / DEVELOPER**

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**LANDSCAPE PLAN**

BETHANY DRIVE  
TRACTS 1 & 2, 2.319 AC.  
BETHANY CENTER TWO SUBDIVISION  
WILLIAM PERRY SURVEY A-708  
CITY OF ALLEN, COLLIN COUNTY, TEXAS  
PREPARED FEBRUARY 20, 2009

AS SHOWN

Designed by: MJR

Drawn by: SES

Checked by: MJR

Date: FEBRUARY 20, 2009

Project No. 083747025

Revisions

No.

Date

App.

Kimley-Horn and Associates, Inc.

12700 Park Central Drive, Suite 1800

Dallas, Texas 75251

Tel. No. (972) 770-1300

Fax No. (972) 239-3820

2-20-2009

State of Texas

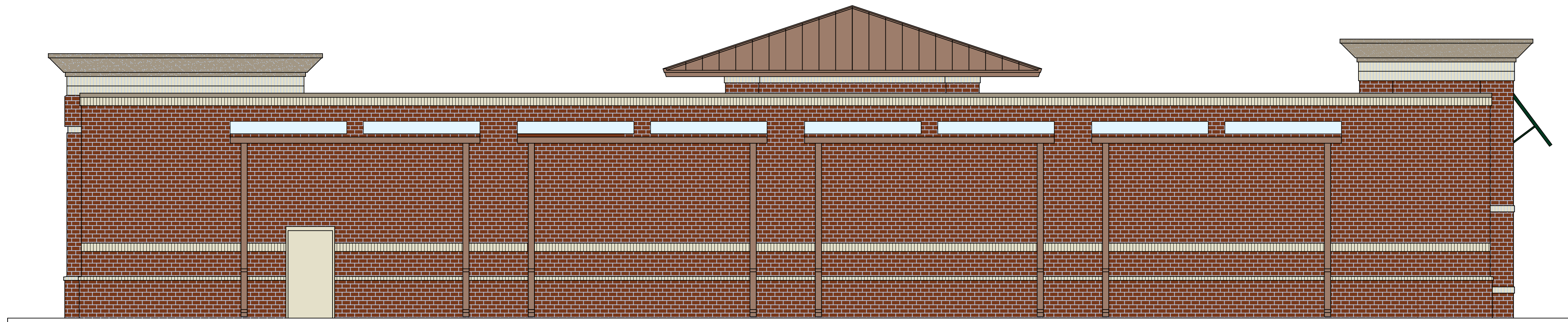
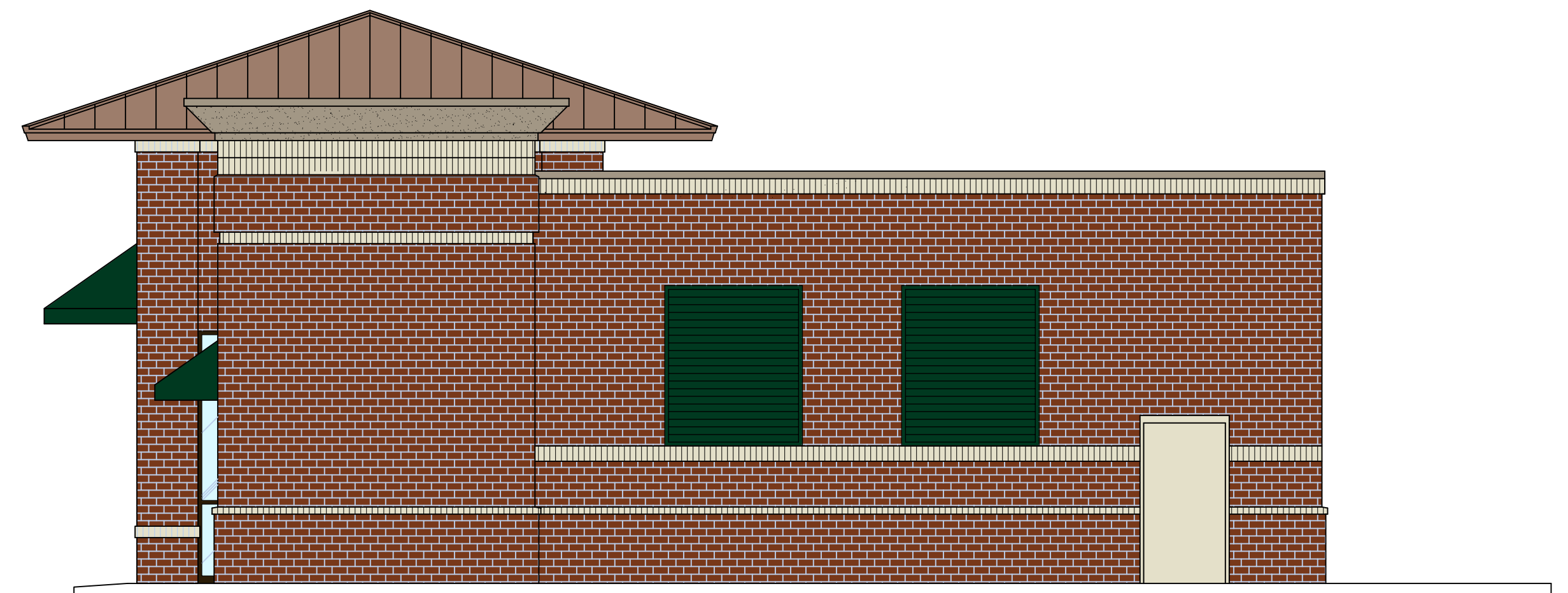
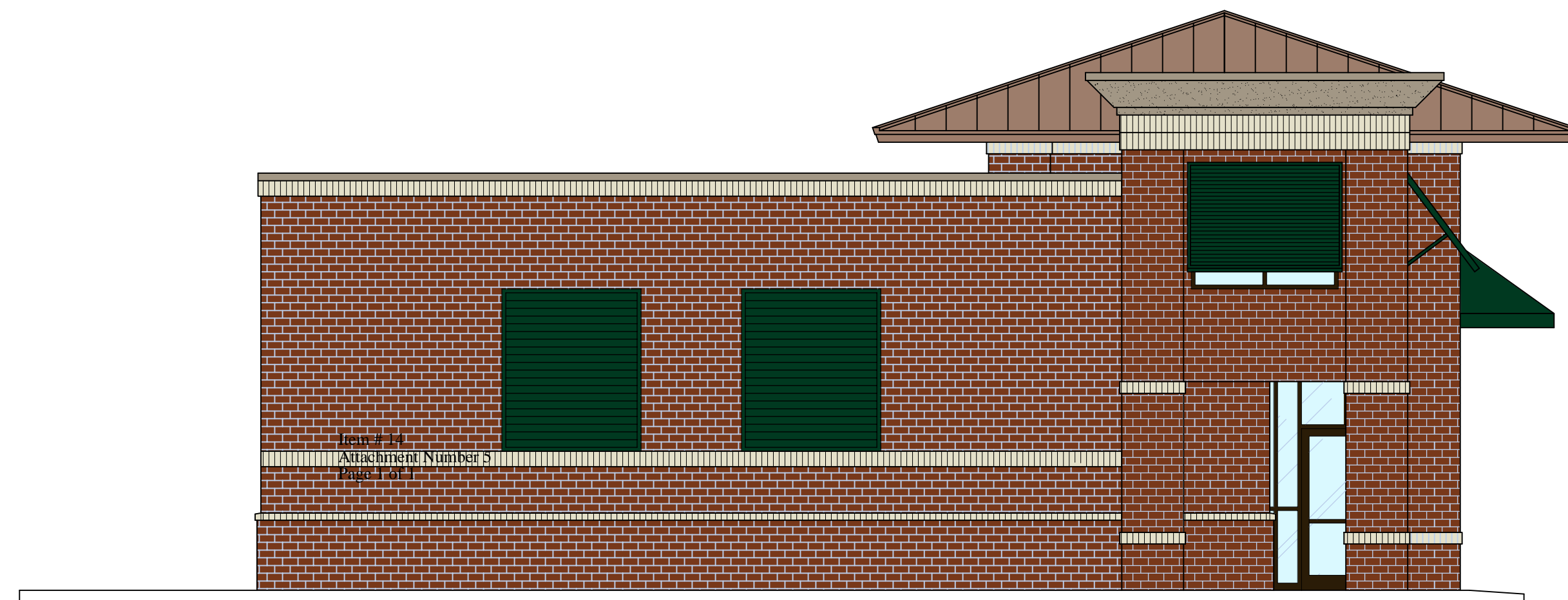
Seal of the City of Allen

LANDSCAPE PLAN

SHEET

L-01





RaceTrac

PERSPECTIVE

INTERPLAN<sup>3</sup>





**Agenda Item #5:                   Public Hearing – Conduct a Public Hearing and consider a request for SUP Specific Use Permit No. 107 for a Fueling Station The property is 2.319± acres located in Tracts 1 & 2 of the Bethany Center Two Addition. The property is zoned Planned Development No. 3 for SC Shopping Center Uses.**

Lee Battle, Assistant Director of Planning and Development, presented the item to the Commission. The property is located between existing developments and is zoned Shopping Center. The Racetrac is a convenience center with fuel pumps. Since the property is zoned Shopping Center the operation of the fuel pumps requires an SUP. A General Development Plan for the parent tract is also being presented for consideration at this meeting.

Racetrac will front Bethany Drive and have two access points. The western driveway for Racetrac extends back to provide access for future development. The eastern driveway is existing and would be widened to improve access onto the site.

The SUP for fuel pumps has specific requirements. Racetrac has met all of the technical requirements. The SUP and General Development Plan has both been through the City's Technical Review Committee process several times. Staff supports the request as a suitable location for a fueling station. Racetrac has provided proof that a fueling truck can maneuver through the site.

Staff recommends approval of this item.

Chairman Wendland opened the Public Hearing.

Worley Stein, 205 Wildwood Place, Allen, spoke in opposition of the request. He is currently the Banking Center President for American National Bank. The bank and Racetrac have been holding discussions since September 2008. He is concerned with Racetrac customers avoiding SH 5 traffic and cutting through the bank's parking lot. Also, there is a concern with fueling trucks going through their parking lot. The location will lend itself to blowing trash in the bank's parking lot. He wants the Commission to consider people pulling out from Wienerschnitzel onto Bethany Drive. The additional traffic may lend itself to a traffic hazard.

Monica Holly, 3225 Cumberland Boulevard, Allen, spoke in favor of the request. She stated that Racetrac fueling trucks have certain routes and must come around the canopy. Trucks will not come through the bank's parking lot. Also, associates are trained to check trash every 30 minutes.

Jim Waldbauer, 1014 Hopkins Drive, Allen, spoke in opposition of the request. He stated he drives this route daily and believes the truck entrance on Bethany Drive will be a problem. The amount of traffic generated will be huge. He wants the Commission to consider the quality of development in the area.

With no one else wishing to speak, Chairman Wendland closed the Public Hearing. He stated that written submissions will also be made part of the record.

The following people submitted a written statement in support of the request:

Carolyn McKee, Allen, Texas

Derik Albertson, 333 E. Bethany Drive, Allen, Texas

Dale Kresge, Allen, Texas

Roger Albertson, 333 E. Bethany Drive, Allen, Texas

Joan Albertson, 333 E. Bethany Drive, Allen, Texas

The following people submitted a written statement in opposition of the request:

Worley Stein, 720 S. Greenville Avenue, Allen, Texas

Commissioner Grimes stated the traffic flow would be the same regardless of the use on the property. Fuel trucks do not typically drive off of their designated route. He stated trash is a legitimate concern. However, regardless of use the property owners and Code Enforcement will have to work to maintain. If traffic becomes a problem we can revisit the plan.

Commissioner Rushing stated there is no way to avoid people cutting through the bank.

Commissioner Jones stated the use was appropriate, however is concerned about the drive through traffic.

Commissioner Cocking is concerned about cut through traffic. He stated that until the rest of the property develops he believes an environment is being created that promotes cut through traffic through the bank. That is not the intent of the Commission.

Commissioner Dreggors questioned whether fire trucks would cut through the bank or Racetrac to access the adjacent property. Lee Battle answered the Fire Department plans fire truck routes according to firelanes and established development access.

Chairman Wendland stated he is not opposed to the proposal. He appreciated the fact that there would be a dedicated plan for fuel truck maneuvering. He stated there is a need for a fueling station in this area of the City.

**Motion:**        **Upon a motion by Commissioner Grimes, and a second by Commissioner Dreggors, the Commission voted 5 IN FAVOR, 1 OPPOSED, to approve Item 5 with the following additional item:**

- **An exhibit of the fueling truck route is made a part of the SUP.**

**The motion carried.**