

**PLANO CITY COUNCIL**  
**June 25, 2001**

**COUNCIL MEMBERS**

Jeran Akers, Mayor  
Rick Neudorff, Mayor Pro tem  
Phil Dyer, Deputy Mayor Pro tem  
Shep Stahel  
Pat Evans  
Steve Stovall  
John R. Roach, Jr.  
Ken Lambert

**STAFF**

Thomas H. Muehlenbeck, City Manager  
Frank Turner, Executive Director  
Bruce Glasscock, Executive Director/Police Chief  
Rod Hogan, Executive Director  
Diane Wetherbee, City Attorney  
Elaine Bealke, City Secretary

Mayor Akers convened the meeting into open session on Monday, June 25, 2001, at 7:11 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by The Reverend Edward Jones of St. Mary's Anglican Church.

The Pledge of Allegiance was led by Boy Scout Troop 291.

Mayor Akers presented the "Environmental Excellence Award" and a proclamation recognizing "Parks and Recreation Month."

Mayor Akers presented plaques recognizing the service of members of the Youth Advisory Commission

**GENERAL DISCUSSION**

David Darr, representing the Hereditary Colon Cancer Association spoke regarding the disease, efforts of the organization and a benefit race and requested Council consideration of an agenda item. Mayor Akers stated that Staff would work it out and get back to Mr. Darr.

Skip Lewis, citizen of the City, spoke to concerns related to a commercial smoker being used in a neighborhood. Mr. Lewis cited health and safety concerns and spoke regarding his conversations with Staff of the Property Standards, Health, Planning and Fire departments. Mayor Akers stated that City Manager Muehlenbeck would be in touch with Mr. Lewis.

The Council resumed discussion of the Preliminary Open Meeting.

### **Report From Staff on Redistricting Process and Council Discussion and Direction**

City Attorney Wetherbee spoke regarding census data and the current ordinance providing that when districts have a population difference of 25% or more the Council may consider redistricting and further spoke regarding the equality of population. She stated that Staff is looking for Council direction and that in order to effectively redistrict, a plan should be prepared not later than October 1 to allow time for Justice Department approval before election opportunities begin in 2002. Ms. Wetherbee advised that if Council decides to proceed with a commission, her recommendation is to make selections by the first meeting in August with a membership of between five and eight individuals.

Planning and Information Manager Jeff Zimmerman spoke regarding District 3 being the largest in terms of population and more than 25% greater than each of the others. He advised that District 4 has very little land available for additional residential development and regarding growth in Districts 1 and 2. Mr. Zimmerman responded to Council Member Lambert that Staff is doing reevaluation to project the City's population at build-out. Council Member Lambert stated that if changes are made at this time, it would be his recommendation that projections be considered. Mr. Zimmerman responded to Council Member Stovall regarding the growth in District 3 and to Council Member Roach that the decision to wait until there is residential build-out would depend on legal aspects of trying to equalize the population and that Staff could give Council a good idea of where the growth will be taking place.

Ms. Wetherbee stated that when Justice Department approval is sought, the City is tied to using census data and spoke regarding readjustment of boundaries at a later date if appropriate. She responded to Council Members Roach and Lambert regarding the charter and ordinance and stated that she considers it appropriate to consider redistricting at this time.

Mayor Pro tem Neudorff spoke regarding the rapid expansion of population and that this change might be done without a major redrawing of the districts. He stated that he has no problem looking at this now and that it might be addressed by several at-large Council Members. Council Member Evans spoke to making an adjustment and that it might be appropriate for Staff to bring forward recommendations. Council Member Lambert spoke to District 3 being adjusted to allow room for growth. Council Member Roach spoke to Staff bringing forward recommendations and a reevaluation at build-out.

City Attorney Wetherbee responded to Deputy Mayor Pro tem Dyer's concerns regarding District 1 and stated that the charter addresses the equality of population between districts and the Council's determination that there does not need to be an exact balance between all four. Mayor Pro tem Neudorff spoke to consideration of not going west of Alma for this district. Council Member Lambert spoke to keeping boundaries along major roadways.

Council Member Stahel spoke to completing the process one time, regarding the anticipated population for District 1 and having Staff work up numbers. He further spoke regarding the possibility of going from eight to nine Council Members. Council Member Roach spoke in opposition to adding another Council Member at this time. City Attorney Wetherbee stated an addition would require a charter election. Council Member Lambert stated he did not have a problem adding a member, he did not particularly like growing government, and spoke regarding the current even number resulting at times in no action. Mr. Lambert spoke to looking at some point in the future going to a ninth Council Member. Council Member Stahel spoke to Staff working out numbers based on where we are today, a reasonable projection forward so that it would not be necessary again in 24 months, and possibly at a future Council meeting or worksession consideration of nine Council members. Mayor Akers spoke in opposition to changing the character of District 1 and the importance of representation of this area and concern with moving the boundary west of Alma and diluting the representation.

Council Member Stovall spoke regarding projections, opposition to adding a ninth Council Member and preserving the intent of District 1.

### **Comprehensive Monthly Financial Report**

Director of Finance John McGrane presented the Comprehensive Monthly Financial Report for the month of May 2001.

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

Mayor Akers spoke to a worksession item to discuss the event proposed by Hereditary Colon Cancer Association Representative David Darr.

### **Consent and Regular Agenda**

Deputy Mayor Pro tem Dyer advised that due to a conflict of interest, he will be stepping down on Consent Agenda Item “K” Consideration of a resolution to approve the assignment of and amendment to the tax abatement agreement in Tax Reinvestment Zone No. 25 between the City, Collin County, Collin County Community College District and Fina Oil and Chemical Company.

Mayor Akers and Council Member Stovall advised that due to conflicts of interest, they would be stepping down on Consent Agenda Item “L” Consideration of a resolution to approve the terms and conditions of an agreement between the City and various community organizations, providing for expenditure of Community Development Block Grant funds in the amount of \$443,637.

Council Members Stovall and Stahel advised that due to conflicts of interest they would be stepping down on Consent Agenda Item “CC” Consideration of a QISV to approve the expenditure for the purchase of network infrastructure equipment in an amount not to exceed \$153,636 from Blake Industries, Inc.; Consent Agenda Item “DD” Consideration of a QISV to approve a request to obtain consulting services for the design and implementation of the Exchange 2000 messaging system for the libraries in an amount not to exceed \$60,000 from Microsoft Corporation; Consent Agenda Item “EE” Consideration of a QISV to approve an expenditure for the purchase of network infrastructure equipment in an amount not to exceed \$37,620 from SBC Data Comm, a division of Southwestern Bell Telephone; Consent Agenda Item “FF” Consideration of a QISV to approve an expenditure for the purchase of software in an amount not to exceed \$45,940 from SHI-GS (Software House International); and Consent Agenda Item “GG” Consideration of a QISV to approve a contract for programming services to create a Web-based Utility Billing and Service Request application in an amount not to exceed \$119,555 from eLevel, Inc.

### **Council Reports**

No reports were given.

### **CONSENT AGENDA**

Upon a motion made by Council Member Roach and seconded by Mayor Pro tem Neudorff, the Council voted 8-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

### **Approval of Minutes**

June 11, 2001 [Consent Agenda Item (A)]

**Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following**

**Bid No. C109-01** for a fixed-price contract for HVAC Filters in the estimated annual amount of \$22,098 for an annual contract with two optional one-year renewals for utilization by Facilities Maintenance. [Consent Agenda Item (B)] (See Exhibit “A”)

**Bid No. C140-01** for a fixed-price contract for New Tires in the estimated annual amount of \$171,819 for an annual contract with two optional one-year renewals. [Consent Agenda Item (C)] (See Exhibit “B”)

**Bid No. C141-01** for a fixed-price contract for Tire Recapping Service in the estimated annual amount of \$42,350 for an annual contract with two optional one-year renewals. [Consent Agenda Item (D)] (See Exhibit “C”)

**Bid No. B013-01** for Weight Room Equipment in the amount of \$26,600 for use by the Fire Department. [Consent Agenda Item (E)] (See Exhibit “D”)

**Bid No. C100-01** for a fixed-price contract for Replacement Bulbs, Lamps and Ballasts in the estimated annual amount of \$62,344 for an annual contract with two optional one-year renewals for various departments throughout the City. [Consent Agenda Item (F)] (See Exhibit “E”)

**Bid No. B123-01** for construction of Criminal Justice Building Expansion in the amount of \$2,232,200. [Consent Agenda Item (G)] (See Exhibit “F”)

**Bid No. B121-01** for construction of Timbercreek/Plano Parkway Sanitary Sewer Rehabilitation in the amount of \$478,000. [Consent Agenda Item (H)] (See Exhibit “G”)

**Bid No. B151-01** for The Harrington Library Carpet Replacement in the amount of \$115,927. [Consent Agenda Item (I)] (See Exhibit “H”)

**Rejection of Bids**

**Bid No. C149-01** – To reject bid/proposals for Ballfield Clay. [Consent Agenda Item (J)] (See Exhibit “I”)

**Adoption of Resolutions**

**Resolution No. 2001-6-12(R):** To approve the terms and conditions of an agreement with the cities of Richardson and Garland for the operation of a joint police training academy, and authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

**Resolution No. 2001-6-13(R):** To amend the existing Building Inspections Department Fee Schedule to provide for increased costs of certain City services and programs; repealing all previous fee schedules and charges for services listed in the new Building Inspections Department Fee Schedule; and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (N)]

**Resolution No. 2001-6-14(R):** To approve and authorize refunds of property tax overpayments and providing an effective date. [Consent Agenda Item (O)]

**Resolution No. 2001-6-15(R):** To approve the terms and conditions of a revised agreement between the City of Plano and Plano Housing Authority, providing for the expenditure of Year 2000 Community Development Block Grant funds in the amount of \$14,150; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (P)]

**Resolution No. 2001-6-16(R):** To approve the terms and conditions of a service agreement between the City of Plano and Physio-Control Corporation for inspection and maintenance services of the Fire Department's Physio-Control Corporation manufactured biomedical equipment; authorizing its execution by the City Manager and providing an effective date. [Consent Agenda Item (Q)]

**Resolution No. 2001-6-17(R):** To approve the terms and conditions of a letter agreement by and between the City of Plano and TXU Gas Company and TXU Electric Company for the City's non-intervention in City of Denton, et al. v. TXU Electric Company, et al. litigation, Cause No. 009383, filed in Dallas County; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (R)]

**Resolution No. 2001-6-18(R):** To approve the terms and conditions of a real estate contract by and between City of Plano, Texas and Collin Creek Free Will Baptist Church of Plano, Texas, a Texas non-profit corporation, authorizing its execution by the City Manager, and providing an effective date. The contract is for the purchase of a 0.265 acre tract of land situated in the Daniel Rowlett Survey, Abstract No. 738, Collin County, Texas, being a portion of Lot 1, Block A of Collin Creek Free Will Baptist Church an addition to the City of Plano recorded in Cabinet H, Page 263 of the Collin County plat records. The site will be an addition to Shawnee Park. [Consent Agenda Item (S)]

### **Adoption of Ordinances**

**Ordinance No. 2001-6-19:** To amend Ordinance No. 99-9-29, Section 12-73(g) of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to establish school zones on McDermott Road, Preston Meadow Drive, Rockledge Lane, and Waskom Drive; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (T)]

**Ordinance No. 2001-6-20:** To amend Section 12-102(c) of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to include the east and west sides of Marchman Way from its intersection with Caravan Drive north to its intersection with Wheatland Lane within the City limits of the City of Plano, to restrict stopping, standing, or parking of motor vehicles on school days between the hours of 7:15 a.m. to 8:15 a.m. and 2:30 p.m. to 3:15 p.m.; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadway within the limits herein defined; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (U)]

**Ordinance No. 2001-6-21:** To abandon all right, title and interest of the City, in and to that certain 10-foot sanitary sewer easement recorded in Volume 701, Page 196, of the Collin County Deed Records and being situated in the Joseph Klepper Survey, Abstract Number 213, which is located in the Birge Addition in the abandoned Avenue I right-of-way from Tenth Street to the DART right-of-way within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (V)]

**Ordinance No. 2001-6-22:** To repeal Section I of Ordinance 96-11-5 codified as Section 21-133(i) of Article IV of Chapter 21 of the Code of Ordinances of the City of Plano; adopting a new Section 21-133(i) of Article IV of Chapter 21 of the Plano Code of Ordinances for electronically read water meters; providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (W)]

**Ordinance No. 2001-6-23:** To transfer the sum of \$15,500 from the Convention & Tourism Fund Unappropriated fund balance to the Convention & Tourism fund operation appropriation for Fiscal Year 2000-01 for the purpose of appraisal and consulting services related to the Plano Convention Centre Phase I and Phase II; amending the budget of the City and Ordinance No. 2000-9-8, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. [Consent Agenda Item (X)]

### **Award of Contracts**

To approve and authorize a professional services contract with Rone Engineers, Inc. in the amount of \$20,002 to provide construction materials testing services in connection with construction of Huntington Water Infrastructure Renovation, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (Y)]

To approve and authorize a professional services contract with QTE Group, Inc. in the amount of \$21,232 to provide construction materials testing services in connection with construction of Eastside No. 1 Sanitary Sewer Improvements and Southwood Estates Emergency Repair, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (Z)]

### **Approval of Agreement**

To approve an agreement between the City of Plano and Cushman & Wakefield of Texas, Inc. in the amount of \$15,500 for professional consulting services related to appraising the Plano Convention Centre. [Consent Agenda Item (AA)]

### **Approval of QISV**

To enter into an agreement with Verizon Network Integration Corporation for Internet Services and equipment to provide the City with additional Internet bandwidth for the annual amount of \$27,312 and a one-time installation charge of \$2,010; and authorizing the City Manager to execute all documents necessary to effectuate the service. This new service will provide a high-speed, redundant path to the Internet for the provision of services to the community and additional bandwidth for the implementation of projects such as the Council broadcasts and our imminent e-commerce offerings. [Consent Agenda Item (BB)]

### **END OF CONSENT:**

Due to a conflict of interest, Deputy Mayor Pro tem Dyer stepped down from the bench on the following item.

**Resolution No. 2001-6-24(R):** To approve the assignment of and amendment to the tax abatement agreement in Tax Reinvestment Zone No. 25 between the City of Plano, Texas, the County of Collin, the Collin County Community College District and Fina Oil and Chemical Company, and authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (K)]

Upon a motion made by Council Member Roach and seconded by Council Member Lambert, the Council voted 7-0 to approve the assignment of and amendment to the tax abatement agreement in Tax Reinvestment Zone No. 25 between the City of Plano, Texas, the County of Collin, the Collin County Community College District and Fina Oil and Chemical Company, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2001-6-24(R).

Deputy Mayor Pro tem Dyer returned to his place on the bench.

Due to a conflict of interest, Mayor Akers stepped down from the bench on the following item. Due to conflicts of interest, Council Member Stovall stepped down from the bench on the following six items.

**Resolution No. 2001-6-25(R):** To approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of Community Development Block Grant funds for the provision of various community services in the amount of \$443,637; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (L)]

Upon a motion made by Council Member Roach and seconded by Council Member Lambert, the Council voted 6-0 to approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of Community Development Block Grant funds for the provision of various community services in the amount of \$443,637; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2001-6-25(R).

Mayor Akers returned to his place on the bench.

Due to conflicts of interest, Council Member Stahel stepped down from the bench on the following five items.

The following five items were read into the record and considered concurrently.

To approve an expenditure for the purchase of network infrastructure equipment in an amount not to exceed \$153,656 from Blake Industries, Inc., a vendor listed on the State Purchasing and General Services Commission Qualified Information Services vendors list; and authorizing the City Manager to execute all necessary documents to effectuate the purchase. [Consent Agenda Item (CC)]

To approve a request to obtain consulting services for the design and implementation of the Exchange 2000 messaging system for the Libraries in an amount not to exceed \$60,000 from Microsoft Corporation, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendors list; and authorizing the City Manager to execute all necessary documents to effectuate the purchase. [Consent Agenda Item (DD)]

To approve an expenditure for the purchase of network infrastructure equipment in an amount not to exceed \$37,620 from SBC Data Comm, a division of Southwestern Bell Telephone, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendors list; and authorizing the City Manager to execute all necessary documents to effectuate the purchase. [Consent Agenda Item (EE)]

To approve an expenditure for the purchase of software in an amount not to exceed \$45,940 from SHI-GS (Software House International), a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendors list; and authorizing the City Manager to execute all necessary documents to effectuate the purchase. [Consent Agenda Item (FF)]

To approve a contract for programming services to create a Web-based Utility Billing and Service Request application in an amount not to exceed \$119,555 from eLevel, Inc., a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendors list; and authorizing the City Manager to execute all documents necessary to effectuate the purchase. [Consent Agenda Item (GG)]

Upon a motion made by Council Member Lambert and seconded by Mayor Pro tem Neudorff, the Council voted 6-0 to approve Consent Agenda Items “CC,” “DD,” “EE,” “FF,” and “GG” as stated above.

Council Members Stahel and Stovall returned to their places on the bench.

**Public Hearing and consideration of Annexation Case A2001-01** – Request to annex 0.59± acre located on the south side of Parker Road at Rainier Road; in the J. Beverly Survey, Abstract No. 78, Collin County. Applicant: City of Plano [Regular Agenda Item (1)]

Director of Planning Phyllis Jarrell advised that the property has been the subject of a past annexation agreement with the City and recent discussions with the owners concerning use. She stated that it would be appropriate at this meeting to take public testimony, no action needs to be taken and that a second Public Hearing is scheduled for June 26 at which time Council will again take testimony and may give direction to Staff. Ms. Jarrell spoke to the property receiving water and sewer service at this time and if annexed it would be eligible for a full compliment of City services and responded to Council Member Roach regarding response for police/fire services.

City Attorney Wetherbee responded to Council Member Roach that back in 1972 the City was in the process of expanding Parker Road and Mrs. Barnette gave property in exchange for approximately \$28,000 to build a new home, grade work on the premises and an amount of acreage. She stated that the Council at that time passed a resolution stating that for the remainder of the Barnettes’ lifetimes if they resided on the property and used it for homestead purposes the City would refrain from annexing. Ms. Wetherbee spoke to changes in legislation that preclude the City’s ability to stop uses before an institution of annexation and stated that Staff has approached Mrs. Barnette and family members to achieve an alternative remedy which would be the mutual restrictive covenants. She stated that no accord has been reached and that additional information has been received from the Barnette family that they may be interested in that process but it has not been reviewed and she would advise Council.

Ms. Jarrell responded to Council Member Roach stating that presently there are no zoning restrictions on the property. Ms. Wetherbee responded regarding the mutual restrictive covenants and stated that residents around the property could not prevent an adverse use unless they had restrictive covenants covering the property.

Mayor Akers opened the Public Hearing. Lynda Rauscher, representing the family, spoke regarding the City's agreement which stated that the property would not be annexed during Mrs. Barnette's lifetime and the prior Councils' commitment. Dennis DeMetsenaere, representing the Copper Creek Homeowners Association, spoke regarding the recent changes in state law regarding annexation leaving the community vulnerable to unrestricted commercial development on the Barnette homestead, the request for restrictive covenants, and stated that the decision to sell the property as commercial real estate is not consistent with the agreement and the interests of the community. He stated that the homeowners association would welcome any dialogue that would secure the residence as a home and maintain the residential character of the neighborhood but if no agreement is reached he requested the Council support annexation of the property. David Smith, representing the Copper Creek Homeowners Association, spoke to continuation of the "status quo" but that he has information that the property is for sale for its commercial value. He spoke in support of Council action to preserve that portion of the agreement related to preserving the property as residential by either restrictive covenants or through annexation. City Secretary Bealke advised that David Fore was in support of the request but did not wish to speak. No one else spoke either for or against the request. The Public Hearing was closed.

Council Member Stahel spoke regarding the property being intended to be residential, the change in state law, the larger obligation being to the community as a whole to ensure that it is a residential property and stated the way to do so is to proceed with annexation unless an agreement is reached.

**Public Hearing** to secure direction from the City Council regarding enforcement of the City's Cross-Connection Control Program (Ordinance No. 2000-2-16), Division 1.5 of Article II, Chapter 21 of the Code of Ordinances. [Regular Agenda Item (2)]

Director of Public Works Jimmy Foster stated that this item has been brought forward at the request of the City Council following discussion at the meeting of May 29 concerning the City's cross-connection control program. He spoke regarding concerns of the dental community that the need was not scientifically documented, that the City should not regulate internal water issues and should only regulate those users with known risks. Mr. Foster stated that the City is implementing the rules of the Texas Natural Resource Conservation Commission (TNRCC) which state dental offices are included in the program. He reviewed questions posed to the TNRCC and advised that if dental offices in the City were exempted from the ordinance, the City would not be in compliance with the TNRCC rules and regulations; for buildings housing a dental office a reduced pressure zone (RPZ) at the meter with annual testing would be in compliance, but stated that additional protection may be required; that there have been some cities that have been referred to or are being referred to enforcement; and that there is no grandfather clause for backflow prevention. Mr. Foster stated that while sympathetic to the dental community's request it is clear that health hazards are identified and the City is required to comply and he requested they be given direction to move forward with implementation of the cross-connection control program.

Mr. Foster spoke regarding the expense that might be incurred and stated that Staff begins with an interior inspection and if devices do not require backflow prevention assembly then an RPZ meter would suffice. Backflow Prevention Coordinator Robbie Carpenter spoke regarding the equipment inspection and device installation and the life span. Mr. Foster spoke regarding the level of compliance, the average cost of devices, and notification.

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

Council Member Stahel spoke regarding public safety and requested the Council give direction to proceed with installation of the backflow devices on a reasonable schedule to which members of the Council stated concurrence.

**Consideration and direction regarding** a request to call a public hearing to amend Planned Development-132-Office-1 (PD-132-O-1), located on the southwest corner of West 15<sup>h</sup> Street and Woodburn Corners, to allow the additional use of a day care center. [Regular Agenda Item (3)]

Director of Planning Phyllis Jarrell advised the Council that this planned development (PD) district limits uses to medical and professional offices and that a day care center wishing to locate on one of the tracts would need an amendment. She further stated that the Zoning Ordinance requires all property owners in a PD to authorize applications to amend the stipulations and that the day care center operators have not been able to gain authorization from all owners and have requested that City Council initiate the action. Ms. Jarrell advised that following initiation, a zoning case would be created by Staff and brought through the Planning and Zoning Commission approval process and responded to Council Member Roach that one property owner within the PD is not willing to grant authorization. Development Review Manager Tom Elgin stated that there was concern regarding access and drop off at the day care center in conjunction with the existing office building and the street system that is in place. Council Member Lambert stated that Council initiating the process in no way stipulates approval of the request but simply allows it to go through the process.

Upon a motion made by Council Member Lambert and seconded by Council Member Evans, the Council voted 8-0 to direct Staff to call a public hearing to amend Planned Development-132-Office-1 (PD-132-O-1), located on the southwest corner of West 15<sup>th</sup> Street and Woodburn Corners, to allow the additional use of a day care center.

**Public Hearing and adoption of Ordinance No. 2001-6-26 as requested in Zoning Case 2001-14** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to grant a request for a Specific Use Permit (SUP) for a Private Club on 0.2± acre located 1,429± feet north of Park Boulevard, 895± feet west of the Dallas North Tollway in the City of Plano, Collin County, Texas; directing a change accordingly in the official zoning map of the City; and providing a repealing clause, a savings clause, providing a fine for criminal penalties not to exceed \$2,000 for each offense, a severability clause and an effective date. Zoned Regional Commercial. Neighborhood #40. Applicant: Willow Bend Associates, LP [Regular Agenda Item (4)]

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

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

Upon a motion made by Council Member Stovall and seconded by Council Member Evans, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, as requested in Zoning Case 2001-14 to grant a request for a Specific Use Permit (SUP) for a Private Club on 0.2± acre located 1,429± feet north of Park Boulevard, 895± feet west of the Dallas North Tollway in the City of Plano, Collin County, Texas; directing a change accordingly in the official zoning map of the City as recommended by the Planning and Zoning Commission; and providing a repealing clause, a savings clause, providing a fine for criminal penalties not to exceed \$2,000 for each offense, a severability clause and an effective date; and further to adopt Ordinance No. 2001-6-26.

**Public Hearing and adoption of Ordinance No. 2001-6-27 as requested in Zoning Case 2001-15** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to grant a request for a Specific Use Permit (SUP) for a Private Club on 0.2± acre located 1,358± feet north of Park Boulevard, 854± feet west of the Dallas North Tollway in the City of Plano, Collin County, Texas; directing a change accordingly in the official zoning map of the City, and providing a repealing clause, a savings clause, providing a fine for criminal penalties not to exceed \$2,000 for each offense, a severability clause and an effective date. Zoned Regional Commercial. Neighborhood #40. Applicant: Willow Bend Associates, LP [Regular Agenda Item (5)]

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

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

**Ordinance No. 2001-6-27 (cont'd)**

Upon a motion made by Mayor Pro tem Neudorff and seconded by Council Member Stovall, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, as requested in Zoning Case 2001-15 to grant a request for a Specific Use Permit (SUP) for a Private Club on 0.2± acre located 1,358± feet north of Park Boulevard, 854± feet west of the Dallas North Tollway in the City of Plano, Collin County, Texas as recommended by the Planning and Zoning Commission; directing a change accordingly in the official zoning map of the City, and providing a repealing clause, a savings clause, providing a fine for criminal penalties not to exceed \$2,000 for each offense, a severability clause and an effective date; and further to adopt Ordinance No. 2001-6-27.

There being no further discussion, Mayor Akers adjourned the meeting at 8:55 p.m.

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Jeran Akers, **MAYOR**

ATTEST:

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Elaine Bealke, **City Secretary**