

PLANO CITY COUNCIL
October 26, 2004

COUNCIL MEMBERS

Pat Evans, Mayor
Shep Stahel, Mayor Pro Tem
Ken Lambert, Deputy Mayor Pro Tem
Steve Stovall
Phil Dyer
Scott Johnson
Sally Magnuson
Jean Callison

STAFF

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

Mayor Evans convened the meeting into open session on Tuesday, October 26, 2004, at 7:13 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Magnuson.

The invocation was led by Dr. Leon Aduddell, First Baptist Church of Plano.

The Pledge of Allegiance was led by Cub Scout Pack 1113 - Den 8 from Bethany Elementary School.

Mayor Evans presented a proclamation recognizing Arbor Day – November 6, 2004.

Mayor Evans presented Certificates of Appreciation to outgoing board/commission members.

GENERAL DISCUSSION

Jack Lagos, citizen of the City, requested the Council consider an open forum with regards to the Arts of Collin County and stated concern regarding the approval of a resolution lending the cities of Frisco and Allen \$400,000 each for up to three years interest free and which included no information regarding collateral or commitment on behalf of the other cities to sell their bonds. Mayor Evans advised that the City Manager would respond at an upcoming meeting.

The Council resumed discussion of the Preliminary Open Meeting.

Personnel Appointments

Keep Plano Beautiful Commission

Council Member Stovall requested that this item be deferred.

Plano Transition and Revitalization Commission

Council Member Johnson requested that this item be deferred until a recommendation is brought forward from the Plano Economic Development Board.

Retirement Security Plan Committee

City Manager Muehlenbeck requested consideration of the Chair position be deferred until a recommendation is received from the Committee.

Senior Citizens Advisory Board

Upon a motion made by Council Member Johnson and seconded by Council Member Dyer, the Council voted 7-0 to appoint Joseph Celso as Chair and to appoint Annette S. Vineyard and James D. Williams to interim terms.

Council Items for Discussion/Action on Future Agendas

Mayor Evans advised that the November 1, 2004 Council meeting time would be changed from 5:00 p.m. to 7:00 p.m.

Mayor Pro Tem Stahel spoke to considering changes in insurance policies at the November 8, 2004 Council meeting.

Consent and Regular Agendas

Citizens DeAnne L. Rogers and Sonja Hammer requested Consent Agenda Item "M," changing the number of members appointed to the Animal Shelter Advisory Committee, be removed for individual consideration.

Council Reports

Mayor Pro Tem Stahel and Deputy Mayor Pro Tem Lambert spoke to their attendance at ceremonies swearing-in and welcoming new American citizens. They spoke regarding the number of countries represented and the support provided these individuals by their family and friends.

Mayor Evans spoke regarding the recent trip to Taiwan and China by members of Council and its mission to introduce the City and to additional participants who financed

their own trips. She spoke to the targeted and professional presentations made, the translation of materials and the introduction of Plano as a good place to live and do business. Mayor Evans spoke to visiting Sister City Hsinchu, meeting with EDS representatives in Hong Kong and the offer by the Consulate General in Hong Kong for an expense paid, month-long internship in their city. She stated that the delegation then went to Shenzhen and met with representatives of Huawei to discuss expanding their North American Headquarters which is currently located in Plano. Mayor Evans spoke to discussing the opening of distribution points and to the company's expansion and opportunities. She spoke regarding the visit to Hangzhou, a city that has opened a large "science park" for major telecommunications corporations, and who would like to become a "friendship city" with Plano. Mayor Evans stated that meetings were held with the China Council for the Promotion of International Trade (CCPTI) which represents 60,000 businesses in China that want to do business in the United States and spoke to the positioning of Plano as a "place to be" with assets including a high level of education and a growing Asian population. She advised that CCPTI officials are planning a trip to Plano in January. Mayor Evans spoke to the trip laying the ground work for long-range success and to the gratification of having immediate positive responses to the visit. Council Member Stovall spoke to the rapid growth in China and Taiwan, the hard work of their people and the dividends and immediate results of the visit.

CONSENT AGENDA

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

Approval of Minutes [Consent Agenda Item "A"]

October 11, 2004

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. B193-04 for construction of Dallas North 12 Alley Reconstruction in the amount of \$320,607. The project consists of re-construction of four existing alleys (north of Arborcove Drive between Valley Creek Drive/Glencliff Drive, south of Biscayne Drive between Independence Parkway/Mill Valley Drive, south of Overglen Drive between R Avenue/Jupiter Road, and north of Westlake Drive between Custer Road/Northcrest Drive) and construction of one new alley (north of 14th Street between Rigsbee Drive/Sherry Drive.) [Consent Agenda Item "B"] (See Exhibit "A")

Bid No. C169-04 for conditional acceptance of annual contract for Radio System and Mobile Data System Maintenance in the amount of \$261,957. This will establish a three-year annual contract with two optional renewals. [Consent Agenda Item "C"] (See Exhibit "B")

Bid No. C157-04 for an annual fixed price contract for Work-Out Shorts for Fire Department in the estimated annual amount of \$25,000 with two City optional renewals. [Consent Agenda Item “D”] (See Exhibit “C”)

Adoption of Resolutions

Resolution No. 2004-10-17(R): To seek approval to renew a maintenance agreement with SunGard HTE Inc., a sole source vendor, for the maintenance and support of H.T.E. software applications; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item “E”]

Resolution No. 2004-10-18(R): To approve the terms and conditions of a License Agreement by and between AIDS Services of North Texas and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item “F”]

Resolution No. 2004-10-19(R): To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item “G”]

Resolution No. 2004-10-20(R): To ratify the terms and conditions of an agreement by and between the City of Murphy and the City of Plano for assistance in Building Plans Examination and Building Inspection; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item “H”]

Resolution No. 2004-10-21(R): To approve the terms and conditions of a Subdivision Improvement Agreement by and between the City of Plano, Texas and Daltex Mapleshade, Inc., providing terms and conditions for oversize participation for Mapleshade Drive, west of Coit Road; authorizing its execution by the City Manager and providing an effective date. [Consent Agenda Item “I”]

Adoption of Ordinances

Ordinance No. 2004-10-22: To abandon all right, title and interest of the City, in and to a portion of that certain variable width right-of-way called Horizon North Parkway at its intersection with Plano Parkway, being situated in the Mary Ann Taylor Survey, Abstract Number 897, which is located within the City Limits of Plano, Collin County, Texas; also being a portion of the property set forth in a right-of-way deed to the City of Plano, as recorded in Volume 3175, Page 955 of the Land Records of Collin County, Texas; quitclaiming all right, title and interest of the City in a portion of such right-of-way to the abutting property owner, Greenway 190 Parkway, L.P., to the extent of its interest; authorizing the City Manager, to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item “J”]

Ordinance No. 2004-10-23: To abandon all right, title and interest of the City, in and to that certain drainage easement recorded in Volume 2762, Page 108 of the Land Records of Collin County, Texas, as also reflected on the plat filed in Cabinet G, Page 447, Map Records, Collin County, Texas, and being situated in the Village at Legacy Addition which is located at the northeast corner of Legacy Drive and Custer Road in 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, Velasco Development Company, Inc., to the extent of its interest; authorizing the City Manager, to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item “K”]

Ordinance No. 2004-10-24: To amend the Plano Code of Ordinances, Chapter 12, Motor Vehicles and Traffic, Article V, Stopping, Standing, and Parking, Section 12-102(e) to include the prohibition of Stopping, Standing or Parking of Motor Vehicles along the south side of Coldwater Creek Lane from Oxbow Creek Lane east to Rockwood Drive between the hours of 7:15 a.m. to 8:15 a.m. and 2:30 p.m. to 3:15 p.m. on school days; declaring the parking of motor vehicles in said section of Coldwater Creek Lane within the defined time limits as unlawful and a misdemeanor; and providing a repealer clause, a severability clause, a penalty clause, a savings clause, and an effective date. [Consent Agenda Item “L”]

Ordinance No. 2004-10-25: To amend Section 21-154 of Article IV, Service Charges Generally, Chapter 21, Utilities, of the Code of Ordinances of the City of Plano; correcting a clerical error and providing a repealer clause, a savings clause, a severability clause, a penalty clause and an effective date. [Consent Agenda Item “N”]

Purchase off Existing Contract

To authorize the purchase of three (3) General/Rosenbauer Spartan 4-Door Tilt-Cab, Single Axle, Rear Pumper Style Fire Pumpers, in the amount of \$1,116,929 from Emergency Vehicles of Texas through the Houston-Galveston Area Council of Governments (HGAC) Cooperative Purchasing Program, Contract “HDCACAA” and authorizing the City Manager to execute any and all documents necessary to effectuate this purchase. [Consent Agenda Item “O”]

Award of Contract

To approve expenditures for the rental of a color copier from 12/1/04 through 8/31/07 in the total amount of \$60,443 to Imagistics, a vendor listed on the State Purchasing and General Services Commission Vendors list; and authorizing the City Manager to execute all documents necessary to effectuate the rental. [Consent Agenda Item “P”]

Approval of Change Order

To S.J. Louis Construction of Texas, Ltd., increasing the contract by \$28,023 for McDermott-Razor Waterline, Change Order No. 3 (Bid No. B008-04). [Consent Agenda Item “Q”]

Amendment to Contract

To amend a contract with Brinkley Sargent Architects, Inc., for Professional Architectural Services in the amount of \$28,000 in connection with design of the Plano Community Recreation Center; and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item "R"]

END OF CONSENT

Ordinance No. 2004-10-26: To amend Ordinance No. 2003-9-47, codified as Section 2-336, Members, of Article XIX, Animal Shelter Advisory Committee, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas, changing the number of members appointed by the City Council; providing a repealer clause, a severability clause and an effective date. [Consent Agenda Item "M"]

DeAnne L. Rogers, citizen of the City, spoke to the attendance of Council liaisons at Animal Shelter Advisory Committee meetings and to reviewing state law regarding the committee and its mission. She spoke to increasing the number of meetings per year, there being too few members on the board for it to fulfill its obligations and to the responsibilities of the committee chair.

Sonja Hammer, citizen of the City, stated opposition to the reduction in members and spoke to it reducing citizen participation. She spoke to creating uniformity in the representation of citizens on City boards.

Mayor Pro Tem Stahel spoke to his attendance at board meetings as well as at the shelter, to state requirements and to the opportunity for the chair to call additional meetings. He spoke to expansion of the board during the design and construction stages of the shelter and to its current role as a management oversight committee.

Deputy Mayor Pro Tem Lambert spoke to Council members attending board meetings, to the filling of designated positions and to the board taking more of a care-taking role. He and Council Member Johnson spoke to the reduction in members of various boards and Mr. Lambert spoke to the reduction being accomplished by not filling a current vacancy.

Upon a motion made by Mayor Pro Tem Stahel and seconded by Deputy Mayor Pro Tem Lambert, the Council voted 7-0 to amend Ordinance No. 2003-9-47, codified as Section 2-336, Members, of Article XIX, Animal Shelter Advisory Committee, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas, changing the number of members appointed by the City Council; providing a repealer clause, a severability clause and an effective date; and further to adopt Ordinance No. 2004-10-26.

Resolution No. 2004-10-27(R): To approve the terms and conditions of the funding agreement in a total amount not to exceed \$1,000 between the City of Plano, Texas, and The Living Opera, which renders services that are beneficial to the public and serve a valid public purpose; authorizing the City Manager to execute such agreements with this organization for provision of support of the arts; and providing an effective date. Tabled 10-11-04 [Regular Agenda Item "1"]

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Dyer, the Council voted 7-0 to remove the item from the table.

Chair of the Cultural Affairs Commission Patricia Madigan spoke to the committee abiding by guidelines for all grants and their opinion that the Living Opera represented a viable organization. She responded to the Council that performances will be in the Eiseman Center for the Performing Arts since Plano does not have a venue to accommodate a full-scale opera.

Michael Chadwick, representing the Living Opera spoke to 33% of constituents being from the City of Plano, board representation from the City and artists from the area. He responded to the Council that two productions are planned for the Summer of 2005 and three productions thereafter, support received from the Dallas Opera, audience development and education, and to a diverse program that will include translation into several languages.

Ms. Madigan responded to Deputy Mayor Pro Tem Lambert, stating that this organization may be different because of the level of effort required for these productions and to the audience draw being centered around the citizens of Plano. Mr. Chadwick spoke to the search for office and rehearsal space. Mayor Evans spoke to groups involving Plano audiences and performers when considering funding and to this organization being a start up. Deputy Mayor Pro Tem Lambert spoke to the Eiseman as being the only viable hall today, but stated that in the future there will be a City facility.

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Stovall, the Council voted 7-0 to approve the terms and conditions of the funding agreement in a total amount not to exceed \$1,000 between the City of Plano, Texas, and The Living Opera, which renders services that are beneficial to the public and serve a valid public purpose; authorizing the City Manager to execute such agreements with this organization for provision of support of the arts; and providing an effective date; and further to adopt; Resolution No. 2004-10-27(R).

Public Hearing and adoption of Ordinance No. 2004-10-28 to designate a certain area within the City of Plano as Reinvestment Zone No. 84 for a tax abatement consisting of a 6.471 acre tract of land located at 3901 Plano Parkway in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item "2"]

Ordinance No. 2004-10-28 (cont'd)

Director of Finance McGrane advised the Council that the proposed business personal and real property tax abatement will be for five years, will be equal to fifty percent and that initial employment would be 40 people.

Mayor Evans 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 Dyer and Deputy Mayor Pro Tem Lambert, the Council voted 7-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 84 for a tax abatement consisting of a 6.471 acre tract of land located at 3901 Plano Parkway in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2004-10-28.

Resolution No. 2004-10-29(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, IPA Plano Properties, L.P. and Plano Data, a Record Management Company L.P. and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item "3"]

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Council Member Dyer, the Council voted 7-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, IPA Plano Properties, L.P. and Plano Data, a Record Management Company L.P. and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2004-10-29(R).

Public Hearing and adoption of Ordinance No. 2004-10-30 as requested in Zoning Case 2004-34 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 549 so as to allow the additional use of Single-Family Residence Attached on 8.0± acres of land located on the south side of Hedgcoxe Road, 300± feet west of Custer Road, and on the west side of Custer Road, 292± feet south of Hedgcoxe Road in the City of Plano, Collin County, Texas, presently zoned Retail with Specific Use Permit (SUP) No. 453 for a Day Care Center; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #11. Applicant: Alliance Bank No action was taken at 09/27/04 Council Meeting. [Regular Agenda Item "4"]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted and that Staff will come back to the Council to rescind the Day Care SUP when construction begins

Ordinance No. 2004-10-30 (cont')

Development Review Manager Elgin responded to Council Member Johnson regarding exits from the subdivision, stating that the one on Custer Road would allow for two exit and one entrance lane and the one on Hedgcoxe Road would be a standard two-lane design. Deputy Mayor Pro Tem Lambert spoke to the developer possibly volunteering to widen the collector street onto Hedgcoxe Road. Ms. Jarrell spoke to the exit on Custer Road also serving the commercial development and to it being a developer's choice if they would like to provide a divided entryway.

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. Neal Heckel, representing Ashton Woods Homes, responded to Council Member Johnson and spoke to looking at the land study to ascertain if there is a technical reason for providing a two-lane roadway onto Hedgcoxe and stated reluctance to expand the roadway without further study. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Council Member Dyer, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 549 so as to allow the additional use of Single-Family Residence Attached on 8.0± acres of land located on the south side of Hedgcoxe Road, 300± feet west of Custer Road, and on the west side of Custer Road, 292± feet south of Hedgcoxe Road in the City of Plano, Collin County, Texas, presently zoned Retail with Specific Use Permit (SUP) No. 453 for a Day Care Center as requested in Zoning Case 2004-34 and as recommended by the Planning and Zoning Commission; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2004-10-30.

Public Hearing and adoption of Ordinance No. 2004-10-31 as requested in Zoning Case 2004-38 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 552 so as to allow the additional use of a Private Club within a Restaurant on 0.1± acre of land located 750± feet south of Mapleshade Lane and 965± feet east of Coit Road in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #72. Applicant: Plano Coit and 190 Associates. [Regular Agenda Item "5"]

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

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

Ordinance No. 2004-10-31 (cont'd)

Upon a motion made by Council Member Dyer and seconded by Council Member Stovall, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 552 so as to allow the additional use of a Private Club within a Restaurant on 0.1± acre of land located 750± feet south of Mapleshade Lane and 965± feet east of Coit Road in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial as requested in Zoning Case 2004-38 and as recommended by the Planning and Zoning Commission; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2004-10-31.

Public Hearing and adoption of Ordinance No. 2004-10-32 as requested in Zoning Case 2004-39 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to amend Planned Development-46-Multifamily-2 located on the northeast corner of Coit Road and Ridgeview Drive in the City of Plano, Collin County, Texas, from Planned Development-46-Multifamily-2 to permit Single-Family-Attached Residential uses on 7.5± acres out of the southeast portion of the district and to reduce the width of the required landscape edge to 10 feet for the Single-Family-Attached portion of the district; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #2 Applicant: UDR Texas Properties L.P. [Regular Agenda Item “6”]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval subject to: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

1. A 30-foot landscaped edge, ~~measured from the property line,~~ shall be provided for multifamily uses along Ridgeview Drive and Coit Road. A 10-foot landscaped edge shall be provided for single-family-attached uses along Ridgeview Drive.
2. No single-family, duplex or patio home development is allowed; except that the 7.5± tract in the southeastern portion of the district, as indicated on the zoning exhibit, may be developed as single-family-attached use.
3. Pole signs are prohibited. Monument signs are allowed provided the sign is eight feet or less in height.
4. Overhead utilities are prohibited.

Ordinance No. 2004-10-32 (cont'd)

Ms. Jarrell noted that if the acreage develops as requested, 135 apartment units would be eliminated. Deputy Mayor Pro Tem Lambert spoke to deleting Paragraph 2 which would then provide the potential for eliminating more apartment units without another zoning case. Council Member Dyer spoke to providing the 10-foot landscaped edge for single-family-attached uses along Coit Road.

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

A motion was made by Deputy Mayor Pro Tem Lambert and seconded by Council Member Dyer, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to amend Planned Development-46-Multifamily-2 located on the northeast corner of Coit Road and Ridgeview Drive in the City of Plano, Collin County, Texas, from Planned Development-46-Multifamily-2 to permit Single-Family-Attached Residential uses on 7.5± acres out of the southeast portion of the district and to reduce the width of the required landscape edge to 10 feet for the Single-Family-Attached portion of the district as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2004-39; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2004-10-32 with the following revisions to stipulations:

1. A 30-foot landscape edge shall be provided for multifamily uses along Ridgeview Drive and Coit Road. A 10-foot landscape edge shall be provided for single-family residence uses along Ridgeview Drive and Coit Road.
2. Pole signs are prohibited. Monument signs are allowed provided the sign is eight feet or less in height.
3. Overhead utilities are prohibited.

The Council voted 7-0 and the motion carried as amended.

Public Hearing and adoption of Ordinance No. 2004-10-33 as requested in Zoning Case 2004-42 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, to amend Specific Use Permit No. 485 for a Private Club to expand the private club to include patio dining on 0.3± acre of land located on the northwest corner of Bishop Road and Brockman Court in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1 with Specific Use Permit No. 485 for a Private Club; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #16 Applicant: The Shops at Legacy, L.P. [Regular Agenda Item “7”]

Ordinance No. 2004-10-33 (cont'd)

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

Mayor Evans 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 Dyer, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, to amend Specific Use Permit No. 485 for a Private Club to expand the private club to include patio dining on 0.3± acre of land located on the northwest corner of Bishop Road and Brockman Court in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1 with Specific Use Permit No. 485 for a Private Club as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2004-42; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2004-10-33.

Public Hearing and Consideration of Disannexation Case D2004-01 – Request to disannex 13.0± acres located on the west side of Cottonwood Creek, at the end of Chaparral Road, 1,400± feet east of Cloverhaven Drive, in the R. C. Whisenant Survey, Abstract No. 1012, Collin County. Applicant: City of Plano [Regular Agenda Item “8”]

Director of Planning Jarrell requested the Council table the annexation request until the November 8, 2004 Council Meeting to allow time to meet with property owners.

Mayor Evans opened the Public Hearing. Beth Heffernan, citizen of the City, spoke to possible options that should be researched prior to a decision being made and to sustaining a good relationship with the City. Liles Arnold, citizen of the City, stated concern regarding the lack of information received, possible infringement on property, traffic flow, city services and change of address.

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Mayor Pro Tem Stahel, the Council voted 7-0 to continue the Public Hearing and Consideration of Disannexation Case D2004-01 – Request to disannex 13.0± acres located on the west side of Cottonwood Creek, at the end of Chaparral Road, 1,400± feet east of Cloverhaven Drive until the November 8, 2004 Council meeting.

Ordinance No. 2004-10-34: To provide for the issuance and sale of City of Plano, Texas, General Obligation Refunding Bonds, Series 2004; levying a tax in payment thereof; prescribing the form of said bonds; approving execution and delivery of an escrow agreement and a bond purchase agreement; approving the official statement; and enacting other provisions relating thereto. [Regular Agenda Item “9”]

Ordinance No. 2004-10-34 (cont'd)

Director of Finance McGrane advised the Council that this item represents a refunding of portions of the 1996-97 General Obligation Bonds, that the savings will be over \$2 million in debt service and the request does not lengthen the time of the debt. He responded to the Council regarding the interest rate, looking for opportunities to retire bonds and save money and stated that all three rating agencies have affirmed the City's AAA bond rating.

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Council Member Stovall, the Council voted 7-0 to provide for the issuance and sale of City of Plano, Texas, General Obligation Refunding Bonds, Series 2004; levying a tax in payment thereof; prescribing the form of said bonds; approving execution and delivery of an escrow agreement and a bond purchase agreement; approving the official statement; and enacting other provisions relating thereto; and further to adopt Ordinance No. 2004-10-34.

There being no further discussion, Mayor Evans adjourned the meeting at 9:00 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary