

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING AND REGULAR SESSION
October 24, 2005**

COUNCIL MEMBERS

Pat Evans, Mayor
Ken Lambert, Mayor Pro Tem
Scott Johnson, Deputy Mayor Pro Tem
Shep Stahel
Sally Magnuson
Jean Callison
Loretta L. Ellerbe
Harry LaRosiliere

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 Pro Tem Lambert called the meeting to order at 5:08 p.m. Monday, October 24, 2005, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Mayor Evans arrived at 5:11 p.m. Mayor Pro Tem Lambert stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071 and to discuss matters of Personnel, Section 551.074 for which a certified agenda is required.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting and Regular Meeting at 7:01 p.m. in the Council Chambers at which time the following matters were discussed:

The invocation was led by Associate Pastor Kenny Dickson with Custer Road United Methodist Church.

The Pledge of Allegiance was led by Girl Scout Troop 2284 of Sigler Elementary.

PROCLAMATIONS AND SPECIAL RECOGNITION

Mayor Evans presented a proclamation recognizing Arbor Day – 2005.

Mayor Evans administered oaths of office to Cameron Aron McCall for the Board of Adjustment and Earnest Richard Burke for the Plano Housing Authority.

Mayor Evans presented Certificates of Appreciation to outgoing members of the boards and commissions.

GENERAL DISCUSSION

Jack Lagos, citizen of the City, spoke to public money being routed through the Arts of Collin County Foundation which is not appointed by the City and requested oversight by the Council and an agenda item to discuss the situation. City Attorney Wetherbee advised that she would meet with Mr. Lagos to discuss issues raised at the October 10 Council meeting and spoke to contracting work occurring prior to the formation of the Arts of Collin County in February 2004 and approved expenditures by the three cities that entered into agreement. Mr. Lagos requested information be shared with the public.

Guy Wormald, citizen of the City, requested an agenda item to consider renaming the portion of Shiloh Road from Parker Road to Park Boulevard as Spring Creek Parkway.

BOARD/COMMISSION REPORTS

Youth Advisory Commission

Chair Sedlet advised the Council regarding the Commission's membership, projects including annual Christmas parade participation, holiday dinner, efforts to expand awareness of the dangers of drunk driving, visits to elementary schools to meet with fifth graders and participation at the National League of Cities Conference. She reviewed future programs including participation in "Kids Night Out," attendance at a program designed to increase recognition and response to those showing signs of crisis and the YAC Fest Spring Concert. Ms. Sedlet advised that the Commission is available for any projects recommended by the Council.

Technology Commission

Chair Johnson advised the Council that the Commission's initiatives include monitoring the status of broadband in the City, considering the effects of Radio Frequency ID (RFID)/Nanotechnology, addressing technology as it relates to the Plano Economic Development Board, and redeployment of the Commission's web site. He spoke to the success of the 2nd Annual Internet Security Conference, keeping communications open with the City regarding technology, and affirmed the board's role as an incubator for examining emerging and existing technologies as well as providing guidance and recommendations.

Consideration and Action Resulting From Executive Session Discussion

No action was brought forward.

DART Status Report

No report was given.

Comprehensive Monthly Financial Report

Finance Director McGrane presented the Comprehensive Monthly Finance Report for the month of September and year-end and advised that the numbers are un-audited. He spoke to revenues doing well and exceeding the budget, stated that expenditures have come in well with sales tax trends continuing upward, and that unemployment declined slightly. Mr. McGrane spoke to sales tax comparisons with other cities, new refuse collection accounts, a slight increase in single family housing starts, and stated that building permit values are up on the commercial side along with hotel/motel occupancy. He reviewed treasury pool equity and portfolio diversification.

Mobility Report

Transportation Engineering Manager Neal advised that transmission problems were detected with traffic signals on Preston Road and have been resolved through Public Safety Communications. He spoke to consideration of revisions to the Safe Streets Program (Consent Item "W") to clarify terms and make for a simpler process. Mr. Neal spoke to the success with the Haggard Park Neighborhood for a Resident Only Parking Program, and further spoke to neighborhoods considering use of other devices besides speed humps.

Personnel Appointments – Self Sufficiency Committee

Upon a motion made by Council Member Callison and seconded by Council Member Stahel, the Council voted 8-0 to appoint Melissa Manfre.

Consent Agenda

Council Member Stahel advised that he will be stepping down on Consent Item "D," approval of an expenditure to establish a public safety wireless mesh network from Mesh Broadband Network to Motorola, Inc., and "E," approval of an expenditure for Interactive Voice Response System to Selectron Technologies, Inc. both due to possible conflicts of interest.

Deputy Mayor Pro Tem Johnson advised that he will be stepping down on Consent Item "M," change order to Mario Sinacola & Sons Excavating, Inc. for Legacy Business District Water Line and further will be stepping down on Regular Item "1," Public Hearing and ordinance to establish and designate Reinvestment Zone No. 93 for a tax abatement, and Item "2," resolution to approve an agreement with Collin County, Collin County Community College District and Rent-A-Center Texas L.P. all due to possible conflicts of interest.

Council Items for Discussion/Action on Future Agendas

No items were brought forward.

Council Reports

Council Member Magnuson advised that she, Mayor Evans, and Deputy Mayor Pro Tem Johnson attended the Plano International Festival at Haggard Park and stated that it was well done with excellent attendance.

CONSENT AGENDA

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, the Council voted 8-0 to approve and adopt the remaining items on the Consent Agenda as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]

October 10, 2005

Approval of Expenditures

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

To approve Bid No. 2005-190-C for Standard Lot Abatement Contract to Whitlock Commercial Services in the amount of \$35,000. This item will establish an annual fixed price contract with two City optional renewals. [Consent Agenda Item (B)] (See Exhibit "A")

To approve Bid No. 2005-253-C for Printing Services for Leisure Catalog to DFW Printing in the amount of \$67,005. This item will establish an annual fixed price contract with one City optional renewal. [Consent Agenda Item (C)] (See Exhibit "B")

To approve Bid No. 2005-264-P for the 2005-2006 Residential and Arterial Pavement Under-sealing and Raising Contract to Nortex Concrete Lifting and Stabilization, Inc. in the amount of \$1,398,250. [Consent Agenda Item (F)] (See Exhibit "C")

Purchase from Existing Contract/Agreement: (Purchase of products/services through Cooperative Purchasing Interlocal Contract with another governmental/quasi-governmental agency or an additional purchase from current City of Plano annual purchase agreement).

To authorize the purchase of Pager Rentals in the estimated annual amount of \$36,760 from Metrocall Inc. through a State of Texas Department of Information Resources contract, and authorizing the City Manager to execute all necessary documents (DIR Contract No. DIR-SDD-202). [Consent Agenda Item (G)]

To authorize the purchase of four (4) full size Chevrolet Tahoes with Police Package in the amount of \$110,168 from Caldwell Country Chevrolet, through Tarrant County Joint/Venture Cooperative Program, and authorizing the City Manager to execute all necessary documents. (Contract #2005-180) [Consent Agenda Item (H)]

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

To approve and authorize a contract with Kendall Landscape Architecture to provide Landscape Architectural Services in conjunction with the Memorial Park Improvements in an amount not to exceed \$154,000 and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. [Consent Agenda Item (I)]

To approve and authorize a contract with Halff Associates, Inc. to provide Landscape Architectural Services in conjunction with trail construction to extend Bluebonnet Trail from Alma Road to the underpass at U.S. 75 for a total of 2.3 miles in an amount not to exceed \$123,500 and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. [Consent Agenda Item (J)]

To approve the terms and conditions of an engineering services contract by and between the City of Plano and Pacheco Koch Consulting Engineers, Inc. in the amount of \$234,820 for the Parkwood Boulevard Widening (Park Boulevard to Spring Creek Parkway) and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (K)]

Change Order: (Change to current City of Plano contract allowable under State law)

To Jim Bowman Construction Company LP, increasing the contract by \$122,271 for the 2004-2005 Residential Slab Replacement Project, Zones 16 & 17, Project No. 5587, Change Order No. 1, Bid No. B097-05. [Consent Agenda Item (L)]

Miscellaneous Purchase Authorization:

To authorize the potential future expenditure of up to \$75,000 to Earth One, Inc. for the completion of the cleanup operation associated with a fuel spill at the Spring Creek Lift Station and authorizing the City Manager to execute any and all documents necessary to effectuate this expenditure. [Consent Agenda Item (N)]

Adoption of Resolutions

Resolution No. 2005-10-16(R): To amend and terminate the Section 401(a) Plan “Savings and Retirement Plan for Employees of the City of Plano” for its employees; and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2005-10-17(R): To approve the tax roll for fiscal year 2005-2006, and providing an effective date. [Consent Agenda Item (P)]

Resolution No. 2005-10-18(R): To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (Q)]

Resolution No. 2005-10-19(R): To authorize the purchase of various library materials, including books, books-on-tape, audio cassettes, compact disks, and videocassettes for Plano Public Library System (PPLS), from Baker & Taylor under Texas State Contract 715-N1 Section IV (715-10-50), Section V (715-10-60), Section VIII (715-90-10), Section IX (715-05-10) and Section X (715-05-11); and for non-print materials only under the annual Northeast Texas Library System (NETLS) contract in the amount of \$400,000; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date. [Consent Agenda Item (R)]

Resolution No. 2005-10-20(R): To authorize the purchase of library materials such as books, books-on-tape, and compact disks for the Plano Public Library System (PPLS) in the amount of \$340,000 from Brodart through the Northeast Texas Library System (NETLS); authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein and providing an effective date. [Consent Agenda Item (S)]

Resolution No. 2005-10-21(R): To authorize the purchase of various library materials for the Plano Public Library System in the total amount of \$59,761 from Standard & Poor’s and Proquest Information and Learning, the sole source suppliers of such materials; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date. [Consent Agenda Item (T)]

Resolution No. 2005-10-22(R): To approve the terms and conditions of agreements between the City of Plano, Texas, and various heritage preservation organizations which render services that are beneficial to the public and serve a valid public purpose in the total amount of \$574,375; authorizing the City Manager to execute such agreements with these organizations for the provision of support of heritage preservation; and providing an effective date. [Consent Agenda Item (U)]

Resolution No. 2005-10-23(R): To authorize the City Manager to enter into an agreement with LINK2GOV CORP. for the purpose of providing a City-wide payment processing service; and providing an effective date. [Consent Agenda Item (V)]

Resolution No. 2005-10-24(R): To repeal Resolution No. 2005-3-28(R); adopting new criteria and procedures for the Safe Streets Program (SSP) including evaluation of requests for traffic management devices for collector and residential streets; establishing new criteria for the substitution of traffic management devices; and updating the definitions to clarify the process. [Consent Agenda Item (W)]

Resolution No. 2005-10-25(R): To ratify and approve the expenditure of funds in the amount of \$79,938 to the Assistance Center of Collin County and \$15,174 to Jerry Jones, Property Management, to provide continued assistance to hurricanes Katrina/Rita evacuees for the next ninety (90) days; and providing an effective date. [Consent Agenda Item (X)]

Resolution No. 2005-10-26(R): To approve the terms and conditions of the funding agreements between the City of Plano, Texas, and various arts organizations, which all render services that are beneficial to the public and serve a valid public purpose; authorizing the City Manager to execute such agreements with these organizations for provision of support of the arts; and providing an effective date. [Consent Agenda Item (Y)]

Resolution No. 2005-10-27(R): To designate Plano Centre Manager, Food Sales and Service Supervisor and Plano Centre Financial Specialist as administrators of the Mixed Beverage Restaurant Permits with Food and Beverage (FB) for Plano Centre and Pecan Hollow Golf Course and providing an effective date. [Consent Agenda Item (Z)]

Resolution No. 2005-10-28(R): To ratify and approve the expenditure of funds in the amount of \$165,079 for the repair of Plano Aquatic Center leaks by D.C.C., Inc. a local HUB vendor. [Consent Agenda Item (AA)]

Resolution No. 2005-10-29(R): To endorse and authorize the Director of the Parks and Recreation Department to act on behalf of the City of Plano in executing shared cost grant agreement documents with the Texas Forest Service's Partnership Grant Program for the funding of a temporary, part-time Urban Forestry Data Collection Technician; and providing an effective date. [Consent Agenda Item (BB)]

Resolution No. 2005-10-30(R): To approve the terms and conditions of an agreement between the City of Plano, Texas, and Ray King, a qualified professional artist, for the design, fabrication, delivery and installation of artwork for the Tom Muehlenbeck Center; and authorizing the City Manager to execute such agreement with Mr. King; and providing an effective date. [Consent Agenda Item (CC)]

Resolution No. 2005-10-31(R): To set forth issues for consideration that should be undertaken regarding the design, construction, operational and financial decisions for tolling Highway 121; and providing an effective date. [Consent Agenda Item (DD)]

Resolution No. 2005-10-32(R): To repeal Resolution No. 2005-10-1(R) in its entirety; and providing an effective date. [Consent Agenda Item (EE)]

Resolution No. 2005-10-33(R): To approve the expenditure of bond funds, for equipment for technical services including a public safety wireless mesh network and library server, prior to the actual sale of the obligations. [Consent Agenda Item (FF)]

Adoption of Ordinances

Ordinance No. 2005-10-34: To amend Ordinance No. 98-5-28, codified as Section 2-324 of Article XVIII of Chapter 2 of the Code of Ordinances (Youth Advisory Commission) limiting the Youth Advisory Commission membership to Plano public and private high school and senior high school students only; and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (GG)]

Ordinance No. 2005-10-35: 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 east and west side of Floyd Drive from its intersection with Oakland Hills Drive south to its intersection with Gull Lake Drive within the City limits of the City of Plano on school days between the hours of 7:15 a.m. and 8:15 a.m. and 2:45 p.m. and 3:45 p.m.; declaring the stopping, standing, or parking of motor vehicles in said section of Floyd Drive within the defined time limits as unlawful and a misdemeanor; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (HH)]

Ordinance No. 2005-10-36: To amend the Plano Code of Ordinances, Chapter 12, Motor Vehicles and Traffic, Article V, Stopping, Standing, and Parking, Section 12-101, Prohibited on certain streets at all times, to prohibit stopping, standing, or parking of motor vehicles on the west side of Franc Drive between Plano Parkway and Guildler Drive within the City limits of the City of Plano; declaring it unlawful and a misdemeanor to stop, stand, or park motor vehicles upon such sections of such roadway within the limits herein defined; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (II)]

Ordinance No. 2005-10-37: To abandon all right, title and interest of the City, in and to those certain easements assigned to the City of Plano by Lebanon Water Supply Corporation as recorded in Volume 2919 at Page 214 of the Collin County Land Records and being situated generally west of Preston Road and north of Spring Creek Parkway in the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the abutting property owners, to the extent of their interests; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (JJ)]

Ordinance No. 2005-10-38: To abandon all right, title and interest of the City, in and to a portion of that certain sanitary sewer easement recorded in Volume 2579 at Page 869 of the Land Records of Collin County and being situated in the Collin County School Land Survey, Abstract No. 153, located at the southeast corner of Preston Road and Hedgcoxe Road which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Adolph Scherer Preston I, Ltd., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (KK)]

Ordinance No. 2005-10-39: To abandon all right, title and interest of the City in and to a portion of Lots 1 and 2, Block 9 of the P.R. Garrett Addition, as acquired in Volume 888 at Page 391 of the Land Records of Collin County, Texas, being situated in the Joseph Klepper Survey, Abstract No. 213 and located adjacent to the east line of F Avenue between 12th Street and 13th Street, which is located in the City limits of Plano, 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, Grady L. Dunbar, to the extent of his interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (LL)]

Ordinance No. 2005-10-40: To approve the carrying forward of Fiscal Year 2004-2005 funds to Fiscal Year 2005-2006; and providing an effective date. [Consent Agenda Item (MM)]

END OF CONSENT

Due to possible conflicts of interest Council Member Stahel stepped down from the bench on the following two items which were considered concurrently.

To approve CSP No. B199-05 for CISV Only – Mesh Broadband Network to Motorola, Inc. in the amount of \$915,000. This purchase will establish a public safety wireless mesh network within the City of Plano that will be utilized by the Police Department for automation of field reporting. [Consent Agenda Item (D)] (See Exhibit “D”)

To approve RFP No. 2005-133-B for Interactive Voice Response System to Selectron Technologies, Inc. in the amount of \$93,060. [Consent Agenda Item (E)] (See Exhibit “E”)

Upon a motion made by Mayor Pro Tem Lambert and seconded by Council Member Magnuson, the Council voted 7-0 to approve CSP No. B199-05 for CISV Only – Mesh Broadband Network to Motorola, Inc. in the amount of \$915,000 and to approve RFP No. 2005-133-B for Interactive Voice Response System to Selectron Technologies, Inc. in the amount of \$93,060.

Due to possible conflicts of interest, Deputy Mayor Pro Tem Johnson stepped down from the bench on the following three items.

To approve a Change Order to Mario Sinacola & Sons Excavating, Inc., increasing the contract by \$104,350 for Legacy Business District Water Line, Change Order No. 1. (Original Bid No. B069-05) [Consent Agenda Item (M)]

Upon a motion made by Mayor Pro Tem Lambert and seconded by Council Member Ellerbe, the Council voted 6-0 to approve a Change Order to Mario Sinacola & Sons Excavating, Inc., increasing the contract by \$104,350 for Legacy Business District Water Line, Change Order No. 1. (Council Member Stahel was away from the bench.)

Council Member Stahel resumed his place at the bench.

Public Hearing and adoption of Ordinance No. 2005-10-41 to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 93 for a tax abatement consisting of a 15.00 acre tract of land located at the northeast corner of Headquarters Drive and Parkwood Boulevard, east of Intuit Corporate Headquarters, in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (1)]

Director of Finance McGrane advised the Council that the proposed business personal property and real property tax abatement will begin January 1, 2007 and continue through the year 2015 and will be equal to fifty percent for ten years.

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 LaRosiliere and seconded by Council Member Ellerbe the Council voted 6-0 to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 93 for a tax abatement consisting of a 15.00 acre tract of land located at the northeast corner of Headquarters Drive and Parkwood Boulevard, east of Intuit Corporate Headquarters, 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. 2005-10-41. (Council Member Magnuson was away from the bench.)

Resolution No. 2005-10-42(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 and Rent-A-Center Texas, L.P., a Texas Limited Partnership, 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 (2)]

Resolution No. 2005-10-42(R) (cont'd)

Upon a motion made by Mayor Pro Tem Lambert and seconded by Council Member Callison, the Council voted 6-0 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 and Rent-A-Center Texas, L.P., a Texas Limited Partnership, 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. 2005-10-42(R). (Council Member Magnuson was away from the bench.)

Deputy Mayor Pro Tem Johnson resumed his place at the bench.

Public Hearing and an ordinance as requested in Zoning Case 2005-36 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 56.5± acres (Tract I - 17.3± acres and Tract II – 39.2± acres) located on the north side of McDermott Road, 270± feet east of Ohio Drive, and west of the future extension of Rasor Parkway in the City of Plano, Collin County, Texas, from Regional Commercial and Neighborhood Office to Planned Development-177-Single-Family Residence Attached (Tract I - 17.3± acres) and Planned Development-178-Single-Family Residence-6 (Tract II – 39.20± acres); 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. Applicant: Cay Trust No. 2 and Preston/121 J.V. [Regular Agenda Item (3)]

Director of Planning Jarrell advised the Council that the applicant has requested the item be tabled until the November 14, 2005 Council meeting.

Upon a motion made by Council Member Magnuson and seconded by Council Member Callison, the Council voted 7-0 to table Zoning Case 2005-36 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 56.5± acres (Tract I - 17.3± acres and Tract II – 39.2± acres) located on the north side of McDermott Road, 270± feet east of Ohio Drive, and west of the future extension of Rasor Parkway in the City of Plano, Collin County, Texas, from Regional Commercial and Neighborhood Office to Planned Development-177-Single-Family Residence Attached (Tract I - 17.3± acres) and Planned Development-178-Single-Family Residence-6 (Tract II – 39.20± acres) until the November 14, 2005 Council meeting. (Council Member LaRosiliere was away from the bench.)

Public Hearing and adoption of Ordinance No. 2005-10-43 as requested in Zoning Case 2005-31 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 7.0± acres located at the southwest corner of 18th Street and G Avenue in the City of Plano, Collin County, Texas, from Corridor Commercial with Heritage Resource Designation No. 20 to Planned Development-179-Downtown Business/Government with Heritage Resource Designation No. 20; 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. Applicant: City of Plano [Regular Agenda Item (4)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval subject to the property being zoned Planned Development-Business Government (PD-BG) with the following stipulations:

1. Only single-family residence attached dwelling units as shown in the attached concept plan and home occupations operated in accordance with Subsection 3.110 of the Zoning Ordinance are permitted on the area defined by the concept plan, Rice Field Redevelopment; however, the existing office property at the northwest corner of G Avenue and 16th Street (Bridgeman's Office Addition, Block 1, Lot 1) may be used and developed in accordance with the BG zoning district.
2. The total number of residential units shall be not less than 90 or more than 110.
3. Public access to the common open space serving residential development shall be allowed and shall not be restricted by gates, barriers, or signage.
4. Maintenance of all open space, landscaping, and common amenities shall be the responsibility of a homeowners association. Homeowners' association documents must be approved by the City Attorney.
5. The concept plan shall be adopted as part of the ordinance. Minor amendments in accordance with Section 5.500 of the Zoning Ordinance shall be permitted.
6. Single-family residence attached development shall conform to the requirements of the BG district with the following exceptions:
 - a. 60% of single-family residence attached lots may abut a mews street or alley as the only point of street frontage and access.
 - b. The building setbacks shall be as follows:
 - (1) From minor streets with on-street parking: 16th Street and other minor streets within the Haggard Park Heritage Resource District - The building setbacks shall conform to the guidelines for the Haggard Park Heritage Resource District.

Ordinance No. 2005-10-43 (cont'd)

- (2) From mews streets: Garages - Maximum ten feet as measured from the right-of-way line of the mews street. The minimum setback from the property line shall be zero feet.
- c. Stoops, balconies, bay windows, box windows, and awnings shall not extend into the right-of-way of mews streets.
- d. The Heritage Commission shall approve the building configuration and street tree, and sidewalk design for the portion of the property within the Haggard Park Heritage Resource District.

Ms. Jarrell advised that the developer intends to construct 98 urban townhouses with a mix of two and three-story units each with a two-car garage. She stated that visitor parking will be provided in small parking areas and on-street parking spaces and that a common open space area will be created in the middle of the development. Ms. Jarrell spoke to the City's goal of adding at least 1,000 dwelling units within one-quarter mile of the downtown DART station and 3,500 within one-half mile and the request creating a pedestrian-oriented area. She spoke to the plan being oriented to the street even though 60% of the lots would only have access from a mews street and restrictions to prevent parking on the mews street. Ms. Jarrell responded to Mayor Pro Tem Lambert stating that the owners of an existing medical office building on 16th Street and G Avenue have been contacted and are in support of the request.

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

Mayor Pro Tem Lambert requested a briefing regarding the requirement that open space be made available to the public even though it is located on private property and owned by the homeowners association. City Attorney Wetherbee advised that it will be critical that the conveyance instruments reserve that requirement so that a future land owner will be on notice.

A motion was made by Council Member Stahel and seconded by Council Member LaRosiliere, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 7.0± acres located at the southwest corner of 18th Street and G Avenue in the City of Plano, Collin County, Texas, from Corridor Commercial with Heritage Resource Designation No. 20 to Planned Development-179-Downtown Business/Government with Heritage Resource Designation No. 20; directing a change accordingly in the official zoning map of the City as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2005-31; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2005-10-43. The Council voted 7-1 with Mayor Pro Tem Lambert voting in opposition.

Public Hearing and Consideration of an appeal of the Planning & Zoning Commission's denial of Zoning Case 2005-05 - Request to rezone 22.5± acres located at the southeast corner of Parker Road and Preston Road from Agricultural (A) to Planned Development-Neighborhood Office (O-1) with Specific Use Permit to allow for Bank, Savings and Loan, or Credit Union, Single-Family Residence Attached (SF-A) and Patio Home (PH). Zoned Agricultural. Neighborhood #43. [Regular Agenda Item (5)]

Director of Planning Jarrell stated that because the Council had remanded this case back to the Planning and Zoning Commission and that due to their denial, the request would require a three-quarter vote of approval. She stated that the applicant is requesting a mix of zoning districts on the property and advised regarding surrounding land use. Ms. Jarrell stated that the Commission recommended patio home zoning for the entire parcel.

Ms. Jarrell responded to the Council stating that there is a street connection in place to the patio home development to the east and spoke to future connection to the townhome development. She stated that she was unaware of the reasons why the development does not "line up" with the adjacent one. Ms. Jarrell responded to Council Member LaRosiliere stating that there would be a minimum of two possible access points from Preston Road and that Staff would discourage a direct cut through to the neighborhood.

Mayor Evans opened the Public Hearing. Larry Good, representing the applicant, spoke to following the direction previously provided by the Council and stated that the City Attorney's opinion was sought regarding the need for a three-quarter vote and that he would not waive his right to challenge that requirement. He spoke regarding the offset between the plan and the adjacent development and regarding the points of access to be provided. John Donovan, citizen of the City, spoke to recognizing the intent for the property to be developed as single family, denial of the proposal by the Planning and Zoning Commission and the opposition expressed by residents in the area. He spoke to an alternate design showing how the property could be successfully developed as single-family detached patio homes and to the development to the east being tied to a large three-story retirement facility.

Larry Rehg, president of the Harrington Homeplace Homeowners Association, spoke in opposition to the request and in favor of the recommendation of the Planning and Zoning Commission. He referred to a 1992 letter from Mayor Muns in opposition to commercial at this location. Mr. Rehg spoke to the current level of commercial development, the Comprehensive Plan listing this location as residential and regarding traffic concerns. Glen Hinckley, representing the Preston-Parker Shopping Center Tenants' Association spoke to the property's designation on the Comprehensive Plan, Staff's recommendation for denial and Planning and Zoning Commission's recommendation of patio homes. He spoke to the overabundance of both office/retail zoned property in the City, making sure the property develops as promised, homeowners' opposition and traffic in the area. Mr. Hinckley responded to the Council regarding the level of property zoned office and stated that some buildings have been constructed, but are not occupied.

Appeal of Planning & Zoning Commission's Denial of Zoning Case 2005-05 (cont'd)

John Roach, Jr. representing the applicant, spoke to development of the proposal being in response to the Council's discussion. He spoke to being consistent with adjacent property owners, the difficulty of developing single-family attached and advised that patio homes will be two stories in height. Debbie Leacock, citizen of the City, spoke to development of single-family homes on the site rather than townhomes, the abundance of condominiums and to the advantages of patio homes. No one else spoke either for or against the request. The Public Hearing was closed.

Ms. Jarrell responded to the Council that the height limits on the southwest, northwest and northeast corners are two story or 35 feet. Council Member Stahel spoke to Harrington Homeplace not being within the 200 feet notification area. Ms. Jarrell responded to Council Member Stahel regarding restrictions on Neighborhood Commercial (NC) zoning and advised that the northeast corner exceeds the square footage typical for NC zoning. Mr. Donovan responded to Council Member LaRosilieri that the plans being presented were compiled in conformance with City regulations and Ms. Jarrell advised that she has not yet reviewed the plans. She spoke regarding open space requirements and stated that there is street connection between properties on either side of the creek. Ms. Jarrell responded to Council Member Magnuson that the maximum height for both townhomes and patio homes is two stories and stated that no plan has been submitted for review or approval by the Commission or the Council. She responded to Mayor Pro Tem Lambert regarding the plan, stating that it would be best if the Council provided direction for the zoning, after which time the applicant would submit a plan in conformance.

Mr. Donovan responded to Council Member LaRosilieri regarding the number of patio homes that could be developed as opposed to townhomes or single-family homes. Ms. Jarrell advised that the three-quarter vote is required due to the denial by the Planning and Zoning Commission. She advised Mayor Evans regarding open space requirements and stated that when a plan is submitted, it will be reviewed for compliance. Ms. Jarrell responded to Mayor Pro Tem Lambert that the request for office zoning would include an SUP for a bank, savings and loan or credit union.

Council Member Magnuson spoke to the efforts of the applicant and the revisions made from the original plan. She spoke regarding the height of the development and the distance across Preston Road from residential zoning. Ms. Magnuson made a motion to approve the item as requested in the letter of appeal with Council Member Stahel seconding. No vote was taken at this time.

Council Member LaRosilieri stated concern regarding the amount of townhomes in the area and spoke to the reduction in actual units that might be attained by patio home development. Ms. Jarrell advised that should the applicant desire to convert the townhomes to patio homes they could do so.

Appeal of Planning & Zoning Commission's Denial of Zoning Case 2005-05 (cont'd)

A motion was made by Council Member Stahel and seconded by Council Member Magnuson, to approve the appeal of the Planning & Zoning Commission's denial of Zoning Case 2005-05 - Request to rezone 22.5± acres located at the southeast corner of Parker Road and Preston Road from Agricultural (A) to Planned Development-Neighborhood Office (O-1) with Specific Use Permit to allow for Bank, Savings and Loan, or Credit Union, Single-Family Residence Attached (SF-A) and Patio Home (PH) as requested in the letter of appeal. The Council voted 7-1 with Council Member LaRosiliere voting in opposition.

There being no further discussion, Mayor Evans adjourned the meeting at 9:19 p.m.

Pat Evans, MAYOR

Ken Lambert, MAYOR PRO TEM

ATTEST:

Elaine Bealke, City Secretary