

PLANO CITY COUNCIL

April 28, 2008

COUNCIL MEMBERS

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

STAFF

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

Mayor Evans convened the Council directly into the Regular Session from the Preliminary Meeting at 7:07 p.m. on Monday, April 28, 2008, in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Reverend David Batchelder with West Plano Presbyterian Church.

The Pledge of Allegiance was led by Cub Scout Pack 261, Den 2 of Christie Elementary.

The Council received the 2007 Award of Excellence by the Building Officials Association of Texas (BOAT). Mayor Evans presented a proclamation for National Volunteer Month – April, 2008, National Historic Preservation Month, and Wildflower Week – 2008.

Mayor Evans administered oaths of office to incoming board members Esau Liu of the Global Advisory Committee and Louis Heck of the Self Sufficiency Committee.

BOARD AND COMMISSION REPORT

Bob Masengill, Community Relations Commission Chair, spoke to Council regarding the Commission's major accomplishments, grant process, summary statistics, and upcoming events. Mr. Masengill stated the Commission approved bylaws, a new form for the grant process, and an Affirmative Action Report, and completed the 2008 grant cycle for four grants. He provided Council with a brief overview of the grant process; spoke to grant requests, allocations, consolidated process, and summary statistics and outcomes. He spoke to future review of the application process for potential improvements and consideration of agency visits. Council Member Stahel commended the Commission and Mr. Masengill stated the members take the role of being good fiduciary agents on behalf of the City and introduced the other members of the Board. Mayor Evans thanked the members for their time and effort.

Council Resumed Discussion of the Preliminary Open Meeting

Executive Director Glasscock provided Council with a detailed report outlining the emergency outdoor warning system (OWS) and recent storm activities. Mr. Glasscock spoke to the historical perspective of Plano's warning systems and systems being predominately utilized for "outdoor" notification. Mr. Glasscock stated the National Weather System (NWS) "All Hazard" NOAA Weather Radios should be standardized equipment in every home. He spoke to the receipt of NWS warning on April 10, 2008 and velocity of the storm. He stated the NWS had no evidence that a tornado touched down in Plano and damage was a result of straight line winds or "Micro Bursts." Mr. Glasscock spoke to risk management's assessment of City property damage in an estimated \$1 million. He recognized the outstanding job done by all City Departments and employees in initial response and the clean-up/recovery effort.

Mr. Glasscock spoke to Public Safety Communication's (PSC) response and storm warning protocol following the receipt of NWS warning. He stated PSC Staff consulted weather radar and sought additional verification prior to activating the OWS while focusing a great deal of attention on an increasingly large volume of in-bound telephone calls. Mr. Glasscock stated the main source of information used was television coverage and cable radar showing the storm model. He spoke regarding the time to assess the threat, combined with the unusually fast track of storm and weather events and further stated the storm met the policy for activation criteria; however, there was no activation due to mitigating circumstances which delayed the decision. Mr. Glasscock spoke to retraining personnel responsible for Emergency Outdoor Warning System activation and follow-up actions including immediate improvement in targeted information by PSC from the NWS. He spoke to additional layers of back-up information monitoring, public education coordination in the region, purpose of OWS to signal people to move indoors, and use of hazard radios.

Mr. Glasscock responded to Council that current systems allow deployment on a geographical basis, but based on scientific reliability of weather they will be activated for the whole City. Public Safety Director Timmons spoke to weather radios which allow for selective programming for our community and the ability to be set for a specific set type of warning, and having battery back-up. Council Member Dunlap spoke to sirens have value giving citizens the opportunity to make a decision. Council Member Stahel spoke to providing citizens with information regarding the warning system through the utility billing insert or website. Mayor Evans recognized how alarms are used by and relied on by citizens.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Council Member Dunlap requested that Consent Agenda Items "D" and "E" be removed for individual consideration due to possible conflicts of interest.

Francisco Pinto requested Consent Agenda Item "K," a Resolution to authorize the purchase of dry kiln cement as the base bid be removed for individual consideration.

Council Member Stahel requested Consent Agenda Item “L” be removed for individual consideration.

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

Approval of Minutes [Consent Agenda Item (A)]

April 14, 2008

Approval of Expenditures

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

Bid No. 2008-131-C Ford Automobile and Light Truck OEM Parts to Bob Tomes Ford in the estimated annual amount of \$70,000. This will establish an annual fixed price contract with three optional one-year renewals. [Consent Agenda Item (B)] (Exhibit “A”)

Bid No. 2008-111-B, 2008 Stadium and Custer Pump Station Irrigation Project to Cole Construction, Inc., in the amount of \$119,290. This project involves the installation of new irrigation systems for landscaping at the Stadium and Custer ground storage pump stations. [Consent Agenda Item (C)] (Exhibit “B”)

Cancellation of Award

Cancellation of CSP No. 2008-69-B for tree replacement contract to Fannin Tree Farm in the amount of \$160,000. [Consent Agenda Item (F)]

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 Plano City Jail Addition in the amount of \$112,813 from Centennial Contractors Enterprises, Inc., through The Cooperative Purchasing Network (TCPN) contract, and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R4538) [Consent Agenda Item (G)]

Approval of Contract

To approve and authorize a contract with F & S Partners, Incorporated (RFQ 2008-54-B) to provide architectural services for the Carpenter Park Recreation Center expansion project in an amount not to exceed \$70,000 and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. [Consent Agenda Item (H)]

Approval of Change Order

To JRJ Paving, L.P., increasing the contract by \$82,236 for the 15th Street Reconstruction (Avenue G to Avenue I), Change Order No. 2. (Original Bid No. 2006-237-B). This change order is for revising the scope of work to include additional water main, storm sewer and changing the sidewalk pavers from a concrete to a clay brick paver. [Consent Agenda Item (I)]

Adoption of Resolutions

Resolution No. 2008-4-26(R): To approve and grant a 548 square foot access easement to 15th Street Village, L.P. on City property in the northwest corner of Lot 1, Block 1, Plano Justice Center Addition as recorded in Cabinet O, Page 516 of the Land Records of Collin County, Texas, authorizing its execution by the City Manager, and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2008-4-27(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and the Dallas County Community College District on behalf of Richland College, providing terms and conditions for Educational Services, authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2008-4-28(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and the Collin County Community College District, providing terms and conditions for Educational Services, authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (N)]

Resolution No. 2008-4-29(R): To authorize continued participation with the Steering Committee of Cities Served by Oncor; and authorizing the payment of 10 cents per capita to the Steering Committee to fund regulatory and related activities related to Oncor Electric Delivery; authorizing its execution by the City Manager, and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2008-4-30(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Natural Polymer International Corporation, authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (P)]

Resolution No. 2008-4-31(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Capital One, National Association, along with Capital One Auto Finance, Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (Q)]

Resolution No. 2008-4-32(R): To approve the terms and conditions of an Amendment to Economic Development Incentive Agreement by and between Capital One, National Association and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (R)]

Resolution No. 2008-4-33(R): To approve an Assignment of a Tax Abatement Agreement from The Shops at Legacy, L.P. to The Shops at Legacy (Inland) L.P.; and providing an effective date. [Consent Agenda Item (S)]

Adoption of Ordinances

Ordinance No. 2008-4-34: To amend Ordinance No. 2007-5-20 relating to City of Plano Retirement Security Plan as restated January 1, 2007 as follows: the first paragraph of Section 6.6 “Maximum Annual Benefit Under Code Section 415” and Subsection 6.6(a)(2)(d) “Limitation on Benefits, Maximum Permissible Benefit” in Article VI “Amount of Retirement Benefits” to comply with Code 415 of the Internal Revenue Regulations; Subsection 8.6(2) “Eligible Retirement Plan” and Subsection 8.6(3) “Distributee” of Section 8.6 “Direct Rollover Options for Eligible Rollover Distributions” in Article VIII “Other Optional Forms of Payment” in order to comply with the Internal Revenue Service Code Regulations and to allow certain lump sum distributions to be placed in a Roth IRA by non-spouse beneficiaries, all of these changes effective January 1, 2008; authorizing its execution by the City Manager; providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (T)]

Ordinance No. 2008-4-35: To repeal in its entirety, City of Plano Ordinance No. 2004-8-8 and Ordinance No. 2006-8-16 codified as Article II, Building Code, of Chapter 6 of the Code of Ordinances; and adopting the 2006 Edition of the International Building Code, with certain additions, deletions and amendments, as the Building Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (U)]

Ordinance No. 2008-4-36: To repeal in its entirety, City of Plano Ordinance No. 2004-8-12 codified as Article XIX, Fuel Gas Code, of Chapter 6 of the Code of Ordinances; and adopting the 2006 Edition of the International Fuel Gas Code, with certain additions, deletions and amendments, as the Fuel Gas Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (V)]

Ordinance No. 2008-4-37: To repeal in its entirety, City of Plano Ordinance No. 2004-8-14 codified as Division 3, Mechanical Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances of the City; and adopting the 2006 Edition of the International Mechanical Code, with certain additions, deletions, and amendments, as the Mechanical Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (W)]

Ordinance No. 2008-4-38: To repeal in its entirety, City of Plano Ordinance No. 2004-8-11 and Ordinance 2007-11-9 codified as Division 2, Plumbing Code, of article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances; and adopting the 2006 Edition of the International Plumbing Code, with certain additions, deletions and amendments, as the Plumbing Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (X)]

Ordinance No. 2008-4-39: To repeal in its entirety, City of Plano Ordinance No. 2004-8-9 and Ordinance No. 2007-11-10 codified as Article XX, Residential Code, of Chapter 6 of the Code of Ordinances; and adopting the 2006 Edition of the International Residential Code, with certain additions, deletions and amendments, as the Residential Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (Y)]

END OF CONSENT

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

Bid No. 2008-137-B 2007-2008 Residential Concrete Pavement Rehabilitation Project, Zone L7 to Jerusalem Corporation in the amount of \$433,224. This project involves the repair of residential street and alley pavement in the area bounded by Spring Creek Parkway on the south, Custer Road on the west, Legacy Drive on the north and Alma Road on the east. [Consent Agenda Item (D)] (Exhibit "C")

Bid No. 2008-138-B, 2007-2008 Residential Concrete Pavement Rehabilitation Project, Zone Q3 to Jerusalem Corporation in the amount of \$632,215. This project involves the repair of residential street and alley pavement in the area bounded by 14th Street on the south, Shiloh Road on the west, Rowlett Creek on the north and Los Rios Boulevard on the east. [Consent Agenda Item (E)] (Exhibit "D")

Upon a motion made by Mayor Pro Tem Magnuson and seconded Council Member Ellerbe, the Council voted 7-0 to approve Bid No. 2008-137-B 2007-2008 Residential Concrete Pavement Rehabilitation Project, Zone L7 to Jerusalem Corporation in the amount of \$433,224; and Bid No. 2008-138-B, 2007-2008 Residential Concrete Pavement Rehabilitation Project, Zone Q3 to Jerusalem Corporation in the amount of \$632,215.

Council Member Dunlap resumed his place at the bench.

Resolution No. 2008-4-40(R): To authorize the purchase of dry kiln cement as the base bid, with an alternative bid for the purchase of cement from an unspecified source and the giving of a preference to bid evaluations for cement produced at facilities that produce cement with the emissions rates that meet 1.7 pounds of nitrogen oxide (NOx) per ton of clinker or less on City construction bids (preference may only be given if the cost for the goods or services would not exceed 105% of the cost of the goods or services provided by a vendor who does not meet the standards); authorizing the City Manager to approve any documents necessary to effectuate this resolution. This resolution shall become effective immediately upon passage. [Consent Agenda Item (K)]

Resolution No. 2008-4-40(R) (Con't)

Francesco Pinto, Environmental Manager of Ash Grove Cement Company, spoke to recognizing the importance of improved air quality in the region and to his company being one of the lowest ozone forming facilities and lowest NO_x emitting of any wet-type producer in the country. He spoke to the resolution's lack of incentive for others to reduce emissions beyond Texas Commission on Environmental Quality (TCEQ) requirements and a proposal by Ashgrove that would result in further reductions and TCEQ enforcement. Mr. Pinto requested amendment providing for review as area policies change.

City Engineer Upchurch advised that the resolution is similar to those of Dallas and Fort Worth and is directed toward purchasing cement created in a dry kiln process which has lower emissions than wet kiln. He spoke to consideration of a change should it be warranted and consideration of restrictions by other cities. Mayor Evans and Council Member Dunlap spoke to the pressures to improve air quality in the area.

Upon a motion made by Council Member Stahel and seconded Council Member Ellerbe, the Council voted 8-0 to authorize the purchase of dry kiln cement as the base bid, with an alternative bid for the purchase of cement from an unspecified source and the giving of a preference to bid evaluations for cement produced at facilities that produce cement with the emissions rates that meet 1.7 pounds of nitrogen oxide (NO_x) per ton of clinker or less on City construction bids (preference may only be given if the cost for the goods or services would not exceed 105% of the cost of the goods or services provided by a vendor who does not meet the standards); authorizing the City Manager to approve any documents necessary to effectuate this resolution and further to adopt Resolution No. 2008-4-40(R).

Resolution No. 2008-4-41(R): To approve the terms and conditions of a Wayside Horn Agreement between The Kansas City Southern Railway Company and the City of Plano; authorizing its execution by the City Manager, and providing an effective date. [Consent Agenda Item (L)]

City Engineer Upchurch spoke to current quiet zones and efforts to implement a zone at ten to twelve crossings east of U.S. 75. He spoke to supplemental safety devices which will offset the need for trains to sound their horns as they approach an intersection. Mr. Upchurch addressed a stationary horn at Plano Parkway and one crossing in far east Plano which will require a paved roadway. He advised that approval would authorize Staff to move forward with City construction and KSC to begin work toward electronic equipment at crossings with a possible fall deployment. Council Member Stahel thanked Staff for their continued efforts.

Upon a motion made by Council Member Stahel and seconded Council Member LaRosilieri, the Council voted 7-0 to approve the terms and conditions of a Wayside Horn Agreement between The Kansas City Southern Railway Company and the City of Plano; authorizing its execution by the City Manager, and providing an effective date and further to adopt Resolution No. 2008-4-41(R). (Mayor Pro Tem Magnuson was away from the bench).

Second Reading and adoption of Ordinance No. 2008-4-42 to amend Section 3 of Ordinance No. 2003-6-3 to extend the non-exclusive franchise granted to Denton County Electric Cooperative, Inc., d/b/a CoServ Electric, a Texas Corporation to use the present and future streets, avenues, alleys, roads, highway, sidewalks, easements and other public rights-of-way in the City of Plano, Collin County, Texas, for the purposes of constructing and operating an electric distribution system in the City of Plano which is set to expire on or about June 9, 2008; and providing a repealer clause, a severability clause and an effective date. (First reading approved March 25, 2008) [Regular Agenda Item (1)]

Director of Utility Operations Israelson spoke to the five-year extension with CoServ Electric and stated there are no outstanding issues or pending legislation that could adjust the franchise. Mr. Israelson stated the City receives four percent of gross revenues which equaled \$943,000 last year.

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, the Council voted 8-0 to accept the Second Reading of an ordinance to amend Section 3 of Ordinance No. 2003-6-3 to extend the non-exclusive franchise granted to Denton County Electric Cooperative, Inc., d/b/a CoServ Electric, a Texas Corporation to use the present and future streets, avenues, alleys, roads, highway, sidewalks, easements and other public rights-of-way in the City of Plano, Collin County, Texas, for the purposes of constructing and operating an electric distribution system in the City of Plano which is set to expire on or about June 9, 2008; and providing a repealer clause, a severability clause and an effective date and further to adopt Ordinance No. 2008-4-42.

First Reading of an ordinance to amend Ordinance No. 2006-8-10 between the City and Atmos Energy Corporation, a Texas and Virginia Corporation, to provide for a different consideration; providing for acceptance by Atmos Energy Corporation; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; providing a repealer clause, a severability clause, and an effective date. [Regular Agenda Item (2)]

Director of Utility Operations Israelson spoke to increasing franchise fees from four to five percent resulting from a rate case settlement and negotiations with Atmos Energy. Mr. Israelson stated the franchise fees are paid by utility companies as rental payment for the use of public rights-of-way to deliver service and the fee is applied to gross revenue. He further stated the franchise fee has been in place since 1992 and since then property values have increased by more than twenty-five percent. Mr. Israelson spoke to the proposal generating an additional \$600,000 in City revenue.

Upon a motion made by Council Member Ellerbe and seconded by Deputy Mayor Pro Tem Callison, the Council voted 8-0 to approve the First Reading of an ordinance to amend Ordinance No. 2006-8-10 to provide for a different consideration; providing for acceptance by Atmos Energy Corporation; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; providing a repealer clause, a severability clause, and an effective date.

Public Hearing and adoption of Ordinance 2008-4-43 to designate a certain area within the City of Plano as Reinvestment Zone No. 111 for a Tax Abatement consisting of a 24.850 acre tract of land located north of Hedgcoxe Road between Preston Road and Dominion Parkway, in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (3)]

Director of Finance McGrane spoke to State law requiring a Public Hearing and establishment of a reinvestment zone prior to entering a tax abatement agreement with Capital One. Mr. McGrane stated the agreement is for their phase two project which will create two-hundred full-time jobs and improvements to the property of an estimated \$4 million of business/personal property and \$30 million dollars in real property and the tax abatement is for ten years at fifty percent for both real and personal property tax.

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 Stahel and seconded by Council Member Johnson, the Council voted 8-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 111 for a Tax Abatement consisting of a 24.850 acre tract of land located north of Hedgcoxe Road between Preston Road and Dominion Parkway, in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date and further to adopt Ordinance 2008-4-43.

Resolution No. 2008-4-44(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, and Capital One, National Association, a National Banking Association, along with Capital One Auto Finance, Inc., a Texas Corporation, and providing for a business personal property tax abatement, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (4)]

Mr. McGrane restated the term will be for ten years at fifty percent for both real and personal property tax resulting in approximately \$75,000 a year.

Upon a motion made by Mayor Pro Tem Magnuson and seconded by Council Member Stahel, the Council voted 8-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, and Capital One, National Association, a National Banking Association, along with Capital One Auto Finance, Inc., a Texas Corporation, and providing for a business personal property tax abatement, and authorizing its execution by the City Manager; and providing an effective date, and further to adopt Resolution No. 2008-4-44(R).

Public Hearing on an application for the adoption of a Municipal Setting Designation ordinance for a 1.9317 acre tract of land located at the southeast corner of Plano Parkway and K Avenue, as requested by Quik Trip Corporation. [Regular Agenda Item (5)]

Director of Engineering Upchurch spoke regarding the Municipal Setting Designation (MSD) request prohibiting the use of ground water for potable uses. Mr. Upchurch spoke to public notices and meeting held.

Public Hearing (Con't)

Paul Rodusky, P.G., Reed Engineering Group, Ltd. representative spoke to MSD application designating groundwater at the location as non-potable and prohibiting future use as potable water. Mr. Rodusky spoke to the City's role to pass a municipal ordinance or restrictive covenant that protects the public exposure to contaminated groundwater and to the MSD purpose to allow development or redevelopment of contaminated sites in areas where ground water is not used for potable purposes. He detailed the MSD process, Texas Risk Reduction Program, site history and details. Mr. Rodusky spoke to site investigation and results, alternatives to the MSD, and conclusions that MSD allows redevelopment of the property with focused environmental investigation and ultimate protection of human health and the environment.

Mr. Rodusky responded to Council Member Johnson that the MSD can be in place as long as ordinance is in effect. City Attorney Wetherbee responded to Council Member Dunlap that monitoring is done through the state.

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

Resolution No. 2008-4-45(R): To support the application of Quik Trip Corporation to the Texas Commission on Environmental Quality for certification of a Municipal Setting Designation on 1.9317 acres at the southeast corner of East Plano Parkway and Avenue K; and providing an effective date. [Regular Agenda Item (6)]

Upon a motion made by Council Member Stahel and seconded by Council Member Johnson, the Council voted 8-0 to support the application of Quik Trip Corporation to the Texas Commission on Environmental Quality for certification of a Municipal Setting Designation on 1.9317 acres at the southeast corner of East Plano Parkway and Avenue K; and providing an effective date and further to adopt Resolution No. 2008-4-45(R).

Ordinance No. 2008-4-46: To prohibit the use of designated groundwater from beneath a 1.9317 acres generally located at southeast corner of East Plano Parkway and Avenue K and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality; providing a penalty clause; providing a saving clause; providing a severability clause; and providing an effective date. [Regular Agenda Item (7)]

Upon a motion made by Council Member Stahel and seconded by Council Member Johnson, the Council voted 8-0 to prohibit the use of designated groundwater from beneath a 1.9317 acres generally located at southeast corner of East Plano Parkway and Avenue K and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality; providing a penalty clause; providing a saving clause; providing a severability clause; and providing an effective date, and further to adopt Ordinance No. 2008-4-46.

Public Hearing and consideration of ordinances as requested in Zoning Cases 2008-08 and 2008-28 through 2008-35 all of which are limited to the repeal of certain Specific Use Permits for Private Clubs. The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific Use Permit for an additional use of a Private Club and the applicant is the City of Plano. [Regular Agenda Item (8)]

Ordinance No. 2008-4-47 as requested in Zoning Case 2008-08 – Request to rescind Specific Use Permit #408 for Private Club on one lot on 0.2± acre located on the west side of Preston Road, 112± feet north of Lorimar Drive. Zoned Planned Development-447-Retail/Multifamily Residence-2. [Regular Agenda Item (8a)]

Ordinance No. 2008-4-48 as requested in Zoning Case 2008-28 – Request to rescind Specific Use Permit #461 for Private Club on one lot on 2.9± acres located at the northwest corner of Park Boulevard and the Dallas North Tollway. Zoned Regional Commercial. [Regular Agenda Item (8b)]

Ordinance No. 2008-4-49 as requested in Zoning Case 2008-29 – Request to rescind Specific Use Permit #462 for Private Club on one lot on 0.1± acre located on the west side of Bishop Road, 220± feet south of Legacy Drive. Zoned Planned Development-65-Central Business-1. [Regular Agenda Item (8c)]

Ordinance No. 2008-4-50 as requested in Zoning Case 2008-30 – Request to rescind Specific Use Permit #464 for Private Club on one lot on 0.1± acre located on the north side of 15th Street, 50± feet west of K Avenue. Zoned Downtown Business/Government w/Heritage Resource Designation #26. [Regular Agenda Item (8d)]

Ordinance No. 2008-4-51 as requested in Zoning Case 2008-31 – Request to rescind Specific Use Permit #466 for Private Club on one lot on 0.2± acre located on the south side of Legacy Drive, 245± feet east of Bishop Road. Zoned Planned Development-65-Central Business-1. [Regular Agenda Item (8e)]

Ordinance No. 2008-4-52 as requested in Zoning Case 2008-32 – Request to rescind Specific Use Permit #472 for Private Club on one lot on 1.1± acres located on the east side of U.S. Highway 75, 1,300± feet north of Parker Road. Zoned Corridor Commercial. [Regular Agenda Item (8f)]

Adoption of Ordinance No. 2008-4-53 as requested in Zoning Case 2008-33 – Request to rescind Specific Use Permit #476 for Private Club on one lot on 1.6± acres located on the north side of Park Boulevard, 300± feet west of Preston Road. Zoned Planned Development-68-Retail. [Regular Agenda Item (8g)]

Adoption of Ordinance No. 2008-4-54 as requested in Zoning Case 2008-34 – Request to rescind Specific Use Permit #479 for Private Club on one lot on 0.1± acre located on the north side of Granite Parkway, 290± feet east of Dallas North Tollway. Zoned Central Business-1. [Regular Agenda Item (8h)]

Ordinance No. 2008-4-55 as requested in Zoning Case 2008-35 – Request to rescind Specific Use Permit #485 for Private Club on one lot on 0.3± acre located at the northwest corner of Bishop Road and Martin Road. Zoned Planned Development-65-Central Business-1. [Regular Agenda Item (8i)]

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

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

Upon a motion made by Council Member Stahel and seconded by Council Member Johnson, Council voted 8-0 to adopt all the ordinances listed as recommended by the Planning and Zoning Commission and as designated by their zoning case number. The repeal of each amends the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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 adopts each ordinance.

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

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary