

PLANO CITY COUNCIL
June 13, 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 Evans convened the Council into the Regular Session on Monday, June 13, at 7:14 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. Robert Hasley of St. Andrew United Methodist Church

The Pledge of Allegiance was led by Director of Libraries Baumbach.

Mayor Evans received recognition of the Plano Public Library System Awarded by the Texas Municipal Library Director's Association.

GENERAL DISCUSSION

Sonja Hammar, citizen of the City, spoke to approaching the Collin County Board of Realtors regarding weekend signs placed around the City. She spoke regarding the processing of grant applications and reviewing the origin of funding for performing arts groups and venues at which they are performing. Ms. Hammer spoke in support of groups displaying the City's logo regardless of the level of funding.

Jack Lagos, citizen of the City, spoke to appointing a Council liaison to the Arts of Collin County Commission, to making the public aware of monies that flow between the Arts of Collin County and the Arts of Collin County Foundation and to private funding as being a component of the venture. Mayor Evans spoke to Council Member LaRosiliere being the liaison to the Commission.

Board/Commission Reports

Heritage Commission

Heritage Preservation Officer Watson spoke to the Heritage Commission's primary roles including heritage designations, certificates of appropriateness review for designated properties, historic tax exemption program, preservation grants program and promoting awareness of the history and preservation of the City. He advised that there are presently 31 individual properties and two historic districts, spoke to possible amendments of the preservation ordinance to be brought before the Council and to the creation of a handbook for historic tax exemption applicants. Mr. Watson spoke to the level of funding under preservation grants, plans to host a training conference, participation in the Blackland Prairie Festival and hosting of the Annual Heritage Preservation Awards. He spoke to progress made on the Thornton House. Council Member Stahel spoke to work done by Staff and the Commission and Deputy Mayor Pro Tem Johnson spoke to Mr. Watson being named by Governor Perry to the State of Texas Historic Commission.

Library Advisory Board

Library Advisory Board Chair Harmon Norton provided the Council with an update of activities including rotating meetings among City libraries with review of operations and the special needs of each location. He spoke to a review and update of board goals and objectives and the libraries' annual report, review of Texas Library Standards and support for the recent bond election. Mr. Norton spoke regarding an art project at Schimelpfenig Library, perpetual review of library codes/policies and updates to the calendar of events. He advised regarding the grand re-opening of Haggard Library and expressed the board's appreciation for the support of the Council and the community. Mr. Norton responded to Mayor Evans, stating that the genealogy collection will be brought to Haggard Library from another facility and Director of Libraries Baumbach advised regarding the building of the collection.

CONSENT AGENDA

Council Member Stahel requested that Consent Agenda Item "P" be removed for individual consideration due to a possible conflict of interest.

Citizen Jack Lagos requested that Consent Agenda Item "R" be removed for individual consideration.

City Manager Muehlenbeck advised that Consent Agenda Item "U" has been removed from the agenda.

Citizens Jack Lagos and Sonja Hammer requested that Consent Agenda Item "X" be removed for individual consideration.

Council Member Callison advised that due to possible conflicts of interest, she would be stepping down on Regular Agenda Item "4."

Mayor Pro Tem Lambert advised that due to possible conflicts of interest, he would be stepping down on Regular Agenda Item "5."

Upon a motion made by Mayor Pro Tem Lambert and seconded by Council Member Ellerbe, the Council voted 7-0 to approve and adopt all remaining items on the agenda as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]

May 17, 2005

May 19, 2005

May 23, 2005

June 1, 2005

June 2, 2005

Approval of Expenditures

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

To award Bid No. C156-05 for Waste and Wastewater Pumping Facilities Maintenance to Control Specialist, Inc. in the estimated annual amount of \$59,000 for an annual contract with renewals. [Consent Agenda Item (B)] (See Exhibit "A")

To award RFP No. G095-05 "RFP – City of Plano Hazard Mitigation Plan" to H2O Partners in the amount of \$38,000 for the 2004 UASI Grant. [Consent Agenda Item (C)] (See Exhibit "B")

To award Bid No. C163-05 for Senior Transportation Program to Collin County Committee on Aging d/b/a CCART in the estimated annual amount of \$110,000. This will establish a one-year contract with two City optional one-year renewals. [Consent Agenda Item (D)] (See Exhibit "C")

To award Bid No. C127-05 for a five-year contract for Public Safety Communications Lease Space to Howard & Showalter Investments in the estimated amount of \$184,768. This will establish a five-year contract with five optional one-year renewals. [Consent Agenda Item (E)] (See Exhibit "D")

To award Bid No. C158-05 for Water Meters ¾" – 2" to Master Meter in the estimated annual amount of \$283,136. This will establish an annual fixed-price contract with two optional one-year renewals. [Consent Agenda Item (F)] (See Exhibit "E")

To award Bid No. C165-05 for an annual fixed price contract for Ammunition for Police Department to Precision Delta Corporation, GT Distributors, and C&G Wholesale in the estimated annual amount of \$103,429. This will establish a one-year contract with two optional one-year renewals. [Consent Agenda Item (G)] (See Exhibit "F")

To award Bid No. C161-05 for an annual fixed-price contract for Rental of Automobiles to Enterprise Leasing Company of DFW in the estimated annual amount of \$142,128. This will establish a one-year contract with two optional one-year renewals. [Consent Agenda Item (H)] (See Exhibit "G")

To award Bid No. C160-05 for Ford Automobile & Light Truck OEM Parts to Park Cities Ford in the estimated annual amount of \$45,000. This will establish an annual fixed-price contract with two optional one-year renewals. [Consent Agenda Item (I)] (See Exhibit "H")

To award Bid No. B162-05 for Ridgeview Drive Widening from Custer Road to Independence Parkway to Tiseo Paving Company, Inc. in the amount of \$2,595,933. This project also includes construction of the westbound bridge over Young Branch Creek, landscaping and irrigation of medians, and improvements to Ridgeview Drive east of Custer Road with participation from the City of Allen. [Consent Agenda Item (J)] (See Exhibit "I")

To award Bid No. B175-05 for Ridgeview Drive - SH 121 Sewer Line to Murray Construction Co., Inc., in the amount of \$410,861. [Consent Agenda Item (K)] (See Exhibit "J")

To reject Bid No. B173-05 for Oak Point Amphitheater Sound System. [Consent Agenda Item (L)] (See Exhibit "K")

To reject Bid No. B172-05 for Oak Point Amphitheater Lighting System. [Consent Agenda Item (M)] (See Exhibit "L")

To reject Bid No. B145-05 for the Purchase of One New or Used Articulating Loader 4.0 YD Capacity. [Consent Agenda Item (N)] (See Exhibit "M")

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 one (1) ASV RC-50 All Surface Skid Loader with Dirt Bucket in the amount of \$33,148 from Luber Bros. Inc., through H-GAC Cooperative Purchasing Program contract (GR01-04) and authorizing the City Manager to execute any and all documents necessary to effectuate this purchase. [Consent Agenda Item (O)]

Adoption of Resolutions

Resolution No. 2005-6-1(R): To approve the purchase of additional DriveCams and Driving Feedback System for implementation on City operated vehicles in an amount not to exceed \$134,182 from DriveCam Video Systems, the sole source vendor of such equipment and services; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase; and providing an effective date. [Consent Agenda Item (Q)]

Resolution No. 2005-6-2(R): To approve the expenditure of bond funds authorized by the May 7, 2005, Bond Election, Proposition No. 4, prior to the actual sale of the bonds. [Consent Agenda Item (S)]

Resolution No. 2005-6-3(R): To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (T)]

To approve the terms and conditions of a Real Estate Agreement by and between the City of Plano, Texas, and GKN Venture, Ltd., for the acquisition of a 0.874 acre sanitary sewer easement, a 2.774 acre temporary construction easement, and a 1.896 acre temporary access easement, all located north of Ridgeview Drive and west of Independence Parkway, in the City of Plano, Collin County, Texas; authorizing its execution by the City Manager or his designee; and providing an effective date. [Consent Agenda Item (U)] (This item was removed.)

Resolution No. 2005-6-4(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, providing terms and conditions for the construction and widening of Ridgeview Drive from Independence Parkway to Custer Road; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (V)]

Resolution No. 2005-6-5(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and City of Allen, Texas providing terms and conditions for concerning the improvements to Ridgeview Drive from west of Independence Parkway to east of Custer Road; authorizing its execution by the City Manager; and providing an effective date.. [Consent Agenda Item (W)]

Adoption of Ordinances

Ordinance No. 2005-6-6: To amend Ordinance No. 2005-2-8; to include the conversion of certain civilian positions to civil service positions in the Fire Department; providing for their qualifications, appointment and duties; and providing a repealer clause, a severability clause and an effective date. [Consent Agenda Item (Y)]

Ordinance No. 2005-6-7: To correct the placement in the Code of Ordinances of the City of Plano of Ordinance No. 2005-1-22 relating to the abandonment and recovery of shopping carts passed by the City Council on January 24, 2005; providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (Z)]

Ordinance No. 2005-6-8: To amend Section 12-74(b) Maximum Limits on Specific Streets, of Article IV, Speed, of Chapter 12, Motor Vehicles and Traffic, of the Plano Code of Ordinances to add a new Subsection "Mapleshade Lane" that establishes the prima facie speed limit of 35 miles per hour for motor vehicles operating along a portion of Mapleshade Lane between Silverglen Drive and Ohio Drive within the corporate limits of the City of Plano; authorizing and directing the traffic engineer to cause placement of traffic control devices indicating the speed limit; 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, a penalty clause and an effective date. [Consent Agenda Item (AA)]

Ordinance No. 2005-6-9: To transfer the sum of \$10,441 from the General Fund Unappropriated Fund Balance to the General Fund Operating Appropriation for Fiscal Year 2004-05 for the purpose of additional funding for the Internet Security Conference which was held at Plano Centre on April 12-13, 2005; amending the budget of the City and Ordinance No. 2004-9-15, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. [Consent Agenda Item (BB)]

END OF CONSENT

Due to a possible conflict of interest, Council Member Stahel stepped down from the bench on the following item.

Purchase from Existing Contract/Agreement: To authorize the purchase of Sun Fire E2900 server and memory board with all attachments in the amount of \$91,510 from Sigma Solutions, Incorporated through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (Contract #DIR-VPC-03-010) [Consent Agenda Item (P)]

Upon a motion made by Council Member Callison and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 6-0 to authorize the purchase of Sun Fire E2900 server and memory board with all attachments in the amount of \$91,510 from Sigma Solutions, Incorporated through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents.

Council Member Stahel resumed his place on the bench.

Resolution No. 2005-6-10(R): A resolution of the City Council of the City of Plano, Collin County, Texas, hereinafter referred to as “Co-applicant,” designating certain officials as being responsible for the co-applicant, acting for, and on behalf of the Arts of Collin County Commission, hereinafter referred to as the “Recipient” in dealing with Collin County, hereinafter referred to as “Grantor,” for the purpose of participating in the Collin County Parks and Open Space Project Funding Assistance Program, hereinafter referred to as the “Program;” certifying that the recipient is eligible to receive program assistance; certifying that the recipient matching share is readily available; and dedicating the proposed site for permanent public arts and open space uses; and providing an effective date. [Consent Agenda Item (X)]

Sonja Hammar, citizen of the City, inquired regarding the request and City Manager Muehlenbeck responded that the item represents application being made to Collin County for parks and open space funding assistance by the three cities in the Arts of Collin County. Ms. Hammar spoke to not spending additional tax dollars over the amount approved by voters and to money going to the City of Allen. Mayor Evans spoke to receiving county funds to benefit citizens of the City.

Jack Lagos, citizen of the City, spoke to this item representing an increase in the amount of public funds being used for the project in the form of county taxes. He spoke to there being no working relationship in place with the Arts of Collin County Foundation and regarding the funding agreement not being in force. Mr. Lagos spoke regarding ownership of the land for the facility, requested information regarding the co-applicants for the request and spoke to raising private monies.

Executive Director of the Arts of Collin County, Inc. Baudoin spoke to \$72.9 million as being the ceiling for the project and stated that if \$3 million is acquired from the county program there would be less money left to be raised. He spoke to the county program being for new land and the need to close on the land at the same time the grant program is sealed. Mr. Baudoin stated that the co-applicants are the cities of Plano, Frisco and Allen. He spoke to the requested funds being used for trails along Rowlett Creek, an open meadow and open space that will be developed for community usage and stated that the \$72.9 million included this work. Mr. Baudoin spoke to funds being distributed over four years and being provided as a reimbursement.

Council Member Stahel spoke to the City looking for parks funding and possibly being in competition with itself. Deputy Mayor Pro Tem Johnson spoke to competition across the county for park dollars. Mayor Evans spoke to Plano being the largest city in the county and asking for tax money to be spent for the benefit of its citizens. Mr. Baudoin responded to Council Member Stahel, advising that since the initial pricing, there have been increases primarily in the area of developing the art park and infrastructure that needs to be in place. Mayor Evans spoke to other cities joining in and possibly the community college as well.

Resolution No. 2005-6-10(R) (cont'd)

Upon a motion made by Council Member Callison and seconded by Council Member LaRosiliere, the Council voted 7-0 to adopt Resolution No. 2005-6-10(R) of the City Council of the City of Plano, Collin County, Texas, hereinafter referred to as "Co-applicant," designating certain officials as being responsible for the co-applicant, acting for, and on behalf of the Arts of Collin County Commission, hereinafter referred to as the "Recipient" in dealing with Collin County, hereinafter referred to as "Grantor," for the purpose of participating in the Collin County Parks and Open Space Project Funding Assistance Program, hereinafter referred to as the "Program;" certifying that the recipient is eligible to receive program assistance; certifying that the recipient matching share is readily available; and dedicating the proposed site for permanent public arts and open space uses; and providing an effective date.

Resolution No. 2005-6-11(R): To approve the terms and conditions of an agreement between the cities of Allen, Frisco, and Plano for funding services related to the Arts of Collin County Commission, Inc.; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (R)]

Jack Lagos, citizen of the City, spoke to funding being requested for a non-approved project, there being no funding agreement in place for the Arts of Collin County and to using a one-third calculation for the operating budget. City Manager Muehlenbeck spoke to the operating costs being based on the 2010 population. Council Member Stahel spoke to the Council receiving information regarding the current revised budget and Mr. Baudoin advised that this would be provided.

Upon a motion made by Council Member Ellerbe and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 7-0 to approve the terms and conditions of an agreement between the cities of Allen, Frisco, and Plano for funding services related to the Arts of Collin County Commission, Inc.; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2005-6-11(R).

Mayor Evans advised that Regular Agenda Item 9 would be considered now rather than later on the agenda.

Public Hearing and an ordinance as requested in Zoning Case 2005-09 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, amending Specific Use Permit No. 137 so as to expand the Day Care Center on 1.8+ acres of land located on one lot at the southwest corner of Hedgcoxe Road and Georgetown Drive in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7/Planned Residential Development-2 with Specific Use Permit No. 137 for 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 #12. Applicant: Montessori Children's House [Regular Agenda Item (2)] Tabled 05-09-05 [Regular Agenda Item (9)]

Zoning Case 2005-09 (cont'd)

Director of Planning Jarrell advised the Council that this request was tabled for the applicant to meet with Staff and homeowners regarding outstanding issues, that a request has been submitted to table the item until June 27 to allow consideration by a full compliment of Council Members and that it would need to be removed from the table to allow for speakers. Council Member Stahel made a motion to remove the item from the table. The Council spoke to allowing time for speakers, clarifying that the request may be tabled and hearing the case at its scheduled time since there were other cases scheduled before it and Council Member Stahel withdrew his motion.

Mayor Evans advised that the item would be considered at its scheduled time later on the agenda.

Public Hearing for consideration of funding options for S.H. 121 main lanes from Dallas North Toll Road to U.S. 75. [Regular Agenda Item (1)]

City Engineer Upchurch spoke to review of the feasibility study for the construction of S.H.121 and to Public Hearings to receive input on the various options.

Deputy Director of TxDOT District 18 Bob Brown reviewed the feasibility report and the district's mobility plan and provided an overview of how projects are funded. He spoke to the affect alternative fuel vehicles would have on revenues from gasoline taxes and to increases in operating and maintenance costs. Mr. Brown spoke to shortfalls for area projects and advised that the goal is to improve mobility as it helps economic development and moves goods through the area. He advised regarding projects planned over the next ten years that involve some form of tolling and spoke to working with the North Texas Tollway Authority on managed lane projects which provide connectivity and allow residents to have a free alternative. Mr. Brown spoke to tolling providing funds and to the sale of bonds in excess of the balance of construction with dollars then shared with the cities and the county. He spoke to construction underway and the balance of funding needed and advised that TxDOT does not have "mobility" dollars to allocate to a freeway system in the S.H. 121 corridor.

Mr. Brown spoke to frontage roads along S.H. 121 which would be a free alternative and those areas where main lanes were previously built staying "free" even if the region were to choose a tolled option. He advised that if tolling were chosen, construction would begin in 2007 and costs would need to address inflation, and that tolling options would be the entire length from the Dallas North Tollway to U.S. 75 or from Hillcrest to U.S. 75. He responded to City Manager Muehlenbeck, stating that it would be built around 2030 if it were not tolled.

Mr. Brown responded to the Council regarding the distribution of excess revenue should the roadway be funded to the cities in the corridor as well as the county and advised that if a city were to invest in the project, their share would be in proportion to their contribution. He stated that excess funds would not be a "cash" refund but would be used for reconstruction projects or those that improve regional mobility.

Deputy Mayor Pro Tem Johnson spoke to making the project “stand alone” and stated concern that S.H. 121 monies may be used for another roadway. Mr. Brown reviewed scenarios where funds would be used to offset costs for other roadways.

Mayor Evans opened the Public Hearing. Sharon Overall, citizen of the City, stated opposition to tolling and spoke to the costs, revenues from gas tax funds and stated concern that excess revenue may not stay in the area. Leslie Bails, citizen of the City, stated opposition to tolling. No one else spoke either for or against the request. The Public Hearing was closed.

City Manager Muehlenbeck advised that consideration of funding options will be scheduled for the June 27, July 25 and August 8 meetings with a decision being made on August 8, 2005.

Public Hearing for the design of Shiloh Road extension from Royal Oaks Drive to Parker Road. [Regular Agenda Item (2)]

City Engineer Upchurch advised regarding a 1998 resolution setting provisions for the extension of Shiloh Road from Park Boulevard to Parker Road which include the holding of two Public Hearings to review the plans before going out to bid. He reviewed the roadway design, relocation of the hike/bike trail, the impact on trees in the area and lighting to be included. Mr. Upchurch advised that there will be another Public Hearing along with a Chapter 26 hearing.

Mayor Evans opened the Public Hearing. Richard Simmons, citizen of the City, spoke to the work done on the Shiloh Road resolution and being in favor of the proposal. No one else spoke either for or against the request. The Public Hearing was closed.

Public Hearing and adoption of Ordinance No. 2005-6-12 as requested in Zoning Case 2005-13 – To amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, regarding Contract Construction use; 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 (3)]

Director of Planning Jarrell spoke regarding Planning and Zoning Commission review of contract construction use and advised the Council that the commission recommended approval as follows (Additions are indicated by underlined text; deletions are indicated by strikethrough text.):

Ordinance No. 2005-6-12 (cont'd)

1. Amend definitions in Section 1.600 (Definitions) of Article 1 (General Regulations) of the Zoning Ordinance, deleting the definition for contract construction and creating new definitions for service contractor (with no storage yard) and service contractor (with storage yard) to read as follows:

~~Contract Construction— Establishments engaged in providing services including, but not limited to, plumbing, heating, and air conditioning on a fee or contract basis.~~

Service Contractor (no storage yard) - Establishments whose primary activity is the provision of services for the construction, maintenance, cleaning, or repair of buildings and properties on a fee or contract basis. Service contractors may include, but are not limited to, plumbing, heating and air conditioning, construction, and landscape maintenance services with no outside storage of equipment, goods, and materials.

Service Contractor (with storage yard) - A service contractor (as defined above) with an open storage area for goods, materials, and equipment, including trailers designed to be towed, associated with the conduct of the business.

2. Amend the use charts in Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) of the Zoning Ordinance, deleting contract construction use, to permit Service Contractor (no storage yard) use by right in the R, LC, CC, CB-1, LI-1, and LI-2 zoning districts, and to allow Service Contractor (with storage yard) use by right in the LI-1 and LI-2 zoning districts and allowed by a specific use permit in the LC zoning district.

Ms. Jarrell advised that the Commission determined that if there were excess parking spaces, there would not be a concern with vehicles taking up other tenants' spaces in a retail shopping center. She responded to Mayor Pro Tem Lambert that this amendment would allow current uses by right if they have no outside storage and to Council Member Ellerbe regarding parking stating that tenants would have the number of spaces assigned to them plus extras that may be in the shopping center.

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

Ordinance No. 2005-6-12 (cont'd)

Upon a motion made by Mayor Pro Tem Lambert and seconded by Council Member Stahel the Council voted 7-0 to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, regarding Contract Construction use as requested in Zoning Case 2005-13 and as recommended by the Planning and Zoning Commission; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2005-6-12.

Due to a possible conflict of interest Council Member Callison stepped down from the bench on the following item.

Public Hearing and adoption of Ordinance No. 2005-6-13 as requested in Zoning Case 2005-14 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 564 so as to allow the additional use of Private Club on 0.1± acre of land located 485± feet north of Park Boulevard and 460± feet east of Preston Road in the City of Plano, Collin County, Texas, presently zoned Retail; 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: Tom Ruggeri [Regular Agenda Item (4)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted. She spoke to private club requests that were in process before the May 7 election.

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 Ellerbe and seconded by Council Member LaRosiliere, the Council voted 6-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 564 so as to allow the additional use of Private Club on 0.1± acre of land located 485± feet north of Park Boulevard and 460± feet east of Preston Road in the City of Plano, Collin County, Texas, presently zoned Retail as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2005-14; 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. 2005-6-13.

Council Member Callison resumed her place on the bench.

Due to a possible conflict of interest, Mayor Pro Tem Lambert stepped down from the bench on the following item.

Public Hearing and adoption of Ordinance No. 2005-6-14 as requested in Zoning Case 2005-15 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 565 so as to allow the additional use of Limited Assembly and Manufacturing on 0.8± acre of land out of the Denton Darby Survey, Abstract No. 260, located on the west side of Ohio Drive, 1,100± feet south of Plano Parkway, in the City of Plano, Collin County, Texas, presently zoned Planned Development-402-Retail/General Office (PD-402-R/O-2); 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: Plano 190, L.P. [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. Doug Lueders, representing the applicant, provided an overview of the company that would purchase the building and plans for the location to include approximately twenty employees. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro Tem Johnson and seconded by Council Member Callison, the Council voted 6-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 565 so as to allow the additional use of Limited Assembly and Manufacturing on 0.8± acre of land out of the Denton Darby Survey, Abstract No. 260, located on the west side of Ohio Drive, 1,100± feet south of Plano Parkway, in the City of Plano, Collin County, Texas, presently zoned Planned Development-402-Retail/General Office (PD-402-R/O-2) as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2005-15; 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. 2005-6-14.

Mayor Pro Tem Lambert resumed his place on the bench.

Public Hearing and adoption of Ordinance No. 2005-6-15 as requested in Zoning Case 2005-19 – To amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, to permit Outdoor Commercial Amusement use with approval of a Specific Use Permit in the Regional Commercial zoning district; 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 (6)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval as follows:

Ordinance No. 2005-6-15 (cont'd)

Amend the use charts in Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) of the Zoning Ordinance to allow commercial amusement (outdoor) use in the RC zoning district with approval of a specific use permit.

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 Ellerbe, the Council voted 6-0 to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, to permit Outdoor Commercial Amusement use with approval of a Specific Use Permit in the Regional Commercial zoning district as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2005-19; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2005-6-15. (Deputy Mayor Pro Tem Johnson was away from the bench.)

Public Hearing and adoption of Ordinance No. 2005-6-16 as requested in Zoning Case 2005-11 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 562 so as to allow the additional use of Private Club on 0.1± acre of land located west of U.S. 75 service road, 75± feet south of Enterprise Drive 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. Applicant: Commercial Real Estate Services, Inc. [Regular Agenda Item (7)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the item 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 Stahel and seconded by Council Member Ellerbe, 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. 562 so as to allow the additional use of Private Club on 0.1± acre of land located west of U.S. 75 service road, 75± feet south of Enterprise Drive in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2005-11; 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. 2005-6-16

Public Hearing and adoption of Ordinance No. 2005-6-17 as requested in Zoning Case 2005-12 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 563 so as to allow the additional use of Kennel (Indoor Pens)/Commercial Pet Sitting on 2.0± acres of land located on the west side of Alma Drive, 400± feet south of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned General Office; 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: HDI Group, Inc. [Regular Agenda Item (8)]

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 Ellerbe and seconded by Council Member Stahel, 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. 563 so as to allow the additional use of Kennel (Indoor Pens)/Commercial Pet Sitting on 2.0± acres of land located on the west side of Alma Drive, 400± feet south of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned General Office as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2005-12; 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. 2005-6-17.

Public Hearing and an ordinance as requested in Zoning Case 2005-09 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, amending Specific Use Permit No. 137 so as to expand the Day Care Center on 1.8+ acres of land located on one lot at the southwest corner of Hedgcoxe Road and Georgetown Drive in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7/Planned Residential Development-2 with Specific Use Permit No. 137 for 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 #12. Applicant: Montessori Children's House [Regular Agenda Item (2)] Tabled 05-09-05 [Regular Agenda Item (9)]

Upon a motion made by Mayor Pro Tem Lambert and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 6-0 to remove the item from the table. (Council Member LaRosiliere was away from the bench.)

Zoning Case 2005-09 (cont'd)

Director of Planning Jarrell advised regarding a meeting held with the applicant, Staff and homeowners to address concerns including an enrollment cap, design of parking as it affects the hike/bike trail, lighting, playground area screening, the type and appearance of playground equipment and signage concerning parking along Chattham Court. She advised that the applicant has agreed to make some modifications and that the zoning exhibit has been amended to reflect the changes. Ms. Jarrell spoke regarding reconfiguration of the parking layout and stated that approval would require a three-quarter vote since more than 20% of the land owners within the 200-foot notice boundary have submitted letters in opposition. She spoke to the applicant's request to table the item until June 27.

Mayor Evans opened the Public Hearing. John Roach, representing the applicant, spoke to progress made in addressing the homeowners concerns, the specific use permit (SUP) being granted for a day care center in 1980, this request being an expansion of the territory and additional homeowner issues that have arisen. Phillip Morse, Edifice Architecture, spoke to the reconfiguration of the parking lot, additional landscaping and timing of lights to alleviate concerns. Mr. Roach spoke to maintaining visibility and safety with regard to landscaping and agreement to provide signage regarding parking along Chattham Court and to replace playground equipment.

Director of Planning Jarrell responded to Council Member Stahel that the SUP has been in place since the early 1980's only on the property where the daycare is currently constructed and that the property discussed was not part of the original SUP. She stated that the intent was that this lot would be dedicated to the City for parkland and that there was a dedication deed at the time, however the bank foreclosed and in 1994, the City had to relinquish claim to the property. Ms. Jarrell spoke to the subdivision being built in late 1980's - early 1990's, stated that the expansion property was platted as part of Hobitzelle Park, that the daycare facility was built in July 2003 and that the former park property was acquired at the same time.

Christy Ogle, citizen of the City, spoke in support of the request and to the positive influence the facility has in the neighborhood. She spoke to there not being an issue with traffic/parking/noise. Rachael Gadi, a teacher at the school, spoke in support, stated there were not traffic or parking problems and spoke to the educational opportunities for children. Annette Taylor, parent of a child attending the school, spoke to the positive influence on her child and the community, the diversity of the school and quality of education. Dr. Ray Ernst, citizen of the City, spoke positively regarding the applicant and in support of the expansion.

David Cotton, citizen of the City, spoke in opposition, stated that the land was platted as park land when his home was purchased, and spoke to the lack of commitment in writing to any agreements on the part of the applicant. Michael Gavaghan, citizen of the City, spoke in opposition to the request, regarding the applicant's "last minute" request to table the item, the need for protection from overflow parking on Chattham Court, visual/noise concerns, and the lack of commitments in writing. Lisa Stratton Carroll, citizen of the City, spoke in opposition to the request and regarding her property being registered with National Wildlife Federation's Backyard Wildlife Habitat Program.

Zoning Case 2005-09 (cont'd)

Martin Carroll, citizen of the City, spoke in opposition and regarding homeowners in the 200-foot zoning being nearly 100% in opposition. He spoke to the impact it will have on traffic, parking and lighting nuisances and a petition in opposition signed by those visiting the area. Nancy Anderson, citizen of the City, spoke in opposition to the request and stated she checked the zoning before purchasing her home. She spoke to the lack of a written commitment and the impact the expansion would have on residents. Shirley Walker, citizen of the City, spoke in opposition to the request and stated that four-foot shrubs would not be a visual or noise barrier for homeowners. She spoke to the need for a height limit on playground equipment and a density requirement for landscaping. Dean Walker, citizen of the City, stated a preference for eight-foot shrubs, spoke to the intentions of the operator to take the facility to maximum capacity allowed by the City, homeowners' preference that no new lights be placed in the neighborhood and in favor of ambient lights. He spoke to having permanent signage urging parents not to park on Chattham Court and regarding the three schools in proximity to the property.

Karen Hardman, citizen of the City, spoke in support of the request citing the benefits of having a Montessori school in the neighborhood and stated that the school is a "beautiful" building and further that she has noted no traffic problems. Alina Lee, citizen of the City, spoke to the benefits of a Montessori school, the location being distant from a neighborhood school, and regarding parking on the street that takes place at public schools. Jeanene Rogers, citizen of the City, spoke in support of the request and regarding traffic and lighting provided at other schools. She spoke to the applicant working with area homeowners to address concerns. Ted Peters, citizen of the City, spoke in support of the request and stated his consideration of the neighborhood because of the proximity of schools and parks and further stated that it enhances the value of his home rather than detracts from it. He spoke to traffic concerns being generated by Beverly Elementary and to efforts made to address neighbors' concerns.

John Roach spoke to the progress being made and urged the Council to table the request. He spoke to putting stipulations in writing, the amount of time needed for landscaping to mature and people signing a petition without full consideration of its content. Megan Carroll, citizen of the City, spoke to receiving cooperation from the school in respecting the natural habitat and environment. No one else spoke either for or against the request. The Public Hearing was closed.

Mayor Pro Tem Lambert requested more specific details regarding the park land. The Council discussed tabling the request to allow time for the applicant to meet with area homeowners and document issues. Mayor Pro Tem Lambert spoke in opposition to tabling the item and to the need for a decision in the matter.

Zoning Case 2005-09 (cont'd)

A motion was made by Council Member Ellerbe and seconded by Council Member Callison, to table the request to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, amending Specific Use Permit No. 137 so as to expand the Day Care Center on 1.8+ acres of land located on one lot at the southwest corner of Hedgcoxe Road and Georgetown Drive in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7/Planned Residential Development-2 with Specific Use Permit No. 137 for Day Care Center as requested in Zoning Case 2005-09; 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 until July 25, 2005. The Council voted 6-1 with Mayor Pro Tem Lambert voting in opposition. The motion carried.

There being no further discussion, Mayor Evans adjourned the meeting at 10:54 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary