

PLANO CITY COUNCIL
October 10, 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, October 10, 2005 at 7:01 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Reverend Jody Mazzola of Hunter's Glen Baptist Church.

The Pledge of Allegiance was led by Junior Girl Scout Troop 292 of McCall Elementary.

PROCLAMATIONS AND SPECIAL RECOGNITION

Mayor Evans recognized the Plano Tactical Competition Team for winning the 2005 Texas Tactical Police Officer Association SWAT Competition. Mayor Evans recognized City Manager Muehlenbeck for receipt of a plaque from the International City and County ICMA Management Association in honor of 40 years of service to local government.

Mayor Evans administered oaths of office to incoming and reappointed members of boards and commissions.

GENERAL DISCUSSION

Jack Lagos, citizen of the City, spoke regarding the Arts of Collin County Foundation, Inc.'s promissory note to the Arts of Collin County Commission, Inc. He requested an agenda item to address the note. Mayor Pro Tem Lambert requested an item be scheduled.

BOARD/COMMISSION REPORTS

Board of Adjustment

Chair Caso reviewed the board's role to hear variances under the zoning ordinance, review sign appeals and appeals from the Chief Building Official. He summarized the action of the board over the last year and reviewed the schedule of meetings.

Building Standards Commission

Chair Gill reviewed the board's duties including code interpretation and review of building code ordinance changes. He reviewed the action of the board and advised regarding the meeting schedule.

CONSENT AGENDA

Upon the request of Council Member Stahel, Consent Agenda Item "N" was removed for individual consideration due to a possible conflict of interest.

Upon a motion made by Mayor Pro Tem Lambert and seconded by Council Member Callison, 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)]

September 26, 2005

Approval of Expenditures

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

Bid No. 2005-243-B for Fire Station #7 and Police Assembly Roof Replacement and Waterproofing to Castro Roofing of Texas, L.P. in the amount of \$150,115. [Consent Agenda Item (B)] (See Exhibit "A")

Bid No. 2005-256-B for J Avenue, 12th Street and 12th Place Reconstruction and Intersection Improvements to Jim Bowman, Inc. in the amount of \$917,107. The project consists of the reconstruction of J Avenue and 12th Street from 14th Street to K Avenue, 12th Place from K Avenue to Municipal Avenue, various intersection improvements along US 75 and a left turn bay on Horizon North Parkway. [Consent Agenda Item (C)] (See Exhibit "B")

Bid No. B169-05 for Prisoner Transport Vehicle to Baby Jack II Automotive LTD in the amount of \$38,828. [Consent Agenda Item (D)] (See Exhibit "C")

Bid No. 2005-262-B for Cheyenne Park Restroom Replacement to Holleman Construction Company, Inc. in the amount of \$87,650. [Consent Agenda Item (E)] (See Exhibit “D”)

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 two (2) 46’ Live Bottom Trailers in the amount of \$128,534 from B&C Company, through H-GAC Cooperative Purchasing Program contract and two (2) Mack CV713 “Granite” Cab/Chassis in the amount of \$191,020 from Dallas Mack Sales through the Texas Association of School Buyboard Purchasing Program and authorizing the City Manager to execute any and all documents necessary to effectuate this purchase. (RC08-04; 208-04). [Consent Agenda Item (F)]

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

To approve a fixed-price contract from Concentra Health Services, Inc., DBA: Concentra Medical Centers for Medical Services for Applicants’ and Employees’ Physicals, RFQ #C124-05, for an initial three-year period with the option for two three-year renewals. The estimated annual amount is \$92,520. [Consent Agenda Item (G)]

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

To Jim Bowman Construction, L.P., increasing the contract by \$57,129 for Briarcreek Sanitary Sewer Capacity, Phase II, Change Order No. 5. (Original Bid No. B176-04) [Consent Agenda Item (H)]

To JRJ Paving, L.P., increasing the contract by \$68,240 for Parkwood – Spring Creek Parkway North, Change Order No. 2 (Bid No. B149-05). [Consent Agenda Item (I)]

Adoption of Resolutions

Resolution No. 2005-10-1(R): To request reimbursement from the Federal Emergency Management Agency (“FEMA”) to compensate exempt City personnel for the time spent to provide necessary services to assist in the disaster relief effort; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2005-10-2(R): To approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of Community Services Funds in the amount of \$504,526 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2005-10-3(R): To ratify a joint proposal to the Texas Department of Transportation by Collin County and the cities of Allen, Frisco, McKinney and Plano for constructing, financing, and tolling State Highway 121 from U.S. Highway 75 on the east to the Dallas North Tollway on the west, including the interchanges at U.S. 75 and Dallas North Tollway; authorizing its execution by the Mayor; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2005-10-4(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 concerning the design and construction of the U.S. 75 Ramp Improvement Project, authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2005-10-5(R): To ratify and approve the execution of a release of the Tennyson Road Agreement by and between the City of Plano, Texas and EDS Information Services, L.L.C.; and providing an effective date. [Consent Agenda Item (O)]

Adoption of Ordinances

Ordinance No. 2005-10-6: 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 side of P Avenue from its intersection with Abbey Road southeast to a point 200' north of Parker Road within the City limits of the City of Plano on school days between the hours of 7:15 a.m. and 4:00 p.m.; declaring the stopping, standing, or parking of motor vehicles in said section of P Avenue 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 (P)]

Ordinance No. 2005-10-7: 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 south side of Guildler Drive from Krona Drive to Franc 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 (Q)]

Ordinance No. 2005-10-8: To amend Chapter 13, Municipal Court, of the Code of Ordinances, adding Section 13-9, Juvenile Case Manager Fund, to create a Juvenile Case Manager Fund permitting the addition of one or more full-time Juvenile Case Managers to assist the Municipal Court in administering the Municipal Court's Juvenile Docket; imposing a two dollar (\$2.00) Juvenile Case Manager Fee as a cost of court in the Municipal Court; and providing a repealer clause, a severability clause, a publication clause, and an effective date. [Consent Agenda Item (R)]

Ordinance No. 2005-10-9: To abandon all right, title and interest of the City, in and to a portion of that certain variable width right-of-way called Morton Vale Road from 165 feet north of Buckboard Drive north approximately 445 feet, 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, Roach Living Trust, to the extent of its interest; authorizing the City Manager, to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (S)]

Ordinance No. 2005-10-10: To adopt and enact Supplement Number 71 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date. [Consent Agenda Item (T)]

END OF CONSENT

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

Resolution No. 2005-10-11(R): To approve two (2) agreements between the City of Plano and SunGard, HTE, Inc., a sole source vendor, for the maintenance and support of H.T.E. software applications; authorizing their execution by the City Manager; and providing an effective date. [Consent Agenda Item (N)]

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison, the Council voted 7-0 to approve two (2) agreements between the City of Plano and SunGard, HTE, Inc., a sole source vendor, for the maintenance and support of H.T.E. software applications; authorizing their execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2005-10-11(R).

Council Member Stahel resumed his seat on the bench.

Discussion and possible action regarding the Public Art Budgets for both CIP projects and existing facilities. [Regular Agenda Item (1)]

Creative Arts Manager Wear advised that the Public Art Committee has prioritized the public art project proposals for existing facilities. Public Art Committee Chair Coleman spoke to the criteria used for prioritization including the creation of a diverse portfolio of work, inclusion of art in a variety of venues, spreading art throughout the community, reaching the broadest audience by offering works that appeal to different members of the community and distributing resources fairly across City departments. He stated that Oak Point Park, Haggard Library and Memorial Park were approved by the Council at their August workshop and that the remaining funds were reallocated first by ensuring that every library would contain a public art element. Mr. Coleman spoke to the allocation of funds for a piece at the Downtown Fire Station and one at the Animal Shelter and advised that following Council approval, the Committee will create a work plan. He advised that plans are to manage four projects per year with each taking a maximum of one year for completion.

Mr. Coleman responded to Council Member Stahel, stating that an arts event would bring people to the City and that the proposal showcases the City as an exciting place to work that is supportive of the arts which will feed community interest and the artists' interest as well. He stated that each location will have its own selection committee with involvement from the departments. The Council spoke in support of having pieces at each library and Council Member Stahel stated that the funds earmarked to Memorial Park are in addition to those proposed by the Parks and Recreation Department.

Upon a motion made by Council Member Callison and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 8-0 to approve the Public Art Budgets for both CIP projects and existing facilities as presented.

Review of Community Development Block Grant and HOME Grant Annual Report for 2004-05 [Regular Agenda Item (2)]

Neighborhood Services Manager Buffington advised that \$8.4 million in federal funding was received by both the City and the Plano Housing Authority in 2004-05 and assistance was provided to almost 10,000 people. He spoke to the requirement to remediate lead-based paint affecting the objective of rehabilitating 200 dwelling units over a five-year period. Mr. Buffington spoke to the increase in the number of Section 8 units with a primary cause being the administering of contracts previously located in Richardson. He spoke to the factors affecting first time homebuyers including lead paint restrictions, prohibition of assistance to those without legal residency, the lack of affordable housing and the increased number of packages offered by lending institutions. Mr. Buffington advised regarding the positive results of the homebuyers' program, responded to City Manager Muehlenbeck regarding the increase in Section 8 vouchers caused by the influx of hurricane evacuees and spoke to the placement of these individuals.

Public Hearing and adoption of Ordinance No. 2005-10-12 as requested in Zoning Case 2005-32 – To repeal in its entirety Ordinance No. 2003-11-17 as amended; thereby rescinding Specific Use Permit No. 513 for the additional use of Household Care Institution on 7.0± acres of land located on the east side of Coit Road, 500± feet north of Spring Creek Parkway in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, 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. Applicant: City of Plano [Regular Agenda Item (3)]

Director of Planning Jarrell advised the Council that this specific use permit was granted in 2003, that the original applicant did not purchase the property and no longer intends to develop the site as a household care institution. She further stated that the Planning and Zoning Commission has 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.

Ordinance No. 2005-10-12 (cont'd)

Upon a motion made by Council Member Magnuson and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 8-0 to repeal in its entirety Ordinance No. 2003-11-17 as amended; thereby rescinding Specific Use Permit No. 513 for the additional use of Household Care Institution on 7.0± acres of land located on the east side of Coit Road, 500± feet north of Spring Creek Parkway in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended to reflect such action, as requested in Zoning Case 2005-32 and as recommended by the Planning and Zoning Commission, directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2005-10-12.

Public Hearing and adoption of Ordinance No. 2005-10-13 as requested in Zoning Case 2005-33 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Heritage Resource Designation H-34 to a 0.3± acre property located at the northeast corner of N Place and 17th Street, presently zoned Single-Family Residence-7, and retaining this zoning classification; directing a change accordingly in the official zoning map of the City; and providing a repealer clause, a savings clause, a penalty clause, a severability clause and an effective date. Applicant: William and Annette Armstrong [Regular Agenda Item (4)]

Heritage Preservation Officer Watson reviewed the history of the McCall-Skaggs House and its residents. He advised that the Heritage Commission found the property meets three criteria including being representative of the character, interest or value as a part of the development, heritage or cultural characteristics of the City; identification with a person who significantly contributed to the culture and development of the City; and exemplification of the cultural, economic, social, or historical heritage of the City. Mr. Watson stated that both the Heritage Commission and Planning and Zoning Commission have recommended approval.

Mayor Evans opened the Public Hearing. Phil Armstrong, the applicant, spoke regarding his interest in the home. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Mayor Pro Tem Lambert and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Heritage Resource Designation H-34 to a 0.3± acre property located at the northeast corner of N Place and 17th Street, presently zoned Single-Family Residence-7, and retaining this zoning classification as requested in Zoning Case 2005-33 and as recommended by the Planning and Zoning Commission; directing a change accordingly in the official zoning map of the City; and providing a repealer clause, a savings clause, a penalty clause, a severability clause and an effective date; and further to adopt Ordinance No. 2005-10-13.

Public Hearing and adoption of Ordinance No. 2005-10-14 as requested in Zoning Case 2005-34 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 568 so as to allow the additional use of Daycare (In-home) on 0.2± acre of land located on the south side of Grifbrick Drive and 80± feet east of Graphic Place in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7; 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: Rachel Pope [Regular Agenda Item (5)]

Director of Planning Jarrell advised the Council that the applicant is licensed with the State of Texas for in-home day care, has operated for a number of years and is in compliance with home occupation regulations. She stated that the Planning and Zoning Commission recommended approval of the request subject to in-home day care being operated as a home occupation use only.

Ms. Jarrell responded to the Council stating that if the request is approved with the attached stipulation, service can only be provided as a home occupation to keep someone from opening a commercial day care center. She stated that keeping more than eight children requires a specific use permit and operators often do not realize that the City has regulations governing daycare uses. Ms. Jarrell advised that comments made at the Planning and Zoning Commission meeting were generally favorable and that the operation had not posed any problems in terms of traffic or noise.

Mayor Evans opened the Public Hearing. Applicant Rachel Pope spoke to coming before the Council in 1994 with a request for in-home daycare and the understanding that her name and business would be grandfathered to a new location. She advised that the problem was brought to her attention when visited by a Property Standards representative. Ann Rogers, citizen of the City, stated concern that the applicant is being penalized for acquiring a larger home to accommodate her facility and requested approval. Sharon Reagan, citizen of the City, spoke regarding the quality of day care provided. 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 Magnuson, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 568 so as to allow the additional use of Daycare (In-home) on 0.2± acre of land located on the south side of Grifbrick Drive and 80± feet east of Graphic Place in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7 as requested in Zoning Case 2005-34 and as recommended by the Planning and Zoning Commission; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2005-10-14.

Public Hearing and adoption of Ordinance No. 2005-10-15 as requested in Zoning Case 2005-35 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 9.5± acres located on the east side of Preston Road, 490± feet south of McDermott Road in the City of Plano, Collin County, Texas, from Planned Development-20-Mixed Use with Specific Use Permit No. 533 for Private Club to Planned Development-163-Mixed Use with Specific Use Permit No. 533 for Private Club; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: ASG Preston Creek Retail Center LTD [Regular Agenda Item (6)]

Director of Planning Jarrell advised the Council that the applicant is requesting to rezone the property to create a new planned development (PD) separating this property with the intent to remove the phasing requirement linking the development of this tract to the construction of the northern building fronting the town square. She spoke to the phasing requirement being in place to ensure that the town square is completed and that the deadline has been extended twice. Ms. Jarrell advised that the applicant's property is a part of Sub Area A, that development plans are in process and that there are other property owners in the same situation. She stated that the applicant is requesting their property be removed from phasing leaving other requirements as they are and advised that the Planning and Zoning Commission recommended approval as submitted. Ms. Jarrell stated that previous opposition has been rescinded, that the Council is no longer under a three-quarter vote requirement and that at this time two other property owners are being delayed due to the phasing requirements.

Ms. Jarrell stated that Staff had recommended denial because the original phasing requirement was put in place to ensure that the northern building, tying the development together and finalizing the new urbanism design, would be built. She spoke to the phasing requirement being in place since 1997 and property owners who have purchased since that time being aware of it. Ms. Jarrell responded to the Council regarding a request received in Sub Area D for condominiums and townhomes, stated that the current request would only remove the phasing requirement leaving the other criteria in place, and that the original planned development included uses that would bring people to the area. She stated that if the Council were inclined to exempt one property owner through action on this item, it would be her hope that they would open Sub Area A to address other property owners in the same condition. Ms. Jarrell spoke to possible Council options of addressing only the phasing in Sub Area A, reviewing the design requirements if the Council felt these were no longer valid, or opening up the entire planned development.

Mayor Evans opened the Public Hearing. Kirk R. Williams, representing the applicant, spoke to this proposal developing retail in the format originally conceived in 1997, being in compliance with the other aspects of the planned development and the lack of absorption of office space in the area. He spoke to attempts to file a zoning application and the lack of favorable support from other property owners.

Ordinance No. 2005-10-15 (cont'd)

James Hankins of ASG Real Estate Company, spoke to the success of their existing properties, reviewed the tenants which include restaurants, a hair salon and retail and advised that the property is currently 40% preleased. He spoke to the detrimental effect of the phasing requirement and stated that if the request were denied or tabled, his property would remain at the mercy of the office building developer and experience uncertain start dates and the loss of tenants. Mr. Hankins spoke to construction bringing interest, starting the "urbanism feel," and allowing future tenants of office buildings to see the big picture. He responded to Council Member Ellerbe that more restaurants will be included in the next phase.

Anthony Thompson, representing P.F. Chang's, spoke in support of the request and the opportunity to bring a Pei Wei restaurant to Plano. He spoke to the company's efforts in determining a location and receipt of permits for the site. Ted Pittman, representing Second Century Investments, spoke to the phasing requirement's effects on the development of a hotel on the site. Pete Meyer, marketing the office building east of the site, spoke to potential clients wanting to know what will be developed in the area. He stated that allowing retail to begin will provide visibility and bring interest to the location. Dr. Rao, a Plano physician, spoke to the phasing restrictions delaying development of a Montessori school in the area. Mitch Traub and Wyatt Russo of Retail Connections, spoke to retail fitting at this location, development of retail, services and restaurants facilitating and enhancing marketing efforts for the office development, the possible movement of markets to the north and stated that a PD should not dictate the order of development. No one else spoke either for or against the request. The Public Hearing was closed.

Council Member Ellerbe advised that she could not support the proposal stating that the property owner was aware of the phasing requirement when purchasing, the second phase only shows development and parking for retail and stated that if this request is approved, other property owners will come forward and the planned development will not take place as intended.

Mayor Pro Tem Lambert spoke to the Planning and Zoning Commission's original consideration and concerns that if the plan were not under the control of one developer some problems may be created. He spoke to the effects of phasing, development taking place to the north and to approving this case and asking for Commission review of the planned development. Council Member Stahel spoke to consideration of phasing when it was first established but stated that development to the north has changed the equation. He spoke to phasing being an impediment rather than a benefit and made a motion to approve the request. Mayor Pro Tem Lambert seconded the motion, but no action was taken at this time.

Ms. Jarrell clarified the portion of the property subject to the phasing requirement and Council Member LaRosiliere spoke to making a decision based on what is best for Plano, stated concern that several developers may not offer continuity and that the phasing can be an impediment to moving forward. He stated support with the caveat that remaining owners come to agreement to provide consistency in development.

Ordinance No. 2005-10-15 (cont'd)

Ms. Jarrell responded that amending a planned development requires the permission of all property owners and that some were unwilling which left the only option being for the applicant to remove their property from the planned development. Mr. Williams spoke to plans to keep continuity among developers along Town Square Drive.

Mayor Pro Tem Lambert spoke to having the Commission review the site as a whole and Director of Planning Jarrell advised that there is another 22 acres in Sub Area A subject to the phasing requirement. Council Member Stahel clarified that the motion is to approve this specific zoning case.

Director of Planning Jarrell responded to Council Member LaRosiliere stating that within Sub Area A there is a provision allowing residential to be developed for the upper floors of retail establishments, that no plans for this have been approved and stated that the current multi-family development will provide pedestrians.

Upon a motion made by Council Member Stahel and seconded by Mayor Pro Tem Lambert, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 9.5± acres located on the east side of Preston Road, 490± feet south of McDermott Road in the City of Plano, Collin County, Texas, from Planned Development-20-Mixed Use with Specific Use Permit No. 533 for Private Club to Planned Development-163-Mixed Use with Specific Use Permit No. 533 for Private Club as requested in Zoning Case 2005-35 and as recommended by the Planning and Zoning Commission; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2005-10-15 the Council voted 7-1 with Council Member Ellerbe voting in opposition.

By a show of hands, the Council directed the remainder of Sub Area A be referred back to the Planning and Zoning Commission with the recommendation to open it up and remove the phasing requirement. Mayor Pro Tem Lambert spoke to expediting the case.

There being no further discussion, Mayor Evans adjourned the meeting at 9:25 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary