

PLANO CITY COUNCIL
November 12, 2007

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
John Gilliam, First Assistant City Attorney
Diane Zucco, City Secretary

Mayor Evans convened the Council directly into the Regular Session from the Preliminary Meeting at 7:05 p.m. on Monday, November 12, 2007, at 7:05 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

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

The Pledge of Allegiance was led by the Plano American Legion Honor Guard.

SPECIAL RECONGITIONS AND PROCLAMATIONS

Mayor Evans presented proclamations for Veterans Day and National Adoption Month 2007. Mayor Evans received a \$49,000 grant for the Plano Arts and Cultural Endowment. City Manager Muehlenbeck and City Council recognized Sharon Wright for 20 years of service to the City of Plano.

CERTIFICATES OF APPRECIATION

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

OATHS OF OFFICE

Beth Weingarden and Arnold Picon, P.E. were not present to receive their oaths of office.

COMMENTS OF PUBLIC INTEREST

Pat Miner, President of the Plano Homeowner's Council (PHC) provided Council with a brief update. He spoke to an increased amount of participation and membership. He stated PHC represents over two-hundred homeowner's associations in Plano and works with state law makers to ensure adequate legislation. He spoke in regards to the organization's bootcamp and positive feedback received. Mr. Miner spoke regarding the monthly meetings that are open to the public and thanked Council and Staff for their support. He invited Council and Staff to the next PHC meeting, December 6, 2007.

Jack Lagos, citizen of the City, spoke to the increase in cost for the Arts of Collin County Center and requested the Arts of Collin County Commission provide a briefing.

CONSENT AGENDA

Upon the request of Council Member Stahel, Consent Agenda Items "E," "F," "G," and "H" were removed for individual consideration due to possible conflicts of interest.

Upon a motion made by Council Member Ellerbe and seconded by Council Member LaRosiliere, 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)]

October 22, 2007
October 29, 2007
November 1, 2007

Approval of Expenditures

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

To reject Bid No. 2007-224-B for Parkwood Boulevard Median Tree Planting and Irrigation and 2004-05 Median Landscaping, Project Nos. 5744 and 5578 to C. Green Scaping, L.P., in the amount of \$269,226. [Consent Agenda Item (B)] (See Exhibit "A")

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

To approve a Engineering Services Agreement contract by and between the City of Plano and Arredondo, Zepeda & Brunz, L.L.C., in the amount of \$128,357, for Engineering Design Services for Plano Parkway, from Midway Road to West City Limits; and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (C)]

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

To approve the purchase of (1) 6-Post Mobile Lifting System (90,000 lb. capacity); (8) Mobile Support Stands (Tall/15,000 lb. capacity); (4) Pairs of Reduction Sleeves (for smaller tire diameter 13" rim); (1) Heavy Duty Air/Hydraulic Transmission Jack; (1) 4-Post Mobile Lifting System (60,000 lb. capacity); (2) 2-Step Air/Hydraulic, 6.7" Head (33,000/66 lb. capacity); (2) 2" Extension for 2-Step; (2) 4" Extension for 2-Step; (2) 14" Extension for 2-Step in the amount of \$101,905 from Automotive Resources, Inc. through an existing contract/agreement with Texas Association of School Board Purchasing Program contract and authorizing the City Manager to execute all necessary documents. (239-05) [Consent Agenda Item (D)]

Approval of Change Order

To Dal-Tech Engineering, Inc., increasing the Professional Services Contract by \$22,700 for the Alma Drive Widening project from Spicewood Drive to Hedgcoxe Road, Contract Modification No. 2. [Consent Agenda Item (I)]

To Ed Bell Construction Company, increasing the contract by \$33,260 for Parker Road – K Avenue to Raton Lane, Change Order No. 1 (Bid No. 2007-109-B). This change order provides for additional driveway, sidewalk, street light, and water line work not set up in the original contract but determined to be a necessary part of the project. [Consent Agenda Item (J)]

Public Improvement Agreement

To approve the terms and conditions of a Public Improvement Agreement by and between the City of Plano, Texas, and Wolverine Equities Company 2000 Highway 190 L.P in the amount of \$100,000 for participation in the Mapleshade Lift Station located south of Mapleshade Lane between Ohio Drive and Coit Road. [Consent Agenda Item (K)]

Adoption of Resolutions

Resolution No. 2007-11-1(R): To approve the terms and conditions of agreements between the City of Plano, Texas, and various Heritage Preservation Organizations which render services that are beneficial to the public and serve a valid public purpose in the total amount of \$677,710; authorizing the City Manager to execute such agreements with these organizations for the provision of support of heritage preservation; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2007-11-2(R): To approve the terms and conditions of a cost reimbursement agreement by and between the City of Plano and the Office of the Attorney General of Texas for participation in the Project Safe Neighborhoods Grant; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2007-11-3(R): To approve the terms and conditions of a First Amendment to Option Contract by and between RH 15th Condos One, LTD. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (N)]

Resolution No. 2007-11-4(R): To find Ron Kress, Michael Nunns, Scott Copeland and Jon Britton are entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Tray Boswell v. Ron Kress, Michael Nunns, Scott Copeland and Jon Britton; and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2007-11-5(R): To approve the conveyance of a portion of land by the Arts of Collin County Commission, Inc. to the City of Allen, Collin County, Texas to construct and maintain Exchange Parkway and Ridgeview Drive and related Public Utilities; providing a severability clause; and providing an effective date. [Consent Agenda Item (P)]

Resolution No. 2007-11-6(R): To approve the terms and conditions of a Local Transportation Project Advance Funding Agreement between the State of Texas and the City of Plano for reconstruction of the US 75 and Parker Road interchange; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (Q)]

Resolution No. 2007-11-7(R): To exempt certain municipal-owned vehicles from requirements of Section 721.004 of the Texas Transportation Code; providing a repealer clause and an effective date. [Consent Agenda Item (R)]

Resolution No. 2007-11-8(R): To approve the terms and conditions of an agreement by and between Mid-Continental Restoration Company, Inc. and the City of Plano in the amount of \$65,000 for repairs needed to waterproof the lower floor of the Cox Building in accordance with the plans and specifications as prepared by the City's architects and engineers; approving its execution by the City Manager; and providing an effective date. [Consent Agenda Item (S)]

Adoption of Ordinances

Ordinance No. 2007-11-9: To amend Section II of Ordinance No. 2004-8-11, currently codified as Chapter 6, Article VIII, Plumbing Code, Division 2, Section 6-239, Subsection "Tables 605.4 and 605.5" of the City of Plano Code of Ordinances, by identifying certain materials for "Water-Service-Pipe" and "Water Distribution Pipe" tables in the International Plumbing Code to add, amend and delete the use of certain materials under concrete slabs; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (T)]

Ordinance No. 2007-11-10: To add Section I of Ordinance No. 2004-8-9, currently codified as Chapter 6, Article XX, Residential Code, Division 2, Section 6-710, Subsection "Table P2904.4.1" of the City of Plano Code of Ordinances by identifying certain materials for "Water Service, Supply and Distribution Piping" Section 2904.5.1 of the International Residential Code to add, amend, and delete the use of certain materials under concrete slabs; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (U)]

Ordinance No. 2007-11-11: To repeal Division 3, Sections 12-226, 12-227, 12-228, 12-229, 12-230, 12-231, and 12-232 of Chapter 12, “Motor Vehicles and Traffic,” of the City of Plano Code of Ordinances, and replacing with revised and renumbered regulations, which include amended provisions changing the definition of “Junked Vehicle” and “Antique Auto” to conform to State law, allowing a person receiving notice regarding a junked vehicle to request a hearing within 10 days of the date on the notification, and establishing notification procedures for a Public Hearing on towing a Junked Vehicle should the person not respond to the initial notice; and providing a repealer clause, a penalty clause, a severability clause, and an effective date [Consent Agenda Item (V)]

END OF CONSENT

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

To authorize the renewal of the Maintenance Agreement for CommVault Backup Software, in the amount of \$61,096 from Dell, through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-192). [Consent Agenda Item (E)]

To approve the purchase of servers for the Event Log Management Implementation and blade enclosure, in the amount of \$65,565 from Hewlett Packard Company through an existing contract/agreement with Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents (DIR Contract No. DIR-SDD-233). [Consent Agenda Item (F)]

To approve of a contract/agreement to obtain Security Consulting Services from Internetwork Experts (INX), in the amount of \$64,299 through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-239) [Consent Agenda Item (G)]

To approve purchase from an existing contract/agreement to authorize the purchase of Gartner Membership Seats in the amount of \$51,510 from Gartner through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-204) [Consent Agenda Item (H)]

Upon a motion made by Council Member Johnson and seconded by Council Member Ellerbe, the Council voted 7-0 to authorize the renewal of the Maintenance Agreement for CommVault Backup Software, in the amount of \$61,096 from Dell, through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-192); to approve the purchase of servers for the Event Log Management Implementation and blade enclosure, in the amount of \$65,565 from Hewlett Packard Company through an existing contract/agreement with Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents (DIR Contract No. DIR-SDD-233); to approve of a contract/agreement to obtain Security Consulting Services from Internetwork Experts (INX), in the amount of \$64,299 through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-239); and to approve purchase from an existing contract/agreement to authorize the purchase of Gartner Membership Seats in the amount of \$51,510 from Gartner through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-204).

Council Member Stahel resumed his place at the bench

A Change Order to Motorola, Inc. through an existing contract/agreement with Houston Galveston Area Council (HGAC), increasing the original contract by \$194,854 for a 300-foot tower with fence to extend the Wireless Mesh Network City Wide Build-Out Phase I. (HGAC Contract No. RA01-06). Change Order No. 1. [Regular Agenda Item (1)]

Director of Technology Services Stephens advised that as part of the design phase of the MotoMesh wireless network, it was determined that the northern portion of Plano lacked an existing facility to provide line-of-sight connectivity to wireless access points to be deployed. He stated that Russell Creek Park was rejected due to state regulations related to the use of park land and the Allen/McKinney water towers were not conducive to the two types of technology which left the Ridgeview Pump Station as the optimal choice. Mr. Stephens reviewed the location and planned construction and spoke to the topography of the land necessitating a higher elevation. He stated that there will be no commercial carrier equipment, but that the tower is designed for City services and is one of the backbone locations.

Mr. Stephens responded to Mayor Evans, stating that the tower will be used for public safety as well as other City services and spoke to the lack of communication north of Legacy Drive. He spoke to the distances between the towers, concerns associated with use of the Allen water tower and addressing current needs for two technologies as well as planning for the future. Mr. Stephens reviewed other current locations for the radio system and advised that the park land would be the last resort if there were no other option available. Radio System Manager Goldsmith provided information on the next generation of two-way radio systems for police and fire department use and the need for a tower in this area of the City. He spoke to the two technologies being addressed; broad band data and the 700/800 two-way radio system.

Change Order to Motorola (Cont')

City Attorney Wetherbee spoke to the requirements for use of park land including the holding of a Public Hearing and the need for Council to determine that there is no feasible and prudent alternative. City Manager Muehlenbeck spoke to the time-sensitive nature of the request and preparations to move forward. He advised that this request is a supplement with Motorola for a tower that was not included in the contract. Ms. Wetherbee spoke to the item approving funding tied to an existing contract and the location being part of the discussion due to concerns raised in the area. Mr. Muehlenbeck spoke to notices provided to residents in the area.

James Coppinger, citizen of the City, spoke to the strategic plans of the City, to protecting the value of homes and to the American Planning Association's guide to local government's role in tower site selection. He spoke to aesthetics, the planned tower compounding existing challenges, health concerns and the impact on home values. Mr. Coppinger spoke to placing a tower at Custer Road and McDermott Drive with a second tower at Spring Creek Parkway/Legacy Drive and U.S. 75 and to the City doing due diligence in determining alternatives. David Chandler, citizen of the City, spoke to the technical feasibility of utilizing lower towers, the potential that area outside the City will be covered, the small amount of overlap anticipated and better coverage that would be created with two towers. Caroline Chandler, citizen of the City and representing the Ridgeview Ranch Homeowners Association, spoke to the impact on area homes, the devaluation of properties as the pump station has expanded, the possibility of erecting a smaller tower on higher ground, the area covered outside of the City, and two lower towers providing more overlap. She spoke to land available in the Legacy Drive/U.S. 75 area and requested the Council table the item to allow the study of alternatives. John Meade, citizen of the City, spoke to the expansion of the pump station, the effect on property values, and to tabling the item in order to gather more information.

City Manager Muehlenbeck spoke regarding ground storage tanks at the site and the transfer station being in place approximately twenty years. Mr. Coppinger spoke to a second tower in the Legacy Drive/U.S. 75 industrial area and Council Member Ellerbe spoke to homes in that area. Mr. Muehlenbeck spoke to park land in the area which would have restrictions. Mr. Stephens spoke to the need for height to address two-way radio technology, line-of-sight issues and provide connection between towers. He spoke to the MotoMesh utilizing water towers but the radio system having fewer locations and covering more expansive areas. Mr. Stephens reviewed locations and size of towers throughout the City. Mr. Goldsmith spoke to locations of radio towers at Municipal Center, Parkway Services and on west Parker Road. He spoke to the critical need for this tower, antennas directing power where needed, the requirement to be above buildings/obstructions and to the issue being related to line-of-sight.

Executive Director Glasscock spoke to the two systems of voice and data being critical to public safety first responders, replacement of the radio system in 2009-10, a tri-city agreement with Frisco and Allen and to ensuring coverage. He spoke to the City of Frisco withdrawing from the agreement, wireless mesh providing critical elements for the Police and Fire Departments and to the design offering continuous communication and a redundant system. He responded to the Council, stating that Allen will continue in the agreement and that use of the Allen water tower would not work for both systems.

Change Order to Motorola (Cont')

Council Member LaRosiliere spoke to regarding the need to address public safety issues overriding a personal preference regarding aesthetics.

Upon a motion made by Council Member LaRosiliere and seconded by Mayor Pro Tem Magnuson, the Council voted 8-0 to approve a change order to Motorola, Inc. through an existing contract/agreement with Houston Galveston Area Council (HGAC), increasing the original contract by \$194,854 for a 300-foot tower with fence to extend the Wireless Mesh Network City Wide Build-Out Phase I.

Upon a motion made by Council Member LaRosiliere and seconded by Mayor Pro Tem Magnuson, the Council voted 8-0 to approve a Change Order to Motorola, Inc. through an existing contract/agreement with Houston Galveston Area Council (HGAC), increasing the original contract by \$194,854 for a 300-foot tower with fence to extend the Wireless Mesh Network City Wide Build-Out Phase I. (HGAC Contract No. RA01-06). Change Order No. 1.

A Public Hearing pursuant to House Bill 621, Goods-in-Transit as defined by Texas Tax Code 11.253(a)(2), to take effect on January 1, 2008 which allows the governing body of a taxing unit, after a public hearing, to provide for the continued taxation of such goods-in-transit. [Regular Agenda Item (2)]

Budget Director Rhodes advised the Council that the City currently provides an ad valorem tax exemption to goods that are stored in the City for less than 175 days provided they will eventually be shipped out of state under a process referred to as a Freeport Exemption and removes approximately \$126 million from the City's taxable values or the equivalent of approximately \$600 thousand a year in property tax revenue. She advised that in the 2007 legislative session, House Bill 621 was passed which extends an ad valorem exemption to "goods in transit" that are being shipped to other locations either within or outside the state of Texas and the potential impact to the City of Plano's collection of business personal property tax. She advised that legislation will become effective on January 1, 2008, unless a Public Hearing is called and an ordinance passed to "opt out."

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed and staff directed to prepare an ordinance.

A Public Hearing by the City Council of the City of Plano, Texas, pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of a City of Plano park and known as the Preston Meadow park site for a Communications Facilities License Agreement for cellular equipment attached to and at the base of the existing TXU Electric transmission tower. [Regular Agenda Item (3)]

Public Hearing pertaining to Preston Meadow park site (Cont')

Director of Customer Utility Services Israelson spoke to the request for a new cellular tower for T-Mobile along the trail system at Preston Meadow Park. He spoke to filling in coverage areas, co-location on the pole and provided information regarding the location and schematic drawings. He advised that the request complies with the Utility Element of the Master Plan and spoke to approval by the Parks and Recreation Planning Board. Mr. Israelson spoke to there being no feasible and prudent alternative to the use of this land, current use as a utility easement and the proposed landscaping barrier. He stated that the project includes all reasonable planning to minimize harm to the land resulting from the use and responded that the height of the tower is 90 feet.

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

Ordinance No. 2007-11-12: To approve a project, requiring the use or taking of a portion of City of Plano public park land, known as the Preston Meadow park site; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date. [Regular Agenda Item (4)]

Upon a motion made by Mayor Pro Tem Magnuson and seconded by Council Member Ellerbe, the Council voted 8-0 to approve a project, requiring the use or taking of a portion of City of Plano public park land, known as the Preston Meadow park site; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date; and further to adopt Ordinance No. 2007-11-12

Resolution No. 2007-11-13(R): To approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas, and T-Mobile Texas, L.P. by T-Mobile West Corporation, a Delaware corporation, to locate, place, attach, install, and operate, Telecommunications Ground Equipment in certain specific portions of City of Plano public park land, known as the Preston Meadow park site, authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (5)]

Upon a motion made by Council Member Stahel and seconded by Council Member Johnson, the Council voted 8-0 to approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas, and T-Mobile Texas, L.P. by T-Mobile West Corporation, a Delaware corporation, to locate, place, attach, install, and operate, Telecommunications Ground Equipment in certain specific portions of City of Plano public park land, known as the Preston Meadow park site, authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2007-11-13(R).

Public Hearing and adoption of Ordinance No. 2007-11-14 as requested in Zoning Case 2007-39 – To repeal in its entirety Ordinance No. 91-4-31; thereby rescinding Specific Use Permit No. 110 for the additional use of Private Club on one lot on 0.1± acre of land, located on the east side of Coit Road, 475± feet north of Park Boulevard in the City of Plano, Collin County, Texas, and amending 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. Applicant: City of Plano. [Regular Agenda Item (6)]

Director of Planning, Phyllis Jarrell stated this zoning request and the following seven pertain to the recession of Private Club Permits that were granted to restaurants for the sale of alcohol. She additionally stated that all of the restaurants have made the transition to Mixed Beverage Permits and no longer need the Specific Use Permit. Ms. Jarrell stated the Planning and Zoning Commission has recommended approval of all of these cases 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 LaRosiliere and seconded by Mayor Pro Tem Magnuson, Council voted 7-0 to repeal in its entirety Ordinance No. 91-4-31; thereby rescinding Specific Use Permit No. 110 for the additional use of Private Club on one lot on 0.1± acre of land, located on the east side of Coit Road, 475± feet north of Park Boulevard in the City of Plano, Collin County, Texas, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2007-39; and amending 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 to adopt Ordinance 2007-11-14. (Deputy Mayor Pro Tem Callison was away from the bench.)

Public Hearing and adoption of Ordinance No. 2007-11-15 as requested in Zoning Case 2007-40 – To repeal in its entirety Ordinance No. 88-12-23; thereby rescinding Specific Use Permit No. 111 for the additional use of Private Club on one lot on 0.1± acre of land, located on the north side of Plano Parkway, 1,100± feet east of Alma Drive in the City of Plano, Collin County, Texas, and amending 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. Applicant: City of Plano. [Regular Agenda Item (7)]

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

Ordinance No. 2007-11-15 (Cont')

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Ellerbe, Council voted 8-0 to repeal in its entirety Ordinance No. 88-12-23; thereby rescinding Specific Use Permit No. 111 for the additional use of Private Club on one lot on 0.1± acre of land, located on the north side of Plano Parkway, 1,100± feet east of Alma Drive in the City of Plano, Collin County, Texas, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2007-40; and amending 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 to adopt Ordinance 2007-11-15.

Public Hearing and adoption of Ordinance No. 2007-11-16 as requested in Zoning Case 2007-41 – To repeal in its entirety Ordinance No. 86-8-11; thereby rescinding Specific Use Permit No. 115 for the additional use of Private Club on one lot on 0.1± acre of land, located on the north side of Park Boulevard, 755± feet west of Ohio Drive in the City of Plano, Collin County, Texas, and amending 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. Applicant: City of Plano. [Regular Agenda Item (8)] (Planning and Zoning Commission recommend approval as submitted and as referenced in Regular Item 6)

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 Deputy Mayor Pro Tem Callison and seconded by Council Member Ellerbe, Council voted 8-0 to repeal in its entirety Ordinance No. 86-8-11; thereby rescinding Specific Use Permit No. 115 for the additional use of Private Club on one lot on 0.1± acre of land, located on the north side of Park Boulevard, 755± feet west of Ohio Drive in the City of Plano, Collin County, Texas, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2007-41; and amending 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 to adopt Ordinance 2007-11-16.

Public Hearing and adoption of Ordinance No. 2007-11-17 as requested in Zoning Case 2007-42 – To further amend Ordinance No. 86-11-32; thereby rescinding Specific Use Permit No. 123 for Private Club but retaining Specific Use Permit No. 126 for Arcade and Specific Use No. 127 for Day Care Center on one lot on 4.2± acres of land, located on the west side of K Avenue, 603± feet north of Park Boulevard in the City of Plano, Collin County, Texas, and amending 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. Applicant: City of Plano. [Regular Agenda Item (9)] (Planning and Zoning Commission recommend approval as submitted and as referenced in Regular Item 6)

Ordinance No. 2007-11-17 (Cont')

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 Mayor Pro Tem Magnuson and seconded by Council Member Ellerbe, Council voted 8-0 to further amend Ordinance No. 86-11-32; thereby rescinding Specific Use Permit No. 123 for Private Club but retaining Specific Use Permit No. 126 for Arcade and Specific Use No. 127 for Day Care Center on one lot on 4.2± acres of land, located on the west side of K Avenue, 603± feet north of Park Boulevard in the City of Plano, Collin County, Texas, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2007-42; and amending 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 to adopt Ordinance 2007-11-17.

Public Hearing and adoption of Ordinance No. 2007-11-18 as requested in Zoning Case 2007-43 – To repeal in its entirety Ordinance No. 93-11-22; thereby rescinding Specific Use Permit No. 125 for the additional use of Private Club on one lot on 0.1± acre of land, located on the west side of U.S. Highway 75, 768± feet south of Ruisseau Drive in the City of Plano, Collin County, Texas, and amending 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. Applicant: City of Plano. [Regular Agenda Item (10)] (Planning and Zoning Commission recommend approval as submitted and as referenced in Regular Item 6)

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 Deputy Mayor Pro Tem Callison and seconded by Council Member Johnson, Council voted 8-0 to repeal in its entirety Ordinance No. 93-11-22; thereby rescinding Specific Use Permit No. 125 for the additional use of Private Club on one lot on 0.1± acre of land, located on the west side of U.S. Highway 75, 768± feet south of Ruisseau Drive in the City of Plano, Collin County, Texas, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2007-43; and amending 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 to adopt Ordinance 2007-11-43.

Public Hearing and adoption of Ordinance No. 2007-11-19 as requested in Zoning Case 2007-44 – To repeal in its entirety Ordinance No. 94-8-12; thereby rescinding Specific Use Permit No. 136 for the additional use of Private Club on one lot on 0.1± acre of land, located at the southwest corner of Preston Road and Park Boulevard in the City of Plano, Collin County, Texas, and amending 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. Applicant: City of Plano. [Regular Agenda Item (11)] (Planning and Zoning Commission recommend approval as submitted and as referenced in Regular Item 6)

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

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Johnson, Council voted 8-0 to repeal in its entirety Ordinance No. 94-8-12; thereby rescinding Specific Use Permit No. 136 for the additional use of Private Club on one lot on 0.1± acre of land, located at the southwest corner of Preston Road and Park Boulevard in the City of Plano, Collin County, Texas, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2007-44; and amending 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 to adopt Ordinance 2007-11-19.

Public Hearing and adoption of Ordinance No. 2007-11-20 as requested in Zoning Case 2007-45 – To repeal in its entirety Ordinance No. 88-5-29; thereby rescinding Specific Use Permit No. 153 for the additional use of Private Club on one lot on 3.7± acres of land, located on the north side of Plano Parkway, 251± feet east of Preston Road in the City of Plano, Collin County, Texas, and amending 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. Applicant: City of Plano. [Regular Agenda Item (12)] (Planning and Zoning Commission recommend approval as submitted and as referenced in Regular Item 6)

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

Ordinance No. 2007-11-20 (Cont')

Upon a motion made by Deputy Mayor Pro Tem Callison and seconded by Mayor Pro Tem Magnuson, Council voted 8-0 to repeal in its entirety Ordinance No. 88-5-29; thereby rescinding Specific Use Permit No. 153 for the additional use of Private Club on one lot on 3.7± acres of land, located on the north side of Plano Parkway, 251± feet east of Preston Road in the City of Plano, Collin County, Texas, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2007-45; and amending 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 to adopt Ordinance 2007-11-20.

Public Hearing and adoption of Ordinance No. 2007-11-21 as requested in Zoning Case 2007-46 – To repeal in its entirety Ordinance No. 89-1-15; thereby rescinding Specific Use Permit No. 154 for the additional use of Private Club on one lot on 0.1± acre of land, located on the east side of U.S. Highway 75, 794± feet north of Plano Parkway in the City of Plano, Collin County, Texas, and amending 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. Applicant: City of Plano. [Regular Agenda Item (1 3)] (Planning and Zoning Commission recommend approval as submitted and as referenced in Regular Item 6)

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 Mayor Pro Tem Magnuson and seconded by Council Member Johnson, Council voted 8-0 to repeal in its entirety Ordinance No. 89-1-15; thereby rescinding Specific Use Permit No. 154 for the additional use of Private Club on one lot on 0.1± acre of land, located on the east side of U.S. Highway 75, 794± feet north of Plano Parkway in the City of Plano, Collin County, Texas, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2007-46; and amending 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 to adopt Ordinance 2007-11-21.

Resolution No. 2007-11-22(R) of the City Council of the City of Plano, Texas, to cast its ballot for the election of members to the Collin County Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date. [Regular Agenda Item (14)]

City Manager Muehlenbeck spoke to there being 357 votes to cast and earlier direction regarding Roy Wilshire.

Resolution No. 2007-11-22(R) (Cont')

Upon a motion made by Mayor Pro Tem Magnuson and seconded by Council Member Ellerbe, the Council voted 8-0 to cast its ballot for the election of members to the Collin County Central Appraisal District Board of Directors under the provision of the Property Tax Code for Roy Wilshire; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date; and further to adopt Resolution No. 2007-11-22(R)

Resolution No. 2007-11-23(R) of the City Council of the City of Plano, Texas, to cast its ballot for the election of members to the Denton Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date. [Regular Agenda Item (15)]

City Manager Muehlenbeck spoke the City of Plano having 19 votes to cast.

Upon a motion made by Council Member Stahel and seconded by Mayor Pro Tem Magnuson, the Council voted 8-0 to cast its ballot for the election of members to the Denton Central Appraisal District Board of Directors under the provision of the Property Tax Code for Pearl Ford of the Town of Trophy Club; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date; and further to adopt Resolution No. 2007-11-23(R).

There being no further discussion, Mayor Evans adjourned the meeting at 8:57 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary