

PLANO CITY COUNCIL
November 25, 2002

COUNCIL MEMBERS

Pat Evans, Mayor
Phil Dyer, Mayor Pro tem
Steve Stovall, Deputy Mayor Pro tem
Shep Stahel
Scott Johnson
Sally Magnuson
Jim McGee
Ken Lambert

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 meeting into open session on Monday, November 25, 2002, at 7:17 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 McGee.

The invocation was led by Pastor Millard Harvey of the Restoration Center Church of God & Christ.

The Pledge of Allegiance was led by Junior Girl Scout Troop 269 from Shepard Elementary.

City Manager Muehlenbeck recognized Fire Chief Peterson for 20 years of service with the City of Plano. Mayor Evans recognized City Manager Muehlenbeck for 15 years of service with the City.

Receive City Manager's response to comments of public interest made at a previous Council meeting. Council may discuss and provide direction on the following item(s):

A: Dog Park and Animal Services Issues

City Manager Muehlenbeck provided responses to comments received on November 11, 2002, regarding the Dog Park and Animal Services Issues, advising that the City of Plano parks are open to the public and all citizens including non-Plano residents, the Parks and Recreation Department is responsible for maintenance of the Dog Park, that volunteers will be recruited to assist in the maintenance of the park, Animal Services Staff will monitor the park and promote proper usage and that opportunities for pet ownership education will be explored. He further advised that the park ordinance addresses the use of facilities and that other laws may be applicable, stating that if there is a perceived threat, the Police should be notified.

Mr. Muehlenbeck spoke to concerns regarding how the tracking of euthanasia drugs will be addressed in the standard operating manual being developed. He advised that the manual will be provided prior to the Animal Shelter Advisory Committee's meeting of December 3, 2002, that comments should be received prior to December 6 for possible inclusion and that implementation is anticipated on December 9 or 16. Mr. Muehlenbeck advised that the manual may be modified as needed and it will contain guidance for all Animal Services Staff regarding shelter, administrative, kennel/veterinary and field operations.

Mr. Muehlenbeck stated that on August 6, 2002, Plano Animal Services notified the Police Department that a bottle of "Fatal Plus" may be missing, that it was found that the bottle had not been taken, but had not been properly logged and that the case was cleared as unfounded on September 6, 2002. He advised that in early October 2002 the Police Department began a joint investigation with the Drug Enforcement Administration (DEA) which revealed inaccurate entries into the records with no indication they were made to divert any of the drug. Mr. Muehlenbeck advised that the Collin County District Attorney's Office reviewed the investigation and found insufficient information to support a decision to go forward with prosecution, that according to the DEA "Fatal Plus" has not been identified as having any value as a street drug, and that the DEA has requested a biennial inventory of drug stocks. He stated that Animal Control Officers inputting data are now required to initial the entry and that records are first reconciled between the log and kennel cards by the officer conducting the euthanasia, and again daily by a senior officer with the Animal Services Manager conducting spot checks. Mr. Muehlenbeck further stated that personnel issues resulting from the investigation cannot be discussed at this time.

GENERAL DISCUSSION

Stephanie LaNoue, citizen of the City, stated concern regarding the fees charged to "pull" dogs, stated that dogs are not treated with respect and spoke to concerns regarding the timing of heartworm testing.

Lisa Kristof, citizen of the City, stated concerns related to the Animal Shelter Advisory Committee meeting including the large number of proposed procedures to be considered and the scheduling of the next meeting. She spoke regarding there being no minutes on file, no e-mail addresses given out for citizen comments and in support of Staff listening to what is happening. Ms. Kristof requested the minutes be provided on the City's web site, and spoke regarding the board's 24-hour meeting notice and educating the Committee regarding meetings and minute-taking procedures. She spoke regarding policy/procedure recommendations from citizens that have not been considered.

DeAnne L. Rogers, citizen of the City, spoke to the purpose of the Animal Shelter Advisory Committee to assist the City and the Environmental Health Department in communicating awareness to the citizens of Plano in regards to the services, procedures and compliance with state regulations concerning the operation of the shelter in reviewing the programs/services and to make recommendations for improvements to better serve the community. She requested information on putting items on the Committee's agenda and City Attorney Wetherbee responded that she would check further, but believes it would be the chair's decision unless items are required by law. Ms. Rogers spoke to requests made by Staff for the committee to review temperament testing and City ordinances, and discussion of issues related to rabies shots. She spoke to having the committee meet more often.

The Council resumed discussion of the Preliminary Open Meeting.

Council discussion and possible action relating to contractual relationships with social services, cultural arts, and historic preservation agencies and other charitable entities including application requirements, contract provisions, percentage amount of funding, reporting requirements, etc.

Budget and Research Director Rhodes spoke to the current policy and reviewed the formalized application processes utilized for the Community Relations, Cultural Affairs and Heritage Commissions. She spoke regarding other agencies and advised that they are currently not eligible to receive funding under established commission guidelines, that they request funding throughout the year and that no one department or commission is responsible to ensure that all funding requirements have been met. Ms. Rhodes reviewed recommendations to broaden the Community Relations Commission to include all requested sponsored events in which funds are raised for charitable contributions with potential to benefit citizens, maintaining the \$1 per population allocation plus an increase in the amount currently provided for other agencies, and including the *Race for the Cure*, *Plano Forum*, and *Colon Cancer* requests. She spoke to broadening the Cultural Affairs Commission to encompass the *Plano Balloon Festival* and increasing funding by the current allocation amount.

Ms. Rhodes spoke to the Heritage Commission continuing to handle Historic Preservation Grants. She spoke to considering funding of outside agencies only during the annual budget process, having agencies apply through established commissions, individual departments continuing to act as liaisons with established commissions, transferring approval of funding distribution to the Budget and Research Department, requiring a check list be submitted, having approval contingent on receipt of required items and requiring agencies be federally tax exempt under Section 501(c)(3) of the Internal Revenue Code.

Mayor Pro tem Dyer spoke to the effects recommendations may have on funding for the Plano Balloon Festival. Council Member Lambert spoke to providing Council direction regarding the requirement that an agency submit a quarterly financial report. Ms. Rhodes responded to Deputy Mayor Pro tem Stovall stating that funding will not be approved unless required items are submitted. Council Member Stahel spoke to the City liaison making sure reports are submitted.

Ms. Rhodes advised Council Member Johnson that five-year reports are submitted by organizations. Council Member Magnuson spoke to long-range plans providing the City and commissioners an idea of the future goals of agencies. Council Member Lambert spoke to commissions using information from long-range plans as a tool in decision making. Mr. Johnson stated concern regarding requiring a long-range plan from social-service agencies and stated a preference to have it be an optional item. Ms. Rhodes spoke regarding those things that are required in order to provide funding but stated that the Council may wish to include additional items for use by commissions. Deputy Mayor Pro tem Stovall spoke to requesting input from the Community Relations Commission, Cultural Affairs Commission and Heritage Commission regarding those items they feel are required and bringing the item back for Council consideration.

Personnel Appointment - Heritage Commission

Upon a motion made by Council Member Magnuson and seconded by Council Member Stahel, the Council voted 7-0 to appoint W. Neely Plumb to an interim term on the Heritage Commission.

Council items for discussion/action on future agendas

Council Member Lambert spoke to bringing forward a resolution requiring all boards/commissions to have the same notice requirements as the Council. City Attorney Wetherbee spoke to the current resolution recognizing the discrepancy for non-decision making boards that are not required to comply with the Open Meetings Act and stated she could make a revision to require 72-hour posting.

Mayor Evans spoke to the Council receiving Police input and possible consideration of an ordinance addressing issues related to replica guns.

Council Reports

No items were discussed.

Consent, Statutory and Regular Agendas

Deputy Mayor Pro tem Stovall requested Consent Item "AA," Change Order to Tiseo Paving Company be pulled for individual consideration.

CONSENT AGENDA

Upon a motion made by Council Member Stahel and Mayor Pro tem Dyer, the Council voted 7-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows;

Approval of Minutes: [Consent Agenda Item (A)]

November 11, 2002

November 14, 2002

Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following:

Bid No. B147-02 for construction of Buffalo Bend Drive Drainage Improvements in the amount of \$468,299. [Consent Agenda Item (B)] (See Exhibit "A")

Bid No. B008-03 for a fixed-price contract for (4) Automated Refuse Trucks and (2) Solid Waste Collection Vehicles with Rear Load Bodies in the amount of \$928,354. [Consent Agenda Item (C)] (See Exhibit "B")

Bid No. B135-02 for a fixed-price contract for a Digital Video Projector for Council Chambers in the amount of \$45,384. [Consent Agenda Item (D)] (See Exhibit "C")

Bid No. B121-02 for Best Value Bid – High Density Mobile Shelving in the amount of \$39,407 for the Police Department Property Area. [Consent Agenda Item (E)] (See Exhibit "D")

Bid No. B003-03 for Uninterrupted Power Supply – Plano Municipal Center in the amount of \$159,261. [Consent Agenda Item (F)] (See Exhibit "E")

Bid No. B148-02 for the Shawnee Park Improvements Project in the amount of \$1,046,370. [Consent Agenda Item (G)] (See Exhibit "F")

Bid No. C9911-0333 for the purchase of Playground Equipment for Shawnee Park in the amount of \$55,033. [Consent Agenda Item (H)] (See Exhibit "G")

Bid No. B145-02 for the Russell Creek Greenbelt Extension in the amount of \$295,000. [Consent Agenda Item (I)] (See Exhibit “H”)

Bid No. B014-03 for median tree planting and irrigation, Project 5291 (Ohio Drive from Legacy Drive to Quincy Lane, Cloverhaven Way from Gardenbrook Way to Bright Star Way, Ventura Drive from Park Boulevard to first median north of Highland Drive, Los Rios Boulevard from 14th Street to Country Club Drive, and Shiloh Road from Park Boulevard to Royal Oaks Drive) in the amount of \$112,574. [Consent Agenda Item (J)] (See Exhibit “I”)

Bid No. B005-03 for the Carpenter Park Ballfield Lighting Renovations, Phase II, in the amount of \$293,000 [Consent Agenda Item (K)] (See Exhibit “J”)

Adoption of Resolutions

Resolution No. 2002-11-18(R): To authorize and approve the termination of a contract between the City of Plano and Jim Bowman Construction Company, L.P. (Bid No. B189-00) for the Target Berkeley Square Connector; authorizing the City Manager to execute any and all documents necessary to effectuate this action; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2002-11-19(R): To approve the terms and conditions of a real estate contract by and between the City of Plano, Texas, and Shahid Rasul and Afshan Rasul for the purchase of 1.225 acres of land, located on the east side of Jupiter Road, north of Morton Vale Road, in the City of Plano, Collin County, Texas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2002-11-20(R): To provide for the extension of the current impact fee program effective date until the 2002 update of the land use assumptions, capital improvements plan and impact fees for water and wastewater facilities is completed and adopted in accordance with Chapter 395 of the Texas Local Government Code; and providing an effective date. [Consent Agenda Item (N)]

Resolution No. 2002-11-21(R): To support an economic development cooperation compact with other municipalities within the Dallas/Ft. Worth Metropolitan Area; and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2002-11-22(R): To support an economic development cooperation compact with other municipalities within Collin County; and providing an effective date. [Consent Agenda Item (P)]

Resolution No. 2002-11-23(R): To approve the terms and conditions of an interlocal cooperation agreement by and between the City of Plano, Texas, and the North Central Texas Council of Governments providing terms and conditions for funding of the litter awareness and education campaign; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (Q)]

Resolution No. 2002-11-24(R): To approve the terms and conditions of an interlocal agreement by and between the City of Plano, Texas, and the Plano Independent School District for the operation of the Police/School Liaison Program at Frankford Middle School, 7706 Osage Plaza Parkway, Dallas, Texas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (R)]

Resolution No. 2002-11-25(R): To approve the terms and conditions of an interlocal agreement by and between the City of Plano, Texas and the Plano Independent School District; for the operation of the Police/School Liaison Program; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (S)]

Adoption of Ordinances

Ordinance No. 2002-11-26: To amend Section II of Ordinance No. 2001-9-12, 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 deletion from the “Water-service-pipe” and “Water-distribution-pipe” tables in the International Plumbing Code; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (T)]

Ordinance No. 2002-11-27: To amend Section I of Ordinance No. 2001-9-13, 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 deletion from the “Water Service, Supply and Distribution Piping” table in the International Residential Code and by adding language to modify Section 2904.5.1 of the International Residential Code to prohibit 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. 2002-11-28: To adopt and enact Supplement Number 59 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 (V)]

Ordinance No. 2002-11-29: To amend Section 12-102.5 of the Code of Ordinances of the City of Plano to prohibit parking along certain portions of J Avenue North of 16th Street; along both sides of Vontress Drive, between K Avenue and 14th Street; along both sides of 22nd Street for a distance of 150 feet east and 150 feet west of the rail line; providing a repealer clause, severability clause; a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (W)]

Ordinance No. 2002-11-30: To amend Section 12-112.5 of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to allow a maximum of 4 hour curbside loading zone for the north side of Vontress Drive, starting 10 feet west of the development garage wall, and extending 40 feet west; to allow bus-only curbside loading for both sides of J Avenue, just north of 16th Street adjacent to the DART station, providing a fine for criminal penalties not to exceed \$200 for each offense, and providing a repealer clause, severability clause, a savings clause, and an effective date. [Consent Agenda Item (X)]

Ordinance No. 2002-11-31: To amend Section 12-104 of the Code of Ordinances of the City of Plano to limit the duration of parking for K Avenue between Vontress Drive and 14th Street and 14th Street between Municipal Street and K Avenue, to four (4) hours maximum at any time; providing a repealer clause, severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (Y)]

Ordinance No. 2002-11-32: To determine the public use, need and necessity for the acquisition of fee simple title to a 6.048 acre (263,452 square feet) tract of land located on the east side of Morton Vale Road approximately 400 feet south of the intersection of Cloverhaven Way and Morton Vale Road, in the City of Plano, Collin County, Texas; for park purposes and for the purpose of constructing, reconstructing and maintaining street and highway facilities and related public improvements in the City of Plano, Collin County, Texas; authorizing the City Attorney, to file proceedings in eminent domain to acquire the needed real property; and providing an effective date. [Consent Agenda Item (Z)]

Purchase off of Existing Contract

To authorize City participation in the Houston-Galveston Area Council of Governments Inter-Local Contract Agreement (Contract No. AM02-04) for the purchase of one ambulance in the amount of \$118,048 and authorizing the City Manager to execute all documents necessary to effectuate this purchase. [Consent Agenda Item (BB)]

Approval of Reimbursement of Oversize Participation

To approve and authorize reimbursement to JMBF United, Inc. for oversize participation for paving and utility improvements associated with the construction of Timber Brook Farms in the amount of \$259,882. [Consent Agenda Item (CC)]

ITEMS FOR INDIVIDUAL CONSIDERATION:

Approval of Change Order - To Tiseo Paving Company, increasing the contract by \$35,519 for Los Rios Boulevard – 14th Street to Country Club Drive, Change Order No. 9 (Bid No. B9911-025). [Consent Agenda Item (AA)]

Deputy Mayor Pro tem Stovall spoke to the number of complaints received regarding this company and City Engineer Upchurch responded that he has relayed concerns to the contractor, and that there is no prequalification of bidders but that utilizing the “responsible bidder component” may be a factor in considering awarding of contracts. Mr. Upchurch advised regarding the resolution of citizens’ complaints and advised that contracts may be modified to include a larger amount of money for clean up, etc. so that contractors have an incentive to complete the agreement.

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Lambert, the Council voted 7-0 to approve a change order to Tiseo Paving Company, increasing the contract by \$35,519 for Los Rios Boulevard – 14th Street to Country Club Drive, Change Order No. 9.

Public Hearing and adoption of Ordinance No. 2002-11-33 to request to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 73 for commercial/industrial tax abatement consisting of a 7.073-acre tract of land located at 2609 Technology Drive #140, in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (1)]

Director of Finance McGrane advised that a Public Hearing should be held before establishing the reinvestment zone.

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 Stovall and seconded by Council Member Lambert, the Council voted 7-0 to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 73 for commercial/industrial tax abatement consisting of a 7.073-acre tract of land located at 2609 Technology Drive #140, in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date and further to adopt Ordinance No. 2002-11-33.

Resolution No. 2002-11-34(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Applied Concepts, Inc., and providing for a commercial/industrial tax abatement for Applied Concepts, Inc., and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (2)]

Resolution No. 2002-11-34(R) (cont'd)

Director of Finance McGrane advised that the proposed 40% real property and business personal property tax abatement on the improvements will be for five years beginning on January 1, 2003 and continuing through the year 2007.

Upon a motion made by Mayor Pro tem Dyer and seconded by Deputy Mayor Pro tem Stovall, the Council voted 7-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Applied Concepts, Inc., and providing for a commercial/industrial tax abatement for Applied Concepts, Inc., and authorizing its execution by the City Manager; and providing an effective date, and further to adopt Resolution No. 2002-11-34(R).

Public Hearing and adoption of Ordinance No. 2002-11-35 to find, after reasonable notice and hearing, that TXU Gas Distribution's rates and charges within the City should be changed; determining just and reasonable rates; adopting general service rates including rate adjustment provisions and miscellaneous service charges to be charged for sales and transportation of natural gas to residential, commercial and industrial customers; providing for recovery of rate case expenses; preserving regulatory rights of the City; providing for repeal of conflicting ordinances; and providing an effective date. [Regular Agenda Item (3)]

City Attorney Wetherbee advised that this item resulted from a request by TXU to increase rates effective in February 2003 and stated that as a result of negotiations, the agreement includes an increase of 1.63% (30% of the company's original request).

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 Mayor Pro tem Dyer, the Council voted 7-0 to find, after reasonable notice and hearing, that TXU Gas Distribution's rates and charges within the City should be changed; determining just and reasonable rates; adopting general service rates including rate adjustment provisions and miscellaneous service charges to be charged for sales and transportation of natural gas to residential, commercial and industrial customers; providing for recovery of rate case expenses; preserving regulatory rights of the City; providing for repeal of conflicting ordinances; and providing an effective date; and further to adopt Ordinance No. 2002-11-35

Public Hearing and adoption of Ordinance No. 2002-11-36 as requested in Zoning Case 2002-40 - To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit (SUP) No. 480 so as to allow the additional use of a Private Club in conjunction with an existing restaurant on 0.1± acre, 245± feet east of Alma Road, 235± feet south of Parker Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-69-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. Neighborhood #47. Applicant: PM Realty Group [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 reviewed other specific use permits in the area.

Mayor Evans opened the Public Hearing. Debra Puckett, representing the applicant, spoke regarding plans for the restaurant. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Magnuson, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit (SUP) No. 480 so as to allow the additional use of a Private Club in conjunction with an existing restaurant on 0.1± acre, 245± feet east of Alma Road, 235± feet south of Parker Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-69-Retail; as requested in Zoning Case 2002-40 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. 2002-11-36.

Public Hearing and adoption of Ordinance No. 2002-11-37 as requested in Zoning Case 2002-45 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 481 so as to allow the additional use of a Private Club in conjunction with a proposed restaurant on 0.2± acre, on the west side of U.S. Highway 75, 2,200± feet south of Heritage 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 . Neighborhood #36. Applicant: Central TLC, Ltd. [Regular Agenda Item (5)]

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.

Ordinance No. 2002-11-37 (cont'd)

Upon a motion made by Council Member Stahel and seconded by Mayor Pro tem Dyer, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 481 so as to allow the additional use of a Private Club in conjunction with a proposed restaurant on 0.2± acre, on the west side of U.S. Highway 75, 2,200± feet south of Heritage Drive in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; as requested in Zoning Case 2002-45 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. 2002-11-37.

Public Hearing and adoption of Ordinance No. 2002-11-38 as requested in Zoning Case 2002-53 - To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit (SUP) No. 482 so as to allow the additional use of an Arcade on one lot on 2.4± acres on the south side of 14th Street, 500± feet east of Jupiter Road in the City of Plano, Collin County, Texas; presently zoned Retail and Planned Development-24-Light 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. Neighborhood #68. Applicant: Plano Lanes, Inc./All Star Skate [Regular Agenda Item (6)]

Director of Planning Jarrell spoke to review of the request by the Planning and Zoning Commission, and regarding concerns of area neighborhoods about the arcade location and the entire building eventually being turned into an arcade. She advised that the commission recommended approval with the stipulation that the arcade must be an accessory use and not the primary use of the property. Ms. Jarrell responded to Council Member Lambert that the commission felt that requiring the use to be an accessory would keep it from becoming the primary use of the building. She advised that there is no percentage-of-use definition for accessory and City Attorney Wetherbee spoke to possible problems with enforcement. Council Member Stahel spoke in support of developing a better definition.

Mayor Evans opened the Public Hearing. Alisa Scroggins, representing the applicant, reviewed plans for the skating rink, competition in the area of children's entertainment, and responded to Mayor Pro tem Dyer that more than five machines would be helpful to her business. No one else spoke either for or against the request. The Public Hearing was closed.

Ordinance No. 2002-11-38 (cont'd)

Ms. Jarrell stated that current arcade facilities have no restrictions and spoke regarding enforcement. Mayor Pro tem Dyer stated concern that another user may convert the facility to an adult arcade. Ms. Jarrell responded to Council Member Magnuson stating that this permit would not allow another user to come in and make the entire building an arcade. She responded to Council Member Lambert regarding an arcade request in the area that was denied.

City Attorney Wetherbee advised regarding the criminal nuisance statute covering certain offenses and allowing a shut down of the business and stated that another option would be to review zoning when there is a change in condition. She stated that ownership issues would not be a factor. Council Member Stahel spoke in opposition to the request, stating concern with a specific use permit that would allow 13,000 square feet of arcade use and requested more clarification on limitations.

Council Member Johnson spoke to the arcade being an entertainment component and stated that the designation of accessory use would provide a limiting factor. Council Member Magnuson spoke to the applicant acting in "good faith" and to limiting some businesses and not others. Mayor Evans spoke to the accessory use being part of the definition. Deputy Mayor Pro tem Stovall spoke in support of the request.

Council Member Lambert spoke to Staff being unable to keep up with changes that might be made in the future, stated that the arcade could end up being accessory to another use, and spoke regarding the number of letters received in opposition. Mayor Pro tem Dyer spoke to sending the item back to the Planning and Zoning Commission to develop a definition of accessory use.

Jack Scroggins, representing the applicant, requested an "even hand."

Council Member Johnson spoke to this request being restrictive when compared to other establishments.

A motion was made by Council Member Johnson and seconded by Deputy Mayor Pro tem Stovall to approve the request, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit (SUP) No. 482 so as to allow the additional use of an Arcade on one lot on 2.4+ acres on the south side of 14th Street, 500± feet east of Jupiter Road in the City of Plano, Collin County, Texas; as requested in Zoning Case 2002-53 and as recommended by the Planning and Zoning Commission; presently zoned Retail and Planned Development-24-Light 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; and further to adopt Ordinance No. 2002-11-38. The Council voted 4-3 with Mayor Pro tem Dyer and Council Members Stahel and Lambert voting in opposition. The motion carried.

Public Hearing and adoption of Ordinance No. 2002-11-39 as requested in Zoning Case 2002-54 - To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit (SUP) No. 483 so as to allow the additional use of a New Car Dealer on one lot on 9.3± acres on the west side of the Dallas North Tollway, 1,360± feet north of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Planned Development-220-Regional Commercial (PD-220-RC); 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 #52. Applicant: Sewell Village Cadillac [Regular Agenda Item (7)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted and stated that homeowner concerns regarding noise, light and traffic.

Mayor Evans opened the Public Hearing. William Cothran, representing the applicant spoke to contact made with those in opposition. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Lambert and seconded by Mayor Pro tem Dyer, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit (SUP) No. 483 so as to allow the additional use of a New Car Dealer on one lot on 9.3± acres on the west side of the Dallas North Tollway, 1,360± feet north of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Planned Development-220-Regional Commercial (PD-220-RC); as requested in Zoning Case 2002-54 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. 2002-11-39.

Public Hearing and adoption of Ordinance No. 2002-11-40 as requested in Zoning Case 2002-55 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 23.0± acres north of Ridgeview Drive, 1,100± feet west of Independence Parkway in the City of Plano, Collin County, Texas from Planned Development-479-Office-2 (PD-479-O-2) to Planned Development-479-Office-2/Single-Family-Attached (PD-479-O-2/SF-A); 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 #2. Applicant: Tom Clark [Regular Agenda Item (8)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request subject to:

Ordinance No. 2002-11-40 (cont'd)

The site shall be developed in its entirety as either O-2 or SF-A uses subject to stipulations #1 and #2 as follows:

1. If developed as O-2, the following stipulations shall apply:
 - a. Maximum height of six stories for office structures, with a maximum height of two stories at or above grade for parking structures;
 - b. Maximum FAR of 0.7:1;
 - c. Maximum lot coverage of 30%; up to 40% with structured parking;
 - d. A 30-foot wide landscape area, measured from the property line, shall be provided along Ridgeview Drive; and
 - e. Monument signs, eight feet or less in height, shall be required.
2. If developed as SF-A, the base development standards of the SF-A district shall apply.

Ms. Jarrell advised that primarily letters in opposition stated a concern regarding existing office development and commercial development in the Highway 121 corridor and advised that the proposed stipulations are the same as those currently in place for O-2 zoning.

Mayor Evans opened the Public Hearing. Kirk Williams, representing Pasquinelli Portrait Homes, requested approval of the request. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Lambert and seconded by Mayor Pro tem Dyer, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 23.0± acres north of Ridgeview Drive, 1,100± feet west of Independence Parkway in the City of Plano, Collin County, Texas from Planned Development-479-Office-2 (PD-479-O-2) to Planned Development-479-Office-2/Single-Family-Attached (PD-479-O-2/SF-A); as requested in Zoning Case 2002-55 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. 2002-11-40.

Public Hearing - Zoning Case 2002-37 - Request to amend the Zoning Ordinance, Subsection 2-502 (Schedule of Permitted Uses) of Section 2-500 (Permitted Uses) and Subsection 2-818 (Downtown/Business Government District) of Section 2-800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Zoning Ordinance pertaining to allowable uses and development standards within the Downtown Business/Government (BG) district. Applicant: City of Plano [Regular Agenda Item (9)]

Director of Planning Jarrell advised the Council that Staff requests tabling of the request until the December 9, 2002 meeting.

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Magnuson, the Council voted 7-0 to table the request - Zoning Case 2002-37 - Request to amend the Zoning Ordinance, Subsection 2-502 (Schedule of Permitted Uses) of Section 2-500 (Permitted Uses) and Subsection 2-818 (Downtown/Business Government District) of Section 2-800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Zoning Ordinance pertaining to allowable uses and development standards within the Downtown Business/Government (BG) district until the December 9, 2002 Council meeting.

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

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary