

PLANO CITY COUNCIL
November 28, 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 Preliminary Open Meeting directly into the Regular Session on Monday, November 28, 2005, at 7:05 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 Callison.

The invocation was led by Rabbi Stefan Weinberg of Congregation Anshai Torah.

The Pledge of Allegiance was led by Boy Scout Troop 285 with St. Mark's Catholic Church.

Mayor Evans presented a proclamation recognizing National Adoption Month – 2005 and gave special recognition to the Plano Police Department School Crime Stoppers Program, Purchasing Division – Achievement of Excellence in Procurement Award, and Diane Palmer – President, National Purchasing Institute. Mayor Evans received a presentation from the Sci-Tech Discovery Center.

The Council resumed discussion of the Preliminary Open Meeting at this time.

DART Status Report

DART Board of Directors representative Pope advised that the fiscal year ended ahead of budget in sales tax collection. He spoke to work done on the 2030 System Plan, continuing discussions on the regional rail policy, defining the Trinity Rail Express and spoke regarding the increase in rider ship on busses and light rail.

GENERAL DISCUSSION

Jack Lagos, citizen of the City, spoke to money received by the Arts of Collin County Foundation and the need for accountability and requested an agenda item. He spoke to an agreement not including the spending of monies for a fundraising feasibility study, funds spent with The Kellogg Organization and concerns regarding the loan agreement and monies paid to a board member of the Arts of Collin County.

BOARD/COMMISSION REPORTS

Tax Increment Financing Reinvestment Zone No. 1 and No. 2 Boards

Director of Finance McGrane advised that the Tax Increment Financing (TIF) Reinvestment Zone No. 1 and No. 2 Boards are oversight committees advisory to the Council. He stated that the zones receive revenues for public projects from the incremental increase in property taxes from development and enhanced property values. Mr. McGrane reviewed the boundaries of TIF #1, stated that the public improvements for this zone include a parking garage for the Shops at Willow Bend Mall and a training facility for the Plano Independent School District (PISD). He advised regarding funds collected thus far and stated that once the facilities are paid for, the zone will be dissolved.

Mr. McGrane advised that the projects initially established in TIF #2 were a multipurpose facility for PISD which has been purchased, the Courtyard Theater for which the City advanced funds and will be reimbursed and the Cox Administration Building. He spoke to consideration of Rice Field and advised that this zone will run for fifteen years as there are other projects that might be funded.

Mr. McGrane responded to the Council stating that TIF #1 would be paid ahead of schedule and that the developer paid for and built the parking facility and that the City is repaying from TIF funds as they come in. He advised that the TIF #1 board is not very active and that should additional projects arise, the boards would come before the Council for decision making. Mr. McGrane responded to Council Member Stahel that property values and revenues for TIF #2 are higher than originally projected.

CONSENT AGENDA

Council Member Stahel advised that he would be stepping down on Consent Agenda Item "I" due to a possible conflict of interest.

Council Member LaRosiliere requested that Consent Agenda Item "J" be removed for individual consideration.

Mayor Pro Tem Lambert requested that Consent Agenda Item "T" be removed for individual consideration.

Council Member Magnuson advised that she would be stepping down on Regular Agenda Item "9" due to a possible conflict of interest.

Upon a motion made by Deputy Mayor Pro Tem Johnson and seconded by Council Member Ellerbe, 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 10, 2005
November 14, 2005
November 16, 2005

Approval of Expenditures

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

Bid No. 2006-18-C Repair Clamps and Couplings to Municipal Water Works for bid line items 1, 2 and 20 for a value of \$28,780 and Ferguson Water Works for bid line items 3 through 19 and 21 through 32 for a value of \$17,569 in the estimated annual amount of \$46,348. This will establish a one-year contract with two optional one-year renewals. (Consent Agenda Item "B") [See Exhibit (A)]

Bid No. 2006-14-C for an annual contract for Purchase and Delivery of Bulk Fuel to Martin Eagle Oil Company Inc. in the estimated annual amount of \$168,000. This will establish a one-year contract with four optional one-year renewals. (Consent Agenda Item "C") [See Exhibit (B)]

Bid No. 2005-269-C for Environmental Waste Truck Parts to Heil of Texas, Western Refuse & Recycling Equipment, Inc. and SWS in the estimated annual amount of \$258,462. This will establish an annual fixed-price contract with two optional one-year renewals. (Consent Agenda Item "D") [See Exhibit (C)]

Bid No. 2006-13-B for Dump Trucks from Southwest International Trucks Inc. in the amount of \$197,860. (Consent Agenda Item "E") [See Exhibit (D)]

Bid No. 2006-12-B for one (1) Heavy Duty Skid Steer Loader with Rubber Tracks from Bobcat of McKinney for Municipal Drainage Operations in the amount of \$35,247. (Consent Agenda Item "F") [See Exhibit (E)]

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 twelve (12) Chevrolet ½ ton Extended Cab Hybrid Pickups to be utilized in various City Departments in the amount of \$248,617 from Caldwell Country Chevrolet through the Texas Building and Procurement Commission contract and authorizing the City Manager to execute all necessary documents (TBPC #070-A1) (Consent Agenda Item “G”)

To approve the terms and conditions of an engineering services contract by and between the City and Huitt-Zollars, Inc. in the amount of \$212,500 for Wyatt North Addition Paving and Water Project and authorizing the City Manager or his designee to execute all necessary documents. (Consent Agenda Item “H”)

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

To JRJ Paving, L.P., increasing the contract by \$96,767 for Hedgcoxe Widening and Improvements, Change Order No. 3. (Original Bid #B104-05) (Consent Agenda Item “K”)

Adoption of Resolutions

Resolution No. 2005-11-17(R): To state the City of Plano’s intent to apply for designation of the City as a “Preserve America” Community and to commit to protecting and celebrating heritage assets. (Consent Agenda Item “L”)

Resolution No. 2005-11-18(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 collection of property taxes, authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “M”)

Resolution No. 2005-11-19(R): To approve the purchase of SmartNet 800 MHz mobile, portable, and consolette radios from Motorola Communications and Electronics, Incorporated, a sole-source provider; authorizing the City Manager to take such action as necessary to effectuate the purchase; and providing an effective date. (Consent Agenda Item “N”)

Resolution No. 2005-11-20(R): To approve the terms and conditions of an Agreement by and between CommVault Systems, Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “O”)

Resolution No. 2005-11-21(R): To find Michael Rapplean, Gary Kirkwood and Tim Love are entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Percy Bennett v. City of Plano, Michael J. Rapplean, Gary Kirkwood and Tim Love; and providing an effective date. (Consent Agenda Item “P”)

Resolution No. 2005-11-22(R): To approve and authorize refunds of property tax overpayments; and providing an effective date. (Consent Agenda Item “Q”)

Resolution No. 2005-11-23(R): To approve an Access and Parking Easement Agreement between the City of Plano and the Plano Independent School District providing for parking and access drives on Renner Middle School property, for use associated with the Tom Muehlenbeck Center, authorizing execution of the Access and Parking Easement Agreement by the City Manager; and providing an effective date. (Consent Agenda Item “R”)

Resolution No. 2005-11-24(R): To approve the terms and conditions of a Service Agreement between the City of Plano and Physio-Control Corporation for inspection and maintenance services of the Fire Department’s Physio-Control Corporation manufactured biomedical equipment; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “S”)

Adoption of Ordinances

Ordinance No. 2005-11-25: To amend Article III, Property Maintenance Code, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano by adding Division 3, Registration and Inspection of Multi-Family Dwelling Complexes, to provide for procedures allowing registration and inspection of multi-family dwelling complexes; providing a penalty clause; a severability clause; a repealing clause; a publication clause and an effective date. (Consent Agenda Item “U”)

Ordinance No. 2005-11-26: To adopt and enact Supplement Number 72 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. 2005-11-27: To amend Ordinance No. 2005-9-23 to correct Exhibit “A” which listed the incorrect number of Fire Captain positions and incorrect Assistant Fire Chief compensation in the original ordinance; and providing a repealer clause, a severability clause, and an effective date. (Consent Agenda Item “W”)

END OF CONSENT

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

Purchase from Existing Contract/Agreement: To authorize the purchase of a service contract for network infrastructure switches in the amount of \$140,532 from Internetwork Experts through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR-BUSOP-012). (Consent Agenda Item “T”)

Upon a motion made by Council Member Magnuson and seconded by Council Member Ellerbe, the Council voted 6-0 to authorize the purchase of a service contract for network infrastructure switches in the amount of \$140,532 from Internetwork Experts through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents.

Council Member Stahel resumed his place at the bench.

Approval of Contract: To approve an Agreement for Professional Services by and between the City of Plano, Texas and the Bellsnyder Group for Legislative Services in the amount of \$30,000. (Consent Agenda Item “J”)

Executive Director Turner responded to Council Member LaRosiliere, stating that the contract would provide a liaison between the City and members of the state legislature and provide representation in pursuing the City’s legislative program. He stated that the majority of the communication would be between Staff and Mr. Bellsnyder and that periodic reports would be provided to the Council. Mr. Turner stated that the City’s permission would be required for Mr. Bellsnyder to enter into a contract with another entity.

Upon a motion made by Council Member Ellerbe and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 7-0 to approve an Agreement for Professional Services by and between the City of Plano, Texas and the Bellsnyder Group for Legislative Services in the amount of \$30,000.

Resolution No. 2005-11-28(R): To approve the terms and conditions of a development agreement for Plano-Rice Field Redevelopment Project by and between Lexington Luxury Builders, LLC and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “T”)

Mayor Pro Tem Lambert advised that he would be voting in opposition to the item.

A motion was made by Council Member LaRosiliere and seconded by Council Member Magnuson to approve the terms and conditions of a development agreement for Plano-Rice Field Redevelopment Project by and between Lexington Luxury Builders, LLC and the City of Plano; authorizing its execution by the City Manager; and providing an effective date and further to adopt Resolution No. 2005-11-28(R). The Council voted 6-1 with Mayor Pro Tem Lambert voting in opposition.

Public Hearing 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 Jack Carter Park for a Communications Facilities License Agreement for cellular technology incorporated within the existing TXU Electric transmission tower. (Regular Agenda Item “1”)

Assistant to the City Manager Israelson stated that Staff recommends that there be resolution of two existing ground equipment sites in place without an agreement before approving a new project for Verizon Wireless. He spoke to ensuring that the use is reasonable and prudent, to providing a landscape buffer at the existing sites and receiving compensation for their use. Mr. Israelson advised that Regular Agenda Items 1-4 address the two existing sites.

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

Resolution No. 2005-11-29(R): To approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas and Dallas MTA, L.P., a Texas Limited Partnership, d/b/a Verizon Wireless, to locate, place, attach, install and operate telecommunications ground equipment in certain specific portions of the public rights-of-way in the City of Plano near Jack Carter Park identified as the Preston Meadow site; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “2”)

Upon a motion made by Council Member Ellerbe and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 7-0 to approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas and Dallas MTA, L.P., a Texas Limited Partnership, d/b/a Verizon Wireless, to locate, place, attach, install and operate telecommunications ground equipment in certain specific portions of the public rights-of-way in the City of Plano near Jack Carter Park identified as the Preston Meadow site; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2005-11-29(R).

Public Hearing 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 Preston Meadow Park – Wellington Site for a Communications Facilities License Agreement for cellular technology incorporated within the existing TXU Electric transmission tower. (Regular Agenda Item “3”)

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

Resolution No. 2005-11-30(R): To approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas and Dallas MTA, L.P., a Texas Limited Partnership, d/b/a Verizon Wireless, to locate, place, attach, install and operate telecommunications ground equipment in certain specific portions of the public rights-of-way in the City of Plano near Preston Meadow Drive identified as the Wellington site; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “4”)

Upon a motion made by Council Member Magnuson and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 7-0 to approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas and Dallas MTA, L.P., a Texas Limited Partnership, d/b/a Verizon Wireless, to locate, place, attach, install and operate telecommunications ground equipment in certain specific portions of the public rights-of-way in the City of Plano near Preston Meadow Drive identified as the Wellington site; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2005-11-30(R).

Purchase from Existing Contract/Agreement: To approve the terms and conditions of an engineering services contract by and between the City and Jacobs Civil, Inc. in the amount of \$1,289,300.00 for the Parker Road and U.S. 75 Interchange Design and authorizing the City Manager or his designee to execute all necessary documents. (Regular Agenda Item “5”)

City Engineering Upchurch reviewed schematics of the intersection, spoke to the rebuilding of the interchange to implement new connections and advised that pending Council approval, construction would begin Spring/Summer 2007. He spoke to the funding provided by the City, county and state.

Upon a motion made by Mayor Pro Tem Lambert and seconded by Council Member Ellerbe, the Council voted 7-0 to approve the terms and conditions of an engineering services contract by and between the City and Jacobs Civil, Inc. in the amount of \$1,289,300.00 for the Parker Road and U.S. 75 Interchange Design and authorizing the City Manager or his designee to execute all necessary documents.

Public Hearing and adoption of Ordinance No. 2005-11-31 as requested in Zoning Case 2005-26 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to amend Planned Development-65-Central Business-1, containing 75.03± acres of land located at the northeast and southeast corners of Dallas North Tollway and Legacy Drive in the City of Plano, Collin County, Texas, regarding signage and townhouse regulations and ground floor retail uses; 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 Jarrell spoke regarding the evolution of the Legacy Town Center area and stated that the amendments requested are related to ground floor retail uses, signage and townhouse driveways. She spoke to the Commission’s consideration of kiosks within the public right-of-way to be restricted to directory maps and notices of upcoming events but no commercial advertising. Ms. Jarrell advised that she recommended the maximum height of kiosks would be 15 feet and that the Planning and Zoning Commission recommended approval as follows (Additions are in bold and underlined and deletions are struck through):

Specific Provisions of the Planned Developments

1. Building Design

- a. **On the south side of Legacy Drive**, buildings fronting on ~~the Retail Blvd. (Road “A” on zoning exhibit)~~ Bishop Road must be designed to accommodate ground floor retail uses **from Legacy Drive south to Martin Road. On the north side of Legacy Drive, retail, office, and live/work space is allowed on the ground floor of all multifamily buildings but is not required.** Ground floor activities of nonresidential buildings shall be oriented to the street and shall have access directly from the street. Ground floor is defined as that portion of a building from the street-level finish floor elevation and extending 12.5 feet above the street-level finish floor elevation.

Ordinance No. 2005-11-31 (cont'd)

2. Residential Development Standards

c. Standards relating to single-family residence attached development

xviii. Rear entry drives are required. The distance from the garage to the travel lane of the alley shall be ~~five~~ **ten** or less feet in length or shall be 20 feet or greater in length. The distance from the garage to the mews street shall be in accordance with the attached mews street section.

6. Signage Regulations

In addition to signs permitted by Section 3.1600 of the Zoning Ordinance, the following additional signs and/or revised sign definitions and standards are permissible:

Freestanding Identification Sign - Freestanding identification signs may be installed at the ~~locations specified on the attached zoning exhibit~~ **following locations** and shall comply with the Dallas North Tollway Overlay District signage requirements.

- **The intersections of Type D and larger thoroughfares**
- **The intersection of Bishop Road and Type D and larger thoroughfares**

Freestanding identification signs are exempt from the requirement that they be located at least 30 feet from a private property line.

Portals - General

- A portal is an entry feature, which may be freestanding, span across an area, or attached to a building or structure.
- Portals may be located at the **following** locations, ~~specified on the attached zoning exhibit.~~

- 1. The intersections of Bishop Road and Type D and larger thoroughfares**
- 2. The intersection of Henry Cook Boulevard and Parkwood Boulevard.**

- Portals which span across the public right-of-way may be erected subject to city approval.

Ordinance No. 2005-11-31 (cont'd)

Directory Map

a. General

- A directory map is a noncommercial map listing the occupants within a shopping center, retail district, office district, or commercial site.
- A directory map may be freestanding, mounted to a wall, mounted to a vertical support, **incorporated into a kiosk**, or anchored within the public right-of-way.
- A directory map is used to provide wayfinding information for pedestrians.

b. Sign Size - a directory map, mounted to a vertical support, shall not exceed ~~eight~~ **40** square feet.

Kiosks

a. General

- **Freestanding kiosk structures may be anchored within the public right-of-way or erected on individual lots. If anchored in the public right-of-way, kiosks are limited to 15 feet in height, and all accessibility and visibility requirements must be met for public sidewalks and streets. A maximum of four freestanding kiosks may be installed in the public right-of-way, two in the portion of the PD district south of Legacy Drive and two in the portion north of Legacy Drive.**
- **Kiosks in the public right-of-way may display directory maps, artwork, or messages that pertain to the district or special events but shall not be used for commercial advertising signs. Kiosks located on private property may display commercial advertising signs.**

b. Sign Size - Signage on all kiosks shall not exceed 40 square feet in the public right-of-way. Signage on kiosks located on private property may not exceed 60 square feet. For multiple-sided kiosks, the gross surface area of each side shall not exceed two times the allowable square footage divided by the number of sign faces.

Ms. Jarrell responded to Mayor Pro Tem Lambert that the kiosks do not violate the City's sign ordinance since they are not temporary or directional in nature. She further advised this request encompasses these modifications only and that a future case is being considered to allow for more apartment units. Ms. Jarrell spoke to the kiosks in the right-of way being visible and easy for pedestrian use and advised regarding their size.

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

Ordinance No. 2005-11-31 (cont'd)

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to amend Planned Development-65-Central Business-1, containing 75.03± acres of land located at the northeast and southeast corners of Dallas North Tollway and Legacy Drive in the City of Plano, Collin County, Texas, regarding signage and townhouse regulations and ground floor retail uses as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2005-26; 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. 2005-11-31.

Public Hearing and adoption of Ordinance No. 2005-11-32 as requested in Zoning Case 2005-39 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 4.2± acres located at the southeast corner of Legacy Drive and Preston Meadow Drive in the City of Plano, Collin County, Texas, from Single-Family Residence-7 to Neighborhood Office; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: DMC Mazal, Ltd. (Regular Agenda Item “7”)

Director of Planning Jarrell advised the Council that the requested zoning is compatible and will compliment other uses in the area. She stated that the Planning and Zoning Commission recommended approval as submitted.

Mayor Pro Tem Lambert spoke to denial of similar requests in the vicinity of this case and stated that considering the history in this area he would be voting in opposition. Mayor Evans and Council Members Ellerbe and LaRosiliere spoke to a previous case which was adjacent to residential zoning and the opposition by homeowners. They spoke to the lack of opposition to this case.

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

A motion was made by Council Member Magnuson and seconded by Council Member LaRosiliere to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 4.2± acres located at the southeast corner of Legacy Drive and Preston Meadow Drive in the City of Plano, Collin County, Texas, from Single-Family Residence-7 to Neighborhood Office as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2005-39; 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. 2005-11-32. The Council voted 6-1 with Mayor Pro Tem Lambert voting in opposition.

Public Hearing and adoption of Ordinance No. 2005-11-33 as requested in Zoning Case 2005-40 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 570 so as to allow the additional use of Automobile Leasing/Renting on 0.1± acre of land located within the Shops of Willow Bend Mall, 547± feet east of Plano Parkway and 733± feet south of Chapel Hill Boulevard in the City of Plano, Collin County, Texas, presently zoned Regional Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Brian Haigwood (Regular Agenda Item “8”)

Director of Planning Jarrell advised that the applicant is requesting to store cars and limousines in the parking lot of the Shops of Willow Bend Mall, that the mall has sufficient extra parking and that the specific use permit would be granted to the lease space and not the entire mall property. She further stated that the Planning and Zoning Commission recommended approval as submitted.

Mayor Evans opened the Public Hearing. Applicant Brian Haigwood spoke to the number of vehicles currently owned by the company and advised that no sales taxes would be collected. No one else 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 Magnuson, the Council voted 7-0 amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 570 so as to allow the additional use of Automobile Leasing/Renting on 0.1± acre of land located within the Shops of Willow Bend Mall, 547± feet east of Plano Parkway and 733± feet south of Chapel Hill Boulevard in the City of Plano, Collin County, Texas, presently zoned Regional Commercial as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2005-40; 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. 2005-11-33.

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

Public Hearing and adoption of Ordinance No. 2005-11-34 as requested in Zoning Case 2005-41 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 514 so as to allow the additional use of Day Care on 35.0± acres of land located at the northeast corner of Plano Parkway and Coit Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-128-Light Industrial-1; 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: Montessori New Beginnings Academy (Regular Agenda Item “9”)

Ordinance No. 2005-11-34 (cont'd)

Director of Planning Jarrell advised the Council that this request is for a day care center in the existing John Paul II High School and stated that because the facility would operate less than four hours per day the Planning and Zoning Commission waived the play space area requirements. She stated that the Commission recommended approval subject to the day care center being limited to the classroom space and outdoor play space as shown on the zoning exhibit.

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 Johnson and seconded by Council Member Stahel, the Council voted 6-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 514 so as to allow the additional use of Day Care on 35.0± acres of land located at the northeast corner of Plano Parkway and Coit Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-128-Light Industrial-1 as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2005-41; 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. 2005-11-34.

Council Member Magnuson resumed her place at the bench

Public Hearing and adoption of Ordinance No. 2005-11-35 as requested in Zoning Case 2005-42 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 18.4± acres located at the northeast corner of Headquarters Drive and Dallas North Tollway in the City of Plano, Collin County, Texas, from Central Business-1 to Planned Development-65-Central Business-1; 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: EDS Information Services, LLC. (Regular Agenda Item “10”)

Director of Planning Jarrell advised the Council that the request would continue the mixed-use, pedestrian-oriented and urban styled development of the Legacy Town Center to the property north of Headquarters Drive. She stated that the Planning and Zoning Commission recommended approval as submitted and responded to Mayor Pro Tem Lambert that no apartment units are being added.

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

Ordinance No. 2005-11-35 (cont'd)

Upon a motion made by Mayor Pro Tem Lambert and seconded by Council Member Magnuson, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 18.4± acres located at the northeast corner of Headquarters Drive and Dallas North Tollway in the City of Plano, Collin County, Texas, from Central Business-1 to Planned Development-65-Central Business-1 as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2005-42; 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. 2005-11-35.

Public Hearing and adoption of Ordinance No. 2005-11-36 as requested in Zoning Case 2005-44 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to eliminate Stipulation 2. Sub-Area B (Town Center) m. Phasing of Planned Development-20-Mixed Use and 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-163-Mixed Use with Specific Use Permit No. 553 for Private Club to Planned Development-20-Mixed Use with Specific Use Permit No. 553 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: City of Plano (Regular Agenda Item “11”)

Director of Planning Jarrell stated that when the Council considered a zoning case in October they called a Public Hearing with the intention of considering the phasing requirement within the PD-20, that if the phasing were removed then PD-163 would no longer be necessary since the only difference between the two was the phasing. She advised that this item would rejoin the properties under one cohesive zoning district and would encourage a more consistent zoning application over time and stated that the Planning and Zoning Commission recommended approval of the request as submitted.

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

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to eliminate Stipulation 2. Sub-Area B (Town Center) m. Phasing of Planned Development-20-Mixed Use and 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-163-Mixed Use with Specific Use Permit No. 553 for Private Club to Planned Development-20-Mixed Use with Specific Use Permit No. 553 for Private Club as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2005-44; 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. 2005-11-36.

There being no further discussion, Mayor Evans adjourned the meeting at 8:44 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary