

PLANO CITY COUNCIL
December 13, 2004

COUNCIL MEMBERS

Pat Evans, Mayor
Shep Stahel, Mayor Pro Tem
Ken Lambert, Deputy Mayor Pro Tem
Steve Stovall
Phil Dyer
Scott Johnson
Sally Magnuson
Jean Callison

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 Meeting on Monday, December 13, 2004, at 7:06 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 Dyer.

The invocation was led by Reverend Paul Goodrich of Custer Road United Methodist Church.

The Pledge of Allegiance was led by Boy Scout Troop 2819 of Prestonwood Baptist Church and the Men of Note performed for the Council.

Mayor Evans recognized Russian delegates, the Great American Clean Up T-Shirt Design Contest Winner and 2004 – MP3 Participants: Brian Collins, LaShon Ross, Casey Srader, Gay Schaffer, Robert Smouse and Christina Day. The City Council accepted the 2004 America’s Crown Communities Award by American City and County.

GENERAL DISCUSSION

Jack Lagos, citizen of the City spoke to adhering to language contained in bond ordinances which refer to the Performing Arts Center propositions and speak to “permanent public improvements within the City.” He further requested an agenda item to address the issue.

City Attorney Wetherbee advised that the controlling document is what the voters approved which was a public improvement for a creative arts facility and that it did not constrain itself to being in the City limits in the proposition or in related materials. Mr. Lagos spoke to the Council representing the people and passing an ordinance calling for permanent fixtures within the City. He further spoke to the ordinance being law unless it is rescinded or modified.

Mayor Evans spoke to the bond proposition approved by the voters allowing expenditure for the arts without being confined to the City. Deputy Mayor Pro Tem Lambert requested scheduling an Executive Session item for the December 21 Council meeting for discussion.

Discussion and Direction Regarding Open House Signs

Selso Mata, Chief Building Official, provided the Council with background information regarding the item including a request made by the Collin County Association of Realtors to allow for open house signs on private property. He reviewed the proposed guidelines including allowing the signs on private property with consent of the homeowner; limiting them to 8 square feet with a maximum 30-inch height; locating signs 15 feet behind the street curb to eliminate visibility problems and ensure signs are outside of City right-of-way; prohibiting them from the City right-of-way subject to removal; allowing signs on Saturday and Sunday between 9:00 a.m. and 5:00 p.m., including contact information along with a real estate license number, and he stated that a realtor would be allowed two open house signs per home each weekend.

Mr. Mata reviewed the pros of the amendments which would allow for better visibility of signs, aid prospective homebuyers and advertise the sale of property. He spoke to the cons including that multiple signs would be allowed on a lot; building, apartment, garage sale and open house signs would be allowed; visual clutter of signs will increase and he spoke to increased staff involvement and possible citations. Mr. Mata spoke to legal ramifications including the continued prohibition of other off-site commercial signs and stated Staff's recommendation to leave the sign ordinance in tact as it is with no amendment to open house sign provisions. He further recommended repealing the garage sale signage provisions.

Council Member Stovall spoke to the referendum in 1990 and to the pressure that may be placed on owners of corner lots to place signs on their properties. He spoke to tools on the internet that would direct prospective buyers to a location and to realtors looking for an alternate solution.

Mr. Mata responded to Deputy Mayor Pro Tem Lambert that the recommendations were developed by Staff without input from realtors and spoke to the difficulty of enforcement. City Manager Muehlenbeck advised that he had spoken with several realtors. Mr. Lambert spoke to sending the item back with the understanding that it could be brought forward for more discussion.

Mayor Evans spoke to citizens shopping for homes by driving through the community and to finding a balance so that the City is not so restrictive. She spoke to a possible task force. Deputy Mayor Pro Tem Lambert spoke to a restriction in the maximum number of signs that could be placed on a corner lot. Mr. Mata spoke to open house signs being considered differently than those for garage sales and regarding the legal interpretation involved. Mr. Lambert spoke to the sign referendum restricting sign placement in the public right-of-way.

City Attorney Wetherbee spoke to considering how to make guidelines content neutral. She spoke to the staffing needs and enforcement under proposed recommendations and to making policy decisions allowing for signs but having other considerations including how often, when and where.

Mayor Pro Tem Stahel spoke to providing a link on the City's web site directing interested parties to a site containing information regarding open houses. He spoke regarding Staff's recommendation to leave the current sign ordinance in tact and stated he would not be opposed to looking at future recommendations. Council Member Stovall spoke to the overwhelming passage of the 1990 sign referendum and to neighborhood regulations that may be more restrictive than those of the City.

City Attorney Wetherbee responded to Mayor Evans that there would be no inconsistency from a garage sale perspective if those provisions were left intact.

Deputy Mayor Pro Tem Lambert spoke to restrictions allowing signage in neighborhoods and to not having business signs. City Attorney Wetherbee spoke to enforcement of issues such as allowed times and sizes for signs and stated that there are higher thresholds to consider when addressing content. She spoke to enforcement on a complaint basis and to Staffing needs and judgment calls that might need to be made regarding size, height, content and location. Mr. Mata spoke to the number of signs currently collected on weekends. Ms. Wetherbee spoke to possible restrictions related to the distance a sign should be from the open house.

Mayor Evans spoke to members of Council working with Ms. Wetherbee and Mr. Mata along with a realtor group. Deputy Mayor Pro Tem Lambert advised he would work on the recommendations and spoke to keeping signage within a major neighborhood and to not advertising businesses. Mayor Pro Tem Stahel spoke to receiving written consent from the homeowners where the signs are located, setting neighborhood limits, establishing a fee to cover additional inspection costs and limiting the number of days the same house can be advertised.

Local Option Election Update

City Secretary Bealke advised the Council that Plano Citizens for Balanced Business has submitted petitions for verification for the purpose of calling an election on May 7, 2005, to remove the requirements for a private club permit (Unicard) and to designate current “dry” areas of the City as “wet” for beer and wine sales. She advised that the City has 30 days during which to verify the petitions and stated that if the petitions are verified an election order will be prepared for the January 24, 2005 Council meeting.

Personnel Appointments

Cultural Affairs Commission

Upon a motion made by Council Member Magnuson and seconded by Council Member Callison, the Council voted 7-0 to appoint Logan Sankaran to an interim term.

Tax Increment Financing Reinvestment Zone No. 1 Board

Upon a motion made by Council Member Stovall and seconded by Mayor Pro Tem Stahel, the Council voted 7-0 to reappoint Council Member Johnson as chair.

Tax Increment Financing Reinvestment Zone No. 2 Board

Upon a motion made by Council Member Stovall and seconded by Mayor Pro Tem Stahel, the Council voted 7-0 to appoint Council Member Dyer as chair.

Keep Plano Beautiful Commission

Upon a motion made by Council Member Magnuson and seconded by Council Member Stovall, the Council voted 7-0 to appoint Robert Rodriguez to an interim term.

Council Items for Discussion/Action on Future Agendas

Council Member Johnson requested an agenda item be scheduled to discuss aligning the policies and requirements for boards/commissions more closely with those of the Council. He stated that when Council members serve their full terms they must step away for one year before being reelected and spoke to considering a similar process for board members. He further requested discussion regarding boards/commissions receiving public input during their meetings. Council Member Stovall spoke in support of discussion and to inviting board members.

Mayor Pro Tem Stahel spoke to considering scheduling an agenda item in February or March 2005. Deputy Mayor Pro Tem Lambert spoke to providing a memo to the chair of each committee and Mayor Evans spoke to seeking input on other topics to discuss. Mayor Pro Tem Stahel spoke to providing a short survey.

Mayor Evans spoke to having Staff liaisons distribute information to board members regarding the discussion to be held at the February 22 Council meeting and to invite participation and input regarding additional topics for discussion.

Consent and Regular Agenda

Mayor Pro Tem Stahel and Council Member Stovall advised they would be stepping down on Consent Agenda Items “R,” a resolution to approve an agreement with Storage Technology Corporation and “Y,” an expenditure for the purchase of personal computers and laptops with related software from Gateway Companies, Inc. due to possible conflicts of interest.

Citizen Jack Lagos requested removal of Consent Agenda Item “G,” a resolution to approve the terms and conditions of a funding agreement between the Arts of Collin County Commission, Inc. and the City of Plano for individual consideration.

Council Reports

Mayor Pro Tem Stahel spoke to Deputy Mayor Pro Tem Lambert’s reappointment to the National League of Cities Transportation Committee and to his reappointment to the Board of Directors.

Mayor Pro Tem Stahel spoke to representing the Council at the kickoff of The Link Organization’s 10th Annual caravan spreading good cheer to several locations including the Collinworth Nursing Home.

CONSENT AGENDA

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Mayor Pro Tem Stahel, 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 18, 2004
November 22, 2004
December 7, 2004

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. C019-05 for Solar Powered Flashing Beacons in the estimated annual amount of \$23,320 for an annual contract with two City optional one-year renewals. [Consent Agenda Item (B)] (See Exhibit “A”)

Bid No. C009-05 for Repair Clamps and Couplings in the estimated annual amount of \$25,364 for an annual fixed price contract with two optional one-year renewals. [Consent Agenda Item (C)] (See Exhibit “B”)

Bid No. B008-05 for the Rowlett Creek Erosion Control Structure in the amount of \$248,600. [Consent Agenda Item (D)] (See Exhibit “C”)

Bid No. B016-05 for construction of Pecan Lane Paving and Sewer Improvements in the amount of \$439,923. [Consent Agenda Item (E)] (See Exhibit “D”)

Adoption of Resolutions

Resolution No. 2004-12-1(R): Regarding the change of the SH 190 designation which is used on the President George Bush Tollway frontage roads to State Loop 41; and providing an effective date. [Consent Agenda Item (F)]

Resolution No. 2004-12-2(R): To find that James Moss is entitled to defense representation pursuant to Section 2-10 of the Plano Code of Ordinances in connection with the matter of *MGT Concrete, Inc. v. James Moss*, and providing an effective date. [Consent Agenda Item (H)]

Resolution No. 2004-12-3(R): To authorize the City of Plano to enter into an agreement with AT&T Wireless Services, Inc., a wireless service provider (WSP), for the implementation and provision of Phase I E9-1-1 Service and Phase II E9-1-1 Service, in compliance with the FCC Order, as defined herein; authorizing the approval of payment by the City Manager; and providing an effective date. [Consent Agenda Item (I)]

Resolution No. 2004-12-4(R): To authorize the City of Plano to enter into an agreement with Cingular Wireless LLC, a wireless service provider (WSP), for the implementation and provision of Phase I E9-1-1 Service and Phase II E9-1-1 Service, in compliance with the FCC Order, as defined herein; authorizing the approval of payment by the City Manager; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2004-12-5(R): To approve the purchase of Systems Engineering Analysis by Motorola, Inc.; a sole-source provider, authorizing the City Manager to take such action as is necessary to effectuate the purchase; and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2004-12-6(R): To authorize the purchase of a service agreement from 3M Library Systems, suppliers of maintenance for 3M Equipment in the amount of \$38,160 for the Plano Public Library System; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2004-12-7(R): To approve the purchase of software and hardware maintenance for the Plano Public Library System for the Horizon System from Dynix, a sole source supplier of said services, in an amount not to exceed \$63,000; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2004-12-8(R): To approve the terms and conditions of an Economic Development Program Agreement by and between the City of Plano, Texas and Software Spectrum, Inc., a Delaware Corporation, to promote state and local economic development and to stimulate business and commercial activity in the City and County; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (N)]

Resolution No. 2004-12-9(R): To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2004-12-10(R): To approve the terms and conditions of a service agreement for MIR Centralized Irrigation Control Annual Supply to Interspec, L.L.C., the sole source vendor of such equipment and services; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement in an amount not to exceed \$60,000 annually from the Park Field Services budget; and providing an effective date. [Consent Agenda Item (P)]

Resolution No. 2004-12-11(R): To approve the terms and conditions of a service agreement for MIR Centralized Irrigation Control System Upgrade to Interspec, L.L.C., the sole source vendor of such equipment and services; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement in an amount not to exceed \$167,500 from the Technology Fund budget; and providing an effective date. [Consent Agenda Item (Q)]

Resolution No. 2004-12-12(R): To approve amendment #1 to the Local Transportation Project Advance Funding Agreement between the State of Texas and the City of Plano for Project CSJ: 0047-06-129, ramp improvement on US 75 from President George Bush Turnpike to Spring Creek Parkway; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (S)]

Adoption of Ordinances

Ordinance No. 2004-12-13: To amend Ordinance No. 2000-7-9 codified as Section 12-73 of Article IV (Speed) of Chapter 12 (Motor Vehicles and Traffic) of the City of Plano Code of Ordinances by deleting the school zone on Roundrock Trail from Cross Bend Road to Fountain Head Drive from Section 12-73(e) and amending Ordinance No. 99-9-29 codified as Section 12-73(b) to include a school zone on Roundrock Trail from Cross Bend Road to Fountain Head Road; providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause and an effective date. [Consent Agenda Item (T)]

Ordinance No. 2004-12-14: To amend Section 3-6 of Chapter 3 “Alcoholic Beverages” of the Code of Ordinances amending Subsection (a) and deleting Subsection (b); and providing repealing and severability clauses; providing an effective date. [Consent Agenda Item (U)]

Ordinance No. 2004-12-15: To amend Ordinance No. 2002-9-11 (Food Categories and Fees) as referenced in Section 9-107(c)(3)(a) of Chapter 9 of the Code of Ordinances to provide for updated permit and inspection fees; providing a repealer clause, a severability clause; a publication clause and an effective date. [Consent Agenda Item (V)]

Ordinance No. 2004-12-16: To amend sections of Ordinance No. 2003-3-4 codified as Chapter 9 (Food Code) of the City of Plano Code of Ordinances, specifically Article II, Sec. 9-24(d)(6), and Article III, Section 9-31(b) to incorporate the recent name change of State Agency and Article XI, Section 9-107 of Ordinance No. 2003-3-4 to provide for permit procedures applicable to annual permits; and providing a penalty clause, repealer clause, a severability clause, a savings clause, a publication clause and an effective date. [Consent Agenda Item (W)]

Approval of Agreement

To approve a temporary professional services agreement extension between the City and Columbia Medical Center of Plano subsidiary for EMS Medical Director Services, with such services to be provided for a 120 day period in the amount of \$16,000 and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (X)]

Approval of Expenditure

To approve an expenditure in the amount of \$26,677 to GME Consulting Services, Inc. for construction material testing services in conjunction with the construction of the City of Plano Expansions to Operations and Equipment Services Buildings from an existing contract (D021-05), and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (Z)]

Award of Contract

To approve and authorize for the selection of Birkhoff, Hendricks & Conway, L.L.P. to provide Professional Engineering Services for an amount not to exceed \$32,500 in connection with the design of Stewart Main – Capital to Plano Parkway and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (AA)]

To approve and authorize for the selection of Washington Group International, Inc. to provide Professional Engineering Services for an amount not to exceed \$89,326 in connection with the design of Intersection Improvements – 2005 and authorizing the City Manager to execute all necessary documents to effectuate this contract. This agreement is for preparation of plans and specification for construction of intersection improvements at the following locations: Legacy/Hedgcoxe, Spring Creek/Coit, Coit/Plano Parkway, Alma/Plano Parkway and Spring Creek/Alma. [Consent Agenda Item (BB)]

To approve and authorize for the selection of Binkley & Barfield, Inc. to provide Professional Engineering Services for an amount not to exceed \$207,400 in connection with the design of McDermott Drive – Custer Road to Coit Road and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (CC)]

Amendment to a Contract

To approve a contract amendment with Freese & Nichols, Inc., for Professional Engineering Services in the amount of \$17,100 in connection with construction of Ridgeview Drive – SH 121 Sewer Line and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (DD)]

Reimbursement of Oversize Participation

To approve and authorize reimbursement to SCI Township Partners, L.P. for oversize participation for paving improvements associated with the construction of the south side of McDermott from Preston Road to Ohio Drive, in the amount of \$68,652. [Consent Agenda Item (EE)]

END OF CONSENT

Resolution No. 2004-12-17(R): To approve the terms and conditions of a funding agreement in the amount of \$297,267 by and between the Arts of Collin County Commission, Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “G”)

Resolution No. 2004-12-17(R) (cont'd)

Jack Lagos, citizen of the City, requested this agenda item be tabled for future consideration. Deputy Mayor Pro Tem Lambert clarified that the Council requested a legal briefing on an item related to bond monies that was previously discussed during the meeting.

Mr. Lagos recommended that the City participate in the funding agreement by providing one-third of the monies. City Manager Muehlenbeck clarified that discussions were held with the city managers and mayors of Frisco and Allen and his recommendation that the 2010 population basis be utilized in order to save money. He spoke to the concurrence to utilize a different method of funding for the operation/maintenance budget with the City of Plano using the 2010 basis and the other two cities splitting the remainder.

City Attorney Wetherbee stated that until February 2004 when the Arts of Collin County was formally created, there were no operational agreements in place and that at that time bylaws were adopted along with an interlocal agreement. She spoke to the savings realized by utilizing the 2010 population basis. Mr. Lagos stated that the funding portion of the interlocal agreement is not enforceable since there is not an approved project.

City Manager Muehlenbeck spoke to the discussion between mayors and city managers and the realization that the size of the operating budget was greater than what was previously funded and the need for a different recognition of the population figures to support the budget. Mayor Evans spoke to the operating funds being based on capita where the capital funds are divided equally.

City Attorney Wetherbee stated that one of the fundamental parts of the interlocal agreement is the setting forth of the operation/maintenance sharing of expenses and spoke regarding the improvement in the City's position through the City Manager's negotiations.

Upon a motion made by Council Member Stovall and seconded by Council Member Magnuson, the Council voted 7-0 to approve the terms and conditions of a funding agreement in the amount of \$297,267 by and between the Arts of Collin County Commission, Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2004-12-17(R).

Mayor Pro Tem Stahel and Council Member Stovall stepped down from the bench on the following two items which were considered concurrently.

Resolution No. 2004-12-18(R): To approve the terms and conditions of an agreement by and between Storage Technology Corporation and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (E)]

Approval of an expenditure in an amount of \$579,869 for the purchase of personal computers and laptops with related software to Gateway Companies, Inc., under previously awarded contract C022-03; and authorizing the City Manager to execute all necessary documents to effectuate the purchase. [Consent Agenda Item (E)]

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Council Member Johnson, the Council voted 5-0 to approve the terms and conditions of an agreement by and between Storage Technology Corporation and the City of Plano; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2004-12-18(R), and further to approve an expenditure in an amount of \$579,869 for the purchase of personal computers and laptops with related software to Gateway Companies, Inc., under previously awarded contract C022-03; and authorizing the City Manager to execute all necessary documents to effectuate the purchase.

Mayor Pro Tem Stahel and Council Member Stovall resumed their places on the bench.

Public Hearing and adoption of Ordinance No. 2004-12-19 as requested in Zoning Case 2004-44 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 553 so as to allow the additional use of Private Club on 0.1± acre of land located 100± feet east of Preston Road and 395± feet south of McDermott Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-20-Mixed Use; 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 #1. Applicant: Pei Wei Asian Diner [Regular Agenda Item (1)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted.

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

Upon a motion made by Council Member Stovall and seconded by Council Member Johnson, 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. 553 so as to allow the additional use of Private Club on 0.1± acre of land located 100± feet east of Preston Road and 395± feet south of McDermott Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-20-Mixed Use as requested in Zoning Case 2004-44 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. 2004-12-19. (Council Member Magnuson was away from the bench.)

Public Hearing and adoption of Ordinance No. 2004-12-20 as requested in Zoning Case 2004-46 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 555 so as to allow the additional use of Contract Construction on 0.1± acre of land located 56± feet east of K Avenue and 90± feet south of Summit Avenue in the City of Plano, Collin County, Texas, presently zoned Light Commercial with Specific Use Permit No. 522 for Used Car Dealer; 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 #67. Applicant: Plano Area Habitat for Humanity [Regular Agenda Item (1)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted and stated that the Council may include a stipulation referencing indoor storage.

Mayor Evans opened the Public Hearing. Charles Kramer, representing the applicant, spoke regarding the location and the applicant's request for indoor storage. Dick Taylor, Executive Director of the Plano Area Habitat for Humanity, spoke to the organization's efforts in the City. No one else spoke either for or against the request. The Public Hearing was closed.

Mayor Pro Tem Stahel spoke to adding a stipulation restricting outside storage. Ms. Jarrell advised that she would get information back to the Council regarding the Specific Use Permit for Used Car Sales at the site.

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Mayor Pro Tem Stahel, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 555 so as to allow the additional use of Contract Construction on 0.1± acre of land located 56± feet east of K Avenue and 90± feet south of Summit Avenue in the City of Plano, Collin County, Texas, presently zoned Light Commercial with Specific Use Permit No. 522 for Used Car Dealer as requested in Zoning Case 2004-46 and as recommended by the Planning and Zoning Commission with *the change being granted subject to no outdoor storage*; 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 2004-12-20 as revised.

Public Hearing and adoption of Ordinance No. 2004-12-21 as requested in Zoning Case 2004-48 – To repeal in its entirety Ordinance No. 90-2-18, thereby rescinding Specific Use Permit No. 167 for the additional use of Private Club; amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, to grant Specific Use Permit No. 556 so as to allow the additional use of Private Club on 44.3± acres of land located at the southwest corner of Spring Creek Parkway and Jupiter Road in the City of Plano, Collin County, Texas, presently zoned Office-2 with Specific Use Permit No. 167 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. Neighborhood #37. Applicant: City of Plano [Regular Agenda Item (1)]

Director of Planning Jarrell advised the Council that the original Specific Use Permit for Plano Centre was issued to a specific operator and that this item would apply the permit to the property. She advised that the Planning and Zoning Commission recommended approval of the request subject to waiving the 1,000-foot distance requirement between a private club and a publicly-owned park.

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 Stovall and seconded by Council Member Magnuson, the Council voted 7-0 to repeal in its entirety Ordinance No. 90-2-18, thereby rescinding Specific Use Permit No. 167 for the additional use of Private Club; amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, to grant Specific Use Permit No. 556 so as to allow the additional use of Private Club on 44.3± acres of land located at the southwest corner of Spring Creek Parkway and Jupiter Road in the City of Plano, Collin County, Texas, presently zoned Office-2 with Specific Use Permit No. 167 for Private Club as requested in Zoning Case 2004-48 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. 2004-12-21.

Public Hearing and adoption of Ordinance No. 2004-12-22 as requested in Zoning Case 2004-47 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Heritage Resource Designation No. H-32 to a 0.5± acre property, situated in the city of Plano, Collin County, Texas, on the south side of 15th Street, 100± feet west of O Avenue, presently zoned Urban Residential, and retaining this zoning classification; directing a change accordingly in the official zoning map of the City; and providing a repealer clause, a savings clause, a penalty clause, a severability clause and an effective date. Neighborhood #60. Applicant: Josephine Mary Howser. [Regular Agenda Item (1)]

Ordinance No. 2004-12-22 (cont'd)

Heritage Preservation Officer Watson advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted. He responded to Mayor Pro Tem Stahel that moving the house had no impact locally but would preclude it from receiving a National Register nomination.

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 Stahel and seconded by Council Member Callison, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Heritage Resource Designation No. H-32 to a 0.5± acre property, situated in the city of Plano, Collin County, Texas, on the south side of 15th Street, 100± feet west of O Avenue, presently zoned Urban Residential, and retaining this zoning classification as requested in Zoning Case 2004-47 and as recommended by the Planning and Zoning Commission; directing a change accordingly in the official zoning map of the City; and providing a repealer clause, a savings clause, a penalty clause, a severability clause and an effective date; and further to adopt Ordinance No. 2004-12-22.

There being no further discussion, Mayor Evans adjourned the meeting at 9:05 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary