

**PLANO CITY COUNCIL**  
**December 18, 2007**

**COUNCIL MEMBERS**

Pat Evans, Mayor  
Sally Magnuson, Mayor Pro Tem  
Jean Callison, Deputy Mayor Pro Tem  
Shep Stahel  
Scott Johnson  
Loretta L. Ellerbe  
Harry LaRosiliere  
Lee Dunlap

**STAFF**

Thomas H. Muehlenbeck, City Manager  
Frank Turner, Executive Director  
Bruce Glasscock, Executive Director  
Rod Hogan, Executive Director  
Diane C. Wetherbee, City Attorney  
John Gilliam, First Assistant City Attorney  
Diane Zucco, City Secretary

Mayor Evans convened the Council directly into the Regular Session from the Preliminary Meeting at 7:08 p.m. on Monday, December 18, 2007, in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Council Member LaRosiliere.

The Pledge of Allegiance was led by Cub Scout Pack 1259, Den 7 from Hughston Elementary.

**SPECIAL RECOGNITIONS AND PROCLAMATIONS**

Mayor Evans presented a Special Recognition to the 2007 MP3 Graduates and received the Urban Design Award for Courtyard Theatre and Cox Building Projects.

**OATHS OF OFFICE**

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

The Council resumed discussion of items from the Preliminary Open Meeting.

**Council items for discussion/action on future agendas**

Council Member Johnson requested an agenda item be brought forward in January to address possible revisions in water/sewer rates. He spoke to the effect of price increases by the North Texas Municipal Water District.

Council Member Stahel requested an agenda item be brought forward in February to provide an update on contributions received by the Arts of Collin County and to review their plans for 2008. He spoke to the potential tax benefits of citizens contributing IRA funds.

### **Consent and Regular Agendas**

Council Member Stahel advised that due to possible conflicts of interest he would be stepping down on Consent Agenda Items “G,” to authorize an expenditure in the amount of \$199,902 with Solid Border for Web Security Solution; “H,” to authorize an expenditure in the amount of \$770,129 with Software House International (SHI) for a Microsoft Enterprise Agreement renewal and True-Up for our server and desktop licenses; “I,” to authorize the purchase of Network Servers in the amount not to exceed \$500,000 from IBM, Hewlett Packard and Sun Microsystems; “J,” to authorize the purchase of Infrastructure Backbone Switches in the amount not to exceed \$600,000 from Internetwork Experts, Inc.; “K,” to approve the purchase of hardware and equipment for Phase II of the MotoMesh Broadband System Project from Motorola, Inc. in the amount of \$9,800,000; and “L” to authorize the purchase of Infrastructure Backbone Switches for the Plano Library System, in the amount of \$97,936 from Internetwork Experts, Inc. and requested they be removed for individual consideration.

### **Council Reports**

No reports were presented.

### **COMMENTS OF PUBLIC INTEREST**

No one appeared to speak.

### **CONSENT AGENDA**

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Dunlap, the Council voted 8-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

#### **Approval of Minutes** [Consent Agenda Item (A)]

December 10, 2007

#### **Approval of Expenditures**

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

**Bid No. 2008-27-B** for four Diesel Powered Concrete Saws to Six & Mango Equipment, LLP in the amount of \$60,508. [Consent Agenda Item (B)] (Exhibit “A”)

**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 a contract for the construction of Plano Fire Station 12, the Fire Department Logistics Building and the Plano Emergency Operations Center for the guaranteed maximum price of \$12,071,015 by Hisaw and Associates General Contractors, Inc., through the Texas Interlocal Purchasing System and Texas-Arkansas Purchasing System Contract No. 0105207-05, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (C)]

To approve of the purchase of six Chevrolet Impala Sedans (9C3) in the amount of \$108,828 from Caldwell Country Chevrolet through an existing contract/agreement with State of Texas Contract and authorizing the City Manager to execute all necessary documents. (CPA #071-A2) [Consent Agenda Item (D)]

To approve of the purchase of three Ford F-450 Cab/Chassis with Aerial Man-Lifts in the amount of \$199,120 from Philpott Motor Company, through an existing contract/agreement with Texas Association School Buyboard Purchase Program, and authorizing the City Manager to execute all necessary documents. (#208-04) [Consent Agenda Item (E)]

To approve the purchase of eighteen Chevrolet Pick-Up Trucks in the amount of \$408,414 from Caldwell Country Chevrolet through an existing contract/agreement with HGAC Cooperative Purchase Program and authorizing the City Manager to execute all necessary documents. (VE03-06) [Consent Agenda Item (F)]

**Approval of Agreement**

To approve a Pole Attachment License Agreement by and between the City of Plano and GTE Southwest Incorporated d/b/a Verizon Southwest, in the amount not to exceed \$25,000 to allow the City of Plano to mount Mesh Network devices to distribute electricity to agreed on GTE Southwest Incorporated d/b/a Verizon Southwest distribution poles for the purpose of Motorola's City Wide Build Out, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (M)]

To approve a Pole Attachment License Agreement by and between the City of Plano and Denton County Electric Cooperative, Inc. d/b/a CoServ Electric, Inc. in the amount not to exceed \$25,000 to allow the City of Plano to mount Mesh Network devices to distribute electricity to agreed on CoServ distribution poles for the purpose of Motorola's City Wide Build Out, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (N)]

### **Approval of Change Order**

To Roadway Solutions, Inc., increasing the contract by \$36,000 for Traffic Signal Construction for the MotoMesh Network Project. Change Order No. 2. (Bid No. 2006-203-P) [Consent Agenda Item (O)]

To Miller Pipeline Corporation, increasing the contract by \$111,689 for Dallas North Trunk Sewer Main Rehab, Change Order No. 2. (Original Bid No. 2007-74-B). This change order is for the increased cost for by-pass pumping due to higher flows than specified in the contract due to the extensive spring rains and increases in actual quantities used to complete the project. [Consent Agenda Item (P)]

### **Miscellaneous Purchase Authorization**

To reallocate funds in the amount of \$265,000 from Lone Star Temporary Services LLC to Labor Ready Central Inc. for temporary labor services for Sustainability and Environmental Services. [Consent Agenda Item (Q)]

To ratify expenditure in the amount of \$177,989 to EnviroMedia Social Marketing for market research, analysis, design/logo creation and production/media costs in relation to “Live Green in Plano” program. [Consent Agenda Item (R)]

### **Adoption of Resolutions**

**Resolution No. 2007-12-7(R):** To approve the dedication of a 25,421 square foot tract of land owned by the City of Plano, Texas for dedication as a fire lane, access and utility easement for Enfield Park Addition, Lot 1R, Block 1, said parcel situated in the Daniel Rowlett Survey, Abstract No. 738 in the City of Plano, Collin County, Texas, and providing an effective date. [Consent Agenda Item (S)]

**Resolution No. 2007-12-8(R):** To approve the dedication of a 12,496 square foot tract of land owned by the City of Plano, Texas for dedication as a water easement for Enfield Park Addition, Lot 1R, Block 1, said parcel situated in the Daniel Rowlett Survey, Abstract No. 738, in the City of Plano, Collin County, Texas, and providing an effective date. [Consent Agenda Item (T)]

**Resolution No. 2007-12-9(R):** To approve the terms and conditions of an Economic Development Program Agreement by and between the City of Plano, Texas, and Cadbury Adams USA, LLC., a Delaware Limited Liability Corporation, to promote state and local economic development and to stimulate business and commercial activity in the City and County, and authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (U)]

**Resolution No. 2007-12-10(R):** To approve the terms and conditions of an Economic Development Program Agreement by and between the City of Plano, Texas, and LifePort Inc., a Washington Corporation, to promote state and local economic development and to stimulate business and commercial activity in the City and County, and authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (V)]

### **Adoption of Ordinances**

**Ordinance No. 2007-12-11:** To abandon all right, title and interest of the City, in and to a portion of that certain fifteen foot (15') sanitary sewer easement being situated in the Grizzell Kennedy Survey, Abstract Number 499, which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, RH of Texas Limited Partnership, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (W)]

### **END OF CONSENT**

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

#### **Purchase from Existing Contract/Agreement**

To authorize an expenditure in the amount of \$199,902 with Solid Border for Web Security Solution through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (Solid Border DIR Contract No. DIR-SDD-255) [Consent Agenda Item (G)]

To authorize an expenditure in the amount of \$770,129 with Software House International (SHI) for a Microsoft Enterprise Agreement renewal and True-Up for our server and desktop licenses through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (SHI DIR Contract No. DIR-SDD-198). [Consent Agenda Item (H)]

To authorize the purchase of Network Servers in the amount not to exceed \$500,000 from IBM, Hewlett Packard and Sun Microsystems through the Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (IBM DIR-SDD-190; HP DIR-SDD-223; and Sun DIR-SDD-503). [Consent Agenda Item (I)]

To authorize the purchase of Infrastructure Backbone Switches in the amount not to exceed \$600,000 from Internetwork Experts, Inc. through the Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (INX DIR-SDD-239). [Consent Agenda Item (J)]

To approve the purchase of hardware and equipment for Phase II of the MotoMesh Broadband System Project from Motorola, Inc. in the amount of \$9,800,000 through an existing contract/agreement with Houston Galveston Area Council (HGAC), and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. RA01-06). [Consent Agenda Item (K)]

To authorize the purchase of Infrastructure Backbone Switches for the Plano Library System, in the amount of \$97,936 from Internetwork Experts, Inc. through the Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (INX DIR-SDD-239). [Consent Agenda Item (L)]

Upon a motion made by Council Member Dunlap and seconded by Council Member LaRosiliere the Council voted 7-0 to authorize an expenditure in the amount of \$199,902 with Solid Border for Web Security Solution through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (Solid Border DIR Contract No. DIR-SDD-255); to authorize an expenditure in the amount of \$770,129 with Software House International (SHI) for a Microsoft Enterprise Agreement renewal and True-Up for our server and desktop licenses through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (SHI DIR Contract No. DIR-SDD-198); to authorize the purchase of Network Servers in the amount not to exceed \$500,000 from IBM, Hewlett Packard and Sun Microsystems through the Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (IBM DIR-SDD-190; HP DIR-SDD-223; and Sun DIR-SDD-503); to authorize the purchase of Infrastructure Backbone Switches in the amount not to exceed \$600,000 from Internetwork Experts, Inc. through the Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (INX DIR-SDD-239); to approve the purchase of hardware and equipment for Phase II of the MotoMesh Broadband System Project from Motorola, Inc. in the amount of \$9,800,000 through an existing contract/agreement with Houston Galveston Area Council (HGAC), and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. RA01-06); and to authorize the purchase of Infrastructure Backbone Switches for the Plano Library System, in the amount of \$97,936 from Internetwork Experts, Inc. through the Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (INX DIR-SDD-239).

Council Member Stahel resumed his place at the bench.

**Public Hearing and adoption of Ordinance No. 2007-12-12:** To designate a certain area within the City of Plano as Reinvestment Zone No. 112 for a tax abatement consisting of a 6.829 acre tract of land located approximately at the northeast corner of Dallas North Dallas North Tollway and Tennyson Parkway, in the City of Plano, Texas establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (1)]

**Ordinance No. 2007-12-12 (Cont’)**

Director of Finance McGrane spoke to the process for tax abatement agreements and holding a public hearing prior to establishing the reinvestment zone. He stated approval of this item will allow Canterbury Adams to transfer 140 employees to include those from both the Plano location and outside of the City.

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

Upon a motion made by Council Member Ellerbe and seconded by Council Member LaRosiliere, the Council voted 8-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 112 for a tax abatement consisting of a 6.829 acre tract of land located approximately at the northeast corner of Dallas North Dallas North Tollway and Tennyson Parkway, in the City of Plano, Texas establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2007-12-12.

**Resolution No. 2007-12-13(R):** To approve the terms and conditions of an Agreement by and between the City of Plano, Texas, the County of Collin, Texas, and Cadbury Adams USA, LLC, a Delaware Limited Liability Corporation, and providing for a business personal property tax abatement, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (2)]

Director of Finance McGrane stated that the agreement is for a fifty percent reduction in personal business and real property tax for a period of five years.

Upon a motion made by Mayor Pro Tem Magnuson and seconded by Council Member Stahel, the Council voted 8-0 to approve the terms and conditions of an Agreement by and between the City of Plano, Texas, the County of Collin, Texas, and Cadbury Adams USA, LLC, a Delaware Limited Liability Corporation, and providing for a business personal property tax abatement, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2007-12-12(R).

**Public Hearing and adoption of Ordinance No. 2007-12-14 as requested in Zoning Case 2007-55** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend 14.8± acres located at the northeast corner of Parker Road and Dallas North Dallas North Tollway in the City of Plano, Collin County, Texas, from Planned Development-185-Regional Commercial to Planned Development-185-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: Cencor Realty Services. [Regular Agenda Item (3)]

**Ordinance No. 2007-12-14 (Con't)**

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

- 1) *A maximum of ~~250~~265 multifamily residential dwelling units shall be allowed by right.*
- 2) *Site Design:*
  - a. The district shall have a central north/south pedestrian-oriented private roadway that runs from Parker Road to the existing east/west fire lane of the regional theater property to the north. The private roadway shall have diagonal or 90° on-street parking and sidewalks on both sides of the roadway. The minimum width of the sidewalks shall be ~~ten~~22 feet. The sidewalks may be used for outdoor eating areas, outdoor display, and other activities commonly associated with a pedestrian-oriented development, if a minimum sidewalk clearance and/or distance to curb line of a street of public way of five feet is maintained.
  - b. First floor uses shall be nonresidential except for lobbies for residential uses which may be on the first floor. Residential dwelling units shall be located on second or higher floors.
  - c. Building Materials - First floor exterior elevations of buildings and parking structures shall comply with the building material requirements of the RC zoning district. Second floor and higher exterior elevations shall comply with the building material standards except that specified materials shall only be required on 60% of the façade elevation. Interior elevations concealed by buildings/parking garages shall be exempt from material standards but shall be consistent in color and finish with the building/parking structure. Elevations of parking garages that face public streets, the north/south pedestrian-oriented private roadway, and the east/west fire lane into the regional theater shall comply with the building material requirements of the RC zoning district.
- 3) *Area, Yard, and Bulk Requirements:*
  - a. Minimum Building Height - For buildings that front along the north/south pedestrian-oriented private roadway and along the east/west fire lane of the regional theater property to the north, the minimum building height shall be two stories, 30 feet.

**Ordinance No. 2007-12-14 (Cont')**

- b. Maximum Building Height –6 stories, 90 feet. The maximum height for a hotel use is eight stories, 120 feet; for all other structures, other than parking structures, the maximum height is six stories, 100 feet. The maximum height for parking structures is 52 feet with no maximum number of levels. The parking structures shall be permitted to have levels of parking over and above retail, surface parking, or other permitted uses on the ground level. Visual barriers shall be installed to cover any openings between parking levels of a parking structure for openings that both (i) face a residential use east of Parkwood Boulevard directly across from the property, and (ii) are located above the third level of the parking structure. Visual barriers measuring at least four feet in height shall extend above the parapet walls of the top levels of parking structure facades that both (i) face a residential use east of Parkwood Boulevard directly across from the property, and (ii) are located above the third level of the parking structure.
  - c. Maximum Building Setback - For buildings that front along the north/south pedestrian-oriented private roadway and along the east/west fire ~~lane~~ lane of the regional theater property to the north only, a minimum of 60% of the first floor facade shall be set back no more than 40 50 feet from the outside edge of the travel lanes.
  - d. Setback and Height Adjacent to Residential - Setbacks from Parkwood Boulevard, adjacent to residential uses, shall be a minimum of 50 feet as measured from the property line or three times the height, minus 90 feet as measured from the nearest residential district boundary line, whichever is more restrictive. Conversely, the allowed height of a main building, parking structure, or accessory building, at a certain setback, would be equal to one-third the setback plus 30 feet. Structures with hotel uses are exempt from this additional setback adjacent to residential uses.
- 4) *Landscaping:*
- a. The required 30 foot landscape edge along the Dallas North Dallas North Tollway frontage road and Parkwood Boulevard only may be reduced to 25 feet in width provided the reduction in landscape area is reallocated adjacent to buildings fronting ten feet in width along (i) Parkwood Boulevard commencing at a point no less than 50 feet south of the northeastern entrance into the property from Parkwood Boulevard and extending southward along the Parkwood Boulevard right-of-way to a point no less than 50 feet north of the intersection of Parker Road and Parkwood Boulevard; and, (ii) along the Dallas North Dallas North Tollway frontage road commencing at a point no less than 100 feet south of the northwestern entrance into the property from the Dallas North

**Ordinance No. 2007-12-14 (Cont')**

Dallas North Tollway frontage road and extending southward along the Dallas North Dallas North Tollway frontage road to a point no less than 50 feet north of the intersection of Parker Road and the Dallas North Dallas North Tollway frontage road. A continuous meandering sidewalk interspersed with plant materials and berms as set forth in Section 4.604(3) shall not be required.

- b. Street trees shall be provided on both sides of the north/south pedestrian-oriented private roadway ~~at a minimum distance of 60 feet on center.~~ The number of trees provided shall be equal to one tree per 40 lineal feet per side of the north-south pedestrian-oriented private roadway. There is no minimum or maximum spacing between trees.
- c. All other landscaping shall comply with Section 3.1200 (Landscaping Requirements) and Section 4.600 (Dallas North Dallas North Tollway Overlay District).

5) *Parking:*

- a. Unless listed below, the minimum required parking within this PD shall comply with Section 3.1100. The minimum required parking for multifamily uses and nonresidential uses other than hotels shall be provided as follows:
  - i. Multifamily Use – One space per bedroom.
  - ii. Nonresidential uses other than hotel uses – One space per 250 square feet of floor area.
- b. Total required parking shall be computed on a district wide basis regardless of any phase/property lines. Parking stall and drive aisle dimensions shall comply with Section 3.1100 (Off-Street Parking and Loading).

6) *Signage:*

- a. For building facades and sidewalks/parkways fronting the north/south pedestrian-oriented private roadway and building facades fronting the existing east/west fire lane of the regional theater property to the north, allowable signs must comply with Subsection 3.1605 (Downtown Sign District).
- b. All other signage must comply with Section 3.1600 (Sign Regulations) and Section 4.600 (Dallas North Dallas North Tollway Overlay District).

**Ordinance No. 2007-12-14 (Cont')**

Ms. Jarrell spoke to prior approval of a Planned Development District (PD) for the property as a mixed-use complex. Ms. Jarrell further stated that as the applicant has continued with planning and leasing, they have noted a number of amendments addressing landscape buffers, parking structure height, multi-family density, hotel/building height, and residential offset slopes from Parkwood Boulevard.

Ms. Jarrell responded to Council Member Ellerbe regarding Staff concerns related to the reduction of the landscape edges and height setback from residential development. She further spoke to widening of the sidewalks and main street to provide more outdoor dining and advised the applicant's requested height is within the limits of the district. Ms. Jarrell responded to Council Member LaRosiliere regarding distance requirements from residences. She responded to Council Member Stahel, stating that she was not aware of any other developments that received setback exceptions since creation of the Tollway Overlay District and that landscape edges have been consistently applied. Ms. Jarrell responded to Council Member Dunlap, stating that the development to the south meets the Dallas North Tollway setback requirements and Development Review Manager Elgin stated that surface parking is above the minimal requirements, with excess less than parking planned along the Dallas North Tollway and Parkwood Boulevard.

Mayor Evans opened the Public Hearing. David Palmer of Cencor Realty spoke regarding new urbanism and providing opportunities for residential, employment, shopping, and entertaining in a pedestrian-oriented environment. Mr. Palmer advised that the amendments trade the thirty-foot landscape buffers for a wider main street and sidewalks. He spoke to larger landscape areas and monuments along the four corners to provide transition, expansive street trees with ample area for outdoor dining and retail displays, and providing wide sidewalks. Mr. Palmer spoke to providing adequate garage parking for residents and underground parking for office tenants, valet services and hotel guests. He spoke to surface parking for the public as critical to the project, stated the eight story hotel is within Tollway Overlay Guidelines and spoke regarding the residential offset slope.

Council Member Stahel spoke to efforts to maintain a consistent look, feel, and view along the Dallas North Tollway and Parkwood Boulevard, expressed concern for setting a precedent and recommended removal of the parking spaces along these roadways.

Mayor Evans commented on the variances in the width of Parkwood Boulevard and the use of attractive landscaping and spoke regarding the guidelines. Ms Jarrell responded to Council Member Dunlap, stating the applicant has been granted an additional five foot landscape buffer with the previous request and is now asking for an additional fifteen feet. Mr. Palmer spoke to the important role of surface parking to the project and Mayor Evans spoke to the importance of access to retail and restaurant establishments from parking. Mr. Palmer responded to City Manager Muehlenbeck and the Council regarding efforts to secure a hotel occupant. He reviewed landscaping at the corners of the development and responded to Council Member Stahel regarding guest parking in the hotel garage and access to the restaurants from street level parking.

**Ordinance No. 2007-12-14 (Cont')**

Council Member Dunlap spoke to developing the property quickly and stated that he accepted the reduction in landscape along Parkwood Boulevard and offset slope, but had concern regarding the reduction of the landscape buffer on the Dallas North Tollway because of the precedent it sets and this location being an entrance to the City. Mr. Palmer responded to Council Member Dunlap's concerns regarding the placement of trash receptacles

Council Member LaRosiliere advised he was prepared to make a motion to approve the request. No one else spoke either for or against the request. The Public Hearing was closed.

Council Member LaRosiliere commented that guidelines provide direction and a sense of consistency, and not a rule. He described the project as a unique opportunity that may require setting a precedence in order to make it work and further stated such developments should be considered on an individual basis. He additionally stated there are just a handful of places this project will work. Ms. Jarrell spoke to the ordinance requirements for landscaping. Mayor Evans agreed that such opportunities should be judged on an individual basis and further stated that the guidelines provide flexibility. Council Member Johnson spoke to the request being unique and in support of the mixed-use development.

Council Member Stahel requested an amendment to include a twenty-five foot minimum setback on the Dallas North Tollway and the Council discussed the impact on parking. Council Member LaRosiliere spoke to the effects of limited parking in similar developments and made a motion with Mayor Pro Tem Magnuson as a second to approve the request as recommended (No vote was taken at this time). Mr. Elgin responded to the Council regarding parking requirements for restaurants and medical developments.

Mayor Evans restated the motion made by Council Member LaRosiliere and seconded by Mayor Pro Tem Magnuson to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend 14.8± acres located at the northeast corner of Parker Road and Dallas North Dallas North Tollway in the City of Plano, Collin County, Texas, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2007-55 from Planned Development-185-Regional Commercial to Planned Development-185-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. The Council voted 7-1, with Council Member Stahel in opposition. The motion carried and Ordinance No. 2007-12-14 was adopted.

**Status Report regarding compliance with pending ISO evaluation. [Regular Agenda Item (4)]**

Fire Chief Esparza provided the Council with a brief status report and a summary of recommendations made by the consultant to retain the ISO Class 1 Public Protection Classification (PPC). He spoke to major changes in ISO requirements and stated that credit would no longer be received for automatic assistance response times from other departments whose station is more than a half mile outside of the City limits and spoke regarding the resource needs of the City related to build-out. Chief Esparza stated that any changes in the City's current ISO rating could affect insurance rates and economic development of the City. He advised regarding recommendations to include an aerial ladder truck at Station 10 (\$900,000 capital and \$1.12 million personnel and O/M costs), an additional engine company at Station 13 (\$455,000 capital and \$1.24 million personnel and O/M costs), an additional Station 14 and engine company (\$5.5 million capital and \$1.24 million personnel and O/M costs), upgrading standard engines with additional capacity to include CAFS systems, and seven additional fire inspectors (\$185,000 capital and \$712,000 O/M costs). He advised that the total costs would include over \$6.54 million in capital and \$4.3 million in on-going annual costs and additionally stated that the capital funding would be addressed in the 2009 Bond and O/M funding in the FY2008-09, 2009-10, and 2010-11 budgets.

Chief Esparza spoke to the challenge of land acquisition for Station 14 and responded to Council Member Ellerbe stating that ISO would not drop the rating as long as the City is planning and committed to make necessary changes to meet the new requirements.

Chief Esparza advised that ISO utilizes a radius in determination of ratings and does not factor in response times or distinguish between residential/commercial developments. He commented that Plano has the only fire department in the nation with an ISO Class 1 PPC, CFAI and CAAS accreditation and Mayor Pro Tem Magnuson spoke to Plano continuing to be a leader.

There being no further discussion, Mayor Evans adjourned the meeting at 9:03 p.m.

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**Pat Evans, MAYOR**

ATTEST:

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**Diane Zucco, City Secretary**