

PLANO CITY COUNCIL
March 26, 2012

COUNCIL MEMBERS PRESENT

Phil Dyer, Mayor
Pat Miner, Mayor Pro Tem
Lissa Smith, Deputy Mayor Pro Tem
Ben Harris
André Davidson
Patrick Gallagher
Lee Dunlap

COUNCIL MEMBERS ABSENT

James Duggan

STAFF PRESENT

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, March 26, 2012, at 7:04 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Pastor Brian McClane of Northpointe Church led the invocation and Jr. Girl Scout Troop 3115 of Skaggs and Andrews Elementary Schools and Cub Scout Pack 25, Wolf Den 1 of Custer Road United Methodist Church led the Pledge of Allegiance.

PROCLAMATIONS & SPECIAL RECOGNITION

Mayor Dyer presented special recognition to the Plano Children's Theatre .

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon the request of Council Member Dunlap, Consent Agenda Items “C” and “E” were removed for individual consideration due to possible conflicts of interest.

Upon a motion made by Mayor Pro Tem Miner and seconded by Deputy Mayor Pro Tem Smith, 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”)
March 6, 2012

Approval of Expenditures

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

CSP No. 2012-89-C for a one (1) year contract with three (3) City optional renewals for Summer Arts Program for Public Information Department to Art Centre of Plano, Inc., in the amount of \$55,290 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Bid No. 2012-109-B for the Screening Wall – Woodburn & Ohio project to Tracon Ventures, Ltd., in the amount of \$321,783 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Bid No. 2012-108-B for Willowcreek Park and Shoshoni Park, Lighting Improvements to Illuminations by Greenlee in the amount of \$165,395 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

Bid No. 2012-69-C for a one (1) year contract with three (3) optional one (1) year renewals for a Lease Vehicle Program for the Plano Police Department to Acme Auto Leasing, LLC in the estimated annual amount of \$148,200 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

Rejection of all Proposals for CSP No. 2012-65-C for Automated Bill Payment Kiosk for Customer and Utility Services. (Consent Agenda Item “H”)

Purchase from an Existing Contract

To approve the purchase of Premier Support Services, in the amount of \$70,620 from Microsoft Corporation, through an existing contract with the State of Texas Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR Contract No. DIR-SDD-821) (Consent Agenda Item “I”)

To approve the purchase of maintenance and support for network infrastructure switches in the amount of \$237,937 from INX, LLC, through an existing contract with the State of Texas Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1386) (Consent Agenda Item “J”)

To approve the purchase of replacement personal computers and laptops, in the amount of \$500,000 from Dell Marketing, LP, through an existing contract with the State of Texas Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR Contract No. DIR-SDD-890) (Consent Agenda Item “K”)

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

To approve a Professional Services Agreement by and between the City of Plano and Pipeline Analysis, LLC, in the amount of \$65,555 for the Prairie Creek Basin Infiltration/Inflow Analysis, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “L”)

To approve a Professional Services Agreement by and between the City of Plano and Harrington Engineering, Inc., in the amount of \$207,420 for the Parker Road Corridor – Civil Design Plans and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “M”)

Adoption of Strategic Vision

Adoption of City Council 2012 Strategic Vision. (Consent Agenda Item “N”)

Adoption of Resolutions

Resolution No. 2012-3-6(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Ericsson Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “O”)

Resolution No. 2012-3-7(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Ericsson Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “P”)

Resolution No. 2012-3-8(R): To certify that the City is eligible to receive financial assistance under the North Central Texas Council of Governments Grant Program through funding from the Texas Commission on Environmental Quality certifying that the City’s matching share is readily available; designating the Director of Parks and Recreation as being responsible for acting for and on behalf of the City of Plano for the purpose of applying for and participating in the North Central Texas Council of Governments Grant Program; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “Q”)

Resolution No. 2012-3-9(R): To authorize the filing of an application for regional funds in an amount not to exceed \$18,420 for a Food Waste Composting Education Program through the North Central Texas Council of Governments; designating Nancy Nevil as authorized representative of the City of Plano for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. (Consent Agenda Item “R”)

Resolution No. 2012-3-10(R): To authorize the filing of an application for regional funds in an amount not to exceed \$118,534 for a Right Place, Right Time, Right Stuff Recycling Improvement Strategy through the North Central Texas Council of Governments; designating Nancy Nevil as authorized representative of the City of Plano for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. (Consent Agenda Item “S”)

Resolution No. 2012-3-11(R): To ratify an expenditure for the maintenance and support of Naviline Software Products provided by SunGard Public Sector, Inc., the sole source provider of Naviline Software Products in an amount not to exceed \$125,698; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “T”)

Resolution No. 2012-3-12(R): To appoint the Chief Municipal Judge and Associate Judges of the Municipal Court of Record of the City of Plano, setting the terms of office and compensation for the judges; and providing an effective date. (Consent Agenda Item “U”)

Resolution No. 2012-3-13(R): To find Officer Christer Matthews is entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Judy Ray v. Christer Matthews, in the United States District Court for the Eastern District of Texas, Sherman Division, Case No. 4:12-cv-00085; and providing an effective date. (Consent Agenda Item “V”)

Adoption of Ordinances

Ordinance No. 2012-3-14: To amend Section 12-104.5(a) to Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas regulating the parking of motor vehicles in certain designated public parking lots within the downtown area; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “W”)

Ordinance No. 2012-3-15: To abandon all right, title and interest of the City in a portion of that certain 59,139 square foot Temporary Drainage Easement, recorded in Volume 4266, Page 47, Deed Records of Collin County, Texas, and being situated in the Maria C. Vela Survey, Abstract No. 935, 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, COLE of Plano TX, LLC, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “X”)

Ordinance No. 2012-3-16: To abandon all right, title and interest of the City in a portion of that certain 5,571 square foot Temporary Drainage Easement, recorded in Volume 4266, Page 47, Deed Records of Collin County, Texas, and being situated in the Maria C. Vela Survey, Abstract No. 935, 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, West Plano Land Company, LLC, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “Y”)

Ordinance No. 2012-3-17: To abandon all right, title and interest of the City, in and to that certain Street & Utility Easement recorded in Volume 1152, Page 197, of the Deed Records of Collin County, Texas and being situated in the Nathan Butler Survey, Abstract No. 21, 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, Plano Distribution Center, Ltd., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “Z”)

Ordinance No. 2012-3-18: To repeal Chapter 13, Municipal Court, of the Code of Ordinances of the City of Plano and adopting a new Chapter 13, Municipal Court, to create a municipal court of record in the City of Plano; and providing a repealer clause, a savings clause, a severability clause, and an effective date. (Consent Agenda Item “AA”)

END OF CONSENT

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

Bid No. 2012-92-B for the Technology/Industrial Sidewalk and Barrier Free Ramp Project, Project No. 6200 to Jim Bowman Construction Company, L.P., in the amount of \$296,060 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Bid No. 2012-93-B for the 2011-2012 Arterial Concrete Pavement Rehabilitation, K Avenue – SH 190 to Chaparral Road, Project No. 6183 to Jerusalem Corporation in the amount of \$592,625 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

Upon a motion made by Council Member Harris and seconded by Deputy Mayor Pro Tem Smith, the Council voted 6-0 to approve Bid No. 2012-92-B for the Technology/Industrial Sidewalk and Barrier Free Ramp Project, Project No. 6200 to Jim Bowman Construction Company, L.P., in the amount of \$296,060 and Bid No. 2012-93-B for the 2011-2012 Arterial Concrete Pavement Rehabilitation, K Avenue – SH 190 to Chaparral Road, Project No. 6183 to Jerusalem Corporation in the amount of \$592,625.

Council Member Dunlap resumed his seat at the bench.

Presentation of the 2011-12 Status Report and Three-Year Financial Forecast to City Council. (Regular Agenda Item “1”)

Director of Budget and Research Rhodes-Whitley advised that this forecast represents the first time since 2006-07 that Staff has brought forward a report that does not reflect a deficit for the coming year. She stated that every annual budget is statutorily required to be balanced; fund deficits are assumed to be rectified in the year projected; and 2011-12 is anticipated to end with 44 days of operation in the fund balance and 2012-13 with 30 days. Ms. Rhodes-Whitley stated that due to the closing of Tax Increment Financing Reinvestment Zone No. 1 and other reduced debt payments, .36 cents will be transferred to operations/maintenance from debt. She spoke to prior adjustments including a total of \$39.5 million in expenditure reductions; increased fees/fines of \$2.5 million; adoption of a 1.51 cent tax increase to cover additional debt requirements; and elimination of 142 full-time and 22 part-time positions. Ms. Rhodes-Whitley spoke to projections for assessed property values indicating they will be flat for 2013 and 2014 with a one percent increase in 2015.

Ms. Rhodes-Whitley spoke to the decision made in 2008-09 that General Fund revenues from sales tax would be capped at \$57 million with any overages applied to one-time expenditures or transferred to the Capital Reserve Fund and to consideration of moving the cap to \$59 million based on improved revenue trends. City Manager Glasscock spoke to future Council discussion of revising the cap.

2011-12 Status Report and Three-Year Financial Forecast (cont'd)

Ms. Rhodes-Whitley spoke to an anticipated leveling of building and development revenues. She advised that projections include attrition, do not include salary increases or inflation for operational expenditures, and that health insurance costs are expected to remain constant. She stated that funding for the Economic Development Incentive Program will continue at two cents on the tax rate and that funding of \$1 million is included for library books. She responded to the Council regarding attrition and advised that an increase of 10% has been included in municipal garage charges to cover increased fuel costs.

Ms. Rhodes-Whitley spoke to the forecasted total of \$7.3 million for operations/maintenance of Community Investment Projects with a tax rate impact of 2.82 cents which includes the hiring of 45 firefighters at an impact of 2.67 cents. She spoke to the issuance of \$30 million in debt each year and a bond referendum in May 2013. Mr. Glasscock spoke to prior Council decisions to expand fire department services and advised that Staff will prepare "decision packets" for Council consideration of costs related to changes in service for any department. Ms. Rhodes-Whitley spoke regarding the North Texas Municipal Water District's anticipated rate increases, the City's use of reserve funds, and updating of the revenue model to reflect anticipated usage. She reviewed the Municipal Drainage and Convention and Tourism Funds and budget calendar.

Public Hearing and adoption of Ordinance No. 2012-3-19 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 123 for tax abatement consisting of a 19.74 acre tract of land located in the Henry Cook Survey, Abstract No. 183, Collin County and as described in Exhibit "A" attached hereto in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date. (Regular Agenda Item "2")

Economic Development Director Bane spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and to this agreement being based on an estimated \$17 million in real and \$2.2 million in business personal property for a period of ten years from January 1, 2014, with an abatement at the rate of 50% for real and business personal property.

Mayor Dyer opened the Public Hearing. No one spoke for or against the item. The Public Hearing was closed.

Upon a motion made by Council Member Harris and seconded by Deputy Mayor Pro Tem Smith, the Council voted 7-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 123 for tax abatement; and further to adopt Ordinance No. 2012-3-19.

Resolution No. 2012-3-20(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas, Ericsson Inc., and Ericsson Real Estate Holdings Inc. providing for real and business personal property tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "3")

Economic Development Director Bane advised that the agreement includes 200,000 square feet of space and two multi-story parking garages, has a term of ten years and is based on 50% of both business personal and real property.

Resolution No. 2012-3-20(R) (cont'd)

Upon a motion made by Council Member Davidson and seconded by Mayor Pro Tem Miner, the Council voted 7-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, Ericsson Inc., and Ericsson Real Estate Holdings Inc. providing for real and business personal property tax abatement; and further to adopt Resolution No. 2012-3-20(R).

Public Hearing and adoption of Ordinance No. 2012-3-21 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 126 for tax abatement consisting of a 15.69 acre tract of land located in the H. Cook Survey, Abstract No. 183, Collin County and as described in Exhibit "A" attached hereto in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date. (Regular Agenda Item "4")

Economic Development Director Bane spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and to this agreement being based on an estimated \$12.7 million in real and \$2 million in business personal property for a period of ten years from January 1, 2015, with an abatement at the rate of 50% for real and business personal property.

Mayor Dyer opened the Public Hearing. No one spoke for or against the item. The Public Hearing was closed.

Upon a motion made by Council Member Dunlap and seconded by Council Member Harris the Council voted 7-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 126 for tax abatement; and further to adopt Ordinance No. 2012-3-21.

Resolution No. 2012-3-22(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas, Ericsson Inc., and Ericsson Real Estate Holdings Inc. providing for real and business personal property tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "5")

Economic Development Director Bane advised that the agreement includes 150,000 square feet of space and one multi-story parking garage, has a term of ten years and is based on 50% of both business personal and real property.

Upon a motion made by Council Member Harris and seconded by Mayor Pro Tem Miner, the Council voted 7-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, Ericsson Inc., and Ericsson Real Estate Holdings Inc. providing for real and business personal property tax abatement; and further to adopt Resolution No. 2012-3-22(R).

Ordinance No. 2012-3-23: To provide certain Heritage Resources located in the City of Plano, Texas, partial exemption from the current year Ad Valorem Taxation in the amount of \$35,551.96 providing a severability clause and an effective date, and consideration of the appeal of the Heritage Commission's recommended denial of tax exemption for the property situated at 910 E. 17th Street. (Regular Agenda Item "6")

Ordinance No. 2012-3-23 (cont'd)

Senior Planner and Interim Heritage Preservation Officer Sims reviewed 2012 exemption recommendations based on use and designation, and spoke regarding the annual survey and decision process. He spoke to review of properties resulting in 69 recommendations with \$35,551.96 in City tax exemptions and one appeal received for 910 East 17th Street. Mr. Sims reviewed the concerns related to the property including leaning front steps and chipped paint.

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Davidson, the Council voted 7-0 to provide certain Heritage Resources located in the City of Plano, Texas, partial exemption from the current year Ad Valorem Taxation in the amount of \$35,551.96 as recommended by the Heritage Commission; and further to adopt Ordinance No. 2012-3-23.

Upon a motion made by Council Member Dunlap and seconded by Council Member Gallagher the Council voted 7-0 to deny the appeal for the property situated at 910 E. 17th Street.

Public Hearing and adoption of Ordinance No. 2012-3-24 as requested in Zoning Case 2012-01 to amend Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, pertaining to private clubs; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Regular Agenda Item "7")

Planning Director Jarrell spoke to direction provided by Council in December 2011 to evaluate regulations related to private clubs. She spoke to differences between mixed beverage permits and private clubs and operators' concerns related to their ability to meet food-to-beverage ratios. Ms. Jarrell advised that since the mid-1970's, Plano has allowed on-premise consumption through a Specific Use Permit (SUP) for a private club and has adopted numerous regulations to control their number/location/size and impose a distance setback of 1,000 feet from churches, schools and other uses. She spoke to their food-to beverage ratio of 65% food/35% alcohol and state law changes in 1987 prohibiting cities from imposing more restrictive requirements than the state with existing ordinances remaining in effect.

She advised that in 2005, Plano voters approved the issuance of mixed-beverage permits with a food-and-beverage certificate, giving restaurants another option for the sale of alcohol with a 50/50 ratio of food-to-beverage sales and a 300-foot distance setback. She spoke to amendments for the Downtown Business/Government (BG) zoning district and the Central Business-1 (CB-1), allowing a private club permit without being subject to the City's more restrictive food-to-beverage requirements and stated that once local regulations are revised they may not be reenacted at a later date. Ms. Jarrell advised that the Planning and Zoning Commission recommended approval as follows:

Ordinance No. 2012-3-24 (cont'd)

3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses)

3.105 (Private Clubs)

1. Private clubs are allowed by right in the Downtown Business/Government and Central Business-1 zoning districts. Private club uses in these districts are prohibited within 300 feet of a religious facility or public or private school, measured as prescribed in 3.105.2.b, except that the prohibition will not apply to a property within 300 feet of a religious facility if the City Council affirmatively finds that the private club would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.
2. The following standards and regulations apply to any private club use, except for private club uses located in the Downtown Business/Government and Central Business-1 zoning districts, requiring a specific use permit:
 - a. No person shall sell alcoholic beverages if the place of business is within three hundred (300) feet of a religious facility, public or private school, or public hospital except as provided by the Texas Alcoholic Beverage Code. The sale of alcoholic beverages is also prohibited within one thousand (1,000) feet of a private school if the city council adopts by resolution a request for the one thousand (1,000) foot separation from the governing body of a private school.
 - b. The measurement of the distance between the place of business where alcoholic beverages are sold and the religious facility or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:
 - (1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
 - (2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
 - c. All private clubs shall operate in accordance with a minimum of 35% of gross receipts be derived from the sale of food, subject to an annual audit provided upon request within 90 days at the expense of the private club for review by the City Council.
 - d. All specific use permits issued for the operation of private clubs may be canceled, suspended, or revoked in accordance with the provisions of Ordinance No. 79-6-10 which is incorporated herein by reference and made a part hereof for all purposes.

Ordinance No. 2012-3-24 (cont'd)

Ms. Jarrell advised that the requirement for a specific use permit will be kept in place for review of locations on an individual basis, spoke to enforcement prescribed in Ordinance No. 79-6-10 done on a complaint basis only and advised that Staff will bring this ordinance back for Council consideration. She further reviewed Staff's recommendation to remove audit references currently included in Ordinance No. 79-6-10 (2c and 2d).

Mayor Dyer opened the Public Hearing. No one spoke for or against the item. The Public Hearing was closed.

A motion was made by Mayor Pro Tem Miner and seconded by Council Member Davidson, to amend Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-01 with the following revisions:

- 2c. All private clubs shall operate in accordance with a minimum of 35% of gross receipts be derived from the sale of food.
- 2d. All specific use permits issued for the operation of private clubs may be canceled, suspended, or revoked in accordance with the provisions of Ordinance No. 79-6-10, or as the same shall be amended, which is incorporated herein by reference and made a part hereof for all purposes

The Council voted 7-0. The motion passed and Ordinance No. 2012-3-24 was adopted.

Public Hearing and adoption of Ordinance No. 2012-3-25 as requested in Zoning Case 2012-02 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 618 so as to allow the additional use of Truck/Bus Leasing on 10.9± acres of land located at the southeast corner of U.S. Highway 75 and 13/14th Street Connector, in the City of Plano, Collin County, Texas, presently zoned Planned Development-472-Corridor Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: HD Development Properties, LP (Regular Agenda Item "8")

Director of Planning Jarrell advised that this request is related to the Home Depot site and is consistent with other uses along U.S. 75. She advised that the Planning and Zoning Commission recommended approval as submitted and responded to Council that no restriction on the number of vehicles is proposed.

Mayor Dyer opened the Public Hearing. David Behrens, representing Home Depot, spoke of their relationship with Penske Truck Rental, the average number of trucks anticipated and their parking location. No one else spoke for or against the item. The Public Hearing was closed.

Ordinance No. 2012-3-25 (cont'd)

Council Member Harris spoke to setting a cap for the number of trucks and Ms. Jarrell spoke to issues of enforcement. The Council discussed location where vehicles will be stored at this site, rentals resulting in fluctuating numbers of vehicles and enforcement.

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Gallagher, the Council voted 7-0 to grant Specific Use Permit No. 618 so as to allow the additional use of Truck/Bus Leasing on 10.9± acres of land located at the southeast corner of U.S. Highway 75 and 13/14th Street Connector, in the City of Plano; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-02; and further to adopt Ordinance No. 2012-3-25.

Public Hearing and adoption of Ordinance No. 2012-3-26 as requested in Zoning Case 2012-07, to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to allow truck/bus leasing as a permitted use within the Regional Commercial zoning district; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Regular Agenda Item “9”)

Director of Planning Jarrell advised that truck/bus leasing is allowed by right in the Light Industrial-1 and -2 districts and by specific use permit (SUP) in the Corridor Commercial district, but not at all in the Regional Commercial district. She stated that the request would allow the use by SUP to give the Planning and Zoning Commission and Council an opportunity for review and would limit the use to single unit trucks with enclosed beds and two axles. Ms. Jarrell advised that the Planning and Zoning Commission recommended approval as follows: (Additions shown as underlined text.) Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), such portion of subsection to read as follows:

<i>Permitted Uses</i>	Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG - Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial
<i>Truck/Bus Leasing</i>	Auto & Related								R	R		<u>S</u> 27		R 27
<i>Bus/Truck Leasing</i>	Auto & Related								R	R		<u>S</u> 27		R 27

End Note 27: Allowed by specific use permit only for single-unit trucks with enclosed beds; maximum two axles.

Ordinance No. 2012-3-26 (cont'd)

Mayor Dyer opened the Public Hearing. David Behrens, representing Home Depot, requested Council approval to provide consistency in truck rentals between locations and spoke to the partnership between Home Depot and Penske. No one else spoke for or against the item. The Public Hearing was closed.

Ms. Jarrell responded to the Council, advising that if the item were approved, requests would not be restricted to accessory uses. She spoke to the location at Custer/Parker Roads being a Planned Development district and Home Depot's option to request an amendment to allow the use at that site. She advised that regulations prohibiting overnight parking of 18-wheelers and delivery trucks should not be impactful and spoke regarding parked vehicles used for advertising.

Upon a motion made by Deputy Mayor Pro Tem Smith and seconded by Council Member Dunlap, the Council voted 7-0 to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to allow truck/bus leasing as a permitted use within the Regional Commercial zoning district; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-07; and further to adopt Ordinance No. 2012-3-26.

Public Hearing and adoption of Ordinance No. 2012-3-27 as requested in Zoning Case 2012-03 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 619 so as to allow the additional use of Private Club on 0.1± acre of land located 80± feet south of Parker Road and 700± feet east of Independence Parkway, in the City of Plano, Collin County, Texas, presently zoned Retail; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Plano Center Associates, LTD (Regular Agenda Item "10")

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

Mayor Dyer opened the Public Hearing. No one spoke for or against the item. The Public Hearing was closed.

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Gallagher, the Council voted 7-0 to grant Specific Use Permit No. 619 so as to allow the additional use of Private Club on 0.1± acre of land located 80± feet south of Parker Road and 700± feet east of Independence Parkway, in the City of Plano; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-03; and further to adopt Ordinance No. 2012-3-27.

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2012-04 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 620 so as to allow the additional use of Day Care Center (In-home) on 0.2± acre of land located at the northeast corner of Westridge Drive and Dartbrook Drive, in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-9; 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, a publication clause, and an effective date. Applicant: Richard Lissauer (Regular Agenda Item “11”)

Director of Planning Jarrell advised that this location has had an in-home day care center for a number of years, is located on a corner lot facilitating parking and that children are dropped off/picked up at different times during the day. She spoke to the center presently serving twelve children which necessitates a specific use permit and advised that the Planning and Zoning Commission recommended approval as submitted.

Mayor Dyer opened the Public Hearing. Richard and Colleen Lissauer spoke regarding operations of the center, curriculum and read letters of support. No one else spoke for or against the item. The Public Hearing was closed.

Deputy Mayor Pro Tem Smith and Council Members Gallagher and Dunlap stated concern that the request represents a commercial land use in a residential neighborhood.

A motion was made by Council Member Dunlap and seconded by Council Member Gallagher to deny the additional use of Day Care Center (In-home) on 0.2± acre of land located at the northeast corner of Westridge Drive and Dartbrook Drive, in the City of Plano. The Council voted 6-1 with Council Member Davidson voting in opposition. The motion carried.

Public Hearing and adoption of Ordinance No. 2012-3-28 as requested in Zoning Case 2012-06 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 621 so as to allow the additional use of Day Care Center on 0.1± acre of land located 1,100± feet east of Alma Drive, 1,200± feet north of Plano Parkway, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Kezia Goodwin (Regular Agenda Item “12”)

Director of Planning Jarrell advised that the request is for a specific use permit for a day care center to be located within Collin Creek Mall. She stated that the center would be accessed through the main mall and with parking in the general lot. Ms. Jarrell advised that the Planning and Zoning Commission recommended approval as submitted.

Mayor Dyer opened the Public Hearing. Kezia Goodwin responded to the Council, advising that it will be a drop-in center not requiring outdoor play space per state regulations and reviewed the hours of service. No one else spoke for or against the item. The Public Hearing was closed.

Ms. Jarrell responded to Council Member Dunlap regarding another specific use permit in the mall.

Ordinance No. 2012-3-28 (cont'd)

Upon a motion made by Deputy Mayor Pro Tem Smith and seconded by Mayor Pro Tem Miner, the Council voted 7-0 to grant Specific Use Permit No. 621 so as to allow the additional use of Day Care Center on 0.1± acre of land located 1,100± feet east of Alma Drive, 1,200± feet north of Plano Parkway, in the City of Plano; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-06; and further to adopt Ordinance No. 2012-3-28.

Public Hearing and adoption of Ordinance No. 2012-3-29 as requested in Zoning Case 2012-08 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 622 so as to allow the additional use of Transit Center/Station on 1.8± acres of land located at the southwest and northeast corners of 16th Street and J Avenue, in the City of Plano, Collin County, Texas, presently zoned Downtown Business/Government and Urban Residential; 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, a publication clause, and an effective date. Applicant: City of Plano (Regular Agenda Item "13")

Director of Planning Jarrell advised that Regular Agenda items 13-16 are related to assigning specific use permits to existing DART rail and bus stations to ensure safe passenger loading/unloading, access and sufficient parking. She spoke to Council action in December 2011 to require the permits and advised that the Planning and Zoning Commission recommended approval as submitted for this item related to the Downtown Station.

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

Upon a motion made by Council Member Dunlap and seconded by Mayor Pro Tem Miner, the Council voted 7-0 to grant Specific Use Permit No. 622 so as to allow the additional use of Transit Center/Station on 1.8± acres of land located at the southwest and northeast corners of 16th Street and J Avenue, in the City of Plano, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-08; and further to adopt Ordinance No. 2012-3-29.

Public Hearing and adoption of Ordinance No. 2012-3-30 as requested in Zoning Case 2012-09 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 623 so as to allow the additional use of Transit Center/Station on 9.8± acres of land located at the southeast corner of Commerce Drive and 15th Street, in the City of Plano, Collin County, Texas, presently zoned Retail; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: City of Plano (Regular Agenda Item "14")

Director of Planning Jarrell advised that the item is related to the Jack Hatchell Transit Center and that the Planning and Zoning Commission recommended approval of the request as submitted. She responded to Deputy Mayor Pro Tem Smith, advising current ordinances related to transit stations do not allow entities other than DART to pick up or drop off passengers and that Staff will bring forward information for possible further clarification.

Ordinance No. 2012-3-30 (cont'd)

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

Upon a motion made by Council Member Harris and seconded by Mayor Pro Tem Miner, the Council voted 7-0 to grant Specific Use Permit No. 623 so as to allow the additional use of Transit Center/Station on 9.8± acres of land located at the southeast corner of Commerce Drive and 15th Street, in the City of Plano, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-09; and further to adopt Ordinance No. 2012-3-30.

Public Hearing and adoption of Ordinance No. 2012-3-31 as requested in Zoning Case 2012-10 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 624 so as to allow the additional use of Transit Center/Station on 9.5± acres of land located on the east side of Communications Parkway and 800± feet south of Tennyson Parkway, in the City of Plano, Collin County, Texas, presently zoned Commercial Employment; 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, a publication clause, and an effective date. Applicant: City of Plano (Regular Agenda Item "15")

Director of Planning Jarrell advised that the item is related to the West Side Transit Center and that the Planning and Zoning Commission recommended approval of the request as submitted.

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

Upon a motion made by Council Member Harris and seconded by Council Member Davidson, the Council voted 7-0 to grant Specific Use Permit No. 624 so as to allow the additional use of Transit Center/Station on 9.5± acres of land located on the east side of Communications Parkway and 800± feet south of Tennyson Parkway, in the City of Plano, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-10; and further to adopt Ordinance No. 2012-3-31.

Public Hearing and adoption of Ordinance No. 2012-3-32 as requested in Zoning Case 2012-11 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 625 so as to allow the additional use of Transit Center/Station on 24.8± acres of land located at the northwest and southwest corners of Archerwood Street and Exchange Drive, at the northeast corner of Park Boulevard and Archerwood Street, and at the southeast corner of Parker Road and Archerwood Street, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: City of Plano (Regular Agenda Item "16")

Director of Planning Jarrell advised that the item is related to the Parker Road Station and that the Planning and Zoning Commission recommended approval of the request as submitted.

Ordinance No. 2012-3-32 (cont'd)

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

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Harris, the Council voted 7-0 to grant Specific Use Permit No. 625 so as to allow the additional use of Transit Center/Station on 24.8± acres of land located at the northwest and southwest corners of Archerwood Street and Exchange Drive, at the northeast corner of Park Boulevard and Archerwood Street, and at the southeast corner of Parker Road and Archerwood Street, in the City of Plano; as requested in Zoning Case 2012-11 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2012-3-32.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 9:06 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary