

PLANO CITY COUNCIL

WILL CONVENE INTO EXECUTIVE SESSION AT 6:00 P.M. ON MAY 12, 2008, FOLLOWED BY PRELIMINARY OPEN MEETING IMMEDIATELY THEREAFTER, IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:

Mission Statement: The mission of the City of Plano is to provide outstanding services and facilities, through cooperative efforts with our citizens, that contribute to the quality of life in our community.

EXECUTIVE SESSION

- | | | | |
|-----|--|-------------|---------|
| I. | Legal Advice | Wetherbee | 15 min. |
| | A. Respond to questions and receive legal advice on agenda items | | |
| II. | Economic Development | Muehlenbeck | 15 min. |
| | A. Discuss a financial offer or other incentive to a business prospect to locate, stay, or expand in Plano and consider any commercial and financial information from the business prospect. | | |

PRELIMINARY OPEN MEETING

- | | | | |
|------|---|---------|--------|
| I. | Consideration and action resulting from Executive Session discussion: | Council | 5 min. |
| II. | Personnel Appointments | Council | 5 min. |
| | A. Public Art Committee | | |
| III. | Council items for discussion/action on future agendas | Council | 5 min. |
| IV. | Consent and Regular Agenda | Council | 5 min. |

- | | | | |
|----|---|---------|--------|
| V. | Council Reports | Council | 5 min. |
| A. | Council May Receive Information, discuss and provide direction on the following reports: | | |
| B. | Council may receive reports from its other members who serve as liaisons to boards, commissions, and committees | | |

In accordance with the provisions of the Open Meetings Act, during Preliminary Open Meetings, agenda items will be discussed and votes may be taken where appropriate.

Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Avenue L, with specially marked parking spaces nearby. Access and special parking are also available on the north side of building. The Council Chamber is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.



CITY COUNCIL

1520 AVENUE K

DATE: May 12, 2008

CALL TO ORDER: 7:00 p.m.

INVOCATION: Father R. James Balint
Prince of Peace Catholic Community

PLEDGE OF ALLEGIANCE: Boy Scout Troop 261
Christ United Methodist Church

ITEM NO.	EXPLANATION	ACTION TAKEN
(a)	<p>THE MISSION OF THE CITY OF PLANO IS TO PROVIDE OUTSTANDING SERVICES AND FACILITIES, THROUGH COOPERATIVE EFFORTS WITH OUR CITIZENS THAT CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</p> <p><u>PROCLAMATIONS AND SPECIAL RECOGNITION</u></p> <p>Presentation: 2008 Paul L. Standberry Scholarship Award</p> <p>Proclamation: Public Service Recognition Week – 2008</p> <p>Special Recognition: 2008 Employee of the Year – Katherine McGuire</p> <p><u>BOARD AND COMMISSION REPORT</u></p> <p>Heritage Commission – Clint Osteen, Chair</p> <p><u>COMMENTS OF PUBLIC INTEREST</u></p> <p>This portion of the meeting is to allow up to five (5) minutes per speaker with thirty (30) total minutes on items of interest or concern and not on items that are on the current agenda. The Council may not discuss these items, but may respond with factual or policy information. The Council may choose to place the item on a future agenda.</p> <p><u>CONSENT AGENDA</u></p> <p>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</p> <p><u>Approval of Minutes</u></p> <p>April 28, 2008</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><u>Approval of Expenditures</u></p> <p>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</p> <p>(b) RFP No. 2008-99-C for Best Value Bid for Median and Right-of-Way US 75/North Dallas Tollway Project to American Civil Constructors in the amount of \$109, 607.</p> <p><u>Adoption of Resolutions</u></p> <p>(c) To appoint Scott M. Seidel to serve the remainder of the two year period previously approved for James P. Reid as investigator as required by Section 2-104 of the Code of Conduct of the City of Plano; and providing an effective date.</p> <p>(d) To approve and authorize the refunds of Property Tax Overpayments; and providing an effective date.</p> <p>(e) To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano and Collin County through its Department of Homeland Security for sharing of Law Enforcement Data; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date.</p> <p>(f) To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for a "Click It or Ticket" Project, to be conducted during Memorial Day holiday period; authorizing the City Manager to execute any other documents necessary to effectuate the action taken; and providing an effective date.</p> <p>(g) To approve a Licensing Agreement by and between the City of Plano and the North Central Texas Council of Governments; providing terms and conditions for the purchase of digital aerial photography in the amount of \$14,112; authorizing execution of the License Agreement by the City Manager; and providing an effective date.</p> <p>(h) To approve the costs for a Bundled Agreement for the acquisition of a File Management Software System with Thomson Elite, a Division of West Publishing Company, and a three year subscription for Web-based Research Services with Westlaw Publishing Company, in an amount not to exceed \$54,266; authorizing the City Manager to execute any and all documents in connection therewith; and providing an effective date.</p> <p><u>Adoption of Ordinances</u></p> <p>(i) To amend Ordinance No. 2008-3-8, currently codified under Chapter 12 (Motor Vehicles and Traffic), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances, to revise the designated times of school zone operation located on Alma Drive between a point 250 feet north of 15th Street (FM 544) and a point 400 feet south of Janwood Drive for Sigler Elementary School and St. Mark Catholic School; 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.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></p> <p>Public Hearing Items: Applicants are limited to fifteen (15) minutes presentation time with a five (5) minute rebuttal, if needed. Remaining speakers are limited to thirty (30) total minutes of testimony time, with three (3) minutes assigned per speaker. The presiding officer may extend these times as deemed necessary.</p> <p>Non-Public Hearing Items: The Presiding Officer may permit limited public comment for items on the agenda not posted for a Public Hearing. The Presiding Officer will establish time limits based upon the number of speaker requests, length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Speakers will be called in the order cards are received until the cumulative time is exhausted.</p> <p>(1) Public Hearing and consideration of ordinances as requested in Zoning Cases 2008-37 through 2008-42 all of which are limited to the repeal of certain Specific Use Permits for Private Clubs. The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific Use Permit for an additional use of a Private Club and the applicant is the City of Plano.</p> <p>(1a) Zoning Case 2008-37 – Request to rescind Specific Use Permit #487 for Private Club on 0.1± acre located at the southwest corner of Bishop Road and Kincaid Road. Zoned Planned Development-65-Central Business-1.</p> <p>(1b) Zoning Case 2008-38 – Request to rescind Specific Use Permit #489 for Private Club on 0.1± acre located 80± feet south of Legacy Drive, 370± feet east of Dallas North Tollway. Planned Development-65-Central Business-1.</p> <p>(1c) Zoning Case 2008-39 – Request to rescind Specific Use Permit #490 for Private Club on 0.1± acre located on the east side of K Avenue, 75± feet south of 15th Street. Zoned Downtown Business/Government/Downtown Heritage Resource District.</p> <p>(1d) Zoning Case 2008-40 – Request to rescind Specific Use Permit #491 for Private Club on one lot on 0.1± acre located on the east side of Bishop Road, 340± feet south of Legacy Drive. Zoned Planned Development-65-Central Business-1/Dallas North Tollway Over-Lay District.</p> <p>(1e) Zoning Case 2008-41 – Request to rescind Specific Use Permit #492 for Private Club on one lot on 0.1± acre located 80± feet south of Legacy Drive, 250± feet west of Parkwood Boulevard. Zoned Planned Development-65-Central Business-1.</p> <p>(1f) Zoning Case 2008-42 – Request to rescind Specific Use Permit #504 for Private Club on one lot on 222.1± acres located on the north side of 14th Street, 800± feet east of Star Court. Zoned Agricultural.</p> <p>All of the above locations are located within the City of Plano, Collin County, Texas, and the repeal of each ordinance will amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(2)	<p>Public Hearing and Consideration of an Ordinance as requested in Zoning Case 2008-36 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 5.6± acres located on the north side of State Highway 190, 620± feet west of Preston Road in the City of Plano, Collin County, Texas, from Light Commercial with Specific Use Permit No. 449 for New Car Dealer to Planned Development-198-Light Commercial with Specific Use Permit No. 449 for New 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. Applicant: Park Place Motors</p>	
(3)	<p>Public Hearing and Consideration of an Ordinance as requested in Zoning Case 2008-44 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 594 so as to allow the additional use of Private Street Subdivision on 69.2± acres of land located on the northwest corner of Spring Creek Parkway and Tennyson Parkway in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-9; Patio Home and Single-Family Residence Attached, 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: HW Spring Creek Partners, L.P. & ZCB Spring Creek, L.P.</p>	
(4)	<p>Public Hearing and Consideration of an Ordinance as requested in Zoning Case 2008-43 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 2.2± acres located on the south side of 14th Street, 1,030± feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas, from Research/Technology Center to Light Industrial-1; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Diane Nelson Revocable Living Trust</p>	
(5)	<p>Public Hearing and Consideration of an Appeal of the Planning & Zoning Commission’s Denial of Zoning Case 2008-27 - Request to rezone 40.2± acres located at the northeast corner of the Dallas North Tollway and Plano Parkway from Regional Employment to Planned Development-Regional Employment. Applicant Scarborough Parkway II, L.P.</p> <p>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Training Room A/Building Inspections Training Room are located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</p>	



Pat Evans
Mayor

Sally Magnuson
Mayor Pro Tem

Jean Callison
Deputy Mayor Pro Tem

Shep Stahel
Place 1

Scott Johnson
Place 2

Loretta Ellerbe
Place 3

Harry LaRosiliere
Place 5

Lee Dunlap
Place 8

May 7, 2008

Mayor Pat Evans
City Council Members
City of Plano
Plano, TX 75074

Honorable Mayor and City Council:

We will begin Executive Session an hour later on Monday, at 6:00 p.m. We will hear legal advice from the City Attorney and potential business prospects will also be discussed.

The Preliminary Open Meeting will consist of one personnel appointment.

I look forward to seeing you on Monday at 6 p.m.

Sincerely yours,

Thomas H. Muehlenbeck
City Manager

THM/cp

Thomas H. Muehlenbeck
City Manager

MEMO

DATE: May 6, 2008

TO: Honorable Mayor and City Council
City Manager Muehlenbeck
City Secretary Zucco

FROM: Kristy Land, Assistant City Secretary

RE: Personnel Appointments - Worksession Meeting

The following appointments will be considered at the May 12, 2008 City Council Meeting.

<p><u>Executive Meeting</u></p> <p>No items to be discussed.</p>	<p><u>Worksession Meeting</u></p> <p>Public Art Committee –</p> <ul style="list-style-type: none">• Interim Appointment Expires 10/09 (Joseph P. Connolly - Resignation)
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Discussion/Action Items for Future Council Agendas

2008

May 15 – Plano Hispanic Community Forum, Sockwell Center, 6:30 p.m.

May 20 – Canvass Day

May 26 – Memorial Day – Memorial Day Observance, 8:30 a.m.

May 27

Planning and Zoning Commission
Mobility Report
DART Report
Comprehensive Monthly Financial Report

Zoning Case 2008-45 - Request to rescind Specific Use Permit #505 for Private Club on 3.1± acres located at the northwest corner of Spring Creek Parkway and Des Moines Drive. Zoned Retail.

Zoning Case 2008-46 - Request to rescind Specific Use Permit #510 for Private Club on 1.6± acres located on the west side of U.S. Highway 75, 1,050± feet north of Ruisseau Drive. Zoned Corridor Commercial.

Zoning Case 2008-47 - Request to rescind Specific Use Permit #512 for Private Club on 0.1± acre located 90± feet south of Legacy Drive and 150± feet west of Parkwood Boulevard. Zoned Planned Development-65-Central Business-1.

Zoning Case 2008-48 - Request to rescind Specific Use Permit #532 for Private Club on 1.6± acres located at the northeast corner of Park Boulevard and Prestwick Road. Zoned Planned Development-68-Retail.

Zoning Case 2008-49 - Request to rescind Specific Use Permit #536 for Private Club on 0.1± acre located on the south side of Parker Road, 495± feet west of Custer Road. Zoned Planned Development-90-Retail.

Zoning Case 2008-50 - Request to rescind Specific Use Permit #544 for Private Club on 0.8± acre located on the west side of U.S. Highway 75, 700± feet south of 15th Street. Zoned Corridor Commercial.

June 5 – District 3 Roundtable, PSA StarCenter, 7 p.m.

June 9

Transition and Revitalization Commission

June 23

Board of Adjustment
Mobility Report
DART Report
Comprehensive Monthly Financial Report

June 25 – City Council Retreat

June 27 – 29 – TCMA Conference, Arlington, Texas

July 4 – Independence Day

July 28

Building Standards Commission
Mobility Report
DART Report
Comprehensive Monthly Financial Report

***July 30**

Budget Council Meeting

August 9 – Police Department’s 50th Anniversary Celebration, 1:30 – 5:30 p.m.

August 11

Retirement Security Plan Committee

August 16 – Council Budget Worksession

August 21 – District 4 Roundtable, PSA StarCenter, 7 p.m.

August 23 – Board and Commission Reception, Municipal Center, 2 p.m.

August 25

Parks and Recreation Planning Board
Mobility Report
DART Report
Comprehensive Monthly Financial Report

August 28 – Board and Commission Reception, PSA StarCenter, 6 p.m.

September 1 – Labor Day

September 8

Self Sufficiency Committee

September 19 – 24, ICMA Annual Conference, Richmond, VA

September 22

Plano Housing Authority
Mobility Report
DART Report
Comprehensive Monthly Financial Report

Board and Commission Appointments

October 13
TIF, No 1 & 2

Board and Commission Oath of Office

October 27
Youth Advisory Commission
Mobility Report
DART Report
Comprehensive Monthly Financial Report

Board and Commission Certificates of Appreciation

October 29 – 31 – TML Annual Conference, San Antonio

November 10

November 11 – 15 – NLC Congress of Cities, Orlando, FL

November 20 – District 2 Roundtable, Tom Muehlenbeck Center, 7 p.m.

November 24
Mobility Report
DART Report
Comprehensive Monthly Financial Report

November 27 & 28 – Thanksgiving Holidays

December 8

December 18 – Employee Holiday Luncheon, Plano Centre, 11 a – 1 p

December 22
Mobility Report
DART Report
Comprehensive Monthly Financial Report

December 25 & 26 – Christmas & Winter Holidays



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	05/12/08	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager's Office	Initials	Date	
Department Head	Tom Muehlenbeck	Executive Director		
Dept Signature:		City Manager	<i>[Signature]</i>	<i>[Signature]</i>
Agenda Coordinator (include phone #):		Sharon Wright ext. 7107		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER				
CAPTION				
Presentation: 2008 Paul L. Standberry Scholarship Award				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	05/12/08	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager's Office	Initials	Date	
Department Head	Tom Muehlenbeck	Executive Director		
Dept Signature:		City Manager	<i>JM</i>	<i>5/28/08</i>
Agenda Coordinator (include phone #):		Sharon Wright ext. 7107		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER				
CAPTION				
Proclamation: Public Service Recognition Week - 2008				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	05/12/08	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager's Office	Initials	Date	
Department Head	Tom Muehlenbeck	Executive Director		
Dept Signature:		City Manager		
Agenda Coordinator (include phone #):		Sharon Wright ext. 7107		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER				
CAPTION				
Special Recognition: 2008 Employee of the Year – Katherine McGuire				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
April 28, 2008**

COUNCIL MEMBERS

Pat Evans, Mayor
Sally Magnuson, Mayor Pro Tem
Jean Callison, Deputy Mayor Pro Tem
Shep Stahel
Scott Johnson
Loretta 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
Diane Zucco, City Secretary

Mayor Evans called the meeting to order at 5:10 p.m., Monday, April 28, 2008, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Council Member LaRosiliere arrived at 5:14 p.m. Mayor Evans then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071 and to discuss Economic Development, Section 551.087 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting at 6:05 p.m. in the Council Chambers where the following matters were discussed:

Consideration and Action Resulting From Executive Session

No items were brought forward for consideration.

DART Report

The DART Report was not presented.

Comprehensive Monthly Financial Report

Director of Finance McGrane advised regarding inclusion of investment information in the report, stated that year-to-date revenues in the General Fund are down slightly and that most expenditures are tracking at the same level as last year.

Mr. McGrane spoke to sales tax revenue being down slightly for the month of March and generally below other cities in the area, a decrease in unemployment rates, and to the Metroplex doing fairly well with regard to housing values and sales. He spoke regarding the decrease in building starts, decrease in water and sewer billing and to hotel/motel taxes staying consistent. He spoke regarding investments and staying with short-term funds due to the uncertainty in the yield curve. Council Member Dunlap spoke to the impacts of public transit and corporations located in the City on the sale of homes.

Mobility Report

Transportation Engineering Manager Neal spoke to the use of public transportation and being responsive to the needs of riders, work done by the Public Works Department in response to storm damage in the City, improving the detection rate on red-light cameras by implementing ground loops, and preparing for school zones in the fall. He advised that information regarding senior transportation taxi vouchers will be brought to Council next month and responded to Council Member Dunlap regarding efforts to hold a public meeting related to the interchange at the Dallas North Tollway and S.H. 190. Mr. Neal spoke to consideration of both northbound and southbound traffic, anticipated input from Willow Bend Mall representatives and presenting a final determination to the Council. City Manager Muehlenbeck spoke to assistance received from the City of Richardson during storm clean-up efforts.

North Texas Municipal Water District Presentation

North Texas Municipal Water District Executive Director Parks briefed the Council on the current status of the water supply system including sources and bringing two additional projects online this summer. He spoke to construction of the Lower Bois d'Arc Creek Reservoir and possible Lake Texoma supply depending on the overturning of a moratorium in Oklahoma on the sale of water. Mr. Parks spoke to the status of treatment capacity and consideration of moving to an ozone disinfection process by 2012. He spoke to wholesale water rate projections and the effect of increased construction, operation/maintenance, and chemical costs and to the possible revision of projections should energy prices decrease. Mr. Parks spoke to the positive effect of Plano as a member city during the recent bond sale, capacity at the Wilson Creek Regional Treatment Plant and expansions at the Rowlett Creek Regional Wastewater Treatment Plant along with the need for a future transfer site.

Council Member Ellerbe spoke to the City of Plano being penalized for conservation efforts and faster growing cities having an interest in obtaining water at lower rates. She spoke to requiring all member cities provide a projection of water use to determine the overall needs of the district for the future. Mr. Parks spoke to an update of the regional water plan and to the inability of the district to force cities to execute a change. Council Member Stahel spoke to encouraging long-term conservation at the district level. Mr. Parks responded to Mayor Evans, advising that it would be a joint effort between the board of directors, mayors and councils to come to a consensus on moving forward. Ms. Ellerbe spoke to development of water use projections as a step towards a consensus.

Mayor Evans spoke to the need for leadership in putting a plan together and determining resources/demands and to a possible “water summit” to address issues. Council Member Dunlap spoke to the district’s role in bringing the cities together and Council Member Ellerbe requested that data gathered regarding water use projects be distributed. City Manager Muehlenbeck spoke to balancing conservation and satisfying water needs, consideration of the issues on a regional level, and to Plano as the largest consumer of water providing more dollars towards building the system. Council Member Johnson spoke to the need for conservation and alternatives to implement change including agreement by member cities, a court order or through legislation.

Mr. Parks spoke to bringing everyone to a point of equality in the contract and Mayor Evans spoke to the effect of current conditions. Council Member Stahel spoke to the possibility addressing concerns through the legislature.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agenda

Council Member Dunlap requested that Consent Agenda Items “D,” Bid No. 2008-137-B 2007-2008 Residential Concrete Pavement Rehabilitation Project, Zone L7 to Jerusalem Corporation in the amount of \$433,224; and “E,” Bid No. 2008-138-B, 2007-2008 Residential Concrete Pavement Rehabilitation Project, Zone Q3 to Jerusalem Corporation in the amount of \$632,215 be removed for individual consideration due to possible conflicts of interest.

Council Member Stahel requested that Consent Agenda Item “L,” a resolution to approve the terms and conditions of a Wayside Horn Agreement between The Kansas City Southern Railway Company and the City of Plano be removed for individual consideration.

Council Reports

Council Member Stahel spoke regarding the Fire Department’s Annual Awards Picnic.

Nothing further was discussed. Mayor Evans adjourned the Preliminary Meeting at 7:07 p.m.

Pat Evans, Mayor

ATTEST

Diane Zucco, City Secretary

PLANO CITY COUNCIL
April 28, 2008

COUNCIL MEMBERS

Pat Evans, Mayor
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Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Evans convened the Council directly into the Regular Session from the Preliminary Meeting at 7:07 p.m. on Monday, April 28, 2008, in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Reverend David Batchelder with West Plano Presbyterian Church.

The Pledge of Allegiance was led by Cub Scout Pack 261, Den 2 of Christie Elementary.

The Council received the 2007 Award of Excellence by the Building Officials Association of Texas (BOAT). Mayor Evans presented a proclamation for National Volunteer Month – April, 2008, National Historic Preservation Month, and Wildflower Week – 2008.

Mayor Evans administered oaths of office to incoming board members Esau Liu of the Global Advisory Committee and Louis Heck of the Self Sufficiency Committee.

BOARD AND COMMISSION REPORT

Bob Masengill, Community Relations Commission Chair, spoke to Council regarding the Commission's major accomplishments, grant process, summary statistics, and upcoming events. Mr. Masengill stated the Commission approved bylaws, a new form for the grant process, and an Affirmative Action Report, and completed the 2008 grant cycle for four grants. He provided Council with a brief overview of the grant process; spoke to grant requests, allocations, consolidated process, and summary statistics and outcomes. He spoke to future review of the application process for potential improvements and consideration of agency visits. Council Member Stahel commended the Commission and Mr. Masengill stated the members take the role of being good fiduciary agents on behalf of the City and introduced the other members of the Board. Mayor Evans thanked the members for their time and effort.

Council Resumed Discussion of the Preliminary Open Meeting

Executive Director Glasscock provided Council with a detailed report outlining the emergency outdoor warning system (OWS) and recent storm activities. Mr. Glasscock spoke to the historical perspective of Plano's warning systems and systems being predominately utilized for "outdoor" notification. Mr. Glasscock stated the National Weather System (NWS) "All Hazard" NOAA Weather Radios should be standardized equipment in every home. He spoke to the receipt of NWS warning on April 10, 2008 and velocity of the storm. He stated the NWS had no evidence that a tornado touched down in Plano and damage was a result of straight line winds or "Micro Bursts." Mr. Glasscock spoke to risk management's assessment of City property damage in an estimated \$1 million. He recognized the outstanding job done by all City Departments and employees in initial response and the clean-up/recovery effort.

Mr. Glasscock spoke to Public Safety Communication's (PSC) response and storm warning protocol following the receipt of NWS warning. He stated PSC Staff consulted weather radar and sought additional verification prior to activating the OWS while focusing a great deal of attention on an increasingly large volume of in-bound telephone calls. Mr. Glasscock stated the main source of information used was television coverage and cable radar showing the storm model. He spoke regarding the time to assess the threat, combined with the unusually fast track of storm and weather events and further stated the storm met the policy for activation criteria; however, there was no activation due to mitigating circumstances which delayed the decision. Mr. Glasscock spoke to retraining personnel responsible for Emergency Outdoor Warning System activation and follow-up actions including immediate improvement in targeted information by PSC from the NWS. He spoke to additional layers of back-up information monitoring, public education coordination in the region, purpose of OWS to signal people to move indoors, and use of hazard radios.

Mr. Glasscock responded to Council that current systems allow deployment on a geographical basis, but based on scientific reliability of weather they will be activated for the whole City. Public Safety Director Timmons spoke to weather radios which allow for selective programming for our community and the ability to be set for a specific set type of warning, and having battery back-up. Council Member Dunlap spoke to sirens have value giving citizens the opportunity to make a decision. Council Member Stahel spoke to providing citizens with information regarding the warning system through the utility billing insert or website. Mayor Evans recognized how alarms are used by and relied on by citizens.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Council Member Dunlap requested that Consent Agenda Items "D" and "E" be removed for individual consideration due to possible conflicts of interest.

Francisco Pinto requested Consent Agenda Item "K," a Resolution to authorize the purchase of dry kiln cement as the base bid be removed for individual consideration.

Council Member Stahel requested Consent Agenda Item “L” be removed for individual consideration.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Ellerbe, 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)]

April 14, 2008

Approval of Expenditures

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

Bid No. 2008-131-C Ford Automobile and Light Truck OEM Parts to Bob Tomes Ford in the estimated annual amount of \$70,000. This will establish an annual fixed price contract with three optional one-year renewals. [Consent Agenda Item (B)] (Exhibit “A”)

Bid No. 2008-111-B, 2008 Stadium and Custer Pump Station Irrigation Project to Cole Construction, Inc., in the amount of \$119,290. This project involves the installation of new irrigation systems for landscaping at the Stadium and Custer ground storage pump stations. [Consent Agenda Item (C)] (Exhibit “B”)

Cancellation of Award

Cancellation of CSP No. 2008-69-B for tree replacement contract to Fannin Tree Farm in the amount of \$160,000. [Consent Agenda Item (F)]

Purchase from Existing Contract/Agreement: (Purchase of products/services through Cooperative Purchasing Interlocal Contract with another governmental/quasi-governmental agency or an additional purchase from current City of Plano annual purchase agreement).

To authorize the purchase of Plano City Jail Addition in the amount of \$112,813 from Centennial Contractors Enterprises, Inc., through The Cooperative Purchasing Network (TCPN) contract, and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R4538) [Consent Agenda Item (G)]

Approval of Contract

To approve and authorize a contract with F & S Partners, Incorporated (RFQ 2008-54-B) to provide architectural services for the Carpenter Park Recreation Center expansion project in an amount not to exceed \$70,000 and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. [Consent Agenda Item (H)]

Approval of Change Order

To JRJ Paving, L.P., increasing the contract by \$82,236 for the 15th Street Reconstruction (Avenue G to Avenue I), Change Order No. 2. (Original Bid No. 2006-237-B). This change order is for revising the scope of work to include additional water main, storm sewer and changing the sidewalk pavers from a concrete to a clay brick paver. [Consent Agenda Item (I)]

Adoption of Resolutions

Resolution No. 2008-4-26(R): To approve and grant a 548 square foot access easement to 15th Street Village, L.P. on City property in the northwest corner of Lot 1, Block 1, Plano Justice Center Addition as recorded in Cabinet O, Page 516 of the Land Records of Collin County, Texas, authorizing its execution by the City Manager, and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2008-4-27(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and the Dallas County Community College District on behalf of Richland College, providing terms and conditions for Educational Services, authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2008-4-28(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and the Collin County Community College District, providing terms and conditions for Educational Services, authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (N)]

Resolution No. 2008-4-29(R): To authorize continued participation with the Steering Committee of Cities Served by Oncor; and authorizing the payment of 10 cents per capita to the Steering Committee to fund regulatory and related activities related to Oncor Electric Delivery; authorizing its execution by the City Manager, and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2008-4-30(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Natural Polymer International Corporation, authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (P)]

Resolution No. 2008-4-31(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Capital One, National Association, along with Capital One Auto Finance, Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (Q)]

Resolution No. 2008-4-32(R): To approve the terms and conditions of an Amendment to Economic Development Incentive Agreement by and between Capital One, National Association and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (R)]

Resolution No. 2008-4-33(R): To approve an Assignment of a Tax Abatement Agreement from The Shops at Legacy, L.P. to The Shops at Legacy (Inland) L.P.; and providing an effective date. [Consent Agenda Item (S)]

Adoption of Ordinances

Ordinance No. 2008-4-34: To amend Ordinance No. 2007-5-20 relating to City of Plano Retirement Security Plan as restated January 1, 2007 as follows: the first paragraph of Section 6.6 “Maximum Annual Benefit Under Code Section 415” and Subsection 6.6(a)(2)(d) “Limitation on Benefits, Maximum Permissible Benefit” in Article VI “Amount of Retirement Benefits” to comply with Code 415 of the Internal Revenue Regulations; Subsection 8.6(2) “Eligible Retirement Plan” and Subsection 8.6(3) “Distributee” of Section 8.6 “Direct Rollover Options for Eligible Rollover Distributions” in Article VIII “Other Optional Forms of Payment” in order to comply with the Internal Revenue Service Code Regulations and to allow certain lump sum distributions to be placed in a Roth IRA by non-spouse beneficiaries, all of these changes effective January 1, 2008; authorizing its execution by the City Manager; providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (T)]

Ordinance No. 2008-4-35: To repeal in its entirety, City of Plano Ordinance No. 2004-8-8 and Ordinance No. 2006-8-16 codified as Article II, Building Code, of Chapter 6 of the Code of Ordinances; and adopting the 2006 Edition of the International Building Code, with certain additions, deletions and amendments, as the Building Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (U)]

Ordinance No. 2008-4-36: To repeal in its entirety, City of Plano Ordinance No. 2004-8-12 codified as Article XIX, Fuel Gas Code, of Chapter 6 of the Code of Ordinances; and adopting the 2006 Edition of the International Fuel Gas Code, with certain additions, deletions and amendments, as the Fuel Gas Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (V)]

Ordinance No. 2008-4-37: To repeal in its entirety, City of Plano Ordinance No. 2004-8-14 codified as Division 3, Mechanical Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances of the City; and adopting the 2006 Edition of the International Mechanical Code, with certain additions, deletions, and amendments, as the Mechanical Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (W)]

Ordinance No. 2008-4-38: To repeal in its entirety, City of Plano Ordinance No. 2004-8-11 and Ordinance 2007-11-9 codified as Division 2, Plumbing Code, of article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances; and adopting the 2006 Edition of the International Plumbing Code, with certain additions, deletions and amendments, as the Plumbing Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (X)]

Ordinance No. 2008-4-39: To repeal in its entirety, City of Plano Ordinance No. 2004-8-9 and Ordinance No. 2007-11-10 codified as Article XX, Residential Code, of Chapter 6 of the Code of Ordinances; and adopting the 2006 Edition of the International Residential Code, with certain additions, deletions and amendments, as the Residential Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (Y)]

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. 2008-137-B 2007-2008 Residential Concrete Pavement Rehabilitation Project, Zone L7 to Jerusalem Corporation in the amount of \$433,224. This project involves the repair of residential street and alley pavement in the area bounded by Spring Creek Parkway on the south, Custer Road on the west, Legacy Drive on the north and Alma Road on the east. [Consent Agenda Item (D)] (Exhibit "C")

Bid No. 2008-138-B, 2007-2008 Residential Concrete Pavement Rehabilitation Project, Zone Q3 to Jerusalem Corporation in the amount of \$632,215. This project involves the repair of residential street and alley pavement in the area bounded by 14th Street on the south, Shiloh Road on the west, Rowlett Creek on the north and Los Rios Boulevard on the east. [Consent Agenda Item (E)] (Exhibit "D")

Upon a motion made by Mayor Pro Tem Magnuson and seconded Council Member Ellerbe, the Council voted 7-0 to approve Bid No. 2008-137-B 2007-2008 Residential Concrete Pavement Rehabilitation Project, Zone L7 to Jerusalem Corporation in the amount of \$433,224; and Bid No. 2008-138-B, 2007-2008 Residential Concrete Pavement Rehabilitation Project, Zone Q3 to Jerusalem Corporation in the amount of \$632,215.

Council Member Dunlap resumed his place at the bench.

Resolution No. 2008-4-40(R): To authorize the purchase of dry kiln cement as the base bid, with an alternative bid for the purchase of cement from an unspecified source and the giving of a preference to bid evaluations for cement produced at facilities that produce cement with the emissions rates that meet 1.7 pounds of nitrogen oxide (NOx) per ton of clinker or less on City construction bids (preference may only be given if the cost for the goods or services would not exceed 105% of the cost of the goods or services provided by a vendor who does not meet the standards); authorizing the City Manager to approve any documents necessary to effectuate this resolution. This resolution shall become effective immediately upon passage. [Consent Agenda Item (K)]

Resolution No. 2008-4-40(R) (Con't)

Francesco Pinto, Environmental Manager of Ash Grove Cement Company, spoke to recognizing the importance of improved air quality in the region and to his company being one of the lowest ozone forming facilities and lowest NO_x emitting of any wet-type producer in the country. He spoke to the resolution's lack of incentive for others to reduce emissions beyond Texas Commission on Environmental Quality (TCEQ) requirements and a proposal by Ashgrove that would result in further reductions and TCEQ enforcement. Mr. Pinto requested amendment providing for review as area policies change.

City Engineer Upchurch advised that the resolution is similar to those of Dallas and Fort Worth and is directed toward purchasing cement created in a dry kiln process which has lower emissions than wet kiln. He spoke to consideration of a change should it be warranted and consideration of restrictions by other cities. Mayor Evans and Council Member Dunlap spoke to the pressures to improve air quality in the area.

Upon a motion made by Council Member Stahel and seconded Council Member Ellerbe, the Council voted 8-0 to authorize the purchase of dry kiln cement as the base bid, with an alternative bid for the purchase of cement from an unspecified source and the giving of a preference to bid evaluations for cement produced at facilities that produce cement with the emissions rates that meet 1.7 pounds of nitrogen oxide (NO_x) per ton of clinker or less on City construction bids (preference may only be given if the cost for the goods or services would not exceed 105% of the cost of the goods or services provided by a vendor who does not meet the standards); authorizing the City Manager to approve any documents necessary to effectuate this resolution and further to adopt Resolution No. 2008-4-40(R).

Resolution No. 2008-4-41(R): To approve the terms and conditions of a Wayside Horn Agreement between The Kansas City Southern Railway Company and the City of Plano; authorizing its execution by the City Manager, and providing an effective date. [Consent Agenda Item (L)]

City Engineer Upchurch spoke to current quiet zones and efforts to implement a zone at ten to twelve crossings east of U.S. 75. He spoke to supplemental safety devices which will offset the need for trains to sound their horns as they approach an intersection. Mr. Upchurch addressed a stationary horn at Plano Parkway and one crossing in far east Plano which will require a paved roadway. He advised that approval would authorize Staff to move forward with City construction and KSC to begin work toward electronic equipment at crossings with a possible fall deployment. Council Member Stahel thanked Staff for their continued efforts.

Upon a motion made by Council Member Stahel and seconded Council Member LaRosiliere, the Council voted 7-0 to approve the terms and conditions of a Wayside Horn Agreement between The Kansas City Southern Railway Company and the City of Plano; authorizing its execution by the City Manager, and providing an effective date and further to adopt Resolution No. 2008-4-41(R). (Mayor Pro Tem Magnuson was away from the bench).

Second Reading and adoption of Ordinance No. 2008-4-42 to amend Section 3 of Ordinance No. 2003-6-3 to extend the non-exclusive franchise granted to Denton County Electric Cooperative, Inc., d/b/a CoServ Electric, a Texas Corporation to use the present and future streets, avenues, alleys, roads, highway, sidewalks, easements and other public rights-of-way in the City of Plano, Collin County, Texas, for the purposes of constructing and operating an electric distribution system in the City of Plano which is set to expire on or about June 9, 2008; and providing a repealer clause, a severability clause and an effective date. (First reading approved March 25, 2008) [Regular Agenda Item (1)]

Director of Utility Operations Israelson spoke to the five-year extension with CoServ Electric and stated there are no outstanding issues or pending legislation that could adjust the franchise. Mr. Israelson stated the City receives four percent of gross revenues which equaled \$943,000 last year.

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, the Council voted 8-0 to accept the Second Reading of an ordinance to amend Section 3 of Ordinance No. 2003-6-3 to extend the non-exclusive franchise granted to Denton County Electric Cooperative, Inc., d/b/a CoServ Electric, a Texas Corporation to use the present and future streets, avenues, alleys, roads, highway, sidewalks, easements and other public rights-of-way in the City of Plano, Collin County, Texas, for the purposes of constructing and operating an electric distribution system in the City of Plano which is set to expire on or about June 9, 2008; and providing a repealer clause, a severability clause and an effective date and further to adopt Ordinance No. 2008-4-42.

First Reading of an ordinance to amend Ordinance No. 2006-8-10 between the City and Atmos Energy Corporation, a Texas and Virginia Corporation, to provide for a different consideration; providing for acceptance by Atmos Energy Corporation; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; providing a repealer clause, a severability clause, and an effective date. [Regular Agenda Item (2)]

Director of Utility Operations Israelson spoke to increasing franchise fees from four to five percent resulting from a rate case settlement and negotiations with Atmos Energy. Mr. Israelson stated the franchise fees are paid by utility companies as rental payment for the use of public rights-of-way to deliver service and the fee is applied to gross revenue. He further stated the franchise fee has been in place since 1992 and since then property values have increased by more than twenty-five percent. Mr. Israelson spoke to the proposal generating an additional \$600,000 in City revenue.

Upon a motion made by Council Member Ellerbe and seconded by Deputy Mayor Pro Tem Callison, the Council voted 8-0 to approve the First Reading of an ordinance to amend Ordinance No. 2006-8-10 to provide for a different consideration; providing for acceptance by Atmos Energy Corporation; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; providing a repealer clause, a severability clause, and an effective date.

Public Hearing and adoption of Ordinance 2008-4-43 to designate a certain area within the City of Plano as Reinvestment Zone No. 111 for a Tax Abatement consisting of a 24.850 acre tract of land located north of Hedgcoxe Road between Preston Road and Dominion 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 (3)]

Director of Finance McGrane spoke to State law requiring a Public Hearing and establishment of a reinvestment zone prior to entering a tax abatement agreement with Capital One. Mr. McGrane stated the agreement is for their phase two project which will create two-hundred full-time jobs and improvements to the property of an estimated \$4 million of business/personal property and \$30 million dollars in real property and the tax abatement is for ten years at fifty percent for both real and personal property tax.

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

Upon a motion made by Council Member Stahel and seconded by Council Member Johnson, the Council voted 8-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 111 for a Tax Abatement consisting of a 24.850 acre tract of land located north of Hedgcoxe Road between Preston Road and Dominion 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 2008-4-43.

Resolution No. 2008-4-44(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, and Capital One, National Association, a National Banking Association, along with Capital One Auto Finance, Inc., a Texas 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 (4)]

Mr. McGrane restated the term will be for ten years at fifty percent for both real and personal property tax resulting in approximately \$75,000 a year.

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 Capital One, National Association, a National Banking Association, along with Capital One Auto Finance, Inc., a Texas 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. 2008-4-44(R).

Public Hearing on an application for the adoption of a Municipal Setting Designation ordinance for a 1.9317 acre tract of land located at the southeast corner of Plano Parkway and K Avenue, as requested by Quik Trip Corporation. [Regular Agenda Item (5)]

Director of Engineering Upchurch spoke regarding the Municipal Setting Designation (MSD) request prohibiting the use of ground water for potable uses. Mr. Upchurch spoke to public notices and meeting held.

Public Hearing (Con't)

Paul Rodusky, P.G., Reed Engineering Group, Ltd. representative spoke to MSD application designating groundwater at the location as non-potable and prohibiting future use as potable water. Mr. Rodusky spoke to the City's role to pass a municipal ordinance or restrictive covenant that protects the public exposure to contaminated groundwater and to the MSD purpose to allow development or redevelopment of contaminated sites in areas where ground water is not used for potable purposes. He detailed the MSD process, Texas Risk Reduction Program, site history and details. Mr. Rodusky spoke to site investigation and results, alternatives to the MSD, and conclusions that MSD allows redevelopment of the property with focused environmental investigation and ultimate protection of human health and the environment.

Mr. Rodusky responded to Council Member Johnson that the MSD can be in place as long as ordinance is in effect. City Attorney Wetherbee responded to Council Member Dunlap that monitoring is done through the state.

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

Resolution No. 2008-4-45(R): To support the application of Quik Trip Corporation to the Texas Commission on Environmental Quality for certification of a Municipal Setting Designation on 1.9317 acres at the southeast corner of East Plano Parkway and Avenue K; and providing an effective date. [Regular Agenda Item (6)]

Upon a motion made by Council Member Stahel and seconded by Council Member Johnson, the Council voted 8-0 to support the application of Quik Trip Corporation to the Texas Commission on Environmental Quality for certification of a Municipal Setting Designation on 1.9317 acres at the southeast corner of East Plano Parkway and Avenue K; and providing an effective date and further to adopt Resolution No. 2008-4-45(R).

Ordinance No. 2008-4-46: To prohibit the use of designated groundwater from beneath a 1.9317 acres generally located at southeast corner of East Plano Parkway and Avenue K and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality; providing a penalty clause; providing a saving clause; providing a severability clause; and providing an effective date. [Regular Agenda Item (7)]

Upon a motion made by Council Member Stahel and seconded by Council Member Johnson, the Council voted 8-0 to prohibit the use of designated groundwater from beneath a 1.9317 acres generally located at southeast corner of East Plano Parkway and Avenue K and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality; providing a penalty clause; providing a saving clause; providing a severability clause; and providing an effective date, and further to adopt Ordinance No. 2008-4-46.

Public Hearing and consideration of ordinances as requested in Zoning Cases 2008-08 and 2008-28 through 2008-35 all of which are limited to the repeal of certain Specific Use Permits for Private Clubs. The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific Use Permit for an additional use of a Private Club and the applicant is the City of Plano. [Regular Agenda Item (8)]

Ordinance No. 2008-4-47 as requested in Zoning Case 2008-08 – Request to rescind Specific Use Permit #408 for Private Club on one lot on 0.2± acre located on the west side of Preston Road, 112± feet north of Lorimar Drive. Zoned Planned Development-447-Retail/Multifamily Residence-2. [Regular Agenda Item (8a)]

Ordinance No. 2008-4-48 as requested in Zoning Case 2008-28 – Request to rescind Specific Use Permit #461 for Private Club on one lot on 2.9± acres located at the northwest corner of Park Boulevard and the Dallas North Tollway. Zoned Regional Commercial. [Regular Agenda Item (8b)]

Ordinance No. 2008-4-49 as requested in Zoning Case 2008-29 – Request to rescind Specific Use Permit #462 for Private Club on one lot on 0.1± acre located on the west side of Bishop Road, 220± feet south of Legacy Drive. Zoned Planned Development-65-Central Business-1. [Regular Agenda Item (8c)]

Ordinance No. 2008-4-50 as requested in Zoning Case 2008-30 – Request to rescind Specific Use Permit #464 for Private Club on one lot on 0.1± acre located on the north side of 15th Street, 50± feet west of K Avenue. Zoned Downtown Business/Government w/Heritage Resource Designation #26. [Regular Agenda Item (8d)]

Ordinance No. 2008-4-51 as requested in Zoning Case 2008-31 – Request to rescind Specific Use Permit #466 for Private Club on one lot on 0.2± acre located on the south side of Legacy Drive, 245± feet east of Bishop Road. Zoned Planned Development-65-Central Business-1. [Regular Agenda Item (8e)]

Ordinance No. 2008-4-52 as requested in Zoning Case 2008-32 – Request to rescind Specific Use Permit #472 for Private Club on one lot on 1.1± acres located on the east side of U.S. Highway 75, 1,300± feet north of Parker Road. Zoned Corridor Commercial. [Regular Agenda Item (8f)]

Adoption of Ordinance No. 2008-4-53 as requested in Zoning Case 2008-33 – Request to rescind Specific Use Permit #476 for Private Club on one lot on 1.6± acres located on the north side of Park Boulevard, 300± feet west of Preston Road. Zoned Planned Development-68-Retail. [Regular Agenda Item (8g)]

Adoption of Ordinance No. 2008-4-54 as requested in Zoning Case 2008-34 – Request to rescind Specific Use Permit #479 for Private Club on one lot on 0.1± acre located on the north side of Granite Parkway, 290± feet east of Dallas North Tollway. Zoned Central Business-1. [Regular Agenda Item (8h)]

Ordinance No. 2008-4-55 as requested in Zoning Case 2008-35 – Request to rescind Specific Use Permit #485 for Private Club on one lot on 0.3± acre located at the northwest corner of Bishop Road and Martin Road. Zoned Planned Development-65-Central Business-1. [Regular Agenda Item (8i)]

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

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

Upon a motion made by Council Member Stahel and seconded by Council Member Johnson, Council voted 8-0 to adopt all the ordinances listed as recommended by the Planning and Zoning Commission and as designated by their zoning case number. The repeal of each amends the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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 adopts each ordinance.

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

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	4/28/08	Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Purchasing		Initials	Date
Department Head	Mike Ryan	Executive Director	<i>[Signature]</i>	04.16.08
Dept Signature:	<i>[Signature]</i>	City Manager		
Agenda Coordinator (include phone #):		Becky Johansen Ext. 4396		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
Award/Rejection of Bid/Proposal for Bid No. 2008-131-C Ford Automobile and Light Truck OEM Parts to Bob Tomes Ford in the estimated annual amount of \$70,000.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): MUNICIPAL WAREHOUSE FUND				
COMMENTS: This item approves price quotes. Expenditures will be made in various departments within the approved budget appropriations. The estimated annual amount is \$70,000.				
STRATEGIC PLAN GOAL: Automobile and light truck parts relates to the City's goal of "Safe, Efficient Travel."				
SUMMARY OF ITEM				
Staff recommends bid of Bob Tomes Ford in the estimated annual amount of \$70,000 be accepted as lowest responsible bid conditioned upon timely execution of any necessary contract documents. This will establish an annual fixed price contract with three optional one-year renewals in the total estimated annual amount of \$70,000. The contract will be for the purchase of Ford Automobile and Light Truck OEM Parts.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Bid Recap				

b-1



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	04/28/2008		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Public Works Administration (David Falls)		Initials	Date	
Department Head	Jimmy Foster	<i>J.B. Foster</i>	Executive Director	<i>[Signature]</i>	4-17-08
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	04.18.08
Agenda Coordinator (include phone #):	Margie Stephens (X4104)				
ACTION REQUESTED:					
<input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					

CAPTION

Award, Rejection of Bids/Proposals, Bid No. 2008-111- B, 2008 Stadium and Custer Pump Station Irrigation Project to Cole Construction, Inc., in the amount of \$119,290.00.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	85,000	0	85,000
Encumbered/Expended Amount	0	-5,414	0	-5,414
This Item	0	-119,290	0	-119,290
BALANCE	0	-39,704	0	-39,704

FUND(S): **WATER CIP)**

COMMENTS: Funds are included in the 2007-08 Water CIP. This item, in the amount of \$119,290, will exceed the current year balance by \$39,704 for the Custer/Stadium Irrigation Upgrade project. The overage will be funded through reallocation from the Pump Station Improvements and Large Water Valve Replacement projects.

STRATEGIC PLAN GOAL: Irrigation and ground storage pump station installation relates to the City's Goals of Livable and Sustainable Community.

SUMMARY OF ITEM

Staff recommends the bid of Cole Construction, Inc. in the amount of \$119,290.00 be accepted as the lowest responsible bid for the contract conditioned upon timely execution of all necessary documents.

This project involves the installation of new irrigation systems for landscaping at the Stadium and Custer ground storage pump stations.

The secondary vendor being recommended is C Green Scaping, L.P., in the amount of \$121,300.00.

Engineer's estimate for the contract was \$ 94,943.00.

List of Supporting Documents: Bid Tabulation Location Map	Other Departments, Boards, Commissions or Agencies
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**CITY OF PLANO
COUNCIL AGENDA ITEM**

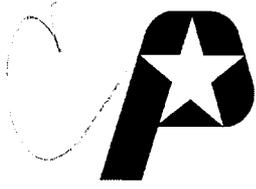
CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 4/28/08		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Public Works Administration (David Falls)		Initials	Date	
Department Head	Jimmy Foster	Executive Director	<i>[Signature]</i>	4-17-08	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	04-18-08	
Agenda Coordinator (include phone #):		Margie Stephens (X4104)			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT					
<input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
<i>Award, Rejection of Bids/Proposals, Bid No. 2008-137- B, 2007-08 Residential Concrete Pavement Rehabilitation Project, Zone L7 to Jerusalem Corporation in the amount of \$433,223.80.</i>					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR: 2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget	2,721,273	5,760,727	4,000,000	12,482,000	
Encumbered/Expended Amount	-2,721,273	-2,453,644	0	-5,174,917	
This Item	0	-433,224	0	-433,224	
BALANCE	0	2,873,859	4,000,000	6,873,859	
FUND(s): CAPITAL RESERVE					
COMMENTS: Funds are included in the 2007-08 Capital Reserve. This item, in the amount of \$433,224, will leave a current year balance of \$2,873,859 for the Residential Street and Alley Replacement project.					
STRATEGIC PLAN GOAL: Residential street and alley repairs relate to the City's Goal of Safe, Efficient Travel.					
SUMMARY OF ITEM					
Staff recommends the bid of Jerusalem Corporation in the amount of \$433,223.80 be accepted as the lowest responsible bid for the project conditioned upon timely execution of all necessary documents.					
This project involves the repair of residential street and alley pavement in the area bounded by Spring Creek Parkway on the south, Custer Road on the west, Legacy Drive on the north and Alma Road on the east.					
The secondary vendor being recommended is Jim Bowman Construction L.P. in the amount of \$528,559.30.					
Engineer's estimate for this project is \$550,000.00.					
List of Supporting Documents: Bid Tabulation Location Map		Other Departments, Boards, Commissions or Agencies			

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 4/28/08		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Public Works Administration (David Falls)		Initials	Date	
Department Head	Jimmy Foster	Executive Director	<i>[Signature]</i>	4-17-08	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	4-18-08	
Agenda Coordinator (include phone #):		Margie Stephens (X4104)			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
<i>Award, Rejection of Bids/Proposals, Bid No. 2008-138- B, 2007-08 Residential Concrete Pavement Rehabilitation Project, Zone Q3 to Jerusalem Corporation in the amount of \$632,215.00.</i>					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR: 2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget	2,721,273	5,760,727	4,000,000	12,482,000	
Encumbered/Expended Amount	-2,721,273	-2,453,644	0	-5,174,917	
This Item	0	-632,215	0	-632,215	
BALANCE	0	2,674,868	4,000,000	6,674,868	
FUND(S): CAPITAL RESERVE					
COMMENTS: Funds are included in the 2007-08 Capital Reserve. This item, in the amount of \$632,215, will leave a current year balance of \$2,674,868 for the Residential Street and Alley Replacement project. STRATEGIC PLAN GOAL: Residential street and alley repairs relate to the City's Goal of Safe, Efficient Travel.					
SUMMARY OF ITEM					
Staff recommends the bid of Jerusalem Corporation in the amount of \$632,215.00 be accepted as the lowest responsible bid for the project conditioned upon timely execution of all necessary documents.					
This project involves the repair of residential street and alley pavement in the area bounded by 14th Street on the south, Shiloh Road on the west, Rowlett Creek on the north and Los Rios Blvd. on the east.					
The secondary vendor being recommended is Jim Bowman Construction L.P. in the amount of \$766,767.80.					
Engineer's estimate for this project is \$872,701.00.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Bid Tabulation Location Map					



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	05/12/08		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Purchasing		Initials	Date	
Department Head	Mike Ryan		Executive Director		
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	<i>5/26/08</i>
Agenda Coordinator (include phone #): SHARRON MASON / EXT. 7247					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT					
<input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					

CAPTION

Award/Rejection of Bid/Proposal for RFP No. 2008-99-C for Best Value Bid for Median and Right-of-Way US75/North Dallas Tollway Project to American Civil Constructors in the amount of \$109,606.50.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR:	2007-08; 2008-09	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	1,068,306	0	1,086,306
Encumbered/Expended Amount		0	-424,462	0	-424,462
This Item		0	-109,607	0	109,607
BALANCE		0	534,237	0	534,237

FUND(s): GENERAL FUND

COMMENTS: Funding for this item is available in the FY 2007-08 Park Field Services budget. The remaining amount will be used for other contractual services.

STRATEGIC PLAN GOAL: Beautification of Plan's Medians and Right of Ways relate to the City's Goals of Premier City in Which to Live, and "Service Excellence".

SUMMARY OF ITEM

Staff recommends proposal of American Civil Constructors in the amount of \$109,606.50 be accepted based on competitive sealed proposal award criteria stated in the specifications conditioned upon timely execution of any necessary contract documents.

List of Supporting Documents: Recommendation Memo and Recap	Other Departments, Boards, Commissions or Agencies
--	--

b-1

MEMO

To: SHARRON MASON, PURCHASING DEPARTMENT
FROM: MATTHEW SIMMONS, PARKS FIELD SERVICES SUPERVISOR
DATE: 5/2/2008
RE: **AWARD RECOMMENDATION 2008-99-C US75/NORTH DALLAS TOLLWAY MAINTENANCE**

It is the recommendation of Parks and Recreation Department to award **2008-99-C US75/NORTH DALLAS TOLLWAY MAINTENANCE** to American Civil Constructors. American Civil Constructors in the amount of \$109,606.50. American Civil Constructors appear capable of meeting the requirements of the aforementioned mowing and maintenance contract.

As stated in the bid documentation, this contract is to be awarded as a best value. Based on the total over all weighted score of 4.192 by DAL Technologies with a price quote of \$115,717.65 verses American Civil Constructors, Inc. with a total weighted score of 4.04 and a total price quote \$109,606.50. The Parks and Recreation department will be saving the City of Plano \$6,111.15 while still utilizing a highly qualified vendor by selecting American Civil Constructors, Inc.

Please review and begin the necessary steps for presentation to Council.

b-2

CITY OF PLANO

BID NO. 2008-99-C

BEST VALUE BID FOR MEDIAN AND RIGHT-OF-WAY US75/NORTH DALLAS TOLLWAY PROJECT

BID RECAP

Proposal opening Date/Time: Tuesday, March 11, 2008 @ 4:00 pm (CDT)

	<u>Total Weighted Score</u>
DAL Technologies, Inc.	4.192
American Civil Constructors, Inc.	4.04
VMC Landscape Services	3.516
Forest Hills Lawn Service, Inc.	3.288
Dyna-Mist	3.106

Sharron Mason

Sharron Mason, Sr. Buyer
Purchasing Division

May 1, 2008

Date

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	5/12/08		Reviewed by Legal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Department:	Legal		Initials	Date
Department Head	Diane C. Wetherbee		Executive Director	
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 5/1/08
Agenda Coordinator (include phone #): Lynne Jones - 7109				

ACTION REQUESTED: ORDINANCE RESOLUTION CHANGE ORDER AGREEMENT
 APPROVAL OF BID AWARD OF CONTRACT OTHER

CAPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPOINTING SCOTT M. SEIDEL TO SERVE THE REMAINDER OF THE TWO YEAR PERIOD PREVIOUSLY APPROVED FOR JAMES P. REID AS INVESTIGATOR AS REQUIRED BY SECTION 2-104 OF THE CODE OF CONDUCT OF THE CITY OF PLANO; AND PROVIDING AN EFFECTIVE DATE.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0

FUND(S):

COMMENTS:

SUMMARY OF ITEM

This Resolution appoints Scott M. Seidel to serve as an investigator in determining violations of the Code of Conduct of the City of Plano by a Councilmember through the remaining period of Mr. Reed, which expires in February, 2009.

List of Supporting Documents:
Qualifications of Scott Seidel

Other Departments, Boards, Commissions or Agencies
n/a

SCOTT M. SEIDEL, ESQ.

PASSMAN & JONES, P.C.
1201 ELM STREET, SUITE 2500
DALLAS, TEXAS 75270
TELEPHONE (214) 742-2121 • FACSIMILE (214) 748-7949
EMAIL: SEIDELS@PASSMANJONES.COM

Employment

- Attorney with Passman & Jones, a Professional Corporation since 1984

Residence

- Plano, Texas for 8 years

Education

- J.D., Texas Tech University School of Law, 1984
- B.A., Vanderbilt University, 1981
- St. Mark's School of Texas, 1971

Affiliations & Memberships

- Shareholder – Passman & Jones, a Professional Corporation
- Panel of Chapter 7 Trustees for the Northern District of Texas (1987 - Present)
- National Association of Bankruptcy Trustees
- American Bankruptcy Institute
- State Bar of Texas
- Dallas Bankruptcy Bar Association
- Tarrant County Bankruptcy Bar Association

Accomplishments

- While serving as a panel trustee, Mr. Seidel has recovered, through litigation and liquidation, millions of dollars that were subsequently disbursed to creditors.
- As a creditors advocate, Mr. Seidel successfully obtains relief from the automatic stay in bankruptcy proceedings, allowing secured creditors to quickly repossess their collateral.
- As a Chapter 7 Trustee, Mr. Seidel has successfully litigated hundreds of preference and fraudulent transfer actions and officer and director suits.
- Licensed in the United States District Court for the Northern, Eastern, Southern, and Western Districts of Texas

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPOINTING SCOTT M. SEIDEL TO SERVE THE REMAINDER OF THE TWO YEAR PERIOD PREVIOUSLY APPROVED FOR JAMES P. REID AS INVESTIGATOR AS REQUIRED BY SECTION 2-104 OF THE CODE OF CONDUCT OF THE CITY OF PLANO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Sec. 2-104 of the Code of Ordinances, the City Council shall appoint attorneys to serve as investigators in determining violations of the Code of Conduct of the City of Plano by a Councilmember; and

WHEREAS, James P. Reid was appointed as an investigator for a two year period on February 26, 2007; and

WHEREAS, due to the death of Mr. Reid, Mr. Seidel has agreed to serve as an investigator through the remaining period of Mr. Reid, which expires in February, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS THAT:

Section I. Scott M. Seidel is hereby appointed by the City Council to serve as an investigator in determining violations of the Code of Conduct of the City of Plano by a Councilmember through the remaining period of Mr. Reid, which expires in February, 2009.

Section II. This Resolution shall become effective immediately after its passage.

DULY PASSED AND APPROVED this the ____ day of _____, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	5/12/08	Reviewed by Legal <i>db</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Budget		Initials	Date
Department Head	Karen Rhodes	Asst City Manager		
Dept Signature:	<i>Karen Rhodes</i>	City Manager		
Agenda Coordinator (include phone #):	Anita Bell x7194			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING AND AUTHORIZING THE REFUNDS OF PROPERTY TAX OVERPAYMENTS; AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: Funds are disbursed by the Collin County Tax Office.				
SUMMARY OF ITEM				
This will authorize the City's Tax Assessor/Collector to make the appropriate property tax refunds totaling \$7,229.09 .				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Refund request listing provided by Collin County Tax Office				

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING AND AUTHORIZING THE REFUNDS OF PROPERTY TAX OVERPAYMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 31.11 of the Texas Property Tax Code authorizes refunds of certain payments of taxes upon application to the City; and

WHEREAS, under said Section 31.11 of the Texas Property Tax Code, refunds must be presented to the governing body of the taxing unit for approval; and

WHEREAS, the City Council has been presented a list of tax payments made, a copy of which is attached hereto, made a part hereof and marked Attachment "A", which payments are requested to be refunded because such payments were erroneous or excessive; and

WHEREAS, upon full review and consideration of the above, and all matters attendant and related thereto, the City Council is of the opinion that the tax payments should be refunded.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The City Council of the City of Plano, Texas, finds and determines that the tax payments listed in Attachment "A" were paid erroneously or were in excess of taxes due and shall be refunded in accordance with Section 31.11 of the Texas Property Tax Code.

Section II. The Tax Assessor/Collector for the City of Plano, Texas, or her designee, is hereby authorized to take the necessary action to effectuate the refunds approved under this Resolution.

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Section III. This Resolution shall become effective from and after its passage.

DULY PASSED AND APPROVED this _____ day
of _____, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

d-3

City Council
5/12/08



KENNETH L. MAUN
TAX ASSESSOR COLLECTOR
COLLIN COUNTY
1800 N. GRAVES ST., STE 170
P.O. Box 8006
McKinney, TX 75070-8006
(972) 547-5020
METRO (972) 424-1460 ext. 5020
FAX (972) 547-5053
Email: taxassessor@co.collin.tx.us

April 22, 2008

Plano City
Karen Rhodes
P.O. Box 860358
Plano, TX 75086-0358

Dear Ms. Rhodes:

Please place a request for approval of the following "Overpayment Refund Listing" on the agenda for the next Plano City Meeting. The amount of refunds requested for overpayment listing's is: **\$7,183.87**

Each listing and the amounts are as follows:

OPAP#1		OPAP#8
OPAP#2	\$36.39	OPAP#9
OPAP#3		OPAP#10
OPAP#4	\$3,032.99	OPAP#11
OPAP#5	\$4,114.49	OPAP#12
OPAP#6		OPAP#13
OPAP#7		OPAP#14

The listings represent refunds caused by adjustments made by Collin County Central Appraisal District. All requests for refunds of ad valorem taxes are substantiated by documentation that is available upon request.

Please notify our office upon Council approval so that we may issue and mail the checks.

If you have any questions, please let me know.

Sincerely,

Kenneth L. Maun
Kenneth L. Maun
Tax Assessor Collector

KLM:br
Enclosure

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KENNETH L. MAUN
TAX ASSESSOR COLLECTOR

COLLIN COUNTY
 1800 N. GRAVES ST., STE 170
 P.O. Box 8006
 McKinney, TX 75070-8006
 (972) 547-5020
 METRO (972) 424-1460 ext. 5020
 FAX (972) 547-5053
 Email: taxassessor@co.collin.tx.us

April 8, 2008

Plano City
 Karen Rhodes
 P.O. Box 860358
 Plano, TX 75086-0358

Dear Ms. Rhodes:

Please place a request for approval of the following "Overpayment Refund Listing" on the agenda for the next Plano City Meeting. The amount of refunds requested for overpayment listing's is: **\$45.22**

Each listing and the amounts are as follows:

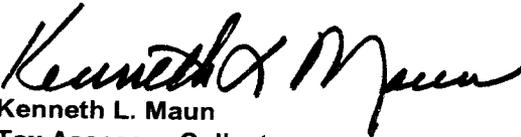
OPAP#1	\$45.22	OPAP#8
OPAP#2		OPAP#9
OPAP#3		OPAP#10
OPAP#4		OPAP#11
OPAP#5		OPAP#12
OPAP#6		OPAP#13
OPAP#7		OPAP#14

The listings represent refunds caused by adjustments made by Collin County Central Appraisal District. All requests for refunds of ad valorem taxes are substantiated by documentation that is available upon request.

Please notify our office upon Council approval so that we may issue and mail the checks.

If you have any questions, please let me know.

Sincerely,


 Kenneth L. Maun
 Tax Assessor Collector

KLM:br
 Enclosure

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	05/12/2008	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Police Department	Reviewed by [Signature]	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department Head	Gregory W. Rushin	Executive Director	[Signature]	Date 05-05-08
Dept Signature:	[Signature]	City Manager	[Signature]	Date 05-05-08
Agenda Coordinator (include phone #):		Pam Haines, ext 2538		

ACTION REQUESTED: ORDINANCE RESOLUTION CHANGE ORDER AGREEMENT
 APPROVAL OF BID AWARD OF CONTRACT OTHER

CAPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BY AND BETWEEN CITY OF PLANO AND COLLIN COUNTY THROUGH ITS DEPARTMENT OF HOMELAND SECURITY FOR SHARING OF LAW ENFORCEMENT DATA; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE SUCH ACTION AND EXECUTE SUCH DOCUMENTS AS NECESSARY TO EFFECTUATE THE AGREEMENT HEREIN; AND PROVIDING AN EFFECTIVE DATE.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0

FUND(S):

COMMENTS:

SUMMARY OF ITEM

Approval of this item will establish a timely law enforcement interjurisdictional information sharing program to address critical City and County information needed to protect City and County Residents.

List of Supporting Documents: Agreement	Other Departments, Boards, Commissions or Agencies
--	--

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BY AND BETWEEN CITY OF PLANO AND COLLIN COUNTY THROUGH ITS DEPARTMENT OF HOMELAND SECURITY FOR SHARING OF LAW ENFORCEMENT DATA; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE SUCH ACTION AND EXECUTE SUCH DOCUMENTS AS NECESSARY TO EFFECTUATE THE AGREEMENT HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas State Legislature has authorized the formulation of interlocal cooperating agreements between and among governmental entities pursuant to Chapter 791 of the Texas Government Code; and

WHEREAS, CITY and County desire to enter into an agreement, attached hereto as Exhibit "A" (the "Agreement"), to share Law Enforcement data between each other, specifically the law enforcement data shall include but not be limited to records management system, computer aided dispatch system, arrest records, gang records, and offense reports, utilizing a web based North Central Texas Fusion System ("NCTFS"); and

WHEREAS, the City Council of the City of Plano finds that the approval of this Agreement is in the best interest of the citizens of Plano.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interest of the City of Plano and its citizens, are hereby in all things approved.

Section II. The City Manager, or in his absence, an Executive Director, is hereby authorized to execute the Agreement and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Agreement.

Section III. This Resolution shall become effective immediately upon its passage.

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DULY PASSED AND APPROVED this the _____ day of _____, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

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**INTERLOCAL AGREEMENT FOR SHARING
OF LAW ENFORCEMENT DATA**

THE STATE OF TEXAS §
 §
COUNTY OF COLLIN §

KNOWN ALL BY THESE PRESENTS:

This Interlocal Agreement (the "Agreement") is made and entered into by and between the City of Plano, Texas, hereinafter referred to as "**CITY**," acting by and through its duly authorized City Manager, and Collin County through its Department of Homeland Security, hereinafter referred to as "**COUNTY**," acting by and through its duly authorized by the County Judge, each referred to separately as a "party" and collectively as the "parties."

WITNESSETH:

WHEREAS, the Texas State Legislature has authorized the formulation of interlocal cooperating agreements between and among governmental entities; and

WHEREAS, this Interlocal Contract is made under the authority granted by and pursuant to Chapter 791 of the Texas Government Code which authorizes CITY and COUNTY to enter into this agreement for purposes of achieving mutual governmental functions; and

WHEREAS, CITY and COUNTY desire to share Law Enforcement data between each other, specifically the law enforcement data shall include but not be limited to records management system, computer aided dispatch system, arrest records, gang records, and offense reports, utilizing a web based North Central Texas Fusion System ("NCTFS"); and

WHEREAS, the governing bodies of CITY and COUNTY further find that the performance of this contract is in the common interest of both parties.

NOW THEREFORE,

IN CONSIDERATION of the mutual promises and agreements contained herein, the parties do hereby agrees as follows:

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I.**PURPOSE / SCOPE**

The purpose of this Agreement is to establish a timely law enforcement inter-jurisdictional information sharing program to address critical CITY and COUNTY information needed to protect CITY and COUNTY residents. This Agreement will provide for the following:

- CITY and COUNTY inter-agency technology application coordination
- Inter-jurisdictional sharing of law enforcement information and related data sets pertaining to public safety
- Develop a timely operational information sharing model which will create effective and efficient data sharing and at the same time conserve CITY and COUNTY resources
- CITY law enforcement data shall include but not be limited to, records management system, computer aided dispatch system, arrest records, gang records, and offense reports, hereafter "City Information"
- The information shared between the parties will be handled in accordance with the "Criminal Intelligence Systems Operating Policies," 28 CFR Part 23, U.S. Executive Order 12291, which is incorporated herein by reference and made a part of this Agreement
- This Agreement does not require any funding, hiring of additional personnel, property acquisition, or ancillary costs to either party

II.**CITY'S RESPONSIBILITY**

CITY will provide COUNTY with CITY Information to the North Central Texas Fusion System via secure electronic transfer. CITY shall have sole discretion to determine which City Information is provided for use with the NCTFS. CITY shall not disclose any COUNTY information obtained pursuant to this Agreement unless such disclosure is required by law, rule, regulation or court order.

III.**COUNTY'S RESPONSIBILITY**

COUNTY shall allow CITY to have access to the NCTFS and all related databases for all purposes incident to this Agreement. COUNTY shall not disclose any City Information obtained pursuant to this Agreement unless such disclosure is required by law, rule, regulation or court order. COUNTY shall maintain the NCTFS system and database, and shall take any and all action necessary to maintain City Information so as not to compromise the integrity or the security of the information being transmitted. COUNTY further agrees that if there is a breach, or a suspected breach, of the NCTFS system or any connected databases which comprise City Information, COUNTY shall immediately notify the CITY of such breach and take all necessary steps to prevent any further unauthorized disclosure of City Information.

IV.

TERMINATION

Either party to this Agreement may terminate this Agreement on thirty (30) days written notice to the other party.

V.

IMMUNITY

It is expressly understood and agreed that in the execution of this Agreement, no party waives nor shall be deemed hereby to waive any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

VI.

SUCCESSORS AND ASSIGNS

Neither CITY nor COUNTY will assign, sublet, subcontract or transfer any interest in this Agreement without the written consent of the other party. No assignment, delegation of duties or subcontract under this Agreement will be effective without the written consent of the other party.

VII.

VENUE

The parties to this Agreement agree and covenant that this Agreement will be enforceable in CITY; and that if legal action is necessary to enforce this Contract, exclusive venue will lie in COUNTY.

VIII.

REMEDIES

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No right or remedy granted herein or reserved to the parties is exclusive of any other right or remedy herein by law or equity provided or permitted; but each shall be cumulative of every other right or remedy given hereunder. No covenant or condition of this Agreement may be waived without written consent of the parties. Forbearance or indulgence by either party shall not constitute a waiver of any covenant or condition to be performed pursuant to this Agreement.

IX.

SEVERABILITY

If any of the terms, sections, subsections, sentences, clauses, phrases, provisions, covenants, conditions or any other part of this Agreement are for any reason held to be invalid, void or unenforceable, the remainder of the terms, sections, subsections, sentences, clauses, phrases, provisions, covenants, conditions or any other part of this Agreement shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

X.

APPLICABLE LAW

This Agreement is entered into subject to the Interlocal Cooperation Act, the governing charters and or ordinances of CITY and COUNTY, as they may be amended from time to time, and is subject to and is to be construed, governed and enforced under all applicable Texas and Federal law. Situs of this Agreement is agreed to be Collin County, Texas, for all purposes including performance and execution.

XI.

ENTIRE AGREEMENT

This Agreement embodies the complete agreement of the parties hereto superseding all oral or written previous and contemporary agreements between the parties relating to matters herein; and except as otherwise provided herein, cannot be modified without written agreement of the parties.

XII.

AUTHORIZATION

The undersigned officers and/or agents are properly authorized to execute this Agreement on behalf of the parties hereto and each party hereby certifies to the other that any necessary resolutions or actions extending such authority have been duly passed and are now in full force and effect.

XII.

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RELATIONSHIP OF THE PARTIES

It is expressly understood that the employees, methods, facilities and equipment of the CITY shall at all times be under its exclusive jurisdiction, direction and control. It is understood that the employees, methods, facilities, and equipment of the COUNTY shall at all times be under its exclusive jurisdiction, direction and control.

XIII.

SOVEREIGN IMMUNITY

The parties acknowledge that neither party has waived its sovereign immunity by entering into this Agreement.

EXECUTED on this the ____ day of _____, 2008.

CITY OF PLANO:

ATTEST:

By: _____
City Manager

By: _____

Date: _____

APPROVED AS TO FORM:

By: _____

COLLIN COUNTY:

ATTEST:

By: _____
Name: Keith Self
Title: Collin County Judge
Date: _____

By: _____
Name: Kelley Stone
Title: Chief, NCT Fusion System

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**Statement of Work
For
Facilitation of Data Sharing with North
Central Texas Fusion System**

e-9

1 Introduction

The Plano Police Department would like to provide the Plano law enforcement data to the North Central Texas Fusion System for sharing with authorized law enforcement personnel across the North Central Texas region. The Police Department requires your assistance with the following responsibilities:

1. Provide either a secure electronic transfer to a secure file transfer protocol (FTP) site on the North Central Texas Fusion System. Transfer will take place at a mutually agreed upon frequency and time of day. Note that the data is provided in our standard format with no reformatting required.
2. Provide a description of database structure and field definitions (including how restricted access records should be handled and how expunged records are indicated).

ADB Consulting, LLC. will handle the file transfer and the integration of the data on behalf of the North Central Texas Fusion System. They are agreeable to signing a non-disclosure agreement with respect to the privacy of the data formats and with respect to not using knowledge of the data formats for business gain.

2 Statement of Work Tasks

2.1 Set up data transfer

Work with North Central Texas Fusion System technical team to configure an automatic transfer of each day's new or changed records from all our law enforcement databases from/to the North Central Texas Fusion System daily. Note that the data is transferred in our standard SQL format with no format changes required. Note that this data transfer needs to be completed as soon as possible, but no more than two weeks after the approval of this task order.

2.2 Provide data field documentation

Provide a table that documents the field names and their definitions in each of our databases. Note that a paragraph or diagram may be required to explain how restricted access records are handled, the meanings of codes, and how expunged records are indicated. Note that this data transfer needs to be completed as soon as possible, but no more than three weeks after the approval of this task order.

e-10

DATA HANDLING AGREEMENT

THIS AGREEMENT is between the Plano Police Department at 909 14th Street, Plano Texas, and ADB Consulting, LLC (ADB) with offices at 4161 Big Sky Road, Santa Fe, New Mexico 87507.

WHEREAS, in order to prepare the Plano law enforcement data for sharing with authorized law enforcement personnel through the North Central Texas Fusion System, ADB requires a copy or a transmission of the Plano law enforcement records from the Records Management System such as offense data, incident data, computer aided dispatch data and gang data.

NOW, THEREFORE, in consideration of the foregoing, it is agreed that:

1. The Plano Police Department shall:
 - (a) provide data described above for conversion into the North Central Texas Fusion System to ADB President, Dr. James R. Johnson; and
 - (b) label any furnished electronic media as "Plano Police Department Law Enforcement Sensitive Data".
2. ADB and its subcontractors shall:
 - (a) ensure proper security measures are in place to prevent any theft, abuse or misuse of information provided while in ADB's possession and during data conversion. The Party shall notify the Plano Police Department immediately upon learning of any compromise of the data;
 - (b) not disclose, reveal, or divulge any law enforcement sensitive information or authorize any other person to do so except as specifically approved in writing by the Plano Police Department; and
 - (c) not share the data with authorized law enforcement personnel through the North Central Texas Fusion System until authorization is received from the Plano Police Department.
3. ADB shall not be liable for inadvertent disclosure of Proprietary Information to a third party if it is disclosed despite the exercise of the degree of care required above, provided that upon discovery of such inadvertent disclosure, ADB promptly notifies the Plano Police Department, and immediately takes steps to preclude further disclosure.
4. Either party to this agreement may terminate this agreement on thirty (30) days written notice to the other party.

IN WITNESS WHEREOF, an authorized representative of each party hereto has executed this Agreement in duplicate on the date indicated.

Plano Police Department

ADB Consulting, LLC

BY _____

BY _____

NAME _____

NAME Dr. James R. (Bob) Johnson

TITLE _____

TITLE President, ADB Consulting

DATE _____

DATE _____

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Exhibit A

CITY will provide:

1. A secure electronic transfer to a secure file transfer protocol (FTP) site on the North Central Texas Fusion System Servers Transfer that will take place at a mutually agreed upon frequency and time of day.
2. A description of database structure and field definitions (including handling of restricted access records) by written documentation, working meetings, and/or responses to questions.
3. A designation of whether expunged records are to be overwritten or deleted from the North Central Texas Fusion System; and
4. Notification to the Fusion System Point of Contact of authorized Law Enforcement users who are no longer eligible to access the Fusion System.

The COUNTY will provide:

1. A secure FTP site that is accessible only by the CITY and North Central Texas Fusion System IT personnel and North Central Texas Fusion System authorized contractors who will integrate the data into a North Central Fusion System Search Library;
2. Separate data libraries that support unrestricted Law Enforcement Sensitive data as well as restricted Law Enforcement Sensitive components;
3. Automated integration of updated transmitted files;
4. A provision for handling expunged records as specified by the CITY; and
5. A procedure for removing a user name from the authorized North Central Texas Fusion System authorized user list based on input from the CITY.

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**CITY OF PLANO
COUNCIL AGENDA ITEM**



CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget <i>C.S.</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 05/12/2008		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Police Department				
Department Head	Gregory W. Rushin	Executive Director	Date		
Dept Signature:	<i>Gregory W. Rushin</i>	City Manager	<i>[Signature]</i> 05.05.08		
Agenda Coordinator (include phone #):		Pam Haines, ext. 2538			

ACTION REQUESTED: ORDINANCE RESOLUTION CHANGE ORDER AGREEMENT
 APPROVAL OF BID AWARD OF CONTRACT OTHER

CAPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, AUTHORIZING THE CITY OF PLANO TO PARTICIPATE IN AND RECEIVE FUNDING THROUGH THE TEXAS HIGHWAY TRAFFIC SAFETY PROGRAM FOR A "CLICK IT OR TICKET" PROJECT, TO BE CONDUCTED DURING MEMORIAL DAY HOLIDAY PERIOD; AUTHORIZING THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR TO EXECUTE ANY OTHER DOCUMENTS NECESSARY TO EFFECTUATE THE ACTION TAKEN; AND PROVIDING AN EFFECTIVE DATE.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	20,000	0	20,000
BALANCE	0	20,000	0	20,000

FUND(S): GRANT FUND (13-155), GENERAL FUND (01-532)

COMMENTS: The grant contract provides revenue in the amount of \$20,000 for Police Officer Overtime during a campaign period of May 1, 2008 through June 30, 2008. Overtime costs will be paid through the Grant Fund, and benefits related to the overtime expenditures will be absorbed in the FY 2007-08 Police Department General Fund Budget.

STRATEGIC PLAN GOAL: The increased enforcement of seat belt usage relates to the City's Goal of a "Premier City for Families" and "Safe, Efficient Travel".

SUMMARY OF ITEM

The State of Texas, acting by and through the Texas Department of Transportation, offered the City of Plano a grant totaling \$20,000, described as "Click It or Ticket" (CIOT) Selected Traffic Enforcement Program. The effective grant period is May 1, 2008 through June 30, 2008. The grant provides funding for overtime police officers to enhance enforcement and public information and education efforts.

List of Supporting Documents: Resolution, Grant Agreement, Memo	Other Departments, Boards, Commissions or Agencies
--	--

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P.O. Box 860358
Plano, Texas 75086-0358
972-424-5678
Fax 972-424-0099
<http://www.planopolice.org>

MEMORANDUM

DATE: April 23, 2008
TO: Gregory W. Rushin, Chief of Police
FROM: Brad Neal, Sergeant- Traffic Unit
SUBJECT: Click it Or Ticket - Memorial Day Holiday Wave 2008

I have submitted a Traffic Safety Operational Plan to be worked in conjunction with the upcoming Memorial Day Holiday. This operational plan is funded by TXDOT, under the Click-It-or-Ticket STEP grant process. The City of Plano has been allotted \$20,000 dollars for this grant. The City of Plano will NOT be required to match any funds related to this grant. It is funded by the state and sponsored by TXDOT.

This grant will be worked by the Plano Police Department, between the dates of May 19th and June 1st, 2008. At the conclusion of this grant we will conduct an occupant protection survey to determine the impact of this effort on drivers and passengers in Plano. Plano has always shown an increase in compliance because of this educational and enforcement effort. At the end of the last CIOT grant, we gained a 4 percent increase in compliance from our occupants. Our final post survey showed a 94% compliance rate among occupants throughout the City of Plano.

Pre-Surveys

- Prior to conducting any wave enforcement activity, agencies must conduct pre-observational surveys to establish safety belt usage rates **(May 13th to May 15th, 2008)**

Pre-Media Campaign

- Conduct local media events immediately before the enforcement effort to maximize the visibility of enforcement to the public. These media events tell the public when, where, how and why the safety belt laws are being enforced. Media will emphasize the special target groups of each wave effort, i.e. CIOT **(May 16th to May 18th, 2008)**

Enforcement Period

- Intensify enforcement through an overtime STEP that places primary emphasis on increasing the number of citations for non-use of occupant restraints during the peak holiday traffic **(May 19th to June 1st, 2008)**

Post-surveys

- Conduct post-observational surveys to determine safety belt usage. Measure the impact of the media/enforcement effort. **(June 2nd to June 4th, 2008)**

Post-media Campaign

- Conduct local media events to tell the public why the safety belt laws are important and the results of the wave. **(June 5th to June 7th, 2008)**

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, AUTHORIZING THE CITY OF PLANO TO PARTICIPATE IN AND RECEIVE FUNDING THROUGH THE TEXAS HIGHWAY TRAFFIC SAFETY PROGRAM FOR A "CLICK IT OR TICKET" PROJECT, TO BE CONDUCTED DURING MEMORIAL DAY HOLIDAY PERIOD; AUTHORIZING THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR TO EXECUTE ANY OTHER DOCUMENTS NECESSARY TO EFFECTUATE THE ACTION TAKEN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City was presented a proposed Agreement by and between City of Plano and the Texas Department of Transportation, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and,

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions are in the best interests of the citizens of Plano and thereof should be ratified.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS:

Section I. The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, are hereby in all things ratified.

Section II. The City Manager, or in his absence, an Executive Director, is hereby authorized to execute all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Agreement.

Section III. This Resolution shall become effective from and after its passage.

Resolution No. _____

Page 2

RESOLUTION NO. _____

Page 2

DULY PASSED AND APPROVED this the _____ day of _____, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

7-4

O:850.150/RESOLUTION/APPROVAL (07/27/98)

GENERAL INFORMATION

Project Title: STEP - CIOT

Project Description: To increase occupant restraint use in all passenger vehicles and trucks by conducting an intense occupant protection enforcement and public information and education effort during Memorial Day Holiday period.

How many years has your organization received funding for this project?
This will be our first year.

Organization Address:

Mailing Address (if different):

Project Director Contact Information: Brad Neal

Sergeant

7501-A Independence Parkway

Plano, TX 75025

PROPOSING AGENCY AUTHENTICATION

The following person has authorized the submittal of this proposal.

Name Tom Mulenbech

Title City Manager

Address 1520 K Ave

City Plano

State Texas

Zip Code 75074

Phone Number 972-941-5165

Fax Number

E-Mail Address tomm@plano.gov

TXDOT 7-6

COUNTY SERVED

Note: The district listed next to each county is a TxDOT district.
Collin County - Dallas District

POLITICAL DISTRICT SERVED

U.S. Congress

Congressional District 3

7-8

Texas Senate

Texas Senate District 8

7-9

Texas House

Texas House of Representatives District 67

7-10

TERMS, CONDITIONS AND RESPONSIBILITIES

Terms and Conditions

I Agree with the Terms and Conditions.

Responsibilities of the Subgrantee

I Agree with the Responsibilities of the Subgrantee.

Responsibilities of the Department

I Agree with the Responsibilities of the Department.

7-17
4/23/2008

GOALS AND STRATEGIES

Goal: To increase effective enforcement and adjudication of traffic safety-related laws to reduce fatal and serious injury crashes

Strategies: Increase enforcement of traffic safety-related laws.
Increase public education and information campaigns.

Goal: To increase occupant restraint use in all passenger vehicles and trucks

Strategy: Increase enforcement of occupant protection laws.

I agree to the above goals and strategies.

7-12
TyDOT

LAW ENFORCEMENT OBJECTIVE/PERFORMANCE MEASURE

1. Number and type citations/arrests to be issued under STEP	
a. Safety belt citations to be issued during the Memorial Day Holiday Click It or Ticket (CIOT) mobilization	1100
b. Child safety seat citations to be issued during the Memorial Day Holiday CIOT mobilization	55
2. Total Number of Enforcement Hours	385
Step Indicator	4.5
3. Increase the safety belt usage rate among drivers and front seat passengers during the Memorial Day Holiday CIOT mobilization, between pre & post survey results, by at least the following percentage points	2%

7-13
4/23/2008

PI&E OBJECTIVE/PERFORMANCE MEASURE

- 1. Complete administrative and general grant requirements
 - a. Number of Performance Reports to be submitted
 - b. Number of Requests for Reimbursement to be submitted

- 2. Support Grant efforts with a public information and education (PI&E) program
 - a. Conduct presentations 1
 - b. Conduct media exposures (e.g. news conferences, news releases, and interviews) 2
 - c. Conduct community events (e.g. health fairs, booths) 1
 - d. Produce the following number of public information and education materials 0
 - e. Number of public information and education materials distributed 1000

7-14

SALARIES AND FRINGE BENEFITS - 100 & 200

Law Enforcement Hours		385						
<input checked="" type="checkbox"/> Overtime		<input type="checkbox"/> Regular Time						
	TxDOT Hours	Match Hours	Wage Rate	TxDOT Salaries	Match Salaries	Total Salaries	Fringe %	Total Fringe:
A. Enforcement (overtime)								
Officers / Deputies:	256		\$47.250	\$12,096.00	\$0	\$12,096.00	0 %	\$0
Sergeants:	89		\$56.710	\$5,047.19	\$0	\$5,047.19	0 %	\$0
Lieutenants / Other:	40		\$63.480	\$2,539.20	\$0	\$2,539.20	0 %	\$0
B. PI&E Activities (overtime)								
PI&E Activities				\$0	\$0	\$0	0 %	\$0
C. Administrative Duties								
Supervisory Support	5.6		\$56.710	\$317.58	\$0	\$317.58	0 %	\$0
Administrative Duties				\$0	\$0	\$0	0 %	\$0
Administrative Duties				\$0	\$0	\$0	0 %	\$0
Administrative Duties				\$0	\$0	\$0	0 %	\$0
Administrative Duties				\$0	\$0	\$0	0 %	\$0
Administrative Duties				\$0	\$0	\$0	0 %	\$0
Total:				\$19,999.97	\$0	\$19,999.97		\$0
Category		TxDOT		Match			Total	
Salaries:	\$19,999.97	100.0 %		\$0	0.00 %		\$19,999.97	
Fringe Benefits:		0.00 %			0.00 %		\$0	
Breakdown of Fringe Percentages:								

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BUDGET SUMMARY

Budget Category	TxDOT	Match	Total
Category I - Labor Costs			
(100)Salaries	\$19,999.97	\$0	\$19,999.97
(200)Fringe Benefits			\$0
Category I Sub-Total	\$19,999.97	\$0	\$19,999.97
Category II - Other Direct Costs			
(300)Travel	\$0	\$0	\$0
(400)Equipment			\$0
(500)Supplies			\$0
(600)Contractual Services			\$0
(700) Other Miscellaneous			\$0
Category II Sub-Total	\$0	\$0	\$0
Total Direct Costs	\$19,999.97	\$0	\$19,999.97
Category III - Indirect Costs			
(800)Indirect Cost Rate			\$0
Summary			
Total Labor Costs	\$19,999.97	\$0	\$19,999.97
Total Direct Costs	\$0	\$0	\$0
Total Indirect Costs			\$0
Grand Total	\$19,999.97	\$0	\$19,999.97
Fund Sources (Percent Share)	100.00%	0.00%	

TxDOT
7-16

CIOT OPERATIONAL PLAN

I agree to the terms and conditions detailed on this page.

Site Description	Occupant Protection Jurisdiction Wide
Pre Surveys	May 13 - 15, 2008
Pre-Media Campaign	May 16 - 18, 2008
"Enforcement Period (Minimum # of enforcement days: 4) (day or nighttime)"	May 19 - June 1, 2008
Post Surveys	June 2 - 4, 2008
Post-Media Campaign	June 5 - 7, 2008

Description of Activities

"Pre-Surveys" Prior to conducting any wave enforcement activity, agencies must conduct pre-observational surveys to establish safety belt usage rates. The cities of Houston, Dallas, San Antonio, Austin, El Paso, Fort Worth, Arlington, Corpus Christi, Lubbock and Garland will have their surveys conducted by the Texas Transportation Institute (TTI). All other agencies must conduct their own pre-observational surveys using the Texas Department of Transportation's (TxDOT) survey protocol and instructions that can be found at www.buckleuptexas.com. Click on the "Survey Worksheet and Tools" link.

Pre-Media Campaign Conduct local media events immediately before the enforcement effort to maximize the visibility of enforcement to the public. These media events tell the public when, where, how and why the safety belt laws are being enforced. Media will emphasize the special target groups of each wave effort, i.e. CIOT.

2-17
4/23/2008

Enforcement Period Intensify enforcement through an overtime STEP that places primary emphasis on increasing the number of citations for non-use of occupant restraints during the peak holiday traffic.

Post-surveys Conduct post-observational surveys to determine safety belt usage. Measure the impact of the media/enforcement effort. The cities of Houston, Dallas, San Antonio, Austin, El Paso, Fort Worth, Arlington, Corpus Christi, Lubbock and Garland will have their surveys conducted by the Texas Transportation Institute (TTI). All other agencies must conduct their own post-observational surveys using the Texas Department of Transportation's (TxDOT) survey protocol and instructions that can be found at www.buckleuptexas.com. Click on the "Survey Worksheet and Tools" link.

Post-media Campaign Conduct local media events to tell the public why the safety belt laws are important and the results of the wave.

Note: "The Survey and Media dates above are to be used as a guide. Late grant execution may result in a subgrantee conducting pre-survey and pre-media activities at a later date. These activities must occur prior to enforcement activities beginning.

The Post-media Campaign may begin immediately after the post observational surveys are conducted."

TxDOT
7-18

C



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	5/12/08		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering		Initials	Date	
Department Head	Alan Upchurch	Executive Director	<i>[Signature]</i>	5/1/08	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	5/1/08	
Agenda Coordinator (include phone #):		Irene Pegues Ext. 7198 <i>[SP]</i>			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT					
<input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					

CAPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING A LICENSING AGREEMENT BY AND BETWEEN THE CITY OF PLANO AND THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS; PROVIDING TERMS AND CONDITIONS FOR THE PURCHASE OF DIGITAL AERIAL PHOTOGRAPHY IN THE AMOUNT OF \$14,112; AUTHORIZING EXECUTION OF THE LICENSE AGREEMENT BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	102,063	0	102,063
Encumbered/Expended Amount	0	-37,300	0	-37,300
This Item	0	-14,112	0	-14,112
BALANCE	0	50,651	0	50,651

FUND(s): MUNICIPAL DRAINAGE FUND AND WATER & SEWER FUND

COMMENTS: Funds are included in the 2007-08 Municipal Drainage Administration and Utility Engineering Departments. This item, in the amount of \$14,112, will leave a current year balance of \$50,651 for other contractual professional services.

STRATEGIC PLAN GOAL: Updated aerial photography relates to the City's Goal of Service Excellence.

SUMMARY OF ITEM

A license agreement between the North Central Council of Governments (NCTCOG) and the City of Plano where NCTCOG will provide 2008 digital aerial photography for use by the City of Plano for an amount not to exceed \$14,112.

List of Supporting Documents: Resolution License Agreement	Other Departments, Boards, Commissions or Agencies
--	--

g-1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING A LICENSING AGREEMENT BY AND BETWEEN THE CITY OF PLANO AND THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS; PROVIDING TERMS AND CONDITIONS FOR THE PURCHASE OF DIGITAL AERIAL PHOTOGRAPHY IN THE AMOUNT OF \$14,112; AUTHORIZING EXECUTION OF THE LICENSE AGREEMENT BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the North Central Texas Council of Governments (hereinafter called "NCTCOG") has an interest in assisting local governments in providing information for planning, engineering, public safety, and municipal management; and;

WHEREAS, the City of Plano (hereinafter called "City") wishes to update its geographic information system database to include the most current digital aerial photography available through NCTCOG; and

WHEREAS, the City has determined that the acquisition of the digital aerial photography provides a valuable resource for a multitude of uses throughout the City and thus serves a valid public purpose; and

WHEREAS, the City has been presented a proposed License Agreement by and between City of Plano and NCTCOG in the amount of **FOURTEEN THOUSAND, ONE HUNDRED TWELVE AND 00/100 DOLLARS (\$14,112)**, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or his designee, shall be authorized to execute it on behalf of the City of Plano;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS:

Section I. The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, are hereby in all things approved.

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Section II. The City Manager, or, in his absence, an Executive Director, is hereby authorized to execute the Agreement and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Agreement.

Section III. This Resolution shall be become effective from and after its passage.

DULY PASSED AND APPROVED THIS THE 12TH DAY OF MAY, 2008.

Pat Evans, MAYOR

ATTEST:

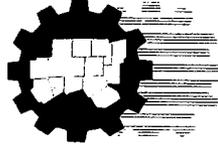
Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

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Exhibit "A"



North Central Texas Council of Governments

DIGITAL AERIAL PHOTOGRAPHY PROJECT AUTHORIZATION LETTER

CITY OF PLANO

The North Central Texas Council of Governments (NCTCOG) has agreed to facilitate the purchase of six-inch digital aerial photography for the CITY OF PLANO (hereafter referred to as "Licensee").

Total Purchase = \$14,112.00

As execution of this Authorization Letter is considered a formal part of the Agreement and obligates the Licensee's cost as identified above, the Licensee will submit a purchase order (if over \$2,000) or check to NCTCOG for a minimum of fifty (50) percent of its total committed amount. Final payment will be due no more than thirty (30) days after final delivery of product. NCTCOG will invoice the Licensee and the Licensee shall remit the amount of the invoice to NCTCOG within thirty (30) calendar days of receipt of the invoice. In the event that the Licensee disputes the invoice, as soon as possible within the thirty (30) day calendar period, the Licensee shall notify the NCTCOG personnel who is responsible for executing this project. The Licensee shall make payment no less than ten (10) calendar days upon resolution of the disputed invoice. In the event that payment of invoiced goods or services is not received by NCTCOG within thirty (30) calendar days of receipt of the accepted invoice, NCTCOG is authorized to charge the participant interest in accordance with the Prompt Payment Act.

The undersigned, duly authorized to make such obligations, represents NCTCOG's and the Licensee's agreement to these provisions.

Authorizing Name *Please print.*

Mike Eastland, Executive Director
North Central Texas of Governments

Authorizing Signature *Please print.*

4/14/08
Date

Authorizing Title *Please print.*

Date *Please print.*

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	5/12/08		Reviewed by Legal <i>pu</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Legal		Initials	Date	
Department Head	Diane C. Wetherbee		Executive Director		
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	<i>5/8/08</i>
Agenda Coordinator (include phone #): Lynne Jones - 7109					

ACTION REQUESTED: ORDINANCE RESOLUTION CHANGE ORDER AGREEMENT
 APPROVAL OF BID AWARD OF CONTRACT OTHER

CAPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE COSTS FOR A BUNDLED AGREEMENT FOR THE ACQUISITION OF A FILE MANAGEMENT SOFTWARE SYSTEM WITH THOMSON ELITE, A DIVISION OF WEST PUBLISHING COMPANY, AND A THREE YEAR SUBSCRIPTION FOR WEB-BASED RESEARCH SERVICES WITH WESTLAW PUBLISHING COMPANY, IN AN AMOUNT NOT TO EXCEED \$54,266.00; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY AND ALL DOCUMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2007/2008	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	57,777	0	57,777
Encumbered/Expended Amount		-17,164	0	-17,164
This Item	0	-33,273	0	-33,273
BALANCE	0	7,340	0	7,340

FUND(S):

COMMENTS:

SUMMARY OF ITEM

The legal office is considering the purchase from Thomson Elite of the Prolaw litigation and subject matter file management system for legal offices in the amount of \$22,777. The legal office also seeks approval of a new contract with Westlaw Publishing Company for on-line research services for the next three years at \$31,489, a price lower than our current on-line legal research contract. This price represents discounts if both services are purchased together.

List of Supporting Documents: n/a	Other Departments, Boards, Commissions or Agencies n/a
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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE COSTS FOR A BUNDLED AGREEMENT FOR THE ACQUISITION OF A FILE MANAGEMENT SOFTWARE SYSTEM WITH THOMSON ELITE, A DIVISION OF WEST PUBLISHING COMPANY, AND A THREE YEAR SUBSCRIPTION FOR WEB-BASED RESEARCH SERVICES WITH WESTLAW PUBLISHING COMPANY, IN AN AMOUNT NOT TO EXCEED \$54,266.00; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY AND ALL DOCUMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Attorney's Office currently uses a web-based electronic legal research service and is considering the purchase of software that would improve document organization, storage and retrieval; and

WHEREAS, after a review of a number of programs from software vendors specializing in providing litigation and file management software for legal offices, the City Attorney recommends the purchase of Thomson Elite's Prolaw, for the reasons that Prolaw provides the best value for the department considering price, functionality, compatibility, integration and support for this service; and

WHEREAS, Westlaw is a leading web-based legal research service that will meet the legal research requirements of the City Attorney's Office; and

WHEREAS, bundling the web-based research services and the litigation/file management software will result in a substantial savings to the City over a three year period.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Council approves the expenditure of funds for the Prolaw file management software and a three year subscription for web-based legal research services with Westlaw in a combined amount not to exceed **FIFTY-FOUR THOUSAND TWO HUNDRED AND SIXTY-SIX AND 00/100 DOLLARS (\$54,266.00)**.

Section II. The City Manager, or his designee is authorized to execute any and all documents in connection therewith.

Section III. This Resolution shall become effective immediately upon its passage.

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Resolution No. _____

Page 2

DULY PASSED AND APPROVED this the _____ day of _____,
2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

RES-APPROVAL

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Item pending in Legal



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	05/12/08	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering	Initials	Date	
Department Head	Alan Upchurch	Executive Director	5/15/08	
Dept Signature:	<i>Alan Upchurch</i>	City Manager	<i>[Signature]</i>	
Agenda Coordinator (include phone #):		Irene Pegues, Ext. 7152	<i>[Signature]</i>	
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, amending Ordinance No. 2008-3-8, currently codified under Chapter 12 (Motor Vehicles and Traffic), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances, to revise the designated times of school zone operation located on Alma Drive between a point 250 feet north of 15th Street (FM 544) and a point 400 feet south of Janwood Drive for Sigler Elementary School and St. Mark Catholic School; 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.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
<p>The school zone located on Alma Drive between a point 250 feet north of 15th Street (FM 544) and a point 400 feet south of Janwood Drive serves Sigler Elementary School and St Mark Catholic School. The City of Plano Transportation Engineering Division determined that it is necessary to revise the designated times of the school zone operation in the afternoon to protect students traveling to and from these schools. The proposed school zone hours are between 7:15 a.m. and 8:15 a.m. and between 2:30 p.m. and 4:00 p.m. The City of Plano Transportation Engineering Division supports the revision of the school zone hours.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Map				

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING ORDINANCE NO. 2008-3-8, CURRENTLY CODIFIED UNDER CHAPTER 12 (MOTOR VEHICLES AND TRAFFIC), ARTICLE IV (SPEED), SECTION 12-73(d) OF THE CITY OF PLANO CODE OF ORDINANCES, TO REVISE THE DESIGNATED TIMES OF SCHOOL ZONE OPERATION LOCATED ON ALMA DRIVE BETWEEN A POINT 250 FEET NORTH OF 15TH STREET (FM 544) AND A POINT 400 FEET SOUTH OF JANWOOD DRIVE FOR SIGLER ELEMENTARY SCHOOL AND ST. MARK CATHOLIC SCHOOL; 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.

WHEREAS, Section 545.356 of the Texas Transportation Code, as amended, grants Home-Rule municipalities the authority to alter by ordinance prima facie maximum speed limits from the results of an engineering and traffic investigation on streets and highways located in the municipality's corporate limits; and

WHEREAS, the school zone located on Alma Drive between a point two hundred fifty (250) feet north of 15th Street (FM 544) and a point four hundred (400) feet south of Janwood Drive serves both Sigler Elementary School and St. Mark Catholic School; and

WHEREAS, the City of Plano Transportation Engineering Division determined that the revision is needed to the effective times of the school zone operation at and near the schools to provide for the safe flow of pedestrian traffic; and

WHEREAS, the City Council of the City of Plano finds it is necessary and in the best interest of the city and its citizens to revise the designated times of school zone operation from the time periods of 7:15 a.m. through 8:15 a.m. and 3:15 p.m. through 4:00 p.m. to the time periods of 7:15 a.m. through 8:15 a.m. and 2:30 p.m. through 4:00 p.m.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS THAT:

Section I. Chapter 12 (Motor Vehicles and Traffic), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances, and Ordinance Number 2008-3-8, are hereby amended to read as follows:

"Alma Dr.:"

- (5) Between a point two hundred fifty (250) feet north of 15th Street (FM 544) and a point four hundred (400) feet south of Janwood Drive on school days between 7:15 a.m. and 8:15 a.m. and between 2:30 p.m. and 4:00 p.m. (F)"

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Section II. All the portions of Chapter 12 (Motor Vehicles and Traffic) of the City of Plano Code of Ordinances shall remain in full force and effect.

Section III. All provisions of the Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section IV. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

Section V. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction in the Municipal Court, shall be subject to a fine not to exceed TWO HUNDRED AND NO/100 DOLLARS (\$200.00) for each offense. Each and every violation shall be deemed to constitute a separate offense.

Section VI. The repeal of any ordinance or part of any ordinance affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this Ordinance.

Section VII. This Ordinance shall become effective from and after its passage and publication as required by law.

DULY PASSED AND APPROVED this 12th day of May, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

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PROPOSED SCHOOL ZONE HOUR CHANGE

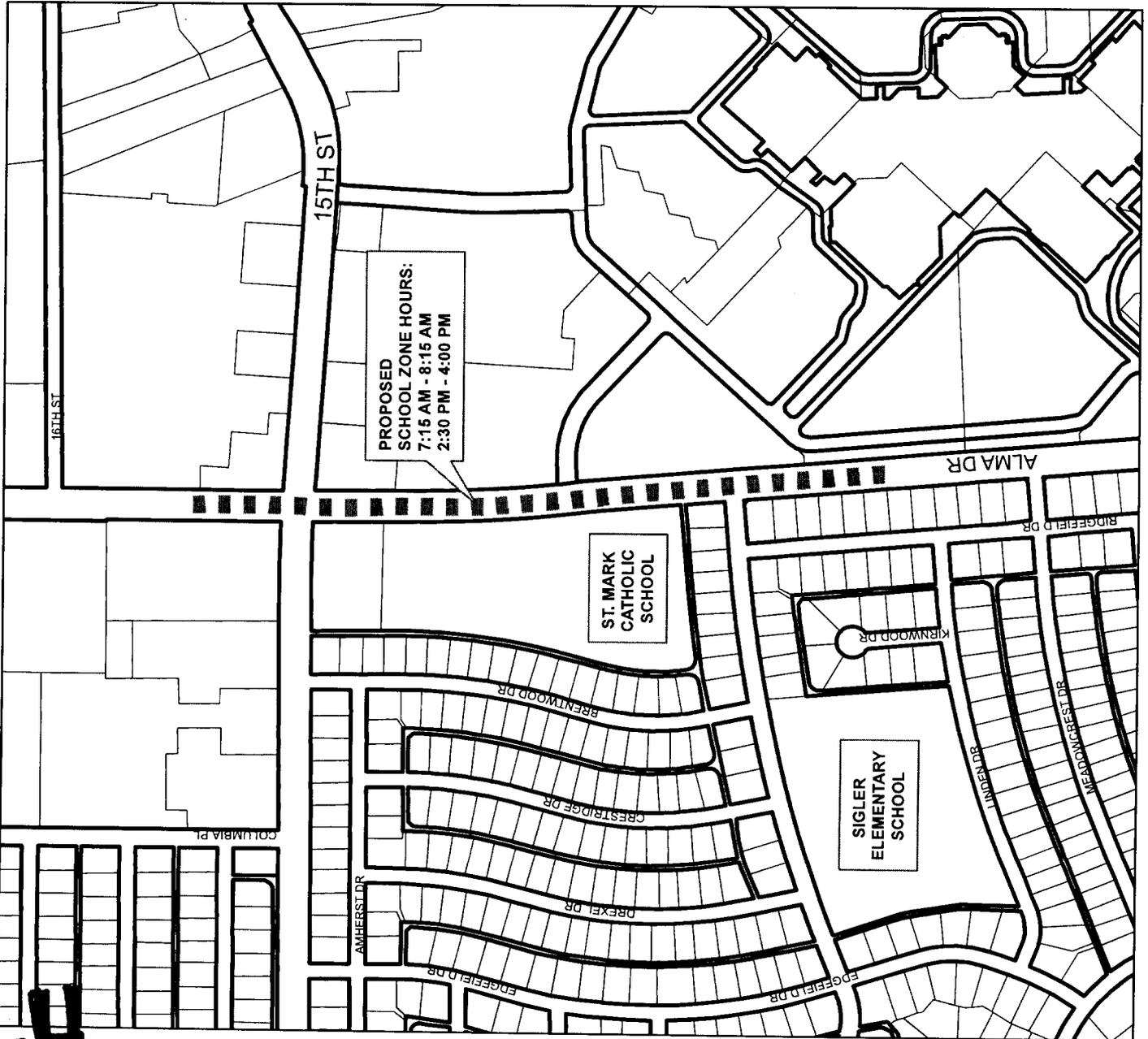
SIGLER
ELEMENTARY SCHOOL
AND
ST. MARK
CATHOLIC SCHOOL

■■■■■ SCHOOL ZONE

MAY 2008



Transportation Engineering Division



(1) **Public Hearing and consideration of ordinances as requested in Zoning Cases 2008-37 through 2008-42** all of which are limited to the repeal of certain Specific Use Permits for Private Clubs. The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific Use Permit for an additional use of a Private Club and the applicant is the City of Plano.

- (1a) **Zoning Case 2008-37** – Request to rescind Specific Use Permit #487 for Private Club on 0.1± acre located at the southwest corner of Bishop Road and Kincaid Road. Zoned Planned Development-65-Central Business-1.
- (1b) **Zoning Case 2008-38** – Request to rescind Specific Use Permit #489 for Private Club on 0.1± acre located 80± feet south of Legacy Drive, 370± feet east of Dallas North Tollway. Planned Development-65-Central Business-1.
- (1c) **Zoning Case 2008-39** – Request to rescind Specific Use Permit #490 for Private Club on 0.1± acre located on the east side of K Avenue, 75± feet south of 15th Street. Zoned Downtown Business/Government/Downtown Heritage Resource District.
- (1d) **Zoning Case 2008-40** – Request to rescind Specific Use Permit #491 for Private Club on one lot on 0.1± acre located on the east side of Bishop Road, 340± feet south of Legacy Drive. Zoned Planned Development-65-Central Business-1/Dallas North Tollway Over-Lay District.
- (1e) **Zoning Case 2008-41** – Request to rescind Specific Use Permit #492 for Private Club on one lot on 0.1± acre located 80± feet south of Legacy Drive, 250± feet west of Parkwood Boulevard. Zoned Planned Development-65-Central Business-1.
- (1f) **Zoning Case 2008-42** – Request to rescind Specific Use Permit #504 for Private Club on one lot on 222.1± acres located on the north side of 14th Street, 800± feet east of Star Court. Zoned Agricultural.

All of the above locations are located within the City of Plano, Collin County, Texas, and the repeal of each ordinance will amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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.

DATE: April 22, 2008
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of April 21, 2008

**AGENDA ITEM NO. 9A - PUBLIC HEARING
ZONING CASE 2008-37
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #487 for Private Club on 0.1± acre located at the southwest corner of Bishop Road and Kincaid Road. Zoned Planned Development-65-Central Business-1.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: May 12, 2008 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

TF/dw

1a-1

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 21, 2008

Agenda Item No. 9A

Public Hearing: Zoning Case 2008-37

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #487 for Private Club on 0.1± acre located at the southwest corner of Bishop Road and Kincaid Road. Zoned Planned Development-65-Central Business-1.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #487 for Private Club. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

Prior to the May 2005 election, a restaurant in Plano desiring to serve alcoholic beverages had to obtain SUP approval for a Private Club from the City of Plano and had to obtain a Private Club Permit from the Texas Alcoholic Beverage Commission (TABC). The election gave restaurants another option to serve alcoholic beverages by acquiring a Mixed Beverage Permit (with a Food and Beverage Certificate) directly from TABC. With the Mixed Beverage Permit, an SUP is no longer necessary.

Naan Restaurant operates with a Mixed Beverage Permit from TABC. Therefore, for "housekeeping" purposes, staff recommends that the Private Club SUP be rescinded since the SUP is not necessary for the restaurant to sell alcoholic beverages. Staff has not received a response from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

Recommended for approval as submitted.

1a-2

ORDINANCE NO. _____
(Zoning Case 2008-37)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NOS. 2003-2-15 AND 2003-9-27; THEREBY RESCINDING SPECIFIC USE PERMIT NO. 487 FOR THE ADDITIONAL USE OF PRIVATE CLUB ON 0.1± ACRE OF LAND OUT OF THE HENRY COOK SURVEY, ABSTRACT NO. 183 AND THE MARIA C. VELA SURVEY, ABSTRACT NO. 935, LOCATED AT THE SOUTHWEST CORNER OF BISHOP ROAD AND KINCAID ROAD, IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, TO REFLECT SUCH ACTION; 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.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 12th day of May, 2008, for the purpose of considering rescinding Specific Use Permit No. 487 for the additional use of Private Club on 0.1± acre of land out of the Henry Cook Survey, Abstract No. 183 and the Maria C. Vela Survey, Abstract No. 935, located at the southwest corner of Bishop Road and Kincaid Road in the City of Plano, Collin County, Texas; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 12th day of May, 2008; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 487 for the additional use of Private Club would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Ordinance Nos. 2003-2-15, duly passed and approved by the City Council of the City of Plano, Texas, on February 10, 2003, and 2003-9-27, duly passed and approved by the City Council of the City of Plano, Texas, on September 8, 2003, granting Specific Use Permit No. 487 for the additional use and expansion of Private Club on 0.1± acre of land out of the Henry Cook Survey, Abstract No. 183 and the Maria C. Vela Survey, Abstract No. 935, located at the southwest corner of Bishop Road and Kincaid Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1, more fully described on Exhibit "A", attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 487 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

1a-4

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 12TH DAY OF MAY, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

1a-5

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a tract of land situated in the Henry Cook Survey, Abstract No. 183 and the Maria C. Vela Survey, Abstract No. 935, in the City of Plano, Collin County, Texas and being a portion of Lot 1, Block D of Legacy Town Center (South), an addition to the City of Plano, Texas, according to the map and generally along a defined lease line map or plat thereof recorded in Volume M at Page 47 of the Plat Records of Collin County, Texas and being more particularly described by metes and bounds as follows (bearings based on the West right-of-way line of Bishop Road as dedicated in said Legacy Town Center (South), said bearing being North):

COMMENCING at the southeast corner of Lot 2, Block E of Legacy Town Center (South), Volume M at Page 47 of the Plat Records of Collin County, Texas and being the intersection of the north right-of-way line of Kincaid Road (a 54-foot wide right-of-way) with the west right-of-way line of Bishop Road (an 82-foot wide right-of-way);

THENCE East, departing the western right-of-way line of Bishop Road, a distance of 14.13 feet;

THENCE South, a distance of 51.79 feet to the POINT OF BEGINNING;

THENCE South, a distance of 20.50 feet to a corner;

THENCE West, to the easterly face of an existing building, a distance of 14.50 feet to a corner;

THENCE South, along the face of the easterly wall of said building, a distance of 31.15 feet to a corner;

THENCE West, departing the face of said easterly wall, and generally along a defined lease line, a distance of 60.90 feet to a corner;

THENCE South, and generally along a defined lease line, a distance of 25.82 feet to a corner;

THENCE West, and generally along a defined lease line, a distance of 57.35 feet to a corner;

THENCE North, and generally along a defined lease line, a distance of 16.71 feet to a corner;

THENCE East, and generally along a defined lease line, a distance of 6.00 feet to a corner;

1a6

THENCE North, and generally along a defined lease line, a distance of 8.00 feet to a corner;

THENCE East, and generally along a defined lease line, a distance of 29.79 feet to a corner;

THENCE North, and generally along a defined lease line, a distance of 18.00 feet to a corner;

THENCE West, and generally along a defined lease line, a distance of 12.00 feet to a corner;

THENCE North, and generally along a defined lease line, a distance of 23.97 feet to a corner;

THENCE East, along the face of the northerly wall of said building, a distance of 50.17 feet to a corner;

THENCE North, and generally along a defined lease line, a distance of 2.79 feet to a corner;

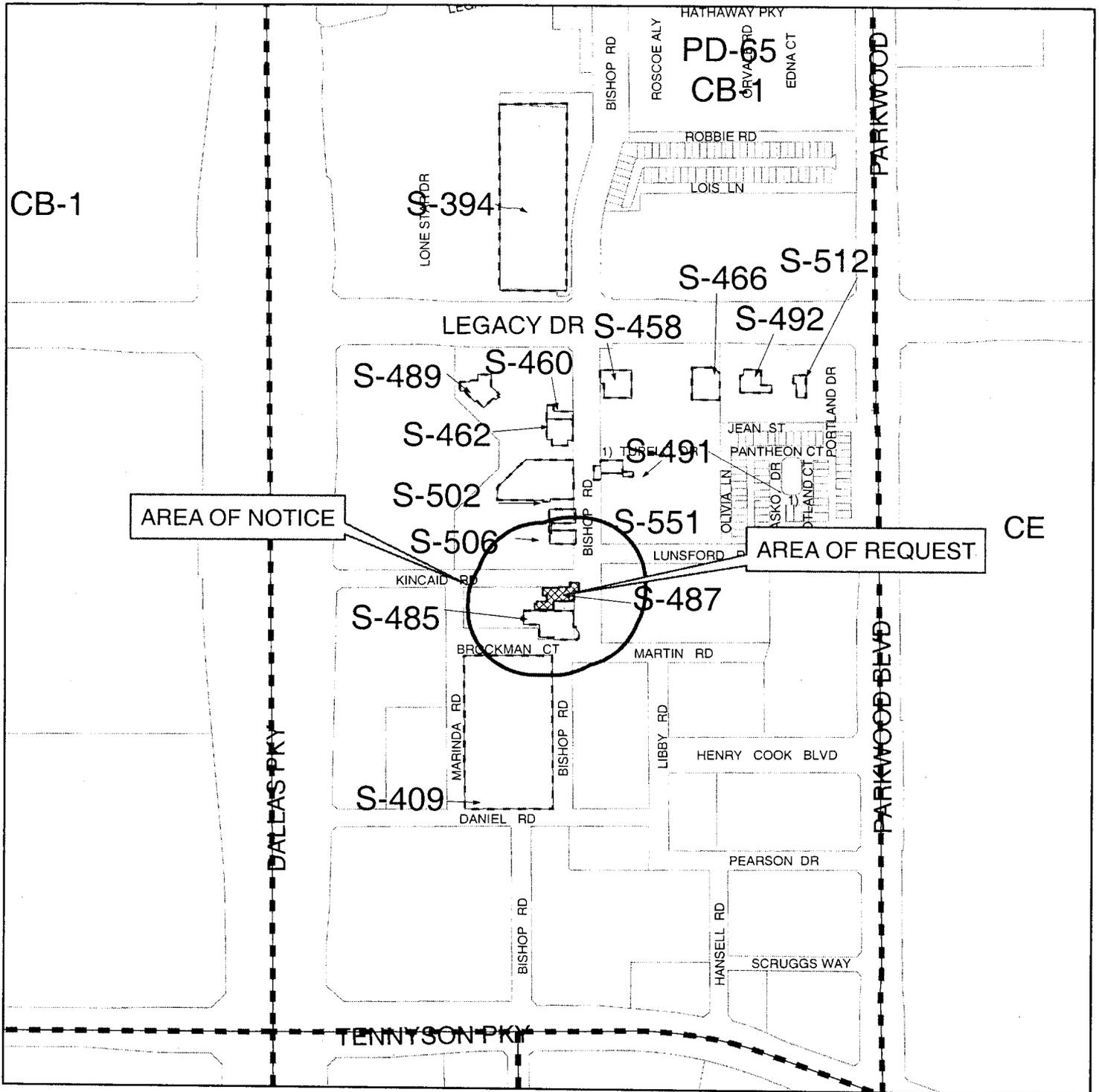
THENCE East, and generally along a defined lease line, a distance of 24.42 feet to a corner;

THENCE North, departing the face of said northerly wall, a distance of 3.67 feet to a corner;

THENCE North, 73° 50' 14" East, a distance of 15.57 feet to a corner;

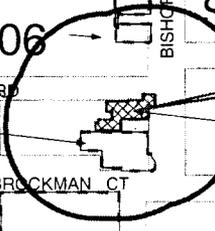
THENCE East, a distance of 19.37 feet to the POINT OF BEGINNING and CONTAINING (5,602.89 square feet), 0.128 of an acre of land, more or less.

1a-7



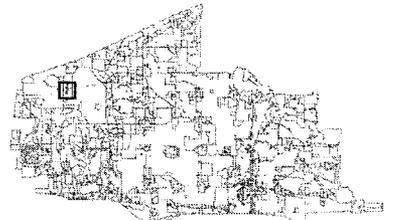
AREA OF NOTICE

AREA OF REQUEST



Zoning Case #: 2008-37

Existing Zoning: PLANNED DEVELOPMENT-65-CENTRAL BUSINESS-1
 w/SPECIFIC USE PERMIT #487/
 DALLAS NORTH TOLLWAY OVERLAY DISTRICT



1a-8

○ 200' Notification Buffer

DATE: April 22, 2008
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of April 21, 2008

**AGENDA ITEM NO. 9B - PUBLIC HEARING
ZONING CASE 2008-38
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #489 for Private Club on 0.1± acre located 80± feet south of Legacy Drive, 370± feet east of Dallas North Tollway. Planned Development-65-Central Business-1.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: May 12, 2008 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

TF/dw

16-1

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 21, 2008

Agenda Item No. 9B

Public Hearing: Zoning Case 2008-38

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #489 for Private Club on 0.1± acre located 80± feet south of Legacy Drive, 370± feet east of Dallas North Tollway. Planned Development-65-Central Business-1.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #489 for Private Club. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

Prior to the May 2005 election, a restaurant in Plano desiring to serve alcoholic beverages had to obtain SUP approval for a Private Club from the City of Plano and had to obtain a Private Club Permit from the Texas Alcoholic Beverage Commission (TABC). The election gave restaurants another option to serve alcoholic beverages by acquiring a Mixed Beverage Permit (with a Food and Beverage Certificate) directly from TABC. With the Mixed Beverage Permit, an SUP is no longer necessary.

Café Express, LLC - Legacy operates with a Mixed Beverage Permit from TABC. Therefore, for "housekeeping" purposes, staff recommends that the Private Club SUP be rescinded since the SUP is not necessary for the restaurant to sell alcoholic beverages. Staff has not received a response from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

Recommended for approval as submitted.

1b-2

ORDINANCE NO. _____
(Zoning Case 2008-38)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 2003-2-31 THEREBY RESCINDING SPECIFIC USE PERMIT NO. 489 FOR THE ADDITIONAL USE OF PRIVATE CLUB ON 0.1± ACRE OF LAND OUT OF THE HENRY COOK SURVEY, ABSTRACT NO. 183, LOCATED 80± FEET SOUTH OF LEGACY DRIVE, 370± FEET EAST OF DALLAS NORTH TOLLWAY IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, TO REFLECT SUCH ACTION; 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.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 12th day of May, 2008, for the purpose of considering rescinding Specific Use Permit No. 489 for the additional use of Private Club on 0.1± acre of land out of the Henry Cook Survey, Abstract No. 183, located 80± feet south of Legacy Drive, 370± feet east of Dallas North Tollway in the City of Plano, Collin County, Texas; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 12th day of May, 2008; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 489 for the additional use of Private Club would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Ordinance No. 2003-2-31, duly passed and approved by the City Council of the City of Plano, Texas, on February 24, 2003, granting Specific Use Permit No. 489 for the additional use of Private Club on 0.1± acre of land out of the Henry Cook Survey, Abstract No. 183, located 80± feet south of Legacy Drive, 370± feet east of Dallas North Tollway in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1, more fully described on Exhibit "A", attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 489 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

1b-4
Z:ORD/ZC/2008-38

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 12TH DAY OF MAY, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a tract of land out of the Henry Cook Survey, Abstract No. 183 in the City of Plano, Collin County, Texas, being a part of Lot 1, Block D of Legacy Town Center, (South), an addition to the City of Plano according to the plat thereof recorded in Cabinet M, page 47 of the Map Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING at a point for the intersection of the west right-of-way of Bishop Road and the south right-of-way of Legacy Drive a distance of 87.85 feet south and a distance of 215.33 feet west to the POINT OF BEGINNING;

THENCE 36.33 feet South;

THENCE 32.66 feet South 45° 0' 0" East;

THENCE 6.58 feet South 45 ° 0' 0" West;

THENCE 6.166 feet South 45 ° 0' 0" East;

THENCE 12.66 feet South 45 ° 0' 0" West;

THENCE 8.89 feet North 45 ° 0' 0" West;

THENCE 42.88 feet South 45 ° 0' 0" West;

THENCE 31.65 feet North 45 ° 0' 0" West;

THENCE 6.0 feet South 45 ° 0' 0" West;

THENCE 45.73 feet North 45 ° 0' 0" West;

THENCE 11.33 feet West;

THENCE 28.00 feet North;

THENCE 28.89 feet East;

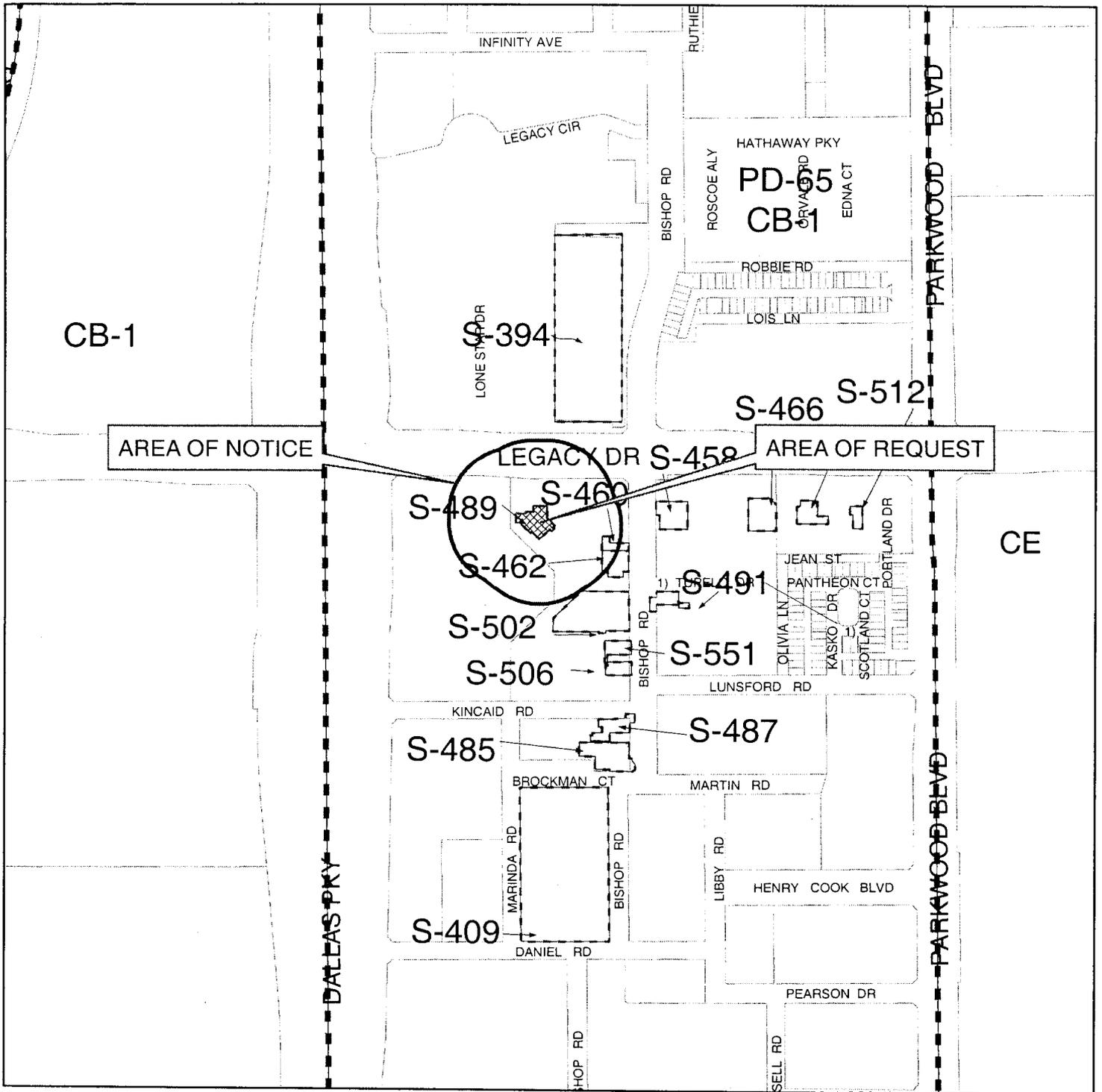
THENCE 5.18 feet North;

THENCE 22.67 feet East;

THENCE 18.98 feet North;

THENCE 49.89 feet East to POINT OF BEGINNING.

1b-6



Zoning Case #: 2008-38

Existing Zoning: PLANNED DEVELOPMENT-65-CENTRAL BUSINESS-1
 w/SPECIFIC USE PERMIT #489/
 DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer



117
 10-7

168

DATE: April 22, 2008
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of April 21, 2008

**AGENDA ITEM NO. 9C - PUBLIC HEARING
ZONING CASE 2008-39
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #490 for Private Club on 0.1± acre located on the east side of K Avenue, 75± feet south of 15th Street. Zoned Downtown Business/Government/Downtown Heritage Resource District.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: May 12, 2008 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dw

1c-1

ORDINANCE NO. _____
(Zoning Case 2008-39)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 2003-2-29; THEREBY RESCINDING SPECIFIC USE PERMIT NO. 490 FOR THE ADDITIONAL USE OF PRIVATE CLUB ON 0.1± ACRE OF LAND OUT OF THE SANFORD BECK SURVEY, ABSTRACT NO. 73, LOCATED ON THE EAST SIDE OF K AVENUE, 75± FEET SOUTH OF 15TH STREET, IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, TO REFLECT SUCH ACTION; 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.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 12th day of May, 2008, for the purpose of considering rescinding Specific Use Permit No. 490 for the additional use of Private Club on 0.1± acre of land out of the Sanford Beck Survey, Abstract No. 73, located on the east side of K Avenue, 75± feet south of 15th Street, in the City of Plano, Collin County, Texas; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 12th day of May, 2008; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 490 for the additional use of Private Club would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

1c-2
Z:ORD/ZC2008-39

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Ordinance No. 490, duly passed and approved by the City Council of the City of Plano, Texas, on February 24, 2003, granting Specific Use Permit No. 490 for the additional use of Private Club on 0.1± acre of land out of the Sanford Beck Survey, Abstract No. 73, located on the east side of K Avenue, 75± feet south of 15th Street in the City of Plano, Collin County, Texas, presently zoned Downtown Business/Government/Downtown Heritage Resource District, more fully described on Exhibit "A", attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 490 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

1c-3

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 12TH DAY OF MAY, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

104
Z.ORDINZC 2008-39

EXHIBIT "A"
LEGAL DESCRIPTION

SITUATED in the State of Texas, County of Collin, and City of Plano, being part of the Sanford Beck Survey, Abstract No. 73, being part of Lot 4B, all of Lot 5, and part of 6B, Block 10 of Original Donation to the City of Plano as recorded in Volume 65, Page 519 of the Collin County Map Records with said premises being more particularly described as follows:

BEGINNING at a P.K. nail set at the west facing of an existing brick building in the east right-of-way line of K Avenue marking the most westerly southwest corner of the aforementioned Lot 5 and the northwest corner of Lot 6B of said Original Donation;

THENCE west, 9.00 feet to an "X" set marking the southwest corner of the herein described premises;

THENCE with the west line of said premises North, 20.00 feet to an "X" set marking the northwest corner of said premises;

THENCE with the north line of said premises, East, passing at 9.00 feet, a P.K. nail set marking the northwest corner of Lot 4B and the southwest corner of Lot 4C, Block 10 of said Original Donation and continuing through existing brick building along a north line of Lot 4B and the south line of Lot 4C (exiting building at 89.00 feet) and continuing for a total distance of 115.50 feet to the northeast corner of said premises;

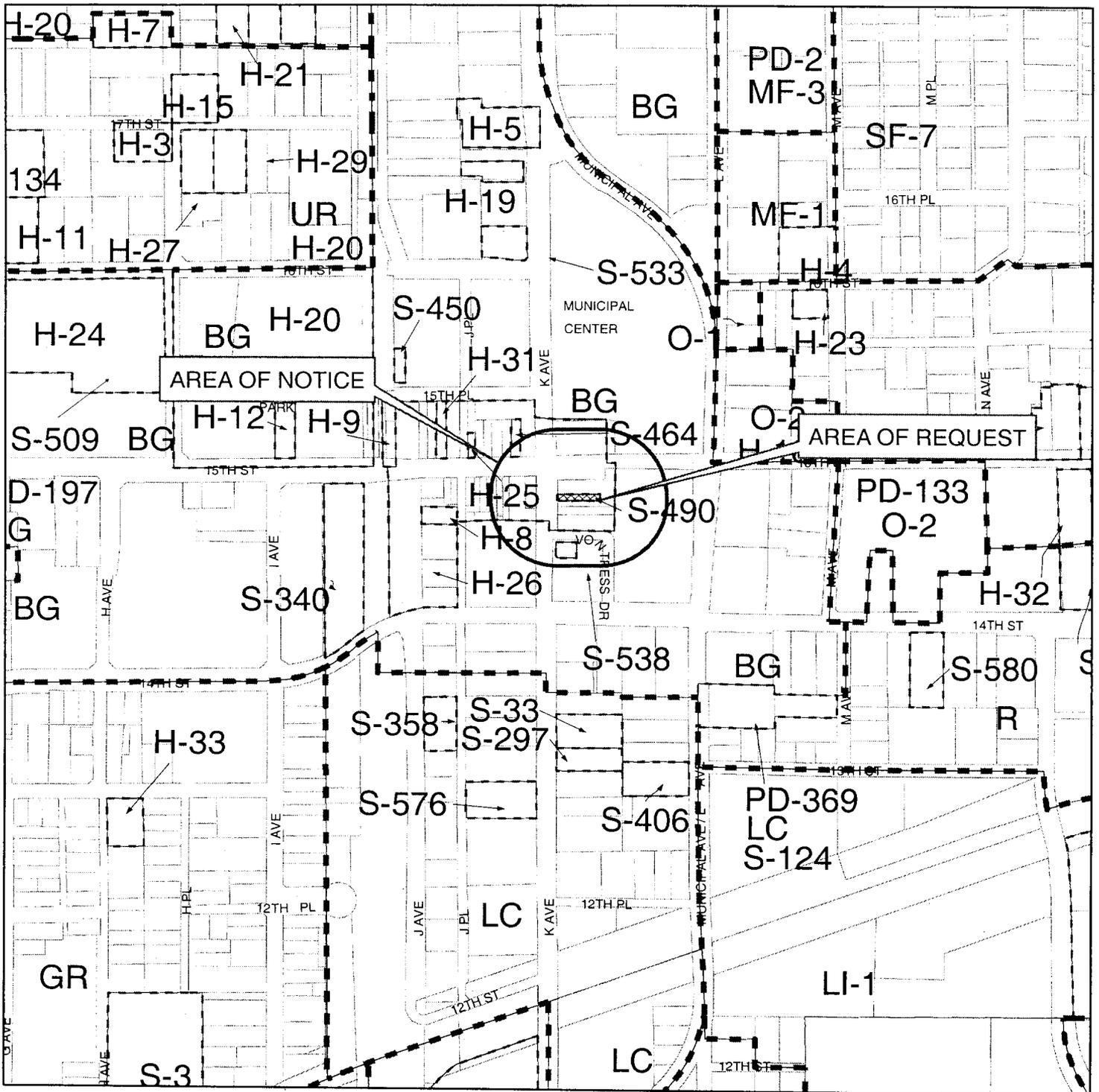
THENCE with the east line of said premises South, 24.00 feet to the southeast corner of said premises;

THENCE with a south line of said premises West, 26.50 feet to the most southerly southwest corner of said premises;

THENCE with a west line of said premises North, 4.00 feet to the southeast corner of the aforementioned existing brick building in the north of line of Lot 6B and the south line of Lot 5;

THENCE passing through said brick building along the south line of Lot 5 and the north line of Lot 6B, West, 80.00 feet to the POINT OF BEGINNING and CONTAINING 2,416 square feet or 0.055 acre of land.

105



DATE: April 22, 2008
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of April 21, 2008

**AGENDA ITEM NO. 9D - PUBLIC HEARING
ZONING CASE 2008-40
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #491 for Private Club on one lot on 0.1± acre located on the east side of Bishop Road, 340± feet south of Legacy Drive. Zoned Planned Development-65-Central Business-1.

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: SUPPORT: 0 OPPOSE: 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: SUPPORT: 0 OPPOSE: 0

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: May 12, 2008 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dw

1d-1

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 21, 2008

Agenda Item No. 9D

Public Hearing: Zoning Case 2008-40

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #491 for Private Club on one lot on 0.1± acre located on the east side of Bishop Road, 340± feet south of Legacy Drive. Zoned Planned Development-65-Central Business-1.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #491 for Private Club. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

Prior to the May 2005 election, a restaurant in Plano desiring to serve alcoholic beverages had to obtain SUP approval for a Private Club from the City of Plano and had to obtain a Private Club Permit from the Texas Alcoholic Beverage Commission (TABC). The election gave restaurants another option to serve alcoholic beverages by acquiring a Mixed Beverage Permit (with a Food and Beverage Certificate) directly from TABC. With the Mixed Beverage Permit, an SUP is no longer necessary.

Main Street Bistro & Bakery operates with a Mixed Beverage Permit from TABC. Therefore, for "housekeeping" purposes, staff recommends that the Private Club SUP be rescinded, since the SUP is not necessary for the restaurant to sell alcoholic beverages. Staff has not received a response from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

Recommended for approval as submitted.

1d-2

ORDINANCE NO. _____
(Zoning Case 2008-40)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 2003-9-26; THEREBY RESCINDING SPECIFIC USE PERMIT NO. 491 FOR THE ADDITIONAL USE OF PRIVATE CLUB ON 0.1± ACRE OF LAND OUT OF THE MARIA C. VELA SURVEY, ABSTRACT NO. 935, LOCATED ON THE EAST SIDE OF BISHOP ROAD, 340± FEET SOUTH OF LEGACY DRIVE. IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, TO REFLECT SUCH ACTION; 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.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 12th day of May, 2008, for the purpose of considering rescinding Specific Use Permit No. 491 for the additional use of Private Club on 0.1± acre of land out of the Maria C. Vela Survey, Abstract No. 935, located on the east side of Bishop Road, 340± feet south of Legacy Drive. in the City of Plano, Collin County, Texas; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 12th day of May, 2008; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 491 for the additional use of Private Club would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Ordinance No. 2003-9-26, duly passed and approved by the City Council of the City of Plano, Texas, on September 8, 2003, granting Specific Use Permit No. 491 for the additional use of Private Club on 0.1± acre of land out of the Maria C. Vela Survey, Abstract No. 935, located on the east side of Bishop Road, 340± feet south of legacy Drive. in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1/Dallas North Tollway Overlay District, more fully described on Exhibit "A", attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 491 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

1d-4
Z. ORD. ZC2008-40

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 12TH DAY OF MAY, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a tract of land situated in the Maria C. Vela Survey, Abstract No. 935, in the City of Plano, Collin County, Texas, and being a portion of Lot 1, Block F of Legacy Town Center (South), an addition to the City of Plano, Texas, according to the Map or Plat thereof recorded in Volume M at Page 47 of the Plat Records of Collin County Texas, and being more particularly described by metes and bounds as follows, (bearings based on the east right-of-way line of Bishop Road as dedicated in said Legacy Town Center, (South) said bearing being North):

COMMENCING at the most westerly, northwest corner of said Lot 1, Block F, same being the intersection of the south right-of-way line of Legacy Drive, (a variable width right-of-way) with the east right-of-way line of Legacy Drive, (a variable width right-of-way) with the east right-of-way line of Bishop Road, (an 82-foot wide right-of-way);

THENCE South, along the west line of said Lot 1, Block F and the east right-of-way line of said Bishop Road, a distance of 342.47 feet to a point along the east right-of-way line of Bishop Road;

THENCE East, departing the east right-of-way line of said Bishop Road, a distance of 1.64 feet to the POINT OF BEGINNING, same being on an exterior wall supporting the second story of an existing building;

THENCE East, along the northern wall of said building, a distance of 65.67 feet to a corner;

THENCE South, departing said northern wall, along a defined lease line, a distance of 34.94 feet to a corner;

THENCE East, along a defined lease line, a distance of 31.67 feet to a corner;

THENCE South, along the eastern wall of said building, a distance of 15.33 feet to a corner;

THENCE West, departing said easterly wall, along a defined lease line, a distance of 31.67 feet to a corner;

THENCE North, along a defined lease line, a distance of 10.10 feet to a corner;

THENCE West, along a defined lease line, a distance of 65.67 feet to a corner;

THENCE South, along the east right-of-way line of Bishop Road, a distance of 21.21 feet to a corner;

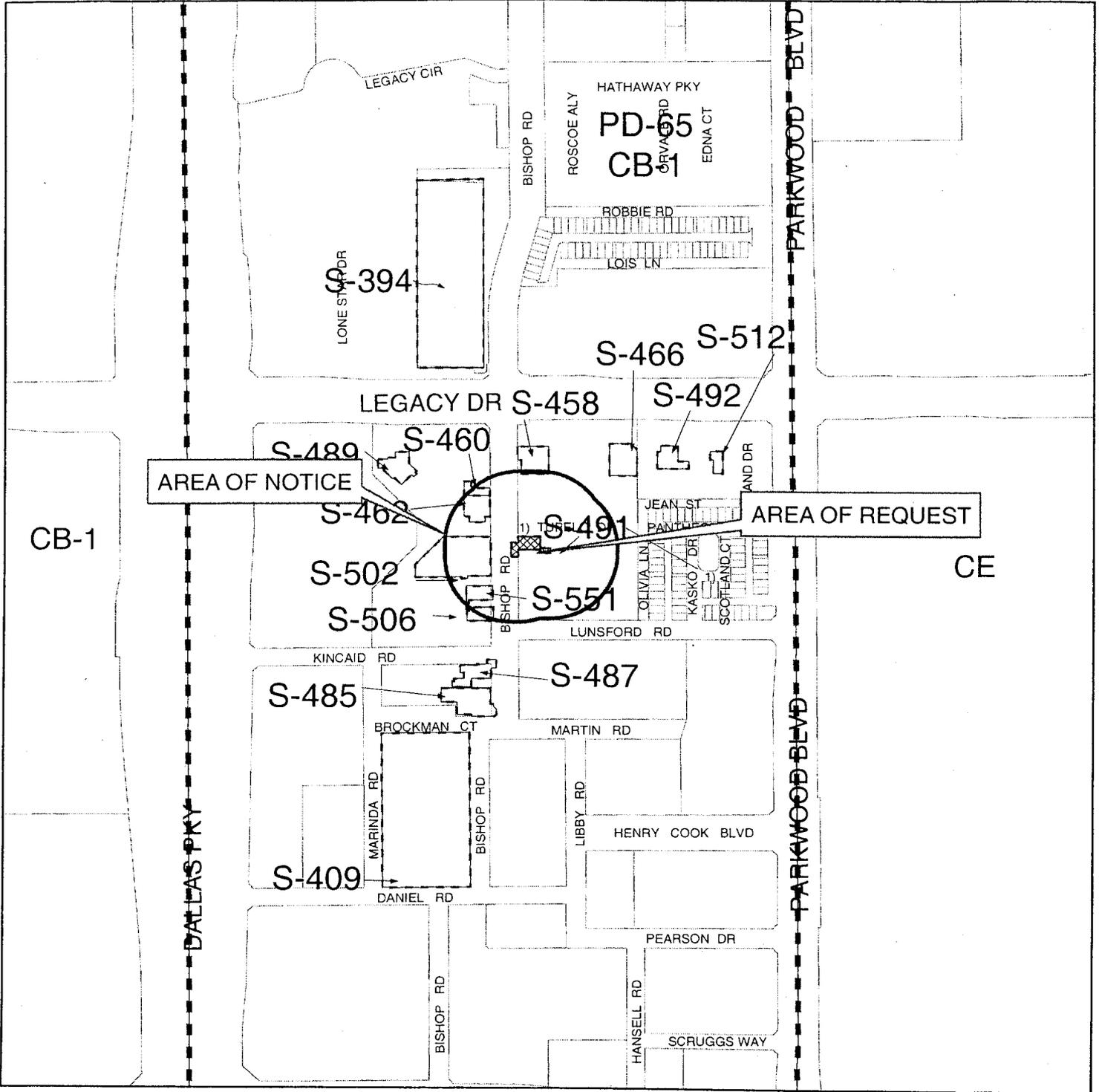
1d-6

THENCE West, departing said southerly line along the east right-of-way line of Bishop Road, a distance of 20.48 feet to a corner;

THENCE North, along the east right-of-way line of Bishop Road, a distance of 43.21 feet to a corner;

THENCE East, departing said northerly right-of-way line of Bishop Road, a distance of 20.48 feet to a corner;

THENCE North along the east right-of-way line of Bishop Road, a distance of 18.26 feet to the POINT OF BEGINNING and CONTAINING 0.092 (4,006.12 square feet) of an acre of land, more or less.

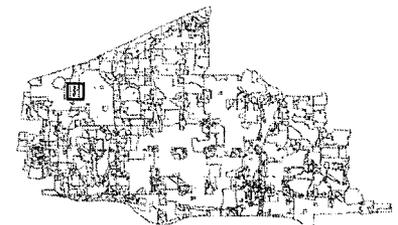


Zoning Case #: 2008-40

Existing Zoning: PLANNED DEVELOPMENT-65-CENTRAL BUSINESS-1

W/SPECIFIC USE PERMIT #491/

DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer



1d-8

DATE: April 22, 2008
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of April 21, 2008

**AGENDA ITEM NO. 9E - PUBLIC HEARING
ZONING CASE 2008-41
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #492 for Private Club on one lot on 0.1± acre located 80± feet south of Legacy Drive, 250± feet west of Parkwood Boulevard. Zoned Planned Development-65-Central Business-1.

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: SUPPORT: 0 OPPOSE: 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: SUPPORT: 0 OPPOSE: 0

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: May 12, 2008 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

BT/dw

1e1

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 21, 2008

Agenda Item No. 9E

Public Hearing: Zoning Case 2008-41

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #492 for Private Club on one lot on 0.1± acre located 80± feet south of Legacy Drive, 250± feet west of Parkwood Boulevard. Zoned Planned Development-65-Central Business-1.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #492 for Private Club. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

Prior to the May 2005 election, a restaurant in Plano desiring to serve alcoholic beverages had to obtain SUP approval for Private Club from the City of Plano and had to obtain a Private Club Permit from the Texas Alcoholic Beverage Commission (TABC). The election gave restaurants another option to serve alcoholic beverages by acquiring a Mixed Beverage Permit (with a Food and Beverage Certificate) directly from TABC. With the Mixed Beverage Permit, an SUP is no longer necessary.

Plano Samui Thai Cuisine operates with a Mixed Beverage Permit from TABC. Therefore, for "housekeeping" purposes, staff recommends that the Private Club SUP be rescinded, since the SUP is not necessary for the restaurant to sell alcoholic beverages. Staff has not received any responses from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

Recommended for approval as submitted.

1e-2

ORDINANCE NO. _____
(Zoning Case 2008-41)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 2003-6-13 THEREBY RESCINDING SPECIFIC USE PERMIT NO. 492 FOR THE ADDITIONAL USE OF PRIVATE CLUB ON 0.1± ACRE OF LAND OUT OF THE MARIA C. VELA SURVEY, ABSTRACT NO. 935, LOCATED 80± FEET SOUTH OF LEGACY DRIVE, 250± FEET WEST OF PARKWOOD BOULEVARD IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, TO REFLECT SUCH ACTION; 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.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 12th day of May, 2008, for the purpose of considering rescinding Specific Use Permit No. 492 for the additional use of Private Club on 0.1± acre of land out of the Maria C. Vela Survey, Abstract No. 935, located 80± feet south of Legacy Drive, 250± feet west of Parkwood Boulevard in the City of Plano, Collin County, Texas; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 12th day of May, 2008; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 492 for the additional use of Private Club would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Ordinance No. 2003-6-13, duly passed and approved by the City Council of the City of Plano, Texas, on June 9, 2003, granting Specific Use Permit No. 492 for the additional use of Private Club on 0.1± acre of land out of the Maria C. Vela Survey, Abstract No. 935, located 80± feet south of Legacy Drive, 250± feet west of Parkwood Boulevard in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1, more fully described on Exhibit "A", attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 492 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

1e-4

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 12TH DAY OF MAY, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a tract of land situated in the Maria C. Vela Survey, Abstract No. 935 in the City of Plano, Collin County, Texas, and being a portion of Lot 2, Block F of Legacy Town Center (South), an addition to the City of Plano, Texas, according to the map or plat thereof recorded in Volume M at Page 47 of the Plat Records of Collin County, Texas, and being more particularly described by metes and bounds as follows (bearings based on the north right-of-way line of Lunsford Road as dedicated in said Legacy Town Center (South), and bearing being North):

COMMENCING at a 5/8-inch "KHA" capped iron rod found for the southeast corner of Lot 1, Block F of said Legacy Town Center (South) said iron also being on the north line of Lunsford Road (a 60 foot right-of-way), a publicly dedicated right-of-way as evidenced by the map or plat of the aforesaid Legacy Town Center (South);

THENCE north, along the common line of said Lots 1 and 2, Block F, a distance of 451.96 feet to a corner;

THENCE east, departing the common line of said Lots 1 and 2, Block F, a distance of 42.81 feet to the POINT OF BEGINNING;

THENCE east, along the southerly face of an existing building a distance of 94.21 feet to a corner;

THENCE north, and generally along a defined lease line, a distance of 23.42 feet to a corner;

THENCE west, and generally along a defined lease line, a distance of 32.33 feet to a corner;

THENCE north, and generally along a defined lease line, a distance of 44.67 feet to a corner;

THENCE west, along the face of the northerly wall of said building, a distance of 4.75 feet to a corner;

THENCE north following the northerly wall of said building, a distance of 2.50 feet to a corner;

THENCE west following the northerly wall of said building, a distance of 21.00 feet to a corner;

1e-6
Z:DPD ZC2008-41

THENCE north following the northerly wall of said building, a distance of 0.67 feet to a corner;

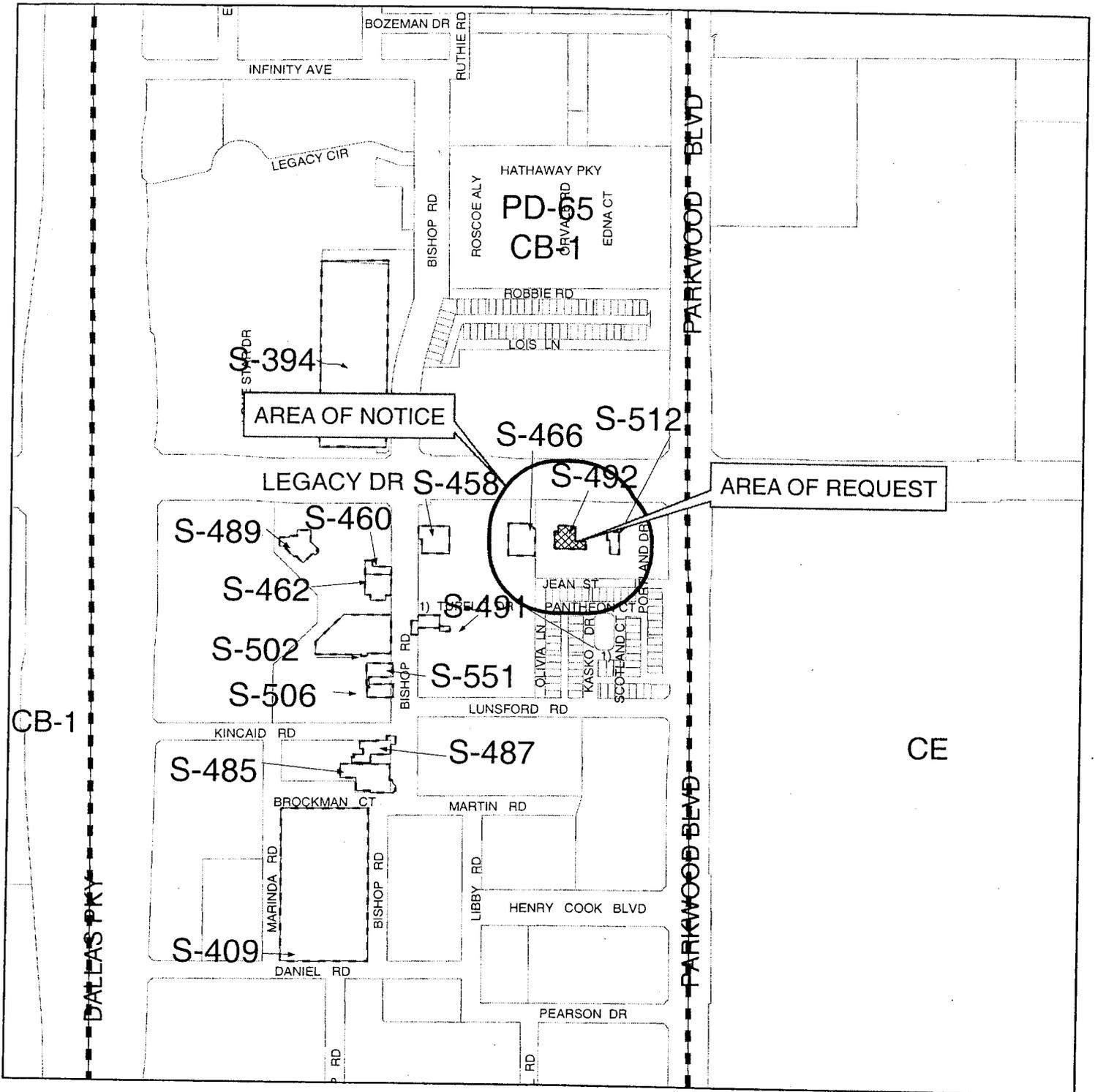
THENCE west following the northerly wall of said building, a distance of 26.00 feet to a corner;

THENCE south, along the face of the westerly wall of said building, a distance of 18.63 feet to a corner;

THENCE west, departing westerly wall of said building, a distance of 10.13 feet to a corner;

THENCE south a distance of 52.63 feet to the POINT OF BEGINNING and CONTAINING (4,948.11 square feet) 0.114 of an acre of land, more or less.

1e-7

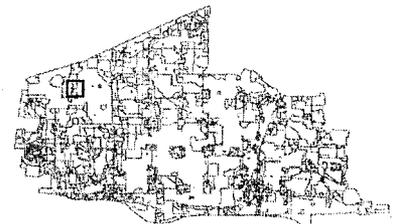


Zoning Case #: 2008-41

Existing Zoning: PLANNED DEVELOPMENT-65-CENTRAL BUSINESS-1

W/SPECIFIC USE PERMIT #492/

DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer



1e-8

DATE: April 22, 2008
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of April 21, 2008

**AGENDA ITEM NO. 9F - PUBLIC HEARING
ZONING CASE 2008-42
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #504 for Private Club on one lot on 222.1± acres located on the north side of 14th Street, 800± feet east of Star Court. Zoned Agricultural.

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: SUPPORT: 0 OPPOSE: 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: SUPPORT: 0 OPPOSE: 0

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: May 12, 2008 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

BT/dw

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 21, 2008

Agenda Item No. 9F

Public Hearing: Zoning Case 2008-42

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #504 for Private Club on one lot on 222.1± acres located on the north side of 14th Street, 800± feet east of Star Court. Zoned Agricultural.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #504 for Private Club. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

Prior to the May 2005 election, a restaurant in Plano desiring to serve alcoholic beverages had to obtain SUP approval for Private Club from the City of Plano and had to obtain a Private Club Permit from the Texas Alcoholic Beverage Commission (TABC). The election gave restaurants another option to serve alcoholic beverages by acquiring a Mixed Beverage Permit (with a Food and Beverage Certificate) directly from TABC. With the Mixed Beverage Permit, an SUP is no longer necessary.

Pecan Hollow Golf Course operates with a Mixed Beverage Permit from TABC. Therefore, for "housekeeping" purposes, staff recommends that the Private Club SUP be rescinded, since the SUP is not necessary for the restaurant to sell alcoholic beverages. Staff has not received any responses from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

Recommended for approval as submitted.

1-f2

ORDINANCE NO. _____
(Zoning Case 2008-42)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 2003-8-21; THEREBY RESCINDING SPECIFIC USE PERMIT NO. 504 FOR THE ADDITIONAL USE OF PRIVATE CLUB ON 222.1± ACRES OF LAND OUT OF THE MARY SCOTT SURVEY, ABSTRACT NO. 859 AND THE JAMES LETBETTER SURVEY, ABSTRACT NO. 545, LOCATED ON THE NORTH SIDE OF 14TH STREET, 800± FEET EAST OF STAR COURT IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, TO REFLECT SUCH ACTION; 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.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 12th day of May, 2008, for the purpose of considering rescinding Specific Use Permit No. 504 for the additional use of Private Club on 222.1± acres of land out of the Mary Scott Survey, Abstract No. 859 and the James Letbetter Survey, Abstract No. 545, located on the north side of 14th Street, 800± feet east of Star Court in the City of Plano, Collin County, Texas; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 12th day of May, 2008; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 504 for the additional use of Private Club would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Ordinance No. 2003-8-21, duly passed and approved by the City Council of the City of Plano, Texas, on August 25, 2003, granting Specific Use Permit No. 504 for the additional use of Private Club on 222.1± acres of land out of the Mary Scott Survey, Abstract No. 859 and the James Letbetter Survey, Abstract No. 545, located on the north side of 14th Street, 800± feet east of Star Court in the City of Plano, Collin County, Texas, presently zoned Agricultural, more fully described on Exhibit "A", attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 504 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

1f-4
Z:OFD/C2008-42

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 12TH DAY OF MAY, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION

SITUATED in Collin County, Texas, a part of the Mary Scott Survey, Abstract No. 859 and the James Letbetter Survey, Abstract No. 545 in the City of Plano and being a consolidation of five tracts (Abstract No. 859, Tracts 12, 13, 14, and 15, and Abstract No. 545, Tract 4) of land and being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the west right-of-way line of Dublin Road with the north boundary line of a 67.91 acre tract of land recorded in Volume 322, Page 144, of the Deed Records of Collin County, Texas;

THENCE southeasterly with the west right-of-way line of Dublin Road as follows:

South 24° 04' 06" East, 672.16 feet;

South 37° 19' 03" East, 108.54 feet;

South 47° 09' 49" East, 99.13 feet;

South 51° 58' 15" East, 194.85 feet;

South 45° 48' 47" East, 102.89 feet;

South 34° 24' 00" East, 300.16 feet;

South 12° 24' 54" East, 268.46 feet;

South 09° 57' 36" East, 228.16 feet;

South 15° 57' 26" East, 242.90 feet;

South 31° 51' 50" East, 359.76 feet;

South 34° 19' 50" East, a distance of 339.73 feet to a point for corner;

THENCE South 67° 54' 37" West, with the south line of a tract recorded in Volume 637, Page 349, of the Deed Records of Collin County, Texas, a distance of 454.30 feet to a point in the center of Rowlett Creek;

THENCE South 47° 23' 28" East with the center of Rowlett Creek, a distance of 289.03 feet to a point for corner in the north right-of-way line of 14th Street (F.M. Highway 544);

1f-6
Z:ORD\ZC2008-42

THENCE in a westerly direction with the north right-of-way line of 14th Street as follows:

South 85° 10' 19" West, 154.00 feet;

South 79° 50' 19" West, 170.10 feet;

South 74° 28' 46" West, 1,447.74 feet to the beginning of a curve to the right, having a radius bearing of North 25° 37' 07" West, 481.64 feet;

With said curve having a central angle of 27° 49' 48", through an arc length of 234.91 feet,

North 86° 38' 54" West, 929.21 feet to the beginning of a curve to the right, having a radius bearing of North 03° 27' 54" East, 602.64 feet,

With said curve having a central angle of 25° 30' 18", through an arc length of 267.99 feet, North 61° 01' 49" West, a distance of 537.57 feet to a point for corner;

THENCE North 00° 33' 54" East, a distance of 2,547.96 feet to the northwest corner of a 76.706 acre tract;

THENCE South 89° 07' 02" East, a distance of 465.05 feet to a point for corner in the center of Cottonwood Creek;

THENCE southerly downstream with the centerline of Cottonwood Creek as follows:

South 39° 52' 58" West, 95.00 feet,

South 84° 52' 58" West, 192.00 feet,

South 26° 22' 58" West, 159.00 feet,

South 39° 52' 58" West, 132.00 feet,

South 22° 07' 02" East, 149.00 feet,

South 05° 52' 58" West, 112.00 feet,

South 72° 37' 02" East, 207.00 feet,

South 11° 07' 58" West, 136.00 feet,

South 76° 52' 02" East, 137.00 feet,

South 51° 07' 02" East, 158.00 feet,

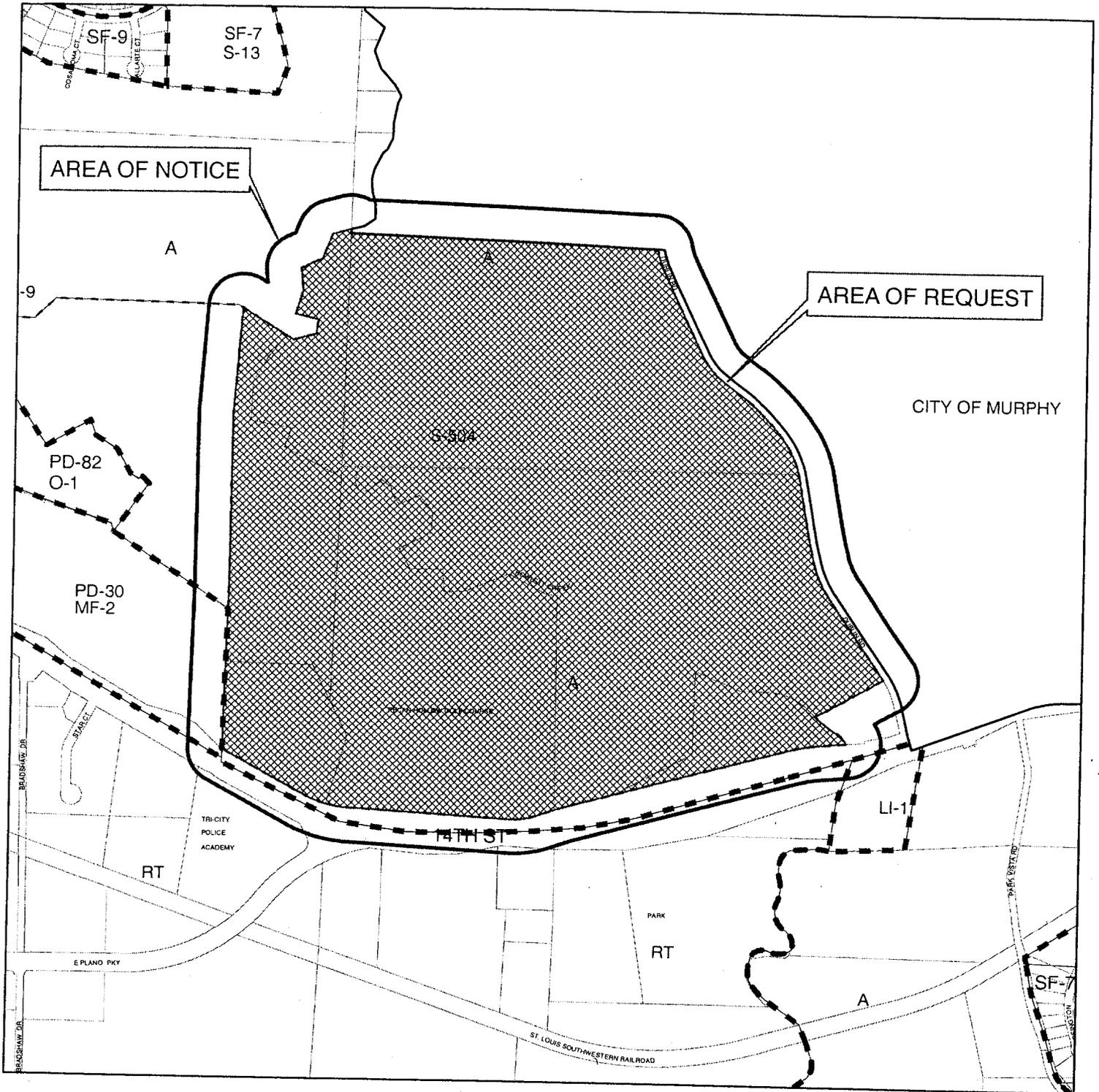
North 50° 22' 58" East, a distance of 118.03 feet to a point for corner in the southwest corner of a 67.91 acre tract of land recorded in Volume 322, Page 144 of the Deed Records of Collin County, Texas;

THENCE North 01° 27' 31" East with the west line of said 67.91 acre tract, a distance of 1,330.21 feet;

THENCE South, 87° 46' 05" East, with the north line of said 67.91 acre tract, a distance of 1,552.01 feet;

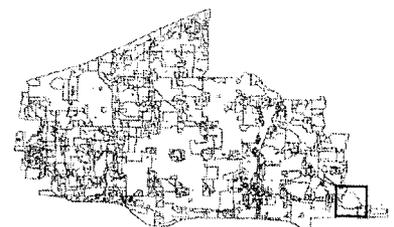
THENCE South 87° 53' 45" East, a distance of 253.04 feet to the POINT OF BEGINNING and CONTAINING 221.07 acres of land.

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ORDZC2008-42



Zoning Case #: 2008-42

Existing Zoning: AGRICULTURAL w/SPECIFIC USE PERMIT #504



○ 200' Notification Buffer

179

DATE: May 6, 2008
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of May 5, 2008

**AGENDA ITEM NO. 6A - PUBLIC HEARING
ZONING CASE 2008-36
APPLICANT: PARK PLACE MOTORCARS**

Request to rezone 5.6± acres located on the north side of State Highway 190, 620± feet west of Preston Road from Light Commercial to Planned Development-Light Commercial. Zoned Light Commercial with Specific Use Permit #449 for New Car Dealer.

APPROVED: 7-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 3 **OPPOSE:** 1

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval subject to:

1. The maximum floor area ratio for parking garages when they are the primary use, on the property including any accessory uses shall be 2:1. The maximum floor area ratio for all other uses shall be 0.8:1.
2. The maximum allowable height for parking garages shall be six stories (90 feet).
3. Structures shall have a minimum 10-foot front-yard setback from the fire lane, access and utility easement located on the north side of the property.

FOR CITY COUNCIL MEETING OF: May 12, 2008 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

BT/dc

xc: Rick Stone, Park Place Lexus Land Co. #1
Kirk Williams, Winstead PC

2-1

MEMO

May 6, 2008

TO: Tom Muehlenbeck, City Manager
Frank Turner, Executive Director

FROM: Tom Elgin, Development Review Manager



RE: Zoning Case 2008-36

Staff received a letter of opposition to Zoning Case 2008-36 from an adjacent property owner. Because the property owner's opposition constitutes more than 20% of the land area within the 200-foot zoning notice area, Chapter 211 of the Local Government Code requires that a three-quarter majority vote, rather than a simple majority vote, will be necessary for City Council to approve Zoning Case 2008-36.

Phyllis Jarrell, Director of Planning, and I will be present at the City Council meeting to address any questions regarding this item.



CITY OF PLANO
PLANNING & ZONING COMMISSION

May 5, 2008

Agenda Item No. 6A

Public Hearing: Zoning Case 2008-36

Applicant: Park Place Motorcars

DESCRIPTION:

Request to rezone 5.6± acres located on the north side of State Highway 190, 620± feet west of Preston Road **from** Light Commercial **to** Planned Development-Light Commercial. Zoned Light Commercial with Specific Use Permit #449 for New Car Dealer.

HISTORY:

This property was rezoned from Planned Development-203-General Office (PD-203-O-2) to Light Commercial (LC) with Specific Use Permit #449 for New Car Dealer in July 2001.

REMARKS:

The current zoning is Light Commercial with Specific Use Permit #449 (LC w/SUP #449) for New Car Dealer. The Zoning Ordinance defines a new car dealer as the retail sales and/or leasing of new automobile or light load vehicles, including, as minor part of the business, the sales and/or leasing of used automobile or light load vehicles. The LC district is intended to provide for a wide array of retail, office, and service uses to meet the needs of local residents and businesses. Some automobile related uses and limited assembly, which address local service and employment opportunities, are also included in LC districts. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application. The property is currently used as automobile storage for a new car dealer. The automobile storage is on surface parking. The applicant intends to construct a six-story parking garage that will have automobile repair uses on the first floor and automobile storage on the upper levels.

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Surrounding Land Use and Zoning

The properties to the west, zoned PD-203-O-2, and to the east, zoned PD-201-LC, are used as automobile storage for two new car dealers on Preston Road. The southern portion of the lot contains a 150-foot-railroad easement, a 71-foot TXU easement, and a 20-foot City of Plano utility easement. The property has frontage on the south to President George Bush Turnpike (State Highway 190) in an area where there are no service roads or direct access to any thoroughfare. Access to the area of request is gained by fire lane and access easements to Village Creek Drive and to Preston Road through the adjacent automobile storage lots and new car dealers. The properties to the north are zoned PD-203-O-2 with Specific Use Permit #239 for a Hospital and Specific Use Permit #155 for Microwave Reflectors/Antenna. These properties are developed as professional/general administrative and medical office uses. The maximum height allowed in PD-203-02 is three stories.

Proposed Planned Development Stipulations

The requested zoning is Planned Development-Light Commercial. A planned development district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off and onsite conditions. The purpose of the request is to allow construction of a six-story parking garage that will have automobile repair uses on the first floor and automobile storage on the upper levels. The applicant proposes to:

1. Increase floor area ratio (FAR) from 0.8:1 to 2:1 for parking garages including accessory uses within the garages.
2. Increase allowable height from two stories, (35 feet) to six stories, (90 feet).
3. Establish 10-foot front setback line from the fire lane, access and utility easement.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Low Intensity Office (LIO). Neither the current zoning nor the requested zoning is consistent with the LIO land use designation.

Adequacy of Public Facilities - Water and sanitary sewer services are available.

Traffic Impact Analysis (TIA) - A TIA is not required because the potential traffic generation does not exceed the 5,000 trip per day threshold.

SUMMARY:

The requested zoning is Planned Development-Light Commercial. The proposed use is accessory to the new car dealer uses on Preston Road and is consistent with surrounding uses. The requested six story parking garage, though visible from State Highway 190, will be separated by a 150-foot railroad easement, a 71-foot TXU

2-4

easement with transmission towers, and a 20-foot City of Plano utility easement. As described above, the property does not front any public street; access to this property is by fire lane and access easements to Village Creek Drive and to Preston Road through the adjacent automobile storage lot to the east. The proposed parking structure will be 600± feet from Plano Parkway and will be partially screened from view by the office buildings between it and Plano Parkway. As such the subject property is located behind other properties and would not negatively impact the surrounding uses. The applicant is requesting to increase the FAR from 0.8:1 to 2:1 to allow construction of the parking garage. The garage will be 482,300 square feet in size; the existing 0.8:1 FAR would allow construction of 194,804 square feet of building area based on the 5.6 acre property size. Typically, a parking garage would be located on the same lot as the primary use, and FAR restrictions would not apply. However, in this case the garage is the primary use on the property. Staff recommends that the increased FAR apply only to parking garages. Any other development that might be constructed on the property in the future should be limited to a FAR of 0.8:1.

RECOMMENDATIONS:

Recommended for approval subject to:

1. The maximum floor area ratio for parking garages when they are the primary use, on the property including any accessory uses shall be 2:1. The maximum floor area ratio for all other uses shall be 0.8:1.
2. The maximum allowable height for parking garages shall be six stories (90 feet).
3. Structures shall have a minimum 10-foot front-yard setback from the fire lane, access and utility easement located on the north side of the property.

ORDINANCE NO. _____
(Zoning Case 2008-36)

AN ORDINANCE OF THE CITY OF PLANO AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, SO AS TO REZONE 5.6± ACRES OUT OF THE LOUIS WETSEL SURVEY, ABSTRACT NO. 971, LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 190, 620± FEET WEST OF PRESTON ROAD IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, FROM LIGHT COMMERCIAL WITH SPECIFIC USE PERMIT NO. 449 FOR NEW CAR DEALER TO PLANNED DEVELOPMENT-198-LIGHT COMMERCIAL WITH SPECIFIC USE PERMIT NO. 449 FOR NEW 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.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 12th day of May, 2008, for the purpose of considering rezoning 5.6± acres out of the Louis Wetsel Survey, Abstract No. 971, located on the north side of State Highway 190, 620± feet west of Preston Road in the City of Plano, Collin County, Texas, from Light Commercial with Specific Use Permit No. 449 for New Car Dealer to Planned Development-198-Light Commercial with Specific Use Permit No. 449 for New Car Dealer; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 12th day of May, 2008; and

WHEREAS, the City Council is of the opinion and finds that such rezoning would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to rezone 5.6± acres out of the Louis Wetsel Survey, Abstract No. 971, located on the north side of State Highway 190, 620± feet west of Preston Road in the City of Plano, Collin County, Texas, from Light Commercial with Specific Use Permit No. 449 for New Car Dealer to Planned Development-198-Light Commercial with Specific Use Permit No. 449 for New Car Dealer; said property being described in the legal description on Exhibit "A" attached hereto.

Section II. The change granted in Section I is granted subject to the following stipulations:

1. The maximum floor area ratio for parking garages when they are the primary use, on the property including any accessory uses shall be 2:1. The maximum floor area ratio for all other uses shall be 0.8:1.
2. The maximum allowable height for parking garages shall be six stories (90 feet).
3. Structures shall have a minimum 10-foot front-yard setback from the fire lane, access and utility easement located on the north side of the property.

Section III. It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

Section IV. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section V. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section VI. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VII. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VIII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 12TH DAY OF MAY, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

28

EXHIBIT "A"
LEGAL DESCRIPTION

WHEREAS: Park Place LX Land Co. #1, LTD. are the owners of a 5.590 acre tract of land situated in the Louis Wetsel Survey, Abstract No. 971, Collin County, Texas, said 5.590 acre tract of land, being a portion of that certain tract of land conveyed to PLANO ARS, LP, according to the deed recorded in Collin County Clerk's File #96-0032289, Deed Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a cut X found for the northeast corner of the herein described 5.590 acre tract of land, said X also being the northwest corner of Lot 1, Block 1, Park Place Lexus Addition, an addition to the City of Plano, according to the plat thereof recorded in Cabinet M, Page 521, Plat Records, Collin County, Texas;

THENCE South, $01^{\circ} 06' 52''$ West, along the west line of said Lot 1, Block 1, Park Place Lexus Addition, a distance of 511.94 feet to a 1-inch iron rod found for the southeast corner of the herein described 5.590 acre tract of land, and the southwest corner of the aforementioned Lot 1, Block A, said 1-inch iron rod also being located in the north line of State Highway 190 and the south line of the Louis Wetsel Survey;

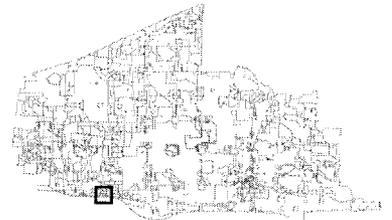
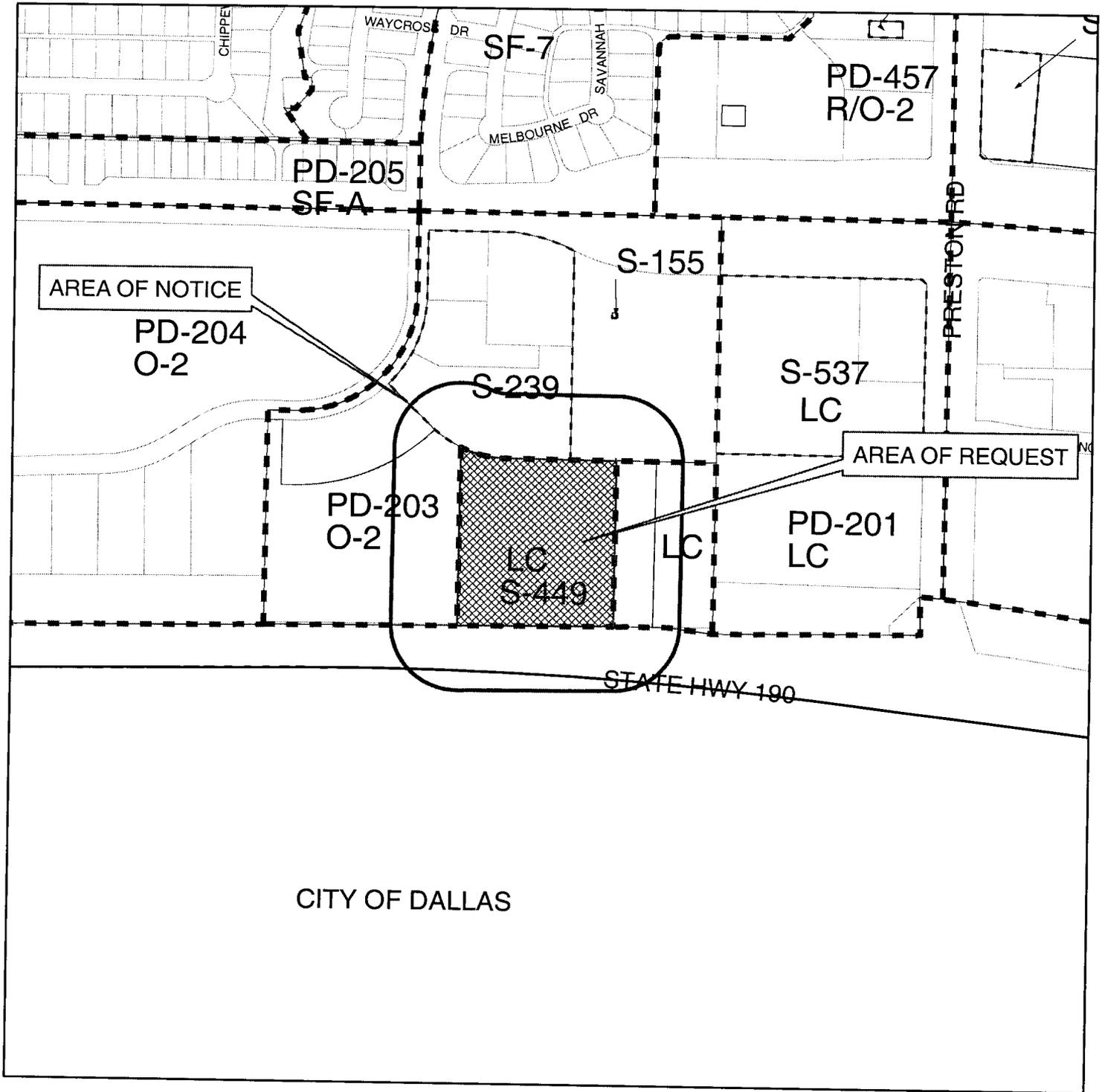
THENCE North, $89^{\circ} 25' 45''$ West, along said north line of State Highway 190 and the south line of said Louis Wetsel Survey, a distance of 470.77 feet to a one-inch iron rod set for the southwest corner of the herein described 5.590 acre tract of land;

THENCE North, $01^{\circ} 05' 00''$ East, departing the north line said State Highway 190 and the south line of said Louis Wetsel Survey, a distance of 547.60 feet to an X cut for the northwest corner of the herein described 5.590 acre tract of land, and located in the south line of Lot 3, Block A, Parkway Commons West, an addition to the City of Plano according to the plat thereof recorded in Cabinet M, Page 171, Plat Records, Collin County, Texas, said X being at the beginning of a non-tangent curve to the left having a central angle of $25^{\circ} 05' 45''$, a radius of 331.02 feet, a tangent length of 73.68 feet, and a chord bearing of South, $76^{\circ} 15' 52''$ East-143.83 feet;

THENCE with the south line of said Parkway Commons West and along said curve to the left, an arc distance of 144.99 feet to a PK Nail found for corner;

THENCE South, $88^{\circ} 56' 51''$ East continuing with said south line, a distance of 190.01 feet to a PK Nail found for the southeast corner of the aforementioned Lot 3, Block A, Parkway Commons West, said PK Nail also being the southwest corner of Lot 1, Block 1, Parkway Commons, an addition to the City of Plano, according to the plat thereof recorded in Cabinet F, Page 538, Plat Records, Collin County, Texas;

THENCE South, $88^{\circ} 53' 53''$ East, with the south line of said Lot 1, Block 1, Parkway Commons, a distance of 140.68 feet to the POINT OF BEGINNING and CONTAINING 5.590 acres, 243,506 square feet of land, more or less.



Zoning Case #: 2008-36

Existing Zoning: LIGHT COMMERCIAL w/SPECIFIC USE PERMIT #449

2-10

○ 200' Notification Buffer

DATE: April 22, 2008
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of April 21, 2008

**AGENDA ITEM NO. 8 - PUBLIC HEARING
ZONING CASE 2008-44**

APPLICANT: HW SPRING CREEK PARTNERS, L.P. & ZCB SPRING CREEK, L.P.

Request for a Specific Use Permit for Private Street Subdivision on 69.2± acres located generally at the northwest corner of Spring Creek Parkway and Tennyson Parkway. Zoned Single-Family Residence-9, Patio Home & Single-Family Residence Attached.

APPROVED: 7-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 1 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval subject to:

1. Engineering and Fire Department approval of the design and access control for the gated entryways.
2. Submission, City Attorney approval, and filing of the property owner association documents providing maintenance for private streets and other private improvements prior to final plat approval for any phase of this development.

FOR CITY COUNCIL MEETING OF: May 12, 2008 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dw

xc: Curt Welwood, HW Spring Creek Partners, L.P.
Cheryl Williams, Zone Systems

3-1

CITY OF PLANO
PLANNING & ZONING COMMISSION

April 21, 2008

Agenda Item No. 8

Public Hearing: Zoning Case 2008-44

Applicant: HW Spring Creek Partners, L.P. & ZCB Spring Creek, L.P.

DESCRIPTION:

Request for a Specific Use Permit for Private Street Subdivision on 69.2± acres located generally at the northwest corner of Spring Creek Parkway and Tennyson Parkway. Zoned Single-Family Residence-9, Patio Home & Single-Family Residence Attached.

REMARKS:

The applicant proposes to develop a gated, single-family residential subdivision with privately owned and maintained streets and alleys. A subdivision may be developed with private streets instead of public streets if it complies with the requirements of the Subdivision Ordinance, and if an SUP is granted for a Private Street Development. Subdivisions developed with private streets must have a mandatory property owners association. The association will own and be responsible for maintenance of the private streets and alleys, and association documents must be filed of record before final plat approval. The applicant has not yet submitted association documents for city review. Approval of this request should be subject to submission, City Attorney approval, and filing of the association documents prior to final plat approval for any phase of this development.

In 1994, City Council adopted guidelines for consideration of private, gated subdivisions. A copy of the Private Street Subdivision Guidelines is attached under separate cover.

Conformance to the Private Street Guidelines

Following is an evaluation of the request based upon the Private Street Guidelines:

1. Request for private street subdivisions will require the granting of a specific use permit as allowed by the Zoning Ordinance. The applicant has submitted this request.

3-2

2. A private street subdivision should be located in an area that is surrounded on at least three sides, and in any event not less than approximately 75% of the perimeter, by natural barriers or similar barriers created by man. Examples of natural barriers would be creeks and floodplains. Examples of similar barriers created by man would be a golf course or park. Non-qualifying barriers include screening walls, roadways, man-made drainage ditches or berms, utility easements, and rights-of-way. Approximately 50% of the perimeter is surrounded by natural barriers including a lake at the northeast corner and a creek along most of the northern border. The remainder of the site is bounded by Spring Creek Parkway and Tennyson Parkway. The intent of this guideline is to define appropriate locations for private street subdivisions as those properties that are already separated from adjacent properties. The boundaries of the property are fixed; though this site doesn't strictly comply with this requirement, the proposed subdivision meets the intent of the guideline.
3. A private street subdivision may not cross an existing or proposed thoroughfare as shown on the city's most recent Thoroughfare Plan. The layout of the subdivision complies with this standard.
4. A private street subdivision may not disrupt or cross an existing or proposed City of Plano public pedestrian pathway, hike and bike trail, or park as shown on the City's most recent Park Plan. The subdivision is consistent with this standard.
5. A private street subdivision should provide a minimum of 50 feet of frontage in order to access an existing or proposed Type D thoroughfare or larger as shown on the City's Thoroughfare Plan. Primary access to the private street subdivision should come from this type of roadway. This subdivision will have access from Spring Creek Parkway, a Type B+ thoroughfare, and Tennyson Parkway, a Type C thoroughfare. The request complies with this standard.
6. No more than two gated street entrances may face a thoroughfare (Type D or larger) within any one mile segment. When the guidelines were created, this standard was intended to create a minimum separation distance between gated subdivisions. The layout of this subdivision proposes one primary entrance gate and one secondary gate for exiting and emergency use only. The distance between gated entrances is approximately 1,300 feet. There are no other gated subdivisions within a mile of this request. The request complies with the intent of this standard.
7. Any proposed private street subdivision adjacent to an existing public street subdivision that can be reasonably connected, including the need to build a bridge or culvert for example, should not be approved as a private street subdivision. The two developments should be connected as public street subdivisions. To the north of this property, generally across the creek, is the Frito Lay Headquarters. There is no adjacent vacant land that would support an additional residential subdivision; therefore, this standard does not apply.

SUMMARY:

This request substantially complies with the criteria in the Private Street Guidelines.

RECOMMENDATION:

Recommended for approval subject to:

1. Engineering and Fire Department approval of the design and access control for the gated entryways.
2. Submission, City Attorney approval, and filing of the property owner association documents providing maintenance for private streets and other private improvements prior to final plat approval for any phase of this development.

ORDINANCE NO. _____
(Zoning Case 2008-44)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, GRANTING SPECIFIC USE PERMIT NO. 594 SO AS TO ALLOW THE ADDITIONAL USE OF PRIVATE STREET SUBDIVISION ON 69.2± ACRES OF LAND OUT OF THE H.B. MILLER SURVEY, ABSTRACT NO. 1110, THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 150 AND THE HENRY COOK SURVEY, ABSTRACT NO. 1102, LOCATED ON THE NORTHWEST CORNER OF SPRING CREEK PARKWAY AND TENNYSON PARKWAY IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, PRESENTLY ZONED SINGLE-FAMILY RESIDENCE-9; PATIO HOME AND SINGLE-FAMILY RESIDENCE ATTACHED, 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.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 12th day of May, 2008, for the purpose of considering granting Specific Use Permit No. 594 for the additional use of Private Street Subdivision on 69.2± acres of land out of the H.B. Miller Survey, Abstract No. 1110, the Collin County School Land Survey, Abstract No. 150 and the Henry Cook Survey, Abstract No. 1102, located on the northwest corner of Spring Creek Parkway and Tennyson Parkway in the City of Plano, County, Texas, presently zoned Single-Family Residence-9; Patio Home and Single-Family Residence Attached, and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 12th day of May, 2008; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 594 for the additional use of Private Street Subdivision on 69.2± acres of land out of the H.B. Miller Survey, Abstract No. 1110, the Collin County School Land Survey, Abstract No. 150 and the Henry Cook Survey, Abstract No. 1102, located on the northwest corner of Spring Creek Parkway and Tennyson Parkway in the City of Plano, Collin County, Texas, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 594, allowing the additional use of Private Street Subdivision on 69.2± acres of land out of the H.B. Miller Survey, Abstract No. 1110, the Collin County School Land Survey, Abstract No. 150 and the Henry Cook Survey, Abstract No. 1102, located on the northwest corner of Spring Creek Parkway and Tennyson Parkway in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-9; Patio Home and Single-Family Residence Attached, said property being more fully described on the legal description in Exhibit "A" attached hereto.

Section II. It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 12TH DAY OF MAY, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION

WHEREAS HW Spring Creek Partners, LP and ZCB Spring Creek, LP are the owners of a tract of land out of the H.B. Miller Survey, Abstract No. 1110, the Collin County School Land Survey, Abstract No. 150 and the Henry Cook Survey, Abstract No. 1102 in the City of Plano, Collin County, Texas, being all of the tract of land described in deed to ZCB Spring Creek, LP, recorded in Clerk's File No. 2007-23665 of the Land Records of Denton County, Texas, being part of the tract of land described in deed to HW Spring Creek Partners, LP recorded in Clerk's File No. 20070228000270870 of the Land Records of Collin County, Texas, being part of the tract of land described in deed to HW Spring Creek Partners, LP, recorded in Clerk's File No. 20070228000270860 of the Land Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8 inch iron rod set with a yellow plastic cap stamped "KHA" (hereinafter called 5/8 inch iron rod set) in the north right-of-way line of Spring Creek Parkway (160 foot right-of-way at this point), the south line of a tract of land described in deed to Frito-Lay, Inc. recorded in Volume 2870, Page 660 of the Land Records of Collin County, Texas, said iron rod being the beginning of a curve to the left, having a central angle of 29° 05' 41", a radius of 1,120.00 feet and a chord bearing and distance of South, 37° 35' 09" East, 562.65 feet; THENCE southeasterly, an arc distance of 568.74 feet to a 5/8 inch iron rod set for the POINT OF BEGINNING;

THENCE leaving said north right-of-way line, the following courses and distances to wit:

North 63° 17' 34" East, a distance of 777.75 feet to a 5/8 inch iron rod set;

North 26° 55' 21" East, a distance of 123.56 feet to a 5/8 inch iron rod set in the south line of said Frito-Lay, Inc. tract;

THENCE with said south line, North 89° 16' 27" East, a distance of 2,271.36 feet to a wooden fence corner for in the west line of a 8.660 acre tract of land described in deed to Kerr McGee Corporation recorded in Collin County Clerk's File No. 98-0018282 of the Land Records of Collin County, Texas;

THENCE with the southerly lines of said 8.660 acre tract, the following courses and distances to wit:

South 46° 00' 00" East, a distance of 285.10 feet to a point in a lake for corner;

South 89° 53' 00" East, a distance of 587.90 feet to a point in a lake for corner;

THENCE leaving said south line, South 35° 07' 26" East, a distance of 216.57 feet to an aluminum disk in concrete set in the northwest right-of-way line of Tennyson Parkway (110 foot right-of-way at this point) for the beginning of a non-tangent curve to the left

with a radius of 1110.75 feet, a central angle of $15^{\circ} 16' 41''$, and a chord bearing and distance of South, $47^{\circ} 14' 14''$ West, 295.31 feet;

THENCE with said north right-of-way line, the following courses and distances to wit;

Southwesterly, with said curve, an arc distance of 296.18 feet to a 1-inch iron rod found for the beginning of a non-tangent compound curve to the left with a radius of 2,235.00 feet, a central angle of $14^{\circ} 11' 11''$, and a chord bearing and distance of South $33^{\circ} 05' 58''$ West, 551.97 feet;

Southwesterly, with said curve, an arc distance of 553.38 feet to a 1-inch iron rod found for corner;

South $26^{\circ} 00' 23''$ West, a distance of 194.94 feet to a 5/8 inch iron rod set for corner;

THENCE leaving said west right-of-way line, the following courses and distances to wit:

North $62^{\circ} 29' 08''$ West, a distance of 177.73 feet to a 5/8 inch iron rod set for the beginning of a non-tangent curve to the right with a radius of 1,405.00 feet, a central angle of $05^{\circ} 11' 35''$, and a chord bearing and distance of South $36^{\circ} 27' 16''$ West, 127.30 feet;

Southwesterly, with said curve, an arc distance of 127.34 feet to a 5/8 inch iron rod set;

South $16^{\circ} 43' 52''$ West, a distance of 32.91 feet to a 5/8 inch iron rod set for corner

South $35^{\circ} 15' 19''$ West, a distance of 210.50 feet to a 5/8 inch iron rod set for corner in the north right-of-way line of said Spring Creek Parkway;

THENCE with said north right-of-way line, the following courses and distances to wit:

North $54^{\circ} 37' 05''$ West, a distance of 72.93 feet to a 5/8 inch iron rod set for corner;

North $56^{\circ} 39' 44''$ West, a distance of 147.01 feet to a 5/8 inch iron rod set for the beginning of a non-tangent curve to the left with a radius of 1,580.00 feet, a central angle of $06^{\circ} 08' 20''$, and a chord bearing and distance of North $59^{\circ} 43' 46''$ West, 169.21 feet;

Northwesterly, with said curve, an arc distance of 169.29 feet to a 5/8 inch iron rod set for corner;

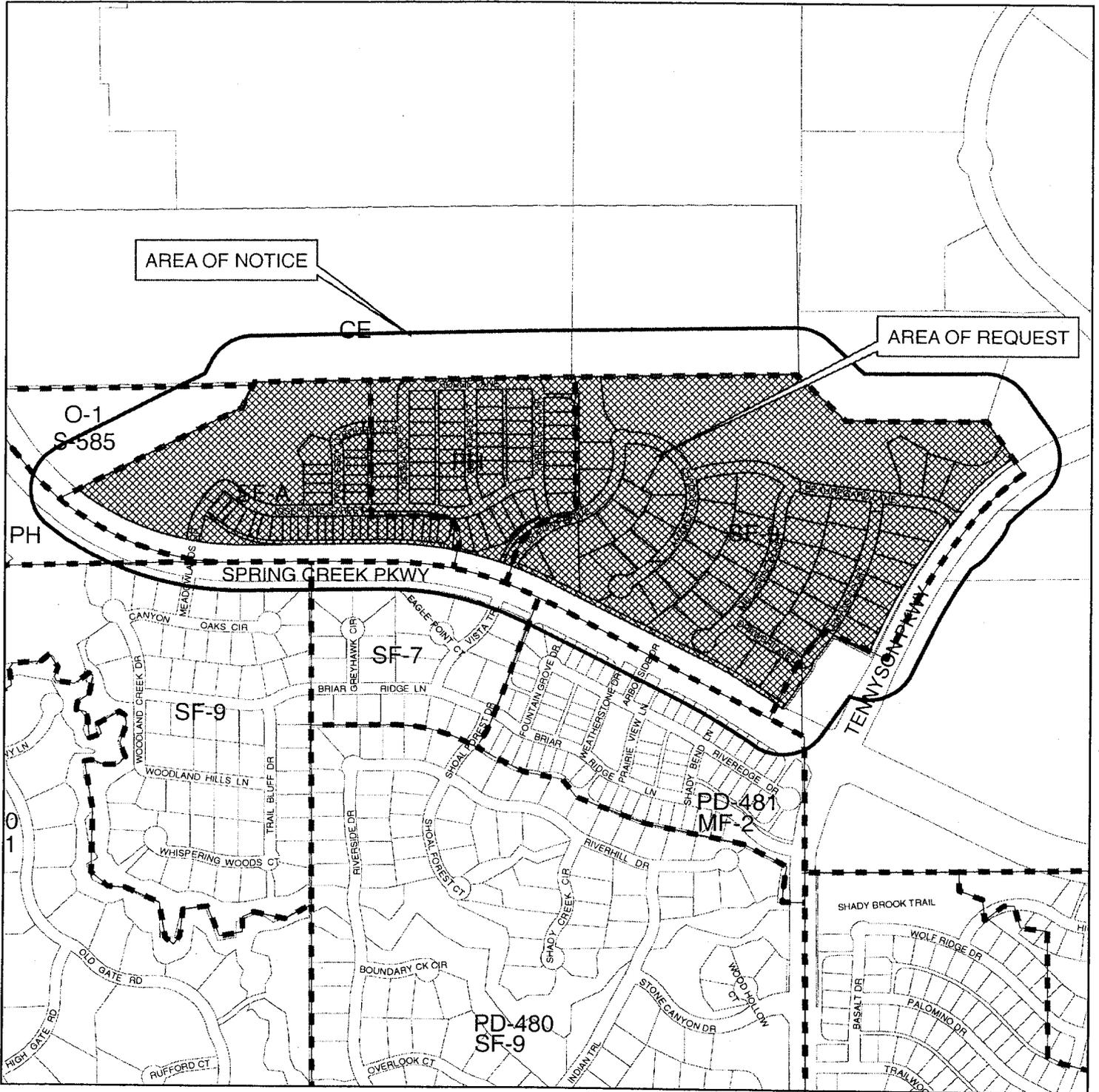
North $62^{\circ} 47' 56''$ West, a distance of 755.07 feet to a 5/8 inch iron rod set for the beginning of a tangent curve to the left with a radius of 1,480.00 feet, a central angle of $27^{\circ} 30' 59''$, and a chord bearing and distance of North $76^{\circ} 33' 25''$ West, 703.96 feet;

Northwesterly, with said curve, an arc distance of 710.77 feet to a 5/8 inch iron rod set for corner;

South $89^{\circ} 41' 05''$ West, a distance of 593.59 feet to an aluminum disk in concrete set for the beginning of a non-tangent curve to the right with a radius of 1,120.00 feet, a central angle of $38^{\circ} 09' 47''$, and a chord bearing and distance of North $71^{\circ} 12' 54''$ West, 732.29 feet;

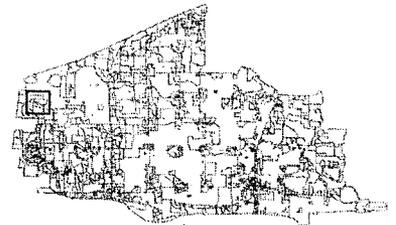
Northwesterly, with said curve, an arc distance of 746.00 feet to the POINT OF BEGINNING and CONTAINING 3,013,250 square feet or 69.1417 acres of land.

Bearing system based on the monuments found in the north line of Tennyson Parkway according to the plat recorded in Cabinet P, Page 490 of the Map Records of Collin County, Texas.



Zoning Case #: 2008-44

Existing Zoning: SINGLE-FAMILY RESIDENCE ATTACHED, PATIO HOME, & SINGLE-FAMILY RESIDENCE-9



○ 200' Notification Buffer

3-11

DATE: May 13, 2008
TO: Applicants with Items before City Council
FROM: Tom Elgin, Development Review Manager
SUBJECT: Results of City Council Meeting of May 12, 2008

**AGENDA ITEM NO. 7 - PUBLIC HEARING
ZONING CASE 2008-43
APPLICANT: DIANE NELSON REVOCABLE LIVING TRUST**

Request to rezone 2.2± acres located on the south side of 14th Street, 1,030± feet east of Los Rios Boulevard from Research/Technology Center to Light Industrial-1.

APPROVED: 6-2 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 1 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as submitted.

The Commissioners voting in opposition expressed concerns regarding:

- 1) Uses permitted in the Light Industrial-1 district;
- 2) Lack of screening between the subject property and existing adjacent residential development; and
- 3) Gravel surface permitted for open storage.

TF/dw

xc: Darlene Nelson Carpenter, Kathy Webster
Collin County Land Co.

4-1

**Recommendation of the
Planning & Zoning Commission
April 21, 2008 Meeting
2nd Vice Chair Report**

Zoning Case 2008-43 - Request to rezone 2.2± acres located on the south side of 14th Street, 1,030± feet east of Los Rios Boulevard from Research/Technology Center to Light Industrial

Applicant: Diane Nelson Revocable Living Trust

Staff Recommendation: Denial

Commission Action: Approved 6-2. The motion was made by First Vice Chair Norton and seconded by Commissioner Weingarden. Voting in support were Commissioners Armstrong, Coleman, Perry and Chairman Duggan. Comments for approval included:

- The zoning on this tract has been discussed previously as an example of how the RT District is not working for some parcels of land.
- This is a relatively small tract, 2.2± acres located between an existing LI-1 use (Allied Waste) and a non-conforming use (mobile homes) on land zoned RT.
- LC zoning was considered but it was determined LC zoning between LI-1 and RT could be considered spot zoning. Also, in LC open storage would not be allowed for more than 5% of the parcel or on gravel. Both are important to the applicant.
- A PD was considered but it was determined the size of the parcel did not meet the minimum size for a planned development and it would require a finding that the PD was necessary to further the goals of the comprehensive plan.
- The LI-1 zoning would continue the zoning immediately to the west. The mobile homes already are adjacent to LI-2 zoning to the south of the subject parcel.

Commissioners Bulla and Caso opposed the motion. Comments in opposition to the LI-1 zoning included:

- The lack of required screening for open storage between LI-1 and the adjacent mobile homes.
- Discomfort with permitting uses allowed in LI-1 adjacent to the mobile homes.

Additional Comments: The Comprehensive Plan recommends “Research/Technology Center” for the property under consideration. There were no speakers or written communication in opposition to the application. There is a longstanding zoning relationship between the LI uses adjacent to the mobile homes. It was noted the mobile home development has constructed and maintains a 6 foot wooden privacy fence along the subject property and adjacent LI zoned property.

Respectfully submitted,

Maggie Armstrong, Second Vice Chair

4-2

CITY OF PLANO

PLANNING & ZONING COMMISSION

April 21, 2008

Agenda Item No. 7

Public Hearing: Zoning Case 2008-43

Applicant: Diane Nelson Revocable Living Trust

DESCRIPTION:

Request to rezone 2.2± acres located on the south side of 14th Street, 1,030± feet east of Los Rios Boulevard **from** Research/Technology Center **to** Light Industrial-1.

REMARKS:

The applicant is requesting to rezone 2.2± acres of property located on the south side of 14th Street, 1,030± feet east of Los Rios Boulevard from Research/Technology Center (RT) to Light Industrial-1 (LI-1).

The subject property is currently developed with a single-family residence with agriculture related accessory buildings. The existing RT zoning district is intended to create a low-density employment center consisting of office, research and development facilities, and limited assembly operations. RT districts should generally accommodate several uses in a campus environment. The applicant has a pending lease agreement with the neighboring property owner to the west (Allied Waste Services) to use the property for storage of trailers, plastic residential waste containers, and metal commercial waste containers pending approval of the requested rezoning.

The requested LI-1 zoning district is intended to provide areas for light manufacturing firms engaged in processing, assembling, warehousing, research and development, and incidental services that are developed in accordance with the same performance standards applicable to all other zoning districts.

Surrounding Land Use and Zoning

To the north, across 14th Street, there is a vacant property, and a property that is developed as a private recreation facility; the vacant property is zoned Planned

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Development-29-Light Industrial-1 (PD-29-LI-1), and the developed property is zoned Planned Development-82-Neighborhood Office (PD-82-O-1).

East and south of the subject property, is a residential development currently zoned RT that is a non-conforming use with respect to the zoning. The property to the west is a materials recovery (recycling) facility. The northern portion of this property is zoned LI-1 while the southern portion is zoned Light Industrial-2 (LI-2).

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as RT. This request is not in conformance with the Future Land Use Plan.

Adequacy of Public Facilities - Water service is available. However, sanitary sewer service is not available. At such time when the property is platted and the land use changes, the property owner shall be responsible for extending sanitary sewer service to the property.

Traffic Impact Analysis (TIA) - A TIA is not required for this request since the amount/intensity of the proposed light industrial use would not generate traffic in excess of 5,000 trips per day.

ISSUES:

The requested LI-1 zoning district allows for a variety of industrial uses. It is not uncommon for industrial uses to have operations that include elevated noise levels, dust and debris, potential for odor, and open storage. Open storage is permitted as a primary use, by right in the LI-1 district. It is allowed on a gravel surface and is only required to be screened from view of public streets. Screening may consist of masonry walls, chain link or wrought iron fences supplemented with landscaping, or a solid landscape screen. Open storage is not required to be screened from adjacent properties.

Adjacent to the east and south of the subject property, there is an existing residential development that is zoned RT. Given that property's nonresidential zoning, the Zoning Ordinance does not require any screening protection from the operations associated with light industrial uses.

The applicant is intending to lease the subject property to the adjacent land owner to the west (Allied Waste Services) to use the property for storage of trailers, plastic residential waste containers and metal commercial waste containers. The storage of these items is permitted on a gravel surface thus potentially resulting in an increase in noise and dust associated with transferring the containers and trailers to and from this area of the site. The development would be required to screen the storage operations from view from 14th Street only. The requested rezoning would allow for the expansion of this existing industrial use adjacent to the existing residential development.

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The subject property is located within an overall area presently zoned RT in which the City Council has asked staff to consider rezoning. For several months, staff has been conducting work sessions and public hearings with the Planning & Zoning Commission and Council. The Commission recently recommended denial of a portion of the RT district being rezoned to Light Commercial (LC) and the Council concurred with the Commission's recommendation. This subject property was included in that rezoning. However, the Commission discussed it would be willing to consider individual rezoning requests for properties presently zoned RT. Currently, the existing RT zoning for the subject property serves as a transition between the existing LI-1 and LI-2 zoned property to the west and the existing residential development zoned RT to the east and south.

SUMMARY:

The applicant is requesting to rezone 2.2± acres of property located on the south side of 14th Street from RT to LI-1. The Future Land Use Plan designates this property as RT. This request is not in conformance with the Future Land Use Plan. Sanitary sewer service is not available and will have to be extended to the property. The requested LI-1 zoning district allows for a variety of industrial uses. It is not uncommon for industrial uses to have operations that have associated dust and debris, odors, and open storage. The Zoning Ordinance does not require any screening protection from the operations associated with light industrial uses. The proposed LI-1 zoning is incompatible with the adjacent residential use.

RECOMMENDATION:

Recommended for denial.

Alternately, the Planning & Zoning Commission may consider tabling this request so its consideration runs concurrently with the Commission's forthcoming review of the appropriate zoning for other portions of the RT zoning district.

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ORDINANCE NO. _____
(Zoning Case 2008-43)

AN ORDINANCE OF THE CITY OF PLANO AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, SO AS TO REZONE 2.2± ACRES OUT OF THE JAMES LEDBETTER SURVEY, ABSTRACT NO. 545, LOCATED ON THE SOUTH SIDE OF 14TH STREET, 1,030± FEET EAST OF LOS RIOS BOULEVARD IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, FROM RESEARCH/TECHNOLOGY CENTER TO LIGHT INDUSTRIAL-1; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 12th day of May, 2008, for the purpose of considering rezoning 2.2± acres out of the James Ledbetter Survey, Abstract No. 545, located on the south side of 14th Street, 1,030± feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas, from Research/Technology Center to Light Industrial-1, and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 12th day of May, 2008; and

WHEREAS, the City Council is of the opinion and finds that such rezoning would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

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Z:ORD/ZO2008-43

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to rezone 2.2± acres out of the James Ledbetter Survey, Abstract No. 545, located on the south side of 14th Street, 1,030± feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas, from Research/Technology Center to Light Industrial-1, said property being described in the legal description on Exhibit "A" attached hereto.

Section II. It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

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Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 12TH DAY OF MAY, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

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EXHIBIT "A"
LEGAL DESCRIPTION

SITUATED in the City of Plano, Collin County, Texas, in the James Ledbetter Survey, Abstract No. 545, being a description of the 2.000 acres of land described in a deed from Diane Nelson to the Diane Nelson Revocable Living Trust dated August 4th, 2005, recorded in Volume 5975, Page 3028 of the Official Public Records of Real Property of Collin County, Texas, being described by metes and bounds as follows:

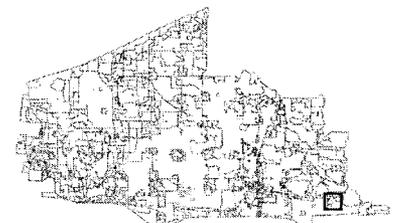
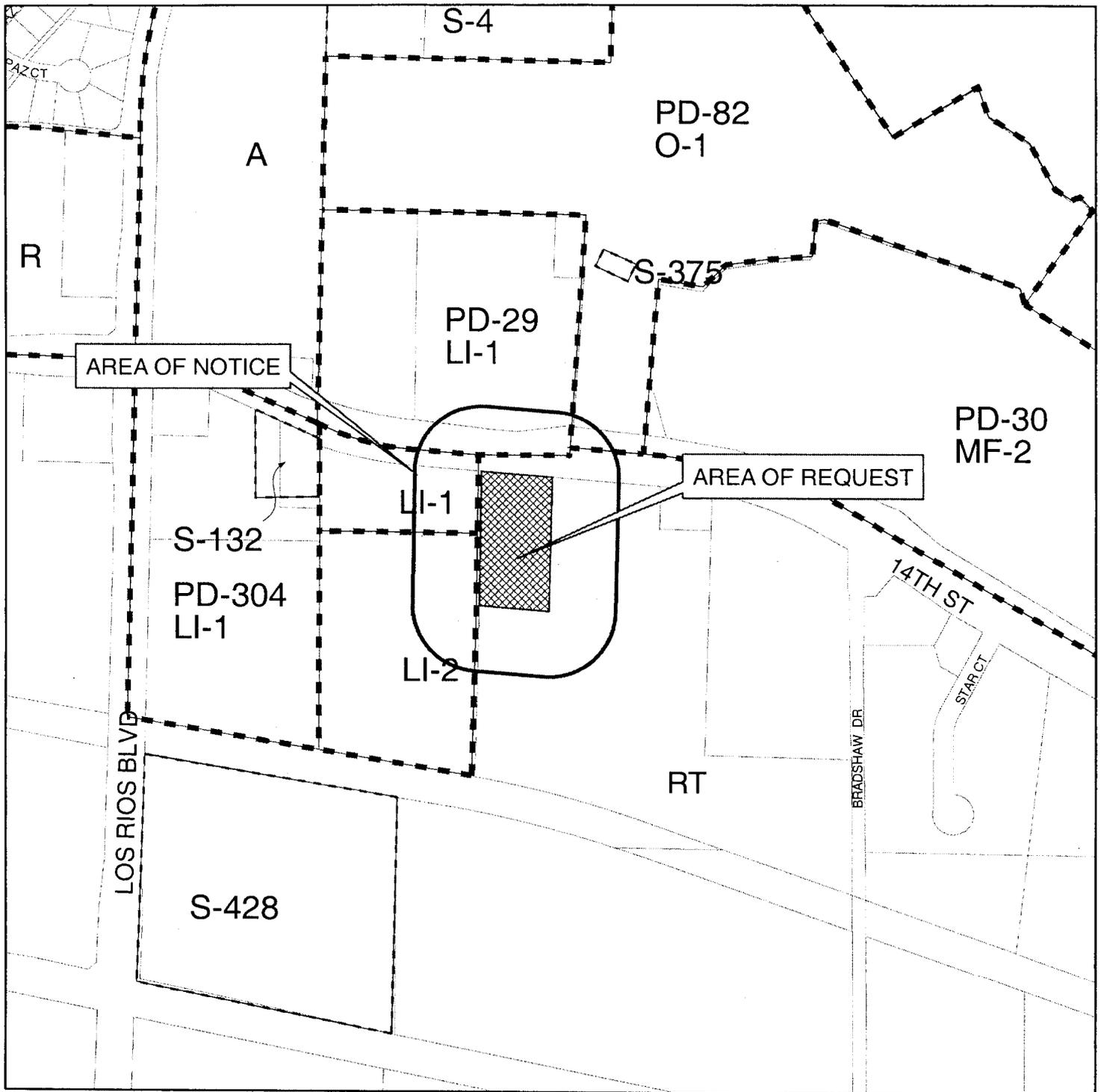
BEGINNING at an iron stake found at the southeast corner of said 2.000 acre tract and at an ell corner of Lot 2, Block 1 of Cottonwood Grove Manufactured Home Community, Ref. Cabinet L, Sheet 800, CCMPR;

THENCE North, 86° 30' 00" West, 208.7 feet with the south line of said 2.000 acre tract and a north line of said Cottonwood Lot 2 to an iron stake at the southwest corner of said 2.000 acre tract, a northwest corner of said Cottonwood Lot 2 and in the east line of Lot 1R, Block A of BFI Addition, Ref. Cabinet K, Sheet 893, CCMPR;

THENCE North, 00° 15' 00" West, 467.51 feet with the west line of said 2.000 acre tract and the east line of said Lot 1R to a point in the center of 14th Street (Farm Road No. 544) for a corner;

THENCE South, 86° 30' 00" East, 208.7 feet with the center of said 14th Street to a point for a corner;

THENCE South, 00° 15' 00" East, passing an iron stake at 50.1 feet at the northeast corner of said 2.000 acre tract and continuing in all, 467.51 feet to the PLACE OF BEGINNING and CONTAINING 2.2351 acres of land.



Zoning Case #: 2008-43

Existing Zoning: RESEARCH/TECHNOLOGY CENTER

○ 200' Notification Buffer

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P



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	5/12/08	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Planning		Initials	Date
Department Head	P. Jarrell	Executive Director		
Dept Signature:	<i>P. Jarrell</i>	City Manager		
Agenda Coordinator (include phone #): D. Carter - 5350				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER PUBLIC HEARING				
CAPTION				
Public Hearing and Consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2008-27 -- Request to rezone 40.2+- acres located at the northeast corner of the Dallas North Tollway and Plano Parkway from Regional Employment to Planned Development-Regional Employment. Applicant: Scarborough Parkway II, L.P.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
The Planning & Zoning Commission denied this zoning petition at its April 21, 2008 meeting by a vote of 5-3. The applicant has appealed the Commission's denial. A affirmative vote of 3/4 of the City Council, or 6 of the 8 members, is required for approval of the applicant's request. A report from the Commission's 2 nd Vice Chair outlining the Commission's actions is attached.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Letter of Appeal 2 nd Vice Chair Report				

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DATE: April 22, 2008
TO: Applicants with Items before the Planning & Zoning Commission
FROM: James Duggan, Chairman, Planning & Zoning Commission 
SUBJECT: Results of Planning & Zoning Commission Meeting of April 21, 2008

**AGENDA ITEM NO. 6A - PUBLIC HEARING
ZONING CASE 2008-27
APPLICANT: SCARBOROUGH PARKWAY II, L.P.**

Request to rezone 40.2± acres located at the northeast corner of the Dallas North Tollway and Plano Parkway from Regional Employment to Planned Development-Regional Employment. Zoned Regional Employment.

APPROVED: _____ **DENIED:** 5-3 **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 1 **OPPOSE:** 17

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

The Commisioners, voting in opposition to the zoning, expressed concerns regarding the uncertainty of the design, the phasing of the retail development relative to the office development, and the addititonal uses allowed in the Retail zoning district as compared to the Regional Commercial zoning district.

STIPULATIONS:

Denied.

EH/dw

xc: James Feagin, Scarborough Parkway II, LP
Kirk Williams, Winstead PC

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5400 Renaissance Tower 214.745.5400 OFFICE
1201 Elm Street 214.745.5390 FAX
Dallas, Texas 75270 winstead.com

RECEIVED

APR 22 2008

PLANNING DEPT.

April 22, 2008

KIRK R. WILLIAMS
DIRECT DIAL: 214.745.5746
kwilliams@winstead.com

VIA e-mail: erich@plano.gov
& U.S. Mail

Mr. Eric Hill
City of Plano
1520 Ave. K
Plano, Texas 75086

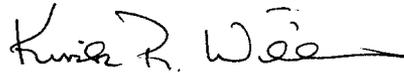
Re: Cigna Point/Tollway @ Plano Parkway
(Zoning Case 2008-27)

Dear Mr. Hill:

As you are aware, I represented the Applicant in Agenda Items 6A and 6B at the Plano P&Z hearing last night. In light of the adverse recommendation of the P&Z, I respectfully appeal the matter to the Plano City Council. It is my understanding from our conversation today that this matter will be scheduled for hearing by the Plano City Council on **Monday, May 12, 2008**.

Your attention to this matter is appreciated.

Sincerely,



Kirk R. Williams

KRW/plg

cc: James Feagin

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47722-1 4/22/2008

**Recommendation of the
Planning & Zoning Commission
April 21, 2008 Meeting
2nd Vice Chair Report**

Zoning Case 2008-27 - Request to rezone 40.2± acres located at the northeast corner of the Dallas North Tollway and Plano Parkway from Regional Employment to Planned Development-Regional Employment. Zoned Regional Employment.

Applicant: Scarborough Parkway II, L.P.

Staff Recommendation: Denial

Commission Action: Denied 5-3. The motion to deny was made by Commissioner Bulla and seconded by Commissioner Caso. In support of denial were Commissioners Armstrong, Coleman, and Weingarden. Comments supporting denial included:

- There was concern about how much additional retail square footage would be permitted by the application versus the amount allowed in RE. Staff cited Council's adoption of a 2003 study identifying an abundance of retail zoning.
- It was unclear what additional retail uses and development ability would be permitted by the application versus those allowed in RE. There was concern some retail uses and smaller restaurants than allowed in RE would be inappropriate.
- The proposal allows development of retail in advance of office development. There was concern the ability to construct freestanding retail buildings independent of the development of offices would be inappropriate.
- There was concern about how the proposed changes to RE zoned property could set a precedent for similarly situated properties along the Tollway.

Chairman Duggan, First Vice Chair Norton and Commissioner Perry did not support denial. Comments included:

- The proposal is reasonable compared with the maximum development potential of the existing zoning.
- The proposed landscape buffer is better than what is required in RE.
- Allowing flexibility for timing of development is necessary for marketability.

Additional Comments: Changes to the application were made after public notification was made and responses were received. Additional conditions were submitted by the applicant just prior to the meeting without adequate time for staff to consider in their recommendation. There were several speakers and written communication in opposition to the application.

Respectfully submitted,

Maggie Armstrong, Second Vice Chair

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CITY OF PLANO
PLANNING & ZONING COMMISSION

April 21, 2008

Agenda Item No. 6A

Public Hearing: Zoning Case 2008-27

Applicant: Scarborough Parkway II, L.P.

DESCRIPTION:

Request to rezone 40.2± acres located at the northeast corner of the Dallas North Tollway and Plano Parkway **from** Regional Employment **to** Planned Development-Regional Employment. Zoned Regional Employment.

REMARKS:

The applicant is requesting to rezone 40.2± acres located at the northeast corner of the Dallas North Tollway and Plano Parkway from Regional Employment (RE) to Planned Development-Regional Employment (PD-RE). The RE district is intended to provide for office and limited manufacturing uses that are consistent with the regional status of certain tollways and expressways serving Plano and surrounding communities. Some retail uses are also appropriate when developed in conjunction with the primary uses. The district's standards are designed to ensure compatibility between the various uses within a corridor and surrounding residential neighborhoods. A PD district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off and onsite conditions.

This request proposes an office, hotel, and retail planned development district. The original petition for rezoning included a request to add multifamily use as an additional allowed use. Since the April 7, 2008, Planning & Zoning Commission meeting, the applicant has amended the petition to remove the request for multifamily use and add further stipulations. The zoning request is for 40.2± acres as zoning boundaries extend into the city right-of-way. A concept plan, Cigna Point Addition, Block A, Lot 2, accompanies this request. The concept plan is only for 28.7± acres which is the total land area available for development. Attached under separate cover is a Traffic Impact Analysis submitted as a part of the rezoning petition.

Surrounding Land Use and Zoning

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The area of the request is currently undeveloped. The property to the north is a proposed office development, and is zoned RE. To the east, across Parkwood Boulevard are residences zoned Single-Family Residence-9 and Single-Family Residence-7. To the south, across Plano Parkway, are two new car dealers zoned Planned Development-211-Light Commercial with Specific Use Permit #561 for New Car Dealer. To the west of the property, across the Dallas North Tollway, the zoning is Regional Commercial (RC). The property is partially developed as New Car Dealer and Mini-Warehouse/Public Storage.

Proposed Planned Development Stipulations

The requested zoning is PD-RE. There are two primary parts of this request: land use and design standards.

Land Use - The applicant proposes to change the zoning **from RE to PD-RE** to remove the restrictions on retail and restaurant development. The RE district allows certain restaurant, retail and service uses, but limits them to ten percent of the gross floor area of a building. If a development has multiple buildings, the amount of space for these uses cannot exceed ten percent of the combined floor area of all constructed buildings. Examples of retail uses allowed in the RE district include Antique Shop, Convenience Store, Florist Shop, Grocery/Food Store, and Pet Shop.

Design Standards - The request proposes a mixed-use development oriented along a north-south central roadway.

The request is for PD-RE zoning with the following stipulations:

1. Retail and service uses may be constructed as freestanding buildings. Retail and service uses are not subject to the maximum 10 percent floor area for constructed buildings and site plan requirements of the RE district.
2. Freestanding restaurants may be any size and are not subject to the minimum 5,000 square feet of gross floor area requirement of the RE district. Restaurants shall not have drive-through lanes.
3. Freestanding parking structures accessory to hotel use shall conform to the general RE height and setback standards of the RE district and shall not be subject to the RE hotel setback standards.
4. A 30-foot wide landscape edge shall be provided along Parkwood Boulevard. The landscape edge standards and improvements shall be those specified for the Dallas North Tollway Overlay District.
5. Except as otherwise provided herein, retail and services uses allowed by right and by SUP in the Retail (R) district shall be allowed by right and by SUP on the property.

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6. Notwithstanding anything herein to the contrary, the maximum floor area for office and professional uses on the property is 850,000 square feet.
7. Other than office and professional uses, the maximum floor area for those uses allowed in the Retail district is 90,000 square feet.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Major Corridor Development (MCD). Development in these corridors is expected to include a mix of commercial, office, and technical production uses.

Adequacy of Public Facilities - Water and sanitary sewer services are available via extensions of existing on site services and via extensions from Parkwood Boulevard, Plano Parkway, and the Dallas North Tollway frontage road.

Traffic Impact Analysis (TIA) - A TIA has been reviewed by the city's Traffic Engineering Division. The change in trip generation potential of the proposed development is negligible compared to the trip generation potential of build out at the existing zoning. The TIA includes calculations for multifamily residential use that was a part of the original proposal; however, the Traffic Engineering Division has stated the substitution of office use for the residential component would have a negligible affect on potential traffic generation and levels of service. Following this staff report is a letter from Jeff Green, Senior Transportation Engineer, which summarizes his assessment of the TIA.

ISSUES:

Creation of RE and RC

The RE and RC zoning classifications were created in 2000. Previously, the land along the Dallas North Tollway was zoned Tollway Employment (TE) and Tollway Commercial (TC). The areas zoned TE and TC were intended to reflect the original zoning of the properties. In 1996, the time the zoning in the Tollway corridor was revised and standardized, TC zoning was placed on properties with zoning that at the time included substantial retail rights. All other areas were zoned TE, and only allowed retail uses if they were developed as part of another building and not exceeding 10% of the building's total floor area. The intent was to prevent the construction of freestanding retail buildings in TE districts and to limit the amount of retail development in the corridor. This proposal is contrary to the intent of the original TE and subsequent RE zoning districts.

Rezoning Land for Retail Use

In 2003, City Council adopted the *Retail Study of Underperforming and Vacant Retail Areas* initiated by the cities of Carrollton, Richardson, and Plano. This study examined the retail market conditions in the three cities and offered alternatives to address

underperforming and vacant retail properties. The study identified Plano as having an overabundance of retail zoning.

The requested change in zoning could add a significant amount of retail development in the Plano Parkway/Dallas North Tollway area. To the north of this proposal on the north and south sides of Park Boulevard are existing superstores and retail shopping centers. The additional retail use proposed with this zoning request would further increase the overabundance of retail zoning in Plano.

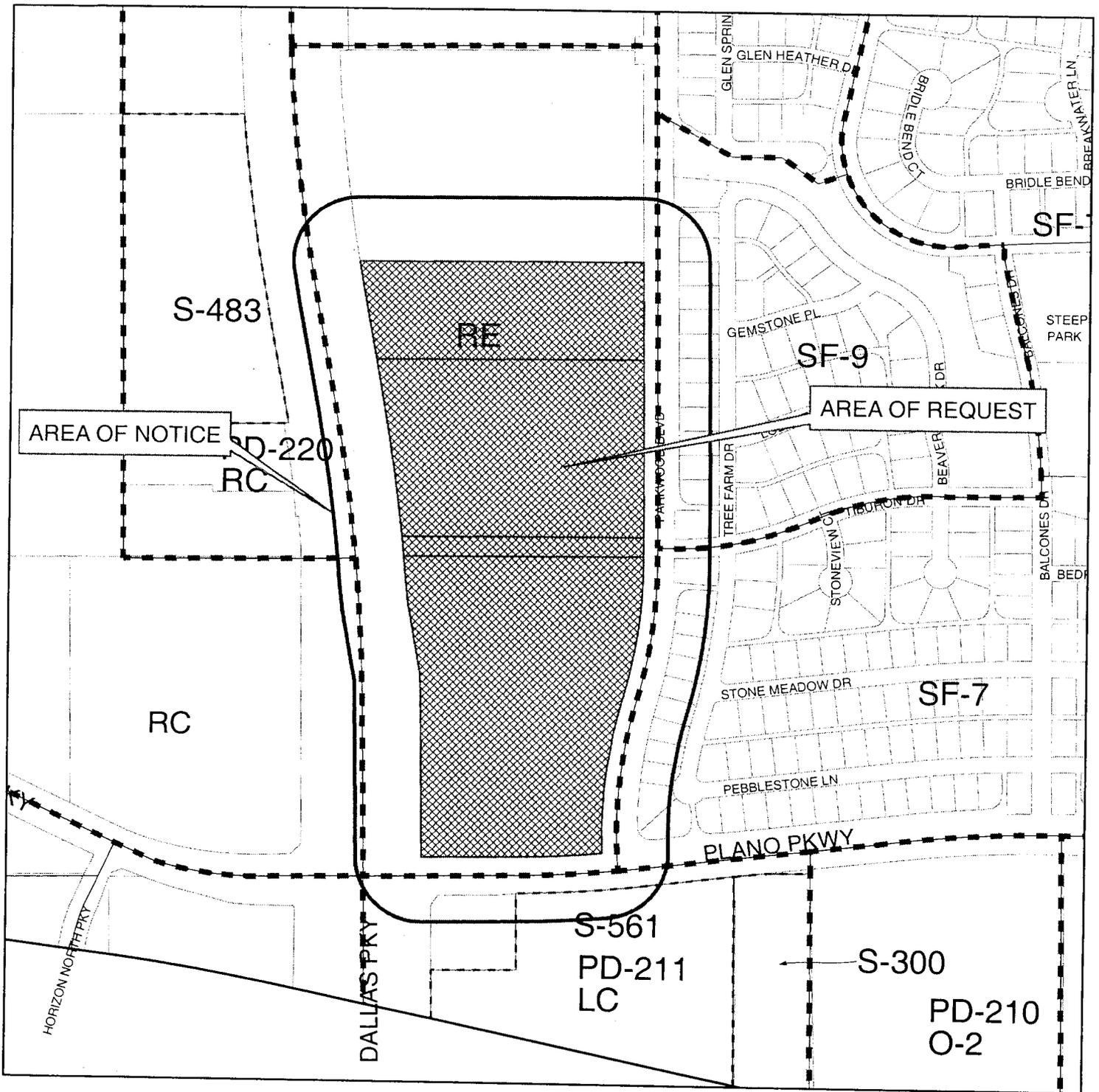
SUMMARY:

The applicant is requesting to rezone 40.2± acres located at the northeast corner of the Dallas North Tollway and Plano Parkway **from** Regional Employment **to** Planned Development-Regional Employment. The proposal is contrary to the intent of the RE zoning. The Retail Study advises against rezoning additional land for retail use. Therefore, staff recommends denial of the proposed zoning request.

RECOMMENDATIONS:

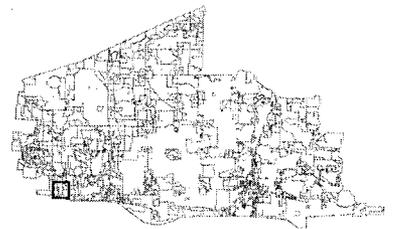
Recommended for denial.

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Zoning Case #: 2008-27

Existing Zoning: REGIONAL EMPLOYMENT/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer

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