



# CITY COUNCIL

1520 AVENUE K

DATE: October 8, 2007

CALL TO ORDER: 7:00 p.m.

INVOCATION: Pastor Jack Schneider  
St. Paul Lutheran Church

PLEDGE OF ALLEGIANCE: Boy Scout Troop 380  
St. Andrew United Methodist Church

ITEM NO.	EXPLANATION	ACTION TAKEN																														
	<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><b>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</b></p> <p><b><u>SPECIAL RECOGNITION</u></b></p> <p>Special Recognition: Citizens Assisting Plano Police Program (CAPP) – 1 Year Anniversary</p> <p>Special Recognition: Melissa O’Neal – Honored at Writers’ League of Texas Agents and Editors Conference</p> <p><b><u>OATHS OF OFFICE</u></b></p> <table border="0"> <tr> <td><u>Animal Shelter Advisory Committee</u></td> <td><u>Civil Service Commission</u></td> </tr> <tr> <td>John Carver D.V.M.</td> <td>R. James Akers</td> </tr> <tr> <td>Amanda Earl</td> <td></td> </tr> <tr> <td>Sunny Lee Ruth</td> <td><u>Community Relations Commission</u></td> </tr> <tr> <td></td> <td>Shirley Aguilar</td> </tr> <tr> <td><u>Board of Adjustment</u></td> <td>Richard M. Grady</td> </tr> <tr> <td>Roger K. Bolin</td> <td>Pamela S. Harvey</td> </tr> <tr> <td>Carolyn Kalchthaler</td> <td>Betty Monday Mahan</td> </tr> <tr> <td>Cameron McCall</td> <td>Richard Shlakman</td> </tr> <tr> <td>Joe W. Milkes</td> <td></td> </tr> <tr> <td><u>Building Standards Commission</u></td> <td><u>Cultural Affairs Commission</u></td> </tr> <tr> <td>Doug A. Bender</td> <td>Christopher Griffith</td> </tr> <tr> <td>James M. Degan</td> <td>Andrea Stroh</td> </tr> <tr> <td>Brian Eisenrich</td> <td>Margaret S.C. Tsai</td> </tr> <tr> <td>Arthur Reed Snyder, Jr.</td> <td></td> </tr> </table>	<u>Animal Shelter Advisory Committee</u>	<u>Civil Service Commission</u>	John Carver D.V.M.	R. James Akers	Amanda Earl		Sunny Lee Ruth	<u>Community Relations Commission</u>		Shirley Aguilar	<u>Board of Adjustment</u>	Richard M. Grady	Roger K. Bolin	Pamela S. Harvey	Carolyn Kalchthaler	Betty Monday Mahan	Cameron McCall	Richard Shlakman	Joe W. Milkes		<u>Building Standards Commission</u>	<u>Cultural Affairs Commission</u>	Doug A. Bender	Christopher Griffith	James M. Degan	Andrea Stroh	Brian Eisenrich	Margaret S.C. Tsai	Arthur Reed Snyder, Jr.		<p>Presented</p> <p>Administered</p>
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	<p><u>Heritage Commission</u>  Karen Bellessa  Douglas B. Cargo  Janice F. Cline  James E. Hiegel</p> <p><u>Keep Plano Beautiful Commission</u>  John R. Caldwell  Kelly M. Carlson  David B. Shipp</p> <p><u>Library Advisory Board</u>  R. James Akers  Gregory J. Myer  Ellen J. Peralta  Erma J. Spencer</p> <p><u>Parks and Recreation Planning Board</u>  M. Nathan Barbera  Megan Greene  Paul Jasina</p> <p><u>Planning and Zoning Commission</u>  Maggie Armstrong  Jeff D. Bulla III  Christopher J. Caso  James F. Duggan  James T. Norton</p> <p><u>Plano Housing Authority</u>  Earnest R. Burke  Myrtle Hightower  Kathy D. Hines</p> <p><u>Public Arts Committee</u>  Vincent Bush  Joseph P. Connolly  Mary Jo Forbes  Maury Hal Marcus</p> <p><u>Retirement Security Plan Committee</u>  Ronald P. Timmons</p> <p><b><u>BOARD AND COMMISSION REPORT</u></b>  Tax Increment Financing Reinvestment Zones No. 1 and No. 2 Boards –  John McGrane, Finance Director</p>	<p><u>Self Sufficiency Committee</u>  Cathie Stanford Alexander  Marcy Lynn Holloway  Dollie V. Thomas  Prissy Wisnewski</p> <p><u>Senior Citizens Advisory Board</u>  Sonja Hammar  Jay C. Lewis  Dee Taylor  Annette S. Vineyard  Kevin A.J. Yarrow</p> <p><u>Tax Increment Financing Reinvestment Zone No. 1</u>  Howard Steven Garfield</p> <p><u>Tax Increment Financing Reinvestment Zone No. 2</u>  Russell G. Coolik  Lana G. Douglas  Shawn Gay  James C. Hatcher  Alan L. Johnson  Chuck O'Reilly  Stefani Overton  James F. Schell</p> <p><u>Transition and Revitalization Commission</u>  Stan Adler  Jerry Kezhaya  Barbara Oldenburg  Irfan Uddin</p> <p><u>Transportation Advisory Committee</u>  Connie Gilliland  Candace T. Noble  Regina M. Richardson</p> <p>Presented</p>

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	<p style="text-align: center;"><b><u>THE CITY SECRETARY RECEIVES SPEAKER CARDS AT THE BEGINNING OF THE MEETING</u></b></p> <p><b><u>COMMENTS OF PUBLIC INTEREST</u></b></p> <p><b><u>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.</u></b></p> <p><b><u>CONSENT AGENDA</u></b></p> <p><b><u>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.</u></b></p>	<p>Received</p>
(a)	<p><b><u>Approval of Minutes</u></b></p> <p>September 24, 2007</p> <p><b><u>Approval of Expenditures</u></b></p> <p><b>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).</b></p>	<p>Approved</p>
(b)	<p>To approve of expenditure to replace existing operable wall and wall covering in restrooms and corridors at the Plano Centre, in the amount of \$300,762 from Hisaw &amp; Associates General Contractors, Inc., through an existing Contract/Agreement with The Interlocal Purchasing System (TIPS), and authorizing the City Manager to execute all necessary documents. (TIPS Vendor Contract No. 14012707)</p> <p><b>Change Order: (Change to current City of Plano contract allowable under State law)</b></p>	<p>Approved</p>
(c)	<p>To North Texas Contracting, Inc., increasing the contract by \$160,325 for Dallas North Trunk Sewer Main Rehab – Phase III, Change Order No. 1. (Original Bid No. 2007-117-B). This change order is for the incremental cost to change from polymer concrete manholes to concrete manholes lined with Polytriple liner to protect the manhole from corrosion.</p> <p><b>Public Improvement Agreement</b></p>	<p>Approved</p>
(d)	<p>To approve the terms and conditions of a Public Improvement Agreement by and between the City of Plano, Texas, and Wolverine Equities Company 2000 Highway 190 L.P., in the amount of \$100,000 for participation in the Mapleshade Lift Station located south of Mapleshade Lane between Ohio Drive and Coit Road</p>	<p>Pulled and held</p>

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(e)	<p><b><u>Adoption of Resolutions</u></b></p> <p><b>Resolution No. 2007-10-1(R):</b> To approve the terms and conditions of an Interlocal Cooperation Agreement for Library Services by and between the City of Plano and Collin County, Texas providing the terms and conditions for receipt of funding in the amount of \$79,113 from Collin County; 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>	Adopted
(f)	<p><b>Resolution No. 2007-10-2(R):</b> To authorize the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$350,000 from the Brodart Company through the Northeast Texas Library System (NETLS) contract; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein and providing an effective date.</p>	Adopted
(g)	<p><b>Resolution No. 2007-10-3(R):</b> To authorize the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$500,000 from Baker &amp; Taylor through the Northeast Texas Library System (NETLS) contract; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein and providing an effective date.</p>	Adopted
(h)	<p><b>Resolution No. 2007-10-4(R):</b> To authorize the purchase of specialized online database library services for Plano Public Library System from Amigos Library Services through Plano Public Library System's membership with OCLC, the sole source supplier of comprehensive interlibrary loan and bibliographic record purchases; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date.</p>	Adopted
(i)	<p><b>Resolution No. 2007-10-5(R):</b> To suspend the October 25, 2007, effective date of Atmos Energy Corp., Mid-Tex Division requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with Atmos Cities Steering Committee and other cities in the Atmos Energy Corp., Mid-Tex Division service area to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; requiring reimbursement of cities' rate case expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel; and providing an effective date.</p>	Adopted
(j)	<p><b>Resolution No. 2007-10-6(R):</b> To approve the terms and conditions of a quote by and between the City of Plano and Diversified Metal Fabricators, Inc., the sole source provider of bleachers with vinyl coated steel seats and vinyl coated seat backs; authorizing its execution by the City Manager; and providing an effective date.</p>	Adopted
(k)	<p><b>Resolution No. 2007-10-7(R):</b> To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano and the North Central Texas Council of Governments (NCTCOG) providing terms and conditions for an Expanded Regional Storm Water Management Program; authorizing the City Manager to execute any and all documents deemed necessary to effectuate the action taken; and providing an effective date.</p>	Adopted

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(l)	<b>Resolution No. 2007-10-8(R):</b> To approve the terms and conditions of an Agreement by and between Signature Towing, Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date.	Adopted
(m)	<b>Resolution No. 2007-10-9(R):</b> To approve the terms and conditions of a Professional Services Agreement by and between City of Plano and Southern Methodist University for educational services at a fee not to exceed \$30,000; authorizing its execution by the City Manager; and providing an effective date.	Adopted
(n)	<b>Resolution No. 2007-10-10(R):</b> To approve the terms and conditions of an Interlocal Agreement by and between City of Plano and University of Texas at Dallas for educational services at a fee not to exceed \$30,000; authorizing its execution by the City Manager; and providing an effective date.	Adopted
(o)	<b>Resolution No. 2007-10-11(R):</b> To amend the existing Building Inspections Department Fee Schedule to provide for additional City Services and Programs; repealing all previous fee schedules and charges for services listed in the new Building Inspections Department Fee Schedule; and providing a repealer clause, a severability clause, and an effective date:	Adopted
(p)	<b>Resolution No. 2007-10-13(R):</b> To approve the terms and conditions of an Economic Development Program Agreement by and between the City of Plano, Texas, and Nexen Petroleum U.S.A., Inc., to promote state and local economic development and to stimulate business and commercial activity in the City and County, and authorizing its execution by the City Manager; and providing an effective date.	Adopted
(q)	<b><u>Adoption of Ordinances</u></b> <b>Ordinance No. 2007-10-14:</b> To repeal Ordinance No. 65-5-2, as codified in Chapter 21 Utilities, Division 2, Private Wells, Section 21-36 through Section 21-46 of the Code of Ordinances in its entirety and enacting this new Chapter 21, Utilities, Division 2, Section 21-36 through 21-47, Private Wells in the Code of Ordinances establishing regulations for the construction and operation of water wells in Plano; providing for definitions; providing for permit and license requirements and fees; providing for testing and inspections; providing for construction requirements; providing a repealer clause; a savings clause; a severability clause; a penalty clause; and providing an effective date.	Adopted with revisions
(r)	<b>Ordinance No. 2007-10-12:</b> To approve the carrying forward of Fiscal Year 2006-2007 funds to Fiscal Year 2007-2008; and providing an effective date. <b><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></b> <b><u>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.</u></b>	Adopted

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	<p><b><u>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.</u></b></p>	
(1)	<p><b>Public Hearing</b> pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to use or taking of a portion of City of Plano Park, known as Evans Park, for a permanent and temporary water line easement.</p>	Conducted
(2)	<p><b>Ordinance No. 2007-10-15:</b> To approve a project for a permanent and temporary water line easement to the City of Plano, Texas, requiring the use or taking of a portion of City of Plano public park land, known as Evans Park; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date.</p>	Adopted
(3)	<p><b>Public Hearing and adoption of Ordinance No. 2007-10-16 as requested in Zoning Case 2007-21</b> to amend Subsection 2.820 (CC - Corridor Commercial) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses); Subsection 3.511 of Section 3.500 (Front Yard Regulations); Subsection 3.606 of Section 3.600 (Side Yard Regulations); and Subsection 3.704 of Section 3.700 (Rear Yard Regulations) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, pertaining to residential setback requirements of the Corridor Commercial zoning district; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano.</p>	Conducted and adopted
(4)	<p><b>Public Hearing and an Ordinance as requested in Zoning Case 2007-29</b> to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 587 so as to allow the additional use of Private Club on one lot on 0.1± acre of land, located on the east side of Bishop Road, 301± feet north of Lunsford Road in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Inland Southwest Management.</p>	Council accepted applicant's request for withdrawal
(5)	<p><b>Public Hearing and adoption of Ordinance No. 2007-10-17 as requested in Zoning Case 2007-23</b> to repeal in its entirety Ordinance No. 89-8-7; thereby rescinding Specific Use Permit No. 35 for the additional use of Private Club on 0.1± acre of land, located on one lot on the west side of U.S. Highway 75, 1,837± feet north of Plano Parkway 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. Applicant: City of Plano.</p>	Conducted and adopted

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(6)	<p><b>Public Hearing and adoption of Ordinance No. 2007-10-18 as requested in Zoning Case 2007-24</b> to repeal in its entirety Ordinance No. 77-9-20; thereby rescinding Specific Use Permit No. 37 for the additional use of Private Club on 1.2± acres of land, located on one lot on the northeast corner of U.S. Highway 75 and Central Parkway 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. Applicant: City of Plano.</p>	<p>Conducted and adopted</p>
(7)	<p><b>Public Hearing and adoption of Ordinance No. 2007-10-19 as requested in Zoning Case 2007-25</b> to repeal in its entirety Ordinance No. 80-1-19; thereby rescinding Specific Use Permit No. 52 for the additional use of Private Club on 1.3± acres of land, located on one lot on the east side of U.S. 75, 275± feet north of Central Parkway 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. Applicant: City of Plano.</p>	<p>Conducted and adopted</p>
(8)	<p><b>Public Hearing and adoption of Ordinance No. 2007-10-20 as requested in Zoning Case 2007-26</b> to repeal in its entirety Ordinance No. 80-4-26; thereby rescinding Specific Use Permit No. 56 for the additional use of Private Club on one lot on 0.6± acre of land located on the southwest corner of Custer Road and Parker 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. Applicant: City of Plano.</p>	<p>Conducted and adopted</p>
(9)	<p><b>Public Hearing and adoption of Ordinance No. 2007-10-21 as requested in Zoning Case 2007-27</b> to repeal in its entirety Ordinance No. 83-6-11; thereby rescinding Specific Use Permit No. 60 for the additional use of Private Club on 343.9± acres of land, located on multiple lots generally bounded by Parker Road on the north, Tate Avenue and Winding Hollow Lane on the east, King Isle Drive on the west, and State Highway 190 on the south 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. Applicant: City of Plano.</p>	<p>Conducted and adopted</p>

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(10)	<p><b>Public Hearing and adoption of Ordinance No. 2007-10-22 as requested in Zoning Case 2007-28</b> to repeal in its entirety Ordinance No. 80-9-3; thereby rescinding Specific Use Permit No. 63 for the additional use of Private Club on one lot on 1.6± acres of land located on the north side of Central Parkway East, 213.2± feet east of U.S. Highway 75 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. Applicant: City of Plano</p>	<p>Conducted and adopted</p>
(11)	<p><b>Ordinance No. 2007-10-23:</b> To repeal City of Plano Ordinance Nos. 98-2-26, and 98-8-35, codified as Article VI, Historic Landmark Preservation, of Chapter 16 of the Code of Ordinances of the City of Plano; and adopting new and amended provisions for Heritage Resource Preservation for the City; providing a penalty clause, a repealer clause, and an effective date. Tabled 8/27/07 and 9/10/07</p> <p><u>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.</u></p>	<p>Adopted with revisions</p>