

**PLANO CITY COUNCIL**  
**June 25, 2007**

**COUNCIL MEMBERS**

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

**STAFF**

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

Mayor Evans convened the Council directly into the Regular Session from the Preliminary Open Meeting on Monday, June 25, 2007, at 7:05 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Deputy Mayor Pro Tem Callison.

The invocation was led by Imam Yaseen Shaikh of the Islamic Association of Collin County.

The Pledge of Allegiance was led by Representatives of Boys & Girls Clubs of Collin County – Plano.

Mayor Evans recognized receipt of the CLIDE Award for Advancement in the Principles of Development. Members of Parade Magazine's All-America High School Soccer Teams were unable to attend to receive special recognition.

Mayor Evans administered an oath of office to Jamey Cantrell as an incoming member of the Animal Shelter Advisory Committee.

**Board and Commission Report**

Board of Adjustment member Chris Polito advised that the primary requests received by the board are related to signing and zoning and spoke to the high success rate. Council Members Stahel and Johnson spoke to the diligence of the board and their service to the community.

### **Comments of Public Interest**

Jack Lagos, citizen of the City, spoke regarding the audit of Heritage Farmstead and responsibilities of the City Manager and Council. He requested an internal audit of the Arts of Collin County Commission and spoke to discrepancies in financial statements. City Manager Muehlenbeck spoke to possible review by the finance directors of the participating cities.

### **Police Range Update**

Police Administrative Manager Brashear spoke to the history of the gun range, advised that monies are available from a 2001 bond election and that the range will be both new construction and remodeling. Mr. Brashear spoke regarding the proximity to a Richardson neighborhood and property purchased by the Plano Independent School District (PISD). He advised that an indoor range would not meet training needs, spoke to the number of times officers are required to qualify with their weapons and the hours of operation. Mr. Brashear responded to the Council regarding baffles as devices to keep bullets from leaving the range and to City Manager Muehlenbeck regarding the PISD being aware of the location of the range and not expressing concerns regarding its operation. He responded to the Council regarding one incident where a bullet escaped due to a foundation breakdown. Council Member Johnson spoke to the importance of training officers within the City.

### **Presentation Regarding Allocation of Funds for the Retirement Security Plan**

Director of Human Resources Ross advised regarding the background of the plan and the committee in place for oversight. She advised that the committee was advised of changes including an updated mortality table which were not brought forward for Council approval. Ms. Ross spoke to making corrections to prior erroneous over and underpayments, notification of participants and the cost of \$206,000. She spoke to efforts moving forward to ensure accuracy in the process including biannual review by the committee.

### **Council Items for Discussion/Action on Future Agendas**

Mayor Evans requested Staff provide a presentation to the Council regarding the MESH Network.

### **Consent Agenda**

Council Member Dunlap requested Consent Agenda Items "D," Bid for Russell Creek at Hedgcoxe Sewer Line Rehab and "F," Bid for Water Crossing No. 1. be pulled for individual consideration due to possible conflicts of interest.

City Manager Muehlenbeck advised that Consent Agenda Item "N," Change Order No. 4 to Dean Electric would be pulled and held.

Citizen Jack Lagos requested that Consent Agenda Items “R,” Resolution to approve the terms and conditions of an Economic Development Program Agreement with CVE Technology Group and “S,” Resolution to approve the terms and conditions of an Economic Development Program Agreement with Texakoma Operating L.P. be removed for individual consideration.

### **Council Reports**

Council Member Ellerbe spoke regarding an RTC Committee vote in favor of NTTA building S.H. 121. She advised that this item will move forward to consideration by a committee appointed by Governor Perry. Mayor Evans commended Council Member Ellerbe on her effectiveness in representing the City.

### **CONSENT AGENDA**

Upon a motion made by Council Member Ellerbe and seconded by Council Member Johnson, the Council voted 7-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

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

June 5, 2007  
June 11, 2007

#### **Approval of Expenditures**

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

**Bid No. 2007-40-C** for EMS Medical Services Billing & Collection Services to Southwest General Services of Dallas LLC in the estimated amount of \$336,000 (4.75% of net collections) for the initial two-year term. This will establish an annual fixed percentage contract, with two optional two-year renewals. [Consent Agenda Item (B)] (See Exhibit “A”)

**Bid No. 2007-152-C** for an annual fixed price contract for Professional Kitchen Personnel for Food Services at Plano Centre to SMB Services in the estimated annual amount of \$25,000. This will establish a one-year contract with three City optional one-year renewals. [Consent Agenda Item (C)] (See Exhibit “B”)

**Bid No. 2007-148-B** for the Erosion Control – Waasland Drive and Timothy Drive project to ARK Contracting Services, L.L.C., in the amount of \$487,705. The project consists of construction of gabion erosion control structures in creek areas. [Consent Agenda Item (E)] (See Exhibit “C”)

**Bid No. 2007-123-B** and Conditional Acceptance of the lowest responsible Bid/Proposal for the Park Erosion Control Structures 2007 to ERWS, Inc. in the amount of \$589,000. The bid is for construction of gabion earth retention rock baskets and miscellaneous erosion control devices. [Consent Agenda Item (G)] (See Exhibit “D”)

**Bid No. 2007-153-B** for renovating portions of Haggard and Harrington Libraries to Concord Commercial Services, Inc., in the amount of \$463,271. The project consists of renovating portions of Haggard Library basement for a Genealogy Department being relocated from Harrington Library. Lobby and vacated areas at Harrington Library will be renovated. [Consent Agenda Item (H)] (See Exhibit “E”)

**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 design and construction of the Plano Police Academy Gun Range, in the amount of \$2,783,000, from Centennial Contractors Enterprises, Inc., through a Texas Cooperative Purchasing Network contract; and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R4538) [Consent Agenda Item (I)]

To approve the purchase of an Alarm and Camera System for the Tom Muehlenbeck Recreation Center in the amount of \$138,246. The contract numbers for this bid will include: TEMSCO Solutions, Inc. – (TXMAS-5-840170), Northern Access Control – (TXMAS-246-35(1), and Honeywell CCTV System – (TXMAS-246-42-1) through an existing contract/agreement with Texas Multiple Award Schedule- TXMAS, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (J)]

To rescind previously awarded Mini-ANDROS II Vehicle awarded by City Council on March 20, 2007 in the amount of \$81,153.00; and to authorize the purchase from an Existing Contract/Agreement of an Explosive Ordinance Device (EOD) Vehicle in the amount of \$87,406 from Remotec Incorporated through a Texas Building and Procurement Commission-Multiple Award Schedule contract, and authorizing the City Manager or his designee to execute all necessary documents. (TXMAS #GSA-84; 5-84030). [Consent Agenda Item (K)]

To approve the purchase of preschool playground for the Tom Muehlenbeck Recreation Center from The PlayWell Group in the amount of \$42,710 through an existing contract/agreement with Plano ISD, and authorizing the City Manager to execute all necessary documents. (Interlocal Contract No. 2006-77-I) [Consent Agenda Item (L)]

To authorize the purchase of upholstered stack chairs for Plano Centre in the amount of \$167,000 from Virco Inc. through an existing contract with US Communities, and authorizing the City Manager to execute all necessary documents. (US Communities Contract No. 0204011) [Consent Agenda Item (M)]

**Change Order: (Change to current City of Plano contract allowable under State law)**

To Dean Electric, DBA Dean Construction, increasing the contract by \$485,216, Change Order No. 4. (Original Bid #2006-151-B) This change order is for the addition of a restroom/storage building, shade structure, plaza, and 39 parking places. These facilities will also serve the future skate park and the neighborhood park area of Archgate Park. [Consent Agenda Item (N)] This item was pulled.

**Approval of Partial Funding Request**

To approve a request from the Blackland Prairie Festival, Inc. for partial funding from the event appropriation in FY 2006-07, in the amount of \$15,225 to continue the planning for a return of the event in 2008. [Consent Agenda Item (O)]

**Approval of Easements**

To approve the purchase of a 5,045 square foot water line easement and an 8,636 square foot temporary construction easement from Matthew G. and Kristen L. Twyman at 3620 Ranchero Road, in the amount of \$41,430; and authorizing the City Manager to execute documents necessary to complete the purchase. [Consent Agenda Item (P)]

**Adoption of Resolutions**

**Resolution No. 2007-6-14(R):** To approve the terms and conditions of an Economic Development Program Agreement by and between the City of Plano, Texas, and ND Satcom, Inc. a North Carolina Corporation, to promote state and local economic development and to stimulate business and commercial activity in the City and County, and authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (Q)]

**Resolution No. 2007-6-15(R):** To approve a modification to a Lease Agreement by and between the City of Plano, Texas, and Plano Sports Authority, Inc.; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (T)]

**Resolution No. 2007-6-16(R):** 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. [Consent Agenda Item (U)]

**Resolution No. 2007-6-17(R):** To approve the terms and conditions of an Annual Supply Contract by and between the City of Plano and Interspec LLC, the sole source provider of the MIR Centralized Irrigation Control System, authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (V)]

**Resolution No. 2007-6-18(R):** To approve the terms and conditions of and Assignment of Airspace Agreement by and between the City of Plano, Texas and The Shops at Legacy, L.P. to The Shops at Legacy (Inland), L.P.; authorizing the City Manager to execute any and all documents in connection therewith; and providing an effective date. [Consent Agenda Item (W)]

**Resolution No. 2007-6-19(R):** To approve the terms and conditions of a Public Right-of-Way Use Agreement by and between the City of Plano, Texas and Electronic Data Systems, a Delaware Corporation, to locate, place, attach, install, operate, and maintain one 32-inch diameter street casing pipe with six 6-inch PVC conduits containing electrical cables in certain specific portions of the public rights-of-way in the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (X)]

**Resolution No. 2007-6-20(R):** To suspend the July 30, 2007 effective date of the proposal by Atmos Energy Corp., Mid-Tex Division to implement interim grip rate adjustments for gas utility investment in 2006; authorizing participation with the Atmos Cities Steering Committee ("ACSC") in a review and inquiry into the sufficiency of the filing and the basis of the proposed rate adjustments; authorizing intervention in administrative and court proceedings involving the proposed grip rate adjustments; requiring reimbursement of reasonable legal and consultant ratemaking costs; and requiring delivery of this resolution to the company and legal counsel; and providing an effective date. [Consent Agenda Item (Y)]

### **Adoption of Ordinances**

**Ordinance No. 2007-6-21:** To amend Article IX, Railroads, of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas, by amending Section 12-258, Quiet Zones, to designate the Burlington Northern Santa Fe Railroad (BNSF RR) crossing at Parker Road as a quiet zone, providing a penalty clause, a severability clause, a publication clause and providing an effective date. [Consent Agenda Item (Z)]

**Ordinance No. 2007-6-22:** To abandon all right, title and interest of the City, in and to that certain fifteen foot (15') wide roadway easement recorded in Volume 1811, Page 607 of the Land Records of Collin County, Texas and a portion of a forty foot (40') wide easement for right of way recorded in Volume 558, Page 142 and Page 426 of the Land Records of Collin County, Texas, which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the abutting property owner, Tuscan Engineers, Ltd., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (AA)]

**Ordinance No. 2007-6-23:** To grant a permit to Children's Medical Center of Dallas to drill a water well to supply irrigation needs at 7601 Preston Road, Plano, Texas, located south of Hedcoxe Road and west of Preston Road; authorizing the City Manager to execute any and all documents in connection therewith; and providing an effective date. [Consent Agenda Item (BB)]

**Ordinance No. 2007-6-24:** To transfer the sum of \$205,756 from the General Fund Unappropriated Fund Balance to the General Fund Operating Appropriation for Fiscal Year 2006-07 for the purpose of contributing additional funds to the Retirement Security Plan in order to ensure that the plan is appropriately funded; amending the budget of the City and Ordinance 2006-9-9, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. [Consent Agenda Item (CC)]

**END OF CONSENT**

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

**Bid No. 2007-165-B** for Russell Creek at Hedgcoxe Sewer Line Rehab project to Redline Services, Inc., in the amount of \$137,170. The project consists of the repainting of the 33-inch aerial sanitary sewer main crossing Russell Creek just south of Hedgcoxe Road. A wing wall on the box culvert will be rebuilt to protect the aerial crossing. [Consent Agenda Item (D)] (See Exhibit "F")

**Bid No. 2007-166-B** for Water Crossings No. 1 to Jim Bowman Construction Co., L.P., in the amount of \$389,743. The project consists of the construction of approximately 1,250 feet of water lines at the following locations: 14<sup>th</sup> Street – East of Jupiter Road; Parker Road at Buckboard Drive; Alma Drive at Spicewood Drive; Spring Creek Parkway – East of Pleasant Valley Drive; Ranchero Road; and Headquarters Drive at Dallas Parkway. [Consent Agenda Item (F)] (See Exhibit "G")

Upon a motion made by Mayor Pro Tem Magnuson and seconded by Council Member Johnson, the Council voted 6-0 to approve Bid No. 2007-165-B for Russell Creek at Hedgcoxe Sewer Line Rehab project to Redline Services, Inc., in the amount of \$137,170; and to approve Bid No. 2007-166-B for Water Crossings No. 1 to Jim Bowman Construction Co., L.P., in the amount of \$389,743.

Council Member Dunlap resumed his seat.

**Resolution No. 2007-6-25(R):** To approve the terms and conditions of an Economic Development Program Agreement by and between the City of Plano, Texas, and CVE Technology Group, Inc. a Texas Corporation, to promote state and local economic development and to stimulate business and commercial activity in the City and County, and authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (R)]

Jack Lagos, citizen of the City, requested clarification on information included in the Council packet. City Manager Muehlenbeck advised that the resolution brought forward to the Council represents the recommendation of the Joint Committee on Tax Abatement. Mayor Evans advised that Council Members Johnson and LaRosiliere are Plano's delegates on the committee which makes the recommendation.

**Resolution No. 2007-6-25(R) (cont'd)**

Upon a motion made by Mayor Pro Tem Magnuson and seconded by Council Member Johnson, the Council voted 7-0 to approve the terms and conditions of an Economic Development Program Agreement by and between the City of Plano, Texas, and CVE Technology Group, Inc. a Texas Corporation, to promote state and local economic development and to stimulate business and commercial activity in the City and County, and authorizing its execution by the City Manager; and providing an effective date; and further to approve Resolution No. 2007-6-25(R).

**Resolution No. 2007-6-26(R):** To approve the terms and conditions of an Economic Development Program Agreement by and between the City of Plano, Texas, and Texakoma Operating, L.P., a Texas Limited Partnership to promote state and local economic development and to stimulate business and commercial activity in the City and County, and authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (S)]

Jack Lagos, citizen of the City, requested clarification regarding information included in the packet. Council Member Johnson advised that the resolution for Council consideration is the product of the Joint Committee on Tax Abatement. City Manager Muehlenbeck clarified that monies for this item come from the Economic Development Fund established by the Council in the FY 2006-07 Operating Budget.

Council Member LaRosiliere spoke to the sensitive nature of issues discussed and Council Member Johnson spoke to businesses helping to pay property taxes and lessening the burden on homeowners.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Johnson, the Council voted 7-0 to approve the terms and conditions of an Economic Development Program Agreement by and between the City of Plano, Texas, and Texakoma Operating, L.P., a Texas Limited Partnership 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; and further to adopt Resolution No. 2007-6-26(R).

Mayor Evans advised that Regular Agenda Items "4" and "5" would be considered at this time.

**Public Hearing and Ordinance as requested in Zoning Case 2007-12** to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 583 so as to allow the additional use of Day Care Center on one lot on 6.7± acres of land located south of the intersection of Eagle Pass and Lookout Trail in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7; 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: Plano Independent School District [Regular Agenda Item (4)]

**Zoning Case 2007-12 (cont'd)**

Development Review Manager Elgin spoke to receipt of a letter subsequent to action by the Planning and Zoning Commission to withdrawal the item from consideration. Charles Crawford, representing Plano Independent School District advised regarding withdrawal of the application.

City Attorney Wetherbee spoke to customary practice of the Council to accept withdrawal, noted that zoning regulations have exceptions to certain other governmental agencies and her conclusion that even though daycare issues have not been directly addressed, other ancillary uses are permitted within the trustees' discretion.

Upon a motion made by Council Member LaRosiliere and seconded by Mayor Pro Tem Magnuson, the Council voted 7-0 to accept the Plano Independent School District's withdrawal of Zoning Case 2007-12 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 583 so as to allow the additional use of Day Care Center on one lot on 6.7± acres of land located south of the intersection of Eagle Pass and Lookout Trail in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7.

**Public Hearing and Ordinance as requested in Zoning Case 2007-13** to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 584 so as to allow the additional use of Day Care Center on one lot on 8.0± acres of land located at the southwest corner of Eldorado Drive and Nevada Drive in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7; 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: Plano Independent School District. [Regular Agenda Item (5)]

Development Review Manager Elgin spoke to receipt of a request from the Plano Independent School District to withdrawal the item.

Upon a motion made by Mayor Pro Tem Magnuson and seconded by Council Member LaRosiliere, the Council voted 7-0 to accept the Plano Independent School District's withdrawal of Zoning Case 2007-13 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 584 so as to allow the additional use of Day Care Center on one lot on 8.0± acres of land located at the southwest corner of Eldorado Drive and Nevada Drive in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7.

Robert Camacho, representing the Eldorado Park Homeowners Association, spoke in opposition to the site selection, traffic issues and daycare being a commercial operation. He spoke to the percentage of Plano Independent School District (PISD) employees who reside in the City and to considering general welfare and benefit.

### **Zoning Case 2007-13 (cont'd)**

Mr. Camacho spoke to the opposition of homeowners, operation beyond typical school hours and contact made with the school district. He spoke to early childhood schools not being competitive with regard to pricing and teachers assuming daycare will be provided at their home campus. Mr. Camacho requested the Council facilitate discussion between the neighborhood and PISD to determine an alternative.

Mayor Evans thanked residents for providing information regarding issues, spoke to the Council having no legal jurisdiction in this matter and regarding the decision to accept the withdrawal. City Attorney Wetherbee advised that while the City does not have control over the use of the property, it does retain authority over building codes and safety regulations. Council Member Johnson recommended homeowners continue their dialogue and request further meetings with the Board of Trustees. Mayor Evans spoke to the Board being representatives of the citizens.

John Meazell, citizen of the City, spoke to the overlapping jurisdiction and interest.

**Public Hearing and adoption of Ordinance No. 2007-6-27** of the City of Plano, Texas, to designate a certain area within the City of Plano as Reinvestment Zone No. 109 for a Tax Abatement consisting of a 13.322 acre tract of land located south of Plano Parkway in the Bowater Computer Forms Inc. Addition, in the City of Plano, Texas establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (1)]

Director of Finance McGrane spoke to establishment of a reinvestment zone to allow entering a tax abatement agreement with CVE Technology Group for ten years at a 50% abatement on both business and real property. He advised that 96 employees will be retained and 10 positions added. Council Member Stahel complimented Staff on including the annual tax abatement in information provided. City Manager Muehlenbeck spoke to individual consideration of items which establish a tax abatement district.

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 Ellerbe, the Council voted 7-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 109 for a Tax Abatement consisting of a 13.322 acre tract of land located south of Plano Parkway in the Bowater Computer Forms Inc. Addition, in the City of Plano, Texas establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. Ordinance No. 2007-6-27.

**Resolution No. 2007-6-28(R)** to approve the terms and conditions of an Agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, 3000 East Plano Parkway Property, LLC, a Texas Limited Liability Company and CVE Technology Group, Inc., a Texas Corporation, and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (2)]

Upon a motion made by Council Member Stahel and seconded by Mayor Pro Tem Magnuson, the Council voted 7-0 to approve the terms and conditions of an Agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, 3000 East Plano Parkway Property, LLC, a Texas Limited Liability Company and CVE Technology Group, Inc., a Texas Corporation, and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2007-6-28(R).

**Public Hearing and Consideration of Zoning Case 2007-11** to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to determine the appropriate zoning for 7.7± acres located on the southeast side of Country Club Drive, across El Santo Road, 1,600± feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas. The property is presently zoned General Office with Specific Use Permit No. 13 for Country Club and Private Club. The potential zoning may be residential or non-residential. The Planning & Zoning Commission recommended Single-Family Residence-9 as the appropriate zoning for the property. Applicant: City of Plano [Regular Agenda Item (3)]

Development Review Manager Elgin advised that based on Council direction Staff would prepare an ordinance for consideration. He spoke to a prior request to rezone to Single-Family-Attached which was denied by the Commission and was not subsequently appealed to the Council and advised that this request was initiated by Staff. Mr. Elgin spoke to zoning in the area, letters received regarding the request and the Commission's decision to recommend Single Family-9 zoning. He further advised regarding a letter received from the property owner in opposition and stated that the item would require a three-quarter vote for approval.

Mayor Evans opened the Public Hearing. Bill Dahlstrom, representing the property owner, spoke to Single Family-9 (SF-9) zoning making the property difficult to develop, plans for Single Family-Attached (SF-A) to the north, there being no official City policy regarding placement of SF-9 homes adjacent to golf courses, stated that no single family detached housing product would be appropriate for the location, and requested denial. Mr. Elgin clarified that the request includes the entire clubhouse property. Mr. Dahlstrom responded to the Council, stating that since the previous case, the SF-A property to the north has gone into a separate process with a preliminary site plan being approved and spoke regarding the number of homes that might be developed. He further advised that there are currently no plans for Office-2 uses.

**Zoning Case 2007-11 (cont'd)**

Lisa MacDonald, representing Los Rios Villas, Los Rios and Creekside West Homeowners Associations stated support for rezoning to SF-9. She spoke to the location not fronting any major streets, commercial development being in stark contrast with the residential neighborhood, comparable zoning adjacent to other country clubs, and urged the Council's support. Chuck Holley, citizen of the City, spoke to there being no guarantee of what will happen in the future, SF-9 matching what is adjacent to the course, and coming up with a compromise zoning allowing for better development. He responded to Mayor Evans, stating that the SF-A zoning requested in 2006 was denied by Planning and Zoning as it did not fit into the established neighborhood. Mr. Holley spoke to a proposition for detached homes with rear-entry garages to which there was no response. He responded to the Council, stating that if the area zoned SF-A to the north is not included, his recommendation would be SF-9.

Mr. Elgin advised that a preliminary site plan has been approved for the SF-A tract. He stated that if the area were published for SF-9 zoning, only that or a less intense use might be considered. The Council spoke to providing an opportunity for dialogue between residents and the property owner. Mr. Dahlstrom responded to the Council regarding communication with residents and the driving range being moved to avoid gold balls in the residential area. He stated that the SF-A would be the most appropriate zoning. Mr. Holley stated concern regarding SF-A and requested the Council consider starting consideration at Patio Homes (PH) with rear-entry. Mr. Elgin spoke to PH zoning being the most intense use for a detached single-family product and stated that during a future meeting, Council could further restrict use to rear-entry only. Council Member Dunlap spoke to voting on the recommendation of the Planning and Zoning Commission and if it were denied, sending the request back to the Commission.

Council Member Stahel made a motion to bring the item back as Patio Homes with rear entry at the September 10, 2007, Council meeting. The motion failed for lack of a second. Council Member Ellerbe stated concern regarding restricting access to rear entry and to possible compromise by the parties.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Ellerbe, the Council voted 7-0 directing Staff to republish the Public Hearing for Zoning Case 2007-11 as Patio Home and continued the Public Hearing until the September 10, 2007, City Council Meeting.

There being no further discussion, Mayor Evans adjourned the meeting at 9:16 p.m.

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**Pat Evans, MAYOR**

ATTEST:

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**Diane Zucco, City Secretary**