

PLANO CITY COUNCIL
July 24, 2006

COUNCIL MEMBERS

Pat Evans, Mayor
Scott Johnson, Mayor Pro Tem
Sally Magnuson, Deputy Mayor Pro Tem
Shep Stahel
Jean Callison
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
Elaine Bealke, City Secretary

Mayor Evans convened the Council directly into the Regular Session on Monday, July 24, 2006, at 7:02 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council members were present with the exception of Council Member Callison.

The invocation was led by Associate Pastor, Reverend Edlen O. Cowley of St. Andrew United Methodist Church.

The Pledge of Allegiance was led by Cub Scout Pack 421 of Andrews Elementary.

Mayor Evans received a presentation to the City of Plano from Mayor Lin of Hsinchu City Taiwan by visiting Plano Independent School District students.

Mayor Evans spoke to being consistent regarding the ability of the public to provide input to the Council. She spoke to efforts to manage time during meetings and possible limits placed on speaking time. Mayor Evans spoke to Public Hearings as indicated on agendas offering an opportunity to address items and stated that those items not listed as such are left to the discretion of the Council. She advised that in most cases input is received and spoke to *General Discussion* being a time to bring items to the Council's attention that are not on the agenda and that the Council may not respond to these comments. Mayor Evans requested that those in attendance for a particular item provide input when it is presented and spoke to making a determination of speaking time dependant on the number of requests received. She spoke to the opportunity to provide input to the Council via e-mail or telephone.

GENERAL DISCUSSION

Pedro Garcia, citizen of the City, spoke regarding his non-profit organization researching and documenting the lifestyles of American Mexicans born in the United States and Mexican citizens born in Mexico and living here. He spoke to possible presentation of a proclamation recognizing American Mexicans and advised no funds are requested and that reports will be provided to the City.

Brenda McDonald, chair of the Self Sufficiency Committee, spoke to the program empowering families receiving assistance and helping them build self esteem. She spoke regarding a fundraising event scheduled for August 19, 2006, to raise money for scholarships.

Randy Jennings, citizen of the City, stated concern regarding how Public Hearings are conducted and spoke to the need to allow for citizen input. He stated concern that Public Hearings are not conducted at meetings where final votes are taken.

BOARD/COMMISSION REPORTS

Building Standards Commission Chair Jeff Bulla thanked the Council and Staff for their support, spoke to the commission's responsibilities including enforcement, code interpretation and other duties related to fire and building code amendments. He spoke to the review of contractors' registrations following revocation and to efforts in the coming year to attain accreditation for the Building Inspections Department. Council Member Stahel thanked the Commission for their service.

The Council resumed discussion of the Preliminary Meeting at this time.

State Hurricane Evacuation Plan

Executive Director Glasscock spoke regarding the executive order issued in March 2006 related to evacuation transportation logistics in the event of a hurricane, assistance in providing shelter for those bussed and the commitment from the state to provide support and reimbursement ("point-to-point" evacuation). He advised that the state has identified communities that may be evacuated and shelter hubs who would receive individuals. Mr. Glasscock spoke to the gap between the number evacuated and the shelter spaces identified and stated that figures do not include those who choose to self-evacuate. He spoke to the challenges in finding spaces that meet all requirements and advised that there are currently 600 spaces at four locations in the City that have been pre-determined and designed for "point-to-point." Mr. Glasscock spoke to continuing to work with the state and Council of Governments in trying to fill the gaps. Mayor Evans commended the City's efforts.

Council items for discussion/action on future agendas

Consideration of Future Council Discussion to Recognize and Celebrate Contributions made by Ross Perot

Council Member Dunlap spoke to the jobs, taxes and retail brought into the City by Ross Perot and requested the Council consider recognizing these contributions. He spoke to the possibility of forming a committee to include PerotSystems staff. Mayor Evans spoke to contacting the Plano Economic Development Board and to Council Member Dunlap meeting with the City Manager and serving as chair of a committee. She requested the Council forward any input to Mr. Dunlap or the City Manager.

Council Member Stahel requested a briefing from the Public Works Department regarding the watering system for City parks. City Manager Muehlenbeck advised that information would be forwarded to the Council with a briefing on August 14, 2006.

Council Member Stahel spoke to Community Relations funding and requested information regarding what other cities are providing. Mayor Evans advised regarding rates in McKinney, Frisco and Allen and the focus of those cities. Council Member Stahel spoke to county-wide need and Mayor Evans spoke to obtaining information from smaller cities.

Consent and Regular Agenda

Council Member Dunlap advised that he would be stepping down on Consent Agenda Item "G," Bid No. 2006-178-B for Parker Road - Estates West Water Rehabilitation to RKM Utility Services, Inc. in the amount of \$1,581,883 due to a possible conflict of interest.

Council Member Stahel advised that he would be stepping down on Consent Agenda Items "B," CSP No. 2006-133-B for the purchase of Inspection Software System to Garrison Enterprises, Inc. in the amount of \$57,000 and "P," a resolution to approve the purchase of a Stratus Server from TriTech Software Systems, Inc. in the amount of \$83,672 due to possible conflicts of interest. He further requested Consent Agenda Item "U," a resolution to affirm support of the Regional Transportation Council supported Phased Model Corridors be removed for individual consideration.

Council Reports

Council Member Dunlap spoke to the fundraiser by the Self Sufficiency Committee.

Council Member LaRosiliere spoke to meetings held in Austin aimed at encouraging home sprinkler systems.

Mayor Pro Tem Johnson thanked Plano citizens for their efforts at reducing water consumption. He spoke to recognition of Plano's efforts in hosting cricket games and tournaments and to the opportunity for public input at a Department of Transportation meeting to be held July 25 at Plano Centre regarding S.H. 121 and the tolling policy.

Council Member Ellerbe stated that the Public Arts Committee has selected an artist for Oak Point Park and that the item will be forwarded to the Parks and Recreation Planning Board followed by the Council.

CONSENT AGENDA

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 7-0 to approve and adopt all remaining items as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]

June 26, 2006

Approval of Expenditures

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

Bid No. 2006-129-B for Steel Signal Pole Assembly to Structural & Steel Products in the amount of \$91,176. [Consent Agenda Item (C)] (See Exhibit "A")

Bid No. 2006-166-B for the 2005-2006 Arterial Concrete Repair – Parker Road, Archerwood Street and Plano Parkway, Project No. 5721, to Metric Concrete Services, Inc. in the amount of \$1,021,465. This project involves the repair of arterial street pavement on Parker Road between Coit Road and Premier Drive, Archerwood Street between Parker Road and Park Boulevard and Plano Parkway between K Avenue and Los Rios Boulevard. [Consent Agenda Item (D)] (See Exhibit "B")

Bid No. 2006-163-B for the Big Lake Park – Lake Restoration to Paula Construction, Inc. in the amount of \$393,558. [Consent Agenda Item (E)] (See Exhibit "C")

Bid No. 2006-151-B for Archgate Park to Dean Electric, Inc. in the amount of \$7,220,470. The base bid is for construction of seven unlighted multi-use fields and associated improvements including parking, concessions, restroom building, recreational trails, pedestrian bridge, area lighting, backstops, bleacher covers, fencing, shade structures, landscaping and irrigation. [Consent Agenda Item (F)] (See Exhibit "D")

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 approve the purchase of one (1) Heil 32 yard Automated Refuse Body in the amount of \$87,206 from Heil of Texas through an existing contract/agreement with H-GAC Cooperative Purchasing Program, and authorizing the City Manager to execute all necessary documents. (RC08-04). [Consent Agenda Item (H)]

To approve the purchase of four (4) Heil 24 yard Automated Refuse Bodies in the amount of \$351,053 from Heil of Texas through an existing contract/agreement with H-GAC Cooperative Purchasing Program, and authorizing the City Manager to execute all necessary documents. (RC08-04) [Consent Agenda Item (I)]

To approve the purchase of one (1) Smeal 100' Mid-Mount Aerial Ladder Platform in the amount of \$836,929 from Webb Apparatus of Texas through an existing contract/agreement with H-GAC Cooperative Purchasing Program, and authorizing the City Manager to execute all necessary documents. (FS12-05) [Consent Agenda Item (J)]

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

To approve an engineering contract by and between the City of Plano and Parsons Brinckerhoff Quade & Douglas, Inc. in the amount of \$224,941 for engineering design for Preston Road (SH 289) and Plano Parkway Intersection improvements and authorizing the City Manager to execute all necessary documents. Bid No. B113-04 [Consent Agenda Item (K)]

Approval of First Modification to Contract:

To approve a first modification to Contract No. 2006-093-C increasing the contract by an estimated annual amount of \$38,800 for Concrete Mix to Redi-Mix, L.P. [Consent Agenda Item (L)]

Subdivision Improvement Agreement

To approve the terms and conditions of a Subdivision Improvement Agreement between the City of Plano and Pasquinelli Portrait Homes – Willow Crest LP for oversize paving participation for Razor Road and McDermott Road. [Consent Agenda Item (M)]

Public Improvement Agreement

To approve the terms and conditions of a Public Improvement Agreement by and between the City of Plano and Component Construction Company, Ltd., for participation in N Avenue extension from Plano Parkway to SH 190. The total City participation is \$231,976. [Consent Agenda Item (N)]

Adoption of Resolutions

Resolution No. 2006-7-1(R): To approve the terms and conditions of a Reconfiguration Planning and Negotiation Phase Agreement by and between Motorola, Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2006-7-2(R): To authorize the execution of the Gas Standing Steering Committee Participation Agreement and providing an effective date. [Consent Agenda Item (Q)]

Resolution No. 2006-7-3(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the Frisco Independent School District for the operation of the Police/School Liaison Program; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (R)]

Resolution No. 2006-7-4(R): To affirm the appointment of a board member to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors as provided in Chapter 452 of the Texas Transportation Code and providing an effective date. [Consent Agenda Item (S)]

Resolution No. 2006-7-5(R): To express support for Collin County's application for a Pass-Through Financing Agreement for US 75 from Spring Creek Parkway to the Grayson County line; authorizing the City Manager to execute any documents necessary; and providing an effective date. [Consent Agenda Item (T)]

Resolution No. 2006-7-6(R): To approve the terms and conditions of a Public Right-of-Way Use Agreement by and between the City of Plano, Texas and TCDFW Acquisitions, LP, a Texas Limited Partnership, to locate, place, attach, install, and operate, a communication system, electrical system, and bank pneumatic transport system 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 (V)]

Adoption of Ordinances

Ordinance No. 2006-7-7: To amend Chapter 12, Motor Vehicles and Traffic, Article IV, Speed, Section 12-74(b), Maximum Limits on Specific Streets, of the City of Plano Code of Ordinances to establish the prima facie speed limit for motor vehicles operating along the portion of Kathryn Lane between State Highway 121 and Custer Road within the corporate limits of the City of Plano; authorizing and directing the Traffic Engineer to cause placement of traffic control devices indicating the speed limit; 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 penalty clause, and an effective date. [Consent Agenda Item (W)]

END OF CONSENT:

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

CSP No. 2006-133-B for the purchase of Inspection Software System to Garrison Enterprises, Inc. in the amount of \$57,000. This system will integrate all City of Plano Health Department inspection activities between the field operation, office and internet. [Consent Agenda Item (B)] (See Exhibit "E")

Resolution No. 2006-7-8(R): To approve the purchase of a Stratus Server upgrade, installation and support with TriTech Software Systems, Inc., a sole source vendor for the maintenance and support of VisiCAD System operating on the Stratus Server in the amount of \$83,672; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (P)]

Upon a motion made by Council Member Dunlap and seconded by Mayor Pro Tem Johnson, the Council voted 6-0 to approve CSP No. 2006-133-B for the purchase of Inspection Software System to Garrison Enterprises, Inc. in the amount of \$57,000 and Resolution No. 2006-7-8(R): To approve the purchase of a Stratus Server upgrade, installation and support with TriTech Software Systems, Inc., a sole source vendor for the maintenance and support of VisiCAD System operating on the Stratus Server in the amount of \$83,672,

Council Member Stahel resumed his place on the bench.

Due to a possible conflict of interest, Council Member Dunlap stepped down from the bench on the following item.

Bid No. 2006-178-B for the Parker Road Estates West Water Rehabilitation to RKM Utility Services, Inc. in the amount of \$1,581,883. The project consists of the replacement of approximately 12,500 L.F. of 8" water main in residential areas. [Consent Agenda Item (G)] (See Exhibit "F")

Upon a motion made by Mayor Pro Tem Johnson and seconded by Council Member LaRosiliere, the Council voted 6-0 to approve Bid No. 2006-178-B for the Parker Road Estates West Water Rehabilitation to RKM Utility Services, Inc. in the amount of \$1,581,883.

Council Member Dunlap resumed his place on the bench.

Resolution No. 2006-7-9(R): To affirm support of the Regional Transportation Council supported Phased Model Corridors for the Trans-Texas Corridor (TTC-35) Project; authorizing the City Manager to execute any documents to show such support; and providing an effective date. [Consent Agenda Item (U)]

City Engineer Upchurch spoke to the alignment which creates a loop around the Dallas/Fort Worth area connecting to I35 on the north and south. He advised that the project incorporates many of the projects already in various stages. Mr. Upchurch spoke to the corridor including rail, truck, vehicular and utility corridors and stated that it could be phased in. He requested Council support of the proposal, advised that in the area of Lake Lavon there will be extensive environmental assessment and analysis before final location of the line is determined and spoke to discussions with the Oklahoma Highway Department regarding their participation.

Resolution No. 2006-7-9(R) (cont'd)

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Mayor Pro Tem Johnson, the Council voted 7-0 to affirm support of the Regional Transportation Council supported Phased Model Corridors for the Trans-Texas Corridor (TTC-35) Project; authorizing the City Manager to execute any documents to show such support; and providing an effective date; and further to adopt Resolution No. 2006-7-9(R).

Ordinance No. 2006-7-10: To amend Chapter 14 of the Code of Ordinances of the City of Plano to add Article IX Residency Restrictions for Child Predator Offenders, making it unlawful for certain child predator offenders to reside within 1,000 feet of premises where children commonly gather; providing that a culpable mental state is not required; providing for affirmative defenses; providing a penalty clause, a repealer clause, a severability clause, a publication clause, and an effective date. [Regular Agenda Item (1)]

Chief Rushin spoke to preparation of an ordinance addressing residency restrictions for child predator offenders, actions taken by other cities and a revised map indicating that 41% of residential area would be left outside the restricted areas. He advised that the ordinance would not apply to current offenders, but those who move or come into the City following its passage and spoke to the definitions of residence, minors being those younger than 17 and premises being areas where children commonly gather such as private/public schools, public parks and day care centers with 13 or more children. Chief Rushin advised that the ordinance would make it unlawful for an adult registered sex offender with minor victims in those offenses where there is physical contact or preparatory steps not to have permanent or temporary residence within 1,000 feet of a premise where children gather and that the fine is \$500 with each day constituting a new offense. He spoke to affirmative defenses including residence prior to passage of the ordinance, the offender being convicted as a juvenile, premises opening after residency, a person mistakenly on the database or a court-reduced or waived distance. Chief Rushin responded to the Council that fines would accumulate for each day of noncompliance.

Cara Mendelsohn, representing the Huffman Elementary PTA, spoke to the public input received on this item and the support from other PTA's across the district. She spoke to the number of cities that have passed similar ordinances and stated that the proposal would match restrictions in place for parolees and probationers. Ms. Mendelsohn spoke to other states addressing the issue and to setting boundaries limiting predators from becoming friendly neighbors. She spoke to Plano being at the forefront of legislation and stated support of the ordinance as submitted.

Dianne Pike, citizen of the City, spoke to her neighborhood not being covered by the ordinance and to offenders clustering there. She spoke to the ordinance as being inadequate, redlining areas and devaluing property. Ms. Pike stated that offenders should not be permitted anywhere in the City. Dean Guyton of Highland Village, stated concern regarding juvenile offenders and spoke to protecting teens.

Ordinance No. 2006-7-10 (con't)

Carolena F. Hull of Aledo spoke regarding her research and in support of the ordinance. She spoke to the ordinance being a first step in public awareness, to protecting children and volunteered to assist in efforts at finding solutions. Jim Oom, representing the Creek Trails Homeowners Association, spoke to the detrimental effects on those areas not covered by the ordinance and stated his opposition. Corina Castillo, citizen of the City, spoke regarding the experiences of victims, in support of the ordinance and to offenders living in areas away from where children congregate.

Denice Burke, citizen of the City and PTA board member, spoke in support of the ordinance. Susie Learmont, citizen of the City, spoke to the areas where offenders may live being spread throughout the City and to there being no restrictions at the present time. She spoke to the proposal extending residency requirements for parolees and probationers and passage of similar ordinances by surrounding cities. Ms. Learmont spoke to creating a safer environment for children. Tia Sukenick, citizen of the City, spoke in support of the ordinance, noting that her neighborhood would not be covered and that her children walk from school. She spoke to the City of Plano becoming a magnet if the restrictions are not passed.

Janet Plotkin, citizen of the City, spoke to the ordinance creating sex offender “friendly zones” and to protecting all citizens not only those living 1,000 feet from schools, day care centers or parks. She spoke to flawed logic in the proposal, it being unfair and requested a Public Hearing be held before any action is taken. Randy Jennings, representing the Denham Village HOA, spoke in opposition to the ordinance and to it targeting areas of the City. He stated concern that clustering offenders would put children in danger and affect property values. Mr. Jennings requested a Public Hearing on the ordinance. Olen Penn, citizen of the City, spoke to the ordinance being inadequate as it does not protect children walking to school and to holding a Public Hearing. Darlene Jones, citizen of the City, stated concern that the proposal will not protect children and to offenders being free to travel throughout the City. Brian Plotkin, citizen of the City, spoke to offenders traveling around the City and the proposal concentrating them in certain areas. He spoke to the proposal affecting property values. Harry Moore, citizen of the City, spoke in opposition and to making the ordinance more thorough since limiting offenders to an area has very little effect.

Chief Rushin clarified that by including only those day care centers with 13 or more children, 41% of the City would be left in which offenders may reside. He advised that there would be no grandfather clause but that the ordinance would impact those coming into the City or those moving from one location to another. CAPERS Coordinator Peggye Beeman responded to Council Member LaRosiliere that the recidivism rate varies and that most in Plano have been here a couple of years.

Chief Rushin spoke regarding the other municipalities that have passed ordinances. He responded to Mayor Pro Tem Johnson that the average probation/parole period is ten years. Ms. Beeman spoke to probationers/paroles being limited to 500 feet and stated that they are not allowed in parks, daycares or other locations where children gather.

Ordinance No. 2006-7-10 (con't)

Ms. Beeman stated that most offenders are in rental property and that apartments do not permit them and that probably one-half are under supervision. Chief Rushin advised that it would be too early to determine if redlining is occurring in other cities and that he could not comment regarding what a typical recidivism rate would be.

Mayor Evans spoke to the difficulty of the decision and stated that a complete ban on offenders could not be accomplished legally. She spoke to the focus on child predators and stated that many neighborhoods will not be covered, but that real estate values should not be affected. Mayor Evans spoke to compiling a cost/benefit analysis in which the benefit would be to keep property values strong by not passing the ordinance but that the cost would be Plano becoming a haven while other cities pass restrictions. She spoke to there being no comparison between a child's life and property values and to removing the possibility that predators could become the "friendly neighbor" that becomes familiar to children. Mayor Evans spoke to protecting children in those places where they spend a lot of time.

A motion was made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member Ellerbe, but no vote was taken at this time.

Council Member Stahel spoke to the effect on Plano should other cities pass restrictive ordinances, the item accomplishing more good than harm, and being a good start. Council Member Ellerbe spoke in support of the ordinance and to the state addressing the issue at some time. Mayor Evans spoke to efforts to effect legislation state-wide.

Council Member LaRosiliere advised that his initial inclination was to support the ordinance but stated that he now considers it somewhat punitive to a percentage of residents. He spoke to the level of protection provided by the Police Department, predators still being able to move around the City, this not correcting the problem and stated he would not support the ordinance.

The motion to amend Chapter 14 of the Code of Ordinances of the City of Plano to add Article IX Residency Restrictions for Child Predator Offenders, making it unlawful for certain child predator offenders to reside within 1,000 feet of premises where children commonly gather; providing that a culpable mental state is not required; providing for affirmative defenses; providing a penalty clause, a repealer clause, a severability clause, a publication clause, and an effective date; and further to adopt Ordinance No. 2006-7-10 was restated by Deputy Mayor Pro Tem Magnuson and seconded by Council Member Ellerbe and the Council voted 6-1 with Council Member LaRosiliere voting in opposition.

An ordinance to amend existing franchise Ordinance No. 2003-12-12 between the City of Plano and TXU Electric Delivery Company, a Texas Corporation, its successors and assigns, to provide for a different payment schedule; providing an extension of the franchise term; providing for TXU Electric Delivery acceptance; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; and providing a repealer clause; a severability clause and an effective date. First Reading (Item pulled and held 6/26/06) [Regular Agenda Item (2)]

City Manager Muehlenbeck advised that the purpose of this amendment is to receive quarterly payment of franchise fees so that it might be invested quickly. He requested the Council vote on approval following the first reading so that a record can be established.

Upon a motion made by Council Member Dunlap and seconded by Council Member Ellerbe, the Council voted 7-0 to amend existing franchise Ordinance No. 2003-12-12 between the City of Plano and TXU Electric Delivery Company, a Texas Corporation, its successors and assigns, to provide for a different payment schedule; providing an extension of the franchise term; providing for TXU Electric Delivery acceptance; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; and providing a repealer clause; a severability clause and an effective date at this first reading.

Public Hearing and adoption of Ordinance No. 2006-7-11 as requested in Zoning Case 2006-09 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 575 so as to allow the additional use of Day Care Center on 0.2± acre of land located on the south side of Hedgcoxe Road, 907± feet west of Coit Road in the City of Plano, Collin County, Texas, presently zoned Patio Home; 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: Anuradha Balakan [Regular Agenda Item (3)]

Senior Planner Day advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted.

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 LaRosiliere and seconded by Council Member Ellerbe, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 575 so as to allow the additional use of Day Care Center on 0.2± acre of land located on the south side of Hedgcoxe Road, 907± feet west of Coit Road in the City of Plano, Collin County, Texas, presently zoned Patio Home as requested in Zoning Case 2006-09 and as recommended by the Planning and Zoning Commission; 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 to adopt Ordinance No. 2006-7-11.

Public Hearing and adoption of Ordinance No. 2006-7-12 as requested in Zoning Case 2006-11 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 28.5± acres located on the northwest corner of Marsh Lane and Plano Parkway in the City of Plano, Denton County, Texas, from Planned Development-256-General Office to General Office; 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 [Regular Agenda Item (4)]

Senior Planner Day advised that the next four items were initiated as part of the Planning and Zoning Commission's work program to periodically review planned development districts for appropriateness. She stated that at the time of zoning, the locations of fire stations in southwest Plano had not been finalized but have been subsequently constructed or locations acquired. Ms. Day advised that Regular Agenda Item No. 7 looks for provision of both a fire station and a water tower and that the City has obtained adequate property to meet the current and anticipated future demands for this location.

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 Ellerbe and seconded by Council Member Dunlap, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 28.5± acres located on the northwest corner of Marsh Lane and Plano Parkway in the City of Plano, Denton County, Texas, from Planned Development-256-General Office to General Office as requested in Zoning Case 2006-11 and as recommended by the Planning and Zoning Commission; 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 to adopt Ordinance No. 2006-7-12.

Public Hearing and adoption of Ordinance No. 2006-7-13 as requested in Zoning Case 2006-12 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 14.4± acres located on the northwest corner of Midway Road and Parker Road in the City of Plano, Collin County, Texas, from Planned Development-250-Retail to Retail; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano [Regular Agenda Item (5)]

Senior Planner Day spoke to initial opposition in the area, but advised that Staff has cleared the concerns of residents and that no one spoke in opposition at the Planning and Zoning Commission's Public Hearing. She further advised that the Commission recommended approval as submitted.

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

Ordinance No. 2006-7-13 (cont'd)

Upon a motion made by Mayor Pro Tem Johnson and seconded by Council Member Ellerbe, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 14.4± acres located on the northwest corner of Midway Road and Parker Road in the City of Plano, Collin County, Texas, from Planned Development-250-Retail to Retail as requested in Zoning Case 2006-12 and as recommended by the Planning and Zoning Commission; 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 to adopt Ordinance No. 2006-7-13.

Public Hearing and adoption of Ordinance No. 2006-7-14 as requested in Zoning Case 2006-13 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 10.7± acres located at the northeast corner of Marsh Lane and Plano Parkway in the City of Plano, Denton County, Texas, from Planned Development-257-Retail to Retail; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano. [Regular Agenda Item (6)]

Senior Planner Day advised that the Planning and Zoning Commission recommended approval of the request as submitted.

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 Dunlap and seconded by Council Member LaRosiliere, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 10.7± acres located at the northeast corner of Marsh Lane and Plano Parkway in the City of Plano, Denton County, Texas, from Planned Development-257-Retail to Retail as requested in Zoning Case 2006-13 and as recommended by the Planning and Zoning Commission; 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 to adopt Ordinance No. 2006-7-14.

Public Hearing and adoption of Ordinance No. 2006-7-15 as requested in Zoning Case 2006-14 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 40.2± acres located at the southwest corner of Marsh Lane and Plano Parkway in the City of Plano, Denton County, Texas, from Planned Development-258-Light Commercial to Light Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano [Regular Agenda Item (7)]

Ordinance No. 2006-7-15 (cont'd)

Senior Planner Day advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted.

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 Mayor Pro Tem Johnson and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 40.2± acres located at the southwest corner of Marsh Lane and Plano Parkway in the City of Plano, Denton County, Texas, from Planned Development-258-Light Commercial to Light Commercial as requested in Zoning Case 2006-14 and as recommended by the Planning and Zoning Commission; 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 to adopt Ordinance No. 2006-7-15.

There being no further discussion, Mayor Evans adjourned the meeting at 9:25 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary