

PLANO CITY COUNCIL

October 27, 2008

COUNCIL MEMBERS

Pat Evans, Mayor
Jean Callison, Mayor Pro Tem
Harry LaRosiliere, Deputy Mayor Pro Tem
Pat Miner
Scott Johnson
Mabrie Jackson
Sally Magnuson
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 into the Regular Session on Monday, October 27, 2008 at 7:07 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Council Member Jackson.

The Pledge of Allegiance was led Brownie Troop 2206 of Andrews Elementary.

PROCLAMATIONS & SPECIAL RECOGNITION

Mayor Evans presented proclamations recognizing National Adoption Month – 2008; Animal Shelter Appreciation Week; and Plano Arbor Day – 2008. A presentation was made to the City recognizing re-certification by the National Weather Service as a StormReady Community and Mayor Evans presented Special Recognition of *CPR Saves Lives*.

OATHS OF OFFICE

Mayor Evans administered oaths of office to incoming board and commission members.

CERTIFICATES OF APPRECIATION

Mayor Evans recognized the efforts of board and commission members and presented them with Certificates of Appreciation.

COMMENTS OF PUBLIC INTEREST

Brad Wells, citizen of the City, stated concern regarding distribution of the Dallas Morning News *Briefing* to homes without permission from homeowners and cited the number of papers being left on lawns and in the street. He spoke in opposition to the need for homeowners to stop the service themselves and City Manager Muehlenbeck requested information be left for follow up. City Attorney Wetherbee spoke to the City's involvement in a similar lawsuit with the associated expense of time/resources and dealing with issues of what is considered speech.

Timothy Soh, representing badminton enthusiasts, spoke to the large number of players and the need for courts requesting Council consideration of additional venues. City Manager Muehlenbeck advised that this item will be included in discussions on November 24, 2008.

CONSENT AGENDA

City Secretary Zucco advised that Staff requested Consent Agenda Item "C" be pulled and held.

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Mayor Pro Tem Callison, 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)]

October 10, 2008
October 13, 2008

Approval of Expenditures

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

Bid No. 2008-220-C for Full Encirclement Repair Clamps, Flange Coupling Adapters, Service Saddles and Steel Couplings to H D Supply Waterworks and Municipal Water Works Supply LP in the total estimated amount of \$57,993. This will establish an annual fixed price contract with three optional renewals. [Consent Agenda Item (B)] (See Exhibit "A")

Bid No. 2008-207-C for RFP for Stop Loss Insurance to United HealthCare in the estimated annual amount of \$950,450. The term of this policy is for one year with City optional renewals. [Consent Agenda Item (C)] (See Exhibit "B") (Item pulled and held)

Bid No. 2008-216-B for the construction of the Cottonwood Creek Greenbelt improvements to 2L Construction, LLC in the amount of \$236,283. The base bid is for upgrading an existing playground for 5 to 12 year old users to meet current Consumer Product Safety Commission standards. [Consent Agenda Item (D)] (See Exhibit "C")

Bid No. 2008-217-B for Springbrook Drive – Janwood Drive to Quill Drive to RKM Utility Services, Inc., in the amount of \$1,943,288. This project consists of the reconstruction of Springbrook Drive from Janwood Drive to Quill Drive along with Tanglewood Drive from Springbrook Drive to its end. Also included is a water line replacement on Springbrook Drive and water and sewer line replacement on Tanglewood Drive. Other work includes installation of a park trail, sidewalk, storm drainage and creek bank protection in the Springbrook Drive area and installation of storm drainage and creek bank protection to eliminate a problem in an adjacent neighborhood across Pittman Creek to the west of Springbrook Drive. [Consent Agenda Item (E)] (See Exhibit “D”)

Purchase from an Existing Contract

To authorize the purchase of maintenance support for network infrastructure switches in the amount of \$215,039 from InterNetwork Experts through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-239) [Consent Agenda Item (F)]

Adoption of Resolutions

Resolution No. 2008-10-13(R): To approve the terms and conditions of the Funding Agreements between the City of Plano, Texas, and various arts organizations, which all render services that are beneficial to the public and serve a valid public purpose; authorizing the City Manager to execute such agreements with these organizations for provision of support of the arts; and providing an effective date. [Consent Agenda Item (G)]

Resolution No. 2008-10-14(R): To approve the terms and conditions of Funding Agreements for in-kind City services between the City of Plano and various special event organizers; authorizing the City Manager to execute such agreements with these organizations and providing an effective date. [Consent Agenda Item (H)]

Resolution No. 2008-10-15(R): To approve the terms and conditions of Funding Agreements between the City of Plano, Texas, and various special event organizers; authorizing the City Manager to execute such agreements with these organizations and providing an effective date. [Consent Agenda Item (I)]

Resolution No. 2008-10-16(R): To find that Oncor Electric Company’s requested increases to its electric transmission and distribution rates and charges within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; 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. [Consent Agenda Item (J)]

Resolution No. 2008-10-17(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Murphy, Texas for the City of Murphy’s use of the Trunked Radio System owned by the Cities of Allen, Frisco, and Plano; authorizing execution of the Agreement by the City Manager and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2008-10-18(R): To repeal Resolution No. 2008-9-25(R) and create a Fire Department Fee Schedule for Fire Inspections, Fire Plan Reviews, and Hazardous Occupancies Permits; and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (L)]

Adoption of Ordinances

Ordinance No. 2008-10-19: To repeal Ordinance No. 2008-9-31; establishing the number of certain classifications within the Police and Fire Departments for Fiscal Year 2008-09; establishing the authorized number and effective dates of such positions for each classification effective October 1, 2008; establishing a new salary plan for the Police and Fire Departments effective October 27, 2008; and providing a repealer clause, a severability clause and an effective date. [Consent Agenda Item (M)]

Ordinance No. 2008-10-20: To amend Section 18-6(l) of Chapter 18 Solid Waste of the Code of Ordinances of the City of Plano regarding who may remove, collect or transfer solid waste materials that have been placed in or adjacent to a residential solid waste container; providing a repealer clause, a savings clause, a severability clause, and providing an effective date. [Consent Agenda Item (N)]

END OF CONSENT

Resolution No 2008-10-21(R): To approve the financing by the North Central Texas Health Facilities Development Corporation of health facilities located within the City of Plano, Texas for Children's Medical Center of Dallas. [Regular Agenda Item (1)]

Director of Finance Tacke spoke regarding the proposal to issue bonds providing funds to finance/refinance the construction and equipping of the Children's Medical Center facility. She spoke to the requirement to obtain approval for financing of a facility outside of Dallas and advised that no payment or obligation will be imposed on the City of Plano in connection with this item.

Upon a motion made by Council Member Magnuson and seconded by Council Member Miner, the Council voted 8-0 to approve the financing by the North Central Texas Health Facilities Development Corporation of health facilities located within the City of Plano, Texas for Children's Medical Center of Dallas; and further to adopt Resolution No 2008-10-21(R)

Public Hearing and adoption of Ordinance No. 2008-10-22 to authorize the City of Plano to participate in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code ("Act"); providing possible tax incentives, designating a liaison for communication with the interested parties; nominating Connecticut General Life Insurance Company to the Office of the Governor, Economic Development and Tourism ("OOGEDT") through the Economic Development Bank ("Bank") as an Enterprise Project ("Project"); and providing an effective date. [Regular Agenda Item (2)]

Ordinance No. 2008-10-22 (cont'd)

Director of Finance Tacke advised that Cigna has requested designation as an enterprise project; making them eligible to apply for state sales and use taxes refunds on purchases of all taxable items used at the qualified business site. She advised that the project level is related to capital investment and jobs created, incentives are included, and nomination for participation is done through the municipality. Ms. Tacke spoke to the acceptance process and advised that 35% of new employees will meet economically disadvantaged requirements.

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 Johnson and seconded by Council Member Miner, the Council voted 8-0 to authorize the City of Plano to participate in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code ("Act"); providing possible tax incentives, designating a liaison for communication with the interested parties; nominating Connecticut General Life Insurance Company to the Office of the Governor, Economic Development and Tourism ("OOGEDT") through the Economic Development Bank ("Bank") as an Enterprise Project ("Project"); and providing an effective date; and further to adopt Public Hearing and adoption of Ordinance No. 2008-10-22.

Resolution No. 2008-10-23(R): To accept and approve the "Future Dimensions Report" as a guide for the development of future policies related to major challenges facing the City of Plano, Texas, including: flattening revenues and ongoing economic viability, changing demographics, challenges associated with being a first-tier suburb and regional growth; and providing an effective date. [Regular Agenda Item (3)]

Senior Planner Perry recognized the Transition and Revitalization Commission and spoke to the purpose of the study to understand the challenges facing the City of Plano, create a vision for and stimulate discussion about Plano's future; and recommend possible courses of action. She spoke to the major challenges facing the City identified by the group which include a flattening of revenues and economic viability; changing demographics; first-tier suburb, and regional growth.

Ms. Perry spoke to flattening revenue and economic viability and to not compromising the quality of life in the City as it attracts residents and maintains sustainability. She spoke to the changing demographics and provision of services. Ms. Perry spoke to the issues of first-tier suburbs including consideration of traffic congestion, aging infrastructure, limited new development opportunities, and competition from neighboring cities. She spoke to benefits including close-in neighborhoods, lite rail service, major employment centers and educational opportunities. Ms. Perry spoke to regional growth and challenges related to energy, water, infrastructure, housing and transportation and to the choices made influencing the direction of the City's growth and performance.

Resolution No. 2008-10-23(R) (cont'd)

Transition and Revitalization Commission Chair Joyce Beach spoke to discussions held and consideration of ways to reinvent the City including transportation options (cross-town buses, collaboration, possible use of a roadway lane for walking/bicycles); additional community centers; and sustainable economic conditions. She spoke to “smart” growth to include density nodes, density bonuses, supporting infill, adding community spaces and accepting higher density and mixed-use development in selected locations. Ms. Beach spoke to reviewing existing regulations and maintaining flexibility when considering proposals; facilitation and support of collaborative efforts with the school district and other educational providers; and identifying and monitoring critical issues facing the community. She spoke to considering the needs of today’s and tomorrow’s citizens and the desire for evening activities, planning for a rainy day, maintaining Plano standards and open communication with citizens.

Ms. Beach spoke to community centers as neighborhood areas for services including storefront libraries and places to gather. Ms. Perry spoke to density bonuses offering developers the opportunity to build more density in return for providing an environment desired by the City. The Council thanked the Commission and Staff for their efforts.

Upon a motion made by Council Member Dunlap and seconded by Council Member Miner, the Council voted 8-0 to accept and approve the “Future Dimensions Report” as a guide for the development of future policies related to major challenges facing the City of Plano, Texas, including: flattening revenues and ongoing economic viability, changing demographics, challenges associated with being a first-tier suburb and regional growth; and providing an effective date; and further to adopt Resolution No. 2008-10-23(R).

Public Hearing and adoption of Ordinance No. 2008-10-24 as requested in Zoning Case 2008-65 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 119.9± acres located at the northeast corner of State Highway 190 and Renner Road in the City of Plano, Collin County, Texas, from Research/Technology Center to Planned Development-207-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. Applicants: Briar Oaks Properties, Ltd., Greenbriar Properties, Ltd., John G. Brittingham Charitable Remainder Unitrust No. 2, Wynnwood Resources, Ltd., & Patrick E. Hillary, Jr. [Regular Agenda Item (4)]

Director of Planning Jarrell advised that the proposed base zoning would permit uses not currently allowed in the Research/Technology (RT) district and spoke to discussions of the need for more retail/restaurant to serve the area’s employment center. She advised that the planned development request would add multifamily residences (1200 units) and a regional theater. Ms. Jarrell spoke to the intensity planned for the property including restaurant/retail uses in a suburban style orientation to S.H. 190; a central core with a mix of office, theater, hotel, and conference center with parking on surface lots; and the northern and eastern portions developing as multifamily with an urban scale and streetscape. She spoke to the current Comprehensive which does not provide for multifamily, retail or freestanding development; new residential developments that may occur outside of the traditional patterns; and mixed-use combining opportunities to live, work, and play.

Ordinance No. 2008-10-24 (cont'd)

Ms. Jarrell spoke to the request's compliance with the *Urban Centers Study's* recommendations for size, access, transportation, and phasing. She advised that while the proposal is not urban mixed-use in its strictest sense, it does create opportunities for residential, shopping and entertainment in an integrated setting and will provide amenities to the RT district and further stated that the Planning and Zoning Commission recommended approval as an R zoning district and standards as amended by the 190 Tollway/Plano Parkway Overlay district, subject to the following:

General Standards

1. The zoning exhibit shall be adopted as part of the ordinance.
2. Maximum lot coverage: 50%. If structured parking is provided, the maximum lot coverage may be increased to 70%.
3. Maximum floor to area ratio: 1.75:1.
4. Maximum height: For buildings with multifamily residential use, the maximum height shall be 5 stories, 75 feet. The maximum height for all other buildings shall be 20 stories.
5. Minimum side yard: None, except as required by building or fire codes.
6. Minimum rear yard: None, except as required by building or fire codes.
7. Parking Regulations:
 - a. The minimum required parking within the district shall be as follows:
 - Multifamily – One Bedroom or Less: One parking space per unit. Two Bedrooms: One and one-half parking spaces per unit. Three Bedrooms or More: Two spaces per unit.
 - Freestanding Restaurant – One space per 100 square feet of floor area.
 - Hotel – Per Section 3.1100 (Off-Street Parking and Loading.)
 - Theater - Per Section 3.1100 (Off-Street Parking and Loading.)
 - All Other Nonresidential Uses – One space per 300 square feet of floor area.
 - b. On-street parking may count toward required parking and shall be permitted on both sides of interior public and quasi-public streets and fire lanes, except where prohibited for vehicular, fire, or pedestrian safety. On-street parking may be parallel, angle, or ninety-degree to the street. Where on-street parking is provided, islands shall be placed as a break to delineate travel lanes. An island break of a minimum six feet in width shall be placed no less than every 150 feet of continuous on-street parking.

Ordinance No. 2008-10-24 (cont'd)

- c. No off-street loading spaces are required. Off-street loading for the loading and unloading of merchandise and goods must not occur in public streets or fire lanes, but may occur in parking areas or private drive aisles. Designated off-street loading spaces for nonresidential uses, if provided, may not be located adjacent to or across a street or alley from buildings containing residential uses unless the loading dock is screened by solid metal gates, masonry screening walls, overhead doors, buildings, or any combination of these.
- d. Except for freestanding restaurants, no parking is required for outdoor patio and sidewalk dining areas or other public seating areas and open space.

Design Standards

- 8. Street Pattern: The maximum block length shall be 500 feet. Public streets, quasi-public streets, and/or fire lanes may be used to obtain this required block length.
- 9. Streetscape:
 - a. Along Wynnwood Drive, Wynhurst Drive, Wyngate Boulevard, Wynview Drive, and required named quasi-public streets, sidewalks with a minimum width of six feet shall be placed no more than six feet from back of curb. Street trees shall be provided at a rate of one tree per fifty linear feet of street.
 - b. Outdoor patio and sidewalk dining, as well as other public seating areas, are permitted within public rights-of-way provided accessible pathways are maintained.
- 10. Building Design:
 - a. Nonresidential, multi-use buildings, except for parking garages, shall have a minimum of 40% of the ground floor comprised of window area. Buildings fronting State Highway 190 frontage road, Renner Road and Shiloh Road are exempt from this requirement. For the purposes of this standard, ground floor is defined as that portion of a building from the street-level finish floor elevation and extending 12.5 feet above the street-level finish floor elevation.
 - b. Canopies, balconies, stoops, bay windows, awnings, and other building projections may encroach up to five feet into the public right-of-way provided accessible pathways are maintained.
- 11. Landscaping and Open Space:
 - a. Except as stated in standard 10.b. below, landscaping shall be provided per Section 3.1200 (Landscaping Requirements) and Section 4.700 (190 Tollway/Plano Parkway Overlay District) except as follows:

Ordinance No. 2008-10-24 (cont'd)

- i. No landscape edge is required along Wynnwood Drive, Wynhurst Drive, Wyngate Boulevard, Wynview Drive, and required named quasi-public streets.
- ii. Landscape edge width may be reduced to 10 feet along Shiloh Road and along Renner Road between Wyngate Boulevard and Shiloh Road.
- b. A minimum five-foot landscape edge shall be provided between all surface parking lots and public and quasi-public streets. Street trees shall be provided at a rate of one tree per fifty linear feet of street.
- c. A minimum of two acres of open space shall be provided and shall be open to the public at all times. Open space shall have a minimum dimension of 80 feet.

12. Screening:

- a. The rear and service sides of nonresidential buildings oriented toward residential use or open space shall be screened as provided in Section 3.1000 (Screening, Fence, and Wall Regulations.)
- b. Refuse and recycling containers shall not be located within 30 feet of a public or quasi-public street, unless internal to the building, and shall be screened from view from streets and open space in accordance with Section 3.1000 (Screening, Fence, and Wall Regulations.)

13. Fencing: For residential use only, fencing is allowed in the front yard setback up to eight feet in height. Fencing must be a minimum of 50% open.

14. Signage:

- a. For buildings fronting State Highway 190 frontage road, Renner Road, and Shiloh Road, signage must comply with Section 3.1600 (Sign Regulations) and Section 4.700 (190 Tollway/Plano Parkway Overlay District).
- b. Signage for all other buildings must comply "Area A" standards within Subsection 3.1605 (Downtown Sign District.) Additionally, freestanding, single tenant buildings, may have monument signs per Section 4.700 (190 Tollway/Plano Parkway Overlay District.)

Multifamily Residential Development Standards

15. The maximum number of multifamily residential dwelling units shall be 1,200 units.

16. The minimum density for multifamily residential use is 35 dwelling units per acre.

Ordinance No. 2008-10-24 (cont'd)

17. Multifamily development shall be exempt from the supplemental regulations of Subsection 3.104 (Multifamily Residence.)

Standards Specific to Tracts 1 & 5-10

18. Uses:

- a. Multifamily use is an additional permitted use.
- b. Car wash use is prohibited.

19. Building Design:

- a. Buildings fronting to Renner Road or Shiloh Road:
 - i. The minimum front yard setback shall be 10 feet.
 - ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 30 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line. The 30 feet distance may be increased to a maximum of 85 feet if parking or drive aisles are located between the building face and the street.
- b. Buildings fronting to Wynnwood Drive, Wynthurst Drive, Wyngate Boulevard, or Wynview Drive:
 - i. There is no minimum front yard setback.
 - ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line.
- c. Buildings fronting required named quasi-public streets:
 - i. Front yard setbacks are measured from the street easement line.
 - ii. There is no minimum front yard setback.
 - iii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the street easement line.

Ordinance No. 2008-10-24 (cont'd)

Standards Specific to Tract 2

20. Uses: Car wash use is prohibited.

21. Building Design:

a. Buildings fronting to Renner Road or Shiloh Road:

- i. The minimum front yard setback shall be 30 feet.
- ii. There is no maximum front yard setback.

b. Buildings fronting to Wyngate Boulevard or Wynview Drive:

- i. There is no minimum front yard setback.
- ii. Buildings shall be constructed such that a minimum of 60% of the facade falls within 15 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 60% of each facade must be built to the easement line.

Standards Specific to Tracts 3 & 4

22. Uses:

- a. Regional theater use and multifamily use are additional permitted uses.
- b. Car wash use is prohibited.

23. Street Pattern: Tract 4 shall be bisected by a named quasi-public street and shall comply with the streetscape requirements in standard 9 above.

24. Building Design:

a. Buildings fronting to Wynnwood Drive, Wynhurst Drive, Wyngate Boulevard, or Wynview Drive:

- i. There is no minimum front yard setback.
- ii. Buildings shall be constructed such that a minimum of 50% of the facade falls within 30 feet of the right-of-way line unless restricted by easements. Where easements are present, a minimum of 50% of each facade must be built to the easement line. The 30 feet distance may be increased to a maximum of 100 feet if parking or drive aisles are located between the building face and the street.

Ordinance No. 2008-10-24 (cont'd)

- b. Buildings fronting required named quasi-public streets:
- i. Front yard setbacks are measured from the street easement line.
 - ii. There is no minimum front yard setback.
 - iii. The maximum front yard setback shall be 15 feet unless restricted by easements. If easements are present, the facade must be built to the easement line.

Ms. Jarrell responded to Council Member Dunlap, advising that Staff routinely provides information to the Plano Independent School District (PISD) and her conversation with Associate Superintendent Matkin who indicated that any children in this area would attend PISD and that all schools have capacity with the exception of Foreman Elementary. She further spoke to Foreman Elementary currently feeding into Armstrong Middle School. Ms. Jarrell advised that along S.H. 190, pad sites would be permitted with the exception of car washes and that zoning along Shiloh Road would allow retail or multifamily development. She spoke to the current zoning allowing retail with the requirement that there be office/office-showroom developed first to gain the rights to free-standing retail/restaurant and the additional limitation of 10%. Development Review Manager Elgin spoke to the proposed reduction in landscape edges along Renner Road and Shiloh Road with a 30-foot frontage in place along S.H. 190.

Mayor Evans opened the Public Hearing. David Hicks, of David Hicks Company, representing the applicant, spoke to business centers in the area and the history/development of Turnpike Commons. He spoke to the challenges in attracting corporate offices and the lack of amenities, shortage of modern housing, and plans for a 120-acre development with a mix of complementary uses (office, medical office, restaurant, retail, conference facility, hotel, and entertainment). Mr. Hicks responded to Deputy Mayor Pro Tem LaRosiliere that he would envision an "Angelica" or "Magnolia" type of theater and that the first steps in development would be the southeastern area with 350 units designed with inline retail on the ground floor, plans for a small grocery store and fine tuning the plan.

Randy Roland, City of Richardson Zoning Board Vice Chair, spoke to the vision of their city, high density not serving the best interests of Plano, traffic along Renner and Shiloh Roads, the request not being a transit-oriented development, restaurants offering enhancement and requested consideration to not increase density in the area. Larry Moore, Woods of Springcreek II Homeowners Association President, spoke to concerns and the impact on his neighborhood including a narrowing of the buffer along roadways, increased density and requested the Council either delay a decision to permit Richardson input or deny the request. Tamara Brinkley, Plano resident and UTD Student, spoke to urban development as the "way of the future," its benefits for all generations, rezoning allowing for a mixed-use or urban style development and the location being convenient with roadways and infrastructure in place. She spoke to verification of school capacity, an increase in the job/tax base and providing amenities to those who live and work in the area. Richard Pohly of Chase Mark Capital, spoke in support of the request, work on the master plan and the benefits of urban development, attention to internal traffic flow and plans to compliment retail on the first floors with services for residents and office personnel.

Ordinance No. 2008-10-24 (cont'd)

Matthew Newton of Magnolia Lodging spoke in support and to the proposal benefiting the entire area by providing amenities. He responded to Council Member Dunlap that corporate and commercial developments benefit from the additional atmosphere provided by dwelling units. Danny Muzyka of North Dallas Community Bible Fellowship, spoke in support of the request and cited the critical challenges for the future, the need for this development at Plano's eastern door and the proactive leadership of the City. Bill Boyd of Wynwood Resources, spoke in support of the request and to the need for meal service in the area for employees and clients. No one else spoke either for or against the request. The Public Hearing was closed.

Senior Traffic Engineer Green responded to Mayor Pro Tem Callison, advising that while congestion is considerable in the area, it is comparable to any six-lane thoroughfare in the City during rush hour. Ms. Jarrell responded to Council Member Dunlap, stating that the landscape setback along Legacy Drive at the Shops at Legacy is the same as proposed for Shiloh Road, sanitary sewer and water capacity is adequate for the additional residential units and that the site is approximately 30 acres smaller than Phases I and II of the Shops at Legacy. She responded to Mayor Pro Tem Callison regarding the similarity in green space between the two projects. Deputy Mayor Pro Tem LaRosiliere spoke to the proposal as a great project for the City offering a gathering place for the community and its citizens.

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 119.9± acres located at the northeast corner of State Highway 190 and Renner Road in the City of Plano, Collin County, Texas, from Research/Technology Center to Planned Development-207-Retail as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2008-65; 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. 2008-10-24.

Discussion and Direction to consider calling a Public Hearing to amend the Private Club Regulations in the Zoning Ordinance. [Regular Agenda Item (5)]

Director of Planning Jarrell spoke to the Council's request to bring an item forward for consideration. She spoke to the election held in 2005, wherein citizens voted to approve the sale of mixed beverages in restaurants by a food and beverage certificate holder who is prohibited from deriving more than 50% of their gross revenue from the sale of alcoholic beverages and those establishments in urban centers oriented to dinner and late evening service who find the limitations difficult to meet. Ms. Jarrell advised that the City cannot alter state law, but may offer an alternative licensing option by amending the Zoning Ordinance to permit private clubs as a use by right within selected zoning districts (Business Government/Downtown and Central Business-1/Legacy Town Center) without applying regulations in place for those with a specific use permit. She advised that Council may consider the options by requesting Staff call a Public Hearing to amend the Zoning Ordinance and refer the matter to the Planning and Zoning Commission.

Mayor Evans made a motion to forward the item to the Planning and Zoning Commission, directing a Public Hearing be called to amend the Private Club Regulations in the Zoning Ordinance to permit private clubs by right within the Business Government and Central Business-1 districts. Council Member Dunlap seconded the motion and the Council voted 8-0. The motion carried.

Resolution No. 2008-10-25(R): To authorize the Cities Aggregation Power Project, Inc. (CAPP) to negotiate an Electric Supply Agreement for deliveries of electricity and necessary, related services effective January 1, 2009; authorizing CAPP to act as an agent on behalf of the City to enter into a contract for electricity; approving CAPP contracting with FPL Energy and Direct Energy and authorizing the Chairman of CAPP to execute an Electric Supply Agreement for deliveries of electricity effective January 1, 2009; committing to budget for energy purchases and to honor the City's commitments to purchase power through CAPP for its electrical needs beginning January 1, 2009 through December 31, 2013; and providing an effective date. [Regular Agenda Item (6)]

Executive Director Hogan spoke regarding the briefing received on October 13, 2008 regarding pricing options for electrical energy needs for Plano facilities received from CAPP. He advised of Staff's recommendation to secure a five-year agreement from CAPP and Florida Power and Light (FP&L) and not to execute the long-term (24-year) agreement. Mr. Hogan advised that the City has a good track record with FP&L, spoke to savings since aggregation and the cost being undetermined until the contract is signed. He responded to City Manager Muehlenbeck, advising that the City will receive pricing option advantages included in the longer agreement for the "wrap" portion of the contract. Council Member Dunlap spoke to Staff's review of the options.

Upon a motion made by Council Member Dunlap and seconded by Council Member Miner, the Council voted 8-0 to authorize the Cities Aggregation Power Project, Inc. (CAPP) to negotiate an Electric Supply Agreement for deliveries of electricity and necessary, related services effective January 1, 2009; authorizing CAPP to act as an agent on behalf of the City to enter into a contract for electricity; approving CAPP contracting with FPL Energy and Direct Energy and authorizing the Chairman of CAPP to execute an Electric Supply Agreement for deliveries of electricity effective January 1, 2009; committing to budget for energy purchases and to honor the City's commitments to purchase power through CAPP for its electrical needs beginning January 1, 2009 through December 31, 2013; and providing an effective date; and further to adopt Resolution No. 2008-10-25(R).

There being no further discussion, Mayor Evans adjourned the meeting at 9:21 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary