

**PLANO CITY COUNCIL**  
**February 24, 2003**

**COUNCIL MEMBERS**

Pat Evans, Mayor  
Phil Dyer, Mayor Pro tem  
Steve Stovall, Deputy Mayor Pro tem  
Shep Stahel  
Scott Johnson  
Sally Magnuson  
John R. Roach, Jr.  
Ken Lambert

**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 meeting into open session on Monday, February 24, 2003, at 7:08 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Dr. Rolfe Granath of Grace Presbyterian Church.

The Pledge of Allegiance was led by Ben Huminsky of Boy Scout Troop 261.

Mayor Evans presented a Certificate of Appreciation to Byron Betler for service on the Board of Adjustment.

Mayor Evans presented proclamations recognizing "Taste of Plano Day." A representative from the American Red Cross was unavailable to receive a proclamation.

Mayor Evans administered the oath of office to George Elking, incoming member of the International Relations Advisory Commission.

**GENERAL DISCUSSION**

Tom Whan, citizen of the City, stated concern regarding the Buffalo Bend storm water improvements, spoke to having the improvements done for less and to using savings for streets. Mayor Evans advised that City Manager Muehlenbeck would look into the situation.

John Blackington, citizen of the City, spoke regarding the cuts in ambulance service and the Fire Department and requested careful consideration by the Council. City Manager Muehlenbeck advised that a report on ambulance service will be brought forward in March.

James Craft, citizen of the City, spoke to restoring two medic units, requested information on the cost savings and stated opposition to a proposal to put two engine companies out of service. He spoke to areas where savings might be realized and to making safety a priority.

### **CONSENT AGENDA**

Deputy Mayor Pro tem Stovall and Council Member Stahel advised that due to possible conflicts of interest they would be stepping down on Consent Agenda Item "P."

City Secretary Bealke advised that Regular Agenda Item "1" would be removed from the agenda.

Upon a motion made by Council Member Roach and seconded by Council Member Magnuson, 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)]

February 10, 2003

February 13, 2003

#### **Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following:**

**Bid No. B34-03** for Southeast Corner of Avenue K and Parker Road Landscape improvements in the amount of \$75,423. (Project No. 5134) [Consent Agenda Item (B)] (See Exhibit "A")

**Bid No. B035-03** for O Place Reconstruction and Downtown Parking Facilities in the amount of \$359,119. [Consent Agenda Item (C)] (See Exhibit "B")

#### **Adoption of Resolutions**

**Resolution No. 2003-2-17(R):** To urge the Texas Congressional Delegation to support funding for President Bush's \$3.5 billion First Responder Initiative during the 108<sup>th</sup> Session of Congress; and providing an effective date. [Consent Agenda Item (D)]

**Resolution No. 2003-2-18(R):** To authorize an expenditure of funds not to exceed three hundred twenty thousand and 00/100 dollars (\$320,000) to Uretek USA, Inc., the sole source provider and licensee of the Uretek Method® and Uretek 486, a high density polyurethane material used for street and alley pavement repair; authorizing the City Manager to take such action and execute such documents as necessary to effectuate this expenditure; and providing an effective date. [Consent Agenda Item (E)]

**Resolution No. 2003-2-19(R):** To establish minimum requirements for all organizations that seek funding through the Community Relations Commission, Cultural Affairs Commission and the Heritage Commission from the City of Plano; and providing an effective date. [Consent Agenda Item (F)]

**Resolution No. 2003-2-20(R):** To accept the findings and opinions of the annual audit; authorizing the City Manager to publish the results thereof; and providing an effective date. [Consent Agenda Item (G)]

**Resolution No. 2003-2-21(R):** To approve the terms and conditions of an interlocal cooperation agreement by and between the City of Plano, Texas and the City of Lucas, Texas, under which the City of Plano will dispatch calls for emergency fire and emergency medical assistance for the City of Lucas; authorizing execution of the agreement by the City Manager; and providing an effective date. [Consent Agenda Item (H)]

**Resolution No. 2003-2-22(R):** To approve the terms and conditions of an interlocal cooperation agreement by and between the City of Plano, Texas, and the City of Parker, Texas, under which the City of Plano will dispatch calls for emergency fire and emergency medical assistance for the City of Parker; authorizing execution of the agreement by the City Manager; and providing an effective date. [Consent Agenda Item (I)]

**Resolution No. 2003-2-23(R):** To approve the purchase of Smartnet 800 MHz mobile and portable radios from Motorola Communications and Electronics, Incorporated, a sole-source provider; authorizing the City Manager to take such action as necessary to effectuate the purchase; and providing an effective date. [Consent Agenda Item (J)]

**Resolution No. 2003-2-24(R):** To approve the second modification of an agreement by and between Steve Heidelberg and the City of Plano for management services for the Pecan Hollow Golf Course and Pro Shop; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (K)]

### **Adoption of Ordinances**

**Ordinance No. 2003-2-25:** To change the name of Cross Bend Place, a dedicated street within the City limits of the City of Plano, Collin County, Texas, to Mystery Circle; providing for a change in the official records to reflect such action; and providing an effective date. [Consent Agenda Item (L)]

**Ordinance No. 2003-2-26:** To determine the public use, need and necessity for the acquisition of three parcels of real property for Jupiter Road and the extension of Los Rios Boulevard from Jupiter Road to Parker Road for the purpose of constructing, reconstructing and maintaining street and highway facilities and related public improvements in the City of Plano, Collin County, Texas; authorizing the City Attorney to file proceedings in eminent domain to acquire the needed real property; and providing an effective date. [Consent Agenda Item (M)]

**Ordinance No. 2003-2-27:** To adopt and enact Supplement Number 60 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date. [Consent Agenda Item (N)]

### **Reimbursement of Oversize Participation**

To approve and authorize reimbursement to Pasquinelli Portrait Homes, L.P. for oversize participation for paving improvements in Ridgeview Drive associated with the construction of Pasquinelli's Westbrook at Ridgeview in the amount of \$30,043. [Consent Agenda Item (O)]

### **END OF CONSENT**

Due to possible conflicts of interest, Deputy Mayor Pro tem Stovall and Council Member Stahel stepped down from the bench on the following item.

**Extension of Existing Agreement** - To approve an option to extend an existing software support services agreement between the City of Plano and PeopleSoft USA, Inc. for maintenance and support of the PeopleSoft HRIS system software in an amount not to exceed \$66,240 and the e-applications software in an amount not to exceed \$23,520; and authorizing the City Manager to execute all documents necessary to effectuate the purchase. [Consent Agenda Item (P)]

Upon a motion made by Council Member Lambert and seconded by Council Member Roach, the Council voted 6-0 to approve an option to extend an existing software support services agreement between the City of Plano and PeopleSoft USA, Inc. for maintenance and support of the PeopleSoft HRIS system software in an amount not to exceed \$66,240 and the e-applications software in an amount not to exceed \$23,520; and authorizing the City Manager to execute all documents necessary to effectuate the purchase.

Deputy Mayor Pro tem Stovall and Council Member Stahel resumed their seats on the bench.

Council Member Roach stepped down from the bench on the following item.

**Public Hearing and an appeal of the Planning and Zoning Commission's Denial of Zoning Case 2002-30** – Request to rezone 10.0± acres on the southwest corner of Chase Oaks Boulevard and future Seabrook Drive from Planned Development-107-Office-2 (PD-107-O-2) to Planned Development-Single Family Attached (PD-SF-A) to accommodate the development of townhomes. Neighborhood #21. Tabled 01-27-03 [Regular Agenda Item (1)]

Upon a motion made by Mayor Pro tem Dyer and seconded by Council Member Stahel, the Council voted 7-0 remove the item from the table.

Director of Planning Jarrell advised Mayor Pro tem Dyer that the applicant may submit a new zoning application and go through the Public Hearing process at any time and further that there are no time constraints.

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro tem Stovall, the Council voted 7-0 to accept the applicant's withdrawal of an appeal of the Planning and Zoning Commission's Denial of Zoning Case 2002-30.

Council Member Roach resumed his seat on the bench.

**Public Hearing and an ordinance as requested in Zoning Case 2002-59** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 486 so as to allow the additional use of a Used Car Dealer on 2.7± acres of land located on the east side of K Avenue, 150± feet north of 11th Street in the City of Plano, Collin County, Texas, presently zoned 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. Neighborhood #67. Applicant: Andrew Schultz (Passed Over 1-13-03 – Tabled 02-10-03) [Regular Agenda Item (2)]

Upon a motion made by Council Member Roach and seconded by Council Member Stahel, the Council voted 8-0 to remove the item from the table.

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval as submitted and regarding letters received in opposition. She clarified that due to the roadway's classification on the Comprehensive Plan the residential adjacency standards do not apply and that there would be 65 feet of right-of-way.

### **Zoning Case 2002-59 (cont'd)**

Mayor Evans opened the Public Hearing. Bill Dahlstrom, representing the applicant, spoke regarding Staff advisement that a used car dealership was an allowed use by right, subsequent notice that a specific use permit would be required and processing of the request. He spoke regarding the appropriateness of the location for a used car dealer, the benefits to be derived, meetings held with area homeowners and requested approval. David Hamilton, citizen of the City, spoke in opposition to the request and in support of expanding the vision for downtown Plano. Mr. Dahlstrom spoke to the long-term benefits of keeping the two lots tied together as one development and the property's separation from the downtown area by the railroad right-of-way. No one else spoke either for or against the request. The Public Hearing was closed.

Council Member Lambert spoke to the number of car lots in the vicinity and stated he could not support the request. Mayor Pro tem Dyer spoke to the area being ripe for redevelopment and in agreement with Council Member Lambert. Council Member Stahel spoke to expanding downtown development.

A motion was made by Council Member Stahel and seconded by Council Member Lambert to deny the request to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 486 so as to allow the additional use of a Used Car Dealer on 2.7± acres of land located on the east side of K Avenue, 150± feet north of 11th Street in the City of Plano, Collin County, Texas, presently zoned Light Commercial as requested in Zoning Case 2002-59; 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. The Council voted 7-1 with Mayor Evans voting in opposition. The motion carried.

**Public Hearing and adoption of Ordinance No. 2003-2-28 as requested in Zoning Case 2002-62** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to amend Planned Development-20-Mixed Use 4. (Sub Area “D”) b. on 135.3± acres located on the northwest corner of Ohio Road and Rasor Boulevard in the City of Plano, Collin County, Texas, pertaining to non-residential development; 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. Neighborhood #1. Applicant: Ohio/Headquarters, Ltd. (Remanded to P&Z 01-13-03) [Regular Agenda Item (3)]

Director of Planning Jarrell stated that the applicant has requested amending the Planned Development stipulations pertaining to Sub Area “D” of the district consisting of four acres at the northwest corner of Rasor Boulevard and Ohio Drive. She advised that the proposal is for a mixed residential development including townhouse and condominium units and stated that the Planning and Zoning Commission expressed concerns regarding the vitality of the overall district and recommend approval subject to amending Section 4 (Sub Area D) (b.) of Planned Development-20-Mixed-Use to read as follows: (Additions indicated by underlined text. Deletions indicated by strikethrough text.)

**Ordinance No. 2003-2-28 (cont'd)**

~~“b. Minimum Non-residential Floor Area 30,000 square feet. Each retail building must have storefronts on at least two sides.~~

b. Development options - This property may develop as any one of the following:

- (1) Entirely Non-residential - A minimum of 30,000 square feet of non-residential uses must be developed. This requirement may be phased, with the first phase containing a minimum of 15,000 square feet of non-residential development. Each retail building must have storefronts on at least two sides.
- (2) Mixed Use - A minimum of 30,000 square feet of non-residential uses must be developed. This requirement may be phased, with the first phase containing a minimum of 15,000 square feet of non-residential development. Each retail building must have storefronts on at least two sides.
- (3) Entirely Residential - Residential development shall be constructed in accordance with the regulations contained within this sub-area and the approved preliminary site plan which is attached as a part of this ordinance.”

Council Member Lambert spoke to the Council’s prior consideration of the item and the request that the entire planned development be reviewed. Ms. Jarrell spoke regarding worksessions held with the applicant and stated that of the 1,450 units allowed in Sub Areas “B” and “C,” 467 have been developed. She further advised that a maximum of 80 units per acre would be allowed in Sub Area “D” and stated that if this request is approved, the underlying zoning would remain mixed use but would allow for three options. Ms. Jarrell advised that if the preliminary site plan is adopted as part of the zoning, the applicant would be limited to 120 units unless they go back through the Public Hearing process.

Ms. Jarrell advised that current townhouse guidelines include “suburban style” at 8-10 units per acre and Business Government at 40 units per acre. She stated that if the request were adopted as presented, residential development would be tied to this plan unless the applicant wanted to reopen the zoning case and that they could come forward requesting the original mixed use. She responded regarding the maximum number of residential units that would be allowed in the entire project and stated that Council’s approval would potentially lower the number of units if the preliminary site plan were adopted with the zoning.

Council Member Lambert spoke regarding review of the overall concept, other successful townhouse developments and stated concerns with changing the “pieces” and not knowing what will be built. Ms. Jarrell stated that the Council could place planned development restrictions that would further limit the number of units.

**Ordinance No. 2003-2-28 (cont'd)**

Mayor Evans opened the Public Hearing. Shane Jordan, of Jordan Realty Advisors, representing the applicant, spoke to this request reducing density, regarding the maturing of the community and changes in the economy. He spoke to other non-residential development taking place along Preston Road and regarding the difficulty of locating a non-residential tenant for the site. Council Member Magnuson spoke to the "New Urbanism" concept being to build neighborhood connections for residents and Mr. Jordan spoke to businesses probably locating in the northwestern portion of the planned development.

Ms. Jarrell advised regarding other development in the area and stated that the east side of Ohio Drive, north of Rasor Road has a Retail base zoning. Mayor Pro tem Dyer stated concern that the townhouse units would be surrounded by condominiums/apartments and Mr. Jordan responded that the applicant feels the townhouses would be marketable. Council Member Lambert spoke to the time spent by the Planning and Zoning Commission in considering the original "New Urbanism" concept and stated concern with making revisions. Mayor Evans spoke to this request lowering the density and releasing the developer from building retail in an area where it is not needed. Mr. Lambert spoke to the original plan being presented as a "lifestyle." Council Member Johnson spoke to future requests including a phasing requirement. Mr. Jordan spoke to the possibility of there being fewer units rather than more over time. No one else spoke either for or against the request. The Public Hearing was closed.

Ms. Jarrell stated that if the preliminary site plan were included as a stipulation, it would limit entirely residential development to 120 units, but that if a mixed use were developed, the limit would be 320 units based on density and spoke further regarding the factors that might impact this number. She responded to Mayor Pro tem Dyer that the third building of the *Town Square* would be a mix of office/retail with residential on the upper floors. Mr. Dyer spoke to trying to meet the pedestrian needs of residents and stated concern regarding encouraging or allowing more retail at the corner. He stated a recommendation that it be developed as Office rather than Retail.

Council Member Roach spoke to changing times, infill development, and being creative and the limit of 120 units if approved as presented with the preliminary site plan. Mr. Jordan requested that if the site were developed as a mixed use the limit be 200 units.

Council Member Roach stated a motion to approve the request as recommended with revision to Section II. B. (3) "Entirely Residential" to include "A maximum of 120 residential units may be developed" and Section II. B. (2) "Mixed Use" to include "A maximum of 200 residential units may be developed." Council Member Magnuson seconded the motion. No vote was taken at this time.

**Ordinance No. 2003-2-28 (cont'd)**

Deputy Mayor Pro tem Stovall spoke to changes that have occurred across the City and having the Planning and Zoning Commission look into addressing their effect. Mayor Evans spoke to addressing this issue during the upcoming joint Council and Commission retreat.

Council Member Stahel spoke to reviewing the project as a whole and in support of receiving input from the owner of the majority of the property regarding how these revisions might affect his long-term plan. He stated that while he would be comfortable with reducing the multifamily requirement, this request is higher in density than he could support and higher than either the standard multifamily or the Business Government density.

Mayor Pro tem Dyer spoke to the economic challenges of the property developing as mixed use and stated he could support the request as entirely residential with the site plan presented or as Office zoning but not Retail nor with the 200 units of multifamily zoning. Mr. Jordan spoke to the requirement under a mixed use that 30,000 square feet of non-residential uses must be developed in order to build 200 multifamily units. Mayor Pro tem Dyer stated that he was still not in support.

Council Member Roach restated his motion which was seconded by Council Member Magnuson to approve the request amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to amend Planned Development-20-Mixed Use 4. (Sub Area "D") b. on 135.3± acres located on the northwest corner of Ohio Road and Rasor Boulevard in the City of Plano, Collin County, Texas, pertaining to non-residential development as requested in Zoning Case 2002-62; directing a change accordingly in the official zoning map of the City and as listed below; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date and further to adopt Ordinance No. 2003-2-28 with revisions to Section II. B. (2) and (3) as follows:

- (2) Mixed Use - A minimum of 30,000 square feet of non-residential uses must be developed. This requirement may be phased, with the first phase containing a minimum of 15,000 square feet of non-residential development. Each retail building must have storefronts on at least two sides. *A maximum of 200 residential units may be developed.*
- (3) Entirely Residential - Residential development shall be constructed in accordance with the regulations contained within this sub-area and the approved preliminary site plan which is attached as a part of this ordinance. *A maximum of 120 residential units may be developed.*

The Council voted 5-3 with Mayor Pro tem Dyer and Council Members Stahel and Lambert voting in opposition. The motion carried.

**Public Hearing and adoption of Ordinance No. 2003-2-29 as requested in Zoning Case 2002-64** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 490 so as to allow the additional use of a Private Club on 0.1± acre of land located on the east side of K Avenue, 75± feet south of 15th Street, in the City of Plano, Collin County, Texas, presently zoned Business/Government; 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. Neighborhood #16. Applicant: Tim Kelly [Regular Agenda Item (4)]

Director of Planning Jarrell advised the Council that the license agreement has been approved and that the Planning and Zoning Commission recommended approval of the request subject to:

1. The City Council approving a license agreement with the applicant for the SUP area within City right-of-way.
2. The City Council waiving the 1,000-foot distance requirement from a publicly owned park (Haggard Park).

Mayor Evans opened the Public Hearing. Applicants Tim and Karen Kelly, advised they were available to respond to any questions. No one else 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 Lambert, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 490 so as to allow the additional use of a Private Club on 0.1± acre of land located on the east side of K Avenue, 75± feet south of 15th Street, in the City of Plano, Collin County, Texas, presently zoned Business/Government as requested in Zoning Case 2002-64 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. 2003-2-29.

**Public Hearing and adoption of Ordinance No. 2003-2-30 as requested in Zoning Case 2002-73** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 488 so as to allow the additional use of a Private Club on 0.1± acre of land located on the north side of Park Boulevard, 800± feet east of Preston Road in the City of Plano, Collin County, Texas, presently zoned 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. Neighborhood #43. Applicant: Berkeley Square, Ltd. [Regular Agenda Item (5)]

**Ordinance No. 2003-2-30 (cont'd)**

Director of Planning Jarrell advised the Council that the Planning and Zoning 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.

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Magnuson, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 488 so as to allow the additional use of a Private Club on 0.1± acre of land located on the north side of Park Boulevard, 800± feet east of Preston Road in the City of Plano, Collin County, Texas, presently zoned Retail as requested in Zoning Case 2002-73 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. 2003-2-30.

**Public Hearing and adoption of Ordinance No. 2003-2-31 as requested in Zoning Case 2002-74** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 489 so as to allow the additional use of a Private Club on 0.1± acre of land located on the south side of Legacy Drive, 280± feet east of the Dallas North Tollway, in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1 (PD-65-CB-1); directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #16. Applicant: The Shops at Legacy LP [Regular Agenda Item (6)]

Director of Planning Jarrell advised the Council that the Planning and Zoning 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.

Upon a motion made by Council Member Roach and seconded by Council Member Magnuson, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 489 so as to allow the additional use of a Private Club on 0.1± acre of land located on the south side of Legacy Drive, 280± feet east of the Dallas North Tollway, in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1 (PD-65-CB-1) as requested in Zoning Case 2002-74 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. 2003-2-31.

**Public Hearing and adoption of Ordinance No. 2003-2-32 to adopt revised Land Use Assumptions and Capital Improvements Plan** for the City; adopting a revised assessment schedule and collection schedule for water and wastewater impact fees; providing a repealer clause, a savings clause, a severability clause and an effective date. [Regular Agenda Item (7)]

Planning and Information Manager Zimmerman advised the Council that Staff's recommendation is to keep the fee at its current level and spoke regarding consideration of phasing out the impact fee program as the City approaches maturity. Mr. Zimmerman responded to Deputy Mayor Pro tem Stovall, stating that the program's intent is to allow developers to share in the cost and that the City may charge the full fee after credit but would need to provide a refund if any excessive amounts were collected. He spoke regarding meetings held with the Plano Developer's Council and homeowners groups and advised that no negative feedback has been received and responded to Mayor Pro tem Dyer that a property pays the impact fee once.

Mayor Evans opened the Public Hearing. Dick Bode, citizen of the City, spoke regarding this being perhaps the final review of water impact fees and their history in the City. He spoke to the water district developing a water source, stated his estimate of the cost would be \$100 million and to collecting funds as an impact fee. City Manager Muehlenbeck advised that requests made of the water district in this regard have been unsuccessful. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Lambert and seconded by Council Member Stahel the Council voted 8-0 to adopting revised Land Use Assumptions and a Capital Improvements Plan for the City; adopting a revised assessment schedule and collection schedule for water and wastewater impact fees; providing a repealer clause, a savings clause, a severability clause and an effective date; and further to adopt Ordinance No. 2003-2-32.

There being no further discussion, Mayor Evans adjourned the meeting at 9:00 p.m.

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Pat Evans, **MAYOR**

ATTEST:

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Elaine Bealke, City Secretary