

PLANO CITY COUNCIL
November 14, 2005

COUNCIL MEMBERS

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

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 Preliminary Open Meeting directly into the Regular Session on Monday, November 14, 2005, at 7:25 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Abdul Hadi Khan of the Islamic Association of Collin County.

The Pledge of Allegiance was led by Cub Scout Pack 280 Den 2 from the First United Methodist Church and the Color Guard with the American Legion Post.

Mayor Evans presented proclamations recognizing Veterans' Day, American Cancer Society – Great American Smokeout Day and Animal Shelter Appreciation Week. She further recognized Frank Turner as President of the Greater Dallas Planning Council and Jason Van Sickel, winner of the Lone Star Emmy for Plano Television Network.

GENERAL DISCUSSION

Sonja Hammar, citizen of the City, spoke to pornography being viewed on computers at the City's public libraries and the need for a policy to address the issue. She spoke to providing clarification and more information to the public regarding documents and discussions related to the Arts of Collin County Commission and the Arts of Collin County Foundation. Ms. Hammar stated concerns related to a funding agreement including the designation of a Commission board member as an individual receiving funds and the effect of a severability clause.

Jack Lagos, citizen of the City, spoke regarding a contract for ownership of land at Custer Road and S.H. 121 and the need for the recipient to be a charitable organization. He requested information be provided to the public and an open discussion be held regarding activities of the Arts of Collin County Commission. City Attorney Wetherbee advised that she would respond to Mr. Lagos regarding the contract.

The Council resumed discussion of items from the Preliminary Open Meeting.

Discussion and Direction on Rice Field Development

Executive Director Turner requested Council direction regarding any modifications and advised that the contract would be brought back to the Council on November 28. Mayor Pro Tem Lambert recommended a special warranty deed rather than a general warranty deed.

Council Items for Discussion/Action on Future Agendas

Council Member Stahel requested an update regarding raising the dollar amount per capita for charitable organizations and contacting other cities and the county to determine their interest in the project. Mayor Evans requested an item be placed on the November 28 Council meeting to advise the Council of her discussions on this topic.

Consent and Regular Agendas

Mayor Pro Tem Lambert advised that he would be stepping down on Regular Agenda Item "3," Zoning Case 2005-36 –to rezone 56.5± acres east of Ohio Drive, and west of the future extension of Rasor Parkway due to a possible conflict of interest. Mayor Evans advised Mayor Pro Tem Lambert that DART has been made aware of Consent Agenda Item "S," to support the corridors and continued evaluation of financing alternatives to fund a regional rail authority.

Council Member Stahel advised that he would be stepping down on Consent Agenda Items "D," to authorize the purchase of maintenance and support of HP printers and servers and "J," to approve a contract modification to contract C100-02 Telecommunications Equipment due to possible conflicts of interest. He further requested Consent Agenda Items "K," to approve an agreement between the City of Plano and The Shops at Legacy, L.P. whereby the City will provide funding in part for the 4th Annual Holiday Festival of Tree Lights at The Shops of Legacy and "R," a resolution to approve a funding agreement among the cities of Allen, Frisco and Plano for additional funding in the amount of \$705,698 each for design services for a proposed project pertaining to the Arts of Collin County Commission, Inc. be pulled for individual consideration.

Deputy Mayor Pro Tem Johnson requested clarification on the lease terms of Consent Agenda Item "P," a resolution to approve the terms and conditions of a lease agreement by and between the City of Plano and Plano Sports Authority, Inc. (PSA) for the use of a portion of Enfield Park.

Parks Services Manager Fox advised that a stipulation calling for the City to pay for improvements if the lease ended would exclude a case of default on the part of PSA. He further stated that the agreement was based on the agreement for the original facility done in 1998 and spoke to the value of the facility to City residents. City Attorney Wetherbee spoke to the City's vested interest in the improvements and stated that if additional ones are needed, PSA would need permission. Mr. Johnson stated concern with inclusion of this stipulation.

Plano Sports Authority Executive Director Mary Margaret Taylor spoke to the original charter written in 1970 stating that if the PSA were to dissolve, its assets would be deeded to the City, PSA not being able to make improvements without direction from the Parks and Recreation Department and improvements enhancing the field/building. She spoke to the possible inclusion of programs from the United States Tae Kwon Do Federation and the international impact this would have on the community.

Plano Sports Authority President Jeff Trentham spoke regarding the history of agreements between the City and the PSA and advised that he would not have a problem removing this stipulation. City Attorney Wetherbee advised that Staff would consult with representatives of the PSA during the meeting and that the item would be removed for individual consideration later in the meeting.

Council Reports

Council Member Stahel advised regarding a Veteran's Day ceremony conducted at the Plano Senior Center.

Council Member Magnuson advised that she and Deputy Mayor Pro Tem Johnson attended the Environmental Services Annual Dinner and spoke to the exceptional job done by employees.

Deputy Mayor Pro Tem Johnson advised that he and Council Member Magnuson attended an Arbor Day Celebration at Pecan Hollow Golf Course.

Mayor Evans advised regarding a Veteran's Day ceremony held at the Veteran's of Foreign Wars.

BOARD/COMMISSION REPORTS

Retirement Security Plan Committee

Budget and Research Director and board member Rhodes spoke regarding establishment of the committee in 1983 when the City opted out of Social Security. She advised regarding the committee's membership and stated that benefits are paid for by the trust fund. Ms. Rhodes advised regarding the funds' assets, contribution rate and asset allocation and stated that calculations have been reviewed by an actuary for accuracy.

CONSENT AGENDA

Council Member Stahel and citizen Sonja Hammar requested individual consideration of Consent Agenda Item "K." Council Member Stahel and citizen Jack Lagos requested individual consideration of Consent Agenda Item "R."

Council Member Stahel advised that he would be stepping down on Consent Agenda Items "D" and "J" due to possible conflicts of interest.

Staff requested Consent Agenda Item "P" be removed for individual consideration.

Mayor Pro Tem Lambert advised that he would be stepping down on Regular Agenda Item "3" due to a possible conflict of interest.

City Attorney Wetherbee advised that Consent Agenda Item "Q" has several amendments of a non-substantive nature, but would not be removed from the Consent Agenda.

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 7-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows (Council Member Ellerbe was away from the bench):

Approval of Minutes [Consent Agenda Item (A)]

October 24, 2005

Approval of Expenditures

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

Bid No. 2005-270-B for the Preston Ridge Trail Extension at Carpenter Park to Jim Bowman Construction Company, L.P. in the amount of \$222,440. [Consent Agenda Item (B)] (See Exhibit "A")

CSP No. 2005-228-C for Wireless Voice and Data Services to Cingular Wireless in the estimated annual amount of \$450,000. [Consent Agenda Item (C)] (See Exhibit "B")

Purchase from Existing Contract/Agreement: (Purchase of products/services through Cooperative Purchasing Interlocal Contract with another governmental/quasi-governmental agency or an additional purchase from current City of Plano annual purchase agreement).

To authorize the purchase of sports field lighting equipment for Phase II Lighting Improvements at Schell Park, fields 1 and 2, including installation, poles, wiring, switch gear, and controls in the amount of \$141,100 from Techline Sports Lighting, L.P., through the Texas Association of School Board Purchasing Cooperative Program, Contract #204-04, and authorizing the City Manager to execute any and all documents necessary to effectuate this purchase. [Consent Agenda Item (E)]

To authorize the purchase of fiber and copper connectivity for City of Plano offices in the Cox Building in the estimated amount of \$25,873 from Henkels & McCoy, Inc., through a City of Plano contract, and authorizing the City Manager to execute all necessary documents. (Contract #C114-04). [Consent Agenda Item (F)]

To authorize the purchase of two (2) Dodge Charger Police Vehicles in the amount of \$52,360 from Columbus Country Dodge, through Texas Association of School Board Purchasing Buyboard Contract and authorizing the City Manager to execute all necessary documents (208-04). [Consent Agenda Item (G)]

To authorize the purchase of eleven (11) Chevy Impala (9C3) Unmarked Police Sedans in the amount of \$190,058 from Caldwell Country Chevrolet, through Tarrant County Joint Venture Cooperative Purchase Program and authorizing the City Manager to execute all necessary documents. (2005-001) [Consent Agenda Item (H)]

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

To approve the terms and conditions of an engineering services contract by and between the City of Plano and Dannenbaum Engineering Company – Dallas, L.L.C. in the amount of \$189,816 for design of Communications Parkway – Spring Creek Parkway to Tennyson Parkway and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (I)]

Adoption of Resolutions

Resolution No. 2005-11-1(R): To authorize the purchase of a service agreement from 3M Library Systems, suppliers of maintenance for 3M equipment in the amount of \$41,449 for the Plano Public Library System; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2005-11-2(R): To approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas and Dallas MTA L.P., d/b/a/ Verizon Wireless, a Texas Limited Partnership, to locate, place, attach, install, operate, and maintain a communications system on certain specific portions of the Tennyson Water Tower in the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2005-11-3(R): To order Atmos Energy, Mid-Tex Division to show cause regarding the reasonableness of its existing natural gas distribution rates within the City; requiring Atmos Energy, Mid-Tex Division to submit a rate package based on a rate year ending June 30, 2005; directing that such filing shall be made by December 31, 2005; requiring reimbursement of reasonable legal and consultant expenses; requiring delivery of this resolution to the company and legal counsel; and providing an effective date. [Consent Agenda Item (N)]

Resolution No. 2005-11-4(R): To approve the terms and conditions of a Public Right-of-Way Use Agreement by and between the City of Plano, Texas and Tollway-121 Partners, Ltd, a Texas Limited Partnership, to locate, place, attach, install, operate, and maintain a communications 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 (O)]

Resolution No. 2005-11-5(R): To approve the assignment of the cable franchise agreement from Comcast Cable of Plano, Inc. to C-Native Exchange III, L.P.; providing for the transfer of control over C-Native Exchange III, L.P. from Comcast Cable of Plano, Inc. to Time Warner Cable Inc.; providing for amendment to the cable franchise agreement; providing a severability clause; and providing an effective date. [Consent Agenda Item (Q)] (Amendments were made of a non-substantive nature.)

Resolution No. 2005-11-6(R): To support the corridors and continued evaluation of financing alternatives to fund a regional rail authority; authorizing its support by the Mayor, and providing an effective date. [Consent Agenda Item (S)]

Resolution No. 2005-11-7(R): To approve the dedication of a 0.360 acre tract of land and a 1.126 acre tract of land, each owned by the City of Plano, Texas, for dedication as public right of way for Chaparral Road, said parcels situated in the Jeremiah Muncy Survey, Abstract No. 621, in the City of Plano, Collin County, Texas and providing an effective date. (This item will provide additional right of way for Chaparral Road from State Highway 5 (K Avenue) to Emerald Coast Drive.) [Consent Agenda Item (T)]

Resolution No. 2005-11-8(R): To approve the terms and conditions of an interlocal cooperation agreement between the City of Plano, Texas, the City of McKinney, Texas, and the County of Collin, Texas for the disbursement of the 2005 Byrne Justice Assistance Grant Funds; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (U)]

Adoption of Ordinances

Ordinance No. 2005-11-9: To deny the request of Atmos Energy Corp., Mid-Tex Division, for an annual gas reliability infrastructure program (GRIP) rate increase in this municipality, as a part of the company's statewide gas utility distribution system; approving cooperation with other cities within the Atmos Energy Corp., Mid-Tex Division distribution system as part of the Atmos Cities Steering Committee (ACSC); authorizing ACSC to hire legal and consulting services and to negotiate with the company and direct any necessary litigation; authorizing intervention as part of ACSC in any appeal of the City's action to the Railroad Commission; providing a requirement for a prompt reimbursement of costs incurred by the City; finding that the meeting at which this ordinance is passed is open to the public as required by law; providing for notice of this ordinance to Atmos Energy Corp., Mid-Tex Division; and providing an effective date. [Consent Agenda Item (V)]

Ordinance No. 2005-11-10: To vacate Ordinance No. 2005-10-43 and adopting this ordinance to correct a clerical error; amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 7.0± acres located at the southwest corner of 18th Street and G Avenue in the City of Plano, Collin County, Texas, from Corridor Commercial with Heritage Resource Designation No. 20 to Planned Development-179-Downtown Business/Government with Heritage Resource Designation No. 20; 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. Zoning Case 2005-31 [Consent Agenda Item (W)]

Ordinance No. 2005-11-11: 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 Parkwood Boulevard between Spring Creek Parkway and State Highway 121 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 for each offense; and providing a repealer clause, a severability clause, a savings clause, a penalty clause and an effective date. [Consent Agenda Item (X)]

Approval of Agreement

To approve an Administrative Services Agreement with ICMA Retirement Corporation ("ICMA-RC") in the amount of \$36,000 for the initial year and \$24,000 for the remaining term of the agreement. This agreement covers ICMA-RC's management services of the City's OBRA Plan for retirement accounts of Part-Time, Seasonal and Temporary Employees. The term of this Agreement shall be for a period of five (5) years with the option to renew by five (5) additional one-year terms by the City. [Consent Agenda Item (Y)]

END OF CONSENT

Due to possible conflicts of interest, Council Member Stahel stepped down from the bench on the following two items.

Purchase from Existing Contract/Agreement: To authorize the purchase of maintenance and support of HP printers and servers in the amount of \$56,440 from Hewlett-Packard Company through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-BUSOP-178) [Consent Agenda Item (D)]

Upon a motion made by Council Member Callison and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 7-0 to authorize the purchase of maintenance and support of HP printers and servers in the amount of \$56,440 from Hewlett-Packard Company through a Department of Information Resources (DIR) contract.

Miscellaneous Purchase Authorization: To approve a contract modification to contract C100-02 Telecommunications Equipment authorizing expenditure for two years maintenance and support in the amount of \$104,728 for the VESTA, MAGIC and ORION systems utilized by PSC. [Consent Agenda Item (J)]

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Magnuson, the Council voted 7-0 to approve a contract modification to contract C100-02 Telecommunications Equipment authorizing expenditure for two years maintenance and support in the amount of \$104,728 for the VESTA, MAGIC and ORION systems utilized by PSC.

Council Member Stahel resumed his place on the bench.

Miscellaneous Purchase Authorization: To approve an agreement between the City of Plano and The Shops at Legacy, L.P. whereby the City will provide funding in part for the 4th Annual Holiday Festival of Tree Lights at The Shops of Legacy in the amount of \$39,000. [Consent Agenda Item (K)]

Sonja Hammar, citizen of the City, spoke to charter provisions prohibiting the spending of public dollars on private property. City Attorney Wetherbee spoke to City funds not being used to fund private subdivisions and this provision being related to development. Ms. Hammar spoke to the contract not being with the property owner and Ms. Wetherbee spoke to providing funding for the lights on property managed by The Shops at Legacy.

Pam Hatcher, citizen of the City, spoke in opposition and to The Shops at Legacy being a private, for profit real-estate development rather than an urban center.

Council Member Magnuson spoke to review of event requests from both the Legacy and Downtown towncenters during Council budget sessions. Mayor Evans advised Council Member Stahel that urban town centers do not have the non-profit status requirement and that they went through the proper channels for approval.

Upon a motion made by Council Member Magnuson and seconded by Council Member LaRosiliere, the Council voted 8-0 to approve an agreement between the City of Plano and The Shops at Legacy, L.P. whereby the City will provide funding in part for the 4th Annual Holiday Festival of Tree Lights at The Shops of Legacy in the amount of \$39,000.

Resolution No. 2005-11-12(R): To approve the terms and conditions of a lease agreement by and between the City of Plano and Plano Sports Authority, Inc., a duly authorized Texas nonprofit corporation and the City of Plano, Texas for the use of a portion of Enfield Park for the construction of a multi-use indoor sports facility; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (P)]

City Attorney Wetherbee advised that Section 6.04 "Amortization of Improvements" may be removed from the lease. Plano Sports Authority Executive Director Mary Margaret Taylor advised the Council that the cost of the new facility would be \$15 million.

Upon a motion made by Deputy Mayor Pro Tem Johnson and seconded by Council Member Ellerbe, the Council voted 8-0 to approve the terms and conditions of a lease agreement by and between the City of Plano and Plano Sports Authority, Inc., a duly authorized Texas nonprofit corporation and the City of Plano, Texas for the use of a portion of Enfield Park for the construction of a multi-use indoor sports facility with the deletion of Section 6.04 "Amortization of Improvements"; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2005-11-12(R) as amended.

Resolution No. 2005-11-13(R): To approve a funding agreement among the cities of Allen, Frisco and Plano for additional funding in the amount of \$705,698 each for design services for a proposed project pertaining to the Arts of Collin County Commission, Inc., authorizing the City Manager to execute the agreement; and providing an effective date. [Consent Agenda Item (R)]

Jack Lagos, citizen of the City, spoke to the lack of an approved project and questioned inclusion of the city of Fairview as a member if this is the case. He requested the Council review the requirements for member cities.

City Attorney Wetherbee advised that the city of Fairview has agreed to pay a portion of operation/maintenance costs and stated that no further action is required of the Council with regard to their membership. She reviewed the revisions made which include clarifying the forwarding of an invoice copy for services and/or goods to the cities of Plano and Frisco and further clarified that all records are available for inspection as they represent public records.

Upon a motion made by Deputy Mayor Pro Tem Johnson and seconded by Council Member Ellerbe, the Council voted 8-0 to approve a funding agreement among the cities of Allen, Frisco and Plano for additional funding in the amount of \$705,698 each for design services for a proposed project pertaining to the Arts of Collin County Commission, Inc., authorizing the City Manager to execute the agreement; and providing an effective date; and further to adopt Resolution No. 2005-11-13(R).

Council discussion and direction on the regulation of temporary signs, including garage sale signs, and whether temporary sign regulations should remain in the Zoning Ordinance or the General Code of Ordinances; Council action to call a Public Hearing for the Planning and Zoning Commission to repeal the temporary sign regulations from the Zoning Ordinance and to correct the fine discrepancy in Section 3.1604(8)(b)(i). [Regular Agenda Item (1)]

City Attorney Wetherbee advised that currently all temporary sign regulations are included in the Zoning Ordinance which carries a \$2,000 maximum fine and spoke to the citizen initiative in 1990 that precludes the placement of temporary directional signs within public rights-of-ways, medians and thoroughfares. She spoke to difficulties in providing education regarding the definition of a public right-of-way, increased enforcement and the possibility that signs could be placed in the Code of Ordinances thereby reducing the maximum fine to \$500. Ms. Wetherbee further advised that placing regulations in the Code of Ordinances would allow for a change an election called by either a citizen initiative or Council action, where the Zoning Ordinance would not.

Richard Simmons, citizen of the City, spoke to the negative nature of signs scattered throughout the City, upholding the wishes of the citizens in 1990 and requested continuity of an enforceable regulation.

Dianna Haun, Chair of the Estates of Russell Creek Homeowners Garage Sale Committee spoke to charities benefiting from sales, the excess level of fines, alternate methods of enforcement and fine assessment and possibly requiring more information on signs.

Mayor Evans spoke to the current regulations passed by the election in 1990 which prohibit signs in the public right-of-way and the possibility of moving these to the Code of Ordinances where fines can be lowered. City Attorney Wetherbee spoke to the court's policy regarding fines. Chief Building Official Mata responded to the Council regarding the number of signs picked up during the year.

Council Member Ellerbe spoke regarding the effect of the visibility triangle on placement of signs. Council Member Stahel spoke to the information provided on the City's web site with regard to placement of signs and possible inclusion of the visibility triangle. Director of Planning Jarrell reviewed the two types of visibility clips and Mr. Selso spoke to inspectors having some discretion with regard to the collection of signs.

Upon a motion made by Mayor Pro Tem Lambert and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 8-0 to direct Staff to call a Public Hearing for the Planning and Zoning Commission to repeal the temporary sign regulations from the Zoning Ordinance and to correct the fine discrepancy in Section 3.1604(8)(b)(i).

Ordinance No. 2005-11-14 to amend Chapter 6, Buildings and Building Regulations of the City of Plano Code of Ordinances, by adding Article XII, Temporary Signs, providing temporary signs regulations and definitions; providing a penalty clause; a severability clause; a repealing clause; a publication clause; and an effective date. [Regular Agenda Item (2)]

Ordinance No. 2005-11-14 (cont'd)

Upon a motion made by Mayor Pro Tem Lambert and seconded by Council Member Magnuson, the Council voted 8-0 to amend Chapter 6, Buildings and Building Regulations of the City of Plano Code of Ordinances, by adding Article XII, Temporary Signs, providing temporary signs regulations and definitions; providing a penalty clause; a severability clause; a repealing clause; a publication clause; and an effective date; and further to adopt Ordinance No. 2005-11-14.

Due to a possible conflict of interest, Mayor Pro Tem Lambert stepped down from the bench on the following item.

Public Hearing and adoption of Ordinance No. 2005-11-15 as requested in Zoning Case 2005-36 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 56.5± acres (Tract I - 17.3± acres and Tract II – 39.2± acres) located on the north side of McDermott Road, 270± feet east of Ohio Drive, and west of the future extension of Razor Parkway in the City of Plano, Collin County, Texas, from Regional Commercial and Neighborhood Office to Planned Development-177-Single-Family Residence Attached (Tract I - 17.3± acres) and Planned Development-178-Single-Family Residence-6 (Tract II – 39.20± acres); 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: Cay Trust No. 2 and Preston/121 J.V. Tabled 10-24-05 [Regular Agenda Item (3)]

Upon a motion made by Council Member Ellerbe and seconded by Council Member LaRosiliere, the Council voted 7-0 to remove the item from the table.

Director of Planning Jarrell advised the Council that policy statements outline where changes in zoning from commercial to residential districts may be appropriate and stated that the request is in compliance concerning the consideration of alternative uses for excess retail land and distances from major corridors. She further advised that the Planning and Zoning Commission recommended approval subject to:

The western 17.3± acre area of the request is recommended as PD-SF-A subject to:

1. The minimum lot area shall be 2,000 square feet.
2. The minimum lot width shall be 24 feet.
3. The minimum lot depth shall be 85 feet.
4. The minimum front yard setback shall be ten feet.
5. The maximum lot coverage shall be 90% total for the primary dwelling plus accessory structures.

Ordinance No. 2005-11-15 (cont'd)

6. The minimum rear yard setback shall be zero feet. No off-street parking spaces exclusive of a garage or carport shall be required.
7. Required usable open space may be provided within the PD-SF-6 portion of the request.

The eastern 39.2± acre area of the request is recommended as PD-SF-6 subject to:

1. The minimum front yard setback shall be 20 feet.
2. The minimum side yard setback shall be six feet.
3. The maximum lot coverage shall be 50% total for the primary dwelling plus accessory structures.

Ms. Jarrell advised the Council that those Planning and Zoning Commission members voting in opposition felt that the townhouse development was fairly dense for this area and she spoke to the proposal generating much less traffic than Retail which is allowed by present zoning.

Mayor Evans opened the Public Hearing. Kirk Williams, representing the applicant, spoke regarding the proposed development. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Magnuson and seconded by Council Member Callison, 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 56.5± acres (Tract I - 17.3± acres and Tract II – 39.2± acres) located on the north side of McDermott Road, 270± feet east of Ohio Drive, and west of the future extension of Rasor Parkway in the City of Plano, Collin County, Texas, from Regional Commercial and Neighborhood Office to Planned Development-177-Single-Family Residence Attached (Tract I - 17.3± acres) and Planned Development-178-Single-Family Residence-6 (Tract II – 39.20± acres) as requested in Zoning Case 2005-36 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. 2005-11-15.

Mayor Pro Tem Lambert resumed his place at the bench.

Resolution No. 2005-11-16(R) to cast its ballot for the election of members to the Collin County Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date. [Regular Agenda Item (4)]

Upon a motion made by Mayor Pro Tem Lambert and seconded by Council Member Ellerbe, the Council voted 8-0 to cast all City of Plano votes for the election of Roy Wilshsire to the Collin County Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date; and further to adopt Resolution No. 2005-11-16(R).

There being no further discussion, Mayor Evans adjourned the meeting at 9:33 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary