

PLANO CITY COUNCIL
September 25, 2006

COUNCIL MEMBERS

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

STAFF

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

Deputy Mayor Pro Tem Magnuson convened the Council into the Regular Session directly from the Preliminary Session on Monday, September 25, 2006, at 7:10 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council members were present with the exception of Mayor Evans and Mayor Pro Tem Johnson. Deputy Mayor Pro Tem Magnuson requested a moment of silence to recognize the death of Neighborhood Services Manager Bob Buffington.

The invocation was led by Pastoral Intern John Yurk with Preston Meadow Lutheran Church.

The Pledge of Allegiance was led by Den 6 and Den 8 of Pack 179 from Barksdale Elementary.

Deputy Mayor Pro Tem Magnuson presented a proclamation recognizing Mental Illness Awareness Week and a presentation of the Food Safety Excellence Award.

COMMENTS OF PUBLIC INTEREST

Jack Lagos, citizen of the City, spoke to concerns regarding the filings of the Arts of Collin County Commission's Articles of Incorporation with the Secretary of State. City Attorney Wetherbee stated that the attorney for the Arts of Collin County Commission has found everything in order.

BOARD/COMMISSION REPORTS

Plano Housing Authority Executive Director Helen Macey spoke to the development of programs to enable families to achieve self sufficiency. She spoke to programs in place which include the Disaster Voucher Program for victims of Hurricane Katrina which will terminate in September of 2007, the housing program for which the Plano Housing Authority leases homes to participants with rents set at 30% of income, the Housing Choice Voucher Program which allows families the freedom to choose a home depending on their circumstances and the Home Ownership Program which is used as a model for other housing authorities and in which vouchers may be used for home purchases. She advised that to date, the housing authority has 43 home ownership participants. Ms. Macey spoke to the Family Self Sufficiency Committee providing a journey to economic independence and to the recently held fundraiser with all proceeds funding educational scholarships for participants. She spoke to the Fall Festival and final stages of construction of the new administration building located at 18th Street and G Avenue. Ms. Macey spoke to the board adopting the dedication statement for the new building which clearly defines their vision, "Investing in the Present...Reaping Dividends in Generations to Come." She responded to the Council that they anticipate moving into the new building in December with the dedication in January.

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

Arts of Collin County Report

Executive Director James Baudoin provided the Council an update on the project, advising that Phase 1 would include the 2,100-seat theater, a large community gathering space, outdoor performance area, sculpture garden and development of a creekwalk. He advised that a grant from Collin County will be used to extend the Six City Trail along Rowlett Creek and further reviewed the unique design features of the building which include a park setting and community focus. Mr. Baudoin spoke to the total project budget of \$85,324,617 including the total construction budget, design and consultant fees, inspections and permits, owner contingency and fixtures, furniture and equipment. He advised that funding includes \$57 million from each of the owner cities with the remainder coming from the County Open Space Program, donations/pledges, value engineering, donation of materials, deferring of theater/building/ground costs, infrastructure cost sharing, and reduction of design contingencies. Mr. Baudoin stated that this funding totals \$80 million with \$5 million yet to be raised.

Mr. Baudoin spoke to the impact of inflation and value engineering including adjustments made to the conceptual design along the way in the amount of \$7.5 million. He spoke to the BRAVO fundraising campaign whose "silent" phase will continue through early 2007 and other commitments to date. Mr. Baudoin spoke to items "in the pipeline" worth \$10-15 million and proposals in preparation of \$13 million and regarding the positive momentum of the project.

Mr. Baudoin spoke to the recommendation of the Arts of Collin County Commission that authorization be given to proceed with the construction document phase, the funding from existing owner city bond funds and stated that consequences of delay may be a project cost escalation, spoke to loss by reassignment of design team members, and to difficulty in raising private funds without a targeted construction date. He spoke to design process completion, completion of construction documents in June 2007 and complete construction in Mid-2010.

Mr. Baudoin responded to the Council that the value engineering is an adjustment and not a funding source and that Phase 1 includes not only the facility, but the infrastructure, development of the open meadow and the trails. He advised that by making cost adjustments there are contingency dollars available and that the Commission is prepared to go to the guaranteed maximum price of \$85 million for the project and stay at that level and that adjustments will be made if needed to maintain the costs. Mr. Baudoin spoke to fundraising efforts being focused on the private sector and responded to the Council that he anticipates \$7.5 million being raised during construction to cover those items targeted by value engineering, spoke to deferring equipment costs because of advances in technology and to possible donations of services in the construction of the building. He responded to City Manager Muehlenbeck that operation/maintenance funds would not cover deferral of theater/building/grounds costs.

Mobility Report

Transportation Engineering Manager Neal spoke to implementation of revised signal timing strategies and to the Safe Streets Program moving forward. He spoke to participation by the City in an *Integrated Corridor Management Program* which will look at ways to better use and manage U.S. 75. He spoke to involvement by public and private entities, federal funding and the sharing of information directed at getting people to shift modes of travel to reduce pollution and congestion.

Comprehensive Monthly Financial Report

Director of Finance McGrane spoke to the continued increase in sales tax revenue, a stable unemployment rate in Plano, and to a significant increase in the time new homes are on the market and advised that Staff would monitor this area. He spoke to an increase in commercial building permit values, an increase in the annualized water/sewer fund, and to monitoring the Consumer Confidence Index.

Discussion and Direction Regarding Rescheduling the Second Council Meeting in November 2007.

The Council concurred to move the meeting scheduled for Monday, November 26, 2007 to Tuesday, November 27, 2007.

Council Items for Discussion/Action on Future Agendas

Council Member Stahel spoke to scheduling an agenda item to delete the \$4.3 million in the CIP budget in 2009 for the Arts of Collin County in light of the presentation this evening.

Consent and Regular Agendas

Council Member Stahel requested that Consent Agenda Item “H,” to authorize the purchase of Netqos Network Management Software and Consulting and “I,” to authorize the purchase of a Premier Support Service Contract be removed for individual consideration due to possible conflicts of interest.

Director of Parks and Recreation Wendell responded to Council Member Ellerbe regarding Consent Agenda Item “J,” to approve and authorize a contract with Land Design Partners – DFW, Inc. to provide Landscape Architectural Services in conjunction with the 2006 Parks and Trail Improvements, that trees are being supplemented and no trees are being removed.

Council Member Dunlap requested that Consent Agenda Item “G,” rejection of Bids for Bid No. 2006-1-B for 15th Street Reconstruction (Avenue G to Avenue I) be removed for individual consideration due to a possible conflict of interest.

City Attorney Wetherbee advised that a substitute payment schedule has been created for Consent Agenda Item “J” which did not change the overall costs. She further advised that there have been two non-substantive edits made to Consent Agenda Item “T,” a resolution to approve a Funding Agreement among the cities of Allen, Frisco and Plano for additional funding in the amount of \$1,277,600 each for construction document development and related design services for a proposed project pertaining to the Arts of Collin County Commission, Inc. She stated that in the agreement the word “DOLLARS” has been inserted in paragraph 4 of page 1 following the dollar figure and that the word “each” has been inserted in paragraph 1 on page 2 following the dollar figure.

City Manager Muehlenbeck advised that Consent Agenda Item “GG,” an ordinance to amend Chapter 19 “Streets and Sidewalks,” Article IV “Right-of-Way Management Regulations” at Section 19-72(b)(3) “General Rights-of-Way Use and Construction” by adding a new subparagraph to prohibit the use of nonwashable substances in the public right-of-way to mark the location of existing underground utilities has been pulled and will be brought back at a later date.

Citizen Jack Lagos requested Consent Agenda Item “U,” a resolution to approve an agreement adding the City of Melissa as a member of the Arts of Collin County Commission, Inc. be removed for individual consideration.

Council Reports

No reports were presented.

CONSENT AGENDA

Upon a motion made Council Member Stahel and seconded by Council Member Dunlap, the Council voted 6-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]

September 11, 2006

Approval of Expenditures

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

Bid No. 2006-164-B for the Jack Carter Pool Parking Lot to Advanced Paving Company, L.P. in the amount of \$245,462. [Consent Agenda Item (B)] (Exhibit "A")

Bid No. 2006-211-C to establish an annual contract for Streets, Drainage and Utility Operations Aggregates in the estimated annual amount of \$25,785. This will establish an annual contract with three renewals. [Consent Agenda Item (C)] (Exhibit "B")

Bid No. 2006-203-P for the 2006 Traffic Signal Construction Requirements Contract to Roadway Solutions, Inc. in the amount of \$504,327. This will establish an annual fixed price contract with two optional one-year renewals. [Consent Agenda Item (D)] (Exhibit "C")

Bid No. 2006-184-C for Municipal Center Elevator Upgrade and Maintenance in the amount of \$71,211. [Consent Agenda Item (E)] (Exhibit "D")

Rejection of Bids for Bid No. 2006-213-B for Parker Road Elevated Storage Tank Repaint. [Consent Agenda Item (F)] (Exhibit "E")

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

To approve and authorize a contract with Land Design Partners – DFW, Inc. to provide Landscape Architectural Services in conjunction with the 2006 Parks and Trail Improvements in an amount not to exceed \$133,950 and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. [Consent Agenda Item (J)]

To approve a fixed-price contract with United Behavioral Health Company, a carrier of Proprietary Managed Care Networks 2006-90-C, in the amount of \$72,000 for 2007 and providing an escalation clause for future years, relating to claims administration services for the City's self-funded Employee Assistance Program for full-time City employees and qualified retirees. This will be a five-year contract with three optional one-year renewals. [Consent Agenda Item (K)]

To approve a fixed-price contract with United HealthCare Insurance Company, a carrier of Proprietary Managed Care Networks 2006-90-C, in the amount of \$1,106,688 annually for claims administration services for the City's self-funded health plan, flexible spending account program, self-funded dental and vision insurance coverage for full-time employees and qualified retirees. This will be a five-year contract with three optional one-year renewals. [Consent Agenda Item (L)]

To approve a Professional Services Contract by and between the City of Plano and Ronald G. German, P.E. Consulting Engineer, in the amount of \$27,000 for electrical engineering services for the redesign of the electrical power system in the Technical Services Data Center and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (M)]

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

To Barson Utilities, increasing the contract by \$58,215 for Whiffletree Water Rehabilitation, Change Order No. 1. Bid No. 2006-38-B. [Consent Agenda Item (N)]

To Hencie International, Inc., increasing the contract by \$157,000 for the 2005-2006 Residential Street & Alley Pavement Rehabilitation Project, Zone 16 & 17, Phase II, Project No. 5692, Change Order No. 1, Bid No. 2006-83-B. [Consent Agenda Item (O)]

Reimbursement of Oversize Participation

To approve and authorize reimbursement to Regency Park, L.P. for oversized paving and drainage participation adjacent to Rasor Boulevard in the amount of \$46,650. [Consent Agenda Item (P)]

Contract Modification

To approve a Second Modification to the contract with Datamatic, Ltd. for Automated Meter Reading Equipment and Installation of all related parts and equipment to include quality control services and extension of warranty coverage. [Consent Agenda Item (Q)]

Adoption of Resolutions

Resolution No. 2006-9-17(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of 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 (R)]

Resolution No. 2006-9-18(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 (S)]

Resolution No. 2006-9-19(R): To approve a Funding Agreement among the cities of Allen, Frisco and Plano for additional funding in the amount of \$1,277,600 each for construction document development and related 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 (T)]

Resolution No. 2006-9-20(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas, and the North Texas Municipal Water District providing terms and conditions for the use of a Community Garden at the Parkway Transfer Station Facility, authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (V)]

Resolution No. 2006-9-21(R): To approve the terms and conditions of a Professional Services Agreement by and between the City of Plano and Southern Methodist University for educational services at a fee not to exceed thirty thousand dollars (\$30,000); authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (W)]

Resolution No. 2006-9-22(R): To adopt a new Tax Abatement Policy of the City of Plano establishing criteria for evaluating incentive applications; establishing procedural guidelines and criteria governing tax abatement agreements; and providing an effective date. [Consent Agenda Item (X)]

Resolution No. 2006-9-23(R): To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for an Intersection Traffic Control Project, PIN 17560006409000, targeting intersections regulated by means of a signal light; authorizing the City Manager to execute the Grant Agreement and any other documents necessary to effectuate the action taken; and providing an effective date. [Consent Agenda Item (Y)]

Resolution No. 2006-9-24(R): To affirm the appointment of a shared board member with the cities of Cockrell Hill, Dallas, and Glenn Heights to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors as provided in Chapter 452 of the Texas Transportation Code and providing an effective date. [Consent Agenda Item (Z)]

Resolution No. 2006-9-25(R): To approve the purchase of SearchCam Cameras, a Delsar Life Detector seismic/acoustic listening device system, and victim simulator equipment in an amount not to exceed \$35,720 from Search Systems Incorporated, as defined by the 2005 UASI Homeland Security Grant, the sole source vendor of such equipment and services; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase; and providing an effective date. [Consent Agenda Item (AA)]

Adoption of Ordinances

Ordinance No. 2006-9-26: To repeal City of Plano Ordinance No. 2004-8-15, adopting new permit fees for the operation and maintenance of all public and semipublic swimming pools within the City; removing Environmental from department name; and revising name change from Department of Health to Texas Department of State Health Services, codified as Article X, Swimming Pools, of Chapter 6 of the Code of Ordinances; providing a penalty clause, a repealer clause, a severability clause, a savings clause and an effective date. [Consent Agenda Item (BB)]

Ordinance No. 2006-9-27: To amend specific sections of Ordinance Nos. 2005-3-22 and 2006-4-15 codified as Sections 21-135, 21-136 and 21-147, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, to increase the fee schedules for water and sewer services, and to revise the winter quarter averaging method for calculating residential sanitary sewer charges; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (CC)]

Ordinance No. 2006-9-28: To repeal Ordinance Nos. 2005-9-23, 2005-11-27, and 2005-12-15; establishing the number of certain classifications within the Police and Fire Departments for fiscal year 2006-2007; establishing the authorized number and effective dates of such positions for each classification effective October 1, 2006, January 1, 2007 and April 1, 2007 respectively; establishing a new salary plan for the Police and Fire Departments effective October 2, 2006; and providing a repealer clause, a severability clause and an effective date. [Consent Agenda Item (DD)]

Ordinance No. 2006-9-29: To rescind Ordinance No. 2006-6-8 relating to City of Plano Retirement Security Plan as restated January 1, 2006, and adopting a new City of Plano Retirement Security Plan, as the restated January 1, 2006 2nd Version to revise the definition for actuarial (or actuarially) equivalent under Article II 2.1(b); authorizing its execution by the City Manager; providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (EE)]

Ordinance No. 2006-9-30: To amend Ordinance No. 2006-9-11 by adding specific clauses to the ordinance as required by Senate Bill 18; and providing an effective date.

To amend Chapter 19 “Streets and Sidewalks,” Article IV “Right-of-Way Management Regulations” at Section 19-72(b)(3) “General Rights-of-Way Use and Construction” by adding a new subparagraph to prohibit the use of nonwashable substances in the public right-of-way to mark the location of existing underground utilities; providing a severability clause; a repealer clause, a savings clause, and an effective date. [Consent Agenda Item (FF)]

To amend Chapter 19 “Streets and Sidewalks,” Article IV “Right-of-Way Management Regulations” at Section 19-72(b)(3) “General Rights-of-Way Use and Construction” by adding a new subparagraph to prohibit the use of nonwashable substances in the public right-of-way to mark the location of existing underground utilities; providing a severability clause; a repealer clause, a savings clause, and an effective date. [Consent Agenda Item (GG) (Item Pulled)]

Ordinance No. 2006-9-31: To adopt and enact Supplement Number 75 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 (HH)]

ITEMS FOR INDIVIDUAL CONSIDERATION:

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

Rejection of Bids for Bid No. 2006-1-B for 15th Street Reconstruction (Avenue G to Avenue I). [Consent Agenda Item (G)] (Exhibit “F”)

Upon a motion made by Council Member Callison and seconded by Council Member Ellerbe, the Council voted 5-0 to reject Bid No. 2006-1-B for 15th Street Reconstruction (Avenue G to Avenue I).

Council Member Dunlap resumed his seat at the bench.

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

Purchase from Existing Contract/Agreement: To authorize the purchase of Netqos Network Management Software and Consulting in the amount of \$190,000 from Global Data Systems through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR#SDD-230) [Consent Agenda Item (H)]

Purchase from Existing Contract/Agreement: To authorize the purchase of a Premier Support Service Contract in the amount of \$62,160 from Microsoft Corporation through a State of Texas Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR-BUSOP-180) [Consent Agenda Item (I)]

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Dunlap, the Council voted 5-0 to authorize the purchase of Netqos Network Management Software and Consulting in the amount of \$190,000 from Global Data Systems through a Department of Information Resources (DIR) Contract and to authorize the purchase of a Premier Support Service Contract in the amount of \$62,160 from Microsoft Corporation through a State of Texas Department of Information Resources (DIR) Contract.

Council Member Stahel resumed his seat at the bench.

Resolution No. 2006-9-32(R): To approve the terms and conditions of an Agreement by and among the City of Melissa, the cities of Allen, Frisco and Plano and the Arts of Collin County Commission, Inc. for Melissa to be a “Member” of the Arts of Collin County Commission, Inc.; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (U)]

Jack Lagos, citizen of the City, spoke to the Articles of Incorporation of the Arts of Collin County indicating that the corporation shall have no “members,” to amending the word to read “patron” or “associate” and to the Commission being a signatory to this agreement. City Attorney Wetherbee responded that the issue of making a change in terminology has been raised but spoke to it being done in the interlocal agreement. Council Member Stahel spoke to working towards making a revision in the terminology of the interlocal agreement and Executive Director of the Arts of Collin County Commission Baudoin spoke to arts organizations having members as contributors as opposed to members in the bylaws, but stated that he would agree with Ms. Wetherbee and that a recommendation will be made to the board.

Upon a motion made by Council Member Stahel and seconded by Council Member Callison, the Council voted 6-0 to approve the terms and conditions of an Agreement by and among the City of Melissa, the cities of Allen, Frisco and Plano and the Arts of Collin County Commission, Inc. for Melissa to be a “Member” of the Arts of Collin County Commission, Inc.; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2006-9-32(R).

Adoption of City Council Strategic Plan for 2006-2021 [Regular Agenda Item (1)]

Executive Director Glasscock provided highlights of the City Council Strategic Plan for 2006-2021 advising that a change was made to the vision statement adding “sustainable city.” He stated that no changes were made to the mission statement. Mr. Glasscock spoke to Goal 1: Premier City in Which to Live and stated that a revision was made to refer to Plano as livable and sustainable and the objectives were unchanged. He spoke to Goal 2: Service Excellence, advising that there were no changes in the objectives and that the Council identified twelve short-term actions. Mr. Glasscock stated that Goal 3: Livable and Sustainable Community, advising that an objective was added to encourage and facilitate “green” buildings and development and spoke to there being nine short-term actions. He spoke to Goal 4: Diverse Business Center which has been revised under the second objective to include reference to retail and industrial centers. Mr. Glasscock spoke to Goal 5: Safe, Efficient Travel, advising that no changes have been made and that there are seven objectives, the only new one being speed table direction and funding.

Upon a motion made by Council Member Stahel and seconded by Council Member Callison, the Council voted 6-0 to adopt the City Council Strategic Plan for 2006-2021.

An ordinance to amend existing franchise Ordinance No. 2006-8-17 between the City of Plano and TXU Electric Delivery Company, a Texas Corporation, its successors and assigns, to correct an error in the date that final payment under the franchise will be made; providing for TXU Electric Delivery acceptance; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; and providing a repealer clause, a severability clause and an effective date. First Reading [Regular Agenda Item (2)]

Director of Customer and Utilities Services Israelson spoke regarding the need to make a change to the ordinance with regard to payment dates.

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe the council voted 6-0 to approve the first reading of an ordinance to amend existing franchise Ordinance No. 2006-8-17 between the City of Plano and TXU Electric Delivery Company, a Texas Corporation, its successors and assigns, to correct an error in the date that final payment under the franchise will be made; providing for TXU Electric Delivery acceptance; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law.

Review of Annual Performance Report for the Use of Federal Funds in 2005-2006.
[Regular Agenda Item (3)]

Director of Planning Jarrell advised that this report is a requirement of the grant programs and that it includes funding provided to the Plano Housing Authority. She spoke to Plano receiving \$10,401,696 in federal funds with 97.7% of which is being used to provide housing for low and moderate income residents. Ms. Jarrell stated that the City provided \$503,000 in community service funds with 20% of those being used for housing and that these accomplishments support both the Council's Strategic Plan and Goals as well as the City's Housing and Community Development Plan.

Public Hearing and adoption of Ordinance No. 2006-9-33 requested in Zoning Case 2006-17 – To amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to allow the Automobile Leasing/Renting use with approval of a Specific Use Permit in the Retail zoning district subject to Residential Adjacency Standards; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano [Regular Agenda Item (4)]

Director of Planning Jarrell advised that this item is presented at the request of a shopping center manager to consider whether auto leasing and renting should be allowed with a Specific Use Permit (SUP) in retail districts. She spoke to it being allowed currently only as a secondary use to automotive uses and advised that this ordinance would not allow moving vans/trucks to be leased in retail shopping centers. Ms. Jarrell stated that the Planning and Zoning Commission recommended the Schedule of Permitted Uses (use charts) be amended to allow the automobile leasing/renting use with approval of an SUP in the Retail zoning district subject to Residential Adjacency Standards. She responded to Council Member Dunlap that restrictions on trucks and large vehicles will not be affected and that used car sales are not allowed in retail zoning districts.

Deputy Mayor Pro Tem Magnuson opened the Public Hearing. Alan Sandgarten, property manager of Coit/Legacy LP Shopping Center spoke in support of the request. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Dunlap and seconded by Council Member Ellerbe, the Council voted 6-0 to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to allow the Automobile Leasing/Renting use with approval of a Specific Use Permit in the Retail zoning district subject to Residential Adjacency Standards as requested in Zoning Case 2006-18 and as recommended by the Planning and Zoning Commission; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2006-9-33.

Public Hearing and adoption of Ordinance No. 2006-9-34 as requested in Zoning Case 2006-18 – To amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) regarding helistop use and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to allow helistop use by right within the Central Business-1 and Commercial Employment zoning districts of the Comprehensive Zoning Ordinance; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano [Regular Agenda Item (5)]

Director of Planning Jarrell advised that the Planning and Zoning Commission recommended approval of helistop uses being permitted by right within the CB-1 and CE zoning districts in order to correct an error in the Zoning Ordinance.

Deputy Mayor Pro Tem Magnuson opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Stahel and seconded by Council Member Callison, the Council voted 6-0 to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) regarding helistop use and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to allow helistop use by right within the Central Business-1 and Commercial Employment zoning districts of the Comprehensive Zoning Ordinance as requested in Zoning Case 2006-18 and as recommended by the Planning and Zoning Commission; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and adoption of Ordinance No. 2006-9-34.

Public Hearing and adoption of Ordinance No. 2006-9-35 as requested in Zoning Case 2006-19 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 576 so as to allow the additional use of Service Contractor (with storage yard) on one lot on 0.5± acre of land located on the west side of K Avenue, 484± feet south of 14th 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. Applicant: Bill Lisle, III [Regular Agenda Item (6)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval as submitted.

Deputy Mayor Pro Tem Magnuson opened the Public Hearing. Applicant Bill Lisle, III responded to Council Member Stahel that the addition will be approximately 2,000 square feet and that the existing building is smaller. No one else spoke either for or against the request. The Public Hearing was closed.

Ordinance No. 2006-9-35 (cont'd)

Ms. Jarrell responded to Council Member Ellerbe regarding the screening requirements and stated that this property is partially screened with a chain link fence on two sides and wood fence on the north side and that they will be seeking a variance from the Board of Adjustment for the open storage requirement. Mr. Lisle spoke to the property's location and visibility on K Avenue.

Upon a motion made by Council Member Stahel and seconded by Council Member Callison the Council voted 6-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 576 so as to allow the additional use of Service Contractor (with storage yard) on one lot on 0.5± acre of land located on the west side of K Avenue, 484± feet south of 14th Street in the City of Plano, Collin County, Texas, presently zoned Light Commercial as requested in Zoning Case 2006-19 and as recommended by the Planning and Zoning Commission; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2006-9-35.

Public Hearing and adoption of Ordinance No. 2006-9-36 as requested in Zoning Case 2006-20 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 577 so as to allow the additional use of Automobile Leasing/Renting on 0.1± acre of land located 578± feet south of Legacy Drive and 745± feet west of Coit 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. Applicant: Coit/Legacy, L.P. [Regular Agenda Item (7)]

Director of Planning Jarrell advised that the Planning and Zoning Commission recommended approval of the request subject to the Council's approval of Zoning Case 2006-17.

Deputy Mayor Pro Tem Magnuson opened the Public Hearing. Alan Sandgarten, representing the applicant, spoke to plans for the property and requested approval. No one else spoke either for or against the request. The Public Hearing was closed.

Ordinance No. 2006-9-35 (cont'd)

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Stahel, the Council voted 6-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 577 so as to allow the additional use of Automobile Leasing/Renting on 0.1± acre of land located 578± feet south of Legacy Drive and 745± feet west of Coit Road in the City of Plano, Collin County, Texas, presently zoned Retail; directing a change accordingly in the official zoning map of the City as requested in Zoning Case 2006-20 and as recommended by the Planning and Zoning Commission; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2006-9-36.

There being no further discussion, Deputy Mayor Pro Tem Magnuson adjourned the meeting at 9:02 p.m.

Sally Magnuson, DEPUTY MAYOR PRO TEM

ATTEST:

Elaine Bealke, City Secretary