

PLANO CITY COUNCIL
April 24, 2006

COUNCIL MEMBERS

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

STAFF

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

Mayor Evans convened the Council into the Regular Session immediately following the Preliminary Session on Monday, April 24, 2006, 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 Reverend Carol Brooks of Christ Church Episcopal.

The Pledge of Allegiance was led by Plano Police Explorer Post 911 and Girl Scout Troop 2284 with Sigler Elementary.

Mayor Evans introduced Michael Willis, President of International City Management Association who is the General Manager of Blue Mountains City Council, New South Wales, Australia. Mayor Evans presented proclamations for National Volunteer Week, Wildflower Week 2006 and Plano, Texas – Relay for Life Community. She further recognized the Plano Law Enforcement Explorer Program.

Mayor Evans administered an oath of office to North Texas Municipal Water District Board of Directors member Alex R. Schell, III.

GENERAL DISCUSSION

Jack Lagos, citizen of the City, spoke regarding previously presented issues including the certified audit for the Arts of Collin County indicating they are a 501(c)(3) organization even though they have not received their letter of determination and the application for 501(c)(3) status containing uncertified articles of incorporation. He spoke to another issue wherein an incorrect federal tax identification number was provided. Mr. Lagos spoke to the Council representing one-third ownership of the Arts of Collin County and protecting credibility and reputation.

City Manager Muehlenbeck advised that the City Attorney has responded to previous points regarding the audit and 501(c)(3) submission as well and commented on discussions with the auditor for the Arts of Collin County Commission.

BOARD/COMMISSION REPORTS

Community Relations Commission Chair Moss spoke to approval of the Affirmative Action Report and completion of the cycle for Community Grant Block Grants, HOME grants, the American Dream Downpayment Initiative and the Plano Community Services Grant. She provided an overview of the grant process and reviewed the scoring criteria. Ms. Moss spoke to the Commission's focus on community needs, board representation, client demographics, reducing the duplication of services, quality outcome measurements and direct services ratios. She spoke to the time commitment of commission members, agency members and City Staff. Ms. Moss spoke to this being the first attempt at a consolidated grant process and advised that the average grant received was 65% of the request. She spoke to Public Hearings held in the community and future efforts to refine the evaluation form and agency application, reviewing the commission's ordinance and design comprehensive training for new members.

Ms. Moss responded to Council Member LaRosiliere, stating that there was differentiation between grants by taking into account those related to home building/maintenance versus those making community service requests. She advised that Staff looked to balance the two to reduce inequities. Ms. Moss responded to Deputy Mayor Pro Tem Magnuson stating that those agencies that do not handle emergency needs by and large received a lesser percentage than what was requested. She also spoke to the concern on the part of some agencies that funds were specifically allocated to services and not provided for administrative needs. Council Member Stahel and Ms. Moss complimented the efforts of the board and Staff.

CONSENT AGENDA

Council Member Stahel requested Consent Agenda Item "L" be removed for individual consideration due to a possible conflict of interest.

Upon a motion made by Mayor Pro Tem Johnson and seconded by Council Member LaRosiliere the Council voted 7-0 to approve and adopt all remaining items on the Consent Agenda as follows:

Approval of Minutes [Consent Agenda Item (A)]

April 10, 2006

Approval of Expenditures

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

Bid No. 2006-112-B for Alma Road Whitetopping Street Resurfacing, to Duit Construction Co., Inc. in the amount of \$1,730,643. The project consists of the resurfacing and the construction of a storm sewer main in the 15th Street intersection and south along Alma Road. [Consent Agenda Item (B)] (See Exhibit "A")

Bid No. 2006-111-B for McDermott Road Widening from Custer Road to Coit Road to McMahon Contracting, L.P., in the amount of \$1,759,394. [Consent Agenda Item (C)] (See Exhibit "B")

Bid No. 2006-118-P for an annual fixed price contract for Installation of Ceramic and Acrylic Pavement Marking Buttons in the estimated annual amount of \$134,100 to A&M Maintenance Services, Inc. This will establish an annual fixed price contract for one year with two City optional one-year renewals. [Consent Agenda Item (D)] (See Exhibit "C")

Bid No. 2006-117-P for an annual fixed price contract for Supply and Installation of Thermoplastic Pavement Markings Materials in the estimated annual amount of \$90,224. This will establish an annual fixed price contract for one year with two City optional one-year renewals. [Consent Agenda Item (E)] (See Exhibit "D")

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

To authorize purchase from an Interlocal Contract for Fire Hose in the amount of \$62,363 from Metro Fire Apparatus Specialists and authorizing the City Manager to execute any necessary documents. (HGAC Interlocal Contract, Bid #FS12-05). [Consent Agenda Item (F)]

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

To approve and authorize a contract with Walter P. Moore, Inc. to provide Engineering Services in conjunction with improvements for Park Erosion Control Projects 2006 in an amount not to exceed \$52,128, and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. [Consent Agenda Item (G)]

To approve the terms and conditions of an Engineering Services Contract by and between the City of Plano and APM Associates, Inc. in the amount of \$37,500 for Alley Reconstruction - Prairie Creek and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (H)]

Contract Modification

To approve Contract Modification #1 to Verizon Southwest, Inc., increasing the contract by \$69,454 for High Speed Voice & Data Network (B021-03). [Consent Agenda Item (I)]

Adoption of Resolutions

Resolution No. 2006-4-7(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano and the Dallas County Community College District 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 (J)]

Resolution No. 2006-4-8(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano and The Collin County Community College District 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 (K)]

Resolution No. 2006-4-9(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the Frisco Independent School District for School Crossing Guards; providing for the reimbursement of costs to the City of Plano for providing school crossing guards; authorizing execution of the agreement by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2006-4-10(R): To suspend the May 30, 2006, effective date of the proposal by Atmos Energy Corp., Mid-Tex Division to implement interim GRIP rate adjustments for gas utility investment in 2005; authorizing participation with the Gas Standing Steering Committee in a review and inquiry into the sufficiency of the filing and the basis and reasonableness of the proposed rate adjustments; authorizing intervention in administrative and court proceedings involving the proposed GRIP rate adjustments; requiring reimbursement of reasonable legal and consultant expenses; and requiring delivery of this resolution to the company and legal counsel. [Consent Agenda Item (N)]

Resolution No. 2006-4-11(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, providing terms and conditions for the improvement and widening of McDermott Road from Coit Road to Custer Road; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2006-4-12(R): To approve the submission of a grant application to the Texas Department of Transportation for 15th Street Mobility Enhancement Project funding assistance through the Statewide Transportation Enhancement Program; certifying that the City is eligible to receive financial assistance under the program; certifying that the City's matching share is readily available; designating the City Engineer as being responsible for acting for, and on behalf of the City of Plano in dealing with the Texas Department of Transportation for the purpose of participating in the Statewide Transportation Enhancement Program, and providing an effective date. [Consent Agenda Item (P)]

Resolution No. 2006-4-13(R): To approve the submission of a grant application to the Texas Department of Transportation for Park Boulevard Project funding assistance through the Statewide Transportation Enhancement Program; certifying that the City is eligible to receive financial assistance under the program; certifying that the City's matching share is readily available; designating the City Engineer as being responsible for acting for, and on behalf of the City of Plano in dealing with the Texas Department of Transportation for the purpose of participating in the Statewide Transportation Enhancement Program, and providing an effective date. [Consent Agenda Item (Q)]

Adoption of Ordinances

Ordinance No. 2006-4-14: To temporarily close a section of Robinson Road from a point beginning at its intersection with White Rock Creek, north to its intersection with State Highway 121, in the City limits of Plano, Collin County, Texas, and authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (R)]

Ordinance No. 2006-4-15: To amend Section 21-135, Sewer Charges – Residential, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano; revising the winter quarter averaging method for calculating residential sanitary sewer charges beginning with the May 1, 2006 billing period; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (S)]

ITEMS FOR INDIVIDUAL CONSIDERATION:

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

Resolution No. 2006-4-16(R): To approve the terms and conditions of a Support and Maintenance Agreement with TriTech Software Systems, Inc., a sole source vendor for the maintenance and support of the VisiCAD System; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2006-4-16(R) (cont'd)

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 6-0 to approve the terms and conditions of a Support and Maintenance Agreement with TriTech Software Systems, Inc., a sole source vendor for the maintenance and support of the VisiCAD System; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2006-4-16(R).

Council Member Stahel resumed his place at the bench.

The following three items were discussed concurrently.

Public Hearing and a resolution to adopt the 2006-07 Action Plan, including the Final Statement of Community Development Block Grant and HOME Program Objectives and Proposed Use of Funds for Program Year 2006-2007; and declaring an effective date. [Regular Agenda Item (1)]

A resolution to authorize the filing of applications for federal funds in an amount not to exceed \$1,756,176 under the Housing and Community Development Act, the Home Investment Partnership Act, and the American Dream Downpayment Act; designating Thomas H. Muehlenbeck as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. [Regular Agenda Item (2)]

A resolution to approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of Community Development Block Grant funds in the amount of \$713,454 and HOME funds in the amount of \$130,531 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (3)]

Mayor Evans advised that due to a possible conflict of interest she would step down on approval of a portion of the requests.

Mayor Pro Tem Johnson opened the Public Hearing. Christina Alford, representing the Boys and Girls Club of Collin County spoke to the programs provided by the agency, the decrease in the amount allocated and requested reconsideration of funding. She spoke to the lack of funding at the local level by the national organization and to submission of applications to different sources. No one else spoke either for or against the request. The Public Hearing was closed.

Neighborhood Services Manager Buffington advised the Council that Community Development Block Grant (CDBG) funds are to be used to assist low to moderate income persons and that within that requirement, 15% of the grant amount can be used for public services. He spoke to requests being categorized as either housing or public service and to striking a balance between the two so there is equal opportunity for funding. Mr. Buffington stated that while deliberations have been made with regard to social service funding, consideration by the Council of this area is usually addressed during the budget cycle. He responded to the Council that he could bring forward those recommendations at the May 8, 2006 Council meeting.

Upon a motion made by Council Member Ellerbe and seconded by Council Member LaRosiliere, the Council vote 7-0 to table a resolution to adopt the 2006-07 Action Plan, including the Final Statement of Community Development Block Grant and HOME Program Objectives and Proposed Use of Funds for Program Year 2006-2007; a resolution to authorize the filing of applications for federal funds in an amount not to exceed \$1,756,176 under the Housing and Community Development Act, the Home Investment Partnership Act, and the American Dream Downpayment Act; a resolution to approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of Community Development Block Grant funds in the amount of \$713,454 and HOME funds in the amount of \$130,531 for the provision of various community services; until the May 8, 2006 Council meeting.

Public Hearing pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of a City of Plano park and known as Jack Carter Park for a Communications Facilities License Agreement for cellular equipment attached to and at the base of the existing TXU Electric transmission tower. [Regular Agenda Item (4)]

Director of Customer and Utility Services Israelson advised that the following items consider three cellular sites that will be located along the City's park trail system. He stated that the sites will be co-located on TXU transmission towers and that approval is recommended by the Parks and Recreation Planning Board. Mr. Israelson advised that with regard to Jack Carter Park, MetroPCS agrees to reclaim an abandoned cellular site as well as comply with landscaping requirements. He further stated that without usage of these three locations, it would require six sites to provide coverage to the City.

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

Ordinance No. 2006-4-17: To approve a Communications Facilities License Agreement to MetroPCS Texas, LLC, requiring the use or taking of a portion of City of Plano public park land, known as Jack Carter Park; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date. [Regular Agenda Item (5)]

Ordinance No. 2006-4-17 (cont'd)

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member Callison, the Council voted 7-0 to approve a Communications Facilities License Agreement to MetroPCS Texas, LLC, requiring the use or taking of a portion of City of Plano public park land, known as Jack Carter Park; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date; and further to adopt Ordinance No. 2006-4-17.

Resolution No. 2006-4-18(R): To approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas, and MetroPCS Texas, LLC, a Delaware Limited Liability Company, to locate, place, attach, install, and operate, telecommunications ground equipment in certain specific portions of Jack Carter Park identified as the reclamation communications site; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (6)]

First Assistant City Attorney Gilliam advised Mayor Pro Tem Johnson that the agreement provides for the removal of equipment upon lease termination.

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 7-0 to approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas, and MetroPCS Texas, LLC, a Delaware Limited Liability Company, to locate, place, attach, install, and operate, telecommunications ground equipment in certain specific portions of Jack Carter Park identified as the reclamation communications site; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2006-4-18(R).

Public Hearing pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of a City of Plano park and known as Preston Ridge Trail Park at Coit & Parker for a Communications Facilities License Agreement for cellular equipment attached to and at the base of the existing TXU Electric transmission tower. [Regular Agenda Item (7)]

Director of Customer and Utility Services Israelson advised the Council that the next two sites are for locations with new equipment.

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

Ordinance No. 2006-4-19: To approve a Communications Facilities License Agreement to MetroPCS Texas, LLC, requiring the use or taking of a portion of City of Plano public park land, known as Preston Ridge Trail Park (Coit and Parker); providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date. [Regular Agenda Item (8)]

Upon a motion made by Council Member Callison and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 7-0 to approve a Communications Facilities License Agreement to MetroPCS Texas, LLC, requiring the use or taking of a portion of City of Plano public park land, known as Preston Ridge Trail Park (Coit and Parker); providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date; and further to adopt Ordinance No. 2006-4-19.

Resolution No. 2006-4-20(R): To approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas, and MetroPCS Texas, LLC, a Delaware Limited Liability Company, to locate, place, attach, install, and operate, telecommunications ground equipment in certain specific portions of Preston Ridge Trail Park identified as the Coit & Parker Communications site; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (9)]

Upon a motion made by Council Member Callison and seconded Council Member LaRosiliere, the Council voted 7-0 to approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas, and MetroPCS Texas, LLC, a Delaware Limited Liability Company, to locate, place, attach, install, and operate, telecommunications ground equipment in certain specific portions of Preston Ridge Trail Park identified as the Coit & Parker Communications site; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2006-4-20(R).

Public Hearing pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of a City of Plano park and known as Preston Ridge Trail Park at Coit & McDermott for a Communications Facilities License Agreement for cellular equipment attached to and at the base of the existing TXU Electric transmission tower. [Regular Agenda Item (10)]

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

Ordinance No. 2006-4-21: To approve a Communications Facilities License Agreement to MetroPCS Texas, LLC, requiring the use or taking of a portion of City of Plano public park land, known as Preston Ridge Trail Park (Coit and McDermott); providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date. [Regular Agenda Item (11)]

Upon a motion made by Deputy Mayor Pro Tem Magnuson, and seconded by Council Member Ellerbe, the Council voted 7-0 to approve a Communications Facilities License Agreement to MetroPCS Texas, LLC, requiring the use or taking of a portion of City of Plano public park land, known as Preston Ridge Trail Park (Coit and McDermott); providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date; and further to adopt Ordinance No. 2006-4-21.

Resolution No. 2006-4-22(R): To approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas, and MetroPCS Texas, LLC, a Delaware Limited Liability Company, to locate, place, attach, install, and operate, telecommunications ground equipment in certain specific portions of Preston Ridge Trail Park identified as the Coit & McDermott Communications site; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (12)]

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison, the Council voted 7-0 to approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas, and MetroPCS Texas, LLC, a Delaware Limited Liability Company, to locate, place, attach, install, and operate, telecommunications ground equipment in certain specific portions of Preston Ridge Trail Park identified as the Coit & McDermott Communications site; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2006-4-22(R).

Public Hearing and adoption of Ordinance No. 2006-4-23 as requested in Zoning Case 2005-54 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 16.2± acres located on the east side of Los Rios Boulevard, 120± feet south of Trail Walker Drive in the City of Plano, Collin County, Texas, from Agricultural and Estate Development to Single-Family Residence-7; 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: Abby Bahreini [Regular Agenda Item (13)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted and stated that four letters have been received in opposition with two respondents indicating they wish to see no development on the property.

Ordinance No. 2006-4-23 (cont'd)

Mayor Evans opened the Public Hearing. Hansen Nemat, representing the applicant advised that he was available for 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 Mayor Pro Tem Johnson, 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 16.2± acres located on the east side of Los Rios Boulevard, 120± feet south of Trail Walker Drive in the City of Plano, Collin County, Texas, from Agricultural and Estate Development to Single-Family Residence-7 as requested in Zoning Case 2005-54 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. 2006-4-23.

Public Hearing and adoption of Ordinance No. 2006-4-24 as requested in Zoning Case 2006-02 – To repeal in its entirety Ordinance No. 2004-9-37, thereby rescinding the Comprehensive Zoning Ordinance in its current form, together with all amendments thereto; and adopting an updated version of the Comprehensive Zoning Ordinance in order to amend various sections of the Comprehensive Zoning Ordinance, including regulations and administrative procedures regarding storm water infrastructure improvements intended to reduce the quantity of and to improve the quality of storm water runoff; 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 (14)]

Development Review Manager Elgin advised the Council that the following three items are related to the City's Storm Water Permit. He advised that the first request provides amendments to the Zoning Ordinance including a cluster option for some residential zoning which would allow for reduced lot size and setbacks and increased lot coverage as long as the development provided a commensurate amount of area for storm water conservation. Mr. Elgin spoke regarding proposals for non-residential development which would allow more flexible placement of landscaping to accommodate storm water friendly improvements. He spoke to the amendment of parking standards to permit the use of permeable pavement, establish parking caps for nonresidential uses and allow a reduction in required parking which will reduce impermeable surface and storm water runoff. Mr. Elgin advised that the Homeowners' Council provided positive feedback, that the Developers' Council generally supported parking proposals and that the Planning and Zoning Commission recommended approval as submitted. Council Member Ellerbe spoke to the establishment of parking caps being a positive change.

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

Ordinance No. 2006-4-24 (cont'd)

Upon a motion made by Council Member Ellerbe and seconded by Council Member LaRosiliere, the Council voted 7-0 to repeal in its entirety Ordinance No. 2004-9-37, thereby rescinding the Comprehensive Zoning Ordinance in its current form, together with all amendments thereto; and adopting an updated version of the Comprehensive Zoning Ordinance in order to amend various sections of the Comprehensive Zoning Ordinance, including regulations and administrative procedures regarding storm water infrastructure improvements intended to reduce the quantity of and to improve the quality of storm water runoff as requested in Zoning Case 2006-02 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. 2006-4-24.

Public Hearing adoption of Ordinance No. 2006-4-25 - Subdivision Ordinance Amendment - To repeal in its entirety Ordinance No. 98-9-5, thereby rescinding the Subdivision Ordinance in its current form, together with all amendments thereto; and adopting an updated version of the Subdivision Ordinance in order to amend various sections of the Subdivision Ordinance, including regulations and administrative procedures regarding storm water infrastructure improvements intended to improve storm water quantity and quality; 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 (15)]

Development Review Manager Elgin advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted and that the proposal amends regulations and administrative procedures regarding storm water infrastructure improvements. He spoke to establishing the North Central Texas Council of Government's Integrated Storm Water Management Manual as the base engineering criteria for review of storm water proposed developments and responded to the Council regarding the City's timetable for implementation.

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

Upon a motion made by Council Member LaRosiliere and seconded by and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 7-0 to repeal in its entirety Ordinance No. 98-9-5 (Subdivision Ordinance), thereby rescinding the Subdivision Ordinance in its current form, together with all amendments thereto; and adopting an updated version of the Subdivision Ordinance in order to amend various sections of the Subdivision Ordinance, including regulations and administrative procedures regarding storm water infrastructure improvements intended to improve storm water quantity and quality 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. 2006-4-25.

Ordinance No. 2006-4-26: To amend Section 21-2(f) of Article I, Municipal Drainage Utility System of Chapter 21, Utilities of the Code of Ordinances of the City of Plano; providing a repealer clause, a savings clause; a severability clause; a penalty clause; and providing an effective date. [Regular Agenda Item (16)]

City Engineer Upchurch advised the Council that as part of the City's Storm Water Permit there is a requirement to provide incentives encouraging developers to implement storm water quality improvement practices. He stated that this item would give a credit to non-residential development drainage fee if such practices are incorporated and that for redevelopment sites there would be a 100% credit if the new development's impervious area is less than the original site.

Upon a motion made by Mayor Pro Tem Johnson and seconded by Council Member Ellerbe, the Council voted 7-0 to amend Section 21-2(f) of Article I, Municipal Drainage Utility System of Chapter 21, Utilities of the Code of Ordinances of the City of Plano; providing a repealer clause, a savings clause; a severability clause; a penalty clause; and providing an effective date; and further to adopt Ordinance No. 2006-4-26.

There being no further discussion, Mayor Evans adjourned the meeting at 8:58 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary