

PLANO CITY COUNCIL
February 25, 2002

COUNCIL MEMBERS

Jeran Akers, Mayor
Rick Neudorff, Mayor Pro tem
Phil Dyer, Deputy Mayor Pro tem
Shep Stahel
Scott Johnson
Steve Stovall
Jim McGee
Ken Lambert

STAFF

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

Mayor Akers convened the meeting into open session on Monday, February 25, 2002, 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 Waylon Ward, Associate Pastor of Vineyard Christian Fellowship.

The Pledge of Allegiance was led by Katie Lynch from Jr. Girl Scout Troop 0069.

Mayor Akers administered the oath of office to incoming Heritage Commission member Robert Ray Holton.

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

Discussion and Direction Regarding Board and Commission Appointment Process

Council Member Stahel spoke in support of the current board and commission appointment process and requested receipt of appointment notebooks be moved up to August 28, 2002. The Council concurred with this recommendation.

Mayor Pro tem Neudorff spoke to input received from several committees who requested a representative from their board be available at the board and commission appointment receptions to respond to questions. Council Member Lambert spoke to the importance of having representatives from each of the committees available at the receptions and Mayor Akers stated preference for the presence of the committee chairs.

GENERAL DISCUSSION

No one appeared to speak.

CONSENT AGENDA

Upon the request of Council Member McGee and Dalene Buhl of SBC Southwestern Bell, Consent Item "C" was removed for individual consideration.

Upon the request of City Manager Muehlenbeck and Staff, Consent Item "U" was pulled and held.

Upon the request of Council Members Stahel and Stovall, Consent Items "R," "AA," and "BB" were removed for individual consideration due to conflicts of interest.

Upon the request of Mayor Akers, Consent Item "G" was removed for individual consideration due to a conflict of interest. Mayor Akers further advised that he would also step down on Regular Agenda Item "10" due to a conflict of interest.

Upon a motion made by Mayor Pro tem Neudorff and seconded by Council Member Stahel, the Council voted 8-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item (A))

February 11, 2002

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

Bid No. B045-02 for South Couplet Streetscape (Project No. 5077) in the amount of \$96,372. [Consent Agenda Item (B)] (See Exhibit "A")

Adoption of Resolutions

Resolution No. 2002-2-14(R): To approve the terms and conditions of an interlocal agreement between the City of Plano and Collin County, Texas, providing for exclusive City control of subdivision regulations in the extra-territorial jurisdiction of the City; authorizing the City Manager to execute the interlocal agreement and any related documents necessary to carry out its purpose and intent; providing a savings clause, and providing for an effective date. [Consent Agenda Item (D)]

Resolution No. 2002-2-15(R): To authorize the City Manager to enter into agreements with qualified entities for cooperative purchasing efforts pursuant to Local Government Code, Chapter 271, Subchapter F, setting restrictions on such agreements; and providing an effective date. [Consent Agenda Item (E)]

Resolution No. 2002-2-16(R): To approve an interlocal cooperation agreement by and between the City of Plano and the Plano Independent School District providing terms and conditions for the construction of improvements to an unnamed park site adjacent to Andrews Elementary School; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (F)]

Resolution No. 2002-2-17(R): To appoint Jack M. Pepper and Bryan K. Gallerson to serve as investigators in determining violations of the Code of Conduct of the City of Plano by a Councilmember and providing an effective date. [Consent Agenda Item (H)]

Resolution No. 2002-2-18(R): To approve the terms and conditions of an interlocal cooperation agreement by and between the City of Plano and Denton County, Texas, providing terms and conditions for emergency ambulance services; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (I)]

Resolution No. 2002-2-19(R): To approve the terms and conditions of an interlocal cooperation agreement by, between and among the City of Plano and the cities of Aubrey, Carrollton, Denton, Flower Mound, Highland Village, Lewisville, Little Elm, Pilot Point, Roanoke, Sanger, Southlake, and the Colony and Argyle Volunteer Fire District, Aubrey Area Ambulance Service, Inc., Double Oak Volunteer Fire Department, Justin Community Volunteer Fire Department, Inc., Krum Volunteer Fire Department, Lake Cities Fire Department, and Trophy Club/Westlake Department of Public Safety, providing terms and conditions for mutual aid in fire protection, emergency medical services and disaster assistance; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2002-2-20(R): To approve the terms and conditions of an agreement by and between the City of Plano and Plano Housing Authority, to occupy and use a portion of the Douglass Community Center to provide public housing services to low-income families; and authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2002-2-21(R): To approve the granting of a Special Warranty Deed and Drainage Easement on City property east of Jupiter Road and south of Chaparral Road in the City of Plano, Collin County, Texas as recorded in Volume 1938 at Page 929 of the Land Records of Collin County, Texas and authorizing their execution by the City Manager; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2002-2-22(R): To approve the granting of a Siren Tower Easement being in the H.N. Thompson Survey, Abstract No. 896, also being part of Lot 2, Block B of the J.C. Penney Headquarters Addition, a platted addition to the City of Plano, Texas as recorded in Volume G, Page 783 of the Plat Records of Collin County, Texas as conveyed to the City of Plano by Deed recorded in Volume 1670, Page 194 of the Deed Records of Collin County, and being located in the 6100 block of Headquarters Drive, and authorizing the execution by the City Manager, and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2002-2-23(R): To approve the granting of a Siren Tower Easement being in the Hogan Witt Survey, Abstract No. 996, also being part of Lot 2, Block A, the Ridgeview Ranch Golf Club Addition, as recorded in Volume J, Page 577 of the Plat Records of Collin County, Texas as conveyed to the City of Plano by Deeds recorded in Volume 2411, Page 721, Volume 512, Page 593, and Volume 706, Page 67 of the Land Records of Collin County, and being located at the Ridgeview Pump Station in the 2600 block of Ridgeview Drive, and authorizing the execution by the City Manager, and providing an effective date. [Consent Agenda Item (N)]

Resolution No. 2002-2-24(R): To approve the terms and conditions of a real estate contract by and between the City of Plano, Texas, and H.K. Huie, Jr. for the purchase of 6.701 acres of land, situated in the Eli Smyler Survey, Abstract No. 857, being located on the north side of Parker Road, north of its intersection with Los Rios Boulevard, in the City of Plano, Collin County, Texas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2002-2-25(R): To approve the terms and conditions of an agreement between the City of Plano and Webb Management Services, Inc., for consulting services related to the Collin County Cultural Arts District; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (P)]

Resolution No. 2002-2-26(R): To approve the terms and conditions of an agreement between the City of Plano and Theatre Projects Consultants, Inc. for consulting services related to the Collin County Cultural Arts District; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (Q)]

Adoption of Ordinances

Ordinance No. 2002-2-27: To amend specific sections of Ordinance No. 69-2-3 codified as Sections 17-51 and 17-58, Article III (Impounded Property) of Chapter 17 of the City of Plano Code of Ordinances to clarify the penalty provision and to prohibit City of Plano Police Department employees from purchasing any impounded property; and providing a repealer clause, a severability clause, a penalty clause, a savings clause, and an effective date. [Consent Agenda Item (S)]

Ordinance No. 2002-2-28: To transfer the sum of \$33,250 from the Water and Sewer Fund Unappropriated Fund Balance to the Water and Sewer Fund Operating Appropriation for Fiscal Year 2001-02 for the purpose of implementation of a Supplemental Environmental Program resulting from wastewater violations; amending the budget of the City and Ordinance No. 2001-9-16, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. [Consent Agenda Item (T)]

To adopt Section 12-103 of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to limit the duration of parking to two hours maximum at all times in the parking spaces along specified portions of Bishop Road, Daniel Road, Libby Road, Martin Road, Kincaid Road, and Lunsford Road within the City limits of the City of Plano, declaring it unlawful and a misdemeanor to park motor vehicles in such parking spaces for longer than the time herein defined; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, severability clause, a savings clause; and providing an effective date. [Consent Agenda Item (U)] (Item pulled and held

Approval of Contracts

To approve and authorize for the selection of Brockett, Davis, Drake, Inc. to provide Professional Engineering Services for an amount not to exceed \$109,200 in connection with the design of the Bronze Leaf Drive Drainage Improvements and authorizing the City Manager to execute all necessary documents to effectuate the contract. [Consent Agenda Item (V)]

To approve and authorize a contract with Jones & Boyd, Inc. to provide Landscape Architectural Services in conjunction with improvements to the Russell Creek Greenbelt Trail Extension in an amount not to exceed \$33,000 and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. [Consent Agenda Item (W)]

To approve and authorize for the selection of HBC Engineering, Inc. to provide Material Testing Services for an amount not to exceed \$37,151 in connection with the material testing for the Hedgcoxe Road Pavement Widening and Reconstruction from Preston Road to Custer Road and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (X)]

Approval of Agreement

To approve payment of Geographic Information Systems Annual Maintenance and upgrades fees for software and core systems to Environmental Systems Research Institute (ESRI) in the amount of \$83,694. [Consent Agenda Item (Y)]

Approval of Expenditure

To approve an additional expenditure under existing three-year contract with Henkels & McCoy, Inc., for an estimated increased amount of \$1,000,000 for the remaining contract period for the delivery of cabling systems for both our voice and data cabling infrastructure, and authorizing the City Manager to execute all documents necessary to effectuate the delivery of these structures. [Consent Agenda Item (Z)]

END OF CONSENT:

Due to a conflict of interest, Mayor Akers stepped down from the bench on the following item.

Resolution No. 2002-2-29(R): To approve the granting of three Special Warranty Deeds being in the Joseph Klepper Survey, Abstract No. 213, City of Plano, Collin County, Texas on one tract at the northeast corner of 14th Street and DART Railroad, another at the northwest corner of 14th Street and K Avenue and the last at the southwest corner of 14th Street and K Avenue, for right-of-way for the widening of 14th Street, and authorizing the execution by the City Manager, and providing an effective date. [Consent Agenda Item (G)]

Resolution No. 2002-2-29(R) (cont'd)

Upon a motion made by Deputy Mayor Pro tem Dyer and seconded by Council Member Stovall, the Council voted 7-0 to approve the granting of three Special Warranty Deeds being in the Joseph Klepper Survey, Abstract No. 213, City of Plano, Collin County, Texas on one tract at the northeast corner of 14th Street and DART Railroad, another at the northwest corner of 14th Street and K Avenue and the last at the southwest corner of 14th Street and K Avenue, for right-of-way for the widening of 14th Street, and authorizing the execution by the City Manager, and providing an effective date and further to adopt Resolution No. 2002-2-29(R).

Mayor Akers returned to his place on the bench.

Due to conflicts of interest, Council Members Stahel and Stovall stepped down from the bench on the following three items, which were considered concurrently.

Resolution No. 2002-2-30(R): To approve the purchase of interactive voice response (IVR) hardware and software from Selectron Technologies, Inc., sole source provider of such hardware and software; authorizing the City Manager to negotiate and execute all documents necessary to effectuate the purchase. [Consent Agenda Item (R)]

Approval of QISV: To request ratification of the purchase of network servers in an amount of \$36,028 from GE Capital IT Solutions, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendor's list; and authorizing the City Manager to execute all documents necessary to effectuate the purchase. [Consent Agenda Item (AA)]

Approval of QISV: To approve an expenditure for the purchase of software in an amount not to exceed \$39,803 from Court Specialists, Inc., a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendor list; and authorizing the City Manager to execute all necessary documents to effectuate the purchase. [Consent Agenda Item (BB)]

Upon a motion made by Mayor Pro tem Neudorff and seconded by Council Member Lambert, the Council voted 6-0 to approve the purchase of interactive voice response (IVR) hardware and software from Selectron Technologies, Inc., sole source provider of such hardware and software; authorizing the City Manager to negotiate and execute all documents necessary to effectuate the purchase; and further to adopt Resolution No. 2002-2-30(R); approve the ratification of the purchase of network servers in an amount of \$36,028 from GE Capital IT Solutions, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendor's list; and authorizing the City Manager to execute all documents necessary to effectuate the purchase; and approve an expenditure for the purchase of software in an amount not to exceed \$39,803 from Court Specialists, Inc., a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendor list; and authorizing the City Manager to execute all necessary documents to effectuate the purchase.

Council Members Stahel and Stovall returned to their places on the bench.

Consideration of a resolution to express opposition to the passage of House Resolution 1542 known as the "Internet Freedom and Broadband Deployment Act of 2001" and "Tauzin-Dingell" ("HR 1542") and urging congressional delegates to vote in opposition to HR 1542; directing that this resolution be forwarded to the Texas Congressional Delegation, other congressional representatives as deemed appropriate, and the President of the United States; and providing an effective date. [Consent Agenda Item (C)]

Assistant to the City Manager Fleischer advised the Council that this item is submitted per the request of Council Member Stovall and letters expressing opposition have been sent.

Council Member McGee stated opposition to submitting this Plano resolution, that he would be more supportive if the City stated support of the legislation if certain issues were addressed and were pro-active rather than reactive. He spoke regarding the history of the bill, its relationship to economic development and the workforce and stated that at one time this legislation was considered for inclusion in the President's economic stimulus package. Mr. McGee spoke regarding HR 1542's limits on FCC (Federal Communications Commission) regulation, requirement that incumbent local exchange carriers provide consumers a choice of internet service provider (which is new for non-Bell carriers), and requirement that deployment occur within five years. He spoke regarding concerns related to the proposed City resolution, including its statement that HR 1542 will negatively impact competition in local phone markets, reference to pre-emption of state and FCC regulatory authority and regarding high-tech companies urging Congress to accelerate the broad-band deployment.

Ms. Fleischer stated that there is concern that HR 1542 contains a broad pre-emption of federal and state authority and she spoke regarding deployment and the possible reduction in fees collected from telecom providers. Mr. McGee spoke to expressing support for deployment on a five-year basis with a level playing field, but requesting the taxing entities and franchise fees not be taken away and stated concern that the item is presented in a negative manner. Mayor Pro tem Neudorff spoke to the City providing input in a positive manner.

Council Member Stovall stated that HR 1542 is on the House floor, does not represent internet freedom and broadband deployment, and spoke to opposition by the Information Technology and Communications Steering Committee for the National League of Cities and the Local and State Government Advisory Committee for the FCC. He spoke to the bill removing local control over rights-of-way, regarding the response of providers to Telecommunications Act of 1996, the availability of digital subscriber lines (DSL) to the citizens of Plano and urged the Council to support the City's resolution.

Ms. Fleischer stated in response to Council Member Lambert that if the House did not pass the resolution, it would not go away and congressional members could be contacted in order to make revisions. She further advised that if it were to pass in the House, revisions might be possible as the bill moves to the Senate. Mayor Pro tem Neudorff spoke regarding House procedure, stated that concerns should have been addressed when the bill was in committee, and regarding providing input if it moves to a joint committee.

Council Member McGee stated concern that there might be "mixed signals" being sent and spoke to contacting members of the telecom industry. Ms. Fleischer spoke to contacting competitive providers and hardware companies.

Dahlene Buhl of SBC Southwestern Bell, spoke in opposition to the City's resolution and stated that HB 1542 is not related to pro-competitive provisions of the Telecommunications Act of 1996, will clear up a "patchwork" of regulatory points, and in no way addresses "slamming and cramming." She further spoke regarding a study by TeleNomic Research, LLC. indicating that passage of HR 1542 would result in 1.2 million new jobs, and stated that the bill does not limit or affect the authority of any state to regulate voice telecom exchange and it simply makes the regulation of cable modem providers and DSL providers the same. Ms. Fleischer spoke regarding consideration of economic studies and stated that the way HR 1542 is currently written, it is detrimental to the City.

Mayor Pro tem Neudorff spoke to not expressing an opinion at the current time and when HR 1542 goes to joint committee, lobbying via resolution or letters to address items to be included in the bill.

Council Member Stovall spoke to management of the bill, in support of the City's resolution due to the negative effects HR 1542 may have due to Plano's involvement in technology and telecom, and letting the citizens know what the Council stands for.

Ms. Fleischer responded to Council Member Lambert and stated that if HR 1542 were adopted in its present form, citizens could expect broadband DSL, but that it is her belief they would not get it because the bill provides no guarantee or oversight. Council Member Lambert spoke in support of the City resolution and his desire that there be a guarantee of good, high-speed internet service to the citizens in a reasonable timeframe. Council Member McGee spoke to the unpredictability of the economic impact. Ms. Fleischer spoke regarding contact with several competitive providers who are in opposition and the anticipated effect.

A motion was made by Mayor Pro tem Neudorff and seconded by Council Member McGee to deny the City's resolution expressing opposition to the passage of House Resolution 1542 known as the "Internet Freedom and Broadband Deployment Act of 2001" and "Tauzin-Dingell" ("HR 1542") and urging congressional delegates to vote in opposition to HR 1542; directing that this resolution be forwarded to the Texas Congressional Delegation, other congressional representatives as deemed appropriate, and the President of the United States; and providing an effective date. The Council voted 4-4 with Council Members Stahel, Stovall, Johnson and Lambert voting in opposition. The motion failed.

A motion was made by Council Member Lambert and seconded by Council Member Stovall, to adopt the City's resolution expressing opposition to the passage of House Resolution 1542 known as the "Internet Freedom and Broadband Deployment Act of 2001" and "Tauzin-Dingell" ("HR 1542") and urging congressional delegates to vote in opposition to HR 1542; directing that this resolution be forwarded to the Texas Congressional Delegation, other congressional representatives as deemed appropriate, and the President of the United States; and providing an effective date. The Council voted 4-4 with Mayor Akers, Mayor Pro tem Neudorff, Deputy Mayor Pro tem Dyer and Council Member McGee voting in opposition. The motion failed.

Public Hearing pursuant of Chapter 26 of the Texas Parks and Wildlife Code pertaining to use or taking of a portion of City of Plano Park known as Sunset Park, for siren tower easement facilities. [Regular Agenda Item (1)]

City Engineer Upchurch spoke to work done with the Public Safety Communications Department to upgrade and add additional warning sirens throughout the City and regarding the site at Sunset Park, advising that no existing improvements would be impacted. He advised that based on Public Safety Communications criteria this is the only location available.

Director of Parks and Recreation Wendell stated that Staff and the Parks and Recreation Planning Board have reviewed the location and feel that there would be no impact on present or future uses at the park. He confirmed that proper planning has been done to minimize harm to the parkland and recommended approval.

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

Ordinance No. 2002-2-31: To approve a project, for a Siren Tower Easement to the City of Plano, requiring the use or taking of a portion of City of Plano public park land, known as Sunset 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 (2)]

Upon a motion made by Council Member Lambert and seconded by Mayor Pro tem Neudorff, the Council voted 8-0 to approve a project, for a Siren Tower Easement to the City of Plano, requiring the use or taking of a portion of City of Plano public park land, known as Sunset 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. 2002-2-31.

Resolution No. 2002-2-32(R): To approve the granting of a Siren Tower Easement being in the Henry B. Miller Survey, Abstract No. 1110, City of Plano, Collin County, Texas across a portion of City of Plano park known as Sunset Park and authorizing the execution of the easement by the City Manager; and providing an effective date. [Regular Agenda Item (3)]

Upon a motion made by Council Member McGee and seconded by Council Member Stahel, the Council voted 8-0 to approve the granting of a Siren Tower Easement being in the Henry B. Miller Survey, Abstract No. 1110, City of Plano, Collin County, Texas across a portion of City of Plano park known as Sunset Park and authorizing the execution of the easement by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-2-32(R).

Public Hearing pursuant of Chapter 26 of the Texas Parks and Wildlife Code pertaining to use or taking of a portion of City of Plano Park known as Willow Creek Park, for siren tower easement facilities. [Regular Agenda Item (4)]

City Engineer Upchurch spoke regarding the site and stated that based on criteria established by Public Safety Communications that this is the only location available.

Director of Parks and Recreation Wendell stated that there are no facilities/improvements that would be impacted nor would there be an impact on the open space and further that proper planning has been done to minimize harm to the parkland and recommended approval.

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

Ordinance No. 2002-2-33: To approve a project, for a Siren Tower Easement to the City of Plano, requiring the use or taking of a portion of City of Plano public park land, known as Willow Creek 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)]

Upon a motion made by Mayor Pro tem Neudorff, and seconded by Council Member Stahel, the Council voted 8-0 to approve a project, for a Siren Tower Easement to the City of Plano, requiring the use or taking of a portion of City of Plano public park land, known as Willow Creek 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. 2002-2-33.

Resolution No. 2002-2-34(R): To approve the granting of a Siren Tower Easement being in the Benjamin F. Mathews Survey, Abstract No. 612, City of Plano, Collin County, Texas across a portion of City of Plano park known as Willow Creek Park and authorizing the execution of the easement by the City Manager; and providing an effective date. [Regular Agenda Item (6)]

Upon a motion made by Mayor Pro tem Neudorff and seconded by Council Member Stahel, the Council voted 8-0 approve the granting of a Siren Tower Easement being in the Benjamin F. Mathews Survey, Abstract No. 612, City of Plano, Collin County, Texas across a portion of City of Plano park known as Willow Creek Park and authorizing the execution of the easement by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-2-34(R).

Consideration of a request for a Parking Reduction Program for Crossmark Legacy Business Park, Block 1, Lot 1 - A general office building on one lot on 22.8± acres on the south side of Legacy Drive, 1,382± feet east of Windcrest Parkway. Zoned Commercial Employment. Neighborhood #16. Applicant: EDS Information Services [Regular Agenda Item (7)]

Director of Planning Phyllis Jarrell advised the Council that the request by the applicant is to provide fewer parking spaces than normally required for an office use, that spaces could be added if required in the future and that the Planning and Zoning Commission found that the proposed plan would not negatively impact adjacent streets or properties.

Upon a motion made by Council Member Lambert and seconded Deputy Mayor Pro tem Dyer, the Council voted 8-0 to approve the Parking Reduction Program for Crossmark Legacy Business Park, Block 1, Lot 1 - A general office building on one lot on 22.8± acres on the south side of Legacy Drive, 1,382± feet east of Windcrest Parkway finding that it will not negatively impact adjacent streets or property.

Public Hearing and adoption of Ordinance No. 2002-2-35 as requested in Zoning Case 2001-33 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to amend Planned Development-82-Office-1 (PD-82-O-1) to allow the additional use of soccer fields and to amend/revise the boundary of existing Specific Use Permit #375 to limit the private club use to the clubhouse, on 34.9± acres out of the James Ledbetter Survey, Abstract No. 545, located north of 14th Street, 490± feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas; 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. Zoned Planned Development-82-Office-1 with Specific Use Permit #375 for a Private Club. Neighborhood #62. Applicant: Golfcraft I Limited Partnership [Regular Agenda Item (8)]

Director of Planning Phyllis Jarrell advised the Council that issues raised by the Planning and Zoning Commission have been addressed by the applicant's inclusion of additional parking spaces, screening net, paved access to the soccer field area for emergency use and limiting alcohol sales to the clubhouse only. She further advised that the Planning and Zoning Commission recommended approval of the request subject to the following stipulations:

Ordinance No. 2002-2-35 (cont'd)

Planned Development:

1. No parking shall be allowed within 50 feet of the 14th Street (FM 544) right-of-way line.
2. The 50-foot setback from 14th Street (FM 544) shall be incorporated with berms and landscaping.
3. Staff approval of a landscape plan.
4. A golf training facility with a Par 3 golf course, driving range, practice tee, and soccer fields are permitted uses in the area defined on Zoning Exhibit B and shall be adopted as part of this ordinance.
5. The maximum height for net screening between driving range and soccer fields shall not exceed 60 feet.
6. Breakaway gate and/or Knox lock shall be required on the entrance of the sidewalk/emergency access walk.

Specific Use Permit #375:

Private club use is limited to the clubhouse.

Mayor Akers opened the Public Hearing. Chuck McKinney of Jones and Boyd, engineers for the project, stated he was available for any questions. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Stahel and seconded by Mayor Pro tem Neudorff, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to amend Planned Development-82-Office-1 (PD-82-O-1) to allow the additional use of soccer fields and to amend/revise the boundary of existing Specific Use Permit #375 to limit the private club use to the clubhouse, on 34.9± acres out of the James Ledbetter Survey, Abstract No. 545, located north of 14th Street, 490± feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas as requested in Zoning Case 2001-33 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. 2002-2-35.

Public Hearing and adoption of Ordinance No. 2002-2-36 as requested in Zoning Case 2001-53 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance

No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 462 so as to allow the additional use of a Private Club on 0.1± acre of land located on the west side of Bishop Road, 220± feet south of Legacy Drive in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1 (PD-65-CB-1); directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #16. Applicant: The Shops at Legacy, LP [Regular Agenda Item (9)]

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

Mayor Akers 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 Stovall and seconded by Council Member McGee, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 462 so as to allow the additional use of a Private Club on 0.1± acre of land located on the west side of Bishop Road, 220± feet south of Legacy Drive in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1 (PD-65-CB-1) as requested in Zoning Case 2001-53 and as recommended by 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. 2002-2-36.

Due to a conflict of interest, Mayor Akers stepped down from the following item and did not return to the meeting.

Public Hearing and adoption of Ordinance No. 2002-2-37 as requested in Zoning Case 2001-54 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 1.5± acres located on the southwest corner of 14th Street and G Avenue in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-123-Corridor Commercial (PD-123-CC) to accommodate the development of an independent living facility; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Neighborhood #67. Applicant: Plano Housing Authority [Regular Agenda Item (10)]

Ordinance No. 2002-2-37 (cont'd)

Director of Planning Phyllis Jarrell spoke to this location being designated as appropriate for retail office and light manufacturing uses as part of the Corridor Commercial district and regarding consideration to accommodate development that is innovative or for housing designed to meet the needs of specific segments of the population. She advised that due to Zoning Ordinance specifications addressing the size of planned developments, the Council would need to find that establishment of the district is required to implement the Comprehensive Plan and further that the Planning and Zoning Commission recommended approval of the request subject to this finding and the following stipulations.

- a. Independent living facility (retirement housing) as an additional allowed use.
- b. Minimum front-yard building setback is 25 feet.
- c. Minimum height setback from residential zoning district boundary line is 140 feet, and minimum setback from residential development is 65 feet.

Ms. Jarrell responded to Council Member Lambert stating that when the area was zoned Corridor Commercial, no planned development districts were created for housing, but rather existing units were grandfathered.

Mayor Pro tem Neudorff opened the Public Hearing. Lee Ann Hubanks, Executive Director of Plano Community Homes and Robert Troy, architect, stated they are available to answer any questions. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro tem Dyer and seconded by Council Member McGee, the Council voted 7-0 to find that the establishment of the district is required to implement the Comprehensive Plan and to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 1.5± acres located on the southwest corner of 14th Street and G Avenue in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-123-Corridor Commercial (PD-123-CC) to accommodate the development of an independent living facility as requested in Zoning Case 2001-54 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. 2002-2-37.

There being no further discussion, Mayor Pro tem Neudorff adjourned the meeting at 8:26 p.m.

Jeran Akers, **MAYOR**

Rick Neudorff, **MAYOR PRO TEM**

ATTEST:

Elaine Bealke, City Secretary