

PLANO CITY COUNCIL
March 26, 2001

COUNCIL MEMBERS

Jeran Akers, Mayor
Rick Neudorff, Mayor Pro tem
Phil Dyer, Deputy Mayor Pro tem
Shep Stahel
Pat Evans
Steve Stovall
John R. Roach, Jr.
Ken Lambert

STAFF

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

Mayor Akers convened the meeting into open session on Monday, March 26, 2001, at 7:00 p.m., in the Council Chamber of the Plano Municipal Center, 1520 Avenue K. All Council Members were present.

The invocation was led by Father Craig Heenan of The Episcopal Church of the Holy Nativity.

The Pledge of Allegiance was led by Cub Scout Pack 18 from Saigling Elementary.

GENERAL DISCUSSION

No one appeared to speak.

CONSENT AGENDA

Upon the request of Staff, Consent Agenda Item "B" was pulled and held until the April 2, 2001 Council meeting.

Upon the request of Council Members Stahel and Stovall, Consent Agenda Item "R" was removed for individual consideration due to a conflict of interest.

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

Approval of Minutes

March 14, 2001

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. C069-01 for a fixed-price contract for EMS Billing and Collection Service (for EMS Ambulance Service) in the estimated annual amount of \$121,980 for an annual contract with renewals. [Consent Agenda Item (B)] (See Exhibit "A") (Item pulled and held until 04/02/01.)

Bid No. C070-01 for a fixed-price contract for Solar Powered Flashers in the estimated annual amount of \$21,120 for an annual contract with renewals. This will establish an annual fixed-price contract for the purchase of Solar Powered Flashers for school zones and other warning flashers used throughout the City. [Consent Agenda Item (C)] (See Exhibit "B")

Bid No. P071-01 for the Arterial Concrete Replacement Contract 2001, within the City of Plano in the amount of \$723,147. This project will involve the replacement of pavement sections on Spring Creek Parkway between Central Expressway and Coit Road and on Cross Bend Drive between Alma and Custer. [Consent Agenda Item (D)] (See Exhibit "C")

Bid No. C9911-033 for the Purchase of Picnic Tables, Bleachers and Benches for Heritage Yards Park through the Collin County Governmental Purchaser's Forum in the amount of \$24,615. (Contract No. C056-01) [Consent Agenda Item (E)] (See Exhibit "D")

Bid No. C064-01 for a fixed-price contract for July 4th Fireworks Display in the estimated annual amount of \$21,400 for a three-year contract with renewals. [Consent Agenda Item (F)] (See Exhibit "E")

Bid No. B082-01 for One Skid Steer Track Loader for the Municipal Drainage Department in the amount of \$44,857. [Consent Agenda Item (G)] (See Exhibit "F")

Adoption of Resolutions

Resolution No. 2001-3-11(R): To accept the bid of the Plano Star Courier Newspaper to publish all legal notices required by the laws of the State of Texas; designating the Plano Star Courier as the “Official Newspaper” of the City for purposes of advertising City ordinances in accordance with the City Charter; authorizing the City Manager to enter into a contract with the Plano Star Courier upon terms and conditions consistent with all specifications and requirements provided in Competitive Sealed Bid No. C081-01; and providing an effective date. [Consent Agenda Item (H)]

Resolution No. 2001-3-12(R): To acknowledge and support the Parks and Recreation Planning Board’s decision to name the neighborhood park located in the vicinity of McDermott Road and Coit Road as the W.H. “Buzz” Rasor Park. [Consent Agenda Item (I)]

Resolution No. 2001-3-13(R): To approve the terms and conditions of an agreement by and between the City of Plano and Watson Wyatt & Company for professional services related to a 2001 Market Update of the City of Plano’s Compensation and Classification System, and authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2001-3-14(R): To approve the conveyance of a single-family residential lot located at 1614 15th Place to The Plano Housing Corporation, a not-for-profit corporation, for the purpose of constructing a single-family residence affordable to a low-to moderate-income purchaser; providing for an effective date. [Consent Agenda Item (K)]

Resolution No. 2001-3-15(R): To approve an Economic Development Program Agreement between Legacy Operating Company, L.P.; A Texas Limited Partnership and the City of Plano, Texas, which agreement provides for an economic development incentive in the form of a partial sales tax rebate in exchange for minimum sales tax performance goals; further authorizing the execution of this agreement by the City Manager; and providing an effective date. [Consent Agenda Item (L)]

Adoption of Ordinances

Ordinance No. 2001-3-16: To transfer the sum of \$14,000 from the General Fund Unappropriated Fund Balance to the General Fund Operating Appropriation for Fiscal Year 2000-01 for the purpose of funding Cities Aggregation Power Project; amending the budget of the City and Ordinance No. 2000-9-8, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. (Cities Aggregation Power Project, Inc. approved by City Council on 03/14/01.) [Consent Agenda Item (M)]

Ordinance No. 2001-3-17: To provide for partial exemption of certain historic landmark structures from the current year ad valorem taxation; providing a severability clause and an effective date. [Consent Agenda Item (N)]

Ordinance No. 2001-3-18: To abandon all right, title and interest of the City in the north half of 13th Street, east of I Avenue, but retaining a water line easement and a sanitary sewer line easement in said roadway, all being a part of the Joseph Klepper Survey, Abstract No. 213, lying between Block 5 and Block 6 of the Railroad Addition, an addition to the City of Plano recorded in Volume W, Page 246, of the Collin County Map Records which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such right-of-way to the abutting property owner to the extent of its interest; authorizing the City Manager, to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (O)]

Ordinance No. 2001-3-19: To abandon all right, title and interest of the City in the south half of 13th Street, east of I Avenue, but retaining a sanitary sewer line easement in said roadway, all being a part of the Joseph Klepper Survey, Abstract No. 213, lying between Block 5 and Block 6 of the Railroad Addition, an addition to the City of Plano recorded in Volume W, Page 246, of the Collin County Map Records which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such right-of-way to the abutting property owner to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (P)]

Award of Contracts

To approve and authorize a contract with Jones & Boyd, Inc., to provide Landscape Architectural Services in conjunction with improvements to Rasor Park and the Custer/Russell Creek Park site in an amount not to exceed \$59,000, and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. [Consent Agenda Item (Q)]

Amendment to Contract

Contract amendment with Kimley-Horn and Associates, Inc., for Professional Engineering Services in the amount of \$26,000 in connection with Preston/Plano Parkway Traffic Analysis contract, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (S)]

END OF CONSENT

Due to a conflict of interest, Council Members Stahel and Stovall stepped away from the bench on the following item.

Approval of an Expenditure for the purchase of 434 Lotus Notes license renewals and license maintenance agreements, 32 new Lotus Notes licenses, one Domino Applications Server license, one Domino Designer license, and one Domino Mail Server license in the amount of \$17,335 for the Plano Police Department from Software House International. Software House International is a vendor listed on the State Purchasing Qualified Information Services Vendors (QISV) list. This item authorizes the City Manager to execute all documents necessary to effectuate the purchase. [Consent Agenda Item (R)]

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro tem Dyer, the Council voted 6-0 to approve an expenditure for the purchase of 434 Lotus Notes license renewals and license maintenance agreements, 32 new Lotus Notes licenses, one Domino Applications Server license, one Domino Designer license, and one Domino Mail Server license in the amount of \$17,335 for the Plano Police Department from Software House International.

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

Consideration and direction on changing the street name of "Headquarters Drive" to honor the Rasors, a pioneering farm family in the City of Plano, and changing the street name of "Rasor Road" if required. [Regular Agenda Item (1)]

Director of Planning Phyllis Jarrell spoke regarding receipt of a request in the summer of 2000 from Mr. Charles Smith to consider renaming "Headquarters Drive" to a name that would honor the Rasor family. She stated that after discussion, the Council postponed consideration until the Parks and Recreation Planning Board could consider the Rasor name for an area neighborhood park and that this item was approved on the Consent agenda this evening. Ms. Jarrell advised that Mr. Smith has revised his request and would like the Council to consider the name change for that portion of Headquarters Drive east of Preston Road, further reviewed the history of street name patterns in the area and spoke regarding the existing Rasor Road, the southern end of which was paved and improved as part of the Quincy Place Phase I subdivision. Ms. Jarrell spoke to properties using the Rasor Road address which include a TXU substation and the Spurlin property and stated that Mr. Spurlin has requested to give input if a name change is initiated for Rasor Road.

Ms. Jarrell responded to Mayor Pro tem Neudorff regarding prior street name changes in instances where there was a duplicate street name or one that later proves to be a problem in emergency dispatch, and stated that there have been cases when names have been changed for other reasons and that she did not recall an instance where a name change has resulted in having to change another street name.

Mayor Pro tem Neudorff spoke regarding the renaming of Independence Parkway and Council Member Stovall spoke regarding the renaming of Legacy Drive.

Ms. Jarrell responded to the Council regarding ownership at the Razor Road/S.H. 121 intersection, spoke regarding the roadway extending south of Hedgcoxe Road and into the Quincy Place Subdivision almost to Quincy Lane, and stated that she does not expect it to extend north of McDermott Road. Ms. Jarrell responded regarding the alignment of Headquarters Drive and stated that there has not been a recent traffic study, but it is shown as a six-lane divided thoroughfare and would be built as adjacent properties are developed.

Mike Rosamond, representing Koll Development Company, stated that his interest is primarily to the west of Preston Road and if this request were limited to east of Preston Road he would have no further comment or opinion. Scott Collier, representing the Staubach Company, stated that as long as the name change is east of Preston Road, he would be in support of the request.

Charles Smith, II, representing the Razor Family, spoke regarding addresses in "Legacy" remaining unchanged, changing "Old Razor Road" to "Buzz Road" as it was originally named after these pioneers, and landowners having no objections to a change in name. Mr. Smith spoke to recognizing the history of the City and the coexistence of development and historic preservation. Elaine Velvin and Edith Dulles Lawlis, citizens of Dallas, spoke to the importance of naming facilities/streets for individuals and in support of the request.

Shula Netzer, representing Shula Netzer Real Estate Company, spoke to the purchase of property located on S.H. 121 and Headquarters Drive and to the decision made to name the ownership entity after the roadway. She spoke regarding lack of notification and stated concern regarding the impact a name change would have on the City and her property. Ms. Netzer spoke to the change being a deviation from the City's master plan and requested the item be tabled or denied. She spoke regarding the existing "Razor Road" and neighborhood park named after the family and responded to Council Member Roach that the address of her development would include "Headquarters Drive."

Carmen Carpenter Haggard, citizen of the City, spoke in support of the request and regarding the historic value of the community.

Council Member Evans spoke regarding the "Legacy Development" having an entitlement to the name "Headquarters Drive" and that the name west of Preston Road should remain such in deference to that development. She stated that there is no intrinsic meaning to "Headquarters Drive" for the remainder of the area that is not part of the Legacy business park. Ms. Evans spoke to Preston Road being a natural place for the split, renaming the roadway honoring the Rasors as it runs through their farmland and also to renaming "Old Razor Road" to "Carpenter Road."

Council Member Stovall spoke to naming roads after pioneering families helping build community and regarding the efforts of the Heritage Commission in raising awareness. He stated support for renaming "Headquarters Drive" east of Preston Road and renaming "Old Razor Road" for Mr. Buzz Razor.

Council Member Stahel stated support for renaming "Headquarters Drive" east of Preston Road and his preference for "Razor Parkway" as a six-lane roadway. He spoke to further consideration of the name for "Old Razor Road."

Mayor Akers spoke to possibly changing the name of "Headquarters Drive" for Mr. Buzz Razor and keeping "Old Razor Road" so as to change one road's name rather than two.

Council Member Evans spoke to there being only one residence along "Old Razor Road" and stated that this owner does not object to a change in the name but requested input. She stated agreement with Council Member Stahel to consider renaming "Old Razor Road" separately. Council Member Stahel made a motion to change the "Headquarters Drive" alignment east of Preston Road to "Razor Parkway" and spoke to renaming "Razor Road" appropriately within the next sixty days. Council Member Evans seconded the motion. (No vote was taken at this time.)

Council Member Lambert further spoke to changing the names at the same time. City Manager Muehlenbeck stated that the item tonight would give Staff direction and that when further direction is received, both changes would be brought back for Council consideration.

Mayor Pro tem Neudorff further spoke regarding the use of dual names for streets such as 15th Streets/Norman F. Whitsitt Parkway and recommended this be done east of Preston Road thus allowing landowners to keep the "Headquarters Drive" address and honoring the Razor family.

City Attorney Wetherbee responded to Council Member Lambert that property owners do not have a vested right in a street name.

Council Member Stahel advised Mayor Akers that he did not wish to amend his motion.

Mayor Akers reiterated the motion to change the name of "Headquarters Drive" from Preston Road to S.H. 121 to "Razor Road" which will come back in an ordinance for the Council's consideration. The Council voted six (6) in favor and two (2) in opposition, with Mayor Akers and Mayor Pro tem Neudorff voting in opposition. The motion carried.

Mayor Akers stepped away from the bench on the following item.

Approval of a request for a 65-foot tall flagpole at Electronic Data Systems corporate headquarters located at the southeast corner of Legacy Drive and Parkwood Boulevard. Applicant: BEI Real Estate Services. [Regular Agenda Item (2)]

Director of Planning Phyllis Jarrell stated that Section 3-800 of the Zoning Ordinance limits the height of flagpoles to 50 feet; however, the Council may waive this requirement. She advised that this restriction was put in place in the mid-80's when there was concern over the large flags being installed at some businesses. Ms. Jarrell advised that the request is to replace an existing 50-foot flagpole and will also accommodate the stealth installation of cellular antennas.

Upon a motion made by Council Member Lambert and seconded by Council Member Stahel, the Council voted 7-0 to approve a request for a 65-foot tall flagpole at Electronic Data Systems corporate headquarters located at the southeast corner of Legacy Drive and Parkwood Boulevard.

Ordinance No. 2001-3-20: To repeal Ordinance No. 2000-2-26, codified as Article IV, Right-of-Way Management Regulations, of Chapter 19, Streets and Sidewalks, of the Code of Ordinances of the City of Plano; adopting a new and comprehensive right-of-way management ordinance governing any and all construction occurring within the public rights-of-way in the City of Plano; providing for a penalty not to exceed \$2,000 per day for each offense; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. (Item tabled 03-14-01.) [Regular Agenda Item (3)]

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

Mayor Akers returned to his place on the bench.

City Engineer Alan Upchurch spoke regarding meetings held with utility agencies and issues related to the size of facility structures placed within the rights-of-way and requests to increase the height. He stated Staff's current recommendation to limit the height to 4' 2" and further spoke regarding Sec. 19-65(B) "Plans of record" which states:

"Plans of record shall not include information that is a trade secret or other confidential information protected from disclosure by state law. Information marked "proprietary" or "confidential" will not be accepted by the City. Location information is not a trade secret or proprietary/confidential information, and this subsection may not be construed to authorize an Agency to fail to provide location information."

Ordinance No. 2001-3-20 (cont'd)

Mr. Upchurch responded to Council Member Stovall stating that as companies make their submittals to the City, detailed permit application information would be required at the time of the initial submittal so as to verify location and that the plans of record after the project is completed will be of a general nature only. He stated that the City is not proposing to be a depository of exact information regarding location and that specific information is needed at the time of construction because these are the plans the contractors will use during installation. Mr. Upchurch responded to Council Member Stahel that Staff's recommendation is 4'2" in height and if that is accepted by the Council, the ordinance would be modified. He responded to Council Member Roach that there are restrictions in the zoning ordinance for those structures located on private easements.

Donald E. Williams of Verizon Communications stated concerns related to the proposed size of the structures, requesting the size be revised to 4'6" and concerns regarding zoning setbacks even if placed in a private utility easement and requested revision to the zoning ordinance. He spoke regarding information being available in a digital format and concerns regarding the security of the public telecommunications network. Mr. Williams responded to the Council regarding the size of the facility structure. Council Member Stovall spoke to the vulnerability of an above ground structure and Mr. Williams responded by speaking to security efforts.

Dalene Buhl, of Southwestern Bell, spoke in support of Verizon's position and stated concern regarding the issues of confidentiality of records and the size of the facility structures. She spoke to setback requirements and the desire to be on the public right-of-way rather than on private property and requested that this case be presented to the Planning and Zoning Commission. Ms. Buhl requested the ordinance be tabled to resolve the issue of confidentiality and responded to Mayor Akers that a portion of the structure may be placed underground, but that this would increase the cost and involve factors of erosion and terrain stability.

Lori Leu, representing Southwestern Bell, spoke to problems with leakage if boxes were lowered into the ground and stated concern with setback requirements and issues of confidentiality. She responded to Council Member Roach regarding the seeking of an Attorney General's opinion for release of records and regarding the basis of privileged information in the open records act, issues of privileged vs. confidential information and network security.

Ordinance No. 2001-3-20 (cont'd)

City Attorney Wetherbee spoke regarding City Staff responsibility for records and the dichotomy that exists when information may be obtained directly from a service provider, but not from the City. Ms. Leu responded that her company would be required to show records, but requestors cannot sit at a computer and redraw maps. She stated concern that the City would be deciding what information is confidential. Ms. Wetherbee spoke regarding appeals to opinions by the Attorney General. Ms. Leu stated there is no problem giving information to the City, but that the issue is making that information available to the public and requested they be permitted to stamp items "confidential."

Council Member Roach spoke to tabling the request in order to further address issues of confidentiality and facility structure size and either bringing the item back to the Council or going back through the Planning and Zoning Commission.

Ms. Jarrell responded to Council Member Lambert regarding the rear yard setbacks for residential zoning districts and restrictions on wireless providers in front/side yards and further stated that if it is Council's desire, the Planning and Zoning Commission would consider these issues. Ms. Leu responded to Council Member Lambert that it would be her hope that lines would be in place for new developments and regarding working with developers. She stated concern that the City would provide information on the internet including the identity of a provider and spoke regarding location markers that would be provided to citizens. Council Member Lambert spoke to there being some legal issues. Mayor Akers spoke to concerns related to construction.

City Manager Muehlenbeck spoke to work on this item that has extended over a year. He spoke in support of Staff's position that the height be set at 4'2" and input from the City Attorney regarding the legal ramifications. Mr. Muehlenbeck requested the ordinance be passed in order to give the City something to work with and stated that the City Engineer has the right to increase the size of structures if in his judgement, it is important or necessary. Mayor Akers spoke to Staff negotiations and recommendations.

Deputy Mayor Pro tem Dyer spoke to Mr. Williams and Ms. Buhl's comments regarding the inadequacy of structure size and City Engineer Alan Upchurch responded regarding meetings held with service providers in determining the recommendation.

Ms. Wetherbee responded to the Council that she was comfortable with the ordinance as written from a legal standpoint and that legal council was involved in the discussions.

Council Member Evans clarified that this ordinance is for new construction. Council Member Roach spoke to continuing to work with companies and if there are problems, requesting they come back as soon as possible to work those out.

Ordinance No. 2001-3-20 (cont'd)

A motion was made by Council Member Lambert and seconded by Mayor Pro tem Neudorff, to repeal Ordinance No. 2000-2-26, codified as Article IV, Right-of-Way Management Regulations, of Chapter 19, Streets and Sidewalks, of the Code of Ordinances of the City of Plano; adopting a new and comprehensive right-of-way management ordinance governing any and all construction occurring within the public rights-of-way in the City of Plano; revising Section 19-76(D) "Facility locations" to state that "above-ground facilities located in Public Rights-of-Way shall be no larger than 6 feet wide by 4' 2" high by 2 feet deep; providing for a penalty not to exceed \$2,000 per day for each offense; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date and further to adopt Ordinance No. 2001-3-20, as revised. The Council voted seven (7) in favor and one (1) in opposition, with Deputy Mayor Pro tem Dyer casting the negative vote. The motion carried.

Public Hearing – 2001-02 Action Plan including Community Development Block Grant objectives and proposed use of funds for 2001-02. [Regular Agenda Item (4)]

Chair of the Community Relations Commission Betty Monday-Mahan spoke regarding the Commission's recommendation for CDBG funds and open hearings held and stated that the Commission's decision was unanimous. Council Member Stahel spoke regarding the computer for the office of the Boys and Girls Clubs of Collin County.

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

Resolution No. 2001-3-21(R): To adopt the 2001-2002 Action Plan, including the Final Statement of Community Development Block Grant Objectives and Proposed Use of Funds for Program Year 2001-2002; and declaring an effective date. [Regular Agenda Item (5)]

Upon a motion made by Mayor Pro tem Neudorff and seconded by Council Member Evans, the Council voted 8-0 to adopt the 2001-2002 Action Plan, including the Final Statement of Community Development Block Grant Objectives and Proposed Use of Funds for Program Year 2001-2002; and further to adopt Resolution No. 2001-3-21(R).

Resolution No. 2001-3-22(R): To authorize the filing of an application in an amount not exceeding \$1,181,251 for federal funds under the Housing and Community Development 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 (6)]

Upon a motion made by Mayor Pro tem Neudorff and seconded by Council Member Stovall, the Council voted 8-0 to authorize the filing of an application in an amount not exceeding \$1,181,251 for federal funds under the Housing and Community Development 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; and further to adopt Resolution No. 2001-3-22(R).

Consideration of a resolution to accept the “Preservation Plan for Plano Historic Cemeteries” to assist City Commissions, Departments and appropriate personnel in providing guidance to cemetery associations and interested organizations for the maintenance and preservation of historic cemeteries within the City of Plano; and providing an effective date. [Regular Agenda Item (7)]

Heritage Preservation Officer Marcus Watson stated that awareness of the importance of cemeteries as historical resources and the need for their preservation prompted the Heritage Commission to produce a Citywide preservation plan which was prepared by Geo-Marine. He further stated that the goals include: determine responsible parties and stewards of the cemeteries, map and record thirteen cemeteries, evaluate present condition, provide guidelines for proper maintenance, develop a historic context for each, recommend appropriate historic designations, and address long-term preservation concerns. Mr. Watson stated that while the City does not own most of the cemeteries, the plan would provide guidelines for preservation so that others may properly protect their cemeteries.

Duane E. Peter of Geo-Marine spoke regarding development of the plan. He stated that research and field investigations involved a survey of each of the thirteen cemeteries, photos, documentation of existing marker damage and previous repair attempts, and interviews of caretakers and family members. Mr. Peter stated that a brief historic context was developed to reflect how these cemeteries are related to the early settlement of the region. He spoke regarding the development of a GIS database, unmarked graves including those outside the boundaries, and maintenance and repair problems and recommendations included in the plan. Mr. Peter spoke regarding the impact development may have, the City providing public outreach and education, issues of funding including the formation of a non-profit organization, and to providing historic landmark designations for the cemeteries.

Mayor Pro tem Neudorff spoke to the importance of preservation, the involvement of non-profit organizations in a public/private partnership and in support of the request. Mayor Pro tem Neudorff made a motion to approve the request and Council Member Evans seconded. (No vote was taken.)

Council Member Lambert spoke in agreement with the program however stated concern that the Council did not have an opportunity to review the plan and requested the item be held for two weeks to allow for review.

Mr. Watson responded to Council Member Stovall that the plan includes the recommendation that an ordinance be developed to protect cemeteries from encroachment by developers and Mr. Stovall spoke to full review of the plan.

Mayor Pro tem Neudorff withdrew his motion for approval and Mayor Akers stated the Council's consensus to hold the item until the April 9, 2001, Council meeting.

Public Hearing and adoption of Ordinance No. 2001-3-23 as requested in Zoning Case 2001-03 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to grant a request to add Heritage Resource (H) designation to 4.5± acres at the southwest corner of H Avenue and 16th Street, situated in the City of Plano, Collin County, Texas; directing a change accordingly in the official zoning map of the City, and providing a repealer clause, a savings clause, providing a fine for criminal penalties not to exceed \$2,000 for each offense, a severability clause and an effective date. Zoned Business Government (BG). Neighborhood #59. Applicant: City of Plano [Regular Agenda Item (8)]

Heritage Preservation Officer Marcus Watson advised the Council that the Heritage Commission and the Planning and Zoning Commission recommended approval 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 Roach and seconded by Council Member Stovall, 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 grant a request to add Heritage Resource (H) designation to 4.5± acres at the southwest corner of H Avenue and 16th Street, situated in the City of Plano, Collin County, Texas; as recommended by the Heritage Commission and the Planning and Zoning Commission; directing a change accordingly in the official zoning map of the City, and providing a repealer clause, a savings clause, providing a fine for criminal penalties not to exceed \$2,000 for each offense, a severability clause and an effective date; and further to adopt Ordinance No. 2001-3-23 as requested in Zoning Case 2001-03.

Public Hearing and adoption of Ordinance No. 2001-3-24 as requested in Zoning Case 2001-04 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended to grant a request for a Specific Use Permit for a 90-foot tall Commercial Antenna Support Structure on one lot on 6.0± acres on the northeast corner of Plano Parkway and Shiloh Road in the City of Plano, Collin County, Texas; directing a change accordingly in the official zoning map of the City; and providing a repealing clause, a savings clause, providing a fine for criminal penalties not to exceed \$2,000 for each offense, a severability clause and an effective date. Zoned Research Technology. Neighborhood #69. Applicant: Navini Networks, Inc. [Regular Agenda Item (9)]

Director of Planning Phyllis Jarrell advised the Council that the applicant has an existing telescoping antenna that is used for testing wireless internet technology that presently goes up to 60 feet which is allowed by right in the Research Technology District. She stated that the request is to telescope it up to its full capacity of 90 feet and further stated that the Planning and Zoning Commission recommended approval as submitted.

Mayor Akers opened the Public Hearing. Jeffrey Havlock of Navini Networks responded to the Council stating that the tower would be kept at 90 feet most of the time and regarding the structure. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Lambert and seconded by 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 to grant a request for a Specific Use Permit for a 90-foot tall Commercial Antenna Support Structure on one lot on 6.0± acres on the northeast corner of Plano Parkway and Shiloh Road in the City of Plano, Collin County, Texas as recommended by the Planning and Zoning Commission; directing a change accordingly in the official zoning map of the City; and providing a repealing clause, a savings clause, providing a fine for criminal penalties not to exceed \$2,000 for each offense, a severability clause and an effective date and further to adopt Ordinance No. 2001-3-24 as requested in Zoning Case 2001-04.

There being no further discussion, Mayor Akers adjourned the meeting at 9:05 p.m.

Jeran Akers, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY