

PLANO CITY COUNCIL
August 27, 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, August 27, 2001, at 7:06 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Pastor Leonard Allgood of the First Assembly of God.

The Pledge of Allegiance was led by Cub Scout Pack 63, Eagle Patrol from Carlisle Elementary

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

Request for Funding – Colon Cancer Race

David Darr, Hereditary Colon Cancer Association (HCCA) Regional Advocate, spoke regarding events to help raise awareness for color cancer and benefit HCCA including a dinner, one-mile fun skate/walk, 5K run, 5K in-line skate, 25K in-line race and in-line sprints for children. He spoke regarding the association and plans for the events to be located at Collin County Community College-Spring Creek Campus during “The Great Skate of Texas” and requested the City sponsor the event. Mr. Darr stated his request for assistance would include overtime pay for officers, traffic cones/barricades, waiving the \$10,000 surety bond required by the special events permit, and waiving the special events permit fee for a total request of \$2,730.

Mr. Darr responded to Council Member Lambert regarding liability insurance and to City Attorney Wetherbee that he would provide one-day special event insurance for patrons. He stated his request that the surety bond be waived or the association be allowed to present a letter of credit and responded to Council Member Roach regarding the number of anticipated out of town participants. Ms. Wetherbee spoke to City concerns related to losses and possible Parks Department follow up as to what is required.

Council Member Stahel spoke regarding the Race for the Cure and his recommendation that the City contribute police/barricades but that the association have appropriate surety bond and insurance and pay the permit fee. Executive Director Turner spoke to police review of the request and recommended the amount funded be \$3,500 and spoke to the Budget Department determining the appropriate accounts.

Council Member Lambert spoke to this request being received late in the process. Council Member Roach spoke to consideration of the request as a convention/tourism event for the City and stated support with Mr. Stahel's caveat regarding insurance and permit fees. Mayor Akers stated the Council's consensus to proceed at the rate of \$3,500.

Mayor Akers recognized the "Mayor's Volunteer of the Month" Tom Grant.

GENERAL DISCUSSION

No one appeared to speak

CONSENT AGENDA

Mayor Akers stated that Consent Agenda Item "B" will remain on the Consent Agenda based upon Executive Session discussion.

Upon the request of Mayor Akers, Consent Agenda Items "J," "T," "U," and "V" were removed for individual consideration due to a conflict of interest.

Upon the request of citizen Mike Riley, Consent Agenda Item "N" was removed for individual consideration.

Upon the request of Mayor Pro tem Neudorff, Consent Agenda Item "Q" was removed for individual consideration.

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

Deputy Mayor Pro tem Dyer and Council Member Roach advised that they would be stepping down on Regular Agenda Item "2" and Council Member Stahel advised he would be stepping down on Regular Agenda Item "7" due to conflicts of interest.

Upon a motion made by Council Member Roach and seconded by Council Member Stovall, 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)]

August 9, 2001
August 13, 2001
August 18, 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. B175-01 for construction of Ridgeview Pump Station – Pumps 17 & 18 in the amount of \$906,000. [Consent Agenda Item (B)] (See Exhibit “A”)

Bid No. C179-01 to establish an annual fixed-price contract for 60-Gallon Litter Receptacles in the estimated annual amount of \$32,000 for an annual contract with renewals. [Consent Agenda Item (C)] (See Exhibit “B”)

Bid No. B185-01 for construction of Parker Road – Midway Road to west City limits in the amount of \$3,082,298. [Consent Agenda Item (D)] (See Exhibit “C”)

Bid No. B184-01 for Triplex Greens Mowers for use by the Golf Course Maintenance Department in the amount of \$34,338. [Consent Agenda Item (E)] (See Exhibit “D”)

Bid No. B171-01 for Security Systems for Plano Libraries in the amount of \$32,300. [Consent Agenda Item (F)] (See Exhibit “E”)

Bid No. C186-01 to establish an annual fixed-price contract with two optional one-year renewals for Ballfield Clay in the estimated annual amount of \$21,270. (The City of Plano’s estimated annual expenditure is \$18,750 and the Plano Independent School District’s estimated annual expenditure is \$2,520.) [Consent Agenda Item (G)] (See Exhibit “F”)

Bid No. C188-01 to establish an annual fixed-price contract with two optional one-year renewals for Plastic Meter Box Lids in the estimated annual amount of \$70,300 to be utilized by the City and stored at the Warehouse. [Consent Agenda Item (H)] (See Exhibit “G”)

Bid No. B191-01 for three (3) Traffic Law Enforcement Motorcycles in the amount of \$33,591 for the Police Department. [Consent Agenda Item (I)] (See Exhibit “H”)

Adoption of Resolutions

Resolution No. 2001-8-10(R): To approve the terms and conditions of an interlocal agreement by and between the City of Plano and Plano Independent School District; providing terms and conditions for the operation of the police/school liaison program; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2001-8-11(R): To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2001-8-12(R): To authorize the City Manager to execute the necessary power supply contract(s) or agreement(s) for the electric load of Cities Aggregation Power Project, Inc., (CAPP) upon confirmation of economic benefit to the City of Plano; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2001-8-13(R): To approve the terms and conditions of an amendment to an interlocal cooperation agreement by and between the City of Plano, Texas, and Denton County for the reimbursement of costs associated with the construction and widening of FM 544, Parker Road, from Midway Road to Dozier Road; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2001-8-14(R): To consent to the financing or refinancing of a health facility and the incurrence of a loan for that purpose; and authorizing its execution by the City Manager; and providing an effective date. This is a request by the Prestonwood Baptist Church, Inc. relating to the financing or refinancing of all or part of a health facility. [Consent Agenda Item (P)]

Adoption of Ordinances

Ordinance No. 2001-8-15: To amend Subsections (c)(1) and (c)(3) of Section 2-12, Chapter 2, Plano Code of Ordinances, Authorization of Contracts by City Manager, and Section 2-27, Chapter 2, Contracts-Change Orders; increasing the authority of the City Manager to execute contracts and change orders up to \$25,000 without City Council authorization; providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (R)]

Ordinance No. 2001-8-16: To amend Article VI (Impact Fees) of the Code of Ordinances to change the calculation of the maximum impact fees per service unit; designate the time of collection of impact fees; and amend the period for required updates to the impact fee program; providing a severability clause, a repealer clause and an effective date. [Consent Agenda Item (S)]

Ordinance No. 2001-8-17: To repeal Ordinance No. 97-1-13 codified as Subsection “U.S. Highway 75” of Section 12-74(b), Maximum Limits on Specific Streets, of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (W)]

Award of Contracts

To approve and authorize for the selection of Birkhoff, Hendricks & Conway, LLP to provide Professional Engineering Services for an amount not to exceed \$171,850 in connection with the design of the southern half of Spring Creek Parkway from Dallas North Tollway to White Rock Creek and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (X)]

To approve and authorize a professional services contract with TEAM Consultants, Inc. to provide construction materials testing services in connection with construction of Midway Road – International to south City Limits in the amount of \$17,710 and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (Y)]

To approve and authorize a contract with Schrickel, Rollins & Associates, Inc. to provide Engineering Services in connection with the construction of the Tennyson/Archgate Athletic Facility in an amount not to exceed \$366,800, and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. [Consent Agenda Item (AA)]

Approval of an Agreement

To approve the terms and conditions of a professional services contract between City of Plano and Family Services of Plano in the amount of \$141,000 wherein Family Services of Plano will provide services to the Police Department to combat juvenile delinquency and authorizing execution of such agreement by the City Manager and providing an effective date. [Consent Agenda Item (BB)]

Approval of QISV

To approve an expenditure for an annual contract for purchase, installation and maintenance of Automated Meter Reading equipment and peripheral equipment from Datamatic.Com., a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendor List; and authorizing the City Manager to execute all documents necessary to effectuate the purchase. Annual contract with two renewals. Estimated annual expenditure of \$1,999,952. [Consent Agenda Item (CC)]

ITEMS FOR INDIVIDUAL CONSIDERATION:

Resolution No. 2001-8-18(R): To repeal Resolution 2001-2-15(R) establishing criteria regarding traffic management devices; adopting new criteria for the installation and removal of traffic management devices on residential streets within the City of Plano, Texas known as the Neighborhood Traffic Management Program/Safe Streets Program (“NTMP/SSP”) procedure for evaluation and installation of traffic devices for collector and residential streets; establishing an appeal process; and providing an effective date. [Consent Agenda Item (N)]

Mike Riley, representing the Chase Oaks Homeowners Association, spoke in opposition to the item as presented, stating concern that there is inconsistent wording in the current proposal and that it denies due process of some interests. He spoke regarding numerous amendments being made to the program and stated that currently there are enough provisions for those who wish to remove traffic devices. Mr. Riley requested the item be tabled to allow for further discussion. Rob LaMontagne, citizen of the City, spoke to the right of citizens to protect their streets and homes and efforts of the “anti-speed hump” group. He spoke to using methods that have been proven to work, the prior program addressing removal/replacement of devices and unreturned ballots.

Upon a motion made by Council Member Stovall and seconded by Council Member Evans, the Council voted 8-0 to repeal Resolution 2001-2-15(R) establishing criteria regarding traffic management devices; adopting new criteria for the installation and removal of traffic management devices on residential streets within the City of Plano, Texas known as the Neighborhood Traffic Management Program/Safe Streets Program (“NTMP/SSP”) procedure for evaluation and installation of traffic devices for collector and residential streets; establishing an appeal process; and providing an effective date; and further to adopt Resolution No. 2001-8-18(R).

Ordinance No. 2001-8-19: To amend Article IV of Chapter 11, “Licenses and Business Regulations” of the Code of Ordinances of the City of Plano to provide definitions, restrictions and regulations for the solicitation within the City of Plano, repealing Ordinance No. 93-10-1, Ordinance No. 94-1-11, Ordinance No. 94-4-4, Ordinance No. 95-8-40, and Ordinance No. 96-4-7; providing penalty, severability, repealing and publication clauses, and an effective date. Approved 08-13-01. [Consent Agenda Item (Q)]

Mayor Pro tem Neudorff spoke regarding addressing the proliferation of brightly colored signs and people holding signs on intersections for business interests. City Attorney Wetherbee stated that the definition of solicitation permits persons to carry leaflets, signs and other printed materials and that there is an ordinance prohibiting signs in the right-of-way. Council Member Roach spoke to Staff looking into the issues.

Ordinance No. 2001-8-19 (cont'd)

Upon a motion made by Council Member Roach and seconded by Mayor Pro tem Neudorff, the Council voted 8-0 to amend Article IV of Chapter 11, "Licenses and Business Regulations" of the Code of Ordinances of the City of Plano to provide definitions, restrictions and regulations for the solicitation within the City of Plano, repealing Ordinance No. 93-10-1, Ordinance No. 94-1-11, Ordinance No. 94-4-4, Ordinance No. 95-8-40, and Ordinance No. 96-4-7; providing penalty, severability, repealing and publication clauses, and an effective date; and further to adopt Ordinance No. 2001-8-19.

Due to conflicts of interest, Council Members Stahel and Stovall stepped down from the bench.

Approval of a contract for the expenditure of a total combined amount not to exceed \$213,000 for Configurable Network Computing (CNC) consulting from Remote Services, Inc., for the OneWorld Financial Suite; and authorizing the City Manager to execute all documents necessary to effectuate the contract. [Consent Agenda Item (Z)]

Upon a motion made by Council Member Lambert and seconded by Council Member Roach, the Council voted 6-0 to approve a contract for the expenditure of a total combined amount not to exceed \$213,000 for Configurable Network Computing (CNC) consulting from Remote Services, Inc., for the OneWorld Financial Suite; and authorizing the City Manager to execute all documents necessary to effectuate the contract.

Council Members Stahel and Stovall resumed their places on the bench.

Due to conflicts of interest, Mayor Akers stepped away from the bench on the following four items.

The following four items were read into the record and voted on concurrently. Upon a motion made by Council Member Roach and seconded by Council Member Stahel, the Council voted 7-0 to approve and adopt the following items as recommended and as follows:

Bid No. B187-01 for the Courtyard Theatre Lighting (Performance Dimming and Control Project) in the amount of \$132,455. [Consent Agenda Item (J)] (See Exhibit "I")

Ordinance No. 2001-8-20: To add Section 12-112.5 to Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to allow a maximum of 4 hour curb-side loading for the south side of 15th Place starting 50 feet west of K Avenue and extending 80 feet west and the eastside of J Place starting 125 feet north of 15th Place and extending 50 feet north; declaring it an unlawful misdemeanor to stand, stop, load or unload motor vehicles in the loading zone for a period different than that defined herein; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, severability clause, a savings clause, and an effective date. [Consent Agenda Item (T)]

Ordinance No. 2001-8-21: To adopt Section 12-102.5 of the Code of Ordinances of the City to prohibit parking along certain portions of 15th Place between K Avenue and J Avenue, 16th Street between K Avenue and J Avenue, and J Place from 15th Place to 16th Street; deleting Section 12-103 (two-hour parking) of the Code of Ordinances of the City; amending Section 12-104 of the Code of Ordinances of the City to limit the duration of parking for 15th Street (both sides between K Avenue and J Avenue); 15th Place (north side between K Avenue and J Avenue) and K Avenue (west side between 16th Street and 15th Place); and to four (4) hours maximum at any time; providing a repealer clause, severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (U)]

Ordinance No. 2001-8-22: To amend Section 12-12 of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to designate one-way traffic north on J Avenue between 15th Street and 15th Place and one-way traffic east on 15th Place between J Avenue and J Place; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, a savings clause and an effective date. [Consent Agenda Item (V)]

Mayor Akers returned to his place on the bench.

Public Hearing and direction for the purpose of receiving input regarding honoring Plano citizens and past and present public and private leaders (i.e. Dr. Martin Luther King, Jr.) by naming/renaming of City of Plano streets, parks, bridges or other means. First Public Hearing held 08-13-01. [Regular Agenda Item (1)]

Mayor Akers opened the Public Hearing. Suzanne Cagle, citizen of the City, spoke to naming streets after a variety of individuals, renaming a park where plaques or statues honor past leaders, a common pavilion where the City can continue honoring individuals, and/or initiating a contest to determine those to honor.

Curtis R. Ford, citizen of the City, spoke to minorities in the county, naming a street for Dr. Martin Luther King, Jr. and recognizing other minority individuals.

Kevin Desmond, representing the Stoney Hollow Homeowners Association, stated concern that there is no renaming process in place which should represent agreement from over fifty percent of the population affected and determination of whether the original name or the new name comes first in the case of dual names. He spoke to voting on different names and Plano maintaining its values.

Arthur L. Young, citizen of the City, spoke to census efforts related to minorities in the City and in support of the dual naming of K Avenue to Dr. Martin Luther King, Jr. Boulevard.

David Allison, property owner on K Avenue, spoke regarding the issue of using national heroes in a community built by local heroes, establishing a policy regarding naming streets and the effect on businesses along the street. Jane Garrison, business owner on K Avenue, spoke to honoring heroes without damaging business and to naming parks, public buildings or memorials built by public tax dollars rather than the expense being borne by those along one street.

Jimmy Dismuke, citizen of the City, made an official request to remove the request to rename Parker Road after Dr. Martin Luther King, Jr. He spoke regarding committee discussion and requested a vote for a dual name for Dr. Martin Luther King, Jr. Boulevard/K Avenue. Mr. Dismuke responded to Council Member Roach that the committee will accept a dual name. Pastor Isiah Joshua, Jr., of Shiloh Road Baptist Church, spoke regarding recognizing Dr. Martin Luther King, Jr. and requested support for a dual naming of K Avenue. Fred Moses, representing the Dr. Martin Luther King, Jr. Street Naming Committee, spoke to the community recognizing the local focus of Dr. Martin Luther King, Jr.'s presence, living up to his principles, bringing the community together, being sensitive and standing up for this issue. Ms. T. J. Johnson, representing the Dr. Martin Luther King, Jr. Street Naming Committee, encouraged Council support for the dual naming of K Avenue to Dr. Martin Luther King, Jr. Boulevard/K Avenue as an opportunity for the City to show pride in its diversity. She spoke regarding other streets named for national figures as well as local figures, alphabets and numbers. Ms. Johnson spoke to dual naming allowing businesses an option not to change their stationary. Ben Thomas, representing the Dr. Martin Luther King, Jr. Street Naming Committee, spoke to positive initiatives bringing about the advancement of people in many endeavors and opposition that might be encountered. Earl Simpkins, citizen of the City, requested the Council rename K Avenue to Dr. Martin Luther King, Jr. Boulevard/K Avenue. He stated that the symbolism of the name would not alter businesses in the case of a dual naming.

Martin Jackson, business owner on K Avenue, spoke regarding the names this roadway already has and the problems encountered by business owners. He spoke regarding the multiple names for 15th Street, honoring Plano citizens, costs involved and recommended a future street rather than a renaming/dual naming. Mr. Jackson spoke to polling those along K Avenue for input and recommended the implementation of a plan that can get a consensus of opinions on the issue.

Richard Simmons, citizen of the City, stated neither support nor opposition to the change but stressed that the agenda item itself did not specify renaming a specific street. Ms. Wetherbee responded that the item is posted for a Public Hearing and to receive Council direction and that any street naming would come back as a resolution.

Charles Dillon, citizen of the City, spoke to consideration of the request and sensitivity to the issue. He spoke regarding the growth process, diversity, having the “welcome mat” available, and the importance of Dr. Martin Luther King, Jr. Grady Dunbar, citizen of the City, spoke to consideration of this request and if K Avenue, is not used, the possibility of another street, and recognizing Dr. Martin Luther King, Jr.

Donald Holley, citizen of the City, spoke to changing his street sign to reflect the 3400 block. William Harris, citizen of the City, stated that a street naming would be a blessing to the City and the nation, that he sees no problem renaming a letter street, recognizing change and addressing it and in support for renaming the street Dr. Martin Luther King, Jr. Boulevard and not a dual name. Reggie Jackson, member of the Dr. Martin Luther King, Jr. Street Naming Committee, spoke to recognizing national leaders and stated that he did not request a park or plaque, but a street to honor Dr. Martin Luther King, Jr. who did his work in the street.

Dean Day, citizen of the City, spoke regarding the economy, the cost to business owners and stated that tax dollars could be better spent on something other than renaming streets. He spoke to individuals honoring Dr. Martin Luther King, Jr. by working in the community and supporting programs to better the City.

Ramon Guerrero, citizen of the City, spoke in support of seeing a hero’s name on a street sign rather than only a letter.

Matt Jackson, business owner on K Avenue, stated he had been unaware that this request was focused on K Avenue and spoke to renaming a street that would not have a financial impact. Bill Cavalier, citizen of the City, spoke to designating a portion of K Avenue as a parade route, which would not require renaming and offer an opportunity to have events recognizing Dr. Martin Luther King, Jr. Francis Gabriele, citizen of the City, spoke to the Municipal Center being located on K Avenue. No one else spoke either for or against the request. The Public Hearing was closed.

Deputy Mayor Pro tem Dyer spoke regarding meetings held with the committee, Dr. Martin Luther King, Jr. being worthy of recognition, and discussions of a park, greenbelt, monument, memorial and a future street but that the committee was focused on a street name. He stated concern with renaming streets and spoke to consideration of a dual name where either name could be utilized and the committee's acceptance of this proposal. Council Member Evans spoke to a dual name providing a compromise, giving choices and stated that this does not impose financial costs.

Mayor Pro tem Neudorff spoke to positive discussions, however stated concerns related to businesses being unaware and that there is no policy in place for major street renaming. He stated that while not necessarily opposed to dual names, his recommendation would be that Mayor Akers, with the assistance of Council, appoint a committee reflecting the diversity of the community to develop guidelines, methodology and procedures to honor Dr. Martin Luther King, Jr. and other national and local figures on streets, parks and other public facilities. Council Member Stovall concurred with this recommendation.

Council Member Roach spoke to the productivity of the meetings and stated concern regarding notification of this Public Hearing to those affected on K Avenue. He spoke to prior discussion of Parker Road and his hesitancy to move forward without notification, possibly holding another Public Hearing and the importance of receiving public input from those directly affected by a name change. Mr. Roach spoke to ensuring that resources are utilized appropriately, honoring individuals and in support of setting a policy for moving forward and hesitancy to take any other action regarding dual naming of K Avenue.

Council Member Lambert stated a philosophical concern with naming streets for people other than local individuals but that he would support going ahead to form a committee to look at the policy.

Council Member Evans stated that she had no objection to setting policy, but spoke in support of moving ahead with dual naming. Council Member Roach stated concern regarding consideration of requests received during an interim period if a dual name were approved at this time.

Mayor Akers stated that he has received consensus from the Council to move forward to appoint a committee, requested Council Members submit names reflecting the multi-ethnic and cultural makeup of the City, and that he would review nominations and come back approval at the September 4, 2001 meeting.

The Council took a brief recess at 8:55 p.m. and reconvened at 9:10 p.m.

Due to conflicts of interest, Deputy Mayor Pro tem Dyer and Council Member Roach stepped down from the bench during a portion of the following item.

Receive consultant and Staff reports, Public Hearing, and give staff direction on the Preston/Plano Parkway grade separation and Preston Road Corridor Study. [Regular Agenda Item (2)]

Transportation Engineering Manager Lloyd Neal spoke to the City being a part of the *Mobility 2025 Plan*, designed to reduce traffic congestion, air pollution and improve air quality in North Central Texas. He spoke to public discussion regarding the planned grade separation at Preston Road/Plano Parkway and the study completed by Kimley-Horn and Associates, Inc.

Wayne Kurfees of Kimley-Horn and Associates, Inc. reviewed previous City and TxDOT studies, evaluation of signal operations along Preston Road, and feasibility of an underpass at Plano Parkway/Preston Road including utility conflicts and right-of-way shape issues. He stated that construction of an overpass would result in little disruption on Preston Road, which is not the case with an underpass and advised regarding the cost differential but stated that an underpass is conceivable. Mr. Kurfees spoke regarding increased traffic anticipated on Preston Road and differences in travel time if overpasses were constructed. He advised that Option "A" includes at-grade improvements to six locations, Option "B" includes four grade separations, and Option "C" includes grade separations at Plano Parkway/Preston Road and Legacy Drive/Preston Road.

Mr. Neal stated the Staff recommendation to continue partnering with regional entities to manage traffic congestion, delay and air quality and if the City were to move forward it would be his recommendation to implement Option "C" citing existing right-of-way, no major utility relocations necessary, minimal impact to access of area businesses, 100% funding by TxDOT and bond referendum monies, and further stated that it meets *Mobility 2025 Plan* conformity requirements.

Bruce Ulrich, Shepherds Glen Homeowners Association, spoke regarding the Kimley-Horn study being modeled after "full build-out," reflecting Options which would result in a Level of Service C at Plano Parkway, and stated that Option "C" only provides 1.1 pounds of nitrous oxide savings per day over Option "A" for an additional \$5.5 million. Mr. Ulrich spoke to all options offering an improvement in "green time," traffic trends on Preston Road and the benefit-to cost ratio favoring Option "A." He stated that the citizen's committee recommends building at-grade improvements at Plano Parkway and all intersections on Preston Road, removing Plano Parkway and Park Boulevard overpasses from the Comprehensive Plan, and performing a similar in-depth study of all proposed overpasses within the City.

Lyda Baro, representing the Old Shepherd's Homeowners Association, spoke regarding overpasses providing no options for the future and stated that as the City approaches build-out the focus should be to enhancing the quality of life for the residents. She stated that an overpass would not provide relief in accessing the President George Bush Tollway and that it is not a good expenditure of monies. Ms. Baro stated that the Kimley-Horn report does not confirm the appropriateness of an overpass because two to three seconds of additional green time is virtually transparent from a regional mobility perspective, and that the benefit-to-cost ratios really do not represent a benefit to the citizens of Plano.

Mike Starek, a principle with Innovation Transportation Solutions, spoke to consideration of grade separations in the City of Dallas, through movement along Preston Road, design consistency and compatibility, and cost per vehicle mile considerations. He stated a recommendation to move forward with at-grade improvements with possible funding from TxDOT. Mr. Starek responded to Mayor Akers regarding preservation of the ability to construct grade separations citing enhancements that could be implemented in the right-of-way. He responded to the Council regarding TxDOT funding of projects and enhancements planned in Dallas and stated that the state implementation plan has not received final approval from the Environmental Protection Agency. Council Member Lambert spoke regarding the state implementation plan and the possibility of placing the plan in jeopardy if the City does not construct an overpass and this being the reason it is being pushed by TxDOT. Mr. Starek spoke to the air being better now than in 1995, the updating of the conformity model, the grade separations in Dallas being removed from the plan with no right-of-way remaining and the savings in nitrous oxide being programmed into the model.

Mr. Kurfees responded to Council Member Evans that a grade separation would result in higher speed and greater capacity thus attracting more traffic movement in the area.

Ike Shupe, representing property owners in the area, spoke to the regional vision being thirty years old, the impact on local businesses and stated that the regional benefits would be small.

Mayor Akers opened the Public Hearing. Jim Cunningham, representing the Old Shepard Place Homeowners Association, spoke in support of Option "A" (at grade intersections along the Preston Road corridor), citing concern that construction of an overpass near residential/commercial areas would result in jeopardizing tax revenues and further stated that the City appears to have funding set aside to provide an option that will offer improvements.

Ray Rinker, citizen of the City, spoke in support of Option "B" (including all four overpasses). He stated that grade separations would result in lower corridor travel times and reduced emissions and spoke regarding the City's commitment to these overpasses. Mr. Rinker cited the Kimley-Horn finding that a grade separation at Plano Parkway/Preston Road is the only alternative that could reasonably accommodate more traffic at a good level of service.

Claudia Brown, representing the Prestonview Homeowners Association, spoke to homeowner opposition to an overpass at Spring Creek Parkway/Preston Road.

Robert Zukowski, representing the Willow Bend Lakes Homeowners Association, spoke to providing benefits to the people and businesses in Plano and in opposition to overpasses in the City. He recommended the Council consider Option "A." Kirk R. Williams, representing Preston Towne Crossing, Inc., stated concerns related to the economic effect overpasses would have on area businesses. He further requested that the Preston Road/Park Boulevard intersection be removed from the Thoroughfare Plan as a grade separation. Bobby Dodd, citizen of the City, spoke regarding the effect an overpass would have on property values and notification concerns and stated that beautifying the City would increase air quality. Joanne R. Smith, citizen of the City, spoke to the Comprehensive Plan being thirty years old and the issues at the President George Bush Tollway. She recommended implementing Option "A," doing a grade separation at Plano Parkway/Preston Road, removing Plano Parkway/Preston Road and Park Boulevard/Preston Road from the Comprehensive Plan, initiating an in-depth study at the intersection of Legacy Drive/Preston Road, and to forming a citizen's committee to conduct a Spring Creek Corridor Study. Fritz L. Duda, Jr, representing Promotory, L.L.C., spoke to the detrimental effects overpasses would have on commercial property values including issues of access/visibility and regarding a reduction in the quality of tenants. He recommended removing all overpasses from consideration and from the long-term plan of the City. Thomas Anderson, spoke regarding neighborhood opposition to the overpass.

Mr. Ulrich spoke regarding nitrous oxide levels, and questioned whether or not studies refer to the same project. He recommended looking at at-grade improvements, Plano Parkway/Preston Road and Park Boulevard/Preston Road being removed from the Comprehensive Plan and making efforts to analyze other intersections.

Chris Phillips, citizen of the City, spoke regarding noise issues related to overpasses, the bottleneck at the President George Bush Tollway, and in support of Option "A." Ramon Guerrero, citizen of the City, spoke regarding citizen opposition and regarding the negative aesthetics of an overpass. Debbie Fischer, citizen of the City, spoke regarding the proximity of the overpass to a day care center and regarding concerns related to noise. Barbara Thomas, citizen of the City, spoke to making intersections more pedestrian-friendly and in support of Option "A." Jeannette Carlton, citizen of the City, spoke regarding concerns related to the overpass descending in the vicinity of the Prince of Peace School. Jayn Munoz, citizen of the City, spoke in support of the citizen committees. Kirk Scott, citizen of the City, spoke to an overpass resulting in a decline in property values. He further spoke regarding noise and aesthetics and the bottleneck at the President George Bush Tollway. Kay Shocklee, citizen of the City, spoke to the lack of consideration for those living on or around Plano Parkway and to speeding and accidents in the area. No one else spoke either for or against the request. The Public Hearing was closed.

Council Member Lambert stated that a downside for not building overpasses would be pollution, that the at-grade recommendations will handle traffic for years but expressed his concern regarding giving up the right-of-way. He spoke to the economic effects grade separations may have on area businesses, stated concern that Plano may have the only overpasses in the area and that the cost benefits do not justify them at this time. Mr. Lambert stated that if they were removed from the Comprehensive Plan, it would be difficult to reinstate them and spoke regarding updates made to the plan. He spoke regarding TxDOT's citing a "large emission benefit" but this not being indicated in the Kimley-Horn report. Mr. Lambert stated that Plano will be included in the severe congestion area in the future and that he cannot economically justify the overpasses without surrounding communities sharing the load. Mr. Lambert recommended proceeding with Option "A," getting Plano Parkway/Preston Road upgraded and stated concern with abandoning the overpass concept.

Council Member Evans stated that if the Plano Parkway/Preston Road overpass were removed from the plan, no commercial business would be built in the center, but that it could be used for a parkway or bike trails and the land would not be lost. She stated that this would give residents and businesses an expectation of their property values in the future. Ms. Evans also recommended studying the intersections of Spring Creek Parkway/Preston Road and Legacy Drive/Preston Road and in support of Option "A." She spoke to the removal of overpasses in other cities. Ms. Evans stated that she supports Option "A," removal of grade separations at Plano Parkway and Park Boulevard along Preston Road from the plan and doing a study of other intersections.

Council Member Stovall spoke in support of Option "A" and removing grade separations at Plano Parkway and Park Boulevard along Preston Road from the plan. He spoke to the economic impact there would be on businesses in the area from overpasses, and issues of noise and divisiveness. Mr. Stovall agreed to study the intersections of Spring Creek Parkway and Legacy Drive and possibly removing these from the plan as well and spoke regarding providing more pedestrian options in the City.

Council Member Stahel spoke to providing a better traffic flow, concerns regarding compatibility with other cities, the dynamics of the President George Bush Tollway and the effect of traffic flow on area businesses. He stated his recommendation for Option "A" in the short term, but spoke to retaining the option for grade separations.

Mayor Pro tem Neudorff spoke to maximizing the Plano Parkway/Preston Road intersection with at-grade improvements and retaining options by keeping it on the plan. He spoke to issues related to signalization, and the President George Bush Tollway. Mr. Neudorff further spoke to retaining grade separations on the plan and issues surrounding the Legacy Drive area.

Mayor Akers spoke regarding the study done for Park Boulevard/Preston Road, which included a date at which time an overpass would probably be needed but that the Plano Parkway report is open ended. He spoke in concurrence with Council Members to move forward with at-grade improvements but hold in reserve the right to built an overpass if needed at a later date. Mayor Akers stated it would be premature to discuss a study at Spring Creek Parkway/Preston Road as it is being looked at now and reluctance to remove Legacy Drive/Preston Road because bond monies were voted on for this intersection. He stated the Council recommendation to move forward with Option "A" and retain the plan so that overpasses could be constructed in the future, if necessary. Council Member Stovall spoke to conducting an in-depth study of Legacy Drive/Preston Road.

Council Member Evans spoke to removing the intersections of Plano Parkway/Preston Road and Park Boulevard/Preston Road from the plan and maintain the right-of-way in the center as bike trails, etc. Council Member Roach spoke to indicating a "potential overpass" on the plan. Council Member Lambert spoke to including a note stating "that there is adequate right-of-way in the event it is ever needed." Deputy Mayor Pro tem Dyer spoke in agreement with Option "A," retaining options, and regarding his concerns related to overpasses.

Mayor Akers restated the Council's consensus to move forward with Option "A" and to retain the right-of-way so that a grade separation might be constructed in the future if needed. Executive Director Turner spoke to Planning and Zoning Commission review and recommendation of changes to the Comprehensive Plan, which would then be considered by the Council. He spoke to the Council's consensus to maintain options in the future.

The Council took a brief recess at 11:32 p.m. and reconvened at 11:39 p.m.

Public Hearing on a proposal to increase total tax revenues from properties on the tax roll by 10.41 percent. [Regular Agenda Item (3)]

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

Public Hearing and consideration of an ordinance as requested in Zoning Case 2001-20 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to amend Planned Development-132-Office-1 (PD-132-O-1) on 11.1± acres located on the southeast corner of Medical Drive and West 15th Street in the City of Plano, Collin County, Texas, to add day care centers as an additional allowed use; directing a change accordingly in the official zoning map of the City; providing a fine for criminal penalties not to exceed \$2,000 for each offense, and providing a repealer clause, a savings clause, a severability clause and an effective date.. Zoned PD-132-O-1. Neighborhood #64. Applicant: City of Plano [Regular Agenda Item (6)]

Director of Planning Phyllis Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request subject to the following stipulations:

1. An earthen berm of a minimum of six feet in height plus landscaping shall be placed adjacent to Woodburn Corners to screen adjacent residentially-zoned property.
2. Uses limited to medical/professional office and day care centers.
3. Building height limited to one-story east of Medical Avenue.

Ms. Jarrell spoke regarding homeowners concerns regarding the extension of Jomar Drive and stated that no plans have been submitted reflecting this extension and clarified for Mayor Pro tem Neudorff that current sketches show no entrance from Woodburn Corners. Deputy Mayor Pro tem Dyer spoke regarding concerns of the neighborhood related to possible cut-through traffic and recommended retaining a portion of Jomar Drive to allow the day care center to have a southern access point and the balance from that point east to Woodburn Corners would be abandoned. Ms. Jarrell spoke regarding the retention of easements for utilities, drainage and possible access to Medical Drive.

Zoning Case 2001-20 (cont'd)

Mayor Akers opened the Public Hearing. Randy Rasberry, citizen of the City, stated that he had concerns regarding traffic on Jomar Drive, but that Deputy Mayor Pro tem Dyer's recommendation has put those to rest. Edmund J. Laskowski, citizen of the City, stated concern with additional traffic due to the day care center, safety of children at the facility, and stated concern that no site plan has been provided. Council Member Roach spoke to the City giving up the right-of-way.

Mark Adams, representing Children's Choice Learning Centers, spoke regarding staying in contact with neighbors, retaining the berm, and stated that they will be providing day care to employees of HCA Medical City of Plano.

Gene Cooper, citizen of the City, stated concern regarding the Jomar Drive and berm issue and that he supports the recommendation of Deputy Mayor Pro tem Dyer. He spoke to changing the planned development to eliminate the potential for any access through the berm area. Charles Awalt, citizen of the City, spoke regarding a second means of access not being finalized, stated concerns regarding quality of life and recommended tabling the request so that the proposal to amend can be properly conditioned. Ms. Jarrell spoke regarding access options including acquiring access easement to the north through a vacant piece of property or using a part of Jomar Drive to loop back out to Medical Drive.

Ms. Jarrell responded to Deputy Mayor Pro tem Dyer regarding making the site plan a part of the planned development and stated that no review has been done of the plan submitted. Mr. Adams responded to Deputy Mayor Pro tem Dyer regarding meeting with the landowner to the north and keeping the berm in tact.

Steve Michlik, citizen of the City, spoke to concerns regarding Jomar Drive being opened and requested tabling the item until issues are addressed. Mr. Laskowski spoke to consideration of a traffic study of Medical Drive. No one else spoke either for or against the request. The Public Hearing was closed.

Deputy Mayor Pro tem Dyer spoke to tabling the item to September 10 to allow time for submission of a site plan. Ms. Jarrell responded regarding Staff review and stated that Council could act on the planned development adding the additional use which would allow the developer to come back through the site plan process with the abandonment being a separate action. Council Member Lambert spoke to the resolution of access issues. Council Member Roach made a motion for approval which Council Member Evans seconded. (No vote was taken at this time.)

Zoning Case 2001-20 (cont'd)

Council Member Stahel clarified that approval is subject to the earthen berm, uses limited to medical and professional building height and the abandonment of the strip of Jomar Drive west of Woodburn Corners. City Attorney Wetherbee and Director of Planning Phyllis Jarrell spoke regarding the abandonment process being brought back later.

Mayor Pro tem Neudorff and Deputy Mayor Pro tem Dyer spoke to bringing the site plan back before the Council due to concerns of citizens in the area and the number of conditions being addressed.

Executive Director Turner spoke to Staff working with the neighborhood to draft provisions for the planned development and bringing the item back for the September 10 Council meeting. He spoke regarding conditions that Jomar Drive not be connected to Woodburn Corners and the berm. Mr. Awalt spoke to additional conditions related to lighting and offset. Council Member Roach withdrew his motion thus allowing the item to be tabled and concerns addressed.

Upon a motion made by Council Member Lambert and seconded by Council Member Stovall, the Council voted 8-0 to table the request Zoning Case 2001-20 – request to amend Planned Development-132-Office-1 (PD-132-O-1) on 11.1± acres located on the southeast corner of Medical Drive and West 15th Street in the City of Plano, Collin County, Texas, to add day care centers as an additional allowed use until September 10, 2001.

Due to a conflict of interest, Council Member Stahel stepped away from the bench.

Public Hearing and adoption of Ordinance No. 2001-8-23 as requested in Zoning Case 2001-22 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to amend Planned Development-173-Estate Development (PD-173-ED) on 147.2± acres located due east of San Gabriel Drive at Ranch Estates Drive in the City of Plano, Collin County, Texas to add standards for fences within the required front yard setback; directing a change accordingly in the official zoning map of the City; providing a fine for criminal penalties not to exceed \$2,000 for each offense, and providing a repealer clause, a savings clause, a severability clause and an effective date. This zoning case proposes to amend the existing development stipulations to add standards for fences within the required front yard setback. Zoned PD-173-ED. Neighborhood #50. Applicant: City of Plano [Regular Agenda Item (7)]

Ordinance No. 2001-8-23 (cont'd)

Director of Planning Phyllis Jarrell advised that at Council's request the Planning and Zoning Commission has held workshops to consider the appropriate type/height of fencing for estate development districts, especially in the front yard setbacks. She advised that testimony was received from the Ranch Estates area regarding the unique nature of their development and that the commission recommended approval of the request subject to the following stipulations:

1. Minimum lot size - two acres.
2. Maximum allowable height for fences within the front yard setback shall be 48 inches.
3. All fencing shall be horizontal, rail-type fencing.

Ms. Jarrell advised that within the 200-foot buffer area, owners of approximately 31% of the land area have turned in letters in opposition to the Planning and Zoning Commission's recommendation that only horizontal rail fencing be allowed and that this does requires a three-quarter vote by Council for approval. She responded to Council Member Roach that, in general, current fences should be painted rail-type fencing and this request would increase height to 48 inches.

Mayor Akers opened the Public Hearing. Rochelle Sladky, citizen of the City, spoke to residents having differing needs and being able to select their own fencing. Steven F. Meyer, citizen of the City, spoke to allowances in the fence ordinance that permit property owners to meet their needs and regarding the freedom of choice in other developments. Nancy Keith, citizen of the City, stated that while not opposed to three-rail fencing, she is opposed to not having the choices other estate developments are allowed. David Keith, citizen of the City, spoke regarding his choice and the types of fencing currently in estate development areas of the City. Joan Stephens, citizen of the City, stated concern that this neighborhood is being treated differently and that residents should be allowed to make choices.

Lee Robeson, representing the Ranch Estates Homeowners Association, spoke regarding the history and character of the area, safety of the fences for horses, and fencing being a part of the neighborhood's identity. He spoke regarding support of the residents of the planned development. No one else spoke either for or against the request. The Public Hearing was closed.

Council Member Lambert spoke regarding restrictive covenants put into place in 1970 which were automatically extended in 1995 which stipulate the three-rail fences as does the ordinance done in 1969 and further that no document was filed in 1995 to terminate these restrictions. Mr. Lambert spoke to the majority of the homeowners in Ranch Estates supporting the request.

Ordinance No. 2001-8-23 (cont'd)

Council Member Evans spoke to City zoning not requiring three-rail white fencing in estate zoning, stated that her neighborhood has a variety of fencing and concern with imposing restrictions on the neighborhood when there are different fences out there now. She spoke regarding deed restrictions being enforced within the neighborhood and concern that the City is using zoning to enforce restrictions that are personal/private problems of a neighborhood. Council Member Lambert stated that the estate development ordinance was written around this project and deed restrictions refer back to the ordinance. Ms. Evans spoke to there being no enforcement in her neighborhood and that deed restrictions offer a mechanism to handle the situation.

Council Member Roach spoke to neighbors getting together to work things out, and stated support because the ordinance proposed is consistent with the deed restrictions.

Ms. Jarrell requested specifying that the horizontal rail fencing is within the front-yard setbacks only.

A motion was made by Council Member Lambert and seconded by Mayor Pro tem Neudorff to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to amend Planned Development-173-Estate Development (PD-173-ED) on 147.2± acres located due east of San Gabriel Drive at Ranch Estates Drive in the City of Plano, Collin County, Texas to add standards for fences within the required front yard setback; as requested in Zoning Case 2001-22; directing a change accordingly in the official zoning map of the City; providing a fine for criminal penalties not to exceed \$2,000 for each offense, and providing a repealer clause, a savings clause, a severability clause and an effective date; as recommended by the Planning and Zoning Commission amending to stipulate that “3. *All fencing within the front yard setback shall be horizontal, rail-type fencing*”; and further to adopt Ordinance No. 2001-8-23, as amended. The Council voted six (6) in favor and one (1) in opposition with Council Member Evans casting the negative vote. The motion carried.

Council Member Stahel returned to his place at the bench.

Public Hearing and adoption of Ordinance No. 2001-8-24 to request to establish and designate a certain area as Reinvestment Zone No. 62 for commercial/industrial tax abatement consisting of a 12.533-acre tract of land located at the northeast corner of Plano Parkway and Los Rios Boulevard in the City of Plano, Texas; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (4)]

Ordinance No. 2001-8-24 (cont'd)

Director of Finance McGrane stated that the proposed real property and business personal property tax abatement on the improvements will be for ten years and will begin January 1, 2003 and continue through the year 2012, and will be equal to 50% for real property and 50% for business personal property.

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 Deputy Mayor Pro tem Dyer, the Council voted 8-0 to request to establish and designate a certain area as Reinvestment Zone No. 62 for commercial/industrial tax abatement consisting of a 12.533-acre tract of land located at the northeast corner of Plano Parkway and Los Rios Boulevard in the City of Plano, Texas; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2001-8-24.

Resolution No. 2001-8-25(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, IPA Plano Properties, L.P. and Raytheon Company; and providing for a commercial/industrial tax abatement for IPA Plano Properties, L.P. and Raytheon Company, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (5)]

Upon a motion made by Council Member Lambert and seconded by Council Member Roach, the Council voted 8-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, IPA Plano Properties, L.P. and Raytheon Company; and providing for a commercial/industrial tax abatement for IPA Plano Properties, L.P. and Raytheon Company, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2001-8-25(R).

Public Hearing and consideration of an appeal of the Planning and Zoning Commission's denial of Zoning Case 2001-21 and adoption of Ordinance No. 2001-8-26 as requested in Zoning Case 2001-21 – To amend Subsection 2-802 (ED-Estate Development) D. (Special District Requirements) of Section 2-800 (District Charts) of Article 2 and Subsection 3-1002 (Fence and Wall Regulations in Residential Districts) of Section 3-1000 (Screening, Fence and Wall Regulations) of Article 3 of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, pertaining to fences; providing a fine for criminal penalties not to exceed \$2,000 for each offense, and providing a repealer clause, a savings clause, a severability clause and an effective date. Applicant: City of Plano [Regular Agenda Item (8)]

Ordinance No. 2001-8-26 (cont'd)

Director of Planning Phyllis Jarrell advised that the Planning and Zoning Commission denied this case by a vote of four to four and since the Council did initiate this action she felt it appropriate to appeal the case. She stated that this item address conflicts between the Code of Ordinance and Zoning Ordinance with regard to fencing in estate districts in general and within estate districts the recommendation would be that height would increase from 42 inches to 48 inches and that allowable fence types within the front yard setback be both horizontal rail fencing and vertical wrought iron or tubular steel in keeping with the predominate types of fencing found within the estate development districts within the City and contains the following stipulations:

Subsection 3-1002 of the Zoning Ordinance be replaced in its entirety as follows:

“3-1002 General Fence and Wall Regulations

In any zoning district where a wall, fence, or screening separation is erected, and is not required under the provision of Section 3-1001, the following standards shall apply:

The maximum height of a fence or wall in a required front yard shall not exceed 40 inches, and shall be at least 50% open in construction. Combinations of berms and fences shall not exceed 40 inches in height. Allowed exceptions to the height limitations in this section are as follows:

For public and parochial schools, private and primary schools, and day care centers, fences and berms may be a combined maximum height of 60 inches above grade, provided that the fence material is wrought iron or chain link.

Fences in the ED district may be erected in accordance with Section 2-802.

A wall or fence not more than eight (8) feet in height may be erected in the front yard setback of multi-family, independent living facility, assisted living facility, long-term care facility, or continuing care facility uses. The wall or fence construction must be at least 50% open.

For all uses within the Light Industrial-1 (LI-1) and Light Industrial-2 (LI-2) districts, a wall or fence not more than eight (8) feet in height may be erected in the front yard setback.

Any fence or wall located to the rear of the front yard setback shall not exceed eight (8) feet in height above the grade of the adjacent property or eight (8) feet when placed on a retaining wall. Walls that screen loading docks, loading spaces, and ground-mounted mechanical units may exceed eight (8) feet in height if necessary for adequate visual screening.

Ordinance No. 2001-8-26 (cont'd)

In single-family detached, two-family, and single-family-attached districts, where a corner lot has two front yards as required by this ordinance, and a house is constructed facing one of the front yards, the second front yard may be fenced in the same manner as any other side yard adjacent to a street. The fence shall have a corner clip on an angle beginning at the intersection of the front yard setback with the lot line, and ending at a point on the street right-of-way located a minimum of 15 feet from the lot line. (See Appendix Illustration 8.)

Fence arms and barbed wire are only allowed in the LI-1 and LI-2 districts and may not extend over property lines. Barbed-wire, if used, must be attached to the fence arms.

Wire fences are prohibited in the front yard setback in all districts, except when the fence is used to enclose pastures, cropland, and other areas used for agricultural activities. However, fences in the ED district must comply with Section 2-802 of this ordinance.”

6. Fence standards within Subsection 2-802 (ED - Estate Development) D. (Special District Requirements) of Section 2-800 (District Charts) of Article 2 of the Zoning Ordinance be replaced in its entirety as follows:

Fences

All fences within an ED district shall comply with the following standards:

- a. Fences within the front yard setback shall be no more than 48 inches in height. Combinations of berms and fences shall not exceed 48 inches in height.
- b. Allowable fence types within the front yard setback are horizontal rail and vertical wrought iron with or without masonry columns.
- c. All fencing shall be at least 50% see-through, except that required for enclosing swimming pools.
- d. No farm or rural fencing (such as barbed-wire) shall be used. Smooth, non-climbable 2” x 4” mesh on metal posts will be acceptable behind the building line.
- e. Solid type or stockade fencing or walls shall not be constructed on property lines.”

Ordinance No. 2001-8-26 (cont'd)

Ms. Jarrell responded to Council Member Stahel that no discussion was held regarding gates. She further responded to the Council that the Commission was concerned about being consistent, and most estate developments are standard ED zoning. Council Member Stahel spoke to those estate developments that are not planned developments.

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

A motion was made by Council Member Evans and seconded by Council Member Lambert to amend Subsection 2-802 (ED-Estate Development) D. (Special District Requirements) of Section 2-800 (District Charts) of Article 2 and Subsection 3-1002 (Fence and Wall Regulations in Residential Districts) of Section 3-1000 (Screening, Fence and Wall Regulations) of Article 3 of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, pertaining to fences; providing a fine for criminal penalties not to exceed \$2,000 for each offense, and providing a repealer clause, a savings clause, a severability clause and an effective date; and further to adopt Ordinance No. 2001-8-26. The Council voted seven (7) in favor and one (1) in opposition with Council Member Stahel casting the negative vote. The motion carried.

Public Hearing and adoption of Ordinance No. 2001-8-27 as requested in Zoning Case 2001-27 – To repeal in its entirety Ordinance No. 93-12-45 thereby rescinding Specific Use Permit (SUP) #8 for a Private Club on 0.1± acre, 700± feet east of K Avenue and 505± feet south of Parker Road in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City; providing a fine for criminal penalties not to exceed \$2,000 for each offense, and providing a repealer clause, a savings clause, a severability clause and an effective date. Zoned Retail. Neighborhood #48. Applicant: City of Plano [Regular Agenda Item (9)]

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

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

Ordinance No. 2001-8-27 (cont'd)

Upon a motion made by Council Member Stahel and seconded by Council Member Stovall, the Council voted 7-0 to repeal in its entirety Ordinance No. 93-12-45 thereby rescinding Specific Use Permit (SUP) #8 for a Private Club on 0.1± acre, 700± feet east of K Avenue and 505± feet south of Parker Road in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City; providing a fine for criminal penalties not to exceed \$2,000 for each offense, and providing a repealer clause, a savings clause, a severability clause and an effective date as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2001-8-27. (Mayor Akers was away from the bench.)

Public Hearing and adoption of Ordinance No. 2001-8-28 as requested in Zoning Case 2001-28 – To repeal in its entirety Ordinance No. 87-8-12 thereby rescinding Specific Use Permit (SUP) #93 for a Private Club on 0.1± acre, 300± feet west of U.S. 75 and 700± feet north of Parker Road in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City; providing a fine for criminal penalties not to exceed \$2,000 for each offense, and providing a repealer clause, a savings clause, a severability clause and an effective date. Zoned Corridor Commercial. Neighborhood #36. Applicant: City of Plano [Regular Agenda Item (10)]

Director of Planning Phyllis Jarrell advised that 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 Lambert and seconded by Council Member Stovall, the Council voted 8-0 repeal in its entirety Ordinance No. 87-8-12 thereby rescinding Specific Use Permit (SUP) #93 for a Private Club on 0.1± acre, 300± feet west of U.S. 75 and 700± feet north of Parker Road in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City; providing a fine for criminal penalties not to exceed \$2,000 for each offense, and providing a repealer clause, a savings clause, a severability clause and an effective date as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2001-8-28.

Public Hearing and adoption of Ordinance No. 2001-8-29 as requested in Zoning Case 2001-29 – To repeal in its entirety Ordinance No. 93-8-11 thereby rescinding Specific Use Permit (SUP) #225 for a Private Club on 0.1± acre, 278± feet east of Alma Road and 235± feet south of Parker Road in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City; providing a fine for criminal penalties not to exceed \$2,000 for each offense, and providing a repealer clause, a savings clause, a severability clause and an effective date. Zoned Planned Development-69-Retail. Neighborhood #47. Applicant: City of Plano [Regular Agenda Item (11)]

Director of Planning Phyllis Jarrell advised that 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 Mayor Pro tem Neudorff, the Council voted 8-0 to repeal in its entirety Ordinance No. 93-8-11 thereby rescinding Specific Use Permit (SUP) #225 for a Private Club on 0.1± acre, 278± feet east of Alma Road and 235± feet south of Parker Road in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City; providing a fine for criminal penalties not to exceed \$2,000 for each offense, and providing a repealer clause, a savings clause, a severability clause and an effective date as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2001-8-29.

Public Hearing and adoption of Ordinance No. 2001-8-30 as requested in Zoning Case 2001-30 – To repeal in its entirety Ordinance No. 77-9-19 thereby rescinding Specific Use Permit (SUP) #36 for a Private Club on 0.1± acre, 590± feet west of Custer Road and 410± feet south of 15th Street in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City, providing a fine for criminal penalties not to exceed \$2,000 for each offense, and providing a repealer clause, a savings clause, a severability clause and an effective date. Zoned Planned Development-79-Retail. Neighborhood #65. Applicant: City of Plano [Regular Agenda Item (12)]

Director of Planning Phyllis Jarrell advised that 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.

Ordinance No. 2001-8-30 (cont'd)

Upon a motion made by Mayor Pro tem Neudorff and seconded by Council Member Stovall, the Council voted 8-0 to repeal in its entirety Ordinance No. 77-9-19 thereby rescinding Specific Use Permit (SUP) #36 for a Private Club on 0.1± acre, 590± feet west of Custer Road and 410± feet south of 15th Street in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City, providing a fine for criminal penalties not to exceed \$2,000 for each offense, and providing a repealer clause, a savings clause, a severability clause and an effective date as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2001-8-30.

There being no further discussion, Mayor Akers adjourned the meeting at 1:04 a.m.

Jeran Akers, **MAYOR**

ATTEST:

Elaine Bealke, **City Secretary**