

**PLANO CITY COUNCIL**  
**January 22, 2007**

**COUNCIL MEMBERS**

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

**STAFF**

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

Mayor Evans convened the Council into the Regular Session Monday, January 22, 2007, at 7:09 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 Gene Wilkes of Legacy Church.

The Pledge of Allegiance was led by Girl Scout Troop 388.

Mayor Evans presented a resolution to designate the Community Services Grant Program as the "Robert W. Buffington Community Services Grants." She further presented a proclamation honoring the life of Ben Thomas, Community Leader. Mayor Evans presented a proclamation for American Heart Association Wear Red for Women Day – February 2, 2007 and the CALEA Re-accreditation Certificate. She further conferred special recognition on the 2006 MP3 Graduates.

The oath of office for Kevin Yarrow was postponed until the next Council meeting and Mayor Evans presented a Certificate of Appreciation to John Jeffrey Weeks for his service on the Building Standards Commission.

Mayor Evans advised that Regular Agenda Items "6," Zoning Case 2006-29 and "7," Zoning Case 2006-35, would be moved up on the agenda.

### **COMMENTS OF PUBLIC INTEREST**

Sonja Hammar, citizen of the City, stated concern regarding the caption on a September Public Art Committee agenda related to a presentation regarding the proposed fountain at the Shops at Legacy. She stated concern regarding the tightening of restrictions on citizen participation and not being able to speak on the City logo at this meeting. In response, Mayor Evans advised that consideration of the City's logo would be delayed until June. Ms. Hammar further advised City Attorney Wetherbee that she protested to the language on the Public Art Committee agenda on the basis that it did not inform the public regarding the project being addressed. Ms. Wetherbee advised that Staff would review practices.

### **BOARD AND COMMISSION REPORT**

Senior Citizens Advisory Board Chair Ketcham introduced members of the board, thanked Council and Staff for their support and spoke to meeting the needs of Plano senior citizens. She spoke to addressing areas of concern by: identifying the needs and services available such as affordable housing, accesses to medical care and dependable transportation; establishing a plan to communicate services; and researching and recommending transportation solutions including DART, CCART or the pursuit of other options. Ms. Ketcham spoke to development of a list of businesses offering senior discounts and the possibility of providing a survey and gathering information before making a presentation to Council. Council Member Stahel recommended the board provide input regarding transportation issues prior to the Council's June retreat.

Mayor Evans advised that the Council would consider Regular Agenda Item "6" at this time.

**Public Hearing and an ordinance as requested in Zoning Case 2006-29** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 75.5± acres located at the northwest corner of Spring Creek Parkway and Tennyson Parkway in the City of Plano, Denton and Collin Counties, Texas, from Commercial Employment to Single-Family Residence Attached, Patio Home, and Single-Family Residence-9; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Welwood-Hawkins Homes Tabled 12-11-06 [Regular Agenda "6"]

Director of Planning Jarrell advised the Council that the applicant has requested the item remain tabled until the February 26, 2007 Council meeting.

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member Ellerbe, the Council voted 8-0 to leave the item amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 75.5± acres located at the northwest corner of Spring Creek Parkway and Tennyson Parkway in the City of Plano, Denton and Collin Counties, Texas, from Commercial Employment to Single-Family Residence Attached, Patio Home, and Single-Family Residence-9 as requested in Zoning Case 2006-29 tabled until the February 26, 2007 meeting.

**Public Hearing and an ordinance as requested in Zoning Case 2006-35** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 3.0± acres located on the north side of Tradition Trail, 700± feet east of Ohio Drive in the City of Plano, Collin County, Texas, from Planned Development-426-Retail/General Office to Planned Development-131-Light Industrial-1; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: H.H.P.L. Limited [Regular Agenda “7”]

Director of Planning Jarrell advised the Council regarding a duplicate Public Hearing notice for this case and spoke to remanding it back to the Planning and Zoning Commission for their February 5 meeting and then back to the Council on February 12.

Upon a motion made by Council Member Ellerbe and seconded by Council Member Callison, the Council voted 8-0 to remand the request to rezone 3.0± acres located on the north side of Tradition Trail, 700± feet east of Ohio Drive in the City of Plano, Collin County, Texas, from Planned Development-426-Retail/General Office to Planned Development-131-Light Industrial-1 as requested in Zoning Case 2006-35 to the Planning and Zoning Commission for additional notice.

### **CONSENT AGENDA**

Upon the request of Mayor Evans, Council Member Stahel and citizens Sonja Hammar and Richard Simmons Consent Agenda Item “R” was removed for individual consideration.

Upon a motion made by Mayor Pro Tem Johnson and seconded by Council Member LaRosiliere, 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 “A”]

January 8, 2007  
January 12, 2007

### **Approval of Expenditures**

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

**Bid No. 2006-241-B** for the purchase of a Police Training Simulator to Advanced Interactive Systems in the amount of \$68,422. [Consent Agenda “B”] (See Exhibit “A”)

**Bid No. 2007-42-C** for Plastic Meter Box Lids to DFW Plastics Inc and Techline Inc in the total estimated annual amount of \$33,015. This will establish an annual fixed price contract with three optional one-year renewals. [Consent Agenda “C”] (See Exhibit “B”)

**Bid No. 2006-229-B** for RSP Trustee Bank Services to Comercia Bank in the estimated annual amount of \$31,000. This will establish an annual fixed price contract with three City optional one-year renewals. [Consent Agenda “D”] (See Exhibit “C”)

**Bid No. 2007-7-C** for Pool Chemicals to Petra Chemical Company (formerly DCC, Inc.) in the estimated annual amount of \$64,655. This will establish an annual fixed price contract with three City optional one-year renewals. [Consent Agenda “E”] (See Exhibit “D”)

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

To approve the purchase and installation of security systems for Fire Station Nos. 1 through 10, in the amount of \$273,411, from Temsco Solutions, through an existing contract/agreement with TxMAS, and authorizing the City Manager to execute all necessary documents. (TxMAS Contract No. 5-840170). [Consent Agenda “F”]

To approve the purchase and installation of new carpet, in the amount of \$29,691, from Gomez Floor Covering, Inc., through an existing contract/agreement with BuyBoard, and authorizing the City Manager to execute all necessary documents. (BuyBoard Cooperative Purchasing Contract No. 241-06; Vendor Contract No. 465). [Consent Agenda “G”]

To approve the purchase of three (3) Chevrolet One Ton Extended Cargo Vans in the amount of \$85,467 from Caldwell Country Chevrolet through an existing contract/agreement with HGAC Cooperative Purchase Program, and authorizing the City Manager to execute all necessary documents. (#VE03-06) [Consent Agenda “H”]

To approve the purchase of ten (10) Toro 72” Zero Turn Mowers and one (1) Toro 60” Zero Turn Mower in the amount of \$139,051 from Professional Turf Products through an existing contract/agreement with Texas Association School Buyboard Purchase Program, and authorizing the City Manager to execute all necessary documents. (#225-05) [Consent Agenda “I”]

To approve the purchase of three (3) Horton Medium Duty Ambulances in the amount of \$593,026 from Professional Ambulance through an existing contract/agreement with Texas Association School Buyboard Purchase Program, and authorizing the City Manager to execute all necessary documents. (#246-06) [Consent Agenda “J”]

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

To approve and authorize an additional services Contract Modification No. 2 with Carter & Burgess, Inc. to provide Landscape Architectural Services in conjunction with improvements to the BlueBonnet Trail Extension in an amount not to exceed \$37,550, and authorizing the City Manager to execute any and all documents necessary to effectuate the contract modifications. [Consent Agenda “K”]

### **Reimbursement of Oversize Participation**

To approve and authorize reimbursement to Kimsport Corp. for oversize participation for paving improvements associated with the construction of Mapleshade Lane, east of Coit Road in the amount of \$37,591. [Consent Agenda “L”]

### **Adoption of Resolutions**

**Resolution No. 2007-1-14(R):** To approve a five year agreement with First Southwest Asset Management, Inc. to provide arbitrage rebate services for the City; authorizing payment for said rebate calculation services on a year-to-year basis throughout the term of the agreement; authorizing the City Manager to execute any and all documents in connection with these approvals; and providing an effective date. [Consent Agenda “M”]

**Resolution No. 2007-1-15(R):** To approve receipt of grant funds in the amount of \$5,000 from the Northeast Texas Library Systems (NETLS) for the purchase of materials to enhance the Consumer Health Collection for Plano Public Library System; and authorizing the City Manager to execute all necessary documents for receipt of the funding. [Consent Agenda “N”]

**Resolution No. 2007-1-16(R):** To approve the purchase of SmartNet 800 MHz portable radios from Motorola Communications and Electronics Incorporated, a sole-source provider; authorizing the City Manager to take such action as necessary to effectuate the purchase; and providing an effective date. [Consent Agenda “O”]

**Resolution No. 2007-1-17(R):** To approve the designation of the Community Services Grant Program as the “Robert W. Buffington Community Services Grants,” and providing an effective date. [Consent Agenda “P”]

### **Adoption of Ordinances**

**Ordinance No. 2007-1-18:** To transfer the sum of \$33,578 from the General Fund Unappropriated Fund Balance and \$33,855 from the Sustainability & Environmental Services Fund Unappropriated Fund Balance to the Sustainability & Environmental Services Operating Appropriation for Fiscal Year 2006-07 for the purpose of providing additional funding for the Sustainability Program in order to standardize and improve recycling receptacles, improve environmental awareness among City employees, provide training for each custodial services employee and to re-classify one part-time position to a full-time position to provide grant administration; amending the budget of the City and Ordinance 2006-9-9, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. [Consent Agenda “Q”]

**Ordinance No. 2007-1-19:** To amend Article III, Property Maintenance Code, Division 3, Registration and Inspection of Multifamily Dwelling Complexes, of Chapter 6, Buildings and Buildings Regulations, of the Code of Ordinances of the City of Plano by repealing Sections 6-61, 6-63, and 6-70 through 6-74, to revise the procedures for registration and inspection of multifamily dwelling complexes; providing a penalty clause; a savings clause, a severability clause; a repealing clause; a publication clause; and an effective date. [Consent Agenda “S”]

## **END OF CONSENT**

**Ordinance No. 2007-1-20:** To grant a permit to Andrus Water Well Drilling Company to drill a water well to supply irrigation needs at 2205 Plantation Lane, Plano, Texas, located west of Willow Bend Drive and north of West Park Boulevard; authorizing the City Manager to execute any and all documents in connection therewith; and providing an effective date. [Consent Agenda "R"]

City Engineer Upchurch advised the Council that this is the first residential request and spoke to inspection which will determine that the well is constructed property with no cross connection to the City water system. He advised that there can be no selling of the water and that it must be used onsite but that there is no limit to the amount that can be taken.

Council Member Stahel stated concern regarding allowing individual homeowners to drill wells when other citizens are under Stage 3 restrictions. Mr. Upchurch responded that while there have been inquiries, this is the first such request to come forward and spoke regarding the cost and the possible reduction in burden on the City. Mr. Stahel spoke to the mineral content of well water and its appropriateness for plants/people. City Attorney Wetherbee spoke to careful consideration of the request and Council Member Stahel spoke to tabling the request to find out more about issues.

Mr. Upchurch spoke regarding the type of connection proposed to ensure there is no cross connection to the public water system. He stated that he was not aware whether or not other cities or city legislative bodies make similar decisions and Council Member Ellerbe spoke to receiving more information. Mr. Upchurch responded to Council Member Dunlap stating that Staff does not know the depth of the water or its analysis and spoke regarding a shallow depth having minerals that may or may not be harmful to plants and advised that Staff could review this issue. Mr. Upchurch advised that the use of a separate storage tank to mix well water with City water would not be permitted on the property and City Attorney Wetherbee advised that if there were runoff that it would be a private dispute between property owners.

Deputy Mayor Pro Tem Magnuson spoke to the applicant's due diligence and in opposition to tabling the request. Council Member Stahel stated concern regarding approving a private well drilling permit while the City is in drought conditions and to determining the impact to others when any source of water is tapped. Deputy Mayor Pro Tem Magnuson spoke to landscaping water coming back into the system and Mr. Upchurch responded regarding requirements for those with capped wells who may wish to reopen them. Council Member Stahel spoke to tabling the request to determine possible harmful results and to receiving information regarding the size of the aquifer.

Council Member LaRosiliere spoke to considering the public water system and Mr. Upchurch advised that there would be no public safety issue related to this well. Council Member Ellerbe spoke to runoff going into the City's water system. Mr. Upchurch advised that the ordinance provides for sampling of the water to ensure it is not harmful to the environment.

**Ordinance No. 2007-1-20 (cont'd)**

City Attorney Wetherbee spoke to determining the appropriate level of discretion in this case and to a possible review of the process if the Council is concerned that it is not meeting current standards.

Richard Simmons, citizen of the City, spoke regarding the interconnection between water sources, public criticism of this request, possible ramifications if others decide to follow suit and recommended the Council deny or table the request and direct the Planning and Zoning Commission to draft an ordinance preserving subsurface/surface water. Sonja Hammar, citizen of the City, spoke to protecting health, safety and welfare; updating current ordinances, and receiving input from the Homeowners' Council.

Council Member Ellerbe stated concern regarding "rights of capture" and to reviewing the ordinance. Deputy Mayor Pro Tem Magnuson spoke to the applicant meeting current requirements and to a future review of the process and Mayor Evans spoke to the use of wells possibly helping with the drought situation. Council Member LaRosiliere stated agreement in reviewing the permitting ordinance. Mr. Upchurch advised that currently Staff has the right to check the water and to require remedies should there be problems.

Council Member Stahel spoke to reviewing issues before moving ahead on this request. Council Member Dunlap stated spoke in support of the request and Mayor Pro Tem Johnson spoke to moving forward with a reexamination of the process.

A motion was made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member LaRosiliere to grant a permit to Andrus Water Well Drilling Company to drill a water well to supply irrigation needs at 2205 Plantation Lane, Plano, Texas, located west of Willow Bend Drive and north of West Park Boulevard; authorizing the City Manager to execute any and all documents in connection therewith; and providing an effective date; and further to adopt Ordinance No. 2007-1-20. The Council voted 6-2 with Council Member Stahel and Council Member Ellerbe voting in opposition. The motion carried.

**An ordinance** to amend Sec. 2-1(a) Official Logo of Article I. In General. of Chapter 2. Administration of the Code of Ordinances of the City of Plano; and providing an effective date. [Regular Agenda "1"]

Upon a motion made by Mayor Evans and seconded by Council Member Callison, the Council voted 8-0 to table an ordinance to amend Sec. 2-1(a) Official Logo of Article I. In General. of Chapter 2. Administration of the Code of Ordinances of the City of Plano; and providing an effective date until the June 5, 2007 Council retreat.

**A resolution** to adopt a redesigned logo to be used as the official logo of the City of Plano; providing guidelines to phase in the new logo; authorizing filing for trademark protection of the new logo; providing a repealer clause; and providing an effective date. [Regular Agenda “2”]

Upon a motion made by Mayor Evans and seconded by Council Member Callison, the Council voted 8-0 to table a resolution to adopt a redesigned logo to be used as the official logo of the City of Plano; providing guidelines to phase in the new logo; authorizing filing for trademark protection of the new logo; providing a repealer clause; and providing an effective date until the June 5, 2007 Council retreat.

**Public Hearing and adoption of Ordinance No. 2007-1-21** to designate a certain area within the City of Plano as Reinvestment Zone No. 106 for a tax abatement consisting of a 10.525 acre tract of land located at 1200 East Plano Parkway in the City of Plano; Texas, establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda “3”]

Director of Finance McGrane advised that this request will establish a reinvestment zone and that the next item would allow the City to enter into a tax abatement agreement with Regal Research and Manufacturing Company. He advised that they are relocating to a facility on Plano Parkway, relocating 70 employees from a Garland location and creating 110 new jobs. Mr. McGrane stated that they would be adding \$2.5 million in business personal property, that the abatement would be for five years at 50% of business personal property and that taxes would be \$5,919 annually.

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

Upon a motion made by Council Member Ellerbe and seconded by Mayor Pro Tem Johnson, the Council voted 8-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 106 for a tax abatement consisting of a 10.525 acre tract of land located at 1200 East Plano Parkway 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. 2007-1-21.

**Resolution No. 2007-1-22(R):** To approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, Regal Research and Mfg. Co., LLP a Texas Limited Liability Partnership and providing for a business personal property tax abatement, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda “4”]

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Mayor Pro Tem Johnson, 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, Texas, the Collin County Community College District, Regal Research and Mfg. Co., LLP a Texas Limited Liability Partnership and providing for a business personal property tax abatement, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2007-1-22(R).

**Public Hearing and an ordinance as requested in Zoning Case 2006-27** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Heritage Resource Designation No. H-35 TO a 24.6± acre property, situated in the City of Plano, Collin County, Texas, in the Joseph Klepper Survey, Abstract No. 213, the John M. Slamons Survey, Abstract No. 814 and the Alex Berry Survey, Abstract No. 80, Blocks A through G of the W. O Haggard Addition and Blocks A through D of the Ollie Mathews Addition, presently zoned Single-family-7, and retaining this zoning classification; directing a change accordingly in the official zoning map of the City; and providing a repealer clause, a savings clause, a penalty clause, a severability clause and an effective date. Applicant: City of Plano. [Regular Agenda “5”]

Long Range Planning Manager Zimmerman spoke to the Haggard Addition being small and self-contained and presented examples of residences in the area. He spoke to the Heritage Resource designation being defined as a property or collection of properties formally determined by the City to represent historical value and the ability to portray the City’s evolution to its current form. Mr. Zimmerman spoke to creating the designation either individually or by district which includes a petition indicating resident support. He spoke to the impact on property owners including the potential to obtain tax exemptions and requirements to obtain a Certificate of Appropriateness for new construction. Mr. Zimmerman advised regarding receipt of a petition signed by 70% of the property owners and recommendations by both the Heritage and Planning and Zoning Commissions.

Mr. Zimmerman spoke to Heritage Commission findings based on criteria including the value of the area as part of the development and heritage of the City; portrayal of a group of people in an era of history by distinctive architecture; and the relationship to other distinctive buildings, sites or areas. He spoke to consideration of the homes as representative of an architectural style of post-WWII housing, the subtle differences between these homes and those built more recently and stated that the location can be singled out as the first and most intact example of Plano’s transition in residential neighborhoods and that the area remains a viable neighborhood of modest housing near Downtown and DART.

Mr. Zimmerman responded to Council Member Ellerbe regarding those who signed the petition and advised that it was his understanding that signers were property owners. He responded to Deputy Mayor Pro Tem Magnuson that the intent of the tax exemption is to provide funds for reinvestment in the structures. Ms. Magnuson stated concern regarding the age of the homes when considering historic designation. Mr. Zimmerman further responded stating that there are no tax exemptions for conservation districts and these tend to be in areas where there is a significant amount of unused lots to make sure infill occurs in a manner that does not erode development. Mr. Zimmerman responded to Mayor Pro Tem Johnson regarding the level of the tax abatements that would be on the improvements but not the land, that it would be for all taxing entities and there would need to be individual consideration of the exemption should a new structure be constructed in the area. He responded to Council Member Stahel regarding the other areas of the City that have benefited from heritage designation and spoke regarding the process for visual inspection of the exteriors.

Mayor Evans opened the Public Hearing.

### **Zoning Case 2006-27 (cont'd)**

Mary Compton, resident of the area spoke in support of the request and regarding the neighborhood representing the first post-WWII development in the City and to being the first where specialized crews were utilized and to providing housing for many local business owners. She spoke to changes in families and neighborhoods, educating future generations about the past by utilizing the architecture of the era, and regarding the intact nature of the development. Ms. Compton spoke regarding the past and present residents in the area, to providing neighborhood stability and to the economic benefits. Betty Sewell, resident of the area, spoke to preserving the neighborhood and in support of the request. Naomi Goolsbee, citizen of the City, spoke to what the designation would mean for the neighborhood, the neighborhood being intact and stated that rules would be no harsher than the City code. Pam Hatcher, citizen of the City, spoke to her experiences living in a heritage district, to the private money invested as a result, the increase in property values and regarding the historical consideration of these homes. She spoke to this subdivision being the beginning of the pattern of development to come and encouraged the Council to vote in favor of the request.

Melissa O'Neal, citizen of the City, spoke to the opportunity to provide a history of the community from the Douglass area through Haggard Park and Downtown and into this area. She spoke to the district's maintenance requirements and opportunities to construct additions as well as providing protection for architectural integrity. Francene Neeley, resident of the community, spoke to historic designation preventing deterioration and in support of the item. Clint Haggard, spoke in favor of the request and as an investor in the area. Investor Russ Sikes spoke to the risk of tear downs, to preserving the cohesive character of the area and to the low level of lost tax revenues in supporting the request. Seth Abbott, resident of the area, spoke to the areas' contribution to the heritage of the City and in support of the request. No one else spoke either for or against the request. The Public Hearing was closed.

Mr. Zimmerman responded to Council Member LaRosiliere regarding requests transitioning from individual designations to districts and advised that district designation has been in place since 1979 or 1980. He responded to Mayor Evans stating that while some maintenance issues may be covered under code compliance, others are not and spoke regarding the possible loss of a tax exemption if repairs are not done. Mr. Zimmerman responded to Council Member Ellerbe, stating that once a district is approved, individual property owners must submit requests for tax exemptions and advised that most of the lots are 8,000 square feet in size. Mayor Pro Tem Johnson stated concern that other areas would seek this designation upon reaching 50-60 years old. Mr. Zimmerman stated that this could be the last heritage district, citing its representation of transition, providing post-WWII housing, a mass development and remaining in tact as reasons for designation rather than just the age of the community. He responded to Council Member LaRosiliere regarding the age of the homes in the adjacent heritage district.

Ms. Compton responded to Deputy Mayor Pro Tem Magnuson regarding concerns including discussions about a DART overlay and to protecting the area. She stated concerns that buildings may be constructed that do not fit the character of the neighborhood and would jeopardize the historical value. Mayor Evans spoke to other development in the area increasing the value of property in this area.

### **Zoning Case 2006-27 (cont'd)**

Ms. Jarrell spoke to techniques used in the Douglass community to preserve the characteristics of the older homes. She stated that a conservation district can achieve some of the same goals and that it does not provide the full protection of a heritage or tax exemption program. Ms. Jarrell spoke to a conservation district controlling items such as materials, height and setbacks. She spoke to the history of the heritage designation program and advised that while other taxing entities participate, at this point there is nothing prohibiting them from withdrawing. She stated that fifty years and older is the recognized age limit for designation and spoke regarding the traditional concept of historic districts and other cities looking at the issue.

Mr. Zimmerman responded to Council Member Stahel regarding the tax savings and the funds being reinvested to maintain the property. He responded that values in the Haggard Park and Downtown area seem to be increasing and Ms. Hatcher advised regarding the increase in land value. Council Member Stahel spoke to this being the last contiguous community to the downtown area, application of the criteria for a historic district, reinvesting in the community and affordable housing. He made a motion to approve the request which Council Member Callison seconded. No vote was taken at this time.

Mr. Zimmerman reviewed the process for tax exemption and Council Member Dunlap spoke to this request framing the area as it is today. Ms. Jarrell advised that the conservation district would not have the same level of scrutiny as the heritage district but that it could include requirements specific to the architecture. She advised Council Member Ellerbe that if the decision were made to implement the conservation district, Staff would work with the Heritage Commission and the Planning and Zoning Commission to develop standards. Ms. Ellerbe spoke to improvements made in the Douglass area and concern with designating a more current development as a heritage district. Council Member LaRosiliere spoke to designating Victorian homes, but stated that this area is different. He spoke in opposition to the request and stated that he would consider a conservation district.

Council Member Stahel spoke to properties being brought up to a level of standard when tax exemption is requested and to heritage designation as a unique opportunity to stabilize and upgrade property. He spoke to the proximity to the DART station, goals of providing moderate income housing and to maintaining the area.

Mayor Evans spoke regarding inspections being done from the street, new urbanism and the property's location near DART and the Parker Road area. She spoke to the possibility that other neighborhoods will seek designations, to the area offering affordable workforce housing and to possible changes to the homes to make them more attractive to families. Mayor Evans spoke to protecting the character of the neighborhood by development of restrictions.

Council Member Callison spoke to the unique character of the neighborhood and style of housing and its importance. She spoke to the tax savings being reinvested in the homes and in support of the request.

Mayor Pro Tem Johnson spoke to post-WWII housing as still being young.

A motion was made by Council Member Stahel and seconded by Council Member Callison to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Heritage Resource Designation No. H-35 TO a 24.6± acre property, situated in the City of Plano, Collin County, Texas, in the Joseph Klepper Survey, Abstract No. 213, the John M. Slamons Survey, Abstract No. 814 and the Alex Berry Survey, Abstract No. 80, Blocks A through G of the W. O Haggard Addition and Blocks A through D of the Ollie Mathews Addition, presently zoned Single-family-7, and retaining this zoning classification as requested in Zoning Case 2006-27 and as recommended by 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, a penalty clause, a severability clause and an effective date. The Council voted 3-5 with Mayor Evans, Mayor Pro Tem Johnson, Deputy Mayor Pro Tem Magnuson and Council Members Ellerbe and LaRosilieri voting in opposition. The motion failed.

Director of Planning Jarrell advised that if the Council were to consider a conservation district that the Planning and Zoning Commission would initiate the requirements and that the request would go through the Public Hearing process.

A motion was made by Council Member Ellerbe and seconded by Deputy Mayor Pro Tem Magnuson to send the request related to a 24.6± acre property, situated in the City of Plano, Collin County, Texas, in the Joseph Klepper Survey, Abstract No. 213, the John M. Slamons Survey, Abstract No. 814 and the Alex Berry Survey, Abstract No. 80, Blocks A through G of the W. O Haggard Addition and Blocks A through D of the Ollie Mathews Addition, presently zoned Single-family-7, back to the Planning and Zoning Commission with the recommendation that they look into creating a restrictive conservation district. The Council voted 7-1 with Council Member Stahel voting in opposition. The motion carried.

There being no further discussion, Mayor Evans adjourned the meeting at 10:36 p.m.

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**Pat Evans, MAYOR**

ATTEST:

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**Elaine Bealke, City Secretary**