

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING**

November 12, 2001

COUNCIL MEMBERS

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

STAFF

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

Mayor Akers called the meeting to order at 5:00 p.m., Monday, November 12, 2001, in the Council Chambers of the Municipal Center, 1520 K Avenue. All Council Members were present.

Resolution No. 2001-11-4(R): To canvass the election returns of the Special Election of November 6, 2001, for the Election of one (1) Member of Council (Place 2) to fill a vacancy until the May 2002 General Election; declaring the results; and resolving other matters on the subject

Mayor Akers advised that Mayor Pro tem Neudorff and Deputy Mayor Pro tem Dyer would canvass the election results with the City Secretary.

City Secretary Bealke advised the Council that 2,032 undervotes include undervotes from all entities listed on the ballot and are a result of the City entering the election late, reviewed the ballot and seal certificate reports, stated that Scott Johnson received 3,338 votes, Eric Roberson received 1,740, and that there were 8 overvotes and 2,032 undervotes providing for a total of 7,118 total ballots cast. Ms. Bealke reviewed the remaining data on the canvassing report.

Mayor Pro tem Neudorff stated that they have canvassed the returns and find that 7,118 ballots were cast in polling locations utilized by the City of Plano in the November 6, 2001 Special Election. Upon a motion made by Mr. Neudorff and seconded by Deputy Mayor Pro tem Dyer the Council voted 7-0 to approve the canvassing of the election returns of the Special Election of November 6, 2001 for the election of one (1) member of Council, declaring that Scott Johnson fill the Place Two vacancy until the May, 2002 General Election; declaring the results; and resolving other matters on the subject; and further adopting Resolution No. 2001-11-04(R).

Swearing In of New Council Member by Mayor Akers

Mayor Akers administered the oath of office to Scott Johnson to fill Council Member, Place Two position.

Mayor Akers then stated at 5:13 p.m. that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071, for which a certified agenda is not required.

Mayor Akers reconvened the meeting back into the Preliminary Open Meeting at 5:49 p.m. in the Council Chambers. Council Member Johnson took his seat at the bench. The following matters were discussed:

Consideration and Action Resulting From Executive Session

Nothing was carried forward.

DART Status Report

DART Board Representative Pope advised that sales tax revenues are down, ridership increased slightly, spoke to the full-funding grant agreement, opening of the White Rock Station, 10-year anniversary of the HOV System, opening of the Plano light rail in June, 2003 with a December, 2002 event. He stated that the "TRE" rider service will begin December 3, the Fort Worth Transportation Authority is close to completing their work, and spoke to the ongoing study with the Dallas Fort Worth International Airport, Fort Worth "T", and the Council of Governments regarding the best way to connect the regional airport to the rail system. Mr. Pope further stated that DART is continuing to have discussions with new member cities.

Discussion and Direction Regarding Plano Mobility

Transportation Engineering Manager Neal spoke to signal management activity zones, completion of the zoning area projects, savings in fuel and motorist delays, savings in operating costs, numbers with regard to accident and injury causes as well as fatalities, completion of the Safe Streets Program speed hump reduction program, distribution of program manual, completion of CIP projects, and other special projects. He spoke to grant acquirement from the COG and work on alternative funding strategies along Preston Road. He stated that the Spring Creek Corridor Study is scheduled to begin in July, 2002.

Mr. Neal advised the Council that work is continuing with the Police Department regarding red light activity fatalities, and that a.m. and p.m. traffic light adjustments vary but that typically it is the morning commute from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. He spoke to addressing driver behavior, and advised that he would provide information on the study of the a.m. and p.m. traffic rush hour period.

Council Action to Confirm the Appointment of Greg Rushin as Police Chief for the City of Plano, Texas, as Required by Local Government Code, Section 143.013.

Upon a motion made by Mayor Pro tem Neudorff and seconded by Deputy Mayor Pro tem Dyer the Council voted 8-0 to approve the appointment of Greg Rushin as Police Chief for the City of Plano, Texas.

Personnel Appointment –

Library Advisory Board

Upon a motion made by Council Member McGee and seconded by Deputy Mayor Pro tem Dyer, the Council voted 8-0 to appoint Jean Godfrey to the Library Advisory Board.

Discussion and Direction re Temporary Sales Permits

Code Compliance Specialist Kermes spoke regarding temporary food vendors in the City, permit time periods issued by Building Inspections to the itinerant vendor, and temporary permits regulated by the state and seasonal permits issued by the Environmental Health Department. Ms. Kermes stated that Staff is proposing that the seasonal permit currently being issued by the Health Department be changed to a regular health permit valid for a period of up to one year with a reduced fee.

Ms. Kermes stated that the Health Department would create a new permit for seasonal food vendors valid for 45 days, and recommended that Building Inspections require the Health Department's approval prior to issuing itinerant vendor permits involving food products. She stated that Building Inspections proposes additions for the itinerant vendor to include Health Department approval for all permits involving food products, limiting the number of itinerant vendor permit seasonal food vendor issues per calendar year, and adding the definition for seasonal food vendor. Chief Building Official Mower advised that if a vendor desires to be on site for more than ninety days (two 45 day periods), a certificate of occupancy would be required.

Environmental Health Manager Berry stated that Staff will come back to the Council in January or February to amend the food service ordinance to include these new guidelines and definitions. He stated that the recommendation by Staff regarding temporary food establishments is to propose that the temporary food permit allow for a 14 day operation time that may or may not sell potentially hazardous foods with a limit of 6 vendor permits per year. Mr. Berry stated that a seasonal food permit will allow an operation time of greater than 14 days but no more than 45 days at a non-fixed location. He stated that this will then coordinate with the Building Inspections permit for an itinerant sales food permit. He stated that under the seasonal food permit the vendor will be limited to selling potentially non-hazardous foods, and two permits per year per vendor.

Deputy Mayor Pro tem Dyer recommended that an effort be made to send these proposed changes to those entities who have been registered with the City in the past to solicit their input. Mr. Berry stated that this will be done. Council Member Stahel spoke to receiving an education from these vendors as to what their requirements are. Mr. Berry stated that a currently permitted food establishment going off site does not require an additional permit.

Council items for discussion/action on future agendas

Mayor Pro tem Neudorff recommended that individuals standing on street corners holding signage be addressed in the upcoming solicitation ordinance. City Attorney Wetherbee advised that an overview of the solicitation ordinance will be brought forward to the Council on November 26, but that this situation might be resolved under the current ordinance. City Manager Muehlenbeck stated that the Chief Building Official has been working on an amendment to the sign ordinance which will be brought forward for Council consideration with regard to human signs and which might address this problem. He stated that he has also asked Mr. Mower to look into situations where businesses are going out of business.

Council Member Stovall spoke to also looking into neon sign lighting outlining a building or signs on sides of building with regard to brightness. Mr. Muehlenbeck stated he will look into this.

Consent, Statutory and Regular Agenda

Deputy Mayor Pro tem Dyer advised that due to a conflict of interest he will step down on Regular Agenda Item No. 2, Public Hearing regarding Council redistricting.

Council Reports

None were given.

Nothing further was discussed. Mayor Akers recessed the meeting at 6:30 p.m.

Jeran Akers, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary