

**PLANO CITY COUNCIL
SPECIAL CALLED MEETING
NOVEMBER 1, 2004**

COUNCIL MEMBERS

Pat Evans, Mayor
Shep Stahel, Mayor Pro Tem
Ken Lambert, Deputy Mayor Pro Tem
Scott Johnson
Phil Dyer
Sally Magnuson
Steve Stovall
Jean Callison

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 called the meeting to order at 7:08 p.m., Monday, November 1, 2004, in Training Room A of the Plano Municipal Center, 1520 K Avenue. All Council Members were present. The following was discussed:

Continue Charter Review Discussion and Consideration of Items for May Election Proposition

Mayor Evans recommended determining early on what the Council agrees on regarding items for a Charter Election. City Attorney Wetherbee reviewed the following items previously discussed by the Council:

Revising language of City powers to remove "be sued" provision (section 2.01)
Revising the statute of limitations for claims against the City (section 11.06)
Deleting requirements that officials and appointees be owners of taxable property (sections 3.02 and 4.07)
Publication of franchise caption in lieu of entire ordinance (sections 10.02 and 10-A.02)

The Council discussed these items as stated and spoke to the constitutional challenges of requiring Council Members and appointees to own taxable property. The Council spoke in support of including the above listed items as proposed ballot measures.

Ms. Wetherbee identified the following items for further discussion.

Whether to extend Council terms to three years

Ms. Wetherbee stated that under provisions for three-year terms, the Council will lose the authority to fill a vacancy by appointment and will be required to fill each vacancy by a special election. She spoke to provisions requiring elected officials to automatically resign their office when serving a three-year term with more than one year remaining when making an announcement for any other office. Ms. Wetherbee advised that current Charter provisions do not refer to a time period for the resignation and speak only to elective Plano offices. The Council discussed when to make a three-year term effective after which time they spoke in support of including a three-year term provision effective for those officials elected in 2005 as a proposed ballot measure. The Council further discussed how to stagger the terms and spoke to looking at what other cities have done in this regard.

Number of signature requirements for a petition for a recall, initiative, or referendum

Ms. Wetherbee spoke to determining an appropriate number for signature requirements for a recall, initiative, and referendum petition and determining what this should be based on, and further recommended that an initiative and referendum be the same number. The Council discussed possible percentage and number scenarios. They discussed taking into consideration election costs when determining these computations, there not being a reason to change, determining a reasonable number, looking at what other comparable cities are doing, consistent numbers not being dependent on voter turnout, using a flat number and not a percentage, not moving the bar too drastically, looking at what the signature requirements were for the 1991 sign referendum, and using the registered voter count as a number to base a percentage on. The Council spoke in support of including a computation of 1% of the registered voters as of the last General Election (with possible minimum number designation) for signature requirements on a recall, initiative, and referendum petition as a proposed ballot measure.

The Council recessed the worksession at 8:12 p.m. and reconvened at 8:20 p.m.

Whether the Council should be expanded to nine members

Ms. Wetherbee spoke to determining if a ninth Council Member would be reflected as an at-large position or as an assigned district seat and to the possibility of rebalancing the districts. The Council discussed rebalancing the districts, determining how citizens would benefit from 9 members, not having a split Council vote with the current 8 members, having 5 geographical districts with 3 at-large positions and the Mayoral position, previous relevance of population splits for districts, single member districts, and going with an at-large or geographical designation. The Council spoke in support of taking this off the table for now and requested that former Charter Commission Member Jean Godfrey be contacted regarding previous decisions regarding population designations for the districts. Ms. Wetherbee advised that she will contact Ms. Godfrey and report back to the Council.

Ms. Wetherbee further spoke to giving thought to an effective date should the Council decide to go forward with regard to the impact on the existing district designated Council Members.

Personnel of Municipal Judge and City Attorney are accountable for all purposes to their respective appointees

Ms. Wetherbee spoke to appointing authority and subordinate personnel reporting to the three appointed positions for Council consideration. The Council discussed appointing and accountability authority, limiting authority to professional Staff, special skills for certain departments, current processes and chain of command, a lack of authority throwing things off, and arriving at a conclusion as to what the provision should be. Mayor Evans recommended that several Council Members meet with the City Manager and the City Attorney to discuss this issue and perhaps prepare a policy. She stated that this is more of a procedural issue and not a potential ballot measure.

The Council concurred to hold Public Hearings on November 8 and November 22 in order to receive public input on the proposed Charter Election.

Nothing further was discussed. The Council recessed the worksession at 8:58 p.m. Mayor Evans reconvened the worksession back into open session at 9:05 p.m. and immediately retired into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to discuss Personnel, Section 551.074 for which a certified agenda is required. The Council reconvened back into the open meeting at 9:48 p.m. after which time the meeting was finally adjourned.

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary