

**PLANO CITY COUNCIL  
PLANNING AND ZONING COMMISSION  
JOINT MEETING AND  
PRELIMINARY AND REGULAR MEETING  
June 4, 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

**COMMISSION MEMBERS**

Jim McGee, Chair  
Joyce Beach  
Michael Davidoff  
Lee Dunlap  
Carolyn Kalchthaler  
Jerry Kezhaya  
Bill Neukranz  
Laura Williamson

**STAFF**

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

Mayor Akers called the meeting to order at 5:07 p.m., Monday, June 4, 2001, in the Council Chambers of the Municipal Center, 1520 K Avenue. All Council Members were present. Mayor Pro tem Neudorff arrived at 5:10 p.m. and Council Member Roach arrived at 5:20 p.m.

**PRELIMINARY OPEN MEETING**

**Discussion and Direction on Lighting Ordinance Enforcement**

City Manager Muehlenbeck advised that Staff is looking for interpretation and direction from the Council regarding this item. Chief Building Official Mower advised the Council regarding previous adoption of the outdoor lighting ordinance addressing illumination, light trespass and specifically requirements for adjacent properties. He spoke to these requirements as they relate to a recent application where adjacent properties are owned by the same individual, stated that no one else is being impacted, and spoke to possible dark areas resulting between the two properties, and to lighting adjustments being made. Mr. Mower advised that interpretation and clarification on the intent of the ordinance is requested.

Council Member Lambert spoke to previous concerns regarding vacant properties, Planning and Zoning Commission provisions with connecting properties, dark areas at the property line, and to being more concerned with adjacent vacant land situations. He spoke to concerns with having dark areas appear in the center section of a parking area.

Director of Environmental Health Collins spoke to the need for continuity with the ordinance, contiguous properties using the same lighting standards (3.0 foot-candles) and to concern with future developments and having no ability to come back to the non-compliant property.

Council Member Stovall spoke to the intent of the ordinance being to minimize glare and light trespass and to problems with creating too many exceptions. Council Member Lambert spoke to concern with residential neighborhoods and major light spillover, and advised that this is

not the issue here. Mr. Collins advised that with the use of technology, problems with lighting and dark areas can be engineered and stated that the two contiguous properties in question contain one property that is compliant but has an illegal use at this point and that the new property falls into the context of decision making.

Council Member Lambert spoke to the property owner platting everything as one lot and further stated that it is the spillover to the surrounding properties that causes him concern rather than the interior of the project. Council Member Stovall spoke to the ordinance containing solutions to eliminate dark spots, stated he sees no purpose in changing the ordinance and spoke to opening things up to too many exceptions. Mr. Mower advised Mr. Stovall that the property line and the issue go away in this particular case if the property owner re-plats. He stated that there are still remaining problems with other properties but that the property owner has agreed to take care them. Mr. Stovall reiterated that the property owner's options are to re-plat or put additional engineering in place to correct the problem.

Deputy Mayor Pro tem Dyer spoke to mandates regarding property flow and functioning abilities and to waves of light and darkness at the property site not being contiguous and recommended that this item be sent back to the Planning and Zoning Commission to fine tune. Mr. Collins advised the Council that if engineered properly, there would be a continuous luminance across the property although not as bright as the contiguous parking lot. He spoke to shielding and directing of the light and to using barriers such as plants. Mr. Collins advised the Council that regarding sufficient security for night lighting and using 3.0 foot-candles across the entire property that the contiguous property was built prior to the implementation of the ordinance and can stand as is but with regard to the 3.0 foot-candles the issue is trespass and not the actual light that is on the property where an individual may be standing and further that the security issue might be addressed along with liability.

Mayor Pro tem Neudorff stated agreement with the comments made by Mr. Dyer. Council Member Evans spoke to not being able to expand a non-conforming use issue. City Attorney Wetherbee stated that normally just because the property is expanded the non-conforming use is not expanded as well and spoke to needing clarification from Staff as to non-compliance standards usage. Mr. Mower advised that the property owner must still meet the standards of the remaining parameters of the project area. Ms. Wetherbee spoke to compliance with the new ordinance when adding on to existing infrastructure that is not in compliance. Mr. Mower stated that new installations must meet the new lighting standards as they are added.

City Manager Muehlenbeck spoke to having a case of common sense complicating the ordinance and stated that the question involves overruling the enforcement provision for what is needed and further spoke to going back to the Planning and Zoning Commission. He stated that using the common sense factor does not work with the existing ordinance. Council Member Lambert stated that in this case it appears to him that the ordinance is in need of tweaking.

Mr. Mower advised the Council regarding granting a waiver and stated that there is an authority for an appeal to the Building Standards Commission but that in order for the Commission to rule, the intent of the ordinance needs to be made clear and that is what Staff is seeking. He advised the Council that the property must come into compliance only if the use is changed.

Council Member Stahel spoke regarding parking lots, small numbers of cars with dimmed or turned off lights coming into a parking lot, the intention being to reduce the glow and light trespass and that the direction the Council set was correct. He stated that in his opinion the ordinance was to start with new buildings and construction, he favors strong code enforcement and further spoke to this case with regard to small dark areas in the parking lot and to turning a

light to modify the area. Mr. Stahel spoke in opposition to modifying the ordinance and enforcement.

Council Member Evans stated she does not see the need for changing the entire ordinance, spoke to giving a waiver in the one area, and asked that if the property owner repositioned their light would that be a violation. Mr. Mower stated that unless the situation is made worse the property owner will be left alone. Ms. Evans recommended not changing the ordinance for this one exception and to using common sense.

Council Member Roach spoke to using common sense and to going from there. Mayor Akers spoke to using the compliant basis and by type of use and to residential areas and light trespassing into that area and to using common sense. Council Member Evans spoke to what the implications would be if the ordinance was adjusted to exclude shopping centers or interiors of shopping centers and to bringing the ordinance back next week.

Mr. Mower stated Staff could bring an ordinance back that would include an exception for interior property lines on contiguous property inside retail shopping areas. Mayor Akers concurred that this is what the Council is concerned about and that this also continues to address trespass into residential areas for light spillover.

### **Spotlight on the Police Department**

Assistant Chief of Police Rushin advised he is here to provide an overview of the Police Department and stated that the mission statement is to protect life and property, prevent crime, enforce the laws and maintain order for all citizens. He spoke to voluntary compliance and education within the community. Chief Rushin stated that the benchmarks used are crime rate, fatality accident rate, citizen survey results, and responses times.

Chief Rushin spoke to Plano's low crime rate per the population, low traffic fatality rates, high marks from the citizenry, high priority response calls and time measurements. He advised that the budget for the Plano Police Department currently is just under \$32 million and spoke to the low cost per capita.

Chief Rushin spoke to the Police Department units whose goal is to perform at the highest of standards and stated that officers are hired at a ratio of one out of every fifteen individuals who pass the exam. He spoke to the Neighborhood Police Officers who form partnerships with the citizens and to the Crime Watch areas, Citizens Police Academy, and School Liaison Officers. Chief Rushin spoke to traffic as being the most often occurring complaint with the citizens as well as with the Council and stated the intent of resolving this issue is to save lives. He spoke to looking for locations that have the highest number of accidents, special enforcement requests, education and awareness programs, developing a community partnership to change the attitude of drivers, and to the red light hotline.

Chief Rushin spoke to the Administrative Services Bureau lead by Administrative Manager Brashear, short-term holding facility (jail), Records Department, Crime Scene Investigative Unit, on-line fingerprinting system, Alarm Unit, Planning and Research Unit, and further spoke to special projects coming on line which include expansion of the main police station, and addition of a joint use facility. He spoke to the police web site to access critical information, and mentioned individuals in the department who have received awards of praise in the field.

Council Member Lambert requested a copy of the slides provided by Chief Rushin. Mr. Rushin advised Council Member Roach that the Police Department is just only recently has

become fully staffed, and spoke to their comprehensive strategies and advised that all officers are aware of the high priority of red light runners.

He further advised that to qualify for a neighborhood patrol officer the area must be a natural neighborhood and be situated where this type of law enforcement would work, and further advised that the age of the neighborhood as well as the types of calls received are looked at as well. Council Member Roach spoke in support of the program and of the Plano Police Department.

Mayor Akers briefly recessed the Council meeting at 6:01 p.m. and reconvened back into open session at 6:06 p.m. to meet jointly with the Planning and Zoning Commission.

### **OPEN JOINT WORKSESSION – PLANNING AND ZONING COMMISSION**

Director of Planning Jarrell advised that work program progress will be reviewed along with what can be anticipated during the next quarter. She advised that the Commission has completed work on rezoning of an additional high priority zoning/land use comparison area at Midway Road and Plano Parkway, and that the Armstrong Park Neighborhood Plan was adopted, along with acceptance of the Streetscape Plan for the Research Technology District.

Ms. Jarrell advised that immediate priority items always include the Comprehensive Plan element updates and stated that Staff has been working with the Commission to refine issues for the updates to the Land Use and Transportation Elements, and further stated that they are starting to work with three school districts to initiate the update of the Education Element.

Ms. Jarrell advised that with regard to high priority items that Zoning/Land Use Comparison is being continued and that the last item on the list is being addressed after which time the focus will be on the medium priority list of areas. She stated that the Fourth Neighborhood Plan will be started soon in the Douglass Community, a consultant is completing work on the Center City Strategic Plan and will be presenting detailed recommendations, Retail Site Study seminar was held as a joint study with neighboring cities, and that Specific Use Permit Review items will be brought to the Council in July.

Ms. Jarrell advised that with regard to mid-term priority issues that the Planned Development Zoning Review items are being addressed which involve ambiguous scenarios, Extended Stay Hotel Regulations are being discussed and has been determined that no changes need to be made to the ordinance at this time, and Fence Regulations Review to look at inconsistencies along with fencing in Estate Development Districts. She advised that amendments to SH 190/Plano Parkway Overlay District and Tree Preservation and Landscaping regulations are presently on hold.

Ms. Jarrell advised that with regard to longer term priority issues, the S.H. 190 DART Station Study, Downtown Architectural Design Guidelines, DART Far West Plano Transit Center Study and identification of the site, and Information Technology Plan to create a new element to the Comprehensive Plan are being addressed. She further stated that Modular Building Regulations and Stormwater Permit Compliance are currently on hold.

Ms. Jarrell referenced the list of completed projects and advised that the recommendation is to move the Information Technology Plan to the high priority list.

Ms. Jarrell stated that no new items are recommended to be added to the list at this time but that it is anticipated the Center City Strategic Plan and the Retail Redevelopment Study will bring forth new items.

Council Member Lambert recommended removing the names of completed projects and listing only the names of projects completed since the last meeting and concurred with the suggestion of moving the Technology Plan to the high priority list. Planning and Zoning Commission Chair McGee advised that the Commission appreciates having the long list of completed projects before them as a reminder of their work accomplished and further stated that the Commission has instituted a portion at the end of their meetings for discussion topics.

The Planning and Zoning Commission left the meeting and the Council resumed discussion of the Preliminary Open Meeting.

### **Personnel/Board/Commission Liaison Appointments**

Mayor Akers advised that Council liaisons to the boards and commissions will remain the same unless there is a specific request.

### **Council Items for Discussion/Action of Future Agendas**

Deputy Mayor Pro tem Dyer advised that he and Council Member Roach met with individuals who wish to discuss the issue of doing something in the City to honor the memory of Martin Luther King and recommended that this be brought to the Council for public discussion and that this be scheduled as a Public Hearing during the second and fourth Mondays in August. Mayor Akers recommended that this be publicized as far in advance as possible.

### **CONSENT AND REGULAR AGENDA**

Mayor Akers advised that Consent Item "A", Rejection of Bid for Timbercreek/Plano Parkway Sanitary Sewer Rehabilitation Project, will be removed for individual consideration at the request of Staff.

Mayor Akers advised that Consent Item "C", Resolution regarding financing and incurrence of a loan by the Prestonwood Christian Academy, will be removed for individual consideration at the request of the City Attorney.

Mayor Akers advised that Consent Item "D", Ordinance to establish Police and Fire Departments classification and salary plan changes, will be removed for individual consideration and will be addressed following Regular Item No. One.

City Manager Muehlenbeck advised Council Member Evans regarding Consent Item "B", Resolution to approve an interlocal cooperation agreement between joint cities for Library Courier Services and stated that this item represents monies to be received by the City of Plano from the City of Allen for library courier services.

### **COUNCIL COMMITTEE REPORTS**

Council Member Stahel spoke to the building inauguration for the Victory Baptist Church who presented the City with a certificate of appreciation towards the assistance they received for the establishment of a new community center.

Council Member Stovall spoke to a Nashville, Tennessee trip he took for the Information Technology Communication Steering Committee which works on policies concerning technology and communication changes or additions. He stated he will be bringing back information to the Council regarding the trip and would appreciate feedback from the Council.

## **CONSENT AGENDA**

Consent Items "A", "C", and "D" were moved for individual consideration as stated above. Upon a motion made by Council Member Roach and seconded by Mayor Pro tem Neudorff the Council voted 8-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

## **ADOPTION OF RESOLUTIONS**

**Resolution No. 2001-6-1(R):** To approve the renewal of the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and the City of Allen for Library Courier Services between the Allen Public Library and Schimelpfenig Library in Plano; authorizing the City Manager to approve subsequent renewal years; and providing an effective date. [Consent Agenda Item (B)]

## **Adoption of Ordinances**

**Ordinance No. 2001-6-2:** To revise Section 1-4 General penalty; continuing violations of Chapter I General Provisions of the Code of Ordinances of the City of Plano, Texas to create references to the maximum penalties for specified conduct; providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (E)]

## **Approval of a Change Order**

To Craig Olden, Inc., increasing the contract by \$83,500 for North Pittman Creek Channel Improvements, Change Order No. 4 (Bid No. B9909-215). [Consent Agenda Item (F)]

To Joe Funk Construction Engineers, Inc., increasing the contract by \$77,664 for the Plano Courtyard Theater, Change Order No. 2 (Bid No. B231-00). [Consent Agenda Item (G)]

## **Approval of Contract**

To approve and authorize for the selection of Nathan D. Maier Consulting Engineers, Inc. to provide Professional Engineering Services for an amount not to exceed \$51,400.00 in connection with the design of the Buffalo Bend Drainage Improvements and authorizing the City Manager to execute all necessary documents to effectuate the purchase. [Consent Agenda Item (H)]

## **END OF CONSENT**

**Consideration of Rejection of Bid:** To reject all bids for the Timbercreek/Plano Parkway Sanitary Sewer Rehabilitation Project (Bid No. B121-01). [Consent Agenda Item (A)] (See Exhibit "A")

City Manager Muehlenbeck advised that this item is being removed from the agenda and stated that it will come back at the next meeting with a different recommendation. He advised Council Member Stovall that some individuals did meet the specifications and stated that this is why Staff is suggesting that the bids not be rejected at this meeting and that a different recommendation be brought back.

David Waddel of Insituform Technologies, Inc. stated that he has no objection to the Council taking the opportunity to review the items submitted in response to the agenda item.

A motion was made by Council Member Stahel and seconded by Council Member Lambert to not take action on Rejection of Bid No. B121-01 for the Timbercreek/Plano Parkway Sanitary Sewer Rehabilitation Project at this meeting and to instead bring the item back with a different recommendation from Staff and for further consideration of the Council.

**Resolution No. 2001-6-3(R):** To consent to the financing and incurrence of a loan for an educational facility by Prestonwood Christian Academy, pursuant to the Texas Education Code; and providing an effective date. [Consent Agenda Item (C)]

City Attorney Wetherbee advised that this is the first opportunity presented to the City of Plano to consent to a financing obligation for Prestonwood Christian Academy or any primary or secondary school. She stated that the obligation for approval stems from an Internal Revenue Code requirement for the approval to come from the jurisdiction where the facility is located. Ms. Wetherbee stated that representatives of the academy have agreed to include the City as an indemnified party in the loan agreement as well as be a third party beneficiary. She suggested that if approved it be done under the conditions that the loan agreement that has previously been provided with the changes be included and submitted to the City as soon as possible. Council Member Stahel stated that this represents only compliance with IRS regulations and not a "blessing" of the project.

A motion was made by Council Member Lambert and seconded by Council Member Roach to consent to the financing and incurrence of a loan for an educational facility by Prestonwood Christian Academy, pursuant to the Texas Education Code; and providing an effective date and further that it be conditioned upon the execution of the loan agreement with the City being indemnified and being made a third party beneficiary and also that an executed copy must be provided to the City. With an eight (8) to zero (0) vote the Council adopted Resolution No. 2001-6-3(R) with the above stated conditions.

**Ordinance No. 2001-6-4:** To transfer the sum of \$982,225 from various unappropriated fund balances to the Operating Appropriations for Fiscal Year 2000-01 for the purpose of funding a Market Index Salary Adjustment; amending the budget of the City and Ordinance No. 2000-9-8, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. [Regular Agenda Item (1)]

City Manager Muehlenbeck advised that following the last meeting a presentation on this item was given and information was provided regarding numbers, surveys conducted, and advised that "fresh" data has been submitted with this item tonight.

Council Member Roach stated that in an effort to retain and recruit qualified employees for the City of Plano he does so move to transfer the sum of \$982,225 from various unappropriated fund balances to the Operating Appropriations for Fiscal Year 2000-01 for the purpose of funding a Market Index Salary Adjustment; amending the budget of the City and Ordinance No. 2000-9-8, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. A second was made by Council Member Stovall and the Council voted eight (8) to zero (0) and adopted Ordinance No. 2001-6-4.

**Ordinance No. 2001-6-5:** To repeal Ordinance No. 2000-9-22; establishing the number of certain classifications within the Police and Fire Departments for Fiscal Year 2000-2001; establishing the authorized number and effective dates of such positions for each classification; establishing a new salary plan for the Police and Fire Departments effective June 4, 2001; and providing a repealer clause, a severability clause and an effective date. [Consent Agenda Item (D)]

City Manager Muehlenbeck advised that any time the number or salaries of Fire or Police personnel change, an ordinance must be adopted to include this information.

A motion was made by Council Member Roach and seconded by Mayor Pro tem Neudorff to repeal Ordinance No. 2000-9-22; establishing the number of certain classifications within the Police and Fire Departments for Fiscal Year 2000-2001; establishing the authorized number and effective dates of such positions for each classification; establishing a new salary plan for the Police and Fire Departments effective June 4, 2001; and providing a repealer clause, a severability clause and an effective date and further to adopt Ordinance No. 2001-6-5.

**Discussion and direction regarding the employment of a professional polling firm to determine citizen intent with regards to the May 5, 2001, Bond Referendum Proposition No. 9 (Performing Arts Center). [Regular Agenda Item (2)]**

Mayor Akers spoke to moving forward with "deliberate speed" and addressing the Performing Arts Hall issue and spoke to previous deliberation and Public Hearings and to much discussion and stated that it has been one of the most divisive things having taken place in the City in a number of years. He spoke to hiring a professional organization to place items before the citizens of the City and determining answers to approximately 25 questions. Mayor Akers spoke to the firm of Baseline and Associates out of Austin, Texas, to their connections to the City of Plano and to the special attention the City would receive. He stated that they would be available to conduct the survey this week and present the results to the Council in person next Monday night. Mayor Akers stated that in his opinion, this survey will help save time in an effort to go forward with the process of the arts hall. He advised that those individuals to be interviewed are to include 200 individuals from election participants and 200 individuals who are just registered voters and who did not participate in the election.

Mayor Akers advised that this scenario has been suggested in an effort to obtain all points of view, and advised that the cost of the survey would \$14,500.

Council Member Evans spoke to not having the opportunity to review all the questions and to having concerns with how some of the questions have been written having only just looked at the list. Ms Evans referenced questions of the survey regarding the use of hotel and motel monies and stated that the problem with this is that it is probably illegal and cannot be done, looking at expanding the Plano Centre and incorporating the construction into this expansion stating that this question would need a followup question.

Ms. Evans further stated that the survey is incomplete and that the statements of 400 individuals could basically undue the vote of many citizens and further that this is a waste of taxpayer's money. She spoke to past problems connected with the arts hall site and

communications regarding same and stated that no new information will be obtained through the survey, they have all heard from the voters and that there is a base line of \$19.4 million to build an arts hall facility somewhere. She stated that this could resurrect an east/west debate and that she has been contacted by individuals since the election who are of the belief, which is not true, that the same facility can be built for the \$19.4 million. She spoke in opposition to spending this money on 400 individual opinions.

Mayor Akers spoke to the need for something that is scientific and professional and spoke to conversations with individuals regarding what their thoughts were about the vote and the intent of the vote. He stated that this survey is designed to clear up misconceptions and is not intended to be voted up or down tonight in terms of this survey and recommended that the Council take the survey with them after the meeting, and further stated that basically what he is asking is for the approval of the Council to conduct the survey. He spoke in support of doing market research, spoke to Public Hearings held, votes taken, and stated that it is prudent to find out what is the best way to go forward to use the \$19.4 million and build the arts hall.

Council Member Evans spoke in support of holding more Public Hearings, stated that this would be free, that there are individuals who are anxious to inform the Council, and further that it will be difficult for the Council to agree on the context of the questions and that unreasonable expectations will be raised where they should not be.

Mayor Pro tem Neudorff stated he would like to have something in hand and that he has no problem with the survey and spoke to having a factual based document. He stated that rather than go into Public Hearings with questions, that the survey should be done to provide the Council with a reference point. Mayor Akers advised that the survey document would be informational only.

Council Member Roach stated concern with having a governmental entity call the citizens and ask how they voted, spoke to the questions being stated correctly, and to the Council spending an inordinate amount of time debating on how the questions should be raised, and further stated this might end up being even more divisive. He stated that he believes that the debate will shift completely away from the intended focus which is the performing arts center to that of a random poll, and further spoke to polls being directed in different directions. He spoke to not setting a precedent that this political subdivision body will poll people before voting on an issue and that they would rather instead hold Public Hearings. He stated that the Council knows how they feel and instead needs to come up with a decision and just make it happen.

Council Member Stovall stated that he is disappointed in the content of the questions, there are no supporting entities to assist the City, he is not in favor of doing the survey and that Public Hearings are needed along with work by the Council and the Staff.

Deputy Mayor Pro tem Dyer spoke in support of Mayor Akers working to keep the process moving, different ways to interpret purposes of the citizen's votes, and stated that the survey will not silence the critics and further spoke to taking an intermediate step and having the individuals in question come and meet with the Council to ensure that the questions are formulated correctly and that they will answer the questions that the Council is looking for and further stated that this will take a face-to-face meeting. He stated that after such time it might be determined that what the Council is looking for cannot be provided them through a survey or that a format may be discovered that will work.

Council Member Stahel spoke to surveys used at his place of business for various reasons and stated that he has learned to trust the people who do this for a living and that in this

particular case this issue has been much debated and that a survey done on a scientific basis might help clarify the issues. He stated he felt the survey could be a step in the right direction and voiced his support of going forward and clarifying the fundamental issues of what, where, and how, or if it (arts hall) is to be built. Mr. Stahel stated he would go with the questions as presented.

Council Member Roach spoke to the questions causing more divisiveness than necessary, and spoke to the need of coming together as a Council, stated they haven't asked for citizen input since the bond election or tried to lead as a Council and spoke to the upcoming Council retreat and to figuring out where they want to go from here. He stated that if that doesn't work, then they can go with other people but for now not throwing it off on a third party and instead addressing this item during the retreat.

Mayor Akers spoke to the divisiveness of the situation and stated that is why he feels that in order to provide leadership and shed light on this process he has recommended this survey and that while the survey would not be binding it would be informative. He stated that Public Hearings have been held and that it was submitted to a bond election and that it was rejected by the voters.

Mayor Akers stated he is attempting to provide information for the Council and go forward and stated there are four supporting, three against and one in a deferred mode. Council Member Lambert spoke to spending monies on this project and that he finds it disconcerting regarding the money that been spent so far, stated that he agrees with the need for leadership, and spoke to having this information prior to the Council retreat to clear things up. He stated that what he is hearing is that it a facility will cost \$35million no matter where it is built, but that it is a \$35million problem. Mr. Lambert stated that they may argue about what the survey might mean but that it would be a tool, and that the retreat might be a place to work as a team. He stated that the survey questions presented here are not the questions that he would necessarily write, spoke to a presentation with the City of Richardson regarding the building of a \$38 million facility to do the same thing and further that it is a part of their convention and tourism and that they are using hotel motel monies. Council Member Lambert spoke in favor of having the survey results before the retreat or to not doing it at all and to just go forward.

Council Members Lambert and Stahel spoke in support of approving the survey and going forward. Council Member Stovall stated that the decision to go forward is split four to four. Deputy Mayor Pro tem Dyer stated he would be in favor of doing the survey but not until the Council has met with the individual and stated he would like the opportunity to meet with him. Mayor Akers recommended having the individual attend the next meeting. Council Member Lambert recommended that the meeting be posted in such a way that the Council can make a decision to either go forward or not, and still have the information for the retreat. Council Member Stovall requested that a copy of this discussion be given to the individuals conducting the survey.

Mayor Akers advised that the Council will recess and convene into Executive Session in the Council Conference Room after which time the meeting will finally adjourn. The Council convened into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, to discuss matters of Personnel, Section 551.074, for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required by law. Nothing further was discussed. Mayor Akers adjourned the meeting at 7:11 p.m. to the Council Conference Room.

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Jeran Akers, MAYOR

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Elaine Bealke, City Secretary