

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
July 26, 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 5:03 p.m., Monday, July 26, 2004, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Council Member Stovall arrived at 5:04 p.m. Mayor Evans then stated 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 and discuss Litigation, Section 551.071 and to discuss Personnel, Section 551.074, for which a certified agenda is required.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting at 5:54 p.m. in the Council Chambers for which the following matters were discussed:

Consideration and Action Resulting From Executive Session Discussion: Personnel Reappointments:

Board of Adjustment

Upon a motion made by Council Member Magnuson and seconded by Council Member Dyer, the Council voted 8-0 to reappoint George Elwell and Chris Polito designating them as regular members from that of alternates. The Council further reappointed Jackie Westbrook to an interim regular position. Four alternate vacancies remain for future appointments.

Building Standards Commission

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Mayor Pro Tem Stahel, the Council voted 8-0 to reappoint John Bellair and John Houcek as regular members, reappoint Byron Betler as alternate member, and to further reappoint Thomas Izbicki designating him as regular member from that of alternate. One alternate vacancy remains for future appointment.

Planning & Zoning Commission

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Johnson, the Council voted 8-0 to reappoint Joyce Beach and Carolyn Kalchthaler and to further reappoint Lee Dunlap for a one year term. One vacancy remains for future appointment.

Report from Technology Commission – 1st Annual Information and Internet Security Conference

Technology Commission Chair Jeff Gardner spoke to measures of success of the May 18 conference which included 145 attendees, positive evaluations, suggested future topics and offers to sponsor the 2005 conference. He stated that cash inflows amounted to \$4,695 and cash outflows amounted to \$8,029.31, advised that short planning time impacted the cash deficit, and further spoke to in-kind donations. Mr. Gardner advised that the Commission is looking at a possible two-day event in April 2005, including more hands-on sessions, and spoke to a budget proposal to be presented at the August 14 Council Budget Worksession. Council Members Stovall and Johnson spoke to a job well done and to allowing for more advance preparation next time. Mr. Stovall spoke to donations received by the North Texas Global Communications Society and to the good job done by the Technology Commission.

Council Discussion and Direction on Charter Review

City Attorney Wetherbee reviewed recommendations in the agenda packet on potential Charter Election issues and spoke to determining potential ballot items.

Mayor Pro Tem Stahel spoke to a May 2005 election date and to discussing potential Charter topics in the near future rather than determining what they might be during this meeting. Mayor Evans spoke to scheduling a special called worksession on September 20 in Training Room A from 5:00 p.m. to 7:00 p.m. to discuss proposed topics. Deputy Mayor Pro Tem Lambert recommended that all suggested topics be open for discussion during the worksession. Mayor Evans spoke to communicating with each other on any questions the Council might have on a potential issue before the worksession. City Attorney Wetherbee spoke to the process of refining “valid” items over a period of time.

Discussion and Direction Regarding Real Estate Signs on Private Property

Collin County Association of Realtors President Gerald Vokolek and Realtor Craig Perry addressed the Council regarding problems encountered with being unable to place open house/directional real estate signs in the City due to sign ordinance restrictions. Mr. Vokolek spoke to Plano going from a new home area to that of a re-sale area and requested Council consideration with regard to a limited basis of enforcement and to placement of signs in the grass strip between the sidewalk and the street for a brief period of time during an open house.

The Council briefly discussed the 1990 sign referendum and problems with too many signs in the past. City Attorney Wetherbee spoke to protecting the public right-of-way and to not allowing this or other messages (signage) to be placed there. Council Member Stovall spoke to use of the internet in advertising directions to open houses. Mayor Evans spoke to the possibility of extending the same opportunity to the real estate community as was put in place for garage sale signage in allowing the placement of signs on private property abutting a corner after having obtained the permission of the property owner and further spoke to placing the realtor's license number on the sign. City Manager Muehlenbeck spoke to concerns with regard to enforcement. The Council concurred to direct Staff to look into this request.

Discussion and Direction Regarding Public Art Ordinance

Creative Arts Manager Wear spoke to previous adoption of the Public Art Master Plan and direction given to look at a funding plan. He spoke to task force input with the ending result being the proposed ordinance on the Consent Agenda to allocate 2% of funds for selected CIP projects to be used for public art projects. Mr. Wear advised that the ordinance identifies what constitutes suitable art and provides ongoing planning and integration into the budget process. He spoke to suitable locations, budget restrictions, annual review of the proposed CIP program with discussion of illegible projects and resulting Council review. Mr. Wear stated that the 2% would be calculated on the original cost of the project and would apply to projects approved in bond referendum and held after the date of the ordinance. Mr. Wear spoke to the establishment of a public art fund as a source for depositing fund gifts and private/public partnerships.

City Manager Muehlenbeck clarified that existing projects would not be eligible for the 2% and would require Council approval and that the 2% would begin with the October 1, 2005 fiscal year. City Attorney Wetherbee spoke to looking at the projects in 2004 that might qualify and stated that projects funded this year would be through another fund other than bond funds. The City Manager recommended reflecting the 2005 date in section II (a) 4 of the proposed ordinance.

Public Arts Committee Chair McGill recommended working through projects that come up in 2004 such as the Haggard Park Project and spoke to needing guidance and a recommendation on how to proceed for the 2004 season. Deputy Mayor Pro Tem Lambert stated that the language is unclear in the ordinance and requested clarification on the funding process. City Manager Muehlenbeck spoke to funding scheduling, stated that projects that will include the 2% will be on the bond referendum, and that the Public Art Committee will make project recommendations. Council Member Dyer clarified that the ordinance authorizes funding by a project by project basis and 2% funding only after passage of a bond referendum.

Discussion and Direction Regarding Solicitation Ordinance Enforcement on Major Thoroughfares

The Council spoke at this time to delaying discussion of this item for two weeks.

Comprehensive Monthly Financial Report

Finance Director McGrane presented the June 2004 Comprehensive Monthly Finance Report and spoke to the inclusion of the preliminary revised estimated budget in the report. He stated that health expenditures exceeded the budget and that sales tax was down slightly. City Manager Muehlenbeck stated that high health claims have impacted the fund. Mr. McGrane stated that Commercial building permits were up and that hotel/motel indicators were positive.

Remaining items were addressed during the Regular meeting. Nothing further was discussed. Mayor Evans recessed the meeting at 7:07 p.m.

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary