

**PLANO CITY COUNCIL
SPECIAL CALLED MEETING
MAY 17, 2005**

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

**Council Members Elected and
Designation of Mayor Pro Tem and Deputy Mayor Pro Tem**

Ken Lambert, Mayor Pro Tem
Scott Johnson, Deputy Mayor Pro Tem
Shep Stahel
Loretta Ellerbe
Sally Magnuson
Harry LaRosilieri
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 5:07 p.m., Tuesday, May 17, 2005, in the Council Chambers of the Municipal Center, 1520 K Avenue. All Council Members were present. The following matters were discussed:

City Secretary Bealke stated that Mayor Evans has asked Council Members Dyer and Stovall to make the motions following the canvasses.

Resolution 2005-5-9(R) To canvass the election returns of the Special Election held in conjunction with the Joint General Election of May 7, 2005, for the purpose of submitting an initiative to the electorate regarding the use of bond funds to finance a Performing

Arts Center in Plano to the Arts of Collin County, Inc. for the purpose of building a facility in Allen, Texas; declaring the results; and resolving other matters on the subject.

City Secretary Bealke read the resolution caption and stated the early voting and accumulated totals for the Special Election

Upon completion of the canvass, Council Member Dyer stated that they have canvassed the returns of the election and find that all votes are accounted for as certified by the Elections Administrator of Collin County, with a total of 13,066 City ballots cast and further do make a motion to adopt a resolution to approve the canvass of the returns of the May 7, 2005, Special Election for an initiative and declaring the approval of the use of bond funds to finance a Performing Arts Center in Plano to the Arts of Collin County, Inc. for the purpose of building a facility in Allen, Texas. Council Member Stovall made a second to the motion and the Council voted 8-0, and further adopted Resolution No. 2005-5-9(R).

Resolution 2005-5-10(R) To canvass the results of a bond election held in the City on May 7, 2005; resolving other matters related thereto; and providing an effective date.

City Secretary Bealke read the resolution caption and stated the early voting and accumulated totals for the Special Election.

Upon completion of the canvass, Council Member Dyer stated that they have canvassed the returns of the election and find that all votes are accounted for as certified by the Elections Administrator of Collin County, with a total of 13,066 City ballots cast and further do make a motion to adopt a resolution to approve the canvass of the returns of the May 7, 2005, Bond Election and declaring that Proposition 1 passed authorizing the issuance of \$21,700,000 General Obligation Bonds for Fire Fighting, Emergency Operations and Logistics Facilities and Equipment; Proposition 2 passed authorizing the issuance of \$2,000,000 General Obligation Bonds for Library Facilities, Proposition 3 passed authorizing the issuance of \$1,355,000 General Obligation Bonds for expansion of the Plano Animal Shelter; Proposition 4 passed authorizing the issuance of \$57,775,000 General Obligation Bonds for Parks and Recreation Facilities in the City of Plano; Proposition 5 passed authorizing the issuance of \$6,600,000 General Obligation Bonds for expansion of Carpenter Park Recreation Center and that Proposition 6 passed authorizing the issuance of \$55,372,000 General Obligation Bonds for Street Improvements. Council Member Stovall made a second to the motion and the Council voted 8-0, and further adopted Resolution No. 2005-5-10(R).

Resolution 2005-5-11(R) To canvass the election returns of the Special Election held in conjunction with the Joint General Election of May 7, 2005, for the purpose of approving the legal sale of mixed beverages in restaurants by food and beverage certificate holders only; declaring the results; and resolving other matters on the subject.

City Secretary Bealke read the resolution caption and stated the early voting and accumulated totals for the Special Election.

Upon completion of the canvass, Council Member Dyer stated that they have canvassed the returns of the election and find that all votes are accounted for as certified by the Elections Administrator of Collin County, with a total of 13,066 City ballots cast and further do make a motion to adopt a resolution to approve the canvass of the returns of the May 7, 2005, Special Election declaring the approval of the legal sale of mixed beverages in restaurants by food and beverage certificate holders only. Council Member Stovall made a second to the motion and the Council voted 8-0, and further adopted Resolution No. 2005-5-11(R).

Resolution 2005-5-12(R) To canvass the election returns of the Special Election held in conjunction with the Joint General Election of May 7, 2005, for the purpose of approving the legal sale of beer and wine for off-premise consumption only; declaring the results; and resolving other matters on the subject.

City Secretary Bealke read the resolution caption and stated the early voting and accumulated totals for the Special Election.

Upon completion of the canvass, Council Member Stovall stated that they have canvassed the returns of the election and find that all votes are accounted for as certified by the Elections Administrator of Collin County, with a total of 13,066 City ballots cast and further do make a motion to adopt a resolution to approve the canvass of the returns of the May 7, 2005, Special Election declaring the approval of the legal sale of beer and wine for off-premise consumption only. Council Member Dyer made a second to the motion and the Council voted 8-0, and further adopted Resolution No. 2005-5-12(R).

Resolution 2005-5-13(R) to canvass the election returns of the Special Election held in conjunction with the Joint General Election on May 7, 2005, at which were submitted six amendments to the City Charter of the City of Plano affecting Section 2.01 of Article 2, Section 3.01(d) of Article 3, Section 3.02 of Article 3, Section 4.07 of Article 4, Section 10.02 of Article 10, Section 10-A.02 of Article 10-A, and Section 11.06 of Article 11 of the Charter; declaring the results of such election; declaring that each proposition which was approved by a majority of the qualified voters voting in such election shall become a part of the Home Rule Charter of the City of Plano; authorizing the taking of all acts required as a result of the adoption of such Charter Amendments; and declaring the effective date of this resolution.

City Secretary Bealke read the resolution caption and stated the early voting and accumulated totals for the Special Election.

Upon completion of the canvass, Council Member Stovall stated that they have canvassed the returns of the election and find that all votes are accounted for as certified by the Elections Administrator of Collin County, with a total of 13,066 City ballots cast and further do make a motion to adopt a resolution to approve the canvass of the returns of the May 7, 2005, Special Election declaring that Proposition 1 failed providing that Article 2 regarding amending the powers of the City to delete the reference that the City may be sued; Proposition 2 passed providing that Article 3 regarding Council Members holding office for two years be amended to make the term of office for three years effective for members elected on and after May 7, 2005; Proposition 3 failed providing that Article 3 regarding the qualifications of Council Members be amended to delete the requirement of owning taxable property within the City in order to be consistent with case law; Proposition 4 failed providing that Article 4 regarding the qualifications of appointees to City boards and commissions be amended to delete the requirement of owning taxable property within the City; Proposition 5 passed providing that Article 10 regarding requiring publication in the newspaper of the ordinance granting a franchise be published once each week for four weeks be amended to limit publication to the ordinance caption, and that Proposition 6 passed providing that Article 11 regarding the time period for filing a suit against the City be revised to be limited to the time period allowed by law, but in no event not later than two years, whichever period is shorter. Council Member Dyer made a second to the motion, and the Council vote 8-0, and further adopted Resolution No. 2005-5-13(R).

Resolution 2005-5-14(R) To canvass the election returns of the Joint General Election of May 7, 2005, for the election of four members of Council [Places 1, 3, 5 and 7] for a term of three years; declaring the results; and resolving other matters on the subject.

City Secretary Bealke read the resolution caption and stated the early voting and accumulated totals for the Special Election.

Upon completion of the canvass, Council Member Stovall stated that the election returns of the Joint General Election have been canvassed and that all votes are accounted for as certified by the Elections Administrator of Collin County, with a total of 13,066 City ballots cast and further do make a motion to adopt a resolution to approve the canvass of the Joint General Election returns of May 7, 2005, and declaring that Shep Stahel was elected to Place One, Loretta Ellerbe was elected to Place Three, Harry LaRosiliere was elected to Place Five and Jean Callison was elected to Place Seven for a period of three years. Council Member Dyer made a second to the motion and the Council voted 8-0, and further adopted Resolution No. 2005-5-14(R).

Oaths of Office for newly-elected Council Members

City Secretary Bealke administered the oath of office to newly elected Council Members Stahel, Ellerbe, LaRosiliere and Callison after which time they assumed their seat at the dais.

Recognition of outgoing Council Members

Mayor Evans recognized outgoing Council Members Dyer and Stovall and thanked them for their years of service.

Selection and Designation of Mayor Pro Tem and Deputy Mayor Pro Tem

Mayor Evans recommended that by a rotation of seniority Deputy Mayor Pro Tem Lambert be designated Mayor Pro Tem and that Council Member Johnson be designated Deputy Mayor Pro Tem to which the Council concurred.

Ordinance 2005-5-15 To amend Section 3-2 (Sale or Manufacture of Beer or Wine Near Church, School, Hospital); Section 3-3 (Manufacturing, Importing, Transporting, Selling, Etc.—Unlawful in Districts Zoned Residential); Section 3-4 (Same – Fees; Receipt; Length of Validity); and Section 3-5 (License Application Reviewed by Department of Code Enforcement) of Chapter Three (Alcoholic Beverages) of the City of Plano Code of Ordinances as has been previously amended; providing distance regulations and permit and fee requirements applicable to the retail sale of alcoholic beverages in the City of Plano; providing a penalty clause, repealer clause, savings clause, severability clause and an effective date.

City Attorney Wetherbee spoke to distance regulations pertinent to new alcohol regulations in the City and advised that adoption of the ordinance will put into place a 300 foot distance requirement for churches, public schools, and hospitals and also a 1000 foot distance requirement for a private school if a resolution has been put into place. She stated that the ordinance further provides requirements regarding permit fees and wet status and responded to the Council that once enacted, the 300 foot distance requirement can not be waived.

Upon a motion made by Mayor Pro Tem Lambert and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 8-0 to amend Section 3-2 (Sale or Manufacture of Beer or Wine Near Church, School, Hospital); Section 3-3 (Manufacturing, Importing, Transporting, Selling, Etc.—Unlawful in Districts Zoned Residential); Section 3-4 (Same – Fees; Receipt; Length of Validity); and Section 3-5 (License Application Reviewed by Department of Code Enforcement) of Chapter Three (Alcoholic Beverages) of the City of Plano Code of Ordinances as has been previously amended; providing distance regulations and permit and fee requirements applicable to the retail sale of alcoholic beverages in the City of Plano; providing a penalty clause, repealer clause, savings clause, severability clause and an effective date, and further adopt Ordinance No. 2005-5-15.

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 discuss Real Estate, Section 551.072 for which a Certified Agenda is required. Nothing further was discussed. Mayor Evans stated that at the conclusion of Executive Session the Council will finally adjourn and not return to the Council Chambers.

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary