

**PLANO CITY COUNCIL  
PRELIMINARY MEETING  
CANVASS  
MAY 22, 2006**

**COUNCIL MEMBERS**

Pat Evans, Mayor  
Scott Johnson, Mayor Pro Tem  
Sally Magnuson, Deputy Mayor Pro Tem  
Shep Stahel  
Loretta Ellerbe  
Harry LaRosiliere  
Jean Callison

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

Pat Evans, Mayor  
Scott Johnson, Mayor Pro Tem  
Sally Magnuson, Deputy Mayor Pro Tem  
Lee Dunlap

**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 5:04 p.m., Monday, May 22, 2006, in the Council Chambers of the Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Mayor Pro Tem Johnson. Council Member Stahel arrived at 5:10 p.m. The following matters were discussed:

Mayor Evans asked that Council Members Callison and LaRosiliere canvass the 2006 General and Special Election results as follows:

**Resolution 2006-5-15(R)** A resolution of the City Council of the City of Plano, Texas canvassing the election returns of the Joint General Election of May 13, 2006, for the election of four members of Council [Places 2, 4, 6 (Mayor) and 8] 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 Joint General Election.

Upon completion of the canvass, Council Member Callison stated that they have canvassed the returns of the Joint General Election and that all votes are accounted for as certified by the Elections Administrator of Collin County, with a total of 8,020 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 13, 2006, and declaring that Scott Johnson was elected to Place Two, Sally Magnuson was elected to Place Four, Pat Evans was elected to Place Six (Mayor) and Lee Dunlap was elected to Place Eight for a period of three years. Council Member LaRosiliere made a second to the motion and the Council voted 6-0, and further adopted Resolution No. 2006-5-15(R).

**Resolution 2006-5-16(R)** A resolution of the City Council of the City of Plano, Texas, canvassing the election returns of the Special Election held in conjunction with the Joint General Election of May 13, 2006 for the purpose of approving the sale of a portion of park property to the abutting landowner at 3200 Gary Drive, Plano, Texas as required by Chapter 253 of the Local Government Code; 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 LaRosiliere stated that they have canvassed the returns of the Special Election and find that all votes are accounted for as certified by the Elections Administrator of Collin County, with a total of 8,020 City ballots cast and further do make a motion to adopt a resolution to approve the canvass of the returns of the May 13, 2006 Special Election, declaring the approval of the sale of a portion of park property to the abutting landowner at 3200 Gary Drive, Plano, Texas as required by Chapter 253 of the Local Government Code. Council Member Callison made a second to the motion and the Council voted 6-0, and further adopted Resolution No. 2006-5-16(R).

### **Administer Oaths of Office for newly-elected Council Members**

City Secretary Bealke administered the oath of office to newly elected Council Members Magnuson and Dunlap, and to Mayor Evans after which time they assumed their seats at the dais.

Mayor Evans then stated at 5:15 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 receive Legal Advice, Section 551.071, and discuss matters of Personnel, Section 551.074 for which a Certified Agenda is kept for a period of two years.

Mayor Evans reconvened the Preliminary Meeting back into open session at 5:46 p.m. in the Council Chambers. The following matters were discussed:

## **Consideration and Action Resulting From Executive Session Discussion:**

### Selection of Mayor Pro Tem and Deputy Mayor Pro Tem

Upon a motion made by Council Member Callison and seconded by Council Member Ellerbe the Council voted 7-0 to reappoint Mayor Pro Tem Johnson as Mayor Pro Tem.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison the Council voted 7-0 to reappoint Deputy Mayor Pro Tem Magnuson as Deputy Mayor Pro Tem.

### **Report on U.S. 75 Widening**

Collin County Commissioner Joe Jaynes addressed the Council regarding a Pass-Through Finance Program concept for the US 75 corridor, stated that the corridor needs improvements from Spring Creek Parkway to the Grayson County Line, and spoke to the local entities providing funding up front and managing the project with the state. He spoke to the state paying the entities back over time and stated that this could take a considerable amount of time. Commissioner Jaynes spoke to facilitating safety and mobility, providing responsiveness to urbanization, and to supporting economic development. He stated that the three segments are from SH 121 north to Grayson County, SH 121 south to SH 121 north, and Spring Creek Parkway to SH 121 south. Commissioner Jaynes stated that there are more projects than there is funding for, spoke to the long delays with the projects, and to new opportunities under HB 3588 to look at funding possibilities. He spoke to the proposed projects, implementation schedule, and to the development of a financial plan as program costs are developed.

Commissioner Jaynes responded to the Council that while tollroads/managed lanes are being looked at, a tollroad would generate only enough revenue for maintenance and operation and would not help to fund the project. He further responded that the major difference between tolling SH 121 versus US 75 is that US 75 has main lanes on the ground that will remain free, spoke to there being no main lanes on SH 121, and to there being more traffic generated on SH 121. Commissioner Jaynes responded to the City Manager that the reason for beginning the project at the northern end is that the engineering and environmental aspects of the projects and rights of way have been acquired in the McKinney portion of the corridor.

### **Mobility Report**

Traffic Engineering Manager Neal stated that there are no significant incidents to report, spoke to senior services transportation interest, and to creating a service possibly in the form of a taxi voucher, car pool, or other option. He spoke to looking at options provided around the country and to working with the Parks Department in finding a solution.

### **Discussion and Direction Regarding Willowbrook Estates HOA Screening Wall**

Citizen Jim Garrison addressed the Council regarding the repair and replacement of additional sections of screening wall which faces Park Boulevard and is adjacent to the Willowbrook Estates neighborhood not meeting existing replacement criteria.

City Manager Muehlenbeck advised the Council that a contractor is ready to begin work at this location but that it is being halted until such time as the request of the Willowbrook Estates Homeowners Association is brought before the Council. He stated that 210 feet of screening wall scheduled to be replaced will be at a cost of \$20,000 to the City.

Director of Public Works Foster spoke to existing screening wall criteria previously adopted allowing for structurally sound walls to remain in place, and stated that if a wall is eight inches or more out of alignment it is considered to be not structurally sound. He spoke to matching new replacements with the design type currently in place, limited funding, the remaining screening wall at this site not meeting current replacement criteria, and further spoke to receiving direction from the Council. Mr. Foster responded to the Council regarding particulars of the screening wall in question, meeting current standards, various costs of the project, and stated that replacing the entire section of the area in question would be at a cost of \$136,000 to the City.

The Council spoke to making the screening wall area more attractive, previous application of standards, cost of replacing all screening walls, focusing on aged walls and determining what that funding might be. Mr. Foster spoke to walls with false brick fronts having problems, methods of replacement, and having had an architect look at design. The Council spoke to having an end result that will look more aesthetically pleasing and to seeing photographs of walls which have been replaced. Mr. Foster responded that current standards were adopted approximately two years ago, and spoke to looking at alternatives to retain the existing wall while making it more attractive. Mr. Garrison spoke to looking at a solution that addresses the concrete support buttresses. Mr. Foster spoke to coming back to the Council with a proposal of acceptable solutions after research has been done and further spoke to working within limited financial resources, being responsible at the same time, and stated that there are two sources of funding in the budget for wall replacement and repair.

### **Comprehensive Monthly Financial Report**

Director of Finance McGrane presented the Comprehensive Monthly Finance Report for the month of April and stated that revenue funds are doing well and that expenditures are tracking well and according to the budget. He stated that sales tax collections are up and reviewed adjoining city comparisons. Mr. McGrane stated that single family housing values are up, spoke to water and sewer billings, stated that hotel/motel tax dollars are slowly increasing, and spoke to the investment portfolio.

### **Discussion and Direction Regarding Water Conservation Plan**

Director of Public Works Foster advised that the North Texas Municipal Water District (NTMWD) has announced that they will go to Stage 3 of the Drought Contingency Plan on June 1, 2006. He stated that the proposed City ordinance has been developed in conjunction with neighboring cities and the NTMWD. Mr. Foster stated that 2005 was the driest year since the 1950's in the Dallas Fort Worth area, spoke to current levels at Lake Lavon being critical, drought and emergency 4-stage response criteria, and to the alternating lake levels. He stated that there will be a massive media campaign and spoke to the 4-stage criteria of raising awareness in Stage 1 which is voluntary reduction of water usage, Stage 2 which is City initiated moderate water restriction, Stage 3 which is also City initiated and more severe in terms of water restrictions, and finally Stage 4 which is City initiated emergency water restriction. Mr. Foster spoke to variances under certain conditions and to the upcoming Public Hearing on the Regular Agenda of this meeting.

City Attorney Wetherbee responded to the Council regarding swimming pools in general rather than existing pools only being allowed to be filled and recommended that the ordinance be amended to include language regarding pools in general and not just existing pools. City Manager Muehlenbeck spoke to direction to the City from the NTMWD as being voluntary, and to the take-or-pay contract being problematically impacted regarding paying for water that will not actually be used due to restrictions, and further stated that other cities may offer a different time schedule for watering. He stated that mid June will be the time frame for actual enforcement, spoke to citations issued, and to the importance of holding accountable the intent of the ordinance.

Mayor Evans convened directly into the Preliminary Meeting at 7:06 p.m. Remaining Preliminary Items were discussed during the Regular Meeting.

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Pat Evans, **MAYOR**

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Elaine Bealke, City Secretary