

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
December 12, 2011**

COUNCIL MEMBERS

Phil Dyer, Mayor
Pat Miner, Mayor Pro Tem
Lissa Smith, Deputy Mayor Pro Tem
Ben Harris
André Davidson
James Duggan
Patrick Gallagher
Lee Dunlap

STAFF

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Dyer called the meeting to order at 5:10 p.m., Monday, December 12, 2011, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Mayor Dyer 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; receive information regarding Economic Development, Section 551.087; and to discuss 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.

Mayor Dyer reconvened the meeting back into the Preliminary Open Meeting at 5:47 p.m.

Consideration and action resulting from Executive Session discussion

No items were brought forward.

The Arts Center of North Texas Report

Mike Simpson, Executive Director of The Arts Center of North Texas, spoke to continued collaboration with the cities of Plano and Allen, the impact on fund raising over the past year, new direction/name and development of the *6+6 Plan*. He spoke to the new name reflecting a more regional development with broad appeal and advised that the *Six City Trail* was completed in October 2011. Mr. Simpson spoke to implementation of the CSL contract offering sponsorships and naming rights and new direction to find a replacement for Frisco (either a public or private entity), develop more creative financing options, work with additional entities, rework agreements with Plano and Allen and re-scope/re-evaluate plans and concepts. He spoke to current pledges and donations and responded to Deputy Mayor Pro Tem Smith regarding recent activities that precluded fundraising efforts.

Discussion and Direction Regarding Regulations for Private Clubs

Director of Planning Jarrell advised that the sale of alcohol for on-premise consumption in Plano is regulated through private clubs (governed by the City and allowing for a 1,000 foot distance setback from churches, schools and other uses and a food-to-beverage ratio of 65% food/35% alcohol) and mixed-beverage permits with a food-and-beverage certificate (governed by the state and allowing a 300 foot distance setback and 50/50 food-to-beverage ratio). She spoke to amendments to the City's private club regulations waiving the distance requirements in the Business Government and Central Business-1 (Legacy Town Center) areas. Ms. Jarrell advised that in response to inquiries from several establishments, the Planning and Zoning Commission is seeking Council direction regarding amendments to revise the distance and ratios for private clubs. She further advised that once the City eliminates or relaxes its unique local regulations for private clubs, it may not reenact them and may only impose those regulations allowed by state law.

Ms. Jarrell responded to the Council, advising that review of private club compliance is performed on a complaint basis while the state monitors mixed-beverage permits. City Attorney Wetherbee spoke to private clubs being membership driven and Ms. Jarrell spoke to expenses and record-keeping requirements. She further advised that private clubs in the Business Government or Central Business-1 areas do not have a required food-to-beverage ratio and Council Member Davidson spoke regarding the impact of treating licensees in differing manners. The Council concurred directing the Planning and Zoning Commission develop amendments to the Zoning Ordinance to reduce the setback for private clubs from 1,000 to 300 feet and the food-to-beverage ratio from 65/35 to 30/70).

Discussion and Direction Regarding Safe Passing Ordinance

Police Chief Rushin spoke regarding *The Safe Passing Act*, defining "vulnerable" road users and regulating motorists' responsibilities which was passed by the Texas Senate and House of Representatives in 2009 and vetoed by Governor Perry. He reviewed crash analysis indicating the low percentage of accidents involving pedacycles, factors causing accidents and existing ordinances/statutes addressing road safety. Chief Rushin spoke to proposed legislation and legal concerns related to enforceability of vague or unclear language related to intimidation or harassment of vulnerable road users by motor vehicle operators. He spoke to legal issues related to possible preemption of a City ordinance by state law, and issues related to distance measurements. Chief Rushin spoke to meetings held with Staff and citizen representatives and reviewed a draft ordinance which includes a definition of "vulnerable road user;" regulations and distances for passing; directions for right-hand turns in proximity to a vulnerable road user; prohibition of intimidating or harassing maneuvers; and the exercise of due care to avoid collisions.

Chief Rushin responded to the Council, advising that there are few statistics related to these ordinances as they are recent in nature. He advised that bicycles are permitted on all roadways and that regulations include a variety of types of bicycles. Deputy Mayor Pro Tem Smith spoke to clarifying the term “intimidation” and Chief Rushin spoke to issues of enforcement and fine tuning regulations to assist in prosecution. He spoke to bicycles following roadway regulations in the same manner as motor vehicles. Citizens Warren Casteel and Rudy Andrea spoke regarding education provided by the Plano Bicycle Association and in support of the ordinance. Council Member Dunlap spoke to educating both motorists and cyclists regarding regulations. The Council spoke to the positive marketing value and stated a consensus directing Staff to develop an ordinance.

Briefing Regarding Red Light Cameras

Police Chief Rushin spoke regarding the first cameras installed in March 2006, locations of currently operating cameras, and duties of Redflex Traffic Systems to install and monitor cameras, review violations, and issue bills. He advised that violations result in a \$75 civil penalty, spoke to image review by police officers, and information provided to drivers. Chief Rushin spoke to the decline in the number of crashes since implementation and advised that revenues pay expenses of the operating system, with the remainder shared between the state and City. He reviewed the costs of the program and spoke to the cameras as a valuable and effective safety tool.

Personnel Appointments – Chair – Tax Increment Financing Reinvestment Zone No. 2 Board

Upon a motion made by Council Member Duggan and seconded by Council Member Dunlap, the Council voted 8-0 to reappoint Mayor Pro Tem Miner as Chair.

Council items for discussion/action on future agendas

Council Member Harris requested discussion regarding Council roundtable meetings.

Consent and Regular Agendas

No items were discussed.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 7:01 p.m.

Phil Dyer, MAYOR

ATTEST

Diane Zucco, City Secretary