



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		12-20-11		
Department:		City Secretary		
Department Head		Di Zucco		
Agenda Coordinator (include phone #): Di Zucco x7551				
CAPTION				
An Ordinance of the City of Plano, Texas amending Section 3-4 (Permit required; fees) and Section 3-8 (Late hours permit; fees) of Chapter Three (Alcoholic Beverages) of the City of Plano Code of Ordinances, to revise the term of permits granted to establishments selling alcoholic beverages in the City of Plano providing a penalty clause, repealer clause, savings clause, severability clause, and an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2011-12	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): GENERAL FUND				
COMMENTS: This item provides two-year alcohol permitting in place of the current one-year permitting. Changes in revenue resulting from this change are undetermined at this time. STRATEGIC PLAN GOAL: Providing two-year alcohol permitting relates to the City's goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
Revising alcohol permits issued by the City Secretary's office to two-year terms and syncing with the licensing date of the Texas Alcoholic Beverage Commission will result in reduced billings and provide consistency between the permitting agencies.				
List of Supporting Documents: Memo and Ordinance			Other Departments, Boards, Commissions or Agencies	



DATE: December 8, 2011

TO: City Manager Glasscock

FROM: City Secretary, Di Zucco

RE: Alcohol Permitting

The City Secretary's staff has been reviewing the current method of billing and licensing for alcoholic permits and finds that amendments to mirror the practices of the Texas Alcoholic Beverage Commission (TABC) would streamline processing and clarify billing for licensees. Areas to be considered include:

The City is currently not in-sync with TABC issuance dates

We receive and process applications several months prior to final approval by TABC and renew based upon our date of inspection/distance measurement rather than TABC's. The City's process is related to that of TABC per Section 11-38 of the Alcoholic Beverage Code which states that, the governing body of a city may levy and collect a fee not to exceed one-half of the state fee for each permit issued and further that the commission may cancel a permit if this fee is not paid; therefore, mirroring the TABC date would provide consistent records across the two agencies.

The City is permitted to charge no more than one-half of the TABC fee

In 2009, TABC moved to a two-year billing cycle which, if adopted, would benefit the City's process by reducing billings and paperwork and reflect the defined relationship between the fees of the city and the state.

Implementation

- Currently licensed locations will need to be "synced" with the TABC cycle. All permits issued prior to 2009 have been moved by the state to two-year renewals with odd-year cycles. In 2012 these locations will be invoiced based on their City issued date and advised that fees paid will carry them through to their TABC renewal date in 2013 at which time they will move to a two-year cycle.
- Licenses issued by TABC after 2009 will be advised upon renewal of the change in fees and dates.
- New locations will receive two-year licenses.

An Ordinance of the City of Plano, Texas amending Section 3-4 (Permit required; fees) and Section 3-8 (Late hours permit; fees) of Chapter 3 (Alcoholic Beverages) of the City of Plano Code of Ordinances, to revise the term of permits granted to establishments selling alcoholic beverages in the City of Plano providing a penalty clause, repealer clause, savings clause, severability clause, and an effective date.

WHEREAS, on May 17, 2005, the City Council of the City of Plano, duly passed Ordinance No. 2005-5-15 which adopted a one-year term for City of Plano permits granted to establishments selling alcoholic beverages; and

WHEREAS, on July 25, 2005, the City Council of the City of Plano, duly passed Ordinance No. 2005-7-8 which adopted a one-year term for City of Plano permits granted to establishments selling alcoholic beverages under a late hours license; and

WHEREAS, in 2009 the Texas Alcoholic Beverage Commission (“TABC”) amended their licensing procedures to permit locations for a period of two years; and

WHEREAS, the City Council finds that amendment of the term of permits granted to establishments selling alcoholic beverages in the City of Plano to reflect those issued by the TABC would streamline the permitting process; and

WHEREAS, locations currently holding a City of Plano permit will be transitioned to the TABC schedule for fees and renewal dates upon renewal and new locations shall be licensed in accordance with the current TABC schedules;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Section 3-4 (Permit required; fees) of Chapter 3 (Alcoholic Beverages) of the City of Plano Code of Ordinances is hereby amended to read in its entirety as follows:

Section 3-4. - Permit required; fees

No person shall sell alcoholic beverages within the city without first paying the appropriate fee to the city secretary and obtaining a city permit to sell alcoholic beverages at a specific location. The fee shall be equal to one-half (½) of the fee charged by the state for the particular license issued by the Texas Alcoholic Beverage Commission, except when said fee is waived according to the provisions of the Texas Alcoholic Beverage Code. Following payment of the fee and approval of the permit application, as set forth herein, the city secretary shall issue a permit for that location for a period of two (2) years.

Section II. Section 3-8 (Late hours permit; fees) of Chapter 3 (Alcoholic Beverages) of the City of Plano Code of Ordinances is hereby amended to read in its entirety as follows:

Section 3-8. - Late hours permit; fees

No person shall sell mixed beverages between 1:00 a.m. and 2:00 a.m. on Sunday and on any other day between 12:00 a.m. and 2:00 a.m. within the corporate city limits of the City of Plano, Texas without first paying the appropriate fee to the city secretary and obtaining a city mixed beverage late hours permit. The fee shall be equal to one-half (½) of the fee charged by the state for a mixed beverage late hours permit, except when said fee is waived according to the provisions of the Texas Alcoholic Beverage Code. Following payment of the fee and approval of the late hours permit application, the city secretary shall issue a mixed beverage late hours permit for that location for a period of two (2) years.

Section III. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(b) of the Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section IV. All provisions of the Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section V. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

Section VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED this the 20th day of December, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY