

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
June 26, 2006**

COUNCIL MEMBERS

Pat Evans, Mayor
Scott Johnson, Mayor Pro Tem
Sally Magnuson, Deputy Mayor Pro Tem
Shep Stahel
Loretta Ellerbe
Harry LaRosilieri
Jean Callison
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 5:10 p.m., Monday, June 26, 2006, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Deputy Mayor Pro Tem Magnuson. 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, Section 551.071 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 Evans reconvened the meeting back into the Preliminary Open Meeting at 6:05 p.m. in the Council Chambers where the following matters were discussed:

Consideration and Action Resulting From Executive Session Discussion

Appointment of DART Board of Directors Representative

Upon a motion made by Council Member Stahel and seconded by Mayor Pro Tem Johnson, the Council voted 7-0 to reappoint Robert Pope to the DART Board of Directors.

DART Status Report

DART Board of Directors Representative Pope spoke to the tenth anniversary of light rail service, being ahead of rail service ridership projections, and ahead in sales tax receipts as well. He spoke to board policy requiring allocation of excess sales tax received above the budgeted amount into the reserve fund with availability of funds for energy related expenditures. Mr. Pope spoke to an upcoming Public Hearing regarding a draft of the 2030 Plan, and further spoke to the execution of the full funding grant agreement. He responded to the Council regarding the Cottonbelt light rail corridor and other alternatives identified by other cities.

Comprehensive Monthly Financial Report

Director of Finance McGrane presented the Comprehensive Monthly Financial Report for the month of May and stated that revenue funds were doing well with the exception of the Golf Course Fund which was down from last year. He stated that fund expenditures are tracking well, unemployment is down, sales tax collections are up, and refuse collection funds are stabilizing. Mr. McGrane stated that single family housing starts are up slightly, building permits have increased, and spoke to water and sewer billings and to water usage being up for the month of May with anticipation of less water usage for the month of June. He spoke to hotel/motel occupancy tax seasonal trends and to portfolio yield increases.

Discussion Regarding Sex Offender Ordinance

Citizen Cara Mendelsohn, Huffman PTA President, addressed the Council regarding creating an ordinance that would restrict where certain registered sex offenders may live, spoke to the many facets of the issue, and to other PTAs in Plano that are interested in joining in the effort. She stated that approval has been received from the Texas PTA and National PTA organizations to move forward with this effort and that they have asked for documentation of this effort. Ms. Mendelsohn spoke to drafting an ordinance to restrict registered adult sex offenders of victims under the age of sixteen from living within 1,000 feet of a child safety zone which is interpreted to be a school, park or day care center. She spoke to the goal being to increase the safety of children who walk and bike to school, the public assuming that such restrictions are already law, and stated that there are laws in place for offenders who are on parole or probation. Ms. Mendelsohn stated that current laws in place do not apply to registered sex offenders, recommended that they do apply, spoke to states and cities that have enacted this law or who are pursuing it, considering who is an offender, and charts indicating offender statistics and to maps that would identify where offenders might live. She spoke to supporting the passage of a state law that would provide uniform residency policies and restrict sex offenders and provide severe punishment for not registering.

Chief of Police Rushin spoke to specifics of the Code of Criminal Procedure containing types of violations and offenders, and offenses that do not require supervision. He spoke to requirements of registering with the Police Department, information compiled on the offenders, checks on the offender's occupancy, and to the low recidivism rate in Plano. Chief Rushin spoke to ordinance provisions in other nearby Texas cities, types of crimes committed by sex offenders, levels of fines available, maps identifying where sex offenders could live if adopted, concerns with living arrangements, and cities not having the ordinance and therefore attracting more sex offenders. He stated that it is his recommendation that should the Council wish to regulate this offense that state law be looked at and that legislators be contacted. Chief Rushin spoke to inconsistent ordinances and recommended looking at a narrow scope such as the type of offender, the offense committed which may be sexually violent, the age of the victims to be protected such as victims under the age of sixteen, and spoke to possibly limiting this to adult offenders.

CAPERS Coordinator Peggye Beeman responded to the Council regarding types of offenses, and numbers of offenders who would fall under the proposed ordinance and who are not on probation or parole. Chief Rushin spoke to particulars of the ordinance that would have to be adhered to such as the offender driving around a prohibited area, and stated that requirements of the ordinance would be from this point forward only. Ms. Beeman spoke to only controlling where an offender lives and not where they go.

City Attorney Wetherbee responded to the Council regarding restraining the liberty interests of people with a general ordinance versus the courts having the power under community supervision to evaluate the case on an individual basis and based on what the restrictions should be. Chief Rushin responded to the Council regarding the ordinance being limited to sexually violent offenses and recommended that particulars be very specifically spelled out, clarification of adults and juveniles be determined, and stated that reports have been made on both sides of the issue as to the effectiveness of this type of ordinance. Ms. Mendelsohn spoke to other Plano PTAs who are interested in becoming involved in this effort and responded to the Council that she is comfortable with Chief Rushin's recommendations up to the point of sexually violent offenses and would request better clarification of the offenses. Chief Rushin responded to the Council regarding determining particulars of exclusion of certain offenses, determining the age of the child to be protected, narrowing the scope of the types of offenders, and further spoke to including every thing in every category. Ms. Wetherbee spoke to the regulation of any kind of conduct, stated that the importance of regulating is not to punish and would not stand a challenge, but should show what it is that is the emphasis of needing protection. She spoke to looking at what is creating the greatest vulnerability and determining a point in time or an offense that is a threat to the child.

Mayor Evans spoke to bringing back an ordinance for consideration, determining other offense criteria to include or not and to then identify the reason not to, and further provide a more complete description of the offense. By a show of hands, the Council concurred to bring an ordinance back for consideration providing information to the Council as stated by Mayor Evans and further provide incorporation of the 1,000 feet rule.

Chief Rushin responded to the Council regarding reasoning when determining the age for protection. City Attorney Wetherbee spoke to statutes that speak to younger victims and certain offenses and recommended that this information be provided the Council, and spoke to focusing on fashioning an ordinance that protects those that are most vulnerable. She recommended that a waiver be provided in cases of a court imposed lesser distance for those who are on community supervision as an affirmative defense for prosecution.

Mayor Evans convened the Preliminary meeting directly into the Regular Meeting at 7:10 p.m. where remaining Preliminary Items were discussed.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary