

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING AND REGULAR SESSION
August 23, 2021**

COUNCIL MEMBERS PRESENT

John B. Muns, Mayor
Kayci Prince, Mayor Pro Tem
Maria Tu, Deputy Mayor Pro Tem
Anthony Ricciardelli
Shelby Williams
Julie Holmer
Rick Smith

COUNCIL MEMBER ABSENT

Rick Grady

STAFF PRESENT

Mark Israelson, City Manager
Jack Carr, Deputy City Manager
Shelli Siemer, Deputy City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor Muns called the meeting to order at 5:03 p.m., Monday, August 23, 2021, in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue and via videoconference. A quorum was present. Mayor Muns then stated the Council would retire into Executive Session, in Training Room A, in compliance with Chapter 551, Government Code, Vernon's Texas Codes Annotated in order to consult with an attorney to receive Legal Advice, Section 551.071; to discuss Economic Development matters, Section 551.087; and discuss Personnel matters, 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. The Council convened into Executive Session at 5:04 p.m.

Mayor Muns convened the Council into the Preliminary Open Meeting and Regular Session on Monday, August 23, 2021 at 7:08 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue and via videoconference. A quorum was present.

Invocation and Pledge

Pastor Sam Fenceroy with Mt. Olive Church of Plano led the invocation and Boys & Girls Clubs of Collin County-Plano led the Pledge of Allegiance and Texas Pledge.

Proclamations and Special Recognitions

Proclamation: Plano native Blake Coleman and his team the Tampa Bay Lightning won the Stanley Cup for the second year in a row.

Proclamation: September 2021 is Hunger Action Month meant to mobilize the public to take action on the issue of hunger.

Oaths of Office

Heritage Commission – Nayyer Ale-Rasool

Items from the Preliminary Open Meeting

- **Consideration and action resulting from Executive Session discussion**

Personnel - Reappointments

a) Building Standards Commission

Upon a motion by Council Member Williams and seconded by Deputy Mayor Pro Tem Tu, the Council voted 6-0 to reappoint Peter Krause and Andrew Lindquist. Mayor Pro Tem Prince was briefly away from the dais at 7:26 p.m.

- **Plano 2021 Listening Tour**
- **Consent and Regular Agendas** – Consent Items S and W were pulled for individual consideration by Council Member Ricciardelli.
- **Council items for discussion/action on future agendas**

Council Member Ricciardelli, seconded by Council Member Williams, requested a presentation on the progress of the Comprehensive Plan Review process with the chairs of the Comprehensive Plan Review Committee and Planning & Zoning Commission.

Comments of Public Interest

No one requested to speak.

Consent Agenda

MOTION: Upon a motion made by Council Member Grady and seconded by Mayor Pro Tem Prince, the Council voted 7-0 to approve all items on the Consent Agenda as follows, except for items “S” and “W”:

Approval of Minutes

August 4, 2021
August 9, 2021
August 14, 2021
(Consent Agenda Item “A”)

Approval of Expenditures

Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)

RFB No. 2021-0349-AC for a one (1) year contract with four (4) automatic one-year renewals for Topsoil and Sand for Public Works Department to CJA Enterprises LLP in the estimated annual contract amount of \$151,840; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

RFP No. 2021-0125-AC for a one (1) year contract with four (4) one-year automatic renewals for Water and Wastewater Pumping Equipment Repair and Maintenance for Public Works Department to Legacy Contracting LP dba Control Specialist Services, LP in the annual amount of \$500,000; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

RFB No. 2021-0376-B for the Residential Concrete Pavement Repair Zone P4, Project 7097, for the Public Works Department to MetroPlex Concrete Construction, Inc. in the amount of \$7,865,846; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

RFB No. 2021-0392-B for Oak Point Recreation Center Pool Boiler Addition, Project No. 7324, for the Facilities Department to Infinity Contractors International, LTD. in the amount of \$58,386; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

RFB No. 2021-0382-B for Douglass Recreation Center Boys and Girls Club Entry Expansion, Project No. 7315, for the Facilities Department to Fast General Contracting in the amount of \$238,000; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

RFB No. 2021-0396-B for Carpenter Recreation Center HVAC Replacement, Project No. 7314, for the Facilities Department to Infinity Contractors International, LTD. in the amount of \$482,229; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

RFB No. 2021-0427-B for Screening Wall Replacement - Coit Road at Highland Shores Drive south of McDermott Road, Project No. 7216, for the Engineering Department to Ratliff Hardscape, Ltd. in the amount of \$1,120,924; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

RFB No. 2021-0445-B for Sidewalk Improvements - 15th Street from Coit Road to Custer Road, Project No. 7138.1, for the Engineering Department to MHB Construction, Inc. in the amount of \$1,491,283; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

RFB No. 2021-0409-B for Commerce Drive Reconstruction - 15th Street to Plano Parkway, Project No. 7141, for the Engineering Department to Sister's Asphalt, Inc. dba SAI Construction in the amount of \$2,941,889; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “J”)

RFB No. 2021-0389-B for Legacy Drive Corridor Improvements, Project No. 6069.1, for the Engineering Department to Urban Infraconstruction, LLC in the amount of \$2,997,792; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “K”)

Purchase from an Existing Contract

To approve the purchase of two (2) Leica RTC360 Laser Scanning Systems for the Police Department in the estimated amount of \$136,677 from G4 Spatial Technologies, LLC through an existing contract; and authorizing the City Manager to execute all necessary documents. (DIR Contract No. DIR-CPO-4752) (Consent Agenda Item “L”)

To approve the purchase of Fitness Equipment for the Fire Rescue Training Center in the estimated amount of \$53,918 from Team Marathon Fitness, Inc. dba Marathon Fitness through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 583-19 & Sourcewell Contract No. 081120-PCR) (Consent Agenda Item “M”)

To approve the purchase of Furniture for the Joint Use Police Substation Remodel for the Facilities Department in the estimated amount of \$29,934 from Wilson Office Interiors, LLC and in the estimated amount of \$132,358 from Plano Office Supply Co. for a total of \$162,292 through an existing contract; and authorizing the City Manager to execute all necessary documents. (Omnia Partners Contract No. R191802 and Collin College Contract No. 2021-192) (Consent Agenda Item “N”)

To approve the purchase of Adobe Enterprise Licenses, Maintenance and Support for one (1) year with two (2) automatic one-year renewals for Technology Services in the amount of \$127,305 from Dell Marketing LP through an existing contract; and authorizing the City Manager to execute all necessary documents. (DIR Contract No. DIR-TSO-3763) (Consent Agenda Item “O”)

To approve the purchase of Staff Augmentation Services for Technology Services in the estimated amount of \$327,600 through existing Department of Information Resources (DIR) and U.S. General Services Administration (GSA) contracts; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “P”)

Approval of Request

To approve a request for a variance for the construction of new residential structure at 3425 Ranchero Road with a portion of the new structure within the current Federal Emergency Management Agency (FEMA) 100-year floodplain of White Rock Creek, in the City of Plano; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “Q”)

Approval of Expenditure

To approve an expenditure for the purchase of replacement soft armor and the MOLLE flaps for 39 vests, and pistol/rifle magazine pouches in the estimated amount of \$79,892 from TYR Tactical, LLC for the Police Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “R”)

To approve an expenditure for materials testing professional services for Commerce Drive Reconstruction - 15th Street to Plano Parkway, Project No. 7141, in the amount of \$51,461 from Reed Engineering Group, LTD for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “T”)

To approve an expenditure in the amount of \$55,445 for the purchase of a Street, Utility and Sidewalk Easement and a Temporary Construction Easement located at the northwest corner of Legacy Drive and Headquarters Drive from Toyota Motor North America, Inc.; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “U”)

To approve an expenditure for materials testing professional services for Sidewalk Improvements - 15th Street from Coit Road to Custer Road, Project No. 7138.1, in the amount of \$65,055 from Alliance Geotechnical Group, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "V")

Approval of Contract / Agreement

To approve an Agreement by and between the Regional Transportation Council (RTC), acting in its capacity as policy body for the Metropolitan Planning Organization (MPO), and City of Plano, outlining the roles and responsibilities with respect to Transportation Development Credits (TDC) awarded for the projects; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "X")

Adoption of Resolutions

Resolution No. 2021-8-7(R): To authorize the filing of application for federal funds in an amount not to exceed \$212,503.00 under the Fiscal Year 2021 Homeland Security Grant Program through the Office of the Governor of Texas; designating the Director of Emergency Management as authorized representative of the City of Plano for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. (Consent Agenda Item "Y")

Resolution No. 2021-8-8(R): To approve a contract with the Texas Department of Housing and Community Affairs in an amount not to exceed \$138,444 for the Homeless Housing and Services Program under Texas Government Code §2306.2585; designating the City Manager as Chief Executive Officer and authorized representative of the City for the purpose of executing the contract consistent with this resolution, giving required assurances, acting in connection with said contract, and providing required information; providing an effective date; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "Z")

Resolution No. 2021-8-9(R): To approve a contract with the Texas Department of Housing and Community Affairs in a total amount not to exceed \$44,231 for the Homeless Housing and Services Program Youth Set-Aside under Texas Government Code §2306.2585; designating the City Manager as Chief Executive Officer and authorized representative of the City for the purpose of executing the contract consistent with this resolution, giving required assurances, acting in connection with said contract, and providing required information; providing an effective date; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "AA")

Resolution No. 2021-8-10(R): To authorize participation with the State of Texas, through the Office of the Attorney General, in the Global Opioid Settlement and approving the Texas Term Sheet regarding same; authorizing the City Manager and/or City Attorney or their designee to execute all necessary documents in connection with the above on behalf of the City of Plano; and providing an effective date. (Consent Agenda Item "AB")

Adoption of Ordinances

Ordinance No. 2021-8-11: To approve a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company") regarding the Company's 2021 Rate Review Mechanism ("RRM") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and agreeing that the City will deliver this Ordinance to the Company and the ACSC's legal counsel. (Consent Agenda Item "AC")

Ordinance No. 2021-8-12: To amend Ordinance No. 91-2-9, codified as Chapter 2, Administration, Article XIII, Cultural Affairs Commission, of the Code of Ordinances of the City of Plano, Texas to revise the name of the Cultural Affairs Commission to the Cultural Arts Commission; amending Sections 2-251, 2-252, 2-254, and 2-256 of Article XIII, Chapter 2, Administration, of the Code of Ordinances of the City of Plano; and providing a repealer clause, a severability clause, a savings clause and an effective date. (Consent Agenda Item "AD")

Ordinance No. 2021-8-13: To amend Section 6-186, Maintenance, of Division 1, Generally, of Article VII, Fences, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano; providing for an offense for the failure to maintain a fence structure; and providing a repealer clause, a severability clause, a penalty clause, a savings clause, a publication clause and an effective date. (Consent Agenda Item "AE")

End of Consent

To approve an expenditure in the amount of \$564,500 for the purchase of real property totaling 3.3 acres at the southwest corner of Accent Drive and Collin Creek Mall Road from Rosewood Property Company; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "S")

Council Member Ricciardelli requested the item be amended to reflect the purchase is approved using the lower of the appraised value or \$564,500 as the sales price.

MOTION: Upon a motion made by Council Member Ricciardelli and seconded by Council Member Smith, the Council voted 7-0 to approve an expenditure in the amount of \$564,500 for the purchase of real property totaling 3.3 acres at the southwest corner of Accent Drive and Collin Creek Mall Road from Rosewood Property Company; and authorizing the City Manager to execute all necessary documents, as amended.

To approve an expenditure for the Harrington Library Expansion & Renovation in the amount of \$5,385,205 from Lee Lewis Construction, Inc.; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “W”)

Council Member Ricciardelli, seconded by Council Member Williams, made a motion to table the item to the September 13, 2021 City Council Meeting. The motion was withdrawn.

MOTION: Upon a motion made by Council Member Smith and seconded by Mayor Pro Tem Prince, the Council voted 7-0 to approve an expenditure for the Harrington Library Expansion & Renovation in the amount of \$5,385,205 from Lee Lewis Construction, Inc.; and authorizing the City Manager to execute all necessary documents.

Public Hearing and adoption of Ordinance No. 2021-8-14 as requested in Zoning Case 2021-018 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 1.2 acres of land located at the southeast corner of 10th Street and K Avenue in the City of Plano, Collin County, Texas, from Light Commercial and Two-Family Residence (Duplex) to Single-Family Residence Attached; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Metropolitan Interests Corporation (Regular Item “1”)

Mayor Muns opened the public hearing. William Cravens, the applicant, spoke to the project. Frank Turner, representing the applicant and Pierce Cravens, applicant were available for questions. Mayor Muns closed the public hearing.

MOTION: Upon a motion made by Council Member Holmer and seconded by Council Member Smith, the Council voted 7-0 to rezone 1.2 acres of land located at the southeast corner of 10th Street and K Avenue in the City of Plano, Collin County, Texas, from Light Commercial and Two-Family Residence (Duplex) to Single-Family Residence Attached; directing a change accordingly in the official zoning map of the City; as requested in Zoning Case 2021-018; and further to adopt Ordinance No. 2021-8-14.

Public Hearing and adoption of Resolution No. 2021-8-15(R) to authorize a Substantial Amendment to the 2015-2019 Consolidated Plan and 2019-2020 Action Plan for the use of U.S. Department of Housing and Urban Development Community Development Block Grant and HOME Investment Partnerships Program funds; providing an effective date; and authorizing the City Manager to execute all necessary documents to expend funds pursuant to the Substantial Amendment. (Regular Item “2”)

Mayor Muns opened the public hearing. No one requested to speak. Mayor Muns closed the public hearing.

Public Hearing and adoption of Resolution No. 2021-8-15(R)(Cont'd.)

MOTION: Upon a motion made by Mayor Pro Tem Prince and seconded by Deputy Mayor Pro Tem Tu, the Council voted 7-0 to authorize a Substantial Amendment to the 2015-2019 Consolidated Plan and 2019-2020 Action Plan for the use of U.S. Department of Housing and Urban Development Community Development Block Grant and HOME Investment Partnerships Program funds; providing an effective date; and authorizing the City Manager to execute all necessary documents to expend funds pursuant to the Substantial Amendment; and further to adopt Resolution No. 2021-8-15(R).

Public Hearing and consideration of a Resolution to authorize the establishment of the Collin Creek Garage Public Improvement District within the City of Plano, Texas, in accordance with Chapter 372 of the Texas Local Government Code, and authorizing and directing the publication of this resolution; providing for related matters and providing an effective date. (Regular Item “3”)

Mayor Muns opened the public hearing. No one requested to speak. Mayor Muns closed the public hearing.

MOTION: Upon a motion made by Mayor Pro Tem Prince and seconded by Council Member Williams, the Council voted 7-0 to table the item to the October 25, 2021 City Council Meeting.

Public Hearing and adoption of Ordinance 2021-8-16 to accept and approve a Service and Assessment Plan and Assessment Roll for the Collin Creek East Public Improvement District; making a finding of special benefit to the property in the District; levying Assessments against property within the District and establishing a lien on such property; providing for the method of assessment and the payment of the Assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing penalties and interest on delinquent Assessments; providing for severability; resolving matters incident and related thereto; and providing an effective date. (Opened and Tabled at the June 28, 2021 and July 26, 2021 City Council meetings.) (Regular Item “4”)

Mayor Muns opened the public hearing. No one requested to speak. Mayor Muns closed the public hearing.

MOTION: Upon a motion made by Mayor Pro Tem Prince and seconded by Council Member Ricciardelli, the Council voted 7-0 to accept and approve a Service and Assessment Plan and Assessment Roll for the Collin Creek East Public Improvement District; making a finding of special benefit to the property in the District; levying Assessments against property within the District and establishing a lien on such property; providing for the method of assessment and the payment of the Assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing penalties and interest on delinquent Assessments; providing for severability; resolving matters incident and related thereto; and further to adopt Ordinance No. 2021-8-16.

Public Hearing and adoption of Ordinance No. 2021-8-17 to accept and approve a Service and Assessment Plan and Assessment Roll for the Collin Creek West Public Improvement District; making a finding of special benefit to the property in the District; levying Assessments against property within the District and establishing a lien on such property; providing for the method of assessment and the payment of the Assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing penalties and interest on delinquent Assessments; providing for severability; resolving matters incident and related thereto; and providing an effective date. (Opened and Tabled at the June 28, 2021 and July 26, 2021 City Council meetings.) (Regular Item “5”)

Mayor Muns opened the public hearing. No one requested to speak. Mayor Muns closed the public hearing.

MOTION: Upon a motion made by Council Member Williams and seconded by Council Member Ricciardelli, the Council voted 7-0 to accept and approve a Service and Assessment Plan and Assessment Roll for the Collin Creek West Public Improvement District; making a finding of special benefit to the property in the District; levying Assessments against property within the District and establishing a lien on such property; providing for the method of assessment and the payment of the Assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing penalties and interest on delinquent Assessments; providing for severability; resolving matters incident and related thereto; and further to adopt Ordinance No. 2021-8-17.

Ordinance No. 2021-8-18: To approve and authorize the issuance and sale of the City of Plano, Texas, Special Assessment Revenue Bonds, Series 2021 (Collin Creek East Public Improvement District Project); and approving and authorizing related agreements. (Regular Item “6”)

MOTION: Upon a motion made by Council Member Smith and seconded by Council Member Holmer, the Council voted 7-0 to approve and authorize the issuance and sale of the City of Plano, Texas, Special Assessment Revenue Bonds, Series 2021 (Collin Creek East Public Improvement District Project); and approving and authorizing related agreements; and further to adopt Ordinance No. 2021-8-18.

Ordinance No. 2021-8-19: To approve and authorize the issuance and sale of the City of Plano, Texas, Special Assessment Revenue Bonds, Series 2021 (Collin Creek West Public Improvement District Project); and approving and authorizing related agreements. (Regular Item “7”)

MOTION: Upon a motion made by Council Member Ricciardelli and seconded by Deputy Mayor Pro Tem Tu, the Council voted 7-0 to approve and authorize the issuance and sale of the City of Plano, Texas, Special Assessment Revenue Bonds, Series 2021 (Collin Creek West Public Improvement District Project); and approving and authorizing related agreements; and further to adopt Ordinance No. 2021-8-19.

Ordinance No. 2021-8-20: To amend Section 2-9(b)(1), Lawsuits and risk management, of Article I, In General, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas to revise the authority of the City Manager to compromise and settle all claims or lawsuits in favor of or against the city, and amend Section 2-12, Procurement Code, of Article I, In General, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas, and amend Section 2-27, Contracts-Change orders, of Article II, City Manager, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas to revise the authority of the City Manager to enter into and execute contracts and approve expenditures; and providing a repealer clause, a severability clause, a savings clause, and an effective date. (Regular Item “8”)

MOTION: Upon a motion made by Council Member Ricciardelli and seconded by Council Member Holmer, the Council voted 7-0 to amend Section 2-9(b)(1), Lawsuits and risk management, of Article I, In General, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas to revise the authority of the City Manager to compromise and settle all claims or lawsuits in favor of or against the city, and amend Section 2-12, Procurement Code, of Article I, In General, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas, and amend Section 2-27, Contracts-Change orders, of Article II, City Manager, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas to revise the authority of the City Manager to enter into and execute contracts and approve expenditures; and further to adopt Ordinance No. 2021-8-20.

With no further discussion, the Preliminary Open Meeting and Regular City Council Meeting adjourned at 8:39 p.m.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, City Secretary