

**PLANO CITY COUNCIL
REGULAR SESSION
September 27, 2021**

COUNCIL MEMBERS PRESENT

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

STAFF PRESENT

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

Mayor Muns convened the Council into the Regular Session on Monday, September 27, 2021 at 7:00 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

Father Marco Rangel with St. Mark the Evangelist Catholic Church led the invocation and Troop 1000 with Resurrection Lutheran Church led the Pledge of Allegiance and Texas Pledge.

Proclamations and Special Recognitions

Certificates of Commendation: The Estates of Forest Creek and Whiffletree V, VI, and VII received National Awards from Neighborhoods USA.

Presentation: North Central Texas Council of Governments (NCTCOG) presented the Engineering Department with an award for their Stormwater Design Manual.

- **Review of Backyard Chicken Ordinance Changes**
Amanda Massengale and Georgia Thurman spoke in support of the ordinance allowing backyard chickens.
- **Consent and Regular Agendas** – Citizens requested Consent Agenda Items “D” and “U” be pulled for individual consideration.
- **Council items for discussion/action on future agendas**

Council Member Grady requested the Senior Advisory Board present the results of the 2020 55+ Survey at a future meeting. Council Member Ricciardelli requested a report of options for citizens to provide comments to council.

Mayor Pro Tem Tu spoke to the annual peanut butter drive.

Comments of Public Interest

Steve Lavine, on behalf of Avignon Windhaven Homeowner's Association, spoke to the need of a traffic signal at the intersection of Windhaven and Willow Bend to allow safe access to Windhaven Meadows Park from the north side of Windhaven.

Beth Carruth spoke to options for public participation.

Consent Agenda

MOTION: Upon a motion made by Council Member Grady and seconded by Council Member Ricciardelli, the Council voted 8-0 to approve all items on the Consent Agenda, except Items "D" and "U", as follows:

Approval of Minutes

September 13, 2021
(Consent Agenda Item "A")

Approval of Expenditures

Purchase from an Existing Contract

To approve the purchase of one (1) Flatbed Pallet Truck for Fleet Services to be used by Compost Marketing and Operations in the amount of \$140,613 from Southwest International Trucks, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 601-19) (Consent Agenda Item "B")

To approve the purchase of one (1) International Model HV607 4x2 Dump Truck and one (1) International Model HV607 6x4 Dump Truck for Fleet Services to be used by various departments in the amount of \$217,378 from Southwest International Trucks, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 601-19) (Consent Agenda Item "C")

To approve the purchase of Furniture for Environmental Health in the estimated amounts of \$108,913 from Plano Office Supply Co., \$2,542 from McKinney Office Supply, Inc., and \$8,229 from Capitan Holdings, LLC dba Office Furniture Source, for a total of \$119,684 through existing contracts; and authorizing the City Manager to execute all necessary documents. (Collin College Contract No. 2021-192, BuyBoard Contract No. 584-19, and TIPS Contract No. 210305) (Consent Agenda Item "E")

To ratify one (1) month of annual Fiber Optic Cable Maintenance in the amount of \$10,000 and approve the purchase of the remaining annual amount of \$110,000 for a total annual amount of \$120,000 for a five (5) year term, for a total estimated amount of \$600,000, from Capco Telecom LLC for Technology Services through an existing contract; and authorizing the City Manager to execute all necessary documents. (Collin College Contract No. 4449) (Consent Agenda Item "F")

Approval of Contract Modification

To approve the terms and conditions of a Third Amendment to the Communications Facilities License Agreement by and between the City of Plano, Texas and T-Mobile West LLC, a Delaware limited liability company; authorizing its execution by the City Manager; and providing an effective date. (Site # DA01265A) (Consent Agenda Item “G”)

Approval of Request

To approve a request to withdraw from consideration a resolution regarding DART Resolution No. 210036 to allow the use of eminent domain for acquisition of real property at 901 10th Street known as Parcel CB3-014 for the DART Silver Line Regional Rail Project. (Consent Agenda Item “H”)

Approval of Expenditure

To approve an expenditure for maintenance agreement on Stryker Cots and Power Load systems for a five (5) year contract in the estimated amount of \$172,710 from Stryker Corporation for Fire-Rescue; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

To approve an additional expenditure for downloadable content (e-books and e-audio library materials) with Kindle functionality in the amount of \$400,000 annually for the remaining term of the agreement from OverDrive, Inc. for Library Services; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “J”)

To ratify an expenditure in the amount of \$121,006 for Construction Manager at Risk services for Oak Point Recreation Center Outdoor Pool, Project No. 7034.1, from CORE Construction Services of Texas, Inc. for the Parks & Recreation Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “K”)

Approval of Contract / Agreement

To approve an Interlocal Agreement by and between the City of Plano, Texas and Dallas College in the annual amount of \$40,000 for providing education services for the Human Resources Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “L”)

To approve an Economic Development Incentive Agreement between the City of Plano, Texas, and Dematic Corp., a Delaware corporation (“Company”), providing an economic development grant to the Company; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “M”)

To approve an Economic Development Incentive Agreement between the City of Plano, Texas, and Albertson's LLC, a Delaware limited liability company (“Company”), providing an economic development grant to the Company; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “N”)

Adoption of Resolutions

Resolution No. 2021-9-13(R): To approve a revised Animal Services Fee Schedule to reflect fees for current and new services and programs; and providing an effective date. (Consent Agenda Item “O”)

Resolution No. 2021-9-14(R): To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for the Intersection Traffic Control Project, PIN 17560006409000, targeting intersections regulated by a signal light; authorizing the City Manager or his authorized designee to execute the grant agreement and any other documents necessary to effectuate the action taken; and providing an effective date. (Consent Agenda Item “P”)

Resolution No. 2021-9-15(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the Frisco Independent School District for the operation of the Police/School Resource Officer Program; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “Q”)

Resolution No. 2021-9-16(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the Plano Independent School District for the operation of the Police/School Resource Officer Program; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “R”)

Adoption of Ordinances

Ordinance No. 2021-9-17: To repeal Ordinance No. 2021-4-2; establishing the number of certain classifications within the Fire Department for fiscal year 2021-22; establishing the authorized number and effective dates of such positions for each classification; establishing a salary plan for the Fire Department effective September 27, 2021; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item “S”)

Ordinance No. 2021-9-18: To repeal Ordinance No. 2021-4-3; establishing the number of certain classifications within the Police Department for fiscal year 2021-22; establishing the authorized number and effective dates of such positions for each classification; establishing a salary plan for the Police Department effective September 27, 2021; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item “T”)

Ordinance No. 2021-9-19: To adopt and enact Supplement Number 137 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date. (Consent Agenda Item “V”)

Ordinance No. 2021-9-20: To amend Section 6-491(2), Political signs/noncommercial purpose signs, of Division 3, Permitted Signs, of Article XII, Temporary Signs, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano, to amend regulations for political signs/noncommercial purpose signs at publicly owned active polling locations; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “W”)

Ordinance No. 2021-9-21: To repeal Section 15-118, Same - On private property; notice of noncompliance; abatement; hearing; review board; lien for unpaid charges, etc., and amend Section 15-119, Breaking, injuring, etc., trees, shrubs on public property, of Article VI, Planting, Maintaining Trees, Shrubs on Public Property, of Chapter 15, Parks and Recreation, and amend Section 6-3(c)(1), Building Standards Commission organization and authority, of Division 2, Building Standards Commission of Article I, In General, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano, Texas to establish a process for the Building Standards Commission to enforce vegetation safety standards; and providing a penalty clause, a repealer clause, a severability clause, a publication clause and an effective date. (Consent Agenda Item “X”)

Ordinance No. 2021-9-22: To amend subsection (b) of Section 12-104, Three-hour parking, of Article V, Stopping, Standing and Parking, of Chapter 12, Motor Vehicles and Traffic, of the City of Plano Code of Ordinances to add two newly completed public parking lots to the subsection, and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “Y”)

End of Consent

To approve the purchase of one (1) Mohawk 99,000 lb. x 42’ Vertical Rise Drive-on Lift, one (1) Mohawk 50,000 lb. x 25’ Four Post Truck Lift, and one (1) Hunter Model TCX635 Heavy Duty Tire Changer for Fleet Services in the amount of \$304,361 from Mohawk Lifts LLC through an existing contract; and authorizing the City Manager to execute all necessary documents. (Sourcewell Contract No. 013020-MRL) (Consent Agenda Item “D”)

Richard Dingman, with RDI Equipment, spoke to options for purchasing the equipment.

MOTION: Upon a motion made by Council Member Grady and seconded by Mayor Pro Tem Prince, the Council voted 8-0 to approve the purchase of one (1) Mohawk 99,000 lb. x 42’ Vertical Rise Drive-on Lift, one (1) Mohawk 50,000 lb. x 25’ Four Post Truck Lift, and one (1) Hunter Model TCX635 Heavy Duty Tire Changer for Fleet Services in the amount of \$304,361 from Mohawk Lifts LLC through an existing contract; and authorizing the City Manager to execute all necessary documents.

Ordinance No. 2021-9-23: To repeal and replace in its entirety Article IV, Peddlers, Solicitors, Itinerant Vendors, Carnivals, and Job Placement Activities, of Chapter 11, Licenses and Business Regulations, of the Code of Ordinances of the City of Plano and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “U”)

Jeremy Matthews, John Stafford, and Tom Adair spoke to concerns of how the ordinance would affect political canvassers.

MOTION: Upon a motion made by Council Member Smith and seconded by Council Member Holmer, the Council voted 8-0 to repeal and replace in its entirety Article IV, Peddlers, Solicitors, Itinerant Vendors, Carnivals, and Job Placement Activities, of Chapter 11, Licenses and Business Regulations, of the Code of Ordinances of the City of Plano; and further to adopt Ordinance No. 2021-9-23.

Ordinance No. 2021-9-24: To repeal Ordinance No. 2016-6-25 codified as Chapter 4, Animal Regulations of the City of Plano Code of Ordinances and adopting a new Chapter 4, Animal Regulations of the City of Plano Code of Ordinances; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date. (Regular Item “1”)

Embher Chaffin, Kaylen Conners, Adam Sablich, John Stafford and Richard Wells spoke in support of the ordinance. In addition to the speakers, 56 individuals registered an opinion of support and 98 registered an opinion in opposition.

MOTION: Upon a motion made by Mayor Pro Tem Prince and seconded by Council Member Williams, the Council voted 7-1, with Council Member Grady in opposition, to repeal Ordinance No. 2016-6-25 codified as Chapter 4, Animal Regulations of the City of Plano Code of Ordinances and adopting a new Chapter 4, Animal Regulations of the City of Plano Code of Ordinances; and further to adopt Ordinance No. 2021-9-24.

Public Hearing and adoption of Ordinance No. 2021-9-25 as requested in Zoning Case 2021-020 to amend Article 8 (Definitions), Article 9 (Residential Districts), Article 13 (Lot and Building Standards), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to backyard chickens; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: City of Plano (Tabled at the September 13, 2021, City Council meeting.) (Regular Item “2”)

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

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tu and seconded by Council Member Holmer, the Council voted 7-1, with Council Member Grady in opposition, to amend Article 8 (Definitions), Article 9 (Residential Districts), Article 13 (Lot and Building Standards), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to backyard chickens; as requested in Zoning Case 2021-020; and further to adopt Ordinance No. 2021-9-25.

Public Hearing and adoption of Ordinance No. 2021-9-26 as requested in Zoning Case 2021-012 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to amend Planned Development-472-Corridor Commercial on 10.9 acres of land located at the southeast corner of U.S. Highway 75 and 13th/14th Connector, in the City of Plano, Collin County, Texas, in order to modify the adopted site plan and development standards; 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: HD Development Properties, LP and SCSD-Finnell, MGMT, LLC (Regular Item “3”)

Mayor Muns opened the public hearing. Janay Mommer, representing the applicant, was available for questions. Mayor Muns closed the public hearing.

Public Hearing and adoption of Ordinance No. 2021-9-26 (cont'd.)

MOTION: Upon a motion made by Mayor Pro Tem Prince and seconded by Council Member Ricciardelli, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to amend Planned Development-472-Corridor Commercial on 10.9 acres of land located at the southeast corner of U.S. Highway 75 and 13th/14th Connector, in the City of Plano, Collin County, Texas, in order to modify the adopted site plan and development standards; directing a change accordingly in the official zoning map of the City; as requested in Zoning Case 2021-012; and further to adopt Ordinance No. 2021-9-26.

Public Hearing and adoption of Ordinance No. 2021-9-27 as requested in Zoning Case 2021-021 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 186 for New Vehicle Dealer on 0.1 acre of land located 14 feet east of Windrose Avenue, 197 feet south of Winthrop Street in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1; 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: Legacy West Investors, LP (Regular Item “4”)

Mayor Muns opened the public hearing. Stephen Merkle, representing the applicant, spoke to the project. Mayor Muns closed the public hearing.

MOTION: Upon a motion made by Council Member Ricciardelli and seconded by Mayor Pro Tem Prince, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 186 for New Vehicle Dealer on 0.1 acre of land located 14 feet east of Windrose Avenue, 197 feet south of Winthrop Street in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1; directing a change accordingly in the official zoning map of the City; as requested in Zoning Case 2021-021; and further to adopt Ordinance No. 2021-9-27.

Public Hearing and adoption of Resolution No. 2021-9-28(R) to approve the terms and conditions of an Interlocal Agreement and Memorandum of Understanding by and between the City of Plano, the City of McKinney, the City of Frisco, and the Collin County Sheriff’s Office for the disbursement of the 2021 Edward Byrne Justice Assistance Grant funds; authorizing its execution by the City Manager; and providing an effective date. (Regular Item “5”)

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

Public Hearing and adoption of Resolution No. 2021-9-28(R)(cont'd.)

MOTION: Upon a motion made by Council Member Grady and seconded by Council Member Williams, the Council voted 8-0 to approve the terms and conditions of an Interlocal Agreement and Memorandum of Understanding by and between the City of Plano, the City of McKinney, the City of Frisco, and the Collin County Sheriff's Office for the disbursement of the 2021 Edward Byrne Justice Assistance Grant funds; authorizing its execution by the City Manager; and further to adopt Resolution No. 2021-9-28(R).

Public Hearing and adoption of Resolution No. 2021-9-29(R) to approve the use or taking of a portion of City of Plano public parkland, known as Schell Park, pursuant to Chapter 26 of the Texas Parks and Wildlife Code for dedication of parkland as a permanent utility easement for the purpose of water and storm sewer improvements located on R Avenue between Puma Road and Jasmine Lane; authorizing the City Manager to execute all necessary documents; and providing an effective date. (Regular Item "6")

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 8-0 to approve the use or taking of a portion of City of Plano public parkland, known as Schell Park, pursuant to Chapter 26 of the Texas Parks and Wildlife Code for dedication of parkland as a permanent utility easement for the purpose of water and storm sewer improvements located on R Avenue between Puma Road and Jasmine Lane; authorizing the City Manager to execute all necessary documents; and further to adopt Resolution No. 2021-9-29(R).

Ordinance No. 2021-9-30: To adopt a policy requiring the Planning & Zoning Commission and the Plano City Council to make findings when approving certain zoning petitions within the City of Plano; establishing the basis for such findings; and providing an effective date. (Regular Item "7")

Council Member Williams requested that the policy be adopted as an ordinance in lieu of a resolution. Director of Planning Day provided an ordinance for the Council's consideration.

Council Member Williams amending Section 16-4 (a) to include "the Planning & Zoning Commission must propose specific findings to the City Council that will explain why they recommend approval under these circumstances"; and (b) to include "the City Council must make specific findings that will explain why they approve under these circumstances."

MOTION: Upon a motion made by Council Member Williams and seconded by Council Member Grady, the Council voted 8-0 to adopt a policy requiring the Planning & Zoning Commission and the Plano City Council to make findings when approving certain zoning petitions within the City of Plano; establishing the basis for such findings; as presented and amended; and further to adopt Ordinance No. 2021-9-30.

Consideration of a Resolution to amend Resolution No. 2019-11-2(R), which created the Comprehensive Plan Review Committee and established certain standards for the comprehensive plan process, to establish a process for amendments to the draft plan, if required, as a result of public comment and hearing; and providing an effective date. (Regular Item “8”)

MOTION: Upon a motion made by Council Member Williams and seconded by Council Member Grady, the Council voted 8-0 to deny the resolution and provide direction for the plan to be forwarded to Council after the public input process for a public hearing and consideration.

With no further discussion, the Regular City Council Meeting adjourned at 9:12 p.m.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, City Secretary