

**PLANO CITY COUNCIL
REGULAR SESSION
July 25, 2022**

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

Jack Carr, Deputy City Manager
Shelli Siemer, Deputy City Manager
Sam Greif, Deputy City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary
Andrew Fortune, Director of Policy and Government Relations

Mayor Muns convened the Council into the Regular Session on Monday, July 25, 2022 at 7:01 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

Matt Gaston, Lead Pastor with First United Methodist Church Plano led the invocation and Council Member Grady led the Pledge of Allegiance and Texas Pledge.

Proclamations and Special Recognitions

Presentation: Carter BloodCare and the Plano Rotary Clubs presented the Battle of the Badges Trophy to the Plano Police Department for the 2022 Blood Drive.

Proclamation: July 26, 2022 is Americans with Disabilities Act Day.

Oaths of Office

- **DART Board of Directors**
Glenn B. Callison (not in attendance)

Comments of Public Interest

Bill France spoke to short-term rental concerns.
Greg Pattillo spoke to short-term rental concerns.
Arn Parker spoke to short-term rental concerns.
Nelson Locke spoke to short-term rental concerns.
Lydia Ortega spoke to short-term rental concerns.
Sharon Overall spoke to second hand smoke concerns.
Melissa Hailey spoke to private property rights.

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 Consent Items “T”, “V”, and “Z”; as follows:

Approval of Minutes

June 27, 2022
(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. 2022-0449-B for Cottonwood Creek Trail & Oak Point Park Trail Connection, Project No. 7323, for the Parks and Recreation Department to RLM EarthCo, Inc. in the amount of \$798,585; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Rejection of CSP No. 2022-0002-B for Bob Woodruff Park South Restroom Replacement, Project No. 7219.1, from all proposers. (Consent Agenda Item “C”)

Rejection of RFB No. 2022-0352-B for Frank Beverly Park Drainage Improvements, Project No. 7372, from all bidders. (Consent Agenda Item “D”)

RFB No. 2022-0414-B for Cabana Lane, Fontaine Street, Hallmark Drive, and Sailmaker Lane – Paving and Water Line Reconstruction, Project No. 7289, for the Engineering Department to KIK Underground, LLC in the amount of \$1,876,519; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

RFB No. 2022-0433-B for Bridge Repairs Phase III, Project No. 7056, for the Engineering Department to A & B Construction, LLC in the amount of \$2,362,497; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

RFB No. 2022-0455-B for Collin Creek Wastewater Improvements, Project No. 7230, for the Engineering Department to A&B Construction, LLC in the amount of \$4,782,963; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

RFP No. 2022-0303-AC for a thirty-six (36) month term, with one (1) additional thirty-six (36) month City optional renewal, for Bandwidth and Internet Connectivity for Technology Services to Crown Castle Fiber, LLC in the term amount of \$58,320 and Zayo Group, LLC in the term amount of \$63,000, for a total amount of \$121,320; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

Purchase from an Existing Contract

To approve the purchase of one (1) Horizontal Grinder for Fleet Services to be used by Compost Operations in the amount of \$1,260,802 from Bane Machinery, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 597-19) (Consent Agenda Item “I”)

To ratify the purchase of generators for the Facilities division in the estimated amount of \$189,772 from Loftin Equipment Co. through an existing contract; and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. GE02-20) (Consent Agenda Item “J”)

To approve the purchase of Uninterruptible Power Supplies (UPS) for Technology Services in the amount of \$155,921 from Netsync Network Solutions, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (DIR Contract No. DIR-TSO-4159) (Consent Agenda Item “K”)

Approval of Change Order

To approve an increase to the current awarded contract amount of \$5,385,205 by \$282,000, for a total contract amount of \$5,667,205, for the Harrington Library Expansion and Renovation, Project No. 7198, from Lee Lewis Construction, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Change Order No. 1) (Consent Agenda Item “L”)

Approval of Expenditure

To ratify an expenditure in the amount of \$123,241 for Oak Point Park Storm Sewer Repair, Project No. 7451, from Austin Raymond Construction, LLC dba Texas Civil Construction for the Parks and Recreation Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “M”)

To approve an expenditure for engineering professional services for Stream 2D8 Flood Study, Project No. 7497, in the amount of \$325,900 from LJA Engineering, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “N”)

To approve an expenditure for engineering professional services for 2022 Citywide Traffic Count Program, Project No. 7399, in the amount of \$458,600 from Lee Engineering, LLC for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “O”)

To approve an expenditure for engineering professional services for Phase IV Fiber Communications Expansion, Project No. 7384, in the amount of \$544,093 from Kimley-Horn and Associates, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “P”)

To approve an expenditure for engineering professional services for Transportation Technologies Program Management, Project No. 7557, in the amount of \$899,940 from Stantec Consulting Services, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “Q”)

Approval of Contract / Agreement

To rescind a Revised and Restated Economic Development Incentive Agreement between the City of Plano, Texas, and L3 Technologies, Inc., a Delaware corporation ("Company"). (Consent Agenda Item “R”)

To approve a Revised and Restated Economic Development Incentive Agreement between the City of Plano, Texas, and L3 Technologies, Inc., 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 “S”)

Adoption of Ordinances

Ordinance No. 2022-7-1: To adopt and enact Supplement Number 140 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 “U”)

Ordinance No. 2022-7-2: To ratify the appointments of the Chief Judge of the Plano Municipal Court of Record Paul Francis McNulty, and the Associate Judge of the Plano Municipal Court of Record Julie Pandya Doshier, and providing a publication clause, and an effective date. (Consent Agenda Item “W”)

Ordinance No. 2022-7-3: To ratify the appointments of the Associate Judges of the Plano Municipal Court of Record, and providing a publication clause, and an effective date. (Consent Agenda Item “X”)

Ordinance No. 2022-7-4: To amend Chapter 14, Offenses - Miscellaneous, and Chapter 15, Parks and Recreation, to prohibit smoking in public parks and update the authorized age to purchase tobacco to comply with state law; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. (Consent Agenda Item “Y”)

End of Consent

Council Member Ricciardelli stepped away from the dais.

Approval of a Revised and Restated Economic Development Incentive Agreement between the City of Plano, Texas, and loanDepot.com, 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 "T")

MOTION: Upon a motion made by Mayor Pro Tem Prince and seconded by Council Member Grady, the Council voted 7-0, with Council Member Ricciardelli abstaining, to approve a Revised and Restated Economic Development Incentive Agreement between the City of Plano, Texas, and loanDepot.com, 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.

Council Member Ricciardelli returned to the dais.

Deputy Mayor Pro Tem Tu stepped away from the dais.

Ordinance No. 2022-7-5: To appoint an Associate Judge of the Municipal Court of Record of the City of Plano, setting the term of office and compensation for the Judge; and providing a publication clause, and an effective date. (Consent Agenda Item "V")

MOTION: Upon a motion made by Council Member Ricciardelli and seconded by Council Member Williams, the Council voted 7-0, with Deputy Mayor Pro Tem Tu abstaining, to appoint an Associate Judge of the Municipal Court of Record of the City of Plano, setting the term of office and compensation for the Judge; and further to adopt Ordinance No. 2022-7-5.

Deputy Mayor Pro Tem Tu returned to the dais.

Ordinance No. 2022-7-6: To amend Article I, Chapter 14, Sec. 14-3 Weeds, refuse, unsanitary conditions and stagnant water; providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item "Z")

James Lockridge spoke in opposition to the ordinance. After a motion to table the item was made by Council Member Holmer and seconded by Council Member Smith, Council Member Holmer and Council Member Smith withdrew their motion with the stipulation that this item be placed on a future agenda if there is a change after reviewing more details.

MOTION: Upon a motion made by Council Member Holmer and seconded by Council Member Williams, the Council voted 8-0 to amend Article I, Chapter 14, Sec. 14-3 Weeds, refuse, unsanitary conditions and stagnant water; and further to adopt Ordinance No. 2022-7-6.

Public Hearing and adoption of Resolution No. 2022-7-7(R) to adopt the 2022-2023 Action Plan, including the summary of Community Development Block Grant and HOME Investment Partnerships Program activities and proposed use of funds for program year 2022-2023 and providing an effective date. (Regular Item “1”)

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 Deputy Mayor Pro Tem Tu, the Council voted 7-1, with Council Member Grady in opposition, to adopt the 2022-2023 Action Plan, including the summary of Community Development Block Grant and HOME Investment Partnerships Program activities and proposed use of funds for program year 2022-2023; and further to adopt Resolution No. 2022-7-7(R).

Public Hearing and appeals of the Planning & Zoning Commission's denials of Zoning Case 2022-007 and Concept Plan 2022-007. Request for a Specific Use Permit for Independent Living Facility on 6.6 acres located on the north side of Plano Parkway, 420 feet west of Dallas North Tollway. Zoned Regional Commercial and located within the Dallas North Tollway Overlay District. Applicant: Kreymer Investments, Ltd. and Mariposa Plano Parkway, LP (Regular Item “2”)

Mayor Muns opened the public hearing. Casey Bump, President and partner of Bonner Carrington, applicant, Skye Thibodeaux with Masterplan Texas and Zachary Krochtengel, representing the applicant, spoke in support of the project. Henry Billingsley spoke in opposition to the project. Pete Kelly and Matthew Kosec spoke in support of the project. Mayor Muns closed the public hearing.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tu and seconded by Council Member Smith, the Council voted 8-0 to deny the appeals of the Planning & Zoning Commission's denials of Zoning Case 2022-007 and Concept Plan 2022-007. Request for a Specific Use Permit for Independent Living Facility on 6.6 acres located on the north side of Plano Parkway, 420 feet west of Dallas North Tollway. Zoned Regional Commercial and located within the Dallas North Tollway Overlay District.

With no further discussion, the Regular City Council Meeting adjourned at 9:14 p.m.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, City Secretary