

**PLANO CITY COUNCIL
REGULAR SESSION
August 14, 2023**

COUNCIL MEMBERS PRESENT

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

STAFF PRESENT

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

Mayor Muns convened the Council into the Regular Session on Monday, August 14, 2023, at 7:02 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

Senior Pastor Mark Riggins with LifePoint Church led the invocation and Cub Scout Pack 1220 with Hedgcoxe Elementary School 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 for the 2023 Blood Drive.

Comments of Public Interest

Sharon Overall spoke to the danger of second hand smoke.
Alex Stein addressed the council.

Consent Agenda

MOTION: Upon a motion made by Council Member Horne and seconded by Council Member Smith, the Council voted 8-0 to approve all items on the Consent Agenda, as follows:

Approval of Minutes

July 24, 2023
July 26, 2023
(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. 2023-0542-B for Residential Concrete Pavement Repair Zone K8 North and L8 West, Project No. 7542, for the Public Works Department to Cam-Crete Contracting, Inc. in the amount of \$4,547,800; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

RFB No. 2023-0354-B for Big Lake Weir and Overbank Improvements, Project No. PKR-D-7415, for the Parks and Recreation Department to Stoic Civil Construction, Inc. in the amount of \$570,675; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

RFB No. 2023-0275-B for Douglass Recreation Center Restroom ADA Upgrades, Project No. FAC-F-7489, for the Engineering Department to Falkenberg Construction Co., Inc. in the amount of \$129,996; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

RFB No. 2023-0468-B for Pecan Hollow HVAC Replacement, Project No. FAC-F-7635, for the Engineering Department to Air Conditioning Innovative Solutions, Inc. in the amount of \$175,213; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

RFB No. 2023-0401-B for Building 066 and 144 Emergency Operations Center and Northwest Police Substation Carports, Project No. FAC-F-7511, for the Engineering Department to Brad Drake Construction LLC in the amount of \$1,515,115; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

RFB No. 2023-0470-B for Legacy Drive Corridor Improvements, Project No. 6069.1, for the Engineering Department to XIT Paving and Construction, Inc. in the amount of \$4,220,184; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

Purchase from an Existing Contract

To ratify an expenditure in the amount of \$163,846 for one (1) ambulance box remount service from Professional Ambulance through an existing contract; and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. AM 10-20) (Consent Agenda Item “H”)

To approve the purchase and installation of fiber optic cables and necessary hardware for the Public Works Department in the estimated amount of \$286,975 from Capco Communications, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (Frisco ISD Bid No. 001-2020-09) (Consent Agenda Item “I”)

To approve the purchase of six (6) Mowers for Fleet Services in the estimated amount of \$380,246 from Professional Turf Products, L.P. through an existing contract; and authorizing the City Manager to execute all necessary documents. (Sourcewell Contract No. 031121-TTC) (Consent Agenda Item “J”)

To approve the purchase of an excavator for Fleet Services in the estimated amount of \$404,660 from Kirby Smith Machinery, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (Sourcewell Contract No. 032119-KOM) (Consent Agenda Item “K”)

To approve the purchase of four (4) Pierce Enforcer Pumper Trucks for Fleet Services in the estimated amount of \$3,283,450 from Siddons-Martin Emergency Group, LLC through an existing contract; and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. FS12-19) (Consent Agenda Item “L”)

To approve the purchase of Herbicides, Insecticides and Misc. Pesticide Products for an initial term of ten (10) months with two (2) one-year automatic renewals for Parks and Recreation Department in the estimated annual amount of \$209,000 from SiteOne Landscape Supply LLC through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 705-23) (Consent Agenda Item “M”)

To approve the purchase of 160 CradlePoint mobile routers, installation, and four (4) years of maintenance and support for Technology Solutions in the estimated amount of \$322,701 from GTS Technology Solutions through an existing contract; and authorizing the City Manager to execute all necessary documents. (DIR-CPO-4751 and DIR-CPO-4754) (Consent Agenda Item “N”)

Approval of Contract Modification

To approve the amended terms and conditions of an Interlocal Cooperation Agreement between the Cities of Plano and Richardson for Automatic Fire and EMS Assistance; authorizing its execution by the City Manager, and providing an effective date. (Consent Agenda Item “O”)

Approval of Change Order

To approve an increase to the current awarded contract amount of \$27,531,530 by \$74,403, for a total contract amount of \$27,605,933, for Collin Creek Culvert Improvements, Project No. 6804.1, from Ragle, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2021-0253-B; Change Order No. 3) (Consent Agenda Item “P”)

To approve an increase to the current awarded contract amount of \$1,525,000 by \$114,195, for a total contract amount of \$1,639,195, for Indian Creek Tributary No. 13 and Shady Creek Circle Bank Stabilization, Project No. 7146, from Stoic Civil Construction, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2022-0291-B; Change Order No. 1) (Consent Agenda Item “Q”)

Approval of Request

To approve a request for a variance for the construction of ballistic walls at the ONCOR – Allen Switch Station at 401 W. Spring Creek Parkway with a portion of the site within the current Federal Emergency Management Agency (FEMA) 100-year floodplain of Brown Branch, in the City of Plano. (Consent Agenda Item “R”)

Approval of Expenditure

To approve an expenditure in the amount of \$3,400,000 for the purchase of real property located at 6512 Jupiter Road from Al Dewan Properties LLC; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “S”)

Approval of Contract / Agreement

To approve a Tender Agreement between the City of Plano and FCCI Insurance Company; and a Completion Contract in the amount of \$691,222 (\$382,947.29 from the Original Contract Balance and \$308,274.71 from the Surety Payment) between the City of Plano and Dean Electric, Inc. d/b/a Dean Construction, authorizing Dean Construction to complete the construction of Evans Park Renovation Project No. 6980; and authorizing the City Manager to execute all necessary documents to resolve this matter. (Consent Agenda Item “T”)

Adoption of Resolutions

Resolution No. 2023-8-1(R): To approve the terms and conditions of a Lease-Purchase Agreement (“LPA”) for four (4) Pierce Enforcer Pumper trucks by and between the City of Plano and PNC Bank, National Association, (“PNC Bank”); authorizing its execution by the City Manager, and providing an effective date. (Consent Agenda Item “U”)

Adoption of Ordinances

Ordinance No. 2023-8-2: To amend Section 12-101, Prohibited on certain streets at all times, Article V, Stopping, Standing and Parking, Chapter 12, Motor Vehicles and Traffic, of the City of Plano Code of Ordinances to establish a no parking zone on the north side of Merriman Drive from Los Rios Boulevard to a point one hundred forty (140) feet west of Los Rios Boulevard, within the city limits of the City of Plano; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “V”)

End of Consent

Public Hearing and adoption of Ordinance No. 2023-8-3 to accept and approve the Annual Update of the Service and Assessment Plan and Assessment Roll for the Downtown Plano Public Improvement 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. (Regular Agenda Item “1”)

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

Public Hearing and adoption of Ordinance No. 2023-8-3 (Cont'd.)

MOTION: Upon a motion made by Mayor Pro Tem Prince and seconded by Council Member Williams, the Council voted 8-0 to accept and approve the Annual Update of the Service and Assessment Plan and Assessment Roll for the Downtown Plano Public Improvement 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; and further to adopt Ordinance No. 2023-8-3.

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-003 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 99.0 acres of land located at the southeast corner of Legacy Drive and Parkwood Boulevard in the City of Plano, Collin County, Texas, from Commercial Employment to Planned Development-62-Commercial Employment; 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. Petitioner: EDS Legacy Partners, LLC (Request to table to September 11, 2023, City Council Meeting.) (Regular Agenda 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 Council Member Ricciardelli and seconded by Council Member Horne, the Council voted 8-0 to table the item to the September 11, 2023, City Council meeting.

Public Hearing and adoption of Ordinance No. 2023-8-4 as requested in Zoning Case 2023-008 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 35 for Vehicle Storage on 2.7 acres of land located on the west side of Premier Drive, 600 feet south of Lexington Drive in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial, 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. Petitioner: VTC Plano Rental Properties LLC (Regular Agenda Item “3”)

Mayor Muns opened the public hearing. Judd Mullinix, representing the applicant, spoke to the project. Mayor Muns closed the public hearing.

MOTION: Upon a motion made by Council Member Smith 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. 35 for Vehicle Storage on 2.7 acres of land located on the west side of Premier Drive, 600 feet south of Lexington Drive in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial, directing a change accordingly in the official zoning map of the City; as requested in Zoning Case 2023-008; and further to adopt Ordinance No. 2023-8-4.

Public Hearing and adoption of Ordinance No. 2023-8-5 as requested in Zoning Case 2023-010 to amend Article 5 (Variances and Appeals of Administrative Decisions) and Article 7 (Nonconformities) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to adopt a broadly applicable process for making determinations of status as a nonconforming use or structure and for appealing those determinations; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: City of Plano (Regular Agenda 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 Council Member Williams and seconded by Mayor Pro Tem Prince, the Council voted 8-0 to amend Article 5 (Variances and Appeals of Administrative Decisions) and Article 7 (Nonconformities) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to adopt a broadly applicable process for making determinations of status as a nonconforming use or structure and for appealing those determinations; as requested in Zoning Case 2023-010; and further to adopt Ordinance No. 2023-8-5.

Public Hearing on the FY 2023-24 Recommended Budget and the FY 2023-24 Proposed Community Investment Program (CIP). (Regular Agenda Item “5”)

Mayor Muns opened the public hearing. Patricia Cole spoke in support of purchasing the property at 6512 Jupiter Road. Mayor Muns closed the public hearing.

Resolution No. 2023-8-6(R): To accept the Certified Appraisal Rolls for Fiscal Year 2023-24 for Collin County and Denton County; and providing an effective date. (Regular Agenda Item “6”)

MOTION: Upon a motion made by Council Member Williams and seconded by Council Member Smith, the Council voted 8-0 to accept the Certified Appraisal Rolls for Fiscal Year 2023-24 for Collin County and Denton County; and providing an effective date; and further to adopt Resolution No. 2023-8-6(R).

Discussion and Direction regarding Proposed Ad Valorem Tax Rate. (Regular Agenda Item “7”)

Deputy Mayor Pro Tem Tu made a motion with a second by Mayor Muns, to set a not to exceed rate of .4355 per \$100 of valuation. After Council discussion the motion was amended as follows:

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tu and seconded by Mayor Muns, the Council voted 5-3, with Mayor Pro Tem Prince and Council Members Ricciardelli and Williams opposed, to set a not to exceed rate of .4176 per \$100 of valuation.

Discussion of the Proposed FY 2023-24 Community Investment Program. (Regular Agenda Item “8”)

Consideration of an Ordinance to amend Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano by adding Article XXIV, Registration of Short-Term Rental Properties; providing for procedures for the registration and self-inspections of short-term rentals for operation; providing for procedures for approval, denial, suspension, and revocation of registration of short-term rentals; and providing a penalty clause, a severability clause, a repealer clause, a savings clause, a publication clause, and an effective date. (Tabled at the June 26, 2023, City Council Meeting. Request to table to a future City Council meeting.) (Regular Agenda Item “9”)

MOTION: Upon a motion made by Council Member Ricciardelli and seconded by Mayor Pro Tem Prince, the Council voted 8-0 to table the item to a future City Council meeting.

With no further discussion, the Regular City Council Meeting adjourned at 8:56 p.m.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, City Secretary