

**PLANO CITY COUNCIL  
REGULAR SESSION  
August 28, 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  
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 28, 2023, 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**

Rev. Michael Forge, Pastor with Prince of Peace Catholic Church led the invocation and Girl Scout Troop 4578 led the Pledge of Allegiance and Texas Pledge.

**Proclamations and Special Recognitions**

Presentation: Congressman Keith Self recognized Plano's 150<sup>th</sup> birthday.

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

Presentation: Plano Police, Plano Fire-Rescue, Plano 9-1-1, and Medical Center of Plano staff members were recognized for their rescue efforts.

**Comments of Public Interest**

Rizwan Khan spoke to the use of sports fields at Carpenter Park.

Cassandra Bowell spoke to area development in east Plano.

Douglas Reeves spoke to transparency in zoning process.

**Consent Agenda**

**MOTION:** Upon a motion made by Mayor Pro Tem Prince and seconded by Council Member Ricciardelli, the Council voted 8-0 to approve all items on the Consent Agenda, except Items "E", "F", & "J"; as follows:

### **Approval of Minutes**

August 14, 2023  
August 17, 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. 2023-0467-BR for a one (1) year contract with one (1) automatic one-year renewal for Salesforce Professional Services Price Agreement for Technology Solutions to Catalyst Consulting Group, Inc., Cloud SynApps (Cloud SynApps, Inc.), Eigen X, Girikon, Inc., Incapsulate, LLC, InspireXT US, LLC, Online Business Systems, Plumlogix, Inc., Tech Mahindra, Ventas Consulting, LLC, WadiTek, LLC, and West Monroe Partners, in the estimated amount of \$600,000 for the first term and \$200,000 for the renewal, in a total estimated amount of \$800,000; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

#### **Purchase from an Existing Contract**

To approve the purchase of thirty (30) Chevrolet Tahoe Police Pursuit Vehicles (PPV) in the amount of \$1,563,916 from Lake Country Chevrolet and one (1) Chevrolet Tahoe (FL) in the amount of \$49,475 from Caldwell Country, for a total amount of \$1,613,391 through existing contracts; and authorizing the City Manager to execute all necessary documents. (TIPS Contract No. 210907 & BuyBoard Contract No. 601-19) (Consent Agenda Item “C”)

To approve the purchase and installation of fiber optic cables and necessary hardware for the Engineering Department in the estimated amount of \$114,062 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 “D”)

#### **Approval of Contract / Agreement**

To approve a Development Agreement by and among Haggard Enterprises Limited, LTD, a Texas limited partnership and Acres of Sunshine, LTD, a Texas limited partnership and SW Haggard Master Developer, LLC, a Texas limited liability company, and the City of Plano, Texas, a home-rule city and municipal corporation, for the Haggard Farm (West) Project; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

### **Adoption of Resolutions**

**Resolution No. 2023-8-7(R):** To determine the costs of certain authorized improvements to be financed within the Haggard Farm Public Improvement District; approving a Preliminary Service and Assessment Plan including a proposed Improvement Area #1 Assessment Roll and Major Improvement Area Assessment Roll; directing the filing of the proposed assessment rolls with the City Secretary to make available for public inspection; noticing two public hearings for October 23, 2023 to consider ordinances levying assessments on property located within the Haggard Farm Public Improvement District; directing City Staff to publish and mail notice of such public hearings; resolving other matters incident and related thereto; and providing an effective date. (Consent Agenda Item “H”)

**Resolution No. 2023-8-8(R):** To suspend the September 1, 2023 effective date of CoServ Gas, Ltd.’s (“Company”) requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with other cities in the Company’s service area, and the hiring of legal and consulting services to negotiate with the Company and direct any necessary litigation and appeals; requiring reimbursement of the City’s rate case expenses; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel; and providing an effective date. (Consent Agenda Item “I”)

**Resolution No. 2023-8-9(R):** To approve the Investment Portfolio Summary for the quarter ended June 30, 2023 and providing an effective date. (Consent Agenda Item “K”)

### **Adoption of Ordinances**

**Ordinance No. 2023-8-10:** To repeal Ordinance No. 94-11-11 codified as Chapter 14, Article III, Juvenile Curfew, Sections 14-46 through 14-50 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 “L”)

**Ordinance No. 2023-8-11:** 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 2023 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; 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; adopting a severability 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 “M”)

**End of Consent**

**To approve a request** for a variance for the replacement of existing structures that are approaching their end of useful life at the North Texas Municipal Water District (NTMWD) Rowlett Creek Regional Wastewater Treatment Plant at 1600 Los Rios Boulevard within the current Federal Emergency Management Agency (FEMA) 100-yr floodplain of Rowlett Creek, in the City of Plano. (Consent Agenda Item “E”)

Cassandra Bowell expressed concern regarding the item and requested future Rowlett Creek Regional Wastewater Treatment Plant items be considered as separate agenda items. Mark Simon, Assistant Deputy Director of Engineering, with North Texas Municipal Water District spoke to the project.

**MOTION:** Upon a motion made by Council Member Williams and seconded by Council Member Ricciardelli, the Council voted 8-0 to approve a request for a variance for the replacement of existing structures that are approaching their end of useful life at the North Texas Municipal Water District (NTMWD) Rowlett Creek Regional Wastewater Treatment Plant at 1600 Los Rios Boulevard within the current Federal Emergency Management Agency (FEMA) 100-yr floodplain of Rowlett Creek, in the City of Plano.

**To approve an expenditure** in the amount of \$1,585,000 for the purchase of real property located at 3321 East Parker Road from Satinder and Sophie Baweja; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

Due to a potential conflict of interest, Council Member Horne stepped away from dais during the item. Cassandra Bowell to the need for full transparency and requested the item have full airing at a future meeting.

**MOTION:** Upon a motion made by Mayor Pro Tem Prince and seconded by Deputy Mayor Pro Tem Tu, the Council voted 5-2-1, with Council Members Ricciardelli and Williams opposed and Council Member Horne abstaining, to approve an expenditure in the amount of \$1,585,000 for the purchase of real property located at 3321 East Parker Road from Satinder and Sophie Baweja; and authorizing the City Manager to execute all necessary documents.

**Resolution No. 2023-8-12(R):** To approve revisions to the City of Plano Policy Statement for Economic Development Incentives Program; and providing an effective date. (Consent Agenda Item “J”)

Jennifer Groyzman spoke to the incentive program.

**MOTION:** Upon a motion made by Council Member Ricciardelli and seconded by Mayor Pro Tem Prince, the Council voted 8-0 to approve revisions to the City of Plano Policy Statement for Economic Development Incentives Program; and further to adopt Ordinance No. 2023-8-12(R).

**Public Hearing on the FY2023-24 Recommended Budget, Proposed Community Investment Program (CIP) and the Proposed Ad Valorem Tax Rate. (Regular Agenda Item “1”)**

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

**Discussion and Direction regarding Proposed Ad Valorem Tax Rate. (Regular Agenda Item “2”)**

The Council expressed concurrence to move forward with a tax rate of .4176 per \$100 of valuation and using proposed Alternate Option 2 including the longevity pay, new hires, funding all capital maintenance, and reducing the compensation pool to cover the longevity and new hire cost.

**Public Hearing and adoption of Ordinance No. 2023-8-13** as requested in Zoning Case 2022-009 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 19.1 acres of land located at the southwest corner of Plano Parkway and Executive Drive in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-58-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: Onalp Property Owner, LLC (Remanded to the Planning & Zoning Commission at the June 26, 2023, City Council meeting.) (Regular Agenda Item “3”)

Mayor Muns opened the public hearing. Bryon Wolf with Bay West Development, the applicant, spoke to the project. Jennifer Groysman spoke to the location of the project and lack of a grocery store in this area. Casandra Bowell spoke to other uses for this location. Ellen Leyrer spoke to the importance of the location and the need to wait for a commercial company to come to this location. Pat Greer spoke to the importance of the location and waiting to have a corridor commercial project at this location. 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 5-3, with Council Members Ricciardelli, Williams and Smith in opposition, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 19.1 acres of land located at the southwest corner of Plano Parkway and Executive Drive in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-58-Corridor Commercial, directing a change accordingly in the official zoning map of the City; as requested in Zoning Case 2022-009; and further to adopt Ordinance No. 2023-8-13.

**The Council took a brief recess at 9:06 p.m. and returned at 9:15 p.m.**

**Public Hearing and adoption of Ordinance No. 2023-8-14** as requested in Zoning Case 2023-009 to reduce the 1,000-foot distance separation from tattooing and permanent cosmetics use to the residential district to the west, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 42 for Tattooing and Permanent Cosmetics to the second-story suite situated on 0.1 acre of land located on the east side of Parker Road, 195 feet south of Premier 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: Sheng Holdings, LLC (Regular Agenda Item “4”)

Mayor Muns opened the public hearing. Randy and Roy Dawson, applicants, spoke to the project. Ryan Dawson spoke to the process of the business. Kathy Mason spoke in support of the project. Mayor Muns closed the public hearing.

**MOTION:** Upon a motion made by Council Member Williams and seconded by Council Member Ricciardelli, the Council voted 7-1, with Mayor Pro Tem Prince opposed, to reduce the 1,000-foot distance separation from tattooing and permanent cosmetics use to the residential district to the west, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 42 for Tattooing and Permanent Cosmetics to the second-story suite situated on 0.1 acre of land located on the east side of Parker Road, 195 feet south of Premier 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 2023-009; and further to adopt Ordinance No. 2023-8-14.

**Public Hearing and adoption of Ordinance No. 2023-8-15** as requested in Zoning Case 2023-011 to amend Article 15 (Use-specific Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to backyard cottage regulations; 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 “5”)

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 Holmer, the Council voted 8-0 to amend Article 15 (Use-specific Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to backyard cottage regulations; as requested in Zoning Case 2023-011; and further to adopt Ordinance No. 2023-8-15.

**Public Hearing and adoption of Ordinance No. 2023-8-16** as requested in Zoning Case 2023-012 to repeal certain sections and amend Article 4 (Amendments), Article 7 (Nonconformities), Article 10 (Nonresidential Districts), Article 12 (Planned Development Districts), Article 17 (Landscaping and Tree Preservation), and Article 23 (Exterior Wall Construction Standards) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to recent state legislative actions and to ensure compliance with state law; 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 “6”)

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 Horne and seconded by Mayor Pro Tem Prince, the Council voted 8-0 to repeal certain sections and amend Article 4 (Amendments), Article 7 (Nonconformities), Article 10 (Nonresidential Districts), Article 12 (Planned Development Districts), Article 17 (Landscaping and Tree Preservation), and Article 23 (Exterior Wall Construction Standards) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, pertaining to recent state legislative actions and to ensure compliance with state law; as requested in Zoning Case 2023-012; and further to adopt Ordinance No. 2023-8-16.

**Public Hearing and adoption of Ordinance No. 2023-8-17** as requested in Subdivision Ordinance Amendment 2023-002 to amend Article II (Definitions), Article IV (Assurance for Completion and Maintenance of Improvements), and Article V (Requirements for Public Improvements, Reservation and Design) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as heretofore amended, as a result of recent state legislative actions and to ensure compliance with state law; 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 “7”)

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 Deputy Mayor Pro Tem Tu, the Council voted 8-0 to amend Article II (Definitions), Article IV (Assurance for Completion and Maintenance of Improvements), and Article V (Requirements for Public Improvements, Reservation and Design) of the Subdivision Ordinance of the City, Ordinance No. 2017-11-4, as heretofore amended, as a result of recent state legislative actions and to ensure compliance with state law; as requested in Subdivision Ordinance Amendment 2023-002; and further to adopt Ordinance No. 2023-8-17.

**Ordinance No. 2023-8-18** to amend Section 16-19 – Fees for zoning, rezoning and other miscellaneous fees, of Article II – Fees Generally, of Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano; to revise the engineering inspection fee to be consistent with new state law requirements; providing a repealer clause, a severability clause, a savings clause, and an effective date. (Regular Agenda Item “8”)

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Tu and seconded by Council Member Williams, the Council voted 8-0 amend Section 16-19 – Fees for zoning, rezoning and other miscellaneous fees, of Article II – Fees Generally, of Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano; to revise the engineering inspection fee to be consistent with new state law requirements; and further to adopt Ordinance No. 2023-8-18.

With no further discussion, the Regular City Council Meeting adjourned at 10:06 p.m.

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, City Secretary