

**PLANO CITY COUNCIL
REGULAR SESSION
October 23, 2023**

COUNCIL MEMBERS PRESENT

John B. Muns, Mayor
Kayci Prince, Mayor Pro Tem – via Zoom
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, October 23, 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. Dr. Bruce Pratt led the invocation and Junior Girl Scout Troop 2171 with Hickey and Dooley Elementary Schools led the Pledge of Allegiance and Texas Pledge.

Proclamations and Special Recognitions

Presentation: The Sons of the American Revolution presented Public Service Awards and honored several City of Plano First Responders.

Oaths of Office

The Mayor administered the oath of office to incoming board and commission members.

Certificates of Appreciation

The Mayor acknowledged outgoing board and commission members for their service.

Comments of Public Interest

No one requested to speak.

Consent Agenda

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tu and seconded by Council Member Horne, the Council voted 7-0 to approve all items on the Consent Agenda, as follows:

Approval of Minutes

October 9, 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. 2023-0550-B for Bob Woodruff Park Southwest Trail Replacement, Project No. 7420.1, for the Parks and Recreation Department to Cole Construction, Inc. in the amount of \$459,859; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Purchase from an Existing Contract

To approve the purchase of Generator Maintenance and Repair Services for five (5) Cummins generators for a three (3) year contract for Fleet Services in the estimated total amount of \$188,246 from Cummins Southern Plains LLC through an existing contract; and authorizing the City Manager to execute all necessary documents. (Sourcewell Contract No. 092222-CMM) (Consent Agenda Item “C”)

To approve the purchase of an Energy Management System Maintenance Services Contract for a one (1) year contract with one (1) one-year automatic renewal for the Engineering Department in the estimated annual amount of \$182,490 from Johnson Controls, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (Sourcewell Contract No. 070121-JHN) (Consent Agenda Item “D”)

To approve the purchase of Generators and Automatic Transfer Switches for the Engineering Department in the estimated amount of \$5,867,795 from Loftin Equipment Co. through existing contracts; and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. GE02-20 and BuyBoard Contract No. 657-21) (Consent Agenda Item “E”)

To approve the purchase of Staff Augmentation Services for the Technology Solutions Department in the estimated amount of \$993,262 through existing Texas Department of Information Resources (DIR), U.S. General Services Administration (GSA) and Houston-Galveston Area Council (H-GAC) contracts; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

Approval of Expenditure

To approve an expenditure for the purchase of twelve (12) LUCAS chest compression devices in the estimated amount of \$305,214 from Stryker Corporation for Plano Fire-Rescue; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

To approve an expenditure for FlowRider Surface and Padding Replacement in the estimated amount of \$134,350 from FlowRider, Inc. for the Parks and Recreation Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

Adoption of Resolutions

Resolution No. 2023-10-6(R): To approve Amendment No. 2 updating reporting and performance deadlines to the contract with the Texas Commission on State Emergency Communications in a total contract amount not to exceed \$2,121,341.74 from the Coronavirus State and Local Fiscal Recovery Funds ("CSFRF") in the Next Generation 9-1-1 Fund ("NG9-1-1 Fund") and reliable operation of Next Generation 9-1-1 Service, including equipment and administration costs; designating the City Manager as the authorized representative of the City for the purpose of executing the contract consistent with this resolution, acting in connection with said contract, and providing required information; authorizing the City Manager to execute all necessary documents; and providing an effective date. (Consent Agenda Item “I”)

Resolution No. 2023-10-7(R): To authorize the filing of application for federal funds in an amount not to exceed \$46,170.00 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 “J”)

Resolution No. 2023-10-8(R): To approve the terms and conditions of Amendment #1 to the Advance Funding Agreement for City wide installation of Closed-Circuit CCTV cameras by and between the City of Plano and the Texas Department of Transportation, authorizing its execution by the City Manager or his designee, and providing an effective date. (Consent Agenda Item “K”)

Resolution No. 2023-10-9(R): To approve the terms and conditions of an Advance Funding Agreement for a Congestion Mitigation and Air Quality (CMAQ) Improvement Program Utilizing Transportation Development Credits On-System by and between the City of Plano and the Texas Department of Transportation, authorizing its execution by the City Manager or his designee, and providing an effective date. (Consent Agenda Item “L”)

Mayor Pro Tem Prince was away from the meeting briefly.

End of Consent

Public Hearing and adoption of Resolution No. 2023-10-10(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 2023 Edward Byrne Justice Assistance Grant funds; authorizing its execution by the City Manager; 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 Council Member Ricciardelli and seconded by Deputy Mayor Pro Tem Tu, 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 2023 Edward Byrne Justice Assistance Grant funds; authorizing its execution by the City Manager; and further to adopt Resolution No. 2023-10-10(R).

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 (Tabled at the August 14, 2023, and September 11, 2023, City Council meetings.) (Regular Item "2")

MOTION: Upon a motion made by Council Member Ricciardelli and seconded by Council Member Smith, the Council voted 8-0 to table the item to the November 7, 2023, council meeting.

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2023-014 to amend Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), and Article 16 (Parking and Loading) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to allow commercial drone delivery hubs and to include provisions for advanced air mobility aircraft; 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 Item "3")

Mayor Muns opened the public hearing. Kendal Prosack (Wing), Luke Franz (Jackson Walker), Grant Guillot (DroneUp), and Scott Shtofman (AUVSI) spoke to concerns regarding changes to the ordinance and requested to table the item for a month. Mayor Muns closed the public hearing.

MOTION: Upon a motion made by Council Member Smith and seconded by Council Member Horne, the Council voted 8-0 to table the item to the November 27, 2023, council meeting.

Public Hearing and adoption of Ordinance No. 2023-10-11 as requested in Zoning Case 2023-022 to amend Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), and Article 15 (Use-specific Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to allow pet funeral homes and to add a land use classification and associated restrictions for crematories; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Petitioner: Alan and Rene Blakemore (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 Council Member Smith and seconded by Council Member Horne, the Council voted 8-0 to amend Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), and Article 15 (Use-specific Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to allow pet funeral homes and to add a land use classification and associated restrictions for crematories; as requested in Zoning Case 2023-022; and further to adopt Ordinance No. 2023-10-11.

Public Hearing and adoption of Ordinance No. 2023-10-12 as requested in Zoning Case 2023-023 to amend Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), and Article 15 (Use-specific Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to allow temporary emergency shelters during life-threatening weather events; 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 Item “5”)

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

MOTION:

Council Member Horne, seconded by Council Member Holmer, made a motion to adopt the ordinance as presented. After further discussion, Council Member Horne, amended his motion to amend Section 15.2100.2 B to reflect “declared disasters *by* the City of Plano that create a need for temporary housing, until such time the disaster status is rescinded.”

Council Member Williams offered an amending motion, seconded by Council Member Ricciardelli, to additionally amend Section 15.2100.2 B to reflect “declared disasters *by* the City of Plano that create a need for temporary housing, until such time the disaster status is rescinded, *or City Council rescinds such need for housing.*” Council voted 5-3, with Mayor Muns, Mayor Pro Tem Prince, and Deputy Mayor Pro Tem Tu in opposition, to amend the ordinance.

Council addressed the first motion, voting 7-1, with Council Member Williams in opposition, to amend Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), and Article 15 (Use-specific Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to allow temporary emergency shelters during life-threatening weather events; as requested in Zoning Case 2023-023; and further to adopt Ordinance No. 2023-10-12 as amended.

Public Hearing and adoption of Ordinance No. 2023-10-13 to accept and approve a Service and Assessment Plan and Improvement Area #1 Assessment Roll for the Haggard Farm Public Improvement District; making a finding of special benefit to the property in Improvement Area #1 of the District; levying special assessments against property within Improvement Area #1 of 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; 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 Deputy Mayor Pro Tem Tu and seconded by Council Member Smith, the Council voted 8-0 to accept and approve a Service and Assessment Plan and Improvement Area #1 Assessment Roll for the Haggard Farm Public Improvement District; making a finding of special benefit to the property in Improvement Area #1 of the District; levying special assessments against property within Improvement Area #1 of 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. 2023-10-13.

Ordinance No. 2023-10-14: To approve and authorize the issuance and sale of the City of Plano, Texas, Special Assessment Revenue Bonds, Series 2023 (Haggard Farm Public Improvement District Improvement Area #1 Project); approving and authorizing related agreements; providing for severability; and providing an effective date. (Regular Item “7”)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tu and seconded by Council Member Ricciardelli, the Council voted 8-0 to approve and authorize the issuance and sale of the City of Plano, Texas, Special Assessment Revenue Bonds, Series 2023 (Haggard Farm Public Improvement District Improvement Area #1 Project); approving and authorizing related agreements; and further to adopt Ordinance No. 2023-10-14.

Public Hearing and adoption of Ordinance No. 2023-10-15 to accept and approve a Service and Assessment Plan and Major Improvement Area Assessment Roll for the Haggard Farm Public Improvement District; making a finding of special benefit to the property in the Major Improvement Area of the District; levying special assessments against property within the Major Improvement Area of 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; and providing an effective date. (Regular Item “8”)

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

Public Hearing and adoption of Ordinance No. 2023-10-15(Cont'd.)

MOTION: Upon a motion made by Council Member Horne and seconded by Council Member Williams, the Council voted 8-0 to accept and approve a Service and Assessment Plan and Major Improvement Area Assessment Roll for the Haggard Farm Public Improvement District; making a finding of special benefit to the property in the Major Improvement Area of the District; levying special assessments against property within the Major Improvement Area of 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. 2023-10-15.

Ordinance No. 2023-10-16: To approve and authorize the issuance and sale of the City of Plano, Texas, Special Assessment Revenue Bonds, Series 2023 (Haggard Farm Public Improvement District Major Improvement Area Project); approving and authorizing related agreements; providing for severability; and providing an effective date. (Regular Item “9”)

Jennifer Groyzman spoke in opposition to issuance of the bonds.

MOTION: Upon a motion made by Council Member Ricciardelli and seconded by Council Member Smith, the Council voted 8-0 to approve and authorize the issuance and sale of the City of Plano, Texas, Special Assessment Revenue Bonds, Series 2023 (Haggard Farm Public Improvement District Major Improvement Area Project); approving and authorizing related agreements; and further to adopt Ordinance No. 2023-10-16.

With no further discussion, the Regular City Council Meeting adjourned at 8:57 p.m.

John B. Muns, Mayor

ATTEST:

Lisa C. Henderson, City Secretary