

**PLANO CITY COUNCIL
REGULAR SESSION
September 14, 2020**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Kayci Prince, Mayor Pro Tem
Anthony Ricciardelli, Deputy Mayor Pro Tem
Maria Tu
Rick Grady
Shelby Williams
Lily Bao
Rick Smith

STAFF PRESENT

Mark Israelson, City Manager
Jack Carr, Deputy City Manager
Shelli Siemer, Deputy City Manager
Greg Rushin, Deputy City Manager
Michelle D'Andrea, Assistant City Attorney
Lisa C. Henderson, City Secretary

Mayor LaRosiliere convened the Council into the Regular Session on Monday, September 14, 2020 at 8:27 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

Council Member Bao led the invocation and Council Member Grady led the Pledge of Allegiance and Texas Pledge.

Proclamations and Special Recognitions

Certificate of Commendation: The Plano Citizens Academy Class recently completed the necessary courses for graduation.

Certificate of Commendation: 2020 Census Complete Count Committee was recognized for their work.

Comments of Public Interest

Kate Garrison spoke to enforcement of the mask policy and universal design.

Consent Agenda

MOTION: Upon a motion made by Council Member Grady and seconded by Mayor Pro Tem Prince, the Council voted 8-0 to approve all items on the Consent Agenda, as follows:

Approval of Minutes

August 24, 2020
(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. 2020-0375-AC for three-year contracts for Generator Maintenance and Repairs, each with one (1) automatic three-year renewal for Fleet Services, to three companies as follows: Holt Texas, Ltd. in the estimated amount of \$180,500; Altorex in the estimated amount of \$88,610; and Waukesha-Pearce Industries, LLC in the estimated amount of \$34,100 for preventative maintenance services; each contract will include an hourly rate for unforeseen damage, necessary repairs, and recommended upgrades to electronics, for an estimated three-year amount to Holt Texas, Ltd. for \$178,589, Altorex for \$87,672 and Waukesha-Pearce Industries, LLC for \$33,739 for unforeseen repairs; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

CSP No. 2020-0324-B for Plano Event Center Renovation, Project No. 7135, for the Facilities Department to North American Commercial Construction, L.P. in the amount of \$321,201; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

RFB No. 2020-0609-B for Westgate Subdivision Paving and Water Line Improvements, Project No. 7045, for the Engineering Department to Quality Excavation, LLC in the amount of \$4,369,662; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Purchase from an Existing Contract

To approve the purchase of Food Service Equipment for the Plano Event Center in the amount of \$104,870 from Pasco Brokerage Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (Choice Partners 19/039TJ-15) (Consent Agenda Item “E”)

Approval of Change Order

To approve an increase to the current awarded contract amount of \$1,677,733 by \$403,200, for a total contract amount of \$2,080,933, for Arterial Pavement Maintenance Requirements Contract - Minor Repairs V, from Jerusalem Corporation for the Public Works Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2019-0327-P; Change Order No.1) (Consent Agenda Item “F”)

Approval of Expenditure

To approve an expenditure for Special Inspections and Construction Material Testing Services for the High Point North Maintenance Facility, Project No. 6972, in the amount of \$98,023 for the Engineering Department from Terracon Consultants, Inc.; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

To approve an expenditure for construction materials testing professional services for Westgate Subdivision Paving and Water Line Improvements, Project No. 7045, in the amount of \$127,606 from Terracon Consultants, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

Approval of Contract / Agreement

To approve an Interlocal Agreement by and between the City of Plano and Collin County Community College District for a one-year agreement with three (3) one-year City optional renewals in the estimated annual amount of \$20,000 for higher education professional development training of City employees; and authorizing the City Manager to execute all necessary documents. (City of Plano Internal Contract No. 2020-0450-I) (Consent Agenda Item “I”)

To ratify the First Amendment to the Subrecipient Agreement between the City of Plano and the Legacy Area Transportation Management Association (LATMA) extending the agreement from August 31, 2020 to October 31, 2024; and ratifying the City Manager's execution of the amendment and authorizing the execution of all necessary documents. (Consent Agenda Item “J”)

Adoption of Resolutions

Resolution No. 2020-9-1(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 “K”)

Adoption of Ordinances

Ordinance No. 2020-9-2: 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 2020 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; approving an attached exhibit regarding amortization of regulatory liability; 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; 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 “L”)

END OF CONSENT

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2019-017 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 139 for Independent Living Facility on 11.6 acres of land located on the south side of State Highway 121, 545 feet west of Kathryn Lane, in the City of Plano, Collin County, Texas, presently zoned Planned Development-104-Regional Commercial and Planned Development-476-Regional 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. Applicant: LA-DF Investment Fund 8, LLC (At the July 27, 2020 Council meeting, a Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's denial of Zoning Case 2019-017 and Concept Plan 2019-010 was held and remanded back to the Planning & Zoning Commission.) (Regular Agenda Item "1")

Mayor LaRosiliere opened the public hearing. Bill Dahlstrom, Kent Conine, Earnest Burke, and Mike Crandall, representing the applicant, spoke to the project. The following applicant representatives were available for questions: Steven Zemski, Neda Hosseiny, John Weston, Judd Mullenix and Matt Merrill. Bill Fisher and Erica McFarland spoke in support of the project. Mayor LaRosiliere closed the public hearing.

MOTION: Upon a motion made by Mayor Pro Tem Prince and seconded by Council Member Smith, the Council voted 4-4, with Mayor LaRosiliere, Deputy Mayor Pro Tem Ricciardelli, Council Member Tu and Council Member Bao in opposition, to deny granting Specific Use Permit No. 139 for Independent Living Facility. **Motion Failed.**

MOTION: Upon a motion made by Council Member Tu and seconded by Deputy Mayor Pro Tem Ricciardelli, the Council voted 3-5, with Mayor LaRosiliere, Mayor Pro Tem Prince, and Council Members Grady, Williams, and Smith in opposition, to table the item. **Motion Failed.**

MOTION: Upon a motion made by Mayor LaRosiliere and seconded by Mayor Pro Tem Prince, the Council voted 6-2, with Deputy Mayor Pro Tem Ricciardelli and Council Member Tu in opposition, to deny granting Specific Use Permit No. 139 for Independent Living Facility on 11.6 acres of land located on the south side of State Highway 121, 545 feet west of Kathryn Lane, in the City of Plano, Collin County, Texas, presently zoned Planned Development-104-Regional Commercial and Planned Development-476-Regional Employment; directing a change accordingly in the official zoning map of the City; as requested in Zoning Case 2020-017.

The Council took a brief recess at 10:17 p.m. and reconvened at 10:25 p.m. City Manager Israelson left the meeting. Deputy City Manager Carr assumed the seat at the dais.

Public Hearing and adoption of Ordinance 2020-9-3 as requested in Zoning Case 2020- 023 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, amending Specific Use Permit No. 90 for Household Care Institution on 7.3 acres of land located on the south side of 14th Street, 620 feet west of Shiloh Road, in the City of Plano, Collin County, Texas, presently zoned Light Commercial with Specific Use Permit No. 90 for Household Care Institution; 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: The Salvation Army (Regular Agenda Item “2”)

Mayor LaRosiliere opened the public hearing. Lieutenant Michael Cain, representing the applicant spoke to the project. Mayor LaRosiliere closed the public hearing. In addition, 48 individuals registered an opinion of support.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Ricciardelli and seconded by Council Member Grady, the Council voted 8-0, to amend Specific Use Permit No. 90 for Household Care Institution on 7.3 acres of land located on the south side of 14th Street, 620 feet west of Shiloh Road, in the City of Plano, Collin County, Texas, presently zoned Light Commercial with Specific Use Permit No. 90 for Household Care Institution; directing a change accordingly in the official zoning map of the City; modifying the stipulations to include a temperature of 50 degrees and a maximum capacity of 150; as requested in Zoning Case 2020-023 and further to adopt Ordinance No. 2020-9-3.

Consideration to approve an expenditure for the purchase of construction services in the amount of \$12,958,671 from Thos. S. Byrne, Inc. for the Fire Training Facility, Project No. 6824, for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Regular Agenda Item “3”)

MOTION: Upon a motion made by Mayor Pro Tem Prince and seconded by Council Member Smith, the Council voted 8-0, to approve an expenditure for the purchase of construction services in the amount of \$12,958,671 from Thos. S. Byrne, Inc. for the Fire Training Facility, Project No. 6824, for the Engineering Department; and authorizing the City Manager to execute all necessary documents.

Ordinance No. 2020-9-4: To approve and adopt the Operating Budget and setting the appropriations for the fiscal year beginning October 1, 2020, and terminating September 30, 2021; and providing an effective date. (Public Hearings held on August 10, 2020 and August 15, 2020.) (Regular Agenda Item “4”)

MOTION: Upon a motion made by Mayor Pro Tem Prince and seconded by Council Member Williams, the Council voted 8-0, to approve and adopt the Operating Budget and setting the appropriations for the fiscal year beginning October 1, 2020, and terminating September 30, 2021; and further to adopt Ordinance No. 2020-9-4.

Ordinance No. 2020-9-5: To approve and adopt the Community Investment Program and setting the appropriations for the fiscal year beginning October 1, 2020, and ending September 30, 2021; and providing an effective date. (Public Hearings held on August 10, 2020 and August 15, 2020.) (Regular Agenda Item “5”)

MOTION: Upon a motion made by Council Member Grady and seconded by Mayor Pro Tem Prince, the Council voted 8-0, to approve and adopt the Community Investment Program and setting the appropriations for the fiscal year beginning October 1, 2020, and ending September 30, 2021; and further to adopt Ordinance No. 2020-9-5.

Public Hearing on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 2.97 percent (percentage by which proposed tax rate exceeds lower of voter approval tax rate or no new revenue tax rate calculated under Chapter 26, Tax Code). (Regular Agenda Item “6”)

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

Ordinance No. 2020-9-6: To approve and adopt the Tax Rate for the fiscal year beginning October 1, 2020, and terminating September 30, 2021; and providing an effective date. (Public Hearing is being held on September 14, 2020 prior to the adoption of this Ordinance.) (Regular Agenda Item “7”)

MOTION: Upon a motion made by Mayor Pro Tem Prince and seconded by Council Member Grady, the Council voted 8-0, to increase the property tax revenue by the adoption of a tax rate of 44.82 cents which is effectively 0.63% increase in the tax rate. The City of Plano’s tax rate is proposed to remain the same as the current year tax rate of 44.82 cents per \$100 of assessed property valuation. Based on certified estimates received from the Collin Central Appraisal District, the average home value is \$375,000. At the proposed 44.82 cent tax rate the average homeowner is proposed to realize a \$16 reduction in their City of Plano tax bill.; and further to adopt Ordinance No. 2020-9-6.

Ordinance No. 2020-9-7: To ratify the property tax revenue in the 2020-21 Budget as a result of the City receiving more revenues from property taxes in the 2020-21 Budget than in the previous fiscal year; and providing an effective date. (Public Hearing is being held on September 14, 2020 prior to the adoption of this Ordinance.) (Regular Agenda Item “8”)

MOTION: Upon a motion made by Council Member Grady and seconded by Council Member Smith, the Council voted 8-0, to ratify the property tax revenue in the 2020-21 Budget as a result of the City receiving more revenues from property taxes in the 2020-21 Budget than in the previous fiscal year; and further to adopt Ordinance No. 2020-9-7.

With no further discussion, the Regular City Council Meeting adjourned at 11:00 p.m.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, City Secretary