



CITY COUNCIL

**Davis Library, 7501-B Independence Parkway, Plano, TX
75025 and via videoconference**

DATE: June 24, 2024

TIME: 7:00 PM

This City Council Meeting will be held in person in the Davis Library Program Room and via videoconference. A quorum of the City Council, including the presiding officer, will participate in person. The facility will be open to members of the public.

Seating and visibility is limited in the Davis Library Program Room. Overflow seating is available in the lobby area of the Joint Use Facility located next door. For those wanting to watch the meeting, but not address the Council and for optimal viewing and sound quality, the meeting will be live-streamed on Plano's website at www.planotv.org by clicking on the Public Meetings Live tab, [YouTube.com/cityofplanotexas](https://www.youtube.com/c/cityofplanotexas) and [Facebook.com/cityofplanotx](https://www.facebook.com/cityofplanotx).

To speak at the meeting, register at Plano.gov/SpeakerRegistration. Online registration opens at 5:00 p.m. on the Wednesday prior to the meeting and **closes at 4:00 p.m.** on the day of the meeting. **ONSITE REGISTRATION IS NOT AVAILABLE.**

Emails regarding agenda items and other comments on City business may be submitted to: councilcomments@plano.gov.

CALL TO ORDER

INVOCATION: Rev. DeAnna Golsan - Disciples Christian Church

PLEDGE OF ALLEGIANCE / TEXAS PLEDGE

OUR VISION - PLANO IS A GLOBAL ECONOMIC LEADER BONDED BY A SHARED SENSE OF COMMUNITY WHERE RESIDENTS EXPERIENCE UNPARALLELED QUALITY OF LIFE.

The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.

CONSENT AGENDA

The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. The Presiding Officer will establish time limits based upon the number of speaker requests.

Approval of Minutes

- (a) June 10, 2024
June 14, 2024 Retreat
Approved as amended.

Approval of Expenditures

Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)

- (b) RFB No. 2024-0358-B for Building No. 63 Carpenter Park Recreation Center Gymnastics Room Renovation, Project No. FAC-F-00129, for the Engineering Department to APR Group, Inc. in the amount of \$163,779; and authorizing the City Manager to execute all necessary documents. **Approved**
- (c) RFB No. 2024-0338-B for Sanitary Sewer Improvements: Legacy Drive, Ohio Drive, Prestonwood Country Club and Timbercreek Drive, Project No. 7039, for the Engineering Department to Stoic Civil Construction, Inc. in the amount of \$1,895,000; and authorizing the City Manager to execute all necessary documents. **Approved**

Purchase from an Existing Contract

- (d) To approve the purchase of a Tire Service Truck for the Fleet Services Division in the amount of \$115,450 from Sam Pack's Five Star Ford through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 724-23) **Approved**
- (e) To approve the purchase of Traffic Signal Local Controller Hardware and Software Upgrade, Project No. TP-S-00005, for the Engineering Department in the estimated amount of \$1,419,806 from Texas Highway Products, LTD. through an existing contract; and authorizing the City Manager to execute all necessary documents. (NCTCOG TXShare Contract No. 2023-092) **Approved**

Approval of Expenditure

- (f) To approve an expenditure for landscape architect professional services for Harrington Park Renovation, Project No. PKR-P-7501, in the amount of \$597,000 from JBI Partners, Inc. for the Parks and Recreation Department; and authorizing the City Manager to execute all necessary documents. **Approved**

Approval of Contract / Agreement

- (g) To approve an Economic Development Incentive Agreement between the City of Plano, Texas, and Foundry Commercial Holdings, LP, a Delaware limited partnership (“Company”), providing an economic development grant to the Company; and authorizing the City Manager to execute all necessary documents. **Approved**

Adoption of Resolutions

- (h) To provide for the creation of an ad hoc, advisory 2025 Bond Referendum Citizen Advisory Committee to review and recommend capital projects for inclusion within the 2025 Bond Referendum scheduled for the May 3, 2025, election; and providing an effective date. **Adopted Resolution No. 2024-6-8(R).**

ITEMS FOR INDIVIDUAL CONSIDERATION:

Public Hearing Items:

Applicants are limited to fifteen (15) minutes presentation time with a five (5) minute rebuttal, if needed. Remaining speakers are limited to thirty (30) total minutes of testimony time, with three (3) minutes assigned per speaker. The Presiding Officer may amend these times as deemed necessary.

Non-Public Hearing Items:

The Presiding Officer will permit public comment for items on the agenda not posted for a Public Hearing. The Presiding Officer will establish time limits based upon the number of speaker requests, length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Speakers will be called in the order requests are received until the cumulative time is exhausted.

- (1) Consideration of a Resolution to support capping the sales and use tax revenues for the Dallas Area Rapid Transit Authority; and providing an effective date. **Adopted Resolution No. 2024-6-9(R).**
- (2) Consideration to approve an expenditure for the Tom Muehlenbeck Recreation Center – Renovation, Project No. FAC-F-7525, in the amount of \$13,568,203 from Lee Lewis Construction, Inc.; and authorizing the City Manager to execute all necessary documents. **Approved**

COMMENTS OF PUBLIC INTEREST

This portion of the meeting is to allow up to three (3) minutes per speaker with thirty (30) total minutes on items of interest or concern and not on items that are on the current agenda. The Council may not discuss these items, but may respond with factual or policy information. The Council may choose to place the item on a future agenda.

IMPORTANT MESSAGE Comments of Public Interest (general comments on items related to city business not on the agenda) will be heard via Zoom at the end of each regular council meeting. To provide general comments, you must register to speak online and register for Zoom by 4:00 p.m. on the day of the meeting. No in-person Comments of Public Interest will be heard at the meeting. If your comments pertain to business unrelated to the City, we will provide a contact to the appropriate agency that can assist you, if applicable, as an alternative means of communication.

The City of Plano encourages participation from all citizens. The facility has accessible restroom facilities, drinking fountains, and power assist entrance doors. The facility is easily accessed from public sidewalks and parking areas, with designated accessible parking nearby. If you require additional assistance or reasonable accommodations under the Americans with Disabilities Act for this meeting or facility, including ASL interpreters, you should submit an ADA Reasonable Accommodation Request Form to the ADA Coordinator at least 48 hours in advance. If you need assistance completing the form, please call 972-941-7152. Complete or download the ADA Reasonable Accommodation Request Form at <https://www.plano.gov/395/Accessibility-Accommodations>.



CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/24/2024

DEPARTMENT: City Secretary

DIRECTOR: Lisa Henderson, City Secretary

This City Council Meeting will be held in person in the Davis Library Program Room and via videoconference. A quorum of the City Council, including the presiding officer, will participate in person. The facility will be open to members of the public.

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AGENDA ITEM:

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RECOMMENDED ACTION: Location Link



CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/24/2024
DEPARTMENT: City Secretary
DIRECTOR: Lisa Henderson, City Secretary
AGENDA ITEM: Approval of Minutes
RECOMMENDED ACTION: Approval of Minutes

ITEM SUMMARY

June 10, 2024
June 14, 2024 Retreat
Approved as amended.

ATTACHMENTS:

Description	Upload Date	Type
Preliminary Open Meeting Minutes	6/14/2024	Minutes
Regular Meeting Minutes	6/14/2024	Minutes
Retreat Minutes	6/17/2024	Minutes

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
June 10, 2024**

COUNCIL MEMBERS PRESENT

John B. Muns, Mayor
Kayci Prince, Mayor Pro Tem - arrived at 5:02 p.m.
Maria Tu, Deputy Mayor Pro Tem
Anthony Ricciardelli - arrived at 5:01 p.m.
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 called the meeting to order at 5:00 p.m., Monday, June 10, 2024, in the Program Room of the Davis Library, 7501-B Independence Parkway and via videoconference. A quorum was present. Mayor Muns then stated the Council would retire into Executive Session, in the Wes Hardy Room of the Joint Use Facility, in compliance with Chapter 551, Government Code, Vernon's Texas Codes Annotated in order to consult with an attorney to receive Legal Advice, Section 551.071; discuss Economic Development matters, Section 551.087; and Personnel matters, Section 551.074; for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required. The Council convened into Executive Session at 5:07 p.m.

Mayor Muns reconvened the meeting back into the Preliminary Open Meeting at 6:01 p.m.

• **Consideration and action resulting from Executive Session discussion**

Personnel

a) Appointment of Mayor Pro Tem and Deputy Mayor Pro Tem

Upon a motion made by Councilmember Prince and seconded by Councilmember Ricciardelli, the Council voted 8-0 to appoint Maria Tu as Mayor Pro Tem and Julie Holmer as Deputy Mayor Pro Tem, as recommended by Mayor Muns.

• **Appointment of Council Liaisons:**

Mayor Muns made the following appointments:

- a) North Texas Municipal Water District Board – Councilmember Smith and Councilmember Horne
- b) 2025 Bond Referendum Citizen Advisory Committee – Councilmember Smith and Councilmember Horne
- c) Zoning/Subdivision Stakeholder Advisory Committee – Mayor Pro Tem Tu and Deputy Mayor Pro Tem Holmer, along with the Planning & Zoning Commission Chair and Vice Chair.

- **Discussion and direction re: Arts Funding and Grant Guidelines**
This item will be discussed during the June 14, 2024, Council retreat.
- **Discussion and direction re: use of Rainy Day Funds for clean-up of storm related debris**
Council expressed concurrence to use Rainy Day Funds for storm-related debris with Council ratification of all contracts.
- **Discussion and direction re: extra duty solutions for the Police Department**
This item will be discussed during the June 14, 2024, Council retreat.
- **Consent and Regular Agendas**
- **Council items for discussion/action on future agendas.**
Multi-room rentals/boarding house information (Tu/Smith) – City Manager Israelson stated staff would prepare a report for the Council.

With no further discussion, the Preliminary Open Meeting adjourned at 7:03 p.m.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

**PLANO CITY COUNCIL
REGULAR SESSION
June 10, 2024**

COUNCIL MEMBERS PRESENT

John B. Muns, Mayor
Maria Tu, Mayor Pro Tem
Julie Holmer, Deputy Mayor Pro Tem
Anthony Ricciardelli
Rick Horne
Kayci Prince
Shelby Williams
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, June 10, 2024, at 7:03 p.m. in the Program Room of the Davis Library, 7501-B Independence Parkway and via videoconference. A quorum was present.

Invocation and Pledge

Pastor Sam Fenceroy with Mt. Olive Church of Plano led the invocation and the City Council led the Pledge of Allegiance and Texas Pledge.

Proclamations and Special Recognitions

Proclamation: Mayor Muns acknowledged June 19 as Juneteenth Day in Plano commemorating the end of slavery in the United States.

Consent Agenda

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

Approval of Minutes

May 28, 2024
(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. 2024-0292-B for Arterial Concrete Repair Parker Road – Independence Parkway to Country Place Drive, Project No. PW-S-00027, for the Public Works Department to Garrett Shields Infrastructure, LLC in the amount of \$3,328,000; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

RFB No. 2024-0299-B for Screening Wall Replacement - Parkwood Boulevard, Nassau Drive, and Willow Bend Drive, Project No. 7462, for the Engineering Department to Ratliff Hardscape, LTD in the amount of \$3,639,653; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Purchase from an Existing Contract

To approve the purchase of Vehicle Detection Equipment for the 2023 Traffic Signal Construction, Project No. TP-S-00002, for the Engineering Department in the amount of \$190,000 from Paradigm Traffic Systems, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 695-23) (Consent Agenda Item “D”)

To approve the purchase of Staff Augmentation Services for Technology Solutions in the estimated amount of \$763,960 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 “E”)

Approval of Contract Modification

To approve an increase to the current awarded contract amount of \$165,490 by \$198,270, for a total contract amount of \$363,760, for Additional Data Migration Services and Support from Girikon, Inc. for Technology Solutions; and authorizing the City Manager to execute all necessary documents. (Contract No. 2023-0553-X; Modification No. 2) (Consent Agenda Item “F”)

Approval of Change Order

To approve a decrease to the current awarded contract amount of \$1,920,000 by \$194,174, for a total contract amount of \$1,725,826, for Sidewalk Improvements - Plano Parkway from Independence Parkway to Alma Drive, Project No. 6901, from A&C Construction, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2021-0213-B; Change Order No. 5) (Consent Agenda Item “G”)

Approval of Expenditure

To approve an expenditure in the amount of \$981,200 for the purchase of a Sanitary Sewer Easement, Bypass Sanitary Sewer Easement and Temporary Construction Easement located at 2300 West Plano Parkway from Liberty Venture I Holdings LLC; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

To approve an expenditure for construction materials testing professional services for Screening Wall Replacement - Parkwood Boulevard, Nassau Drive, and Willow Bend Drive, Project No. 7462, in the amount of \$129,885 from Alliance Geotechnical Group, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

To approve an expenditure for engineering professional services for Paving Improvements - Pinehurst Drive, Royal Circle, Granada Place, Grand Canyon Drive, Glen Canyon Drive, Project No. ENG-S-00012, in the amount of \$343,497 from Lockwood, Andrews & Newnam, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “J”)

To approve an expenditure for engineering professional services for G Avenue Paving and Water Line Improvements - 14th Street to 15th Street, Project No. ENG-CMB-00008, in the amount of \$374,800 from Teague Nall and Perkins, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “K”)

To approve an expenditure for engineering professional services for Sewer Improvements – Shiloh Road – Plano Parkway to East 14th Street, Project No. ENG-SS-00003, in the amount of \$429,019 from Lockwood, Andrews & Newnam, Inc. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “L”)

Adoption of Resolutions

Resolution No. 2024-6-1(R): To appoint a board member to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors as provided in Chapter 452 of the Texas Transportation Code; and providing an effective date. (Consent Agenda Item “M”)

Resolution No. 2024-6-2(R): To affirm the appointment of a shared board member with the City of Farmers Branch to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors as provided in Chapter 452 of the Texas Transportation Code; and providing an effective date. (Consent Agenda Item “N”)

Resolution No. 2024-6-3(R): To approve a contract with the Texas Department of Housing and Community Affairs in an amount not to exceed \$115,904 for the Homeless Housing and Services Program under Texas Government Code §2306.2585; designating the City Manager as Chief Executive Officer and authorized representative of the City for the purpose of executing the contract consistent with this resolution, giving required assurances, acting in connection with said contract, and providing required information; providing an effective date; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “O”)

Resolution No. 2024-6-4(R): To approve a contract with the Texas Department of Housing and Community Affairs in a total amount not to exceed \$39,043 for the Homeless Housing and Services Program Youth Set-Aside under Texas Government Code §2306.2585; designating the City Manager as Chief Executive Officer and authorized representative of the City for the purpose of executing the contract consistent with this resolution, giving required assurances, acting in connection with said contract, and providing required information; providing an effective date; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “P”)

Adoption of Ordinances

Ordinance No. 2024-6-5: To amend Section 12-101, Prohibited on certain streets at all times, of Article V, Stopping, Standing and Parking, of Chapter 12, Motor Vehicles and Traffic, of the City of Plano Code of Ordinances to establish a no parking zone along Kimbrough Lane, 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 “Q”)

End of Consent

Public Hearing and adoption of Ordinance No. 2024-6-6 to grant the appeal of the Planning & Zoning Commission's denial of Zoning Case 2024-005. Request to rezone 0.9 acre located at the northeast corner of Tokalon Drive and National Drive from Regional Employment to Regional Commercial. Zoned Regional Employment and located within the State Highway 121 Overlay District. Petitioner: Talo Two, LLC (Regular Item “1”)

Mayor Muns opened the public hearing. Nelson Lo, the applicant, spoke to the request. Mayor Muns closed the public hearing.

MOTION: Upon a motion made by Councilmember Williams and seconded by Councilmember Horne, the Council voted 7-1, with Councilmember Smith in opposition, to grant the appeal of the Planning & Zoning Commission's denial of Zoning Case 2024-005. Request to rezone 0.9 acre located at the northeast corner of Tokalon Drive and National Drive from Regional Employment to Regional Commercial. Zoned Regional Employment and located within the State Highway 121 Overlay District; and further to adopt Ordinance No. 2024-6-6.

Public Hearing and adoption of Resolution No. 2024-6-7(R) to adopt a new heritage preservation plan, also known as the 2024 Heritage Preservation Plan, and approving it as the guiding policy document for the City's heritage preservation program and related activities of the City of Plano; repealing the former preservation plan; and providing an effective date. (Regular 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 Councilmember Smith and seconded by Councilmember Prince, the Council voted 8-0 to adopt a new heritage preservation plan, also known as the 2024 Heritage Preservation Plan, and approving it as the guiding policy document for the City's heritage preservation program and related activities of the City of Plano; repealing the former preservation plan; and further to adopt Resolution No. 2024-6-7(R).

Comments of Public Interest – No one requested to speak.

With no further discussion, the Regular City Council Meeting adjourned at 7:45 p.m.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

PLANO CITY COUNCIL RETREAT
June 14, 2024

COUNCIL MEMBERS PRESENT

John B. Muns, Mayor
Maria Tu, Mayor Pro Tem
Julie Holmer, Deputy Mayor Pro Tem
Anthony Ricciardelli
Rick Horne
Kayci Prince
Shelby Williams – arrived at 12:12 p.m.
Rick Smith

STAFF PRESENT

Mark Israelson, City Manager
Shelli Siemer, Deputy City Manager
Sam Greif, Deputy City Manager
LaShon Ross, Deputy City Manager
Michelle Voirin, Senior Assistant City Attorney
Lisa C. Henderson, City Secretary
Andrew Fortune, Director of Policy and Government Relations
Elizabeth Johnson, Assistant to the City Manager

Mayor Muns convened the Council into open session on Friday, June 14, 2024, at 12:02 p.m., at the Fire-Rescue Training Center, 4637 McDermott Road, Plano, Texas. A quorum was present.

Discussion and direction regarding changes to policies/practices on official complaints.

Deputy City Manager Ross facilitated the discussion. The Council discussed the current process and requested changes to the complaint process including a sworn statement with personal knowledge; an outside ethics investigator to review to ensure the complaint is tied to the code of conduct; the timeline be adjusted to notify council in 1 day, intake review completed in 3 days, and council meeting called within 10 days (if applicable); and complaints against employees would be handled through current employee policies.

Discussion and direction regarding expectations for Board/Commission member roles.

Deputy City Manager Ross facilitated the discussion. Councilmembers Ricciardelli and Williams proposed providing all board and commission members written expectation guidelines. Council expressed concurrence to use the proposed “Draft 2” with “Draft 1” as an addendum. Deputy Mayor Pro Tem Holmer spoke to concerns about board or commission members serving on a board or commission while serving on an external board receiving financial benefit from the city board, i.e. serving on the Cultural Arts Commission and serving on the board of an arts group receiving grant funding.

Council took a brief recess at 1:46 p.m. and reconvened at 1:54 p.m.

Discussion and direction regarding updating/editing strategic plan goals.

Deputy City Manager Siemer presented the current strategic plan goals. Council spoke to new items with priority for consideration. Items presented included:

1. Enhanced Customer Service
2. Mental Health/Suicide Prevention
3. Encourage Innovation
4. Increase Community Service Grant Funding
5. Plano Housing Authority
6. Redevelopment of Areas
7. Diversifying our Housing Stock
8. Long-term (20-30 years) Maintenance Roadmap
9. Arts Facilities

The Council discussed the items and determined Items 1, 2 and 4 were items already in process. Items 3 and 5 would be handled through reporting to Council. Items 6 through 9 can be included in existing strategic plan goals. The Council discussed redevelopment areas for Item 6 and expressed concurrence to review options at the corners at Spring Creek and Custer with tools needed to facilitate. The Council discussed considering options for modifying Red Tail Amphitheater to allow more utilization for Item 9.

Council took a brief recess at 3:00 p.m. and reconvened at 3:09 p.m.

Discussion and direction regarding the top goals for 2024-25 annual budget.

City Manager Israelson spoke to the FY2024-25 budget and estimated \$60K deficit. He stated fees need to be evaluated to see if they can be improved upon for better cost recovery. The group discussed the impact of the senior tax benefits and options, including creating a comparison of senior benefits.

The group discussed utilizing Extra Duty Solutions for managing off-duty work for the police department with the city absorbing the cost. Council expressed concurrence to use Extra Duty Solutions for a 6-month study period at a fixed rate per month starting July 1st. The item will be on a July Council meeting agenda for ratification.

Discussion and direction regarding council governance, roles, interactions, and responsibilities.

This item was not discussed.

Councilmember Williams spoke to his new role as Collin County Republican Chair.

Nothing further was discussed. Mayor Muns adjourned the meeting at 3:55 p.m.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, City Secretary

City of Plano Board & Commission Member Expectations

Overview

- As representatives of the City of Plano, members of boards and commissions should exemplify Plano's SERVE Values: Stewardship, Engagement, Respect, Vision, and Excellence.
- Members should strive for strategic alignment with the Plano City Council's vision, while providing an outside voice, honest recommendations, and new ideas in a respectful manner.
- Members are expected to demonstrate conduct that brings honor to the City, a passion for the community, and a commitment to excellence (see Board and Commission Code of Conduct).
- The Plano City Council has established an Items for Future Agendas process. This process exists to ensure resources (including Staff time) are expended in line with the budget and vision of the City Council. It allows for new ideas and evaluation of existing practices.

Relationships

- Boards and Commission members should coordinate frequently with their respective City Council Liaisons to ensure strategic alignment with the City Council's vision.
- Members are expected to conduct themselves with professionalism at all times and to relate to the Staff, each other, and Plano residents in a respectful, professional manner. Asking questions or advocating for different ideas is a good thing when done in a respectful manner.

Roles

- The City Council provides policy direction, allocates resources, appoints community members to boards and commissions, and delegates functions to each board or commission.
- Board & Commission Members provide outside recommendations and feedback. While Board & Commission Members should respect decisions that have been made by Council, the purpose of having Boards & Commissions is to provide robust, outside feedback. These recommendations are provided to the City Council through a vote of the board or commission as a whole.
- While Board and Commission members are certainly not expected to agree with the City Council, it is important that Boards and Commissions maintain strategic alignment with the goals and policies set by the City Council and not work at cross-purposes with the City Council.
- Boards and Commissions should provide honest, outside feedback in performing their delegated functions and not just try to vote the way they think the Council would want them to vote.
- Staff manages day-to-day operations and implements policy established by the City Council. While Staff liaisons are assigned to interface with boards and commissions, Staff members do not report to boards and commissions. Boards and commissions do not direct Staff members.

Term Limits

- Board & Commission members may serve a maximum of two, two-year terms, with a possible third term for the Chair and Vice Chair.
- With the exception of appointments to the Planning & Zoning Commission, after hitting the term limits set forth above, a member must wait a full term before becoming eligible to serve again.

Plano City Council's Board & Commission Member Expectations

- Exemplify Plano's SERVE Values: Stewardship, Engagement, Respect, Vision, and Excellence.
- Listen thoughtfully to the public, fellow members, and professional staff. Do not hesitate to express your opinions or challenge viewpoints in a respectful manner. Never condescend to members of the public or to staff.
- Difficult questions, tough challenges to viewpoints, independent feedback, innovative ideas, constructive criticism and disagreements are part of a healthy legislative process and encouraged as long as it is respectful.
- Practice civility and decorum in discussions and debate.
- Refrain from abusive conduct and verbal attacks upon the character or motives of others. Respectfully debate policy positions and their impacts, while presuming good intentions. There is no tolerance for harassment, belligerent, defamatory, or threatening behavior.
- Act in accordance with the Plano City Council's strategic vision, laws, City policies, including the code of conduct.
- Respect the City of Plano's Council-Manager form of government. If you have a concern about how staff members are going about their jobs, report it to the City Manager or your Council liaisons.
- Act within the scope of the role that the Council has delegated to the board.
- Prioritize attendance at meetings. If you cannot attend a meeting, notify the staff liaison as soon as possible. If your circumstances are such that you believe you may be unable to attend several meetings, please notify staff as arrangements may need to be made for an alternate board or commission member.
- Come to meetings prepared. Review supporting materials, if any, in advance. Diligence and dedication are vital.
- Feel free to reach out to staff liaisons to answer questions, provide information about the agenda, or to provide them with updates and feedback.
- If you receive information related to board business, forward it to the staff liaison to share with all members.
- Establish good working relationships with fellow members, Council liaisons, and staff. Work collaboratively.
- Do not hesitate to use the Council liaisons as a resource and reach out to them as needed.
- Foster a positive and constructive work environment for residents, businesses, and City staff.
- Adhere to high ethical standards. Decisions should not be based on self-interest or improper private interests.
- You are not required to follow staff recommendations but do not work at cross-purposes with established Council vision, direction, policies, resolutions, or ordinances.
- Vote in accordance with what you think is best for the City. You are not expected to be a rubber stamp. Unique perspectives and independent feedback are welcomed. Diversity of thought is good for the legislative process.
- Recommendations and decisions are made by majority vote. Respect and support the decision of the majority, even if you are in the minority. Do not independently work against the majority direction after a decision is made.

- You are not required to consider only the matters placed before you. If you see areas of opportunity or improvement, you are encouraged to speak with your staff and Council liaisons, and you may use the Items for Future Agendas process for new ideas and evaluation of existing practices.
- Treat staff with professionalism and respect. Unprofessional and/or antagonistic behavior towards staff is not acceptable. If you have a concern about staff, report it to the City Manager and/or your Council liaisons.

Appendix

1. Copy of the Council Strategic Vision
2. Copy of the Organizational Chart
3. Copy of the Code of Conduct
4. Copy of Board roles and responsibilities and designated City and Staff liaisons (need to develop for each board)
5. Copy of the Board bylaws, if any
6. Copy of summary on Council-Manager form of government (need to develop or adapt from onboarding process for Council)
7. Copy of the Items for Future Agendas (IFFA) form



CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/24/2024
DEPARTMENT: Engineering-Facilities
DIRECTOR: B. Caleb Thornhill, P.E., Director of Engineering
AGENDA ITEM: Award of bid in the amount of \$163,779 for 2024-0358-B Building No. 63 Carpenter Park Recreation Center Gymnastics Room Renovation Project No. FAC-F-00129.
RECOMMENDED ACTION: Award/Rejection of Bid/Proposal

ITEM SUMMARY

RFB No. 2024-0358-B for Building No. 63 Carpenter Park Recreation Center Gymnastics Room Renovation, Project No. FAC-F-00129, for the Engineering Department to APR Group, Inc. in the amount of \$163,779; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

The Engineering Department opened bids on May 14, 2024 for the Carpenter Park Recreation Center Gymnastics Room Renovation. The project includes dividing the existing gymnastics room into two separate classrooms, such that different program needs can be offered by the center.

The lowest responsive and responsible bid was submitted by APR Group, Inc., in the amount of \$163,779. There were a total of 1,526 vendors notified of this project. Fourteen complete bids were received for the project as shown in the attached bid recap.

If this project is not awarded, the gymnastics room will not be conducive for programming a variety of recreational needs that are being dictated by the community.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Capital Maintenance Fund. Construction services for the Carpenter Park Recreation Center Gymnastics Room Renovation project, in the total amount of \$163,779, will leave a balance of \$54,221 for future expenditures.

Approval of this item will support the City's Strategic Plan Critical Success Factor of being an Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Bid Recap	6/5/2024	Bid Recap

CITY OF PLANO

RFB

Bid No. 2024-0358-B

**Building No. 63 Carpenter Park Recreation Center Gymnastics Room
Renovation**

Project No. FAC-F-00129

Bid Recap

Bid Opening Date/Time: Tuesday, May 14, 2024 @ 2:00 PM

Number of Vendors Notified: 1526

Vendors Submitting "No Bids": 1

Number of Non-Responsive Bids Submitted: 0

Number of Responsive Bids Submitted: 14

<u>Vendor:</u>	<u>Total Bid</u>
APR Group, Inc.	\$163,779.00
Ascent General Contractors, LLC	\$184,086.67
P3 Builds (P3 Partners, LLC)	\$199,412.00
Sirius Building Company	\$201,449.82
Dallas Pro Painting & Drywall, LLC	\$211,000.00
Epsilon Contractor LLC	\$211,750.00
G2 General Contractors (GC Contractors, LLC)	\$213,650.00
Concord Commercial Services, Inc.	\$231,111.00
JonesCo General Contractor LLC	\$245,020.00
Ambercrest Construction	\$249,297.37
MBC Services LLC	\$253,071.34
Falkenberg Construction Co., Inc.	\$281,698.00
T.F. Harper	\$294,219.00
Acumen Enterprises, Inc.	\$320,950.00

Recommended Vendor:

APR Group, Inc.	\$163,779.00
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Ruth Escalera

Ruth Escalera , Senior Buyer

6/3/2024

Date



CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/24/2024

DEPARTMENT: Engineering-CIP

DIRECTOR: B. Caleb Thornhill, P.E., Director of Engineering

Award of Bid in the amount of \$1,895,000 for 2024-0338-B Sanitary Sewer

AGENDA ITEM: Improvements: Legacy Drive, Ohio Drive, Prestonwood Country Club and Timbercreek Drive Project No. 7039.

RECOMMENDED ACTION: Award/Rejection of Bid/Proposal

ITEM SUMMARY

RFB No. 2024-0338-B for Sanitary Sewer Improvements: Legacy Drive, Ohio Drive, Prestonwood Country Club and Timbercreek Drive, Project No. 7039, for the Engineering Department to Stoic Civil Construction, Inc. in the amount of \$1,895,000; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

The Engineering Department opened bids on May 7, 2024 for the Sanitary Sewer Improvements: Legacy Drive, Ohio Drive, Prestonwood Country Club and Timbercreek Drive Project No. 7039. The project includes new gabion wall installations at the Prestonwood Country Club and Timbercreek Drive to limit erosion concerns and protect existing aerial sanitary sewer crossings at these subject locations. Also, the project includes the installation of a new 12" sanitary sewer siphon to accommodate the existing 8" sanitary sewer siphon west of Preston Road and south of Legacy Drive. The additional siphon will allow proper maintenance and increase efficiency of the existing, smaller siphon pipe that often has surcharging due to its inefficient size.

The lowest responsive and responsible bid was submitted by Stoic Civil Construction, Inc., in the amount of \$1,895,000. There were a total of 1585 vendors notified of this project. Four complete bids were received for the project as shown in the attached bid recap.

If this project is not awarded, it will result in the continued bank erosion and deterioration along Indian Creek at the Prestonwood Country Club and along Pittman Creek running at the rear of residential homes located on Timbercreek Drive. Also, failure to construct the additional siphon pipe will result in increased maintenance costs, non-compliance with recent Texas Commission on Environmental Quality (TCEQ) requirements, deficiencies and surcharging in the existing collection system, and odor concerns in the existing 8" sanitary sewer siphon south of Legacy and west of Preston Road. Failure to complete these improvements will also result in a decrease in the quality of life for citizens and businesses located in direct proximity to these subject areas.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Sewer CIP and is planned for future years, as well. Construction services for the Sanitary Sewer Improvements - Legacy Drive, Ohio Drive, Prestonwood Country Club, and Timbercreek Drive project, in the total amount of \$1,895,000, will leave a balance of

\$133,337 for future expenses.

Approval of this item will support the City's Strategic Plan Critical Success Factor of being an Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Bid Recap	6/4/2024	Bid Recap
Map Location	5/31/2024	Map

CITY OF PLANO

RFB CIP

Bid No. 2024-0338-B

**Sanitary Sewer Improvements: Legacy Drive, Ohio Drive, Prestonwood
Country Club and Timbercreek Drive**

Project No. 7039

Bid Recap

Bid Opening Date/Time: Tuesday, May 7, 2024 @ 2:00 PM

Number of Vendors Notified: 1585

Vendors Submitting “No Bids”: 3

Number of Non-Responsive Bids Submitted: 0

Number of Responsive Bids Submitted: 4

<u>Vendor:</u>	<u>Total Bid</u>
Stoic Civil Construction, Inc.	\$1,895,000.00
A & B Construction LLC	\$1,950,220.00
Austin Filter Systems	\$2,284,350.00
Canary Construction	\$2,538,370.00

Recommended Vendor:

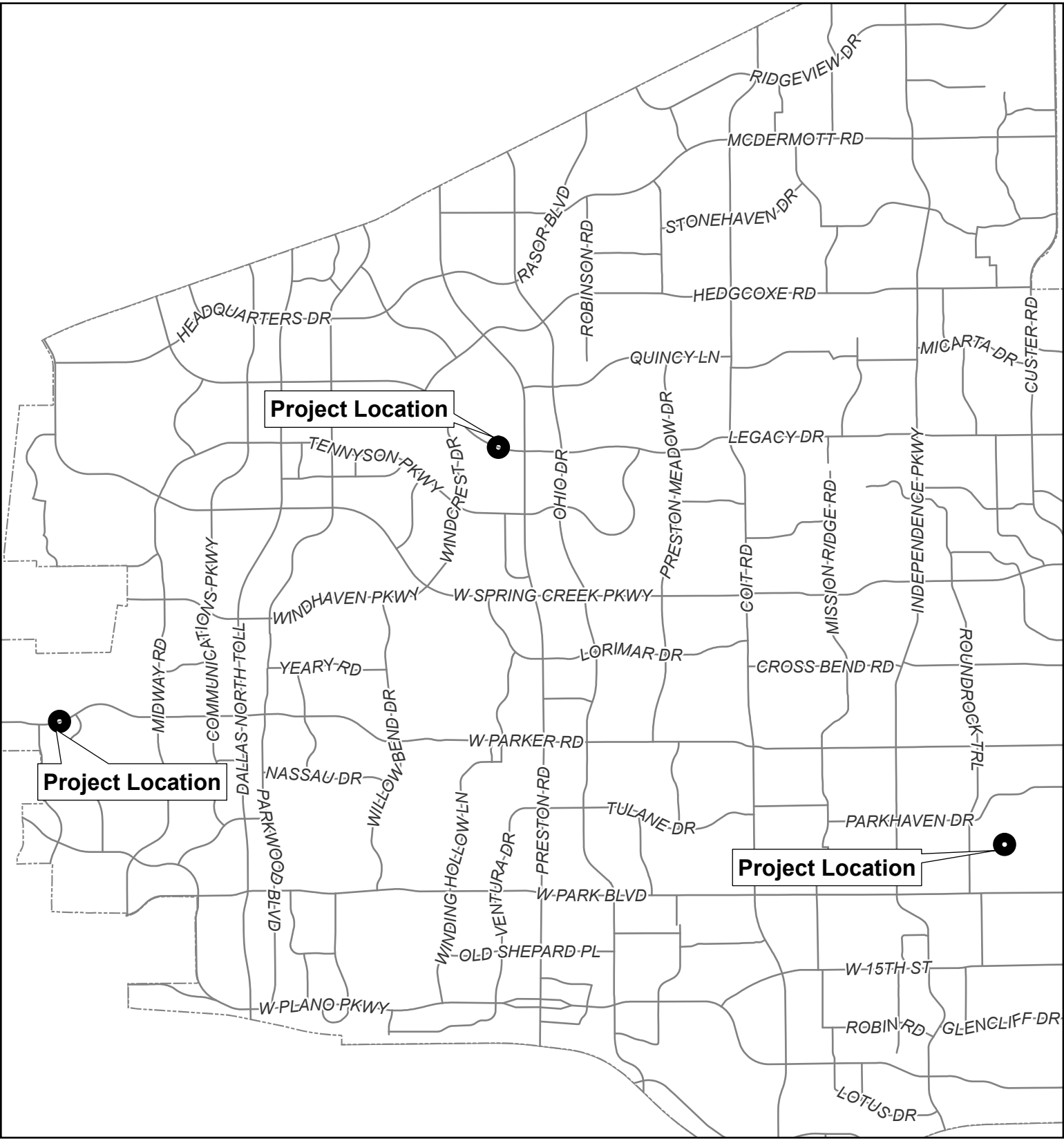
Stoic Civil Construction, Inc.	\$1,895,000.00
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Ruth Escalera

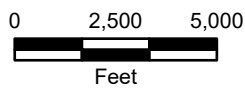
Ruth Escalera , Senior Buyer

5/31/2024

Date

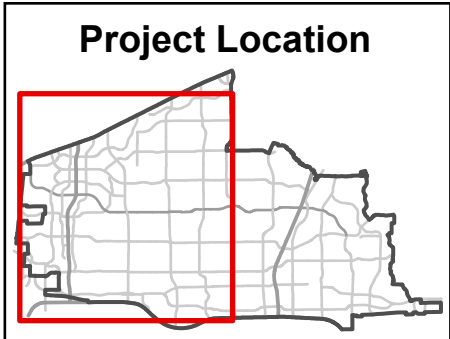


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**Sanitary Sewer Improvements:
Legacy Dr, Ohio Dr,
Prestonwood Country Club,
and Timbercreek Dr**

Project ENG-SS-7039





CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/24/2024
DEPARTMENT: Fleet Services
DIRECTOR: Abby Owens, Director of Public Works
AGENDA ITEM: Purchase of a Tire Service Truck for Fleet Services
RECOMMENDED ACTION: Purchase from Existing Contract

ITEM SUMMARY

To approve the purchase of a Tire Service Truck for the Fleet Services Division in the amount of \$115,450 from Sam Pack's Five Star Ford through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 724-23) **Approved**

BACKGROUND

It is the recommendation of Fleet Services to purchase one (1) Tire Service Truck in the amount of \$115,450 from Sam Pack's Five Star Ford through BuyBoard Contract No. 724-23. An order for this unit was placed in FY2020-21 that was cancelled by the manufacturer. A replacement order placed in FY2021-22 has also been cancelled.

This truck is a scheduled replacement from Capital Outlay FY2020-21 in Fleet Services. It is used to respond to service calls for vehicles throughout the City.

The purchase of this unit is necessary for the following reasons:

1. This unit is essential to this department's daily operations and is required to maintain current service levels.
2. The old unit is in need of replacement. The determination for the need of replacement is based on age, usage, maintenance cost, and re-sale value. Based on these criteria, Fleet Services recommends the replacement of the above unit.
3. If this unit is not replaced, we will incur additional maintenance costs and the salvage values will be greatly depreciated. In addition, the older, aging unit will limit the users' ability to perform their duties because of increased breakdowns and additional downtime for repairs.

The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 271 Subchapter F of the Texas Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (BuyBoard Contract No. 724-23, City of Plano Internal Contract No. 2024-0483-O).

FINANCIAL SUMMARY/STRATEGIC GOALS

Funds are available in the FY 2023-24 Adopted budget to purchase one (1) Tire Service Truck in the amount of \$115,450 from Sam Pack's Five Star Ford. This unit was a scheduled replacement from FY 2020-21 for unit 02397 Truck, Tire Service in 342 Fleet Services. The original order and replacement

order for this unit have both been canceled. The total encumbered amount for this item in the FY 2023-24 Equipment Replacement Fund budget was \$115,420. The additional funds needed for this purchase, in the amount of \$30 are available from savings in previous Equipment Replacement Fund purchases.

Approval of this purchase relates to the City's Strategic Plan Critical Success Factor of Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Tire Truck Picture	6/6/2024	Attachment



Tire Service Truck



CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/24/2024
DEPARTMENT: Engineering-Transportation
DIRECTOR: B. Caleb Thornhill, P.E., Director of Engineering
AGENDA ITEM: Approve purchase of Traffic Signal Local Controller Hardware and Software, Project No. TP-S-00005.
RECOMMENDED ACTION: Purchase from Existing Contract

ITEM SUMMARY

To approve the purchase of Traffic Signal Local Controller Hardware and Software Upgrade, Project No. TP-S-00005, for the Engineering Department in the estimated amount of \$1,419,806 from Texas Highway Products, LTD. through an existing contract; and authorizing the City Manager to execute all necessary documents. (NCTCOG TXShare Contract No. 2023-092) **Approved**

BACKGROUND

The Engineering Department-Transportation Division recommends the approval of an expenditure in the amount of \$1,419,806 to purchase traffic signal controller hardware and software from Texas Highway Products, LTD. through the TxShare purchasing cooperative.

The purpose of this upgrade is to replace the 12 to 20 year old traffic signal controllers that have reached their useful life including functionality. The new controller software and hardware will enhance traffic signal timing capabilities and flexibility thus improving safety and efficiency, facilitate the implementation of automated performance measures, support the deployment of advanced traffic signal controller cabinets (ATCC), and provide a platform for future implementation of connected vehicle applications, transit signal priority, and traffic responsive signal operation.

All of Plano’s traffic signal locations (see attached map) will be upgraded to the QFree MaxTime controller software and hardware. This upgrade includes the current eight intersection traffic signal construction project.

The TXShare purchasing cooperative documentation shows that QFree’s MaxTime software and hardware substantially meets the City’s technical requirements and represents the best value for the City of Plano.

Not approving the expenditure would result in relying on end of life equipment and increased traffic congestion.

The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 271 Subchapter F of the Texas Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (TXShare Contract No. 2023-092 and City of Plano Contract No. 2024-0495-O)

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Street Improvements CIP and is planned for future years, as well. The purchase of traffic signal local controller hardware and software for the Traffic Signal Local Controller Hardware and Software, Project No. TP-S-00005, in the total amount of \$1,419,806 will leave a balance of \$140,194 for future expenditures.

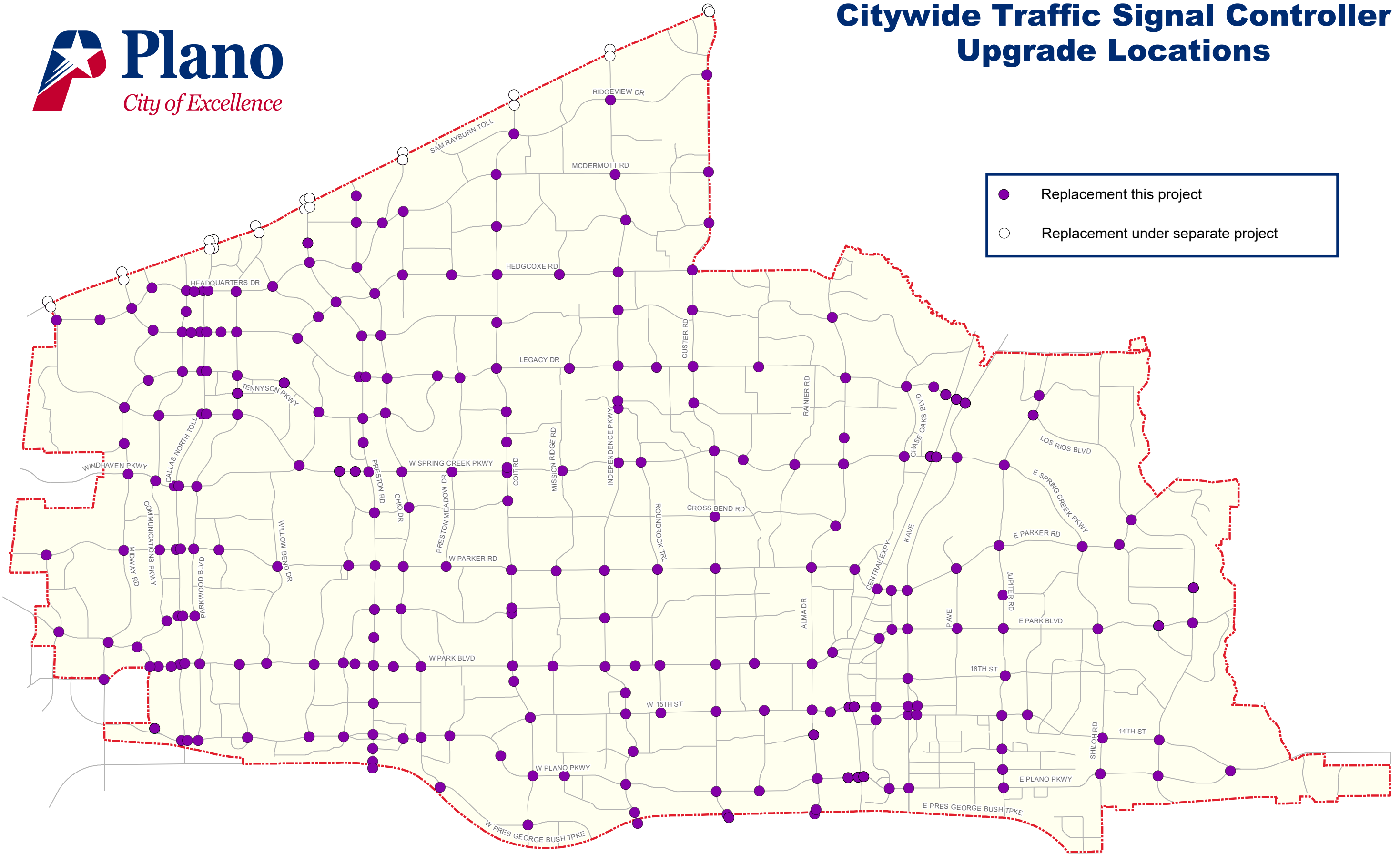
Approval of this item will support the City's Strategic Plan Critical Success Factor of being an Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Map	6/11/2024	Map

Citywide Traffic Signal Controller Upgrade Locations

- Replacement this project
- Replacement under separate project



adminmsha 2/22/2022 2:18:10 PM GIS/Projects/Engineering/2022/2022-02-22 Citywide Traffic Count Program.mxd



CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/24/2024

DEPARTMENT: Parks

DIRECTOR: Ron Smith, Director of Parks and Recreation

AGENDA ITEM: Approve an expenditure in the amount of \$597,000 for landscape architect professional services for Harrington Park Renovation, Project No. PKR-P-7501.

RECOMMENDED ACTION: Approval of Expenditure

ITEM SUMMARY

To approve an expenditure for landscape architect professional services for Harrington Park Renovation, Project No. PKR-P-7501, in the amount of \$597,000 from JBI Partners, Inc. for the Parks and Recreation Department; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

The Harrington Park Renovation project will provide design services for park improvements in accordance with the Harrington Park Master Plan, created through resident outreach. The Harrington Park master plan is constrained by the regulatory flood plain; park improvements must comply with FEMA regulations to ensure there are no negative impacts. Design services include geotechnical investigation, flood study and hydraulic modeling, and potentially a FEMA Letter of Map Revision (LOMR), construction and site plans, as well as bidding and construction administration. Planned improvements are in direct response to public requests and staff observations, and include a redesign of the parking lot, a playground for neighborhood children, fenced pickleball courts, recreation field space for drop-in play, trail connections, pavilion, shade structures, site lighting, maintenance structure, irrigation and tree planting.

The Parks and Recreation Department recommends approval of an expenditure in the amount of \$597,000 for landscape architect professional services from JBI Partners, Inc. for Harrington Park Renovation. JBI Partners, Inc. was deemed most qualified based on their Statement of Qualifications submission for RFQ No. 2021-0380-XR and their past efforts in master planning and community engagement for the Harrington Park Master Plan in 2022-23.

The benefit of this project includes safe and compliant playground equipment, expanded trail connections, and greater recreational use of the site, benefiting Plano residents. If this expenditure is not approved, the anticipated renovation of Harrington Park will be deferred, resulting in a loss of service to Plano residents.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Park Improvements CIP and is planned for future years, as well. Professional services for the Harrington Park Renovation project, in the total amount of \$597,000, will leave a current year balance of \$2,351 available for future expenditures.

Approval of this item will support the City's Strategic Plan Critical Success Factor of being an Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

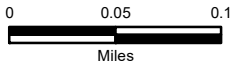
Description
Location Map

Upload Date Type
3/19/2024 Map



Legend

Harrington Park



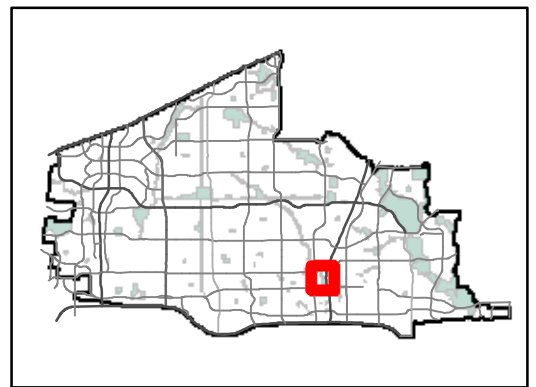
City of Plano Park Planning Division
2/26/2024

Location Map

Harrington Park Renovation

401 W 16th St, Plano, TX 75075

Project : #PKR-P-7501
Page 34





CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/24/2024
DEPARTMENT: Eco Dev
DIRECTOR: Doug McDonald, Director of Economic Development
AGENDA ITEM: Economic Development Incentive Agreement for Foundry Commercial Holdings, LP
RECOMMENDED ACTION: Approval of Contract / Agreement

ITEM SUMMARY

To approve an Economic Development Incentive Agreement between the City of Plano, Texas, and Foundry Commercial Holdings, LP, a Delaware limited partnership (“Company”), providing an economic development grant to the Company; and authorizing the City Manager to execute all necessary documents.

Approved

BACKGROUND

This agenda item represents a request to approve an Economic Development Incentive Agreement for Foundry Commercial Holdings, LP, a Delaware limited partnership, pursuant to Chapter 380 of the Texas Local Government Code and conditioned on the terms as set forth in the attached agreement. Foundry Commercial Holdings, LP agrees to redevelop the property at 2700 W. Plano Parkway, Plano, Texas 75075 by demolishing the existing 275,000 square foot office building and constructing a minimum 300,000 square feet of manufacturing, industrial, office, and research and development space, and add real property improvements with a minimum value of \$21,000,000.00 by December 21, 2026.

Property Location

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Economic Development Fund. This item, in the amount of \$750,000, will leave an unencumbered balance of \$54,643,763 available for future project consideration.

Approval of this Agreement supports the City’s Strategic Plan Critical Success Factor of Residential and Commercial Economic Vitality.

ATTACHMENTS:

Description	Upload Date	Type
Foundry Commercial Chapter 380 EDIA	6/12/2024	Agreement

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

This Economic Development Incentive Agreement (“Agreement”) is made by and between the City of Plano, Texas, a home-rule municipal corporation (“City”), and Foundry Commercial Holdings, LP, a Delaware limited partnership (“Company”), acting by and through their respective authorized officers and representatives.

WITNESSETH:

WHEREAS, Company intends to purchase the real property located at 2700 W. Plano Parkway, Plano, TX 75075 (the “Real Property” or “Property”), and redevelop the Property; and

WHEREAS, Company agrees to demolish the existing 275,000 square foot office building on the Real Property; and

WHEREAS, Company agrees to construct or cause to be constructed a minimum 300,000 square feet of manufacturing, industrial, office, and research and development space and the Redevelopment Improvements, as defined below, on the Real Property; and

WHEREAS, Company has advised the City that a contributing factor that would induce the Company to redevelop the Property, thereby generating additional local sales tax revenues and increasing ad valorem tax values for the City, would be an agreement by the City to provide an economic development grant to the Company; and

WHEREAS, City Council finds that the redevelopment of the Property to demolish the existing 275,000 square foot office building and construct a minimum 300,000 square feet of manufacturing, industrial, office, and research and development space and the Redevelopment Improvements will promote economic development, stimulate commercial activity, and enhance the tax base and economic vitality of the City; and

WHEREAS, the City has adopted programs for promoting economic development; and

WHEREAS, the City is authorized by TEX. LOC. GOV’T CODE §380.001 *et seq.* to provide economic development grants to promote local economic development and to stimulate business and commercial activity in the City; and

WHEREAS, the City has determined that making an economic development grant to the Company in accordance with the terms and conditions set forth in this Agreement will further the objectives of the City, will benefit the City and its citizens, and will promote local economic development and stimulate business and commercial activity in the City.

NOW THEREFORE, in consideration of the foregoing and the premises, mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, hereby covenant and agree as follows:

Article I Definitions

For purposes of this Agreement, each of the following terms shall have the meaning set forth herein unless the context clearly indicates otherwise:

“Company” shall mean Foundry Commercial Holdings, LP, a Delaware limited partnership company and its permitted assigns.

“Commencement of Construction” shall mean demolition and construction of the Redevelopment Improvements has commenced.

“Completion of Construction” shall mean that: (i) substantial completion of the Redevelopment Improvements has occurred; and (ii) the City has conducted a final inspection of the Redevelopment Improvements and verified completion of the Redevelopment Improvements.

“Event of Force Majeure” shall mean any contingency or cause beyond the reasonable control of a party including, without limitation, acts of God or the public enemy, war, riot, civil commotion, insurrection, government or de facto governmental action (unless caused by the intentionally wrongful acts or omissions of the party), fires, explosions or floods, strikes, slowdowns or work stoppages any of which event(s) directly and significantly impact the Company’s operations in the City. An economic downturn shall not constitute an Event of Force Majeure.

“Effective Date” shall mean the last date on which all parties have executed this Agreement.

“Expiration Date” shall mean either (1) December 31, 2026, or (2) a date, to be determined by the City, in its sole discretion, after the Final Certification, as described in Section 4.02(e), has been submitted to the City for review and approval, whichever occurs first.

“Plans” shall mean the plans for the Redevelopment Improvements to be approved by the City.

“Real Property” or “Property” shall mean 2700 W. Plano Parkway, Plano, TX 75075.

“Redevelopment Improvements” shall mean the improvements to the Property with a minimum fair market value of \$21,000,000.00 in accordance with approved Plans, including, but not limited to: (i) demolition of the existing 275,000 square foot office building; and (ii) construction of a minimum 300,000 square feet of manufacturing, industrial, office, and research and development space. Improvements shall include the amount of actual site development and construction cost and the costs of supplies and materials. Improvements shall not include any costs associated with the acquisition of the Property.

Article II Term

The term of this Agreement shall begin on the Effective Date and continue until the Expiration Date, unless sooner terminated as provided herein (“Term”).

Article III Obligations of Company

In consideration of the Grant as defined in Section 4.01 below, the Company agrees to perform the following:

(a) Prior to the construction of the Redevelopment Improvements, prepare and receive approval of the Plans for the Redevelopment Improvements from all applicable governmental authorities;

(b) Prior to the Commencement of Construction, obtain and pay for all necessary permits, as applicable, for the demolition and construction of the Redevelopment Improvements;

(c) By the Completion of Construction, construct or cause to be constructed the Redevelopment Improvements on the Property;

(d) Prior to submission of a Grant Request, as defined below, notify the City that construction of the Redevelopment Improvements as required in subsection (c) of this Article has been completed and to make the building(s) available for the City to conduct a final inspection; and

(e) Use reasonable efforts to use facilities, including hotels and motels, located in the City of Plano, Texas for any Company-related or sponsored business activities throughout the Term of the Agreement.

Article IV Economic Development Grant

4.01 **Grant.** City agrees to provide the Company a grant of \$750,000.00 (“Grant”) as long as Company meets and complies with the obligations of this Agreement.

4.02 **Grant Payment Requirements and Schedule.** Except as otherwise indicated, the Company shall be entitled to Grant in accordance with the following requirements and schedule:

(a) **Redevelopment Grant.** Company shall be entitled to a grant payment of \$750,000.00 to offset costs to complete the construction of the Redevelopment Improvements (“Redevelopment Grant”) if:

1. Company complies with the obligations set forth in Article III; and
2. Company submits a certification that the Company has completed the Redevelopment Improvements on the Property.

(b) **Grant Payment Schedule.** Company shall be required to submit a request for payment to the City (“Grant Request”). Such Grant Request shall include any documentation required by Section 4.02 of this Agreement and by the City, at its sole discretion. With the Grant Request, Company shall submit an executed Certificate of Compliance form, attached hereto as **Exhibit “A”**. The Grant Request shall be submitted to the City by the Expiration Date. If Company does not submit its Grant Request to the City by the Expiration Date, City’s obligation to pay Company under the Redevelopment Grant shall terminate after the Expiration Date.

1. City will make the Grant payment within thirty (30) days of receipt of the Grant Request. City may, in its sole discretion, withhold Grant payment if additional documents or information is needed from the Company.

(c) All certifications required under this Agreement must be executed by the Company’s chief executive, operating, or financial officer.

(d) Notwithstanding the \$21,000,000.00 Redevelopment Improvements requirement, if at the time Company submits its Grant Request to the City, Company has added less than \$21,000,000.00 in Redevelopment Improvements to the Property, Company shall be entitled to a pro-rata share of the Redevelopment Grant. The pro-rata share shall be equal to the percentage of the dollar amount the Company has added in Redevelopment Improvements of the \$21,000,000.00 minimum fair market value requirement. For example, if Company spends \$15,000,000.00 of the \$21,000,000.00 minimum fair market value requirement, then Company shall be entitled to 71.4% of the total Grant funds under this Agreement.

(e) **Final Certification.** Upon completion of the obligation detailed in Article III(d), Company shall submit an executed Certificate of Compliance form, attached hereto as **Exhibit “A”**, certifying to the City that Company has fulfilled all its obligations under this Agreement. If Company fails to fulfill the obligations as detailed in Article III(d) and/or submit an executed Certificate of Compliance form before the Expiration Date, Company shall forfeit any rights to the Redevelopment Grant.

4.03 **Refund/Repayment/Default.**

(a) The following events shall constitute an event of default (“Event of Default”) during the Term of this Agreement, if Company:

1. Fails to complete the Redevelopment Improvements;
2. Fails to refund any payments as required by the City;

3. Fails to fulfill any of the obligations set forth in this Agreement; or
4. Is convicted of a violation under 8 U.S.C. Section 1324a(f) regarding the unlawful employment of undocumented workers.

(b) If any Event of Default occurs prior to any Grant funds being paid to the Company by the City, then Company shall forfeit the entire Grant and the City's obligations under this Agreement shall terminate.

(c) If any Event of Default, excluding an Event of Default under Section 4.03(a)(4), occurs after Grant funds have been paid to the Company by the City, then Company shall repay to the City all Grant funds paid to it within thirty (30) days of written notice of default from the City. City may use any efforts to collect such sums owed and Company agrees to pay any and all interest, and expenses, including attorney fees and costs incurred by City. This obligation shall survive termination of this Agreement.

(d) If a default occurs under Section 4.03(a)(4), then Company shall repay to the City all Grant funds paid pursuant to this Agreement together with interest charged from the date of payment of the funds at the statutory rate for delinquent taxes as determined by V.T.C.A., Tax Code § 33.01, but without the addition of penalty. Repayment of grant funds and interest shall be due not later than 120 days after the date the Company is convicted of the offense.

Article V Termination

5.01 **Events of Termination.** This Agreement terminates upon any one or more of the following:

(a) By expiration of the term and where no defaults have occurred; or

(b) If a party defaults or breaches any of the terms or conditions of this Agreement and such default or breach is not cured within thirty (30) days after written notice thereof by the non-defaulting party unless a longer period is provided. Any default under this provision and right to recover any claims, refunds, damages and/or expenses shall survive the termination of the Agreement.

The City Manager is authorized on behalf of the City to send notice of default and to terminate this Agreement for any default that is not cured.

5.02 **Effect of Termination/Survival of Obligations.** The rights, responsibilities and liabilities of the parties under this Agreement shall be extinguished upon the applicable effective date of termination of this Agreement, except for any obligations or default(s) that existed prior to such termination or as otherwise provided herein and those liabilities and obligations shall survive the termination of this Agreement, including the refund provision, maintenance of records, and access thereto.

Article VI
Retention and Accessibility of Records

6.01 Company shall maintain the fiscal records and supporting documentation for expenditures of funds associated with this Agreement. Company shall retain such records, and any supporting documentation for the greater of:

- (a) Five (5) years from the end of the Agreement period; or
- (b) The period required by other applicable laws and regulations.

6.02 Company gives City, its designee, or any of their duly authorized representatives, access to and the right to examine relevant books, accounts, records, audit reports, reports, files, documents, written or photographic material, videotape and other papers, things, or personal and Real Property belonging to or in use by Company pertaining to the Economic Development Program Grant (the "Records") upon receipt of ten (10) business days written notice from the City. The City's access to Company's books and records will be limited to information needed to verify that Company is and has been complying with the terms of this Agreement. Any information that is not required by law to be made public shall be kept confidential by City. In no event shall City's access to Company's Records include any access to any personal and/or medical data of any employees of Company except to confirm payroll information compliance for Full-Time Job Equivalents. Company shall not be required to disclose to the City any information that by law Company is required to keep confidential. Should any good faith dispute or question arise as to the validity of the data provided, the City reserves the right to require Company to obtain an independent firm to verify the information. This certified statement by an independent firm shall be provided at the sole cost of Company. The rights to access the Records shall terminate five (5) years after the termination or expiration of this Agreement. Failure to provide reasonable access to the Records to authorized City representatives shall give the City the right to suspend or terminate this Agreement as provided for in Section 5.01 above, or any portion thereof, for reason of default. All Records shall be retained by Company for a period of five (5) years after all performance requirements are achieved for audit purposes until such audits or other administrative, civil or criminal matters including, but not limited to, investigations, lawsuits, administrative inquiries and open record requests are completed. Company agrees to maintain the Records in an accessible location.

Article VII
Assignment

This Agreement may not be assigned without the express written consent of the non-assigning party, except that the Company may assign this Agreement without obtaining the City's consent (a) to one of its wholly owned affiliates, (b) to any person or entity that directly or indirectly acquires, through merger, sale of stock, purchase or otherwise, all or more than ninety (90) percent of the assets of the Company, or (c) a joint venture in which Company is the general partner as long as the Company gives sixty (60) days prior written notice to the City and the assignee executes an agreement with the City to be bound to all the terms and conditions of this Agreement and be responsible for any default(s) that occurred prior to or after the assignment.

For any assignment not covered by (a) or (b) in the preceding paragraph, the Company must obtain the prior approval of the City through its City Manager and the assignee must agree to be bound to all the terms and conditions of this Agreement and to accept all liability for any default that occurred prior to and/or after the assignment.

Any assignment agreement must be furnished in a form acceptable to the City and be provided at least thirty (30) days prior to the effective assignment date. City agrees to notify the potential assignee of any known default, but such notification shall not excuse defaults that are not yet known to the City.

Article VIII Miscellaneous

8.01 **No Joint Venture.** It is acknowledged and agreed by the parties that the terms of this Agreement are not intended to and shall not be deemed to create a partnership or joint venture among the parties. Neither party shall have any authority to act on behalf of the other party under any circumstances by virtue of this Agreement.

8.02 **Notice of Bankruptcy.** In the event Company files for bankruptcy, whether involuntarily or voluntarily, Company shall provide written notice to the City within three (3) business days of such event.

8.03 **Authorization.** Each party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement.

8.04 **Notice.** Any notice required or permitted to be delivered hereunder shall be deemed received three (3) days thereafter sent by United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the party at the address set forth below (or such other address as such party may subsequently designate in writing) or on the day actually received if sent by courier or otherwise hand delivered.

If intended for the City:
City of Plano, Texas
Attention: Mr. Mark D. Israelson
City Manager
1520 K Avenue
P.O. Box 860358
Plano, TX 75086-0358

If intended for the Company:
c/o Foundry Commercial
120 E. Palmetto Park Rd., Suite 200
Boca Raton, FL 33432
Attention: Pryse R. Elam

With a copy to:
City of Plano, Texas
Attention: Ms. Paige Mims
City Attorney
1520 K Avenue
P.O. Box 860358
Plano, TX 75086-0358

With a copy to:
Winstead, PC
Attention: Tommy Mann, Shareholder
2728 N. Harwood Street, Suite 500
Dallas, TX 75201

8.05 **Compliance with Equal Rights Ordinance.** Company agrees to comply with Section 2-11(F) of the City Code of Ordinances, which reads as follows:

“It shall be unlawful for an employer to discriminate against any person on the basis of race, color, sex, religion, age, national origin, genetic information, sexual orientation, gender identity, disability status or United States military/veteran status by the following actions or inactions:

- (a) for an employer to fail or refuse to hire, or to discharge, any person;
- (b) for an employer to discriminate against any person with respect to compensation, terms, conditions or privileges, of employment;
- (c) for an employer to limit, segregate or classify employees or applicants for employment in any way that would deprive or tend to deprive a person of employment or employment opportunities, or that would otherwise adversely affect a person's status as an employee;
- (d) for an employment agency to fail or refuse to refer for employment, or to otherwise discriminate against, any person because of a protected employment characteristic;
- (e) for an employment agency to classify or refer for employment any person, on the basis of a protected employment characteristic;
- (f) for a labor organization to exclude or expel from its membership, or to otherwise discriminate against, any person because of a protected employment characteristic;
- (g) for a labor organization to fail or refuse to refer for employment any person because of a protected employment characteristic;
- (h) for a labor organization to limit, segregate or classify its members or applicants for membership, in any way that would deprive or tend to deprive a person of employment or employment opportunities, or that would otherwise adversely affect a person's status as an employee or as an applicant for employment;
- (i) for a labor organization to cause or attempt to cause an employer to discriminate against a person in violation of this subsection;
- (j) for an employer, a labor organization or a joint labor-management committee, to discriminate against any person because of a protected employment characteristic in the admission to, or employment in, any program established to provide apprenticeship or other training;
- (k) for an employer to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by the employer that indicates any preference, limitation, specification or discrimination, based on a protected employment characteristic;

(l) for an employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to membership in or any classification or referral for employment by the employment agency that indicates any preference, limitation, specification or discrimination, based on a protected employment characteristic; or

(m) for a joint labor-management committee to print or publish, or cause to be printed or published, any notice or advertisement relating to admission to, or employment in, any program established to provide apprenticeship or other training by the joint labor-management committee that indicates any preference, limitation, specification or discrimination, based on a protected employment characteristic.”

Company also understands that it is entitled to apply to the City Manager for a waiver from the Equal Rights Ordinance’s application to its business if applying it would conflict with state or federal law. During the review of the waiver request, this Agreement will be placed on hold.

8.06 **Entire Agreement.** This Agreement is the entire Agreement between the parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written agreement between the parties that in any manner relates to the subject matter of this Agreement.

8.07 **Governing Law.** This Agreement shall be governed and construed in accordance with the laws of the State of Texas, without giving effect to any conflicts of law rule or principle that might result in the application of the laws of another jurisdiction. Venue for any action concerning this Agreement, the transactions contemplated hereby or the liabilities or obligations imposed hereunder shall be in the State District Court of Collin County, Texas.

8.08 **Amendment.** This Agreement may only be amended by the mutual written agreement of the parties.

8.09 **Severability.** In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

8.10 **Recitals.** The recitals to this Agreement are incorporated herein.

8.11 **Authorized to Bind.** The persons who execute their signatures to this Agreement represent and agree that they are authorized to sign and bind their respective parties to all of the terms and conditions contained herein.

8.12 **Counterparts.** This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

This Agreement shall be effective upon the last date on which all parties have executed this Agreement.

ATTEST:

CITY OF PLANO, TEXAS, a home-rule
municipal corporation

Lisa C. Henderson, CITY SECRETARY

Mark D. Israelson, CITY MANAGER
Date: _____

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

ATTEST:

FOUNDRY COMMERCIAL HOLDINGS,
LP, a Delaware limited partnership

Name: _____
Title: _____

By: _____
Name: _____
Title: _____
Date: _____

EXHIBIT "A"
CERTIFICATE OF COMPLIANCE

Please select one of the options below, as applicable: (Due by December 31, 2026)

Redevelopment Grant

___ a. I hereby certify that Foundry Commercial Holdings, LP has completed the obligations in Article III of the Agreement and has added _____ of the \$21,000,000.00 fair market value minimum requirement in Redevelopment Improvements to the Real Property on or before December 31, 2026, and is in compliance with all terms of the Agreement and is entitled to receive payment in accordance with the Agreement. Attached is the supporting documentation to verify the fair market value improvements added to the Real Property by Foundry Commercial Holdings, LP.

___ b. I hereby certify that Foundry Commercial Holdings, LP has not completed the obligations in Article III of the Agreement and has failed to add any portion of the \$21,000,000.00 fair market value minimum requirement in Redevelopment Improvements to the Real Property on or before December 31, 2026, and is not entitled to receive payment in accordance with the Agreement.

ATTEST:

FOUNDRY COMMERCIAL HOLDINGS,
LP, a Delaware limited partnership

Name: _____
Title: _____

By: _____
Name: _____
Title: _____

Date

This Certificate of Compliance should be mailed to:

City of Plano
Finance Department
P.O. Box 860358
Plano, TX 75086-0358



CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/24/2024
DEPARTMENT: Budget
DIRECTOR: Karen Rhodes-Whitley, Director of Budget and Research
AGENDA ITEM: Resolution creating an ad hoc 2025 Bond Referendum Citizen Advisory Committee
RECOMMENDED ACTION: Adoption of Resolutions

ITEM SUMMARY

To provide for the creation of an ad hoc, advisory 2025 Bond Referendum Citizen Advisory Committee to review and recommend capital projects for inclusion within the 2025 Bond Referendum scheduled for the May 3, 2025, election; and providing an effective date. **Adopted Resolution No. 2024-6-8(R).**

BACKGROUND

It is City Council's intent to see that all capital projects are broadly accepted by Plano's citizenry. The appointment of an ad hoc citizen advisory committee will provide greater citizen input to the process as the committee will act as advisors and ambassadors for the 2025 Bond Referendum.

FINANCIAL SUMMARY/STRATEGIC GOALS

This item has no financial impact.

The creation of a Bond Referendum Citizen Advisory Committee aligns with the Strategic Plan Critical Success Factor of Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Resolution to Create Ad Hoc 2025 Bond Referendum Citizen Advisory Committee	6/18/2024	Resolution

A Resolution of the City of Plano, Texas, providing for the creation of an ad hoc, advisory 2025 Bond Referendum Citizen Advisory Committee to review and recommend capital projects for inclusion within the 2025 Bond Referendum scheduled for the May 3, 2025, election; and providing an effective date.

WHEREAS, the City Council wishes to appoint an ad hoc, advisory committee called the 2025 Bond Referendum Citizen Advisory Committee (the "Committee") to review and recommend capital projects for inclusion within the 2025 Bond Referendum; and

WHEREAS, the City Council will appoint eight (8) members to serve on the committee, with each council member and the mayor appointing one (1) member; and the Committee will be led by the Director of Budget and Research with two (2) City Council Liaisons; and

WHEREAS, the Committee will act as a community sounding board for the 2025 Bond Referendum and provide input and recommendations on capital projects for inclusion in the Referendum with recommendations to the City Council. The Committee will also act as advisors and ambassadors for the 2025 Bond Referendum; and

WHEREAS, it is the intent that all capital projects are reached by broad acceptance by the Committee before they move forward as a recommendation to City Council; and

WHEREAS, since the work of the Committee is complex and knowledge is cumulative, regular attendance and continuity of Committee members is critical to the effective performance of each member; and

WHEREAS, the Committee and this Resolution will sunset at the conclusion of the 2025 Bond Referendum election scheduled for May 3, 2025, as determined by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The City Council hereby forms an ad hoc committee of eight (8) residents of the City of Plano called the 2025 Bond Referendum Citizen Advisory Committee to review and recommend capital projects to the City Council for inclusion within the 2025 Bond Referendum and such members to be appointed by the City Council, with each council member and the mayor appointing one (1) member.

Section II. The Committee will be led by the Director of Budget and Research with two (2) City Council Liaisons.

Section III. Any member of the Committee may be removed with or without cause by the appointing council member. Committee meeting attendance will be reported to the City Council. After the first meeting date of the Committee, if a Committee member is no longer willing to serve, or is removed, that Committee member shall not be replaced.

Section IV. The Committee members shall act as a community sounding board for the 2025 Bond Referendum and provide input and recommendations to the City Council on capital projects to be included on the Referendum. The Committee will also act as advisors and ambassadors for the 2025 Bond Referendum.

Section V. The Committee and this Resolution will sunset at the conclusion of the May 3, 2025, Bond Referendum election, as determined by the City Council.

Section VI. This Resolution is effective upon adoption.

PASSED AND APPROVED on the 24th day of June, 2024.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY



CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/24/2024
DEPARTMENT: Gov Relations
DIRECTOR: Andrew Fortune, Director of Policy & Government Relations
AGENDA ITEM: Resolution to support capping the sales and use tax revenues for the Dallas Area Rapid Transit Authority.
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Consideration of a Resolution to support capping the sales and use tax revenues for the Dallas Area Rapid Transit Authority; and providing an effective date. **Adopted Resolution No. 2024-6-9(R).**

BACKGROUND

The Dallas Area Rapid Transit Authority provides service to Addison, Carrollton, Cockrell Hill, Dallas, Farmers Branch, Garland, Glenn Heights, Highland Park, Irving, Richardson, Rowlett, Plano, and University Park. All the Dallas Area Rapid Transit Authority member cities currently contribute one cent (\$0.01) of the sales and use tax to the authority as approved by voters.

The Plano City Council is concerned that the services provided to taxpayers may not be commensurate with the current contribution provided to the Dallas Area Rapid Transit Authority. Even with record increases in sales and use tax revenues, ridership and utilization remains significantly lower than even pre-pandemic levels.

FINANCIAL SUMMARY/STRATEGIC GOALS

This item has no financial impact.

Approval of this Resolution relates to the Strategic Plan Critical Success Factor of an Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/18/2024	Resolution

A Resolution of the City of Plano, Texas, supporting capping the sales and use tax revenues for the Dallas Area Rapid Transit Authority; and providing an effective date.

WHEREAS, the Dallas Area Rapid Transit Authority was created by the Texas Legislature in 1983; and

WHEREAS, the Dallas Area Rapid Transit Authority provides service to Addison, Carrollton, Cockrell Hill, Dallas, Farmers Branch, Garland, Glenn Heights, Highland Park, Irving, Richardson, Rowlett, Plano, and University Park; and

WHEREAS, all Dallas Area Rapid Transit Authority member cities contribute one cent of the sales and use tax to the authority, as approved by voters; and

WHEREAS, the City Council has a fiduciary responsibility to the taxpayers; and

WHEREAS, the City Council supports mobility and transit in the North Texas Region; and

WHEREAS, the City Council is concerned that the services provided to taxpayers may not be commensurate with the current contribution provided to the Dallas Area Rapid Transit Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The City Council now adopts a position of support to reduce the sales and use tax collections of the Dallas Area Rapid Transit Authority to not exceed three-quarters of a cent. The City Council supports capping sales and use tax revenues at the amount equivalent to 2024 collections until a reduction can occur.

PASSED AND APPROVED on the 24th day of June, 2024.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY



CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/24/2024
DEPARTMENT: Engineering-Facilities
DIRECTOR: B. Caleb Thornhill, P.E., Director of Engineering
AGENDA ITEM: Tom Muehlenbeck Recreation Center – Renovation
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Consideration to approve an expenditure for the Tom Muehlenbeck Recreation Center – Renovation, Project No. FAC-F-7525, in the amount of \$13,568,203 from Lee Lewis Construction, Inc.; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

Funding for the Tom Muehlenbeck Recreation Center – Renovation was approved by voters as part of the 2021 Bond Referendum. This project includes the renovation of the locker rooms, replacement of the roof, HVAC equipment, fire alarm system, network cabling, interior finish surfaces, lighting, aquatics upgrades and other refurbishments. Construction Manager at Risk (CMAR) was selected as the delivery method for this project.

On June 1, 2023, through a two-step Request for Qualifications process (RFQ 2023-0361-B), the City received qualifications from eight firms for the project. The evaluation team consisted of staff from several stakeholder departments.

The evaluation team requested the two top-scoring firms to submit proposals for pre-construction services including their fees for managing the construction of the project. The firms were then asked to present their project solution to city staff, during which they provided their pre-construction and construction approaches for the project along with their experience with similar projects.

Based on their proposed project team, fee amount, project approach and overall interview, city staff chose Lee Lewis Construction, Inc., as Construction Manager at Risk (CMAR) for the project. On September 28, 2023, Lee Lewis Construction and the City entered into a pre-construction services agreement.

During the development of the design, Lee Lewis provided extensive feedback regarding the constructability and phasing possibilities of the project and prepared construction cost estimates for the iterations. Through this process, Lee Lewis has offered value management construction options to keep the project within budget. They have worked with city staff and the consultant/architect (LPA, Inc.) to develop a guaranteed maximum price (GMP) in the amount of \$13,568,203 for the management and construction of the Tom Muehlenbeck Recreation Center Renovation project. Engineering-Facilities staff and the design consultant recommend approval of the GMP for this project.

If this agenda item is not approved, the commitment of the work promised in the 2021 Bond Referendum will go uncompleted, and the Tom Muehlenbeck Recreation Center will continue to lose its appeal as the flagship recreation center for the City of Plano.

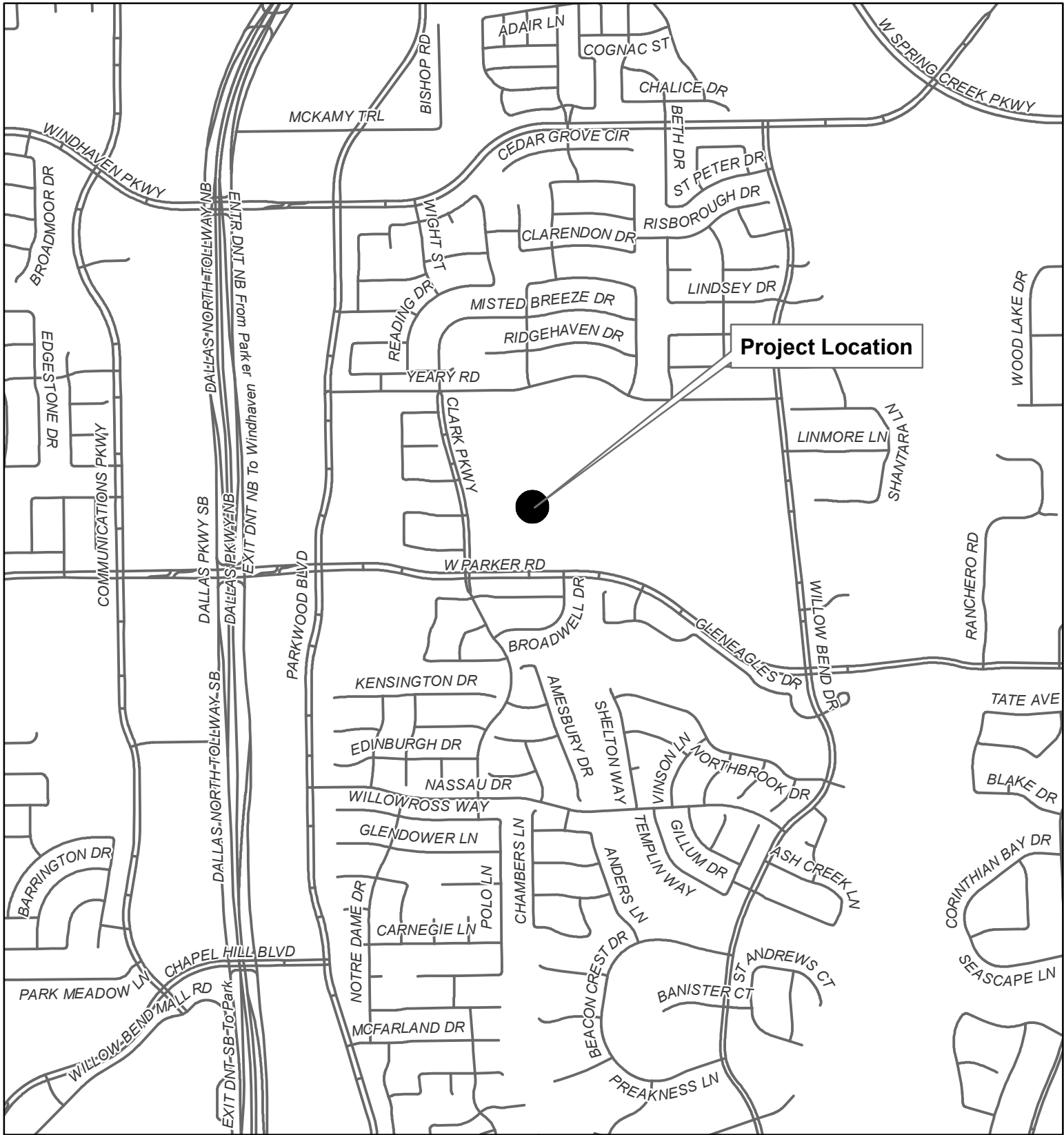
FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2023-24 Recreation Center Renovations CIP and is planned for future years, as well. Construction services for the Tom Muehlenbeck Recreation Center Renovation project, in the total amount of \$13,568,203, will leave a balance of \$966,893 for future expenditure.

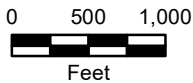
Approval of this item will support the City's Strategic Plan Critical Success Factor of being an Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Map	6/5/2024	Map
Memo	6/5/2024	Memo
Presentation	6/5/2024	Other



Project Location

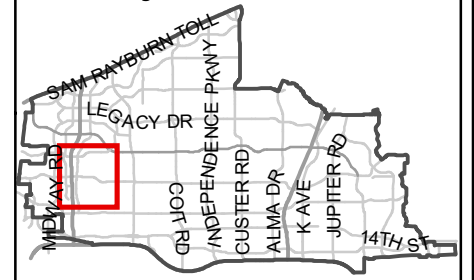


City of Plano, BI/GIS

Tom Muehlenbeck Recreation Center Renovation

Project # FAC-F-7525

Project Location



Date: May 24, 2023
To: Mark D. Israelson, City Manager
Via: Jack Carr, Deputy City Manager
From: Paul Kunze, Facilities Division Manager
Subject: Facilities Project Delivery Methods

For the City of Plano Facilities Division there are two project delivery methods that are used: Design-Bid-Build (DBB) and Construction Manager at Risk (CMAR).

There are two versions of DBB, both lead to a fixed fee contract based on a completed set of design contract documents. They are Request for Bid (RFB) and Competitive Sealed Proposal (CSP). RFB is awarded solely on the proposed cost, and CSP is awarded based on an evaluation of the contractor's experience and the proposed cost. For a DBB contract, the design is developed prior to releasing to proposed contractors.

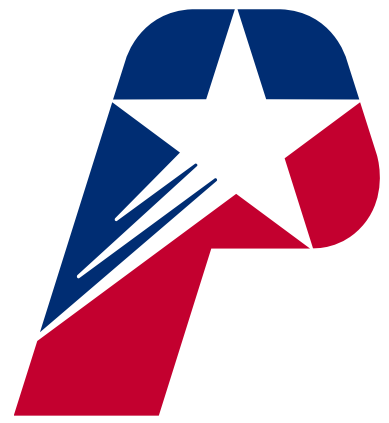
For some complex projects, the Facilities Division's utilizes the delivery method of Construction Manager at Risk (CMAR).

Construction Manager at Risk is defined as: A delivery method that entails a commitment by the construction manager to deliver the project for an established amount, often a Guaranteed Maximum Price (GMP). The construction manager acts as a consultant to the owner in the development and design phases. During Construction, the CM will assume additional obligations and will undertake construction responsibilities, typically being placed in a legal position similar to that of a general contractor.

Guaranteed Maximum Price (GMP) is defined as: A contractual form of agreement wherein a maximum price for the work is established based upon an agreed to scope. Established with an understanding by the parties that the actual cost of the work could be more or less.

The guaranteed maximum is not a guarantee for all project costs, it is only for the scope of work that is established by the agreed to contract design documents. If the original scope is revised, typically by owner directive or unforeseen conditions, the costs may change accordingly. If the project cost is less than the GMP, it is typically recognized through project savings. Savings may be a result of subcontractor contract vs. bid cost savings, savings on administrative cost for early finished construction activities and any remaining unused contingencies. The CMAR typically has a contractual shared saving incentive to perform more aggressively in these areas. The CMAR is responsible to cover cost increases of market conditions, bid omissions and omissions as part of the guarantee.

I would happy to discuss this further with anyone having any related questions or concerns.



Plano

City of Excellence

Tom Muehlenbeck Recreation Center Renovation

Construction Manager at Risk

Guaranteed Maximum Price

Information developed by Engineering – Facilities (with consultants)

TOM MUEHLENBECK CENTER RENOVATIONS

PROPOSED NEW LOBBY



Project Summary

- Renovations and additions approved by voters as part of the 2021 Bond Referendum
- Construction Manager at Risk delivery method chosen

Project Needs:

- Replace Lobby finishes including Control Desk
- Replace Roof, HVAC Equipment, Fire Alarm System, Network Cabling, Interior Finish Surfaces and Lighting
- Complete remodel of the locker rooms
- Aquatics Upgrades and Renovations
 - › Replace inside pool decks, add zero depth entry, new interior play structure, refurbishment of slide towers and stairs, new exterior play structure and replacement of the exterior pumps
- Corrections of Accessibility Issues



Estimated Project Costs

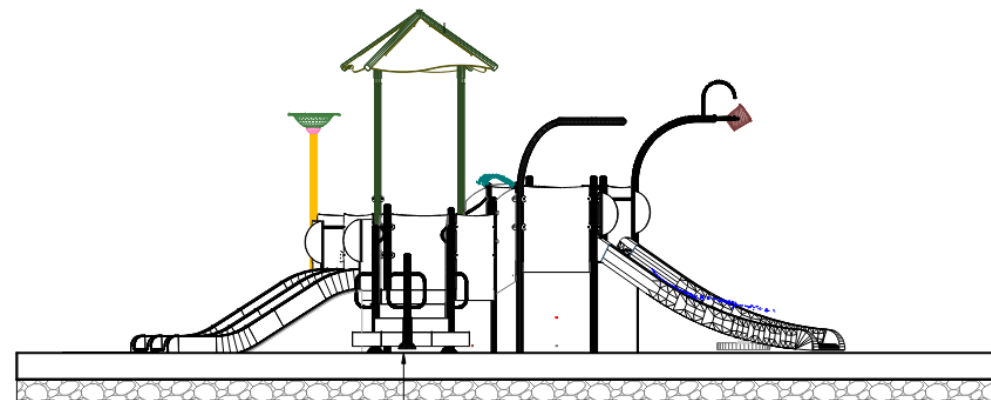
Professional Services:	\$1,550,000
CMAR - Guaranteed Max Price:	\$13,568,203*
Other Project Construction Costs:	<u>\$431,797</u>
Total Estimated Project Cost:	\$15,550,000

* - Item on tonight's agenda to approve.



PROJECT SCHEDULE APPROACH

- Complete shut down during renovation construction activity
 - Maximizes the work available to the contractor which shortens the project duration
- Overall schedule:
 - August of 2024, order long lead time items (HVAC Units, New Aquatics Features and Feature Lighting (arrival 9 months later)
 - Construction from February 2025 to November 2025



1 | SPLASHTACULAR PLAY STRUCTURE
SECTION VIEW
3/16" = 1'-0"



Thank you

Paul V Kunze III, CCM
Engineering Department, Facilities Division Manager



CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/24/2024

DEPARTMENT: City Secretary

DIRECTOR: Lisa Henderson, City Secretary

AGENDA ITEM: ***IMPORTANT MESSAGE*** Comments of Public Interest (general comments on items related to city business not on the agenda) will be heard via Zoom at the end of each regular council meeting. To provide general comments, you must register to speak online and register for Zoom by 4:00 p.m. on the day of the meeting. No in-person Comments of Public Interest will be heard at the meeting. If your comments pertain to business unrelated to the City, we will provide a contact to the appropriate agency that can assist you, if applicable, as an alternative means of communication.

RECOMMENDED ACTION: Important Message
