



CITY OF MCKINNEY, TEXAS

Agenda City Council Regular Meeting

Tuesday, August 16, 2022

6:00 PM

Council Chambers
222 N. Tennessee Street
McKinney, TX 75069

WATCH THE BROADCAST LIVE

Members of the public who wish to watch this meeting may watch the live broadcast on:

Spectrum Channel 16; AT&T U-Verse Channel 99; and
online at <http://mckinney.legistar.com>

CALL TO ORDER

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation given by Pastor Louis Rosenthal, McKinney First Baptist Church

PUBLIC COMMENTS ON AGENDA ITEMS (For Non-Public Hearing Items)

Pursuant to Section 551.007 of the Texas Government Code, speakers wishing to address the City Council regarding any non-public hearing item on this agenda shall have a time limit of three (3) minutes per speaker, per agenda item. The Mayor may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.

CONSENT AGENDA

These items consist of non-controversial or housekeeping items required by law. Items may be considered individually by any Council member making such request prior to a motion and vote on the Consent Items.

MINUTES

22-0751 [Minutes of the City Council Work Session of August 2, 2022](#)

Attachments: [Minutes](#)

22-0752 [Minutes of the City Council Regular Meeting of August 2, 2022](#)

Attachments: [Minutes](#)

- 22-0592** [Minutes of the Historic Preservation Advisory Board Regular Meeting of May 5, 2022](#)
Attachments: [Minutes](#)
- 22-0716** [Minutes of the Historic Preservation Advisory Board Work Session of July 7, 2022](#)
Attachments: [Minutes](#)
- 22-0717** [Minutes of the Historic Preservation Advisory Board Regular Meeting of July 7, 2022](#)
Attachments: [Minutes](#)
- 22-0718** [Minutes of the Historic Preservation Advisory Board Special Meeting of July 18, 2022](#)
Attachments: [Minutes](#)
- 22-0667** [Minutes of the McKinney Community Development Corporation Meeting of June 23, 2022](#)
Attachments: [Minutes](#)
- 22-0668** [Minutes of the McKinney Community Development Corporation Potential Projects Subcommittee Meeting of July 11, 2022](#)
Attachments: [Minutes](#)
- 22-0669** [Minutes of the McKinney Community Development Corporation TUPPS Subcommittee Meeting of July 12, 2022](#)
Attachments: [Minutes](#)
- 22-0670** [Minutes of the McKinney Community Development Corporation Finance Committee Meeting of July 14, 2022](#)
Attachments: [Minutes](#)
- 22-0488** [Minutes of the McKinney Armed Services Memorial Board Meeting of May 11, 2022](#)

Attachments: [Minutes](#)

22-0601 [Minutes of the McKinney Main Street Board Meeting of June 9, 2022](#)

Attachments: [Minutes](#)

22-0609 [Minutes of the Parks, Recreation, and Open Space Advisory Board Meeting of June 9, 2022](#)

Attachments: [Minutes](#)

22-0731 [Minutes of the Planning and Zoning Commission Regular Meeting of July 26, 2022](#)

Attachments: [Minutes](#)

ORDINANCES

22-0753 [Consider/Discuss/Act on an Ordinance Repealing Chapter 6 \(Air Pollution Control\), Sections 6-1 Through 6-26 of the Code of Ordinances](#)

Attachments: [Ordinance](#)
[Chapter 6 Repeal](#)

22-0754 [Consider/Discuss/Act on an Ordinance Amending Chapter 70 - Offenses and Miscellaneous Provisions, Article VII \(Smoking\) of the Code of Ordinances](#)

Attachments: [Ordinance](#)
[Chapter 70 \(redline\)](#)

RESOLUTIONS

22-0755 [Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter Into an Interlocal Agreement and Memorandum of Understanding Between the City of Plano, the City of McKinney, the City of Frisco, and Collin County, Texas, for the Application and Administration of the Department of Justice 2022 Byrne Justice Assistance Grant, and Designating the City Manager, or Designee, as Official](#)

Representative of the City in Matters Relating to the Program

Attachments: Resolution
Exhibit A - Agreement
Exhibit B - MOU

22-0756 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with RJN Group, Inc. for Professional Engineering Design Services for the Aerial Wastewater Crossing Improvements (US 380 and Throckmorton Street) Project and Authorizing Any Necessary Supplemental Agreements

Attachments: Resolution
Location Map

22-0757 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Facilities Agreement for Gonzalez-Carreon Addition, Lots 1-3, Block A, Located in the ETJ of McKinney on the Northeast corner of Farm-to-Market Road 1827 and Surrey Estates Road.

Attachments: Resolution
Agreement
Location Map and Aerial Exhibit

22-0758 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with MVBA, LLC of Round Rock, Texas to Provide the Collection of Delinquent Fines, Court Costs and Fees

Attachments: Resolution
Agreement

22-0759 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Amendment to the Construction Manager at Risk (CMAR) Contract with Crossland Construction Company, Inc. (Crossland) for an Additional Scope of Work Related to the Construction Remodel of the McKinney Municipal Service Center - North Campus Project (FC2058) Located at 3501 North Central Expressway,

[McKinney](#)**Attachments:** [Resolution](#)**22-0760**

[Consider/Discuss/Act on a Resolution of the City Council of the City of McKinney, Texas Authorizing the City Manager to Negotiate an Agreement with SiFi Networks McKinney, LLC for the Development of an Open Access FTTP Broadband Network in McKinney, With Connection to Current and Future Public Facilities, the Development of a Connected Economic Development Corridor Along Collin McKinney Parkway, and an Increased Adoption Strategy for McKinney Residents](#)

Attachments: [Resolution](#)
[Report & Recommendations](#)
[Scoring Summary](#)

22-0761

[Consider/Discuss/Act on a Resolution of the City Council of the City of McKinney, Texas, Approving a Negotiated Settlement Between the Atmos Cities Steering Committee \("ACSC"\) and Atmos Energy Corp., Mid-Tex Division Regarding the Company's 2022 Rate Review Mechanism Filing; Declaring Existing Rates to be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With the Negotiated Settlement; Finding the Rates to be Set by the Attached Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attachment Establishing a Benchmark for Pensions and Retiree Medical Benefits; Requiring the Company to Reimburse ACSC's Reasonable Ratemaking Expenses; Determining That This Resolution was Passed in Accordance With the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; and Requiring Delivery of This Resolution to the Company and the ACSC's Legal Counsel](#)

Attachments: [Resolution](#)
[CY21 Tariffs](#)
[CY21 Pension Benchmark](#)
[CY21 Average Bill](#)

22-0762 [Consider/Discuss/Act on a Resolution Terminating the Agreement by and between the City of McKinney, Texas and McRight-Smith Construction, LLC, for Construction Manager at Risk Services Related to the Design and Construction of the TKI Executive Terminal at the McKinney Airport, and Authorizing the City Manager to Execute Such Documents as may be Necessary to Terminate the Agreement; and Providing an Effective Date](#)

Attachments: [Resolution](#)

END OF CONSENT

PLAT CONSIDERATION UNDER TEXAS LOCAL GOVERNMENT CODE CHAPTER 212

The items under this subcategory require separate consideration pursuant to the Texas Local Government Code. The staff recommendation in each item describe the necessary form of action required on each plat. A "Motion to Approve these items in accordance with staff's recommendation" will result in approval, approval with conditions or disapproval as such are contained in § 212.009 of the Texas Local Government Code.

22-0140PF [Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1-9, Block A, of the 1544 County Road 362 Development, Located in the McKinney Extraterritorial Jurisdiction \(ETJ\), on the Southeast Corner of Miller Road \(County Road 339\) and County Road 362](#)

Attachments: [Standard Conditions Checklist](#)
 [Location Map and Aerial Exhibit](#)
 [Letter of Intent](#)
 [Proposed Preliminary-Final Plat](#)
 [Explanation for Dissapproval Summmary](#)

END OF CHAPTER 212 PLAT CONSIDERATION

REGULAR AGENDA AND PUBLIC HEARINGS

This portion of the agenda consists of items requiring individual consideration by the Council.

22-0763 [Citizen Input on the FY 2022-23 Budget](#)

- 22-0764** [Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2021-2022 Annual Budget and Amending the 2022-2026 Capital Improvements Program to Provide Funds for the ERP Implementation Project \(IT1007\)](#)
Attachments: [Ordinance](#)
- 22-0765** [Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Change Order with Sierra-Cedar, LLC Dedicating Additional Time and Resources to the Enterprise Resource Planning Project](#)
Attachments: [Resolution](#)
- 22-0576** [Consider/Discuss/Act on an Ordinance Approving the Redistricting of the City's Single-Member Council Districts and Establishing New District Boundary Lines for McKinney City Council Elections Based on the 2020 Census Data; and Providing for an Effective Date](#)
Attachments: [Ordinance](#)
 [Plan C](#)
 [Plan D](#)
- 21-0072Z2** [Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow for Single Family Residential and Commercial Uses, Located on the Northwest Corner of McKinney Ranch Parkway and Silverado Trail, and Accompanying Ordinance](#)

Attachments: [Draft PZ Minutes 07.26.2022](#)
[Location Map and Aerial Exhibit](#)
[Letter of Intent](#)
[Letter of Concern](#)
[Comprehensive Plan Maps](#)
[Established Community District](#)
[Placetype Definitions](#)
[Fiscal Analysis](#)
[Land Use Comparison Table](#)
[Ex. PD Ord. No. 2007-08-072](#)
[Ex. PD Ord. No. 2002-03-019](#)
[Proposed Ordinance](#)
[Proposed Exhibits A-D](#)
[Informational Only - Concept Plan](#)
[Presentation](#)

22-0040Z2 [Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “PD” - Planned Development District and “REC” - Regional Employment Center Overlay District to “PD” - Planned Development District, Generally to Modify the Development Standards and to Allow for Multi-Family Residential and Commercial Uses, Located on the Southwest Corner of Collin McKinney Parkway and Alma Drive, and Accompanying Ordinance](#)

Attachments: [Draft PZ Minutes 07.26.2022](#)
[Location Map and Aerial Exhibit](#)
[Letter of Intent](#)
[Comprehensive Plan Maps](#)
[Collin McKinney Commercial District](#)
[Placetype Definitions](#)
[Fiscal Analysis](#)
[Land Use Comparison Table](#)
[Ex. PD Ord. No. 2014-11-087](#)
[Proposed Ordinance](#)
[Proposed Exhibits A-D](#)
[Presentation](#)

22-0766 [Conduct a Public Hearing to Consider/Discuss/Act on a Request from Denton County Electric Cooperative, Inc., d/b/a Coserve Electric for an Electric Easement upon, over, under and across City-owned land that is designated as a Park on the Parks Master Plan for the purpose of providing electric utility service to the Indoor Tennis Facility located within Gabe Nesbitt Community Park. The Indoor Tennis Facility is Located on Lot 1R, Block A, of the McKinney Community Park in an area that is east of Alma Drive and south of Eldorado Parkway in McKinney, Collin County, Texas and Accompanying Ordinance and Electric Line Easement](#)

Attachments: [Ordinance](#)

22-0767 [Consider/Discuss/Act on Adoption of a Resolution Determining a Public Necessity to Acquire Property Easement Rights for Public Use by Eminent Domain for Sanitary Sewer and Temporary Construction Easements associated with the Honey Creek Sanitary Sewer Trunk Main Project \(WW1638\) which Property is Located Near the Northwest Corner of State Highway 5 and FM 543 and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions](#)

Attachments: [Resolution](#)
 [Location Map](#)

22-0005M2 [Conduct a Public Hearing to Consider/Discuss/Act on an Ordinance Amending Sections 146-130 \(Vehicle Parking\) and Section 146-134 \(Performance Standards\) of the Code of Ordinances, and Accompanying Ordinance](#)

Attachments: [Draft PZ Minutes 07.26.2022](#)
 [Section 146-130 \(Vehicle Parking\) redlines](#)
 [Section 146-134 \(Performance](#)
 [Standards\) redlines](#)
 [Proposed Ordinance](#)
 [Exhibits A-B](#)

22-0006M [Consider/Discuss/Act on an Ordinance Amending Chapter 70 \(Offenses and Miscellaneous Provisions\), Chapter 122 \(Construction Regulations\), and Chapter 62 \(Motor Vehicles and Traffic\) of the Code of Ordinances, and Accompanying Ordinance](#)

Attachments: [Ch 70, Article III - Cleanliness of Premises \(redline\)](#)
 [Ch 70, Article V - Noise \(redline\)](#)
 [Ch 70, Article X - Parking Prohibitions \(redline\)](#)
 [Ch 122 - Construction Regulations \(redline\)](#)
 [Ch 62, Article VI - Parking \(redline\)](#)
 [Proposed Ordinance](#)
 [Exhibits A-E](#)

END OF REGULAR AGENDA & PUBLIC HEARINGS

CITIZEN COMMENTS ON MATTERS NOT ON THE AGENDA

COUNCIL AND MANAGER COMMENTS

EXECUTIVE SESSION

In Accordance with the Texas Government Code:

A. Section 551.071(2) Consultations with Attorney on any Work Session, Special Session, or Regular Session agenda item requiring confidential attorney/client advice necessitated by the deliberation or discussion of said items (as needed)

- Facilities Agreement by and between SLC McKinney Partners, Billingsley Parties and the City of McKinney, Texas (Tucker Hill Addition)

B. Section 551.071 (A) Pending or contemplated litigation

C. Section 551.072. Deliberations about Real Property

- JPI Real Estate Acquisitions, LLC

D. Section 551.074. Personnel Matters

E. Section 551.087. Deliberation Regarding Economic Development Matters

- Project Hemispheres

ACTION ON EXECUTIVE SESSION ITEMS

ADJOURN

*Posted in accordance with the Texas Government Code, Chapter 551, on or before
Saturday, August 13, 2022, 6:00p.m.*

*Empress Drane, City Secretary
Joshua Stevenson, Deputy City Secretary*

In accordance with the Americans with Disabilities Act, it is the policy of the City of McKinney to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at least 48 hours in advance of the event. Email contact-adacompliance@mckinneytexas.org. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. ADA grievances may also be directed to the ADA Coordinator or filed online at <http://www.mckinneytexas.org/ada>.