



# CITY OF MCKINNEY, TEXAS

## Agenda City Council Regular Meeting

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Tuesday, August 15, 2023

6:00 PM

Council Chambers  
222 N. Tennessee Street  
McKinney, TX 75069

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### **WATCH THE BROADCAST LIVE**

This meeting will be broadcast live on cable television and through the City's website. 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 <https://mckinneytx.new.swagit.com/views/130>

### **CALL TO ORDER**

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

### **PUBLIC COMMENTS ON AGENDA ITEMS (for Non-Public Hearing Items)**

*If you wish to address the City Council on a posted item on this agenda, please fill out a "Request to Speak" card and present it to the City Secretary prior to the meeting.*

*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.*

*Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the City Council for items listed as Public Hearings will be recognized when the Public Hearing is opened.*

### **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.*

### **Consent MINUTES**

**23-0655**      [Minutes of the City Council Work Session of June 20, 2023](#)

**Attachments:**    [Minutes](#)

- 23-0656**      [Minutes of the City Council Regular Meeting of June 20, 2023](#)  
*Attachments:*    [Minutes](#)
- 23-0657**      [Minutes of the Work Session of July 18, 2023](#)  
*Attachments:*    [Minutes](#)
- 23-0658**      [Minutes of the Regular Meeting of July 18, 2023](#)  
*Attachments:*    [Minutes](#)
- 23-0659**      [Minutes of the City Council Work Session of August 1, 2023](#)  
*Attachments:*    [Minutes](#)
- 23-0570**      [Minutes of the Library Advisory Board Meeting of June 15, 2023](#)  
*Attachments:*    [Minutes](#)
- TMP23-0582**    [Minutes of the McKinney Community Development Corporation Meeting of June 22, 2023](#)  
*Attachments:*    [Minutes](#)
- 23-0632**      [Minutes of the Planning and Zoning Commission Regular Meeting of July 25, 2023](#)  
*Attachments:*    [Minutes](#)

#### **Consent ORDINANCES**

- 23-0660**      [Consider/Discuss/Act on an Ordinance Amending Chapter 110 "Utilities" of the Code of Ordinances to Establish Water and Wastewater Design Standards and Require Permitting for All Extensions of the City of McKinney Water and Wastewater Systems](#)  
*Attachments:*    [Ordinance](#)

#### **Consent RESOLUTIONS**

- 23-0661**      [Consider/Discuss/Act on a Resolution Approving Qualified Firms to Provide On Call Capital Project Grant Support Services, and Authorizing the City Manager to Execute Agreements for Professional Services](#)  
**Attachments:**    [Resolution](#)
- 23-0662**      [Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Circle Health Partners, Inc. dba Circle Wellness, Inc. for Employee Wellness Program Services](#)  
**Attachments:**    [Resolution](#)  
                              [Scoring Summary](#)
- 23-0663**      [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 2023 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](#)  
                              [Attachment 1](#)  
                              [Attachment 2](#)  
                              [Average Bill](#)
- 23-0664**      [Consider/Discuss/Act on a Resolution of the City of](#)

McKinney, Texas Suspending the September 1, 2023 Effective Date of CoServ Gas, Ltd.'s Requested Rate Change to Permit the City Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation With Other Cities in the CoServ Service Area, to Hire Legal and Consulting Services and to Negotiate With the Company and Direct Any Necessary Litigation and Appeals; Requiring Reimbursement of the Steering Committee of Cities Served by CoServ Gas' Rate Case Expenses; Finding That the Meeting at Which This Resolution Is Passed Is Open to the Public as Required by Law; Requiring Notice of This Resolution to the Company and Legal Counsel.

**Attachments:** Resolution

**23-0665**

Consider/Discuss/Act on A Resolution of the City of McKinney, Texas Finding That Oncor Electric Delivery Company LLC's Application to Amend Its Distribution Cost Recovery Factor and Update Generation Riders to Increase Distribution Rates Within the City Should Be Denied; Authorizing Participation With the Steering Committee of Cities Served by Oncor; Authorizing Hiring of Legal Counsel; Finding That the City's Reasonable Rate Case Expenses Shall Be Reimbursed by the Company; Finding That the Meeting at Which This Resolution Is Passed Is Open to the Public as Required by Law; Requiring Notice of This Resolution to the Company and Legal Counsel

**Attachments:** Resolution

## **END OF CONSENT AGENDA**

### **PLAT CONSIDERATION under Chapter 212 of the Texas Local Government Code**

*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.*

**23-0150PP**

Consider/Discuss/Act on a Preliminary Plat for Pecan Hill, Located approximately 1,200 Feet South of Fieldcrest Drive

and on the West Side of Lake Forest Drive

**Attachments:** Standard Conditions Checklist  
Location Map and Aerial Exhibit  
Letter of Intent  
Proposed Preliminary Plat  
Conditions of Approval Summary

## END OF CHAPTER 212 PLAT CONSIDERATION

## REGULAR AGENDA AND PUBLIC HEARING ITEMS

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

*Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the City Council for items listed as Public Hearings will be recognized when the Public Hearing is opened.*

**23-0666**      Citizen Input on the FY 2023-24 Budget

**23-0667**      Consider/Discuss/Act on Adoption of a Resolution  
Determining a Public Necessity to Acquire Property  
Easement Rights for Public Use by Eminent Domain for a  
Temporary Construction Easement associated with the SH 5  
Utility Relocation Project (WA1633 & WW1633) which  
Property is Located at the Southeast Corner of State  
Highway 5 and McMakin Street and Authorizing the City  
Manager to Establish Procedures for Acquiring the Easement  
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

**23-0668**      Consider/Discuss/Act on a Resolution Authorizing the City  
Manager to Execute a Contract with Frontier Texas Ventures  
I, LLC dba Frontier Waste Solutions for the Collection of  
Solid Waste and Recycling

**Attachments:** Resolution

**23-0669**      [Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Balcones Recycling Dallas, LLC for Recycling Processing Services](#)

**Attachments:**    [Resolution](#)

**23-0001SUP6**    [Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request to Allow for a Utility Substation \(Oncor Bloomdale Switch Station\), Located Approximately 1,300 Feet East of U.S. 75 and North of Shawnee Drive, and Accompanying Ordinance](#)

**Attachments:**    [PZ Minutes 05.23.2023](#)  
                          [PZ Minutes 04.25.2023](#)  
                          [PZ Minutes 04.11.2023](#)  
                          [Location Map and Aerial Exhibit](#)  
                          [Letter of Intent](#)  
                          [Citizen Comments](#)  
                          [PZ Protest](#)  
                          [Written Protest Form](#)  
                          [Written Protest Exhibit](#)  
                          [Ex. PD Ord. No. 1640](#)  
                          [Proposed Ordinance](#)  
                          [Exhibits A-C](#)  
                          [Presentation](#)

## **END OF REGULAR AGENDA AND PUBLIC HEARING ITEMS**

### **CITIZEN COMMENTS on Matters not on the Agenda**

*If you wish to address the City Council on a posted item on this agenda, please fill out a "Request to Speak" card and present it to the City Secretary prior to the meeting.*

### **COUNCIL AND MANAGER COMMENTS**

*Council and Manager Comments relating to items of public interest: Announcements regarding local or regional civic and charitable events, staff recognition, commendation of citizens, traffic issues, upcoming meetings, informational update on City projects, awards, acknowledgement of meeting attendees, birthdays, requests of the City Manager for items to be placed on upcoming agendas, and condolences.*

### **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)

B. Section 551.071 (A) Pending or contemplated litigation

- Cowtown Redi Mix, Inc. and Issam Al-Shmaisani, Plaintiffs, v. City of McKinney, Texas, and Board of Adjustment for City of McKinney, Defendants, 401st Judicial District Court of Collin County, Texas

C. Section 551.072. Deliberations about Real Property

D. Section 551.074. Personnel Matters

E. Section 551.087. Deliberation Regarding Economic Development Matters

- Project 20-09 TUPPS Brewery & Entertainment Destination

- Project August

- Project Bluesky

- Project Sharp

- Project Terrigen

- Project Vibes

## **ACTION ON EXECUTIVE SESSION ITEMS**

## **ADJOURN**

*Posted in accordance with Texas Government Code, Chapter 551, at or before August 12, 2023 (6:00 p.m.)*

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*Empress Drane, City Secretary*  
*Tenitrus Bethel, 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](mailto: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>.*