

CITY COUNCIL REGULAR MEETING

JANUARY 17, 2017

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on January 17, 2017 at 6:00 p.m.

Council Present: Mayor Pro Tem Randy P. Pogue, Council members: Chuck Branch, Don Day, Tracy Rath, Rainey Rogers, and Travis Ussery. Council Absent: Mayor Brian Loughmiller.

Staff Present: City Manager Paul Grimes; Deputy City Manager Jose Madrigal; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Planning Director Brian Lockley; Executive Director of Development Services Michael Quint; Director of Engineering Mark Hines; Director of Parks and Recreation Rhoda Savage; Assistant Director of Parks and Recreation Ryan Mullins; Assistant Director of Public Works Paul Sparkman; Director of Strategic Services Chandler Merritt; Director of Public Works David Brown; Planning Manager Jennifer Arnold; CIP and Transportation Engineering Manager Gary Graham; IT Support Technician Robert Lisenby; Chief Information Officer Sid Hudson; Engineering - Nick Ataie, John Ho, Clayton Barnard, Monica Kent, Jennifer Lafoy, and Blake Sills; Assistant Director of Engineering Michael Hebert; Assistant Fire Chief Tim Mock; Housing and Community Services Manager Janay Ticken; Communications and Marketing - Denise Lessard and Joey Barr; Emergency Management Coordinator Karen Adkins; Assistant Emergency Management Coordinator Randall Gurney; Police Officer Bruno Siqueira; McKinney Convention and Visitors Bureau Director DeeDee Guerra; Chief of Police Greg Conley; Planner Aaron Bloxham; Airport - Ken Wiegand and Eric Pratt; and Aquatics and Fitness Manager Teresa Thomason.

There were approximately 65 guests present.

Mayor Pro Tem Pogue called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Reverend Mike Michie, St. Andrew's Episcopal Church. Mayor Pro Tem Pogue led the Pledge of Allegiance.

17-056 Engineer's Week Proclamation. Mayor Pro Tem Pogue presented the Engineer's Week Proclamation to the City's Engineers.

Mayor Pro Tem Pogue called for Citizen Comments.

Mr. William Cook, 470 Adriatic Parkway, McKinney, spoke about the wastefulness of the City's parking standards.

Mr. Steven Spainhouer, 4690 Eldorado Parkway, McKinney, spoke about Council member Day's Development and the City's Ethics Policy.

Mr. Peter Hylak, 7007 Westchester, McKinney, spoke about the City's Water Detention Ordinance.

Ms. Jill Alcantara, 2837 Dog Leg Trail, McKinney, spoke against the unauthorized construction at College and Eldorado Parkway:

The following individuals did not wish to speak but wanted their comments against Council member Day's unauthorized construction at College and Eldorado Parkway entered into the record:

Ms. Kathleen Lenchner, 1104 W. Louisiana St., McKinney

Ms. Ronda Steffey, 2833 Dog Leg Trail, McKinney

Ms. Brenda Bulot, 3075 Willow Grove Blvd., #3706, McKinney

Ms. Juli Smith, 3206 St. Pierre, McKinney, with Rotary Clubs of McKinney, thanked the City Council and MCDC for the contributions and support for the All-Abilities Playground at Bonnie Wenk Park.

The following individuals spoke in support of item 17-065:

Mr. Rick Johnston, 203 McMakin, McKinney

Ms. Nicole Tate, P. O. Box 333, McKinney

Mr. La'Shadiion Shemwell, 1200 N. Tennessee Street, McKinney

Mr. Phillip Evans, 907 Throckmorton, McKinney

The following individuals did not wish to speak but wanted to enter their support for item 17-065:

Ms. Bethany Shadls, 114 Bauden, Anna

Ms. Connie Crosby, 612 N. Wood Street, McKinney

Ms. Angie Farquhar, 8440 Spectrum Drive, McKinney

Mr. Sherry Lyn, 1200 N. Tennessee Street #74, McKinney

Mr. Gary McCrary, 603 McMakin, McKinney

Mr. Peter Bailey, 4700 S. Ridge Road, McKinney, did not wish to speak but wanted his support for agenda item 17-078 entered into the record.

Council unanimously approved the motion by Council member Ussery, seconded by Council member Rogers, to approve the following consent items:

- 17-057** Minutes of the City Council Regular Meeting of January 3, 2017
- 16-1214** Minutes of the Historic Preservation Advisory Board Regular Meeting of December 1, 2016
- 17-018** Minutes of the McKinney Armed Services Memorial Board Meeting of November 9, 2016
- 17-028** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of November 10, 2016
- 17-026** Minutes of the Planning and Zoning Commission Work Session of December 13, 2016
- 17-027** Minutes of the Planning and Zoning Commission Regular Meeting of December 13, 2016
- 17-058** Consider/Discuss/Act on an Ordinance Removing the Loading Zone Designation on a Space on Louisiana Street West of Kentucky Street.
Caption reads as follows:

ORDINANCE NO. 2017-01-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS REMOVING THE LOADING ZONE
DESIGNATION ON A SPACE ON LOUISIANA STREET WEST
OF KENTUCKY STREET IN McKINNEY; AMENDING THE CODE
OF ORDINANCES, CITY OF McKINNEY, TEXAS; PROVIDING
FOR PUBLICATION OF THE CAPTION OF THE ORDINANCE,
EFFECTIVE DATE HEREOF AND A PENALTY CLAUSE

- 17-059** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2016-2017 Budget for MEDC, MDCD & MCVB to Re-appropriate Projects/Items Carried from Last Fiscal Year. Caption reads as follows:

ORDINANCE NO. 2017-01-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET
AMENDMENT PERTAINING TO THE FISCAL YEAR 2016-2017
BUDGET FOR MCVB, MEDC AND MDCD; AND PROVIDING
FOR AN EFFECTIVE DATE HEREOF

- 17-060** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2016-2017 Budget to Re-appropriate Projects/Items Carried from Last Fiscal

Year. Caption reads as follows:

ORDINANCE NO. 2017-01-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2016-2017 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 17-061** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2016-2017 Annual Budget to Provide Funds for the Purpose of Updating Audiovisual Equipment for McKinney TV. Caption reads as follows:

ORDINANCE NO. 2017-01-009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2016-2017 ANNUAL BUDGET FOR THE PURPOSE OF UPDATING AUDIOVISUAL EQUIPMENT FOR MCKINNEY TV; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 17-062** Consider/Discuss/Act on an Ordinance of the City Council of the City of McKinney Amending Ordinance 2011-04-016 to Modify Reinvestment Zone Number One's Board Meeting Requirements. Caption reads as follows:

ORDINANCE NO. 2017-01-010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING, RESTATING AND SUPERSEDING ORDINANCE NUMBERS 2010-09-034, 2010-10-041, AND 2011-04-016 RELATED TO REINVESTMENT ZONE NUMBER ONE, CITY OF MCKINNEY; AMENDING THE FREQUENCY OF MEETINGS OF THE BOARD OF DIRECTORS FOR REINVESTMENT ZONE NUMBER ONE, CITY OF MCKINNEY; RESTATING THE NON-AMENDED PROVISIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

- 17-063** Consider/Discuss/Act on an Ordinance of the City Council of the City of McKinney Amending Ordinance 2011-04-016 to Modify Reinvestment Zone Number Two's Board Meeting Requirements. Caption reads as follows:

ORDINANCE NO. 2017-01-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING, RESTATING AND SUPERSEDING ORDINANCE NUMBER 2010-09-035, 2010-10-

041, AND 2011-04-017 RELATED TO REINVESTMENT ZONE NUMBER TWO, CITY OF MCKINNEY; AMENDING THE FREQUENCY OF MEETINGS OF THE BOARD OF DIRECTORS FOR REINVESTMENT ZONE NUMBER TWO, CITY OF MCKINNEY; RESTATING THE NO-AMENDED PROVISIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

- 17-064** Consider/Discuss/Act on an Ordinance Amending the 1999 Municipal Annexation Plan. Caption reads as follows:

ORDINANCE NO. 2017-01-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE 1999 ANNEXATION PLAN; PROVIDING FOR THE ADOPTION OF THE 2017 MUNICIPAL ANNEXATION POLICY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

- 17-066** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a Staffing for Adequate Fire and Emergency Response (SAFER) Grant from the Federal Emergency Management Agency (FEMA) to Hire Additional Fire Department Personnel. Caption reads as follows:

RESOLUTION NO. 2017-01-013 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO HIRE FIRE DEPARTMENT PERSONNEL

- 17-067** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with CERES Environmental Services of Houston, Texas, as the Primary Contractor and DRC Emergency Services of Galveston, Texas, as the Secondary Contractor for Disaster Debris Hauling Services. Caption reads as follows:

RESOLUTION NO. 2017-01-014 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AWARDING A CONTRACT TO CERES OF HOUSTON, TEXAS, AS PRIMARY CONTRACTOR AND DRC OF GALVESTON, TEXAS, AS SECONDARY CONTRACTOR FOR DISASTER DEBRIS HAULING SERVICES

- 17-068** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Lee Engineering for Professional Engineering Services for the Design of Traffic Signals at Four Locations and Modifications to One Existing Traffic Signal and Any Necessary Supplemental Agreements. Caption reads as follows:

RESOLUTION NO. 2017-01-015 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$84,465 WITH LEE ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF TRAFFIC SIGNALS AT FOUR LOCATIONS AND MODIFICATIONS TO ONE EXISTING TRAFFIC SIGNAL AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$95,000

- 17-069** Consider/Discuss/Act on a Resolution Amending the Fiscal Year 2017 - 2021 Capital Improvements Program to Transfer Funds to Custer Road and Silverado Trail Traffic Signal (TR1702). Caption reads as follows:

RESOLUTION NO. 2017-01-016 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE FISCAL YEAR 2017 - 2021 CAPITAL IMPROVEMENT PROGRAM TO TRANSFER FUNDS TO CUSTER ROAD AND SILVERADO TRAIL TRAFFIC SIGNAL (TR1702)

- 17-070** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Birkhoff, Hendricks & Carter, LLP for Professional Engineering Design Services for US 380 Water Line Improvements and Any Necessary Supplemental Agreements. Caption reads as follows:

RESOLUTION NO. 2017-01-017 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$281,500 WITH BIRKHOFF, HENDRICKS & CARTER, LLP FOR ENGINEERING DESIGN SERVICES FOR US 380 WATER LINE IMPROVEMENTS AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$320,000

- 17-071** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Brown & Gay Engineers, Inc. (BGE) for Professional Engineering Design Services for the Redbud Pump Station 850 PP Transmission Water Line and Any Necessary Supplemental Agreements. Caption reads as follows:

RESOLUTION NO. 2017-01-018 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$623,517.00 WITH BROWN & GAY ENGINEERS, INC. FOR ENGINEERING DESIGN SERVICES FOR REDBUD PUMP STATION 850 PP TRANSMISSION WATER LINE AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$686,000

- 17-072** Consider/Discuss/Act on a Resolution Awarding a Contract to CTJ Maintenance of Irving, Texas, for Janitorial Services for the Apex Centre. Caption reads as follows:

RESOLUTION NO. 2017-01-019 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO CTJ MAINTENANCE OF IRVING, TEXAS, FOR JANITORIAL SERVICES FOR THE APEX CENTRE

- 17-073** Consider/Discuss/Act on a Resolution Authorizing a Second Amendment to the Professional Full Tennis Services Management Agreement with Lifetime Tennis Inc., a Texas Corporation. Caption reads as follows:

RESOLUTION NO. 2017-01-020 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE PROFESSIONAL FULL TENNIS SERVICES MANAGEMENT AGREEMENT WITH LIFETIME TENNIS INC., A TEXAS CORPORATION

- 17-074** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Reject the Proposal Received for 17-27CC Gold Star Memorial Project. Caption reads as follows:

RESOLUTION NO. 2017-01-021 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, REJECTING THE PROPOSAL RECEIVED FOR 17-27CC, GOLD STAR MEMORIAL PROJECT

- 17-075** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute the Required Agreements with Active Network, LLC for the Hosted Registration Software and Supporting Hardware for the McKinney Apex Centre. Caption reads as follows:

RESOLUTION NO. 2017-01-022 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE REQUIRED CONTRACTS WITH ACTIVE NETWORK, LLC FOR HOSTED REGISTRATION SOFTWARE AS A SERVICE AND SUPPORTING HARDWARE FOR THE MCKINNEY APEX CENTRE

- 17-076** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a First Amendment to the Amended and Restated Interlocal Agreement for the Construction and Use of a Public Safety Training Facility Between the City of McKinney and Collin County Community College District. Caption reads as follows:

RESOLUTION NO. 2017-01-023 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE AMENDED AND RESTATED INTERLOCAL AGREEMENT WITH THE COLLIN COUNTY COMMUNITY COLLEGE DISTRICT FOR THE CONSTRUCTION AND USE OF A PUBLIC SAFETY TRAINING FACILITY

- 17-077** Consider/Discuss/Act on a Second Amendment to the Chapter 380 Economic Incentive and Master Development Agreement with Columbus Realty Partners, LTD., Governing the Development of the Property Located on the Southeast Corner of Tennessee Street and Davis Street (9-Acre Site).

END OF CONSENT

- 17-065** Mayor Pro Tem Pogue called for Consideration/Discussion/Action on a Resolution Approving the Concerted Revitalization Plan to Assist in the Redevelopment of McKinney Housing Authority Properties. Housing and

Community Development Manager Janay Tieken was present to answer any questions. Ms. Tieken stated this item will allow the Merritt, Lloyd Owens and Cockrell properties to be competitive for 9% tax credits. If they were not competitive for 9% tax credits, they would have to apply for 4% and would need a great deal of subsidy in order to redevelop the properties. This will bring outside equity into our community for the redevelopment of these properties. The Housing and Community Development Department has already completed many of the requirements to revitalize that area including the Town Center Plan, the TIRZ 1 District, and the updated Comprehensive Plan so we will be using initiatives that have already been started. The zone will allow the developer to apply for 9% tax credit and score enough points on their application to be competitive to get the credits. Without the Concerted Revitalization Plan they would not be able to score high enough because this is not a high opportunity area. This is an alternative to the high opportunity area scoring. City Council can select one project per year as most contributing to economic benefit. If Council decides to do that, they get an extra two points on the application. Consideration of Merritt homes is next in line and they are scheduled for the February 7th Council meeting. Council unanimously approved the motion by Council member Day, seconded by Council member Branch, to approve a Resolution Approving the Concerted Revitalization Plan to Assist in the Redevelopment of McKinney Housing Authority Properties. Caption reads as follows:

RESOLUTION NO. 2017-01-012 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO
SUBMIT THE CONCERTED REVITALIZATION PLAN TO THE
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY
AFFAIRS

- 17-078** Mayor Pro Tem Pogue called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Submit a Master Grant

Agreement (MGA) Between the City of McKinney and the Texas Department of Transportation Allowing the City of McKinney to Apply for Grant Funds for Transit Service Provision. Director of Strategic Services Chandler Merritt stated this is the next step in procuring funding for public transit in McKinney and the larger area. This is the state's side of the funding and is a contract with the Texas Department of Transportation. After we meet with the Urban Transit District, we will bring back an additional item for a Program Grant Agreement which would give more detail on the level and types of transit that would be provided. The timeline and history of this item is on the City's website on the FAQ section. Execution of the Master Grant Agreement (MGA) gives the City of McKinney the ability to apply for transit grant funds from the Texas Department of Transportation - Public Transit Division (PTN). The MGA covers a period from the date of execution through August 31, 2021. A Project Grant Agreement (PGA), outlining services to be provided, recommended service provider, and budget will be brought back to City Council for approval, after a recommendation is made by the McKinney Urban Transit District. This item only deals with the TxDOT agreement, which is the state grant funds. For fiscal year 2017, the state grant is approximately \$312,000. On the federal side, we are currently using fiscal year 2016 allocation and it is approximately \$2.5 million for the McKinney urbanized area. This amount is annual and depends on the appropriation given by Congress. The federal money is a matching system, for every dollar you put in you get a dollar. The \$312,000 can be used as a match should we have direct recipient status to pull down another \$312,000 from the federal government. Staff is working on a draft budget now to present to the City Council and the Urban Transit District proposing one full-time staff member, which would be paid out of the state grant funds with no cost to the general fund or operating funds. Mr. Merritt stated that the City has been working in tandem with the North

Central Texas Council of Governments through the entire process and they have offered their service to assist us in anything we need from the transit related side to ensure all our processes are set up. The next step would be to convene the Urban Transit District. It's our intent to have several transit authorities who wish to offer transit services be at that meeting. We hope to get direction on levels and types of services so staff can work on procuring the services. Mayor Pro Tem Pogue noted that he has stated before that he does not believe it's the actual role of government to provide public transportation, however, it is a quality-of-life issue. We must do this within a constraint of what we can afford to do as opposed to having a transit authority dictate or mandate our costs. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Rogers, to approve a Resolution authorizing the City Manager to submit a Master Grant Agreement (MGA) between the City of McKinney and the Texas Department of Transportation allowing the City of McKinney to apply for grant funds for Transit Service Provision. Caption reads as follows:

RESOLUTION NO. 2017-01-024 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE SUBMISSION OF A MASTER GRANT AGREEMENT BETWEEN THE CITY OF MCKINNEY AND THE TEXAS DEPARTMENT OF TRANSPORTATION, ALLOWING THE CITY OF MCKINNEY TO APPLY FOR FUNDS FOR TRANSIT PROVISION

- 17-079** Mayor Pro Tem Pogue called for Consideration/Discussion/Action on a Resolution Approving the Submittal of a Formal Request to Federal Transit Administration (FTA) to Replace Texoma Area Paratransit Services (TAPS) Direct Recipient Status and Request that the City of McKinney be Appointed the Recipient for the McKinney Urbanized Area (MUZA). Director of Strategic Development Services Chandler Merritt stated this a companion item to the previous agenda item. This is a request to the Federal Transit Administration to formally name the City of

McKinney as the direct recipient for urbanized area funding. Mr. Merritt stated that officially TAPS is still the direct recipient of funding until someone else is named. At one time it was considered the North Central Texas Council of Governments (NCTCOG) would be the direct recipient and McKinney would be a sub recipient. The City decided it would be best if the City of McKinney be the direct recipient with support from the NCTCOG on the administration side. The City has to be named direct recipient with pre-award authority before we can draw down any funds. Council unanimously approved the motion by Council member Branch, seconded by Council member Ussery, to approve a Resolution approving the submittal of a formal request to Federal Transit Administration (FTA) to replace Texoma Area Paratransit Services (TAPS) Direct Recipient Status and request that the City of McKinney be appointed the recipient for the McKinney Urbanized Area (MUZA). Caption reads as follows:

RESOLUTION NO. 2017-01-025 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING THE CITY MANAGER TO INITIATE A REQUEST AND ANY RELATED APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53; TITLE 23, UNITED STATES CODE, OR OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION FOR DESIGNATION AS A "DIRECT RECIPIENT" AND AUTHORIZING THE CITY MANAGER TO TAKE RELATED ACTIONS THERETO

16-333SU2 Mayor Pro Tem Pogue called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit and Site Plan Request to Allow for a Daycare (Trails of Ivy Development Center), Located at 7605 Virginia Parkway, and Accompanying Ordinance. Director of Planning Brian Lockley stated the applicant is requesting a specific use permit to allow a childcare preschool facility. The Planning and Zoning Commission did review the application and recommended approval of the request. As part of the requirement of the planned development, it gives the City the ability to look to see if there are issues related to the school

use and if there is any impact on the surrounding neighborhood. A daycare has to have a special use permit per the PD. For the benefit of the audience, a lot of the questions regarding traffic flow into the facility came from it being backed up onto Virginia from Ballantre and not necessarily from the site itself onto this property. Applicant, Ms. Sarah Whitman, 4709 Wallace Street, McKinney, stated that the drive on the property is an in-place drive. They have done some asphalt repairs in accordance with a request from the Fire Marshal. Regarding the issue of traffic backing up on Virginia, the school will not have designated drop-off and pickup times. Along with the large parking areas and the long drive, there is ample space for the traffic flow. Mayor Pro Tem Pogue called for public comment and there were none. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Rogers, to close the public hearing and approve an Ordinance granting a Specific Use Permit and Site Plan Request to allow for a Daycare (Trails of Ivy Development Center), located at 7605 Virginia Parkway. Caption reads as follows:

ORDINANCE NO. 2017-01-013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A DAYCARE FACILITY, APPROXIMATELY 2.023 ACRES, LOCATED AT 7605 VIRGINIA PARKWAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 16-1199** Mayor Pro Tem Pogue called for a Public Hearing to Consider/Discuss/Act on a Resolution of the City Council of the City of McKinney, Texas, Regarding the Application of the "Throckmorton Villas" to the Texas Department of Housing and Community Affairs (TDHCA), for 9% Tax Credits for the Construction of Multi-Family Units Within the Development. Housing and Community Development Manager Janay

Tieken stated that the application process at TDHCA opens the first part of January and the Resolutions of Support and application are due to TDHCA on March 1st. For the Sphinx at Throckmorton project, they originally came before City Council on December 6th to request support or no objection to a 4% tax credit. They were going to need additional funds to make the project work and have decided to go after the 9% tax credits. They are before City Council this evening requesting a Resolution of Support for their development. Applicant, Mr. Jay Oji, Sphinx Development, 3030 LBJ Freeway, Suite 1350, Dallas, stated they are requesting support from the City Council for the 124 unit apartment complex fronting on Highway 380. Mr. Oji stated they are seeking approximately \$2 million from TDHCA to make the deal work better. They are not competing with the McKinney Housing Authority in any way and are asking for Council's support. This is a mixed-use development with 14,000 square feet of retail space on the ground floor fronting on Highway 380. There will be units targeted to the general public at market rate and expect those to rent for \$1,000 per month. The rest of the units will be targeted as affordable income units with adjusted rate rent at 30%, 50%, and 60% of market rate. Mr. Oji stated that they will not be asking the City of McKinney for any funds, however, the project is located within a TIRZ so whatever you do typically for projects in the TIRZ, we will come back and ask. If the City supports the project, an application will be filed with TDHCA in March and if awarded the tax credits, construction should start by the end of the year. Mr. Oji stated they will come back with a zoning request to rezone from residential and industrial/commercial use to a planned development that incorporates the two zones. Staff has been working with Mr. Oji on the zoning based on the original application filed for the 4% tax credits. Mayor Pro Tem Pogue called for public comments.

Mr. Victor Lissiak, 4205 Beltway Drive, Addison, stated he is the

consulting engineer. He stated the bridge is a truck-weighted bridge that connects the two sides of the development on either side of the 100 year floodplain.

Mr. Gerald Carlton, 24 Lakeside Park, Dallas, stated his organization is certified as a redevelopment organization to assist in the revitalization of communities.

The following individuals spoke in favor of the project:

Mr. Louis Rosenthal, Senior Pastor, The First Baptist Church of McKinney, 401 West Irvine Avenue, McKinney

Mr. Larry Crosby, 335 Louisiana Street, McKinney

Council unanimously approved the motion by Council member Ussery, seconded by Council member Branch, to close the public hearing.

Mayor Pro Tem Pogue recessed the meeting into executive session at 7:38 p.m. per Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed), Section 551.071 (A). Litigation / Anticipated Litigation, Section 551.072 Discuss Real Property, and Section 551.087 Discuss Economic Development Matters as listed on the posted agenda. Mayor Pro Tem Pogue recessed to the open session at 8:20 p.m.

16-1199 Mayor Pro Tem Pogue called back Consider/Discuss/Act on a Resolution of the City Council of the City of McKinney, Texas, Regarding the Application of the "Throckmorton Villas" to the Texas Department of Housing and Community Affairs (TDHCA), for 9% Tax Credits for the Construction of Multi-Family Units Within the Development. Mayor Pro Tem Pogue stated that, for the record, the zoning is active and scheduled for the January 24th Planning and Zoning meeting. As long as it is not withdrawn, this would put it back to City Council on February 21st. Any action on the item tonight is not indicative of the zoning case or approval of the zoning case or setting a precedence of that zoning case. In the

future, we would prefer the zoning to go in advance of or tandem with and in advance of the actual public hearing for a tax credit type application. Council unanimously approved the motion by Council member Ussery, seconded by Council member Day, to approve a Resolution of Support for the application of the "Throckmorton Villas" to the Texas Department of Housing and Community Affairs (TDHCA), for 9% Tax Credits for the construction of Multi-Family Units within the development with a notation that this is not in any way indicative of what the zoning case will be or in support of the zoning case. Caption reads as follows:

RESOLUTION NO. 2017-01-026 (R)

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, IN SUPPORT OF THE APPLICATION BY SDC THROCKMORTON VILLAS, LP., TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR TAX CREDITS FOR THE SPHINX AT THROCKMORTON VILLAS, LOCATED AT 820 E. UNIVERSITY DRIVE; MAKING FINDINGS RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE

Mayor Pro Tem Pogue recessed the meeting back into executive session at 8:21 p.m. per Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed), Section 551.071 (A). Litigation / Anticipated Litigation, Section 551.072 Discuss Real Property, and Section 551.087 Discuss Economic Development Matters as listed on the posted agenda. Mayor Pro Tem Pogue recessed to the open session at 9:01 p.m.

Mayor Pro Tem Pogue called for Action on Executive Session Items

Council unanimously approved the motion by Council member Ussery, seconded by Council member Day, to approve the settlement agreement between the City of McKinney versus RKM as discussed in Executive Session.

Mayor Pro Tem Pogue called for Council and Manager Comments.

Council member Rogers did not have any comments.

Councilwoman Rath did not have any comments.

Council member Ussery thanked staff for what they do day in and day out and recognized Mr. Chandler Merritt for his efforts on the transportation topic.

Council member Branch did not have any comments.

Council member Day did not have any comments.

Mayor Pro Tem Pogue did not have any comments.

City Manager Paul Grimes stated there is a Strategic Planning Workshop this Friday in the Council Chambers.

Mayor Pro Tem Pogue called for Citizen Comments and there were none.

Council unanimously approved the motion by Council member Rogers, seconded by Councilwoman Rath, to adjourn. Mayor Pro Tem Pogue adjourned the meeting at 9:10 p.m.

RANDY P. POGUE
Mayor Pro Tem

ATTEST:

SANDY HART, TRMC, MMC
City Secretary