

CITY COUNCIL REGULAR MEETING

SEPTEMBER 19, 2017

The City Council of the City of McKinney, Texas met in regular session in the Jack Hatchell Collin County Administration Building at 2300 Bloomdale Road, McKinney, Texas on September 19, 2017 at 6:00 p.m.

Council Present: Mayor George C. Fuller, Mayor Pro Tem Rainey Rogers, Council members: Chuck Branch, Scott Elliott, Charlie Philips, Tracy Rath, and La'Shadian Shemwell.

Staff Present: City Manager Paul Grimes; Deputy City Manager Jose Madrigal; Assistant City Manager Barry Shelton; Assistant City Manager Steve Tilton; City Attorney Mark Houser; City Secretary Sandy Hart; Executive Director of Development Services Michael Quint; Planning Director Brian Lockley; Director of Public Works David Brown; Assistant Director of Public Works Paul Sparkman; Planning Manager Matt Robinson; Assistant to the City Manager Trevor Minyard; Planning Manager Jennifer Arnold; Director of Parks and Recreation Michael Kowski; Assistant Director of Parks and Recreation Ryan Mullins; Director of Engineering Gary Graham; Interim Director of CIP Nicholas Ataie; Housing and Community Services - Janay Tieken; Chief Financial Officer Mark Holloway; Director of Finance Trudy Mathis; Airport - Eric Pratt; Police Officer Derrick Byrd; Human Resources Director Ike Obi; Assistant Fire Chief Chris Lowry; Assistant Fire Chief Tim Mock; Transit Administrator Tony Cao; Library Services Director Spencer Smith; Chief of Police Greg Conley; Aquatics and Fitness Manager Teresa Thomason; Police Sargent Russell May; Purchasing - Lisa Littrell, Brandon Champion, John Lemmond, Juanita Roberts, Rosanne Lemus, Ian Coubrough; Kristina DeBurro, and Tonya Hall.

There were approximately 130 guests present.

Mayor Fuller called the meeting to order at 6:07 p.m. after determining a quorum present.

Invocation was given by Minister Brad Cox, High Pointe Church of Christ. Boy Scout Troop 888 led the Pledge of Allegiance.

17-919 Presentation of Achievement of Excellence in Procurement Award.
Finance Director Trudy Mathis presented the 2017 Annual Achievement

of Excellence in Procurement® Award. The City of McKinney is one of only 50 agencies in Texas and one of only 68 Cities in the United States and Canada to receive the award. The City of McKinney has received this award for two consecutive years, and a total of five years.

Mayor Fuller called for Citizen Comments.

The following individuals spoke against agenda items 17-936 and 17-937:

Ms. Stephanie Weyenberg, 5862 Baxter Well Rd., McKinney

Ms. Tracy Thomas, 5124 Grovewood Dr., McKinney

Mr. Rhett Preston, 5702 Four Seasons, McKinney

Mr. Mike Giles, 3213 Gillespie Rd., McKinney

Ms. Shannon Blake, 800 CR 1200, McKinney

Mr. Pat Fallon, State Representative, 100 W. Eldorado, Little Elm

Mr. Jason Lowe, 7015 Sleepy Hollow Rd., McKinney

Dr. Jeff Nyberg, 6700 Trinity Falls Pkwy., McKinney

Mr. Randy Hickman, 4870 CR 1006, McKinney

Ms. Tricia Hickman, 4870 CR 1006, McKinney

Ms. Debbie Winford, 2222 FM 1827, McKinney

Mr. Billy Tate, 7145 Armadillo Ridge, McKinney

Ms. Paula Culbreath, 4449 CR 1006, McKinney

Ms. Tamlynn Clyde, 6919 CR 123, McKinney

Mr. Charles H. Patmore, 5000 CR 164, McKinney

Mr. Keith Mussog, 3389 Private Rd., McKinney

Mr. Bill Walker, SVR, Billingsley Co., 1722 Routh # 775, Dallas

The following individuals did not wish to speak but wanted their opposition to agenda items 17-936 and 17-937 entered into the record:

Ms. Mary Dorcey-Mussog, 3389 Private Rd., McKinney

Mr. London Culbreath, 4449 CR 1006, McKinney

Ms. Monica Carrington, 4441 CR 1006, McKinney

Mr. Bryson Taylor, 7070 Armadillo Ridge, McKinney

Mr. Marco Cueva, 3530 FM 1461, McKinney

Ms. Kristie Stremel, 3500 FM 1461, McKinney

Ms. Lori Isabell, 3500 FM 1461, McKinney

Mr. James and Patricia Dela Cruz, 5545 Four Seasons Ln., McKinney

Ms. Mary Nugent, 2469 CR 855, McKinney

Ms. Jan Clare, 8469 CR 858, McKinney

Ms. Lindsey Wyatt, 3106 Custer Rd., McKinney

Ms. Kaye Galloway, 3420 FM 1461, McKinney

Mr. Billy J. Barbo, 4496 CR 1006, McKinney

Mr. Klaus Kuehn, 7421 CR 202, McKinney

Mr. Bo Tate, 4869 FM 543, McKinney

Ms. Bailey Jo Taylor, 7070 Armadillo Ridge, McKinney

Mr. Ed McCabe, 7373 CR 202, McKinney

Ms. Pam McCabe, 7373 CR 202, McKinney

Mr. Dan Squires, 6762, CR 202, McKinney

Ms. Dalana Squires, 6762 CR 202, McKinney

Mr. Marvin Hershberger, 3141 FM 543, McKinney

Mr. Chris Cooper, 4692 CR 164, McKinney

Ms. Lynn Cooper, 4692 CR 164, McKinney

Mr. Mike Culbreath, 4449 CR 1006, McKinney

Ms. Judith Anderson-Bruess, 5756 Texas Trail, McKinney

Mr. Doug Bruess, 5756 Texas Trail, McKinney

Ms. Corrie Swenson, 6810 Trinity Falls Pkwy., McKinney

Mr. Mike Shepard, 2424 CR 855, McKinney

Ms. Brandee Tate, 7145 Armadillo Ridge, McKinney

Mr. John Mahar, 4995 FM 1461, McKinney

Ms. Sonnia Mahar, 4995 FM 1461, McKinney

Ms. Steffanie Shephard, 2424 CR 855, McKinney

Ms. Julie Kuehn, 7421 CR 202, McKinney

Ms. Janet Anders, 8168 CR 859, McKinney

Ms. Connie Luna, 3444 FM 1461, McKinney

Ms. Angela Nyberg, 6700 Trinity Falls, McKinney

Ms. Laura Lutek, 2901 Cedar Ridge Dr., McKinney

Ms. Alice McCaulley, 2706 Summerwood Ct., McKinney

Mr. Tim Anders, 9168 CR 859, McKinney

Ms. Lynette Terrell, 8564 CR 858, Walnut Grove, McKinney

Ms. Lisa Smith, 5778 Lawrence Lane, McKinney

Ms. Sarah Schwartz, 8161 CR 860, McKinney

Mr. Rene Bates, 4660 CR 1006, McKinney

Ms. Sheryl Bates, 4660 CR 1006, McKinney

Ms. Anna Weyinberg, Baxter Well Rd., McKinney

Mr. Gary Pierce, 2214 CR 856, McKinney

Mr. David Wellborn 5750 Baxter Well Rd., McKinney

The following individuals did not wish to speak but wanted their opposition of agenda item 17-936 entered into the record:

Mr. Dustin Marr, 5855 Baxter Well Rd., McKinney

Ms. Tina Marr, 5855 Baxter Well Rd., McKinney

Mr. Steven Spainhouer, 4690 W. Eldorado Parkway, McKinney, spoke in favor of agenda items 17-932 and 17-934 and in opposition of agenda items 17-934, 17-935, 17-936, and 17-937:

Ms. Shelley Osborn, 2112 Hayes, Street, McKinney, spoke in opposition of poker rooms opening in McKinney.

Ms. Kate Garrison, 3921 Saddlehead, Plano, spoke about the lack of public transportation in Collin County.

Ms. Jill G. Alcantara, 2837 Dog Leg Trail, McKinney, spoke in favor of agenda item 17-934.

Mr. Peter Bailey, 4700 Ridge Road, McKinney, spoke against the removal of Confederate Statues.

Mr. Van and Vickie Lawrence, 5683 Lawrence Ln., McKinney, spoke about flag lots and the City requiring infrastructure for his development.

Mr. James Bullington, 6612 Adobe Circle, The Colony, spoke about changes in McKinney's Development Services Department affecting the processing of proposed new developments.

Mr. Lance Carrington, 4441 CR 1006, McKinney, did not wish to speak but wanted his opposition of agenda item 17-937 entered into the record.

The following individuals did not wish to speak but wanted their support of agenda item 17-934 entered into the record:

Ms. Nancy McClendon, 2941 Dog Leg Trail, McKinney

Mr. Al Alcantara, 2837 Dog Leg Trial, McKinney

Ms. Jeri Thomason-Laney, 211 N. McDonald, McKinney, did not wish to speak but wanted her opposition of agenda item 17-937 entered into the record.

Mr. Robert Sampsell, 720 Chapel Hill Lane, McKinney, did not wish to speak but wanted the failure of the City to enforce erosion control requirements of construction plans for Vintage Place entered into the record.

Mayor Fuller recessed the meeting into executive session at 7:16 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 Fuller recessed back into open session at 7:26 p.m.

17-936 Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute All Necessary Development Agreements in Association with the Pending Municipal Annexations Generally Located in the Northwest Sector of McKinney. Planning Manager Jennifer Arnold stated that this item is not to approve the annexations but authorizing the City Manager to execute Development Agreements in association with the pending annexations. As part of the annexation process, all property owners were offered an agreement and this is allowing the City Manager to execute any agreements property

owners wish to execute. Council member Elliott stated that this is a legal process we are going through but I am not in favor of. Council member Branch stated that the last time Council visited this issue, he requested that we offer voluntary annexation but that was not the option that was offered at that time. I will vote against annexation tonight. Ms. Arnold stated that the City's ETJ has been around since the 1960s and our Comprehensive Plan has been around since the 1970s. Council member Shemwell stated that anybody that has moved to McKinney after 1970 or into the ETJ after the 1960s has done so knowing that there has been a plan for the City of McKinney to grow and build out, also knowing that at some point this could and would happen. Mr. Shemwell stated that he is in favor of the annexations. Everyone that came and appeared tonight that stated their name and address had McKinney at the end of their address. You are utilizing our roads, you are utilizing the McKinney amenities, the City's water and sewer and all of this knowing at some point you will be annexed. Mayor Pro Tem Rogers stated that in May of 2015 my mother-in-law and father-in-law's property was annexed. They are fifth generation people in McKinney and none of you were there to protest their annexation. So it occurs to me that you aren't against annexation, you're more against your annexation because McKinney has been annexing properties with growth in mind for many years. Mr. Rogers stated that he sympathizes with the comments, but your property has been in the growth pattern of McKinney for 20 or 30 years. Mr. Rogers stated that he is in favor of the annexation. Council member Shemwell stated that he fought hard for you to have the development deal that you are being offered. Because unlike his parents who were annexed, they did not have a three-year option not to pay taxes. It is a very unfortunate situation but we were elected to make decisions that are not just best for you but best for the City as a whole. Council member Philips stated that this issue was presented to the City Council and I was the only Council member who

spoke against it both privately and publicly, the only Council member on record as to the prudence of moving forward with massive annexations in a period of 90 days when the State of Texas has told us it is not legal. I want my opposition noted to the option as to whether or not we grant the City Manager the opportunity to confirm and execute agreements that were offered to you. I question the prudence of the action at this point in time and I will not support any actions going forward with annexations in a 90 day period at this point in time. Ms. Arnold stated that State law requires that once you begin the process of involuntary annexations you have to have it finished in a period of time of 120 days. Mayor Fuller reminded everyone that the Council is not voting on whether or not you are annexed but rather on providing the City Manager authority to continue to negotiate agreements. Mr. Fuller stated that If this room was full of 175,000 residents of the City that have been paying property taxes and paying the bill for the infrastructure in anticipation of the growth pattern that's been in place for the last 30 years and we were telling them that we are going to change course, I am sure they would be very loud and upset with us. The reality is that the City of McKinney has a growth plan that has been a part of the 2020 Comprehensive Plan and it was laid out in our 2040 Comprehensive Plan. Everyone in this room had the ability to see it online on the City's website. It is there for everyone to witness. It does include annexation of the properties we are talking about and is a part of the strategic plan for the last three years. It is an unfortunate reality that has been in place and it has been stated that we are fast tracking. We are not fast tracking anything, this is the same timeframe that we use in every strategic annexation that has been used historically by the City of McKinney. I didn't run to be elected to appease my friends and I didn't run to acquiesce to a group just because I felt it might cost me votes and that they would guarantee that I would not be re-elected. Council approved the motion by Mayor Pro Tem Rogers,

seconded by Council member Shemwell, to approve a Resolution authorizing the City Manager to execute all necessary Development Agreements in association with the pending Municipal Annexations generally located in the northwest sector of McKinney with a vote of 4-3-0, Council members Philips, Elliott, and Branch voting against. Caption reads as follows:

RESOLUTION NO. 2017-09-182 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE DEVELOPMENT AGREEMENTS IN ASSOCIATION WITH THE PENDING MUNICIPAL ANNEXATION OF PROPERTIES GENERALLY LOCATED IN THE NORTHWEST SECTOR OF MCKINNEY

17-937

Mayor Fuller called for Consideration/Discussion/Action on the Need for a Service Plan for the Future Annexation of Properties Generally Located in the Northwest Sector of the City of McKinney. Planning Manager Jennifer Arnold stated that this is an associated item to the previously approved agenda item. Ms. Arnold stated that there are two development agreements offered to property owners. For any property owner that has an agricultural exemption, state law requires that pursuing annexation of this type, a development agreement be offered that will maintain their current County status for a stated period of time. That allows them to use their property as they have been doing for the agricultural purposes. This Council also chose, for those properties that do not have an agricultural agreement, to offer a three-year tax reimbursement agreement which states the City will continue moving forward with annexations of these properties but we will offer a three-year reimbursement of your ad valorem property taxes following that annexation. One of the other requirements of State law is that City staff receive formal direction from Council to create a service plan associated with the annexation. Ms. Arnold stated that the City has a template service plan used for all annexations. The service plan is required to be made available to the public during the two required public hearings on

October 16th and 17th. During that time, members of the public will have the right to speak for or against the items included in that service plan which outlines the municipal services that are required to be provided to citizens if the annexation moves forward. If a property is annexed as of November 7th when the proposed annexation is expected to take place, they will immediately become members of the City of McKinney and subject to all the same rules and regulations as other members of the City for the Code of Ordinances. Any legal uses on the property today are considered legal nonconformity. If you've got a barn on your property today and you are annexed, the City won't come and make you take that away. The City will not make you remove your horses or chickens or whatever you might have on your property. Those uses are considered legal nonconforming or grandfathered uses and activities on those properties. In terms of municipal services, there are a number of things included, police and fire protection, which the City is already providing to residents in the county through mutual aid agreement with the County. Water, sewer, roadways that are included are public roadways and are programmed in the Operations and Maintenance portion of the budget for roadway maintenance and trash service. Council approved the motion by Council member Shemwell, seconded by Mayor Pro Tem Rogers, to approve the need for a Service Plan for the Future Annexation of Properties Generally Located in the Northwest Sector of the City of McKinney with a vote of 5-2-0, Council members Elliott and Branch voting against.

Council unanimously approved the motion by Council member Branch, seconded by Council member Philips, to approve the following consent minutes:

- 17-920** Minutes of the City Council Regular Meeting of September 5, 2017
- 17-868** Minutes of the Historic Preservation Advisory Board Regular Meeting of July 6, 2017
- 17-834** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of

July 25, 2017

17-835 Minutes of the McKinney Convention and Visitors Bureau Finance Committee Meeting of July 24, 2017

17-895 Minutes of the Planning and Zoning Commission Regular Meeting of August 22, 2017

Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Elliott, to approve the following consent Ordinance:

17-921 Consider/Discuss/Act on an Ordinance Amendment for Deployment of Small Cell Network Nodes Technology within the City of McKinney.
Caption reads as follows:

ORDINANCE NO. 2017-09-085

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ARTICLE IV, "RIGHTS-OF-WAY USE AND MANAGEMENT," OF CHAPTER 90, "STREETS AND SIDEWALKS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, BY (1) AMENDING SECTION 90-224, "DEFINITIONS" BY ADDING SIX NEW DEFINITIONS SPECIFICALLY RELATED TO TELECOMMUNICATIONS AND WIRELESS SERVICE PROVIDERS, (2) AMENDING EXISTING SECTION 90-227, ENTITLED "PENALTIES, ENFORCEMENT, AND CULPABLE MENTAL STATE," BY RE-NUMBERING SAID SECTION AS SECTION 90-229, ALSO ENTITLED "PENALTIES, ENFORCEMENT, AND CULPABLE MENTAL STATE," AND CONTAINING THE SAME PROVISIONS WITHOUT MODIFICATION, (3) ADDING A NEW SECTION 90-227 ENTITLED "CERTIFICATED TELECOMMUNICATION PROVIDERS," TO PROVIDE FOR REGULATIONS FOR USE OF THE CITY'S RIGHTS-OF WAY BY CERTIFICATED TELECOMMUNICATIONS PROVIDERS, IN ACCORDANCE WITH CHAPTER 283 OF THE TEXAS LOCAL GOVERNMENT CODE, (4) ADDING A NEW SECTION 90-228 ENTITLED "NETWORK PROVIDERS," TO PROVIDE FOR REGULATIONS FOR USE OF THE CITY'S RIGHTS-OF-WAY BY WIRELESS NETWORK PROVIDERS, IN ACCORDANCE WITH CHAPTER 284 OF THE TEXAS LOCAL GOVERNMENT CODE, (5) ADOPTING A PUBLIC RIGHT-OF-WAY WIRELESS SERVICES DESIGN MANUAL, AND (6) AMENDING APPENDIX A – SCHEDULE OF FEES TO PROVIDE FOR NEW FEES APPLICABLE TO NETWORK PROVIDERS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

17-922 Mayor Fuller called for Consideration/Discussion/Action on an Ordinance Amending Section 30-85 of the Code of Ordinances of the City of

McKinney by Establishing a Fee for Key Replacement. Council member Philips stated that he takes exception with Ordinances that are placed on the Consent agenda without being presented to Council. These Ordinances are creating laws that citizens will have to live by. Mr. Philips stated that he has the same comments regarding each Resolution before the City Council this evening. Mayor Fuller stated that in the future, if we have work sessions to have these discussions at work sessions and pull them down at that time to ask questions. City Manager Paul Grimes stated that this item is a \$25 fee for lost keys and the reason this is on consent is because it is a minor action. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to approve an Ordinance amending Section 30-85 of the Code of Ordinances of the City of McKinney by establishing a fee for key replacement. Caption reads as follows:

ORDINANCE NO. 2017-09-086

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 30 (AVIATION) AND APPENDIX A – SCHEDULE OF FEES OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, RELATING TO FEES, BY AMENDING SECTION 30-85 OF THE CODE ENTITLED “FEE FOR AIRPORT ACCESS CARD”; AND PROVIDING FOR AN EFFECTIVE DATE

Council unanimously approved the motion by Council member Branch, seconded by Council member Shemwell to approve the following consent Resolutions:

17-905 Consider/Discuss/Act on a Resolution Awarding a Contract to Lynch Diversified Vehicles (LDV) of Burlington, Wisconsin for Customization Services of a Mobile Library Vehicle (Bookmobile). Caption reads as follows:

RESOLUTION NO. 2017-09-170 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO LYNCH DIVERSIFIED VEHICLES (LDV) OF BURLINGTON, WISCONSIN FOR THE CUSTOMIZATION OF A MOBILE LIBRARY VEHICLE (BOOKMOBILE)

- 17-925** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Approve a Recipient-to-Recipient Rolling Stock Transfer. Caption reads as follows:

RESOLUTION NO. 2017-09-173 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY OF MCKINNEY, AS THE DESIGNATED RECIPIENT FOR THE MCKINNEY URBANIZED AREA, TO ACQUIRE CERTAIN PERSONAL PROPERTY FROM THE TEXOMA AREA PARATRANSIT SYSTEM ("TAPS"), SPECIFICALLY TWO (2) 2014 YEAR MODEL GLAVAL TITAN II LF BUSES, FOR THE PROVISION OF PUBLIC TRANSPORTATION TO THE PARTICIPATING MEMBERS OF THE MCKINNEY URBAN TRANSIT DISTRICT (MUTD), INCLUDING ANY FEDERAL GRANT INTEREST ASSOCIATED WITH THE PROCUREMENT, PURSUANT TO APPROVAL BY THE FEDERAL TRANSIT ADMINISTRATION OF THE PROPOSED TRANSFER; AND PROVIDING AN EFFECTIVE DATE

- 17-923** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Proposing the Development of a Comprehensive Public Transportation Plan for Collin County. City Manager Paul Grimes stated that this item was requested by the City of Allen for cities in Collin County to show support for a regional transit public transportation study. In order for them to have the impact and effect for the grantor they like to see the communities are resolved in terms of supporting the study. There are four communities that have adopted a similar Resolution – City of Allen, City of Plano, the City of Richardson, and now the City of McKinney. These Resolutions show unity in terms of the need for the communities through the Corporate authorities to signal that they support this. Council unanimously approved the motion by Council member Branch, seconded by Council member Shemwell, to approve a Resolution proposing the development of a Comprehensive Public Transportation Plan for Collin County. Caption reads as follows:

RESOLUTION NO. 2017-09-171 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, PROPOSING THE DEVELOPMENT OF A COMPREHENSIVE PUBLIC TRANSPORTATION PLAN FOR COLLIN COUNTY; AND PROVIDING AN EFFECTIVE DATE

- 17-924** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Contract with Rich Leidl, P.C. for Federal Legislative Services. Assistant to the City Manager Trevor Minyard stated this item is to approve a renewal to the contract with Rich Leidl for Federal Legislative Services. Mr. Minyard stated that Mr. Leidl's services have saved the City of McKinney approximately \$675,000 in payments for the Airport control tower services that FAA proposed to eliminate for the funding for McKinney and 148 other airports nationwide. McKinney and other airports worked to obtain Congressional support to reinstate the funding. The NTMWD is seeking a Section 404 permit from the Army Corps of Engineers to allow it to build the Lower Bois d'Arc Creek Reservoir. The NTMWD team has been in Washington several times on this issue and Mr. Leidl has participated in meetings with the delegation and the Army Corps. As a result of these efforts, legislation was enacted directing the Corps to expedite the processing of the permit, which is now expected early next year. Council unanimously approved the motion by Council member Shemwell, seconded by Council member Elliott, to approve a Resolution authorizing the City Manager to execute a contract with Rich Leidl, P.C. for Federal Legislative Services. Caption reads as follows:

RESOLUTION NO. 2017-09-172 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR FEDERAL LEGISLATIVE CONSULTING SERVICES FROM RICH LEIDL, P.C. OF WASHINGTON, DC

- 17-878** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Awarding a Contract to Jerry Carpenter Excavating of Allen, Texas and North Texas Contracting of Keller, Texas for Erosion Control and Miscellaneous Drainage Repairs. Director of Public Works David Brown stated that this contract is for when we need additional assistance in supplementing our normal crews. They will come in and perform work

based on identified contracts so we budget annually an estimate for that type of work and bring in contractors to assist us. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Elliott, to approve a Resolution awarding a contract to Jerry Carpenter Excavating of Allen, Texas and North Texas Contracting of Keller, Texas for erosion control and miscellaneous drainage repairs. Caption reads as follows:

RESOLUTION NO. 2017-09-174 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO JERRY CARPENTER EXCAVATING OF ALLEN, TEXAS AND NORTH TEXAS CONTRACTING OF KELLER, TEXAS FOR THE PURCHASE OF EROSION CONTROL AND MISCELLANEOUS DRAINAGE REPAIR SERVICES

- 17-926** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Awarding a Contract to Fitness Now LLC of Frisco, Texas for Personal Training Services at the Apex Centre. Council member Philips inquired why we are not utilizing services of someone in McKinney rather than using someone out of Frisco. Aquatics and Fitness Manager Teresa Thomason stated that they were the only responder to the RFP. Council unanimously approved the motion by Council member Elliott, seconded by Council member Branch, to approve a Resolution awarding a contract to Fitness Now LLC of Frisco, Texas for Personal Training Services at the Apex Centre. Caption reads as follows:

RESOLUTION NO. 2017-09-175 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FITNESS NOW LLC OF FRISCO, TEXAS FOR PERSONAL TRAINER SERVICES FOR THE APEX CENTRE

- 17-927** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Enter into Contracts/Agreements with Cigna Health and Life Insurance Company (Cigna) for Third Party Administrator Services for the Medical, Prescription Drugs and Dental

Benefits Plans. Human Resources Director Ike Obi stated that our goal is always to keep the contract if we can for up to three years because it takes a lot of work to put a network in place and establish the services. The City Manager encourages us to look at these contracts, and you can see from this contract, that we have been able to slightly reduce our cost and we also believe that the company we are going with will help us position ourselves to move our health plan into what is called a consumer driven health care services. The current contract has been in place about two years ago. As we look at all the reductions that include prescription drugs and rebates, we are looking at around \$400,000 in savings. Council unanimously approved the motion by Council member Elliott, seconded by Council member Shemwell, to approve a Resolution authorizing the City Manager to enter into contracts/agreements with Cigna Health and Life Insurance Company (Cigna) for Third Party Administrator Services for the Medical, Prescription Drugs and Dental Benefits Plans. Caption reads as follows:

RESOLUTION NO. 2017-09-176 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS/AGREEMENTS WITH CIGNA HEALTH AND LIFE INSURANCE COMPANY (CIGNA) FOR THIRD PARTY ADMINISTRATOR SERVICES FOR THE MEDICAL, PRESCRIPTION DRUGS AND DENTAL BENEFITS PLANS

17-928 Mayor Fuller called for the Second Public Hearing to Consider/Discuss/Act on the Adoption of the Budget Appropriation Ordinance for FY 2017-18. Chief Financial Officer Mark Holloway stated that the first of four items tonight is a public hearing on the budget. As required, we present a balanced budget for 2018, with \$137 million in revenues and expenditures. The property tax rate that is proposed in this budget is 3.26 cents lower than last year's rate. Property tax will be about 54% of the total budget for the year and sales tax makes up 19%. The bulk of our expenditures in the general fund are 50% for police and

fire. In this year's budget, we propose 41 new employees, including 13 in police, 9 in parks and recreation and 8 in development services. We will be passing through our water wastewater costs this year and will conduct a new comprehensive rate study in Fiscal Year 18. Mr. Holloway stated that most of the transfers include an equipment replacement fund and a lot of that is for new equipment and any depreciation. There is a transfer for street construction funds of \$3 million that will go into our rehab program that was adopted by Council last year, and there are various other transfers to departments and funds like the airport fund. Mayor Fuller called for public comments.

Mr. Mike Giles, 1313 Gillespie Road, McKinney, spoke in opposition of the budget.

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

Council member Branch stated that we have fund balances in excess of \$90 million that could potentially be used for projects and Council could consider reducing the fund balances and lowering the tax rate. Mayor Fuller stated that at this time in our existence as a City, we have projects in need of funding and the thought is not to go in debt but to use some of those balances for projects that are considerably overdue. I am happy with the fact that we are lowering the tax rate more than it has been reduced in the last 15 years but I think we have projects we have been wanting to see happen for decades and I think we have a win-win situation. Mayor Pro Tem Rainey stated that as we continue to grow, if you lower the tax rate too much you will put the future City Councils and the City at a burden when they might have to raise it if the economy goes down. Also, if you lower that too low, you will put the City at issue with the bonding agencies. Mayor Fuller stated one of his main objectives is to fight for more commercial businesses in the City, which will bring more commercial tax and sales tax revenue and lower the tax burden on the

residents. Mr. Holloway stated that if you drop the tax rate a penny that equates to approximately \$1.9 million back to the citizens. Council approved the motion by Councilwoman Rath, seconded by Mayor Fuller, to approve the Adoption of the Budget Appropriation Ordinance for FY 2017-18 with the following record vote:

Mayor Fuller – For

Mayor Pro Tem Rogers – For

Council member Elliott - For

Council member Philips – For

Council member Branch – Against

Council member Shemwell – For

Councilwoman Rath – For

Caption reads as follows:

ORDINANCE NO. 2017-09-087

AN ORDINANCE ADOPTING A BUDGET FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018, IN ACCORDANCE WITH THE CHARTER OF THE CITY OF MCKINNEY, APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR PUBLICATION OF THIS ORDINANCE AND FOR AN EFFECTIVE DATE HEREOF

- 17-929** Mayor Fuller called for Consideration/Discussion/Action on an Ordinance to Ratify the Property Tax Revenue Increase in the Fiscal Year 2017-18 Budget as a Result of the City Receiving More Revenues from Property Taxes than the Previous Fiscal Year. Chief Financial Officer Mark Holloway stated this item is required any time you will generate more in tax revenue in one fiscal year than you did in the previous fiscal year. This item ratifies that increase in revenue. It is worded as an increase because we will be receiving more revenue due to increased property values and new construction value on the tax rolls. The motion on this item requires a specific language to be read and with that I would ask you to approve the ratification. Council approved the motion by

Councilwoman Rath, seconded by Mayor Pro Tem Rogers, to approve an Ordinance ratifying that this year's budget will raise more total property taxes than last year's budget by \$5,622,932 or 5.66%, and of that amount, \$4,289,937 is tax revenue to be raised from new property added to the tax roll this year, with a vote of 6-1-0, Council member Philips voting against. Caption reads as follows:

ORDINANCE NO. 2017-09-088

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, RATIFYING THE PROPERTY TAX REVENUE INCREASE IN THE 2017-18 BUDGET AS A RESULT OF THE CITY RECEIVING MORE REVENUES FROM PROPERTY TAXES IN THE 2017-18 BUDGET THAN IN THE PREVIOUS FISCAL YEAR; AND PROVIDING AN EFFECTIVE DATE

17-930

Mayor Fuller called for Consideration/Discussion/Action on an Ordinance Adopting a Tax Rate for Fiscal Year 2017-18. Chief Financial Officer Mark Holloway stated this item is to adopt the tax rate of \$0.540199 for Fiscal Year 2018. Council approved the motion by Councilwoman Rath, seconded by Council member Elliott, to approve an Ordinance that adopts the property tax rate be increased by the adoption of a tax rate of \$0.540199, which is effectively a 2.56 percent increase in the tax rate, with the following record vote:

Mayor Fuller – For

Mayor Pro Tem Rogers – For

Council member Elliott - For

Council member Philips – Against

Council member Branch – Against

Council member Shemwell – For

Councilwoman Rath – For

Caption reads as follows:

ORDINANCE NO. 2017-09-089

AN ORDINANCE LEVYING TAXES FOR THE CITY OF MCKINNEY, TEXAS, FOR THE TAX YEAR 2017; PROVIDING FOR A DATE ON WHICH SUCH TAXES BECOME DELINQUENT; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE THE PAYMENT OF TAXES DUE THEREON; PROVIDING FOR PENALTY AND

INTEREST FROM AN EFFECTIVE DATE HEREOF; PROVIDING FOR A 15% COLLECTION FEE FROM AN EFFECTIVE DATE HEREOF; PROVIDING FOR ACCEPTANCE OF THE TAX ROLL TOGETHER WITH ANY SUPPLEMENTS THERETO; AND PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE

- 17-931** Mayor Fuller called for Consideration/Discussion/Action on an Ordinance to Change Rates/Fees for City Services. Chief Financial Officer Mark Holloway stated this item approves the updated fee schedule. The new fees include Airport Fees, Library Fees, Water & Wastewater Utility Fees, and Building Inspections - Electrical Contractor Fees. Council unanimously approved the motion by Council member Branch, seconded by Mayor Pro Tem Rogers, to approve an Ordinance to change Rates/Fees for City Services. Caption reads as follows:

ORDINANCE NO. 2017-09-090

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, RELATING TO FEES, BY AMENDING APPENDIX A, IN PART, BY AMENDING SECTIONS 30-85, 50-4, 110-44, 110-141, 110-230, 122-100, AND 122-107; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 17-202Z** Mayor Fuller called for 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 "C1" - Neighborhood Commercial District, Located on the Northwest Corner of Collin McKinney Parkway and Village Park Drive, and Accompanying Ordinance. Director of Planning Brian Lockley stated that this item is a request to rezone the property to allow primarily retail uses in a more suburban manner. The current PD along with the REC required the property to develop closer to the street with a very large setback. With the proposed zoning, there will be no setback, allow that property to develop consistently with what's being developed in the area, and will allow the uses to align better along the street. The applicant was not in attendance. Mayor Fuller called for public comment.

The following individuals did not wish to speak but wanted their opposition entered into the record:

Mr. Antonio Duarte, 5013 Devon Dr., McKinney

Mr. Mauricio Cardoso, 5017 Devon Dr, McKinney

The following individual did not wish to speak but wanted their support entered into the record:

Mr. Byron Waddey, 1919 S. Shiloh, Garland

Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Philips, to close the public hearing. Council unanimously approved the motion by Council member Shemwell, seconded by Council member Branch, to approve an Ordinance rezoning the subject property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "C1" - Neighborhood Commercial District, located on the northwest corner of Collin McKinney Parkway and Village Park Drive. Caption reads as follows:

ORDINANCE NO. 2017-09-091

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 2.37 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF COLLIN MCKINNEY PARKWAY AND VILLAGE PARK DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "C1" – NEIGHBORHOOD COMMERCIAL DISTRICT; 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

17-203Z

Mayor Fuller called for 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 "C1" - Neighborhood Commercial District, Located Approximately 265 Feet West of Lake Forest Drive and on the North Side

of Collin McKinney Parkway; and Accompanying Ordinance. Director of Planning Brian Lockley stated that this item is a request to rezone the property to C-1 to allow all three properties in this area to develop consistently with a layout with screening and buffering for all of the uses. Applicant, Ms. Randi Rivera, G&A Consultants, LLC, 111 Hillside Drive, Lewisville, stated that this project is 0.7 acres and is appropriate for office use as it transitions from the neighborhood. We are doing two buildings that are 4,700 square feet for professional office use. Mayor Fuller called for public comment and there was none. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Branch, to close the public hearing and approve an Ordinance rezoning the subject property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "C1" - Neighborhood Commercial District, located approximately 265 feet west of Lake Forest Drive and on the north side of Collin McKinney Parkway. Caption reads as follows:

ORDINANCE NO. 2017-09-092

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.72 ACRE PROPERTY, LOCATED APPROXIMATELY 265 FEET WEST OF LAKE FOREST DRIVE AND ON THE NORTH SIDE OF COLLIN MCKINNEY PARKWAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "C1" – NEIGHBORHOOD COMMERCIAL DISTRICT; 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

- 17-200Z** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District and "CC" - Corridor Commercial Overlay District to "C2" - Local Commercial District and "CC" - Corridor Commercial Overlay District Located on the North Side of U.S. Highway 380 (University Drive) and on

the East and West Sides of Walnut Grove Road; and Accompanying Ordinance. Director of Planning Brian Lockley stated that this is a request for rezoning to commercial from residential. The future land use plan designates the property for residential, however, that designation is based on the development as it currently stands. For future development, this property is better suited for commercial along the major arterial which is US 380. Applicant, Mr. Ryan McIntosh, Trinity Partners Commercial Real Estate, P. O. Box 96011, Southlake, stated his company develops retail and restaurant and specifically looks for areas that are in growth areas but that are already developed commercially. We feel the highest and best use of this property is the continued development of commercial retail and restaurant. We worked with the neighborhood to come up with landscaping and screening elements that would provide a great buffer zone between our project and the residences and we feel that the buffer we will provide is going to screen not only from our property but from the existing traffic on US 380. Mayor Fuller called for public comment.

Mr. Matt McDonald, 2124 County Road 852, McKinney, spoke in opposition to this item.

Mr. Craig Reavis, 2159 CR 852, McKinney, did not wish to speak but wanted his support entered into the record.

Mr. Lockley stated that the setback requirements are enforceable. The zoning ordinance outlines the permitted uses by the underlying zoning that has its own set of setbacks, screening and buffering requirements that must be followed, locations for access, number of parking spaces, size and elevations. Council unanimously approved the motion by Council member Branch, seconded by Mayor Pro Tem Rogers, to close the public hearing and approve an Ordinance rezoning the Subject property from "AG" - Agricultural District and "CC" - Corridor Commercial Overlay District to "C2" - Local Commercial District and "CC" - Corridor

Commercial Overlay District located on the north side of U.S. Highway 380 (University Drive) and on the east and west sides of Walnut Grove Road. Caption reads as follows:

ORDINANCE NO. 2017-09-093

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 7.78 ACRE PROPERTY, LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND ON THE EAST AND WEST SIDES OF WALNUT GROVE ROAD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "C2" – LOCAL COMMERCIAL DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT; 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

- 16-052DA2** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Approving Chapter 380 Economic Development Agreement Between the City of McKinney, Texas, and McKinney SH I, LTD, for the Construction of a Portion of Bois D'Arc Road, Generally Between U.S. Highway 380 and Crowe Lane. Director of Engineering Gary Graham stated this is an Economic Development Agreement for the southwest corner of US 380 and Hardin. The developer is working in conjunction with the other four corners to develop a commercial center which encompasses approximately 150,000 square feet of retail, restaurant, entertainment, fitness and medical and dental uses including a 55,000 square foot, twelve-screen movie theater, a 37,000 square foot fitness center and two Class A retail buildings totaling approximately 22,500 square feet. There will be additional pad sites located throughout the development. The proposed agreement stipulates that the developer will construct Bois D'Arc and a right turn lane on US 380 down to south of Crowe Lane. Council unanimously approved the motion by Councilwoman Rath, seconded by Mayor Pro Tem Rogers, to approve a Resolution approving

a Chapter 380 Economic Development Agreement between the City of McKinney, Texas, and McKinney SH I, LTD, for the construction of a portion of Bois D'Arc Road, generally between U.S. Highway 380 and Crowe Lane. Caption reads as follows:

RESOLUTION NO. 2017-09-177 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MCKINNEY, TEXAS, AND MCKINNEY SH I, LTD, A TEXAS LIMITED PARTNERSHIP; AND PROVIDING AN EFFECTIVE DATE

- 17-932** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Contract with Civil Consulting Group, PLLC for Professional Engineering Design Services for the Ridge Road Extension Project from US 380 to Wilmeth Road and Any Necessary Supplemental Agreements. Interim CIP Manager Nick Ataie stated this item is in reference to a contract for design services of Ridge Road from US 380 to Wilmeth Road. This section was previously identified as a six lane divided roadway and this design is for the additional four lanes including a six lane bridge structure at Wilson Creek. Design is anticipated to take 11 months to complete with construction starting as early as October 2018 and completed in August 2019. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Branch, to approve a Resolution authorizing the City Manager to execute a contract with Civil Consulting Group, PLLC for Professional Engineering Design Services for the Ridge Road Extension Project from US 380 to Wilmeth Road and any necessary supplemental agreements. Caption reads as follows:

RESOLUTION NO. 2017-09-178 (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 \$1,074,224.63 WITH CIVIL CONSULTING GROUP, PLLC FOR ENGINEERING DESIGN SERVICES FOR RIDGE ROAD FROM US 380 TO WILMETH AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE

AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID
SUPPLEMENTAL AGREEMENTS, OF \$1,180,000

- 17-933** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with S.J. Louis Construction of Texas, Ltd. for the Construction of the Redbud Pump Station 794 PP Transmission Water Line. Interim CIP Manager Nick Ataie stated this item is to construct a new 54-inch transmission water main from the proposed Redbud pump station to connect to an existing water main on McDonald Street. This is part of an overall plan for a new pump station to provide additional pumping and storage capacity to accommodate the growing population and development. The schedule for this transmission main will allow it to be completed prior to the completion of the future pump station facility which is scheduled to be operational in first quarter 2019. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Elliott, to approve a Resolution authorizing the City Manager to execute a contract and all necessary change orders with S.J. Louis Construction of Texas, Ltd. for the construction of the Redbud Pump Station 794 PP Transmission Water Line. Caption reads as follows:

RESOLUTION NO. 2017-09-179 (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 \$3,082,258.00 WITH S.J. LOUIS CONSTRUCTION OF TEXAS, LTD. FOR THE CONSTRUCTION OF THE REDBUD PUMP STATION 794 PP TRANSMISSION WATER LINE AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$3,400,000

- 17-934** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Real Estate Donation Contract for Lot 1 Block A of the Greens of McKinney, Approximately 73 Acres. Parks and Recreation Director Mike Kowski stated that this item concerns

the donation to the City of a parcel of 73 acres for the McKinney Greens. This involves three parcels that are presently controlled by a developer. They are looking to develop Parcel A with a 186 unit single-family residential subdivision. Per the Ordinance, they must dedicate 3.66 acres of parkland to satisfy their park requirement. They are asking to do that by donating Parcel B which is not part of the discussion tonight but the City will receive in the future as parkland. Parcel C, 73 acres, is the item tonight. This is in the Wilson Creek corridor which we identified as a signature park location. The parcel itself has a wrought iron fence with a restroom facility already on the property along with walking paths and open water. At this point we can mow and maintain the property and keep the pathways free of debris, however, there are no funds in the current budget to provide a proper park at this time. I want to make it clear that right now we can just make it accessible to the public and get it into the network system. The developer made a decision to keep their development in Parcel A and they could not work out a development pattern that was economically feasible for Parcel C as parkland. Part of the development of Parcel A is a standard transfer of deed document for parkland donation. The parkland dedication fee for this parcel is 3.66 acres. If the City takes Parcel B, 19.8 acres, as their parkland dedication fees, then the third parcel, Parcel C, is a straight donation to the City. Councilwoman Rath stated she has received great feedback from the residents in that area and thanked Mr. Kowski for his work with the HOA members on this project. Council unanimously approved the motion by Council member Shemwell, seconded by Council member Elliott, to approve a Resolution authorizing the City Manager to execute a Real Estate Donation Contract for Lot 1 Block A of the Greens of McKinney, approximately 73 acres. Caption reads as follows:

RESOLUTION NO. 2017-09-180 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO
ENTER INTO A REAL ESTATE DONATION CONTRACT

BETWEEN THE CITY OF MCKINNEY, A TEXAS HOME-RULE CORPORATION, AND MCKINNEY FAIRWAYS, A LIMITED LIABILITY COMPANY

- 17-935** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Sign an Extension to the Parking Garage Development Agreement and Related Documents for Six Months to Analyze Further Options for the Garage. Assistant City Manager Barry Shelton stated this item is a request for Council's direction on whether to move forward with the project as is, or, if we want to investigate the closure of Herndon and extend the existing contract so we can look at the many variables that go into the site. Mayor Fuller stated that one of the things we discussed with Mr. Thomason is the concern that if we move forward and build the garage as is, it would not suffice for 18-wheelers to make the turn into their business. Right now, the backend of the truck is able to go over the end of Herndon because there's not a concrete structure there. Mr. Shelton stated that the edge of the garage is right on the property line. Moving down the street, there is a power pole with transformers that we have been talking to Oncor about moving. The property line is immediately on the left side of that pole and the garage being designed today will be right on the property line, on the backside of that pole. The other item is the utilities on the site that would have to be removed, relocated or abandoned. There is a water and sewer line located in Herndon that would have to be abandoned or relocated. There would be expense of \$35,000 to \$40,000 to remove those and install a new water meter and water reroute to provide water service off of Hunt Street for the Thomason tire facility. In addition to improvements at the Hunt/Chestnut intersection, we started looking at taking out a portion of their building and making a drive aisle down the side of the property. You would have better turning off of Highway 5 and better movement through the site where they back in for service today. If the Council does not wish to consider the Herndon closure, there is no need to extend the

agreement. If Council decides to close Herndon, we will do a complete redesign of the garage. Councilwoman Rath stated that Mr. Thomason reached out to her yesterday and he is not happy with any of the options presented. Council member Branch stated that he still does not feel this is a feasible location and the cost associated with it. He feels that the cost will continue to rise. Mr. Shelton stated we have the final cost of the smaller garage. The developer indicated he has the garage under the cap that was set in April. Mayor Fuller stated we have an agreement with the developer and our decision today is do we go ahead and build the garage as is or do we pause and look at the options. Mayor Fuller proposed a 60 day extension. We can spend more time with Mr. Thomason and let him know that whatever we decide to do as a City is to mitigate the changes that need to be made and to allow him to continue operating but it may be a slightly different method. City Manager Paul Grimes stated that when we make a change on something substantive, there are a number of factors that can happen, not the least of which is figure out the impact for Thomason Tires. Tonight's motion is to give an extension, whatever that may be. You can amend the timeframe that we begin the lease so that's what you are changing. If you choose not to approve this, the developer can move forward with the existing agreement as soon as the permit is issued. If Council takes no action on this we will have a garage built as approved by the City Council in April. Council approved the motion by Mayor Fuller, seconded by Mayor Pro Tem Rogers, to approve a Resolution authorizing the City Manager to sign an extension to the Parking Garage Development Agreement and related documents for 60 days to analyze further options for the garage, and we work quickly with Mr. Thomason to work out something that benefits him as well as benefits the 174,000 residents with a garage, with a vote of 4-3-0, Councilwoman Rath, Council member Philips, and Council member Branch voting against. Caption reads as follows:

RESOLUTION NO. 2017-09-181 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO
SIGN AN EXTENSION TO THE PARKING GARAGE
DEVELOPMENT AGREEMENT WITH VIRGINIA@5, LLC AND
SP2 301 E VIRGINIA, LLC FOR A DOWNTOWN PARKING
GARAGE

Council unanimously approved the motion by Council member Philips,
seconded by Mayor Pro Tem Rogers, to adjourn. Mayor Fuller adjourned the meeting
at 9:45 p.m.

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary