

## **CITY COUNCIL REGULAR MEETING**

**MARCH 20, 2018**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on March 20, 2018 at 6:00 p.m.

Council Present: Mayor George C. Fuller, Mayor Pro Tem Rainey Rogers, Council members: Scott Elliott and La'Shadiion Shemwell. Council member Chuck Branch arrived at 6:13 p.m. Absent: Council members Tracy Rath and Charlie Philips.

Staff Present: City Manager Paul Grimes; Deputy City Manager Jose Madrigal; Assistant City Manager Steve Tilton; City Attorney Mark Houser; City Secretary Sandy Hart; Executive Director of Development Services Michael Quint; Planning Director Brian Lockley; Planning Manager Samantha Pickett; Development Engineering Manager Matt Richardson; Director of Engineering Gary Graham; Housing and Community Services Manager Janay Tieken; Director of Parks and Recreation Michael Kowski; Chief of Police Greg Conley; Assistant Chief of Police Randy Roland; Fire Chief Danny Kistner; Assistant Fire Chief Chris Lowry; Assistant Fire Chief Tim Mock; Police Officer Shannon Seabrook; Help Desk Technician Trent South; Chief Financial Officer Mark Holloway; Purchasing Manager Lisa Littrell; Fire Marshal Mike Smith; and Fire Captain Tino Paredes.

There were twenty guests present.

Mayor Fuller called the meeting to order at 6:02 p.m. after determining a quorum was present.

Invocation was given by Deacon Nicholas Park, St. Nicholas Russian Orthodox Church. Mayor Fuller led the Pledge of Allegiance.

Mayor Fuller called for Citizen Comments.

Mr. James Bullington, 6612 Adobe Circle, The Colony, Texas spoke about commercial landscaping requirements.

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Elliott, to approve the following consent items:

**18-250** Minutes of the City Council Work Session of March 5, 2018

**18-251** Minutes of the City Council Regular Meeting of March 6, 2018

- 18-180** Minutes of the Animal Services Facility Committee Meeting of November 15, 2017
- 18-101** Minutes of the Historic Preservation Advisory Board Meeting of January 4, 2018
- 18-183** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of January 23, 2018
- 18-184** Minutes of the McKinney Convention and Visitors Bureau Finance Committee Meeting of January 22, 2018
- 18-252** Minutes of the McKinney Housing Authority Meeting of January 23, 2018
- 18-249** Revised Minutes of the Planning and Zoning Commission Meeting of February 13, 2018
- 18-248** Minutes of the Planning and Zoning Commission Regular Meeting of February 27, 2018
- 18-224** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2017-2018 Annual Budget to Provide Funding for the 2018 Chestnut Commons Parking Garage Mosaic. Caption reads as follows:

ORDINANCE NO. 2018-03-018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2017-2018 BUDGET TO PROVIDE FUNDING FOR THE CHESTNUT COMMONS PARKING GARAGE MOSAIC; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 18-253** Consider/Discuss/Act on an Ordinance Approving a Negotiated Resolution Between the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division Regarding the Company's 2017 Annual Rate Review Mechanism Filing. Caption reads as follows:

ORDINANCE NO. 2018-03-019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ("CITY") APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM ("RRM") AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS;

REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

END OF CONSENT

**17-0021Z** 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 595 Feet West of Village Park Drive and on the North Side of Collin McKinney Parkway, and Accompanying Ordinance. Planning Manager Samantha Pickett stated the applicant is requesting to rezone the property from PD residential to C1. Surrounding properties along Collin McKinney Parkway are zoned C1. Staff recommends approval. Ms. Pickett stated that the applicant spoke to the neighbors before the Planning and Zoning Commission meeting and a back fence along the property was requested. This is required by Ordinance as well. Applicant, Mr. Srinivas Chaluvadi, Stacy Office Park, LLC, 13359 Grayhawk Boulevard, Frisco, stated he has owned the property for one year and did not realize this parcel was zoned residential when he purchased it. Plans are to construct an office building at this location. Mayor Fuller called for public comments and there were none. Council unanimously approved the motion by Council member Shemwell, seconded by Council member Elliott, 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 595 feet west of Village Park Drive and on the north side

of Collin McKinney Parkway. Caption reads as follows:

ORDINANCE NO. 2018-03-020

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 0.95 ACRE PROPERTY, LOCATED APPROXIMATELY 595 FEET WEST OF VILLAGE PARK 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

**17-0001ROW** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Right-of-Way Abandonment of a Portion of College Street, Located on the West Side of College Street and North of Inwood Drive, and Accompanying Ordinance. Development Engineering Manager Matt Richardson stated this is an abandonment for a small portion of the right-of-way for College Street. This request was originally brought to Council 47 years ago and was never recorded. Staff is completing that abandonment with this action. Applicant, Ms. Kayla Parker, 802 Inwood Drive, McKinney, stated they are seeking the abandonment to clear up this matter. Mayor Fuller called for public comments and there were none. Council unanimously approved the motion by Council member Elliott, seconded by Mayor Pro Tem Rogers, to close the public hearing and approve an Ordinance abandoning the right of way of a portion of College Street, located on the west side of College Street and north of Inwood Drive. Caption reads as follows:

ORDINANCE NO. 2018-03-021

AN ORDINANCE VACATING A PORTION OF COLLEGE STREET, APPROXIMATELY 0.04 ACRES, LOCATED ON THE WEST SIDE OF COLLEGE STREET AND NORTH OF INWOOD DRIVE, PROVIDING FOR AN EFFECTIVE DATE HEREOF

**18-0003ROW** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Right-of-Way Abandonment of a Portion of an Unnamed Alley, Located

East of Graves Street and North of University Drive, and Accompanying Ordinance. Development Engineering Manager Matt Richardson stated this is an abandonment of an alleyway. This alley has never been used for public purposes. There is a site plan for a medical office building at the corner of US Highway 380 and Graves. In order for the development to proceed, the alley needs to be abandoned and the applicant will return with a re-plat of the property. Mayor Fuller called for public comments and there were none. Council unanimously approved the motion by Council member Shemwell, seconded by Mayor Pro Tem Rogers, to close the public hearing and approve an Ordinance abandoning a portion of an unnamed alley, located east of Graves Street and north of University Drive. Caption reads as follows:

ORDINANCE NO. 2018-03-022

AN ORDINANCE VACATING A PORTION OF AN UNNAMED ALLEY, APPROXIMATELY 0.06 ACRES, LOCATED EAST OF GRAVES STREET AND NORTH OF UNIVERSITY DRIVE, PROVIDING FOR AN EFFECTIVE DATE HEREOF

**17-186SUP** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit and Site Plan for a Meter and Flow Control Facility (North McKinney Pipeline, Phase III), Located Approximately 1,500 Feet South of Bloomdale Road and on the West Side of Redbud Boulevard, and Accompanying Ordinance. Planning Manager Samantha Pickett stated the applicant is requesting a specific use permit and site plan for a meter and flow control facility on the subject property. The 850 square foot facility will work in conjunction with the future City of McKinney and north McKinney pipeline. The area is industrial in nature and this property will be compatible with the existing and future developments. Staff recommends approval of the specific use permit and the site plan. Director of Engineering Gary Graham stated this is the location of the Redbud Pump Station and ground storage tanks. Ms. Colleen Howard, 600 West 6<sup>th</sup> Street, Fort Worth is the Engineer on the project. Ms. Howard stated this is a meter facility that measures the flow between the

North Texas transmission line coming in and the future pump station. 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 granting a Specific Use Permit and Site Plan for a Meter and Flow Control Facility (North McKinney Pipeline, Phase III), located approximately 1,500 feet south of Bloomdale Road and on the west side of Redbud Boulevard. Caption reads as follows:

ORDINANCE NO. 2018-03-023

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 UTILITY SUBSTATION (A METER AND FLOW CONTROL FACILITY FOR NORTH MCKINNEY PIPELINE, PHASE III), LOCATED APPROXIMATELY 1,500 FEET SOUTH OF BLOOMDALE ROAD AND ON THE WEST SIDE OF REDBUD BOULEVARD; PROVIDING REGULATIONS; 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

- 18-254** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Awarding a Contract to US Digital Designs of Tempe, Arizona for the Fire Station Alerting System (FSAS). Fire Chief Danny Kistner stated the current fire alerting system is no longer supported by the provider. The funding is provided in Fiscal 2018 budget for this item and the bid we received is below budget. Council unanimously approved the motion by Council member Branch, seconded by Council member Elliott, to approve a Resolution awarding a contract to US Digital Designs of Tempe, Arizona for the Fire Station Alerting System (FSAS). Caption reads as follows:

RESOLUTION NO. 2018-03-032 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO US DIGITAL DESIGNS OF TEMPE, ARIZONA FOR THE PURCHASE OF THE FIRE STATION ALERTING SYSTEM (FSAS)

- 18-255** Mayor Fuller called for Consideration/Discussion/Action on an Ordinance Amending the Code of Ordinances of the City of McKinney, Texas for Alarm Permitting and Processes for Residential and Commercial Alarms. Assistant Police Chief Randy Roland stated the police department has taken over the alarm permitting from a third-party vendor. The changes to the Code of Ordinances will help us provide better customer service to our residents. This is an amendment updating the alarm Ordinance to reflect that alarm permits are now completed in-house. This ordinance will help decrease the number of false alarms through better communication and education. Council unanimously approved the motion by Council member Branch, seconded by Mayor Pro Tem Rogers, to approve an Ordinance amending the Code of Ordinances of the City of McKinney, Texas for alarm permitting and processes for residential and commercial alarms. Caption reads as follows:

ORDINANCE NO. 2018-03-024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF CHAPTER 10, ENTITLED "ALARMS," BY AMENDING ARTICLE II, "EMERGENCY REPORTING EQUIPMENT AND PROCEDURES," BY AMENDING PORTIONS OF SECTIONS 10-20, 10-21, 10-23 THROUGH 10-25, 10-27, 10-29, 10-31, 10-33 THROUGH 10-35, AND 10-40 THROUGH 10-43 AS PROVIDED HEREIN BELOW; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

- 18-256** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the Execution of Documents for the Acquisition of Property Rights and the Consideration of the Use of Eminent Domain to Condemn Property for the Construction of a Roadway and Utility Lines in the Vicinity of SH 5 (McDonald Street) from about CR 278 Continuing Southward to Approximately Willow Wood Boulevard in Association with the Willow Wood Off-Site Un-Named Arterial and Sanitary Sewer Main

Projects. Director of Engineering Gary Graham stated this item is to authorize the City Manager to use eminent domain to obtain property for right-of-way, utility easements, drainage easements, grading easements and sanitary sewer easements in the northern portion of the City. The developer is at a point where he needs to begin working on construction of a roadway and needs the easements to do so. The developer has tried to acquire the right-of-ways but is unable to obtain the necessary property. The City has a development agreement that we will assist with eminent domain, if necessary. They will reimburse the City for any costs associated with eminent domain. There is one new property owner since this process began and two property owners who are non-responsive. To keep the project on track, we are requesting eminent domain, if needed. The non-responsive property owner is not communicating with staff at all. Executive Director of Development Services Michael Quint stated the City exercises eminent domain on master planned utilities or when it will add capacity to the City's overall system whether it be water, wastewater or roadways. Council approved the motion by Mayor Pro Tem Rogers, seconded by Council member Elliott, to approve this item as written and authorize the use of the power of eminent domain to acquire for public use all necessary easements for the construction of utility lines from the property owners generally indicated on the attached property locator map and Right-of-Way together with easements from the property owners generally indicated on both the attached property locator map and depicted on and described by metes and bounds attached to said Resolution, said depictions and descriptions being incorporated in their entirety into this motion for all purposes including construction, access and maintenance of the Willow Wood Off-Site Un-Named Arterial and Sanitary Sewer Main, with the following record vote:



Mayor Fuller – For

Mayor Pro Tem Rogers – For

Council member Elliott – For

Council member Shemwell – For

Council member Branch – Against

Caption reads as follows:

RESOLUTION NO. 2018-03-033 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTIES FOR PUBLIC USE BY EMINENT DOMAIN FOR RIGHT OF WAY (IN FEE SIMPLE), DRAINAGE, GRADING, SANITARY SEWER AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE CONSTRUCTION, ACCESS AND MAINTENANCE ASSOCIATED WITH THE WILLOW WOOD UN-NAMED ARTERIAL AND OFF-SITE SANITARY SEWER EASEMENT PROJECT AND ASSOCIATED INFRASTRUCTURE COMMENCING IN THE VICINITY OF THE INTERSECTION OF SH 5 AND CR 278 CONTINUING IN A SOUTHERLY DIRECTION TO APPROXIMATELY WILLOW WOOD BOULEVARD; AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING THE RIGHT OF WAY (IN FEE SIMPLE) AND EASEMENTS ON SAID PROPERTIES, OFFERING TO ACQUIRE THE RIGHT OF WAY (IN FEE SIMPLE) AND EASEMENTS VOLUNTARILY FROM THE PROPERTY OWNERS THROUGH THE MAKING OF BONA FIDE OFFERS, AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS

Mayor Fuller called for Council and Manager Comments.

Council member Elliott stated that McKinney Economic Development Corporation met this morning. President of the McKinney Chamber of Commerce Lisa Hermes announced at the MEDC meeting that it is almost time for applications for the 2019 Leadership McKinney class. Applications will be available on the McKinney Chamber website starting April 2<sup>nd</sup>. Ms. Hermes announced that there is an Open House at the Chamber on April 26<sup>th</sup> from 5:00 to 6:30 p.m. for folks wanting to know more about Leadership McKinney. Mr. Elliott stated that he had lunch at Hugs Café today and in addition to what they are doing at Hugs, they are beginning a new project called Hugs Greenhouse. They will design the house to employ adults in wheelchairs and those who cannot work in the food service. This will employ another 15 to 20 adults with special needs from the community. Land has been donated to Hugs on County Road 205 and Bill Crump, formerly of Crump's Nursery, has volunteered to run the operation.

Mayor Pro Tem Rogers did not have any comments.

Council member Shemwell stated that tomorrow will be on-site registration for low-income individuals to register for ridership in the pilot program. We rolled out transportation for elderly and disabled last year. On-site registration will be held tomorrow here in the Council Chambers from 10:00 a.m. to 12:00 noon and from 2:00 to 4:00 p.m. for low-income riders.

Council member Branch complimented Director of Organizational Development and Performance Management Joe Mazzola on the leadership development he is conducting throughout the City. He has been a great help to a lot of people, myself included, and I want to thank him for his input. He's been a great influence.

Mayor Fuller did not have any comments.

City Manager Paul Grimes stated that there has been discussion and social media activity relating to the potable water system here in McKinney that is part of the North Texas Municipal Water District. I would like to share that citizens can access the City's Water Quality Report on our website and read more information about the City's water sources as well as access to the North Texas Municipal Water District's website. You can get that information on our website that describes and explains the process of using chlorine in the public water system. The use of chlorine has been in practice since the turn of the 20<sup>th</sup> century. They actually have methods to reduce chlorine by using ozonification which is a very complex system which reduces the need for much of the chlorination of the water system. But you still have to have chlorine because you have viruses and bacteria that can occur in water systems if you don't have chlorination. We appreciate folks raising these questions and we understand residents' concerns. There is a great amount of information on our website as well as the North Texas Municipal Water District's website. Residents are invited to help us keep the City beautiful by picking up litter along roadways and creek beds during the Texas Trash-Off, Saturday, April 7<sup>th</sup>. Go to [mckinneytexas.org](http://mckinneytexas.org) for more information about the event.

Council unanimously approved the motion by Council member Branch, seconded by Mayor Pro Tem Rogers, to adjourn. Mayor Fuller adjourned the meeting at 6:45 p.m.

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GEORGE C. FULLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary