

CITY COUNCIL REGULAR MEETING

APRIL 17, 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 April 17, 2018 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; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Assistant to the City Manager Trevor Minyard; Executive Director of Development Services Michael Quint; Planning Director Brian Lockley; Assistant Director of Public Works Paul Sparkman; Planning Manager Samantha Pickett; Planning Manager Matt Robinson; Director of Parks and Recreation Michael Kowski; Fire Chief Danny Kistner; Assistant Fire Tim Mock; Director of Engineering Gary Graham; Development Engineering Manager Matt Richardson; Housing and Community Services Manager Janay Tieken; Assistant Director of Engineering; Michael Hebert; Police Sergeant Rusty May; Financial Analyst Trevor Daggon; Emergency Management Coordinator Karen Adkins; Assistant Fire Chief Tim Mock; Library Director Spencer Smith; Chief Financial Officer Mark Holloway; and Police Officer Shannon Seabrook.

There were approximately 70 guests present.

Mayor Fuller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Pastor Arnulfo Alvarado, First Hispanic Assembly

Mayor Fuller called for Citizen Comments.

The following individuals spoke about the North Texas Municipal Water District Water Safety:

Ms. Kelly Broussard, 3701 Cameron Lane, McKinney

Ms. Christy Hallford, 1007 Breckenridge, Wyle

Mr. Patrick Sanders, 4226 Bass Pro, Garland

Ms. Julie Wright, 221 Prism Lane, McKinney

Mr. David Riche, 3612 Matilda, McKinney spoke about his desire to be appointed to serve on the Planning and Zoning Commission

Ms. Nita Horne, 2580 Collin McKinney, McKinney praised the McKinney Fire Department and all that they do for the residents of McKinney.

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

- 18-323** Minutes of the City Council Work Session of April 2, 2018
- 18-324** Minutes of the City Council Regular Meeting of April 3, 2018
- 18-239** Minutes of the Building and Standards Commission Meeting of February 12, 2018
- 18-299** Minutes of the McKinney Armed Services Memorial Board Meeting of March 14, 2018
- 18-304** Minutes of the Parks, Recreation, and Open Space Advisory Board Meeting of March 8, 2018
- 18-298** Minutes of the Planning and Zoning Commission Regular Meeting of March 27, 2018
- 18-325** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, 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. 2018-04-040 (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

- 18-326** Consider/Discuss/Act on a Resolution Authorizing the City Manager, or Designee, to Apply for, Accept and Implement an Urban Area Security Initiative (UASI) Program Grant Award from the Department of Homeland Security Through the Office of the Governor (OOG) to Develop a

Continuity of Operations Plan (COOP) For the City of McKinney. Caption reads as follows:

RESOLUTION NO. 2018-04-041 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR, ACCEPT AND IMPLEMENT AN URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM GRANT AWARD FROM THE DEPARTMENT OF HOMELAND SECURITY THROUGH THE OFFICE OF THE GOVERNOR (OOG) TO DEVELOP A CONTINUITY OF OPERATIONS PLAN (COOP) FOR THE CITY OF MCKINNEY

- 18-327** Consider/Discuss/Act on a Resolution Authorizing the City Manager, or Designee, to Apply For, Accept and Implement an Urban Area Security Initiative (UASI) Program Grant Award from the Department of Homeland Security Through the Office of the Governor (OOG) to Purchase Ballistic Protective Equipment and Associated Medical Supplies to Support the Proper Equipping of Fire/Rescue/EMS Personnel Responding to an Active Shooter/Mass Casualty Incident. Caption reads as follows:

RESOLUTION NO. 2018-04-042 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR, ACCEPT AND IMPLEMENT AN URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM GRANT AWARD FROM THE DEPARTMENT OF HOMELAND SECURITY THROUGH THE OFFICE OF THE GOVERNOR (OOG) TO PURCHASE BALLISTIC PROTECTIVE EQUIPMENT AND ASSOCIATED MEDICAL SUPPLIES TO SUPPORT THE PROPER EQUIPPING OF FIRE/RESCUE/EMS PERSONNEL RESPONDING TO AN ACTIVE SHOOTER MASS CASUALTY INCIDENT

- 17-0021SP** Consider/Discuss/Act on a Site Plan for a Medical Office Expansion (McKinney Ortho), Located at 4271 Highlands Drive.

END OF CONSENT

- 18-328** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute an Interlocal Cooperation

Agreement with Collin County for Maintenance of Various Mutual Boundary Roads. Staff recommends tabling this item until the May 15, 2018 regular meeting. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Elliott, to table this item until the May 15th meeting.

- 18-329** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Adopting the 2018-19 Federal Legislative Agenda. Mayor Fuller stated that last night there was some discussion regarding the wording of a Bypass. Council member Branch stated that the City is going to expand Laud Howell and that would be a term we could use as a bypass per se and that be an opportunity to get help with federal funds for the project. City Manager Paul Grimes stated that the concern from last night was that the language might presuppose a certain solution to a US 380 capacity improvement. However, if TxDOT decides to pursue that, the concern on the dais was let us not put language in that presupposes one or the other. Councilwoman Rath stated that whatever language the Council chooses should be broad enough to cover all options. Council unanimously approved the motion by Council member Elliott, seconded by Council member Shemwell, to approve a Resolution adopting the 2018-19 Federal Legislative Agenda with the following changes: in Section II Roads Item 3. – remove the words “and US 380 Bypass” and the paragraph under Section II Roads Item 3. – remove the words “and US 380 Bypass” and remove the following sentence: “The Bypass of US 380 is needed to avoid significant displacement of residential and commercial properties through McKinney.” Caption reads as follows:

RESOLUTION NO. 2018-04-043 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING THE APPROVAL OF THE
CITY OF McKINNEY'S 2018-19 FEDERAL LEGISLATIVE
AGENDA

- 18-330** Mayor Fuller called for Citizen Input on the FY 2018-19 Budget. Chief

Financial Officer Mark Holloway stated that this is a citizen input meeting. This was an initiative that was started last year to allow citizens to have input on the budget process earlier in the process. We will still hold the required public hearings at the end of the process. We are in the department budget planning phase as well as citizen engagement activities from now until the end of the budget process. Mr. Holloway stated that they have received some preliminary numbers from the Collin County Appraisal District that allows us to begin the budget for the year. Last year, the certified total was \$19.45 billion. With the preliminary numbers, we project a 4.8 percent increase on existing properties. They are estimating the average homestead value will be about \$343,000 in 2018. Mr. Holloway stated that we are beginning our online exercise where people can log into mckinneytexas.org where citizens can provide their input from April 17th through June 8th. This is a virtual exercise where people can choose what their priorities are and what they would like to see incorporated into the fiscal year budget. The input will be presented to Council. On July 25, the City will receive the certified tax role. Our first budget work session will be held on August 3. The first public hearing on the tax rate will be held on August 21. On September 4th, there will be two public hearings (one on the tax rate and one on the budget). On September 18th, the City Council will adopt the tax rate and approve the budget. Mayor Fuller called for public comment.

Mr. Clint Scofield, 1101 Hill Street, McKinney spoke about the over 65 tax rate and the comparison of other cities that offer an over 65 tax freeze.

16-166FR Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Façade Plan for a Mixed-Use Development (Davis at the Square), Located on the Southeast Corner of Davis Street and Tennessee Street. Planning Manager Matt Robinson stated that the applicant has requested to amend the previously approved façade plans for the mixed-use development (Davis at the Square) that is currently under construction,

located on the southeast corner of Davis Street and Tennessee Street. The applicant has requested to modify the façade plans to alter materials and façade design. Specifically, the revised elevations increase the amount of masonry (brick), reduces the use of stucco (applicant has requested a stucco like coating for the upper levels of the parking garage façade), and tweaks the façade design with the most notable change located at the corner of Tennessee Street and Davis Street. Mr. Robert Shaw, 8343 Douglas Avenue, Dallas stated that they changed the façade to add more brick. We did not change the elevations, we replaced stucco or added brick. Mayor Fuller called for public comment and there was none. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Elliott, to close the public hearing and approve a Façade Plan for a Mixed-Use Development (Davis at the Square), located on the southeast corner of Davis Street and Tennessee Street.

18-0035Z 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 "PD" - Planned Development District, Generally to Modify the Development Standards, Located Approximately 365 Feet East of Custer Road and on the South Side of Paradise Drive, and Accompanying Ordinance. Planning Manager Samantha Pickett stated that the rezoning request is to modify the development standards. The subject property consists of seventeen (17) single family detached lots, currently platted within the Tour at Craig Ranch Subdivision. The current zoning allows for single family detached residential uses and the lots are platted as such; however, the applicant is requesting a modification in the development standards to allow for a larger building footprint to be developed on the lots. More specifically, the standards propose to reduce the rear yard setback 20 feet to 10 feet. The proposed development will maintain

consistency with what is in the rest of the neighborhood as well as the adjacent neighborhoods. Applicant, Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, 1700 Redbud Blvd., McKinney stated that larger subdivision has been developed under the "REC" – Regional Employment Center zoning category that specifies front yard build to and side yard setbacks. He stated that the rear yard setback was currently 20 feet. Mr. Roeder stated that the staff report is adequate and we are trying to reduce the rear yard setback to conform to the lots on the other side of Paradise Drive. Mayor Fuller called for public comment and there was 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 "PD" - Planned Development District, generally to modify the development standards, located approximately 365 feet east of Custer Road and on the south side of Paradise Drive. Caption reads as follows:

ORDINANCE NO. 2018-04-033

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 2.31 ACRE PROPERTY, LOCATED APPROXIMATELY 365 FEET EAST OF CUSTER ROAD AND ON THE SOUTH SIDE OF PARADISE DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; 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

18-0004RW 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 Throckmorton Street and North of Drexel Street, and Accompanying Ordinance. Development Engineering Manager Matt

Richardson stated that Staff received a request to abandon a portion of the unnamed alley referenced in February. Staff has reviewed the request and there are no public utilities that operate within the right-of-way or any reason to retain the right-of-way for a public purpose so we are recommending the right-of-way be abandoned. The property is a public right-of-way that is more or less owned by the city. Once it is abandoned, it is technically owned by the City but because the property no longer has a public purpose, the adjacent property owners can file a deed or a plat to claim the property. Mayor Fuller called for public comment and there was none. Council unanimously approved the motion by Councilwoman Rath, seconded by Mayor Pro Tem Rogers, to close the public hearing and approve an Ordinance granting a Right-of-Way Abandonment of a portion of an unnamed alley, located east of Throckmorton Street and north of Drexel Street. Caption reads as follows:

ORDINANCE NO. 2018-04-034

AN ORDINANCE VACATING A PORTION OF AN UNNAMED ALLEY, APPROXIMATELY 0.025 ACRES, LOCATED EAST OF THROCKMORTON STREET AND NORTH OF DREXEL STREET, PROVIDING FOR AN EFFECTIVE DATE HEREOF

18-0002RW Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Right-of-Way Abandonment of a Portion of Rockhill Road and Graves Street, Located East of Graves Street and South of Lee Street, and Accompanying Ordinance. Development Engineering Manager Matt Richardson stated that this request is for the portion of Rockhill Road and Graves street where it curves around the southeast corner of the First Baptist Church property. The developer of the Vintage Place subdivision has recently realigned the curve in the road to an improved alignment. The vacant right-of-way that was formally used for the road still has overhead utilities and drainage facilities however, it is no longer needed for roadway purposes. For that reason, we are supporting the abandonment of that portion of the right-of-way no longer needed for

roadway purposes but we are retaining a drainage and utility easement.

Mayor Fuller called for public comment.

Ms. Lyn Curran, 1517 Lee Street, McKinney spoke in opposition to the request. Ms. Curran stated that they did not realize that they needed to initiate a petition to have the portion adjacent to their property included.

Mr. Richardson stated that if they received the petition from the Curran, the city would retain the same drainage utility easement on the entire property. There is no reason we could not abandon the entire thing.

Council unanimously approved the motion by Councilwoman Rath, seconded by Mayor Pro Tem Rogers, to close the public hearing.

Council unanimously approved the motion by Mayor Fuller, seconded by Councilwoman Rath, to table this item until the May 15th meeting.

- 17-0015Z** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District and "PD" - Planned Development District to "PD" - Planned Development District, Generally to Allow for Commercial, Assisted Living and Independent Living Uses, Located Approximately 530 Feet South of Virginia Parkway and on the West Side of Hardin Boulevard, and Accompanying Ordinance. Planning Manager Matt Robinson stated that the applicant is proposing to rezone 69 acres from a mix of commercial assisted-living and independent living uses and the applicant has proposed PD that follows the C2 standards. Under the existing PD district the northern portion of the property per minute use follows the business district with some specific uses excluded and those uses consists of other related uses and standalone multifamily dwelling units. The assisted-living and independent living is proposed under the zoning currently permitted on the existing PD portion of the property. Independent living uses require an extra step of specific use permit. As described in the development regulations and shown on the concept plan, the applicant has indicated their intent to develop the property for a

mix of institutional (assisted living/memory care) and residential (independent living) uses. Specifically, the development regulations provide for a maximum of 200 assisted living units and 300 independent living units (both attached and detached) for a maximum total unit count of 500. Given the topography of the property, existing lake and floodplain, the applicant has proposed to construct a dense product on a portion of the property while much of the remaining property would be undeveloped. To accommodate the development, the applicant has requested a maximum height of five stories or 70' for several of the buildings on the site with an added provision that in no instance the elevation of the buildings exceed a maximum sight line elevation to the adjacent residential properties in the Mallard Lakes Subdivision. The proposed uses are currently permitted or requiring SUP on the northern portion of the property given these factors staff has no objections to the rezoning requests and recommends approval. Applicant, Mr. Bob Roeder, 1700 Redbud Blvd., McKinney stated that the height for this is set for each of the specific uses have a defined height and they would have to build to this concept plan. There may be some minor deviations but as far as the height, it is dictated through the concept plan. For example, the memory care has a maximum building height of 35 feet and the assisted-living is a maximum of 55 feet. Mr. Roeder stated that this project is going to cost this developer in an amount significantly in excess of \$100 million. The developer did a market study for the demand for this type of product. This is not just assisted-living but also senior independent living. Their analysis is McKinney is one of the best markets in the Southwest. With regards to heights, we have such a radical slope on the property that my client has elected to aggregate some of that density with higher elevations as long as we don't penetrate that ceiling site view. All of the access in and out of the property is off of Hardin Road and there is no cross access. The entire property is going to be one

single property owner. Mayor Fuller called for public comment and there was none. Council unanimously approved the motion by Council member Branch, seconded by Council member Shemwell, to close the public hearing. Council unanimously approved the motion by Councilwoman Rath, seconded by Mayor Pro Tem Rogers, to approve an Ordinance rezoning the subject property from "AG" - Agricultural District and "PD" - Planned Development District to "PD" - Planned Development District, generally to allow for commercial, assisted living and independent living uses, located approximately 530 feet south of Virginia Parkway and on the west side of Hardin Boulevard, with the following special ordinance provisions: the subject property shall be developed in accordance with the attached development regulations and concept plan. Caption reads as follows:

ORDINANCE NO. 2018-04-035

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 69.25 ACRE PROPERTY, LOCATED APPROXIMATELY 530 FEET SOUTH OF VIRGINIA PARKWAY AND ON THE WEST SIDE OF HARDIN BOULEVARD, IS REZONED FROM "AG" - AGRICULTURAL DISTRICT AND "PD" - PLANNED DEVELOPMENT DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR COMMERCIAL, ASSISTED LIVING AND INDEPENDENT LIVING USES AND GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; 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

- 18-0032Z** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "C2" - Local Commercial District, Located on the West Side of Community Avenue and Approximately 150 Feet North of Avalon Creek Way, and Accompanying Ordinance. Planning Manager Samantha Picket stated that the applicant is requesting to rezone the subject property to "C2" - Local Commercial District, generally for

medium intensity commercial uses at the future intersection of two major thoroughfares. The subject property is currently zoned for office and residential uses as part of a larger planned development district; however, the applicant has indicated their intent to develop for commercial uses to be more in line with existing development conditions. More specifically, the proposed design and construction of Bloomdale Road along the northern boundary of the subject property will allow for direct vehicular access from multiple directions, making it more viable than some of the surrounding properties for commercial uses. The development of the property has the potential to provide services and commercial uses to an area currently underserved. Staff recommends approval. Applicant, Mr. Douglas Mousel, 5850 Granite Parkway, Plano, stated that he was representing RWR Partners, LP, which is a family owned company. Mr. Mousel stated that the Bloomdale Road extension from Community Avenue to Hardin Boulevard is under design and nearing completion. The property was zoned in 2002 for office and commercial uses. With the extension of Bloomdale Road, one of the cost savings efforts that the City has approached us is narrowing the bridge section that crosses the lake and ultimately what that does is shrink the median where typically you have a full width median. Mr. Mousel addressed some of the concerns raised at the Planning and Zoning Commission. One was the proximity of the property to the existing homes within the Creek Hollow neighborhood. There is a 75 foot wide pipeline easement that separates the properties. That artificially increases the building setbacks from what is normally required to a 75 foot setback. In addition, to that easement that provides a physical separation, the City requires a landscape buffer be planted between properties. Another item that was raised was the concern for disturbing trees and wildlife. In this particular case, most of the trees and wildlife would be focused around the southern portion of the lake. Most of that

area is within the floodplain so will remain undisturbed. Finally there were concerns raised regarding noise, lighting, and loitering. The City has Ordinances in place that address noise and lighting and loitering situations. If the bridge was widened, it would allow us to have a left turn but that comes at huge cost. Our solution is moving the retail corner. In addition, there are challenges on the site because of the on-site topography. Mayor Fuller called for public comment.

Ms. Pamela Copeland, 2309 Avalon Creek McKinney spoke in opposition to the rezoning request.

Ms. Bobette Mauck, 3512 Bluff Creek Lane, McKinney did not wish to speak but wanted her opposition to the rezoning request entered into the record.

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Elliott, to close the public hearing.

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Branch, to approve an Ordinance rezoning the Subject Property from "PD" - Planned Development District to "C2" - Local Commercial District, located on the west side of Community Avenue and approximately 150 feet north of Avalon Creek Way. Caption reads as follows:

ORDINANCE NO. 2018-04-036

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 16.90 ACRE PROPERTY, LOCATED ON THE WEST SIDE OF COMMUNITY AVENUE AND APPROXIMATELY 150 FEET NORTH OF AVALON CREEK WAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "C2" – LOCAL 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

17-009DA Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Utility Impact Fee Credit,

Easement Acquisition, and Pro Rata Agreement with McKinney Ranch, LTD., for the Construction of an Oversized Sanitary Sewer Main, in Order to Serve an Approximately 254 Acre Tract, Generally Located on the South Side of F.M. 543 and on the East Side of C.R. 201. Assistant Director of Engineering Michael Hebert stated that we have an opportunity to partner with our development community to build more City infrastructure. This item authorizes the City Manager to enter into an agreement with McKinney Ranch, LTD., regarding impact fee credits and cash reimbursement for costs incurred by the oversizing of a master planned sanitary sewer main, serving an approximately 254 acre tract ("Property"). The proposed agreement also defines a process for easement acquisition and pro rata reimbursement, associated with the construction of the sanitary sewer main, detailed further below. This sewer line improves opportunities for development of approximately 2,300 acres within city limits. The proposed agreement stipulates that the City agrees to participate in the cost of construction for the oversized portion of the wastewater main (36" diameter), up to \$1,018,592.43, which is the estimated difference between the costs of the oversized main and the cost to construct the City's minimum standard 12" diameter main that would otherwise be sufficient to serve the Property. The proposed agreement also states that the City will exercise its eminent domain authority, subject to the approval and finding of necessity by the City Council, to condemn a sanitary sewer easement across the Blake Property (identified in the agreement) if the Developer is not able to finalize the acquisition and purchase of and close on the Blake Easement within forty-five (45) days of the effective date of the agreement. The agreement further stipulates that the Developer will pay all costs associated with acquiring the Blake Easement. The developer anticipates being able to obtain this easement, and Staff will only submit a request to use eminent domain to City Council should the developer be

unsuccessful. The developer has made offers and gestures for the property owner and he has modified his drawings to account for the concerns of the property owner so we are cautiously optimistic we will be able to move forward without using eminent domain. Council unanimously approved the motion by Councilwoman Rath, seconded by Mayor Pro Tem Rogers, to approve a Resolution authorizing the City Manager to execute a Utility Impact Fee Credit, Easement Acquisition, and Pro Rata Agreement with McKinney Ranch, LTD., for the construction of an oversized sanitary sewer main, in order to serve an approximately 254 acre tract, generally located on the south side of F.M. 543 and on the East Side of C.R. 201. Caption reads as follows:

RESOLUTION NO. 2018-04-044 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A UTILITY IMPACT FEE CREDIT, EASEMENT ACQUISITION AND PRO RATA AGREEMENT FOR THE CONSTRUCTION OF AN OVERSIZED SANITARY SEWER MAIN AND RELATED INFRASTRUCTURE IMPROVEMENTS, WITH MCKINNEY RANCH, LTD, BEING EXTENDED TO AN APPROXIMATELY 254 ACRE TRACT, GENERALLY LOCATED ON THE SOUTH SIDE OF F.M. 543 AND ON THE EAST SIDE OF C.R. 201

- 18-331** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Non-Binding Conceptual Term Sheet with McKinney Ranch, Ltd. and Honey Creek Investments, LLC Governing the Construction of Portions of Laud Howell Parkway. Executive Director of Development Services Michael Quint stated that Staff began negotiating the terms of a Chapter 380 Economic Development Agreement with the Owners in the winter of 2015. In the spring of 2017, the City Council agreed to general terms with the Owners regarding the construction of Laud Howell Parkway from its current terminus to Lake Forest Drive. However, in the winter of 2017, after the enacting of Texas Senate Bill 6, the City Council directed Staff to negotiate new terms that saw the reduction in the scope of construction.

Staff has negotiated conceptual terms and is seeking the City Council's approval via a Resolution. Once approved by the City Council, Staff will begin work on the detailed language to be contained in the Chapter 380 Agreement. Once completed, Staff will bring this agreement forward for the City Council's consideration and approval. Assuming this is approved, we will work with the City Attorney and property owner to draft a formal agreement and that will come back to Council for adoption at a future date. This has always been a 75/25 partnership for this first phase. We estimate this project will be in the \$12 million to \$13 million range and possibly less. If the bids come back at \$18 million, we will not move forward with the project. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Shemwell, to approve a Resolution authorizing the City Manager to execute a Non-Binding Conceptual Term Sheet with McKinney Ranch, Ltd. and Honey Creek Investments, LLC Governing the Construction of portions of Laud Howell Parkway. Caption reads as follows:

RESOLUTION NO. 2018-04-045 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A NON-BINDING TERM SHEET WITH MCKINNEY RANCH, LTD. REGARDING THE CONSTRUCTION OF PORTIONS OF LAUD HOWELL PARKWAY

- 18-332** Mayor Fuller called for Consideration/Discussion/Action on Filling the Vacant Position on the Planning and Zoning Commission. Council member Philips stated that he serves as a liaison to the Planning and Zoning Commission. Mr. Eric Zepp has announced that he and his wife are downsizing to a home in Frisco and is no longer a resident of McKinney. Mr. Mark McReynolds has been the Alternate on the Planning and Zoning Commission and he has always been available. Mr. Philips recommended that Mark McReynolds be appointed to serve the unexpired term for Mr. Zepp. Mr. Philips recommended Rick Franklin to the unexpired term as Alternate. The motion by Council member Philips,

seconded by Mayor Pro Tem Rogers, to appoint Mark McReynolds to the expired term as a member of the Planning and Zoning Commission and to appoint Rick Franklin to the unexpired term as Alternate on the Planning and Zoning Commission, failed with a vote of 3-4-0, Mayor Fuller, Councilwoman Rath, Council member Elliott, and Council member Branch voting against. Council unanimously approved the motion by Council member Shemwell, seconded by Council member Branch, to appoint Mark McReynolds to fill the unexpired term on the Planning and Zoning Commission starting April 18, 2018 and ending September 30, 2018. After the preferencing process, Council unanimously approved the motion by Council member Philips, seconded by Mayor Pro Tem Rogers, to appoint Rick Franklin as Alternate on the Planning and Zoning Commission starting April 18, 2018 and ending September 30, 2019.

Mayor Fuller called for Council and Manager Comments.

Council member Philips complimented the McKinney Police and Fire for their respect they showed to Dr. Boring, Sr. who we buried today. Mr. Philips also thanked our citizens because of the respect they showed by pulling over their cars during the funeral procession today. Mr. Philips thanked Mayor Fuller for reading a Proclamation recognizing Dr. Boring, Sr. at the funeral service. After the service, the Mayor met with two little girls to discuss their butterfly project. I think that the City of McKinney has a tremendously caring Mayor George Fuller.

Council member Elliott gave a shout out to Dana Riley at Volunteer McKinney for hosting and advocating for the McKinney youth at the event held at the Colin College Conference Center today. It was a great gathering and a great investment in time for the folks for the youth of our community. Congratulations to Volunteer McKinney for being one of 13 groups chosen out of 800 nationwide applications chosen for their project "Make a Difference Day in McKinney."

Mayor Pro Tem Rogers recognized Dr. Boring, Sr. who was a wonderful individual. He helped to make McKinney what it is today. He was a family man and he and his wife were wonderful people and great contributors to the City. Mr. Rogers

stated that as he was on the way home last night down Hardin Road, he noticed a couple walking hand-in-hand with a trash bag. I pulled over and asked what were they doing? They responded that they were picking up trash that was a result of all the construction going on close to the new MISD stadium. I wanted to give a shout out to Tim and Beatrice Chen. When people talk about McKinney is a great place to live, it's not us up here that make it a great place, it is the people like Tim and Beatrice who are out in the community doing a little bit to make this a better place. When a lot of people do a little bit, it makes a great community. I'm grateful for people like the Chens that are willing to take time out of their schedule and do something they really don't need to do but feel the need to do so thank you.

Council member Mr. Shemwell thanked the Safe Water North Texas group for taking the time to come to the meeting today. Water is such an important issue. It was during that time three years ago that I started to hear the concerns of East McKinney and particularly about water quality. That was the first time I decided to come to City Council and start to give my three minutes as a citizen. Three years ago, I started my trail here and I want you to know I am an advocate for safe quality drinking water.

Council member Branch did not have any comments.

Councilwoman Rath asked Council if she could get a consensus to post all audio recordings of Board and Commission meetings that are not videotaped. Minutes are great but we do lose a lot in the translation and hearing word for word of what happens would be beneficial to the citizens as well as the Council. There was a consensus of Council to post all audio files of non-videotaped meetings.

Mayor Fuller stated that he attended Dr. Boring, Sr.'s funeral today. He was the general surgeon that did my first surgery. He was one of the most caring and gentle souls that you could have imagined. Mayor Fuller recognized Addison and Courtney who sent in an email a while back and said, "we saw the Mayor's Monarch Pledge and we would like to get involved in the initiative because the butterflies are beautiful, would you meet with us?" I said yes and it was the most important meeting I could take. These girls were from the elementary school and I was excited to meet for hot chocolate which I did get at Starbucks and they presented me with a presentation with all these pictures of the process of the Monarch butterfly they monitored in their own backyard.

And their ideas for how to engage the City. Dr. McDaniel was there with me and was committed to those two young students. We are going to help them and support their initiative. So you will see more about that coming up. It was great to see engaged citizens who grow up to be great citizens.

City Manager Grimes provided a few announcements for the viewing audience and folks here. It is that time of year to bring out all the stacks of papers we have stored away for shredding. The Community Shred Event will be held on Saturday, April 28 from 9 to 1 at the Sheraton Hotel. The event will collect and will shred paper on site and will be recycled. Each resident will be limited to four boxes. That same day, you can safely dispose of unwanted, unused, or expired prescription drugs during the National Drug Enforcement Administration Drug Take Back event on April 28th from 10 to 2. You can take your unused prescriptions and dispose of those safely and properly. Residents can provide input as we talked about earlier to rank the budget priorities through the virtual town hall online platform through June 28th. You can leave comments and they will be considered by Council and staff during the budget process. We've gotten early results, this morning it went live before 6 a.m. and we had 15 visitors before the survey went live. Chief Financial Officer Mark Holloway was a little off on his numbers. We had about 310 responses last year as part of the budget exercise. Folks are engaging and it's easier to do it than having to come to a Council meeting. As always, you can go to our website to get more information about any of those events. There's one other event I want to remind the Council and public. TxDOT is holding a series of public meetings in Collin County regarding the US 380 feasibility study. This is an important roadway and this study will shape the future of McKinney's Road for many years to come. The first Public Input meeting will be held on April 26th from 6 to 8 at the Sheraton. There are a couple of more opportunities for public input that will be held at Princeton High School on May 1st from 6 to 8 p.m. and one on May 3rd at Rogers Middle School from 6 to 8 p.m.

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Shemwell, to adjourn. Mayor Fuller adjourned the meeting at 8:10 p.m.

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary