

## **CITY COUNCIL REGULAR MEETING**

**AUGUST 6, 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 August 6, 2018 at 6:00 p.m.

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

City of McKinney 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; Assistant to the City Manager Trevor Minyard; Executive Director of Development Services Michael Quint; Interim Director of Planning Jennifer Arnold; Assistant Director of Public Works Paul Sparkman; Chief of Police Greg Conley; Human Resources Director Ike Obi; Housing and Community Services Manager Janay Tieken; Planning Manager Matt Robinson; Director of Parks and Recreation Michael Kowski; Capital Improvement Project Manager Nicholas Ataie; Affordable Housing Administrator Cristel Todd; Assistant Chief of Police Joe Ellenburg; Investment and Treasury Manager Kelvin Bryant; Purchasing Manager Lisa Littrell; Chief Financial Officer Mark Holloway; Transportation Engineering Manager Matthew Tilke; Civil Engineer Robyn Root; Community Services Administrator Shirletta Best; Purchasing Supervisor Ian Coubrough; Human Resources Manager Denise Sikes; Police Sergeant Sherwood Holmes; Police Officer Trent Davis; Revenue Collections Manager Alexandra Casey; Video Production Technician Joey Barr; City Secretary Intern Cayla Simpson, and City Secretary Empress Drane.

There were 55 guests present.

Mayor Fuller called the meeting to order at 6:00 p.m. after determining a quorum present. Invocation was given by Mr. Rehan Baaqri, a representative of the Muslim community and member of Chief of Police Conley's Advisory Council. Mr. Baaqri was accompanied by his wife, Saleha Raza. Mayor Fuller led the Pledge of Allegiance.

**18-657** National Night Out Proclamation. Mayor Fuller read the Proclamation for National Night Out, recognizing the 45<sup>th</sup> annual event sponsored by the

National Association of Town Watch, supporting nationwide crime, drug and violence prevention. Mayor Fuller stated that National Night Out would take place on August 7, 2018, and police and fire department members would be going out across the community and visiting neighborhoods and events.

Mayor Fuller called for Citizen Comments

The following individuals did not wish to speak but wanted their support for a regional transportation bypass on U.S. Highway 380 to be located west of Custer Road entered into the record:

Ann Marie McCarthy, 2509 Welty St, McKinney

Brad and Joanne Thompson, 2200 State Blvd, McKinney

Bri Keefer, 7701 Townsend, McKinney

Connie Oberle, 2016 Tremont, McKinney

Cynthia Goodwin, 7101 Edgerton Way, McKinney

Darrel Copeland, 2201 State Blvd, McKinney

David Carmichael, 7709 Townsend Blvd, McKinney

David C. Johnson, 7505 Wescott Lane, McKinney

David J. Johnson, 7505 Westcott Lane, McKinney

Debra Campbell, 2101 State Blvd, McKinney

Diane Reynolds, 7416 Ardmore St, McKinney

Ellen Landel, 2015 Tremont Blvd, McKinney

Elon Reynolds, 7416 Ardmore St, McKinney

Jeff Wise, 7709 Darrow Dr, McKinney

Judy Farrington, 7105 Ripley St, McKinney

Karen Karch, 7409 Darrow, McKinney

Lori Wise, 7709 Darrow Dr, McKinney

Mark and Karen Bunker, 7401 Townsend Blvd, McKinney

Matt Lear, 2304 Pearl St, McKinney

Melissa Sanders, 7608 Townsend Blvd, McKinney

Richard Landel, 2105 Tremont Blvd, McKinney

Rick Moon, 2308 Pearl St, McKinney

Robin Farris, 2301 State Blvd, McKinney

Scott Oberle, 2016 Tremont Blvd, McKinney

Shay Sonders, 7608 Townsend Blvd, McKinney

Stephanie Johnson, 7505 Wescott Rd, McKinney

Ted Farrington, 7105 Ripley St, McKinney

Tony Keefer, 7701 Townsend Blvd, McKinney

The following individuals spoke in favor of a regional transportation bypass on U.S. Highway 380 to be located west of Custer Road:

Jon Dell Antonia, 6201 Virginia Pkwy, McKinney

Richard Karch, 7409 Darrow Dr, McKinney

Amy Limas, 7505 Darrow, McKinney

Bill Sano, 7421 Ardmore St, McKinney

Kim Carmichael, 7709 Townsend, McKinney

Monte Self, 2312 Tremont Blvd, McKinney

Jerry Nelson, 3617 Apple Blossom Ln, McKinney, spoke on behalf of Keller Williams of McKinney, inviting the commercial community and City Council Members to an informational meeting about the proposed TxDot plans, which will take place September 12 at 6:30 p.m. at Keller Williams on 380. Mr. Nelson stated that TxDot would be at the meeting.

Mayor Fuller stated that he and City Manager Grimes would be meeting with officials of Prosper, TX, which has been in opposition of a bypass on their land.

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

**18-658** Minutes of the City Council Work Session of July 16, 2018

**18-659** Minutes of the City Council Regular Meeting of July 17, 2018

**18-660** Minutes of the City Council Special Meeting of July 23, 2018

**18-605** Minutes of the Library Advisory Board Meeting of June 21, 2018

**18-557** Minutes of the Main Street Board Meeting of April 19, 2018

**18-558** Minutes of the Main Street Board Meeting of September 28, 2017

**18-616** Minutes of the McKinney Convention and Visitors Bureau Board Meeting of May 22, 2018

- 18-617** Minutes of the McKinney Convention and Visitors Bureau Finance Committee Meeting of May 21, 2018
- 18-618** Minutes of the McKinney Convention and Visitors Bureau Marketing/Development Committee Meeting of July 2, 2018
- 18-589** Minutes of the McKinney Economic Development Corporation Special Meeting of June 6, 2018
- 18-591** Minutes of the McKinney Economic Development Corporation Meeting of June 19, 2018
- 18-590** Minutes of the McKinney Economic Development Corporation Special Meeting of June 12, 2018
- 18-661** Minutes of the McKinney Housing Authority Meeting of June 26, 2018
- 18-569** Minutes of the McKinney Housing Finance Corporation Meeting of April 13, 2018
- 18-566** Minutes of the Planning and Zoning Commission Regular Meeting of June 26, 2018
- 18-623** Minutes of the Planning and Zoning Commission Regular Meeting of July 10, 2018
- 18-662** Consider/Discuss/Act on an Ordinance Establishing a Reduced Speed School Zone on Virginia Parkway for Hughes Elementary School, on Independence Parkway for Hughes Elementary School, and on Wilmeth Road for Baker Elementary School. Caption reads as follows:

**ORDINANCE NO. 2018-08-054**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ESTABLISHING A REDUCED SPEED SCHOOL ZONES FOR HUGHES ELEMENTARY SCHOOL ALONG VIRGINIA PARKWAY AT BLUESTEM DRIVE AND ALONG INDEPENDENCE PARKWAY AT BLUESTEM DRIVE IN MCKINNEY, TEXAS; ESTABLISHING A REDUCED SPEED SCHOOL ZONE FOR BAKER ELEMENTARY SCHOOL ALONG WILMETH ROAD AT SUNNYSIDE DRIVE IN MCKINNEY, TEXAS; AMENDING THE CODE OF ORDINANCES, CITY OF MCKINNEY, TEXAS; PROVIDING FOR PUBLICATION OF THE CAPTION OF THE ORDINANCE, EFFECTIVE DATE HEREOF AND A PENALTY CLAUSE**

- 18-663** Consider/Discuss/Act on an Ordinance to Modify the Reduced Speed School Zones, Designated Crosswalks, Parking Restrictions, and Bus Loading Zones for Finch Elementary School. Caption reads as follows:

**ORDINANCE NO. 2018-08-055**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS MODIFYING REDUCED SPEED SCHOOL ZONES, THE DESIGNATED SCHOOL CROSSWALKS, AND PARKING REGULATIONS FOR FINCH ELEMENTARY SCHOOL IN MCKINNEY, TEXAS; AMENDING THE CODE OF ORDINANCES, CITY OF MCKINNEY, TEXAS; PROVIDING FOR PUBLICATION OF THE CAPTION OF THE ORDINANCE, EFFECTIVE DATE HEREOF AND A PENALTY CLAUSE**

- 18-664** Consider/Discuss/Act on an Ordinance to Modify the Reduced Speed School Zones, Designated School Crosswalks, and Parking Restrictions for Faubion Middle School. Caption reads as follows:

**ORDINANCE NO. 2018-08-056**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS MODIFYING REDUCED SPEED SCHOOL ZONES, THE DESIGNATED SCHOOL CROSSWALKS, AND PARKING REGULATIONS FOR FAUBION MIDDLE SCHOOL IN MCKINNEY, TEXAS; AMENDING THE CODE OF ORDINANCES, CITY OF MCKINNEY, TEXAS; PROVIDING FOR PUBLICATION OF THE CAPTION OF THE ORDINANCE, EFFECTIVE DATE HEREOF AND A PENALTY CLAUSE**

- 18-665** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into a Contract with Lincoln Financial Group (Lincoln) for Basic & Supplemental Life, Accidental Death & Dismemberment, and Long Term Disability Insurance Coverage. Caption reads as follows:

**RESOLUTION NO. 2018-08-089 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LINCOLN FINANCIAL OF OMAHA, NEBRASKA FOR BASIC & SUPPLEMENTAL LIFE, ACCIDENTAL DEATH & DISMEMBERMENT, AND LONG TERM DISABILITY INSURANCE COVERAGE**

- 18-666** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into a Contract with Paymentus for Utility Billing Online Customer Portal and Related Payment Services. Caption reads as follows:

**RESOLUTION NO. 2018-08-090 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH PAYMENTUS FOR UTILITY BILLING ONLINE CUSTOMER PORTAL AND RELATED PAYMENT SERVICES**

- 18-667** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Participate in Execution of Special Warranty Deed for Property Being Lot 3, Webb Addition, aka 202 E Erwin Ave, and Property Being Tract 44, Block 3 of the William Davis Survey, aka 203 E Erwin Ave, City of McKinney, Collin County, Texas. Caption reads as follows:

**RESOLUTION NO. 2018-08-091 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOT 3, WEBB ADDITION, AKA 202 E ERWIN AVENUE, AND BEING TRACT 44, BLOCK 3, OF THE WILLIAM DAVIS SURVEY, AKA 203 E ERWIN AVENUE, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD**

- 18-668** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Participate in Execution of Special Warranty Deed for Property Being Lot 1B & 1D, Block 49, Shorts Addition, City of McKinney, Collin County, Texas. Caption reads as follows:

**RESOLUTION NO. 2018-08-092 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOT 1B & 1D, BLOCK 49, SHORTS ADDITION, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD**

END OF CONSENT

- 18-669** Mayor Fuller called for Consideration / Discussion / Action on Fiscal Year 2018-2019 Proposed Tax Rate, Take Record Vote and Set Public Hearing and Adoption Dates. Chief Financial Officer Mark Holloway stated this item will confirm the scheduled public hearings and set the ceiling for

the FY19 tax rate. The FY19 tax rate ceiling is set at \$0.540199. The rate proposed in the City Manager's budget is at \$0.525170, which is a \$0.015029 reduction from fiscal year-to-fiscal year. The proposed tax rate is 2.9% above the effective tax rate of FY19. The tax rate has two parts, I&S or debt service rate, and M&O (maintenance and operations). History shows that the tax rate has decreased approximately \$.06 over the past 10 years. The first public hearing on the tax rate will be held on August 21, followed by the first public hearing on the budget and the second public hearing on the tax rate on September 4. The second public hearing on the budget and the final budget adoption will be held on September 17. Council Member Shemwell asked why the tax rate decrease from last year is larger than the proposed tax rate. Mark Holloway stated the decrease was larger than normal and this year's budget includes more capital expenditures than the previous year. Council unanimously approved the motion by Mayor Pro Tem Rath, seconded by Council Member Rogers, to adopt a Fiscal Year 2019 Total Tax Rate of \$0.540199, which is higher than the Fiscal Year 2019 Effective Tax Rate of \$0.506288, and call for two public hearings; the first public hearing to be held on August 21, 2018 at 6:00 p.m. and the second public hearing to be held on September 4, 2018 at 6:00 p.m. Further, a Record Vote on the tax rate adoption will be held on September 17, 2018 at a Special City Council Meeting at 5:30 p.m. All meetings will be held in the McKinney City Hall Council Chambers at 222 North Tennessee Street, McKinney, TX, 75069 with the following record vote:

Mayor Fuller — For

Mayor Pro Tem Rath — For

Council Member Philips — For

Council Member Elliot — For

Council member Rogers — For

Council Member Branch — For

Council Member Shemwell — For

- 18-670** Mayor Fuller called for Consideration / Discussion / Action an Ordinance Authorizing the Issuance of "City of McKinney, Texas, Waterworks and Sewer System Revenue Bonds, Series 2018", and Delegating Matters Relating to the Sale and Issuance of Said Bonds to an Authorized City Official(s). Chief Financial Officer Mark Holloway asked for a parameters authorization to be approved to designate the City Manager, Director of Finances Pricing Officer, and himself in order to execute transaction of debt for FY19. The bonds being sold are bonds authorized in 2015. They are asking for \$32.7 million issued for streets projects and \$11,970,000 total issuance for water and sewer. All debt issuances will be allocated to active projects. Upon approval, the competitive bond sale will be held on August 28<sup>th</sup>. Council unanimously approved the motion by Council Member Elliott, seconded by Council Member Branch to approve an Ordinance authorizing the issuance of "City of McKinney, Texas, Waterworks and Sewer System Revenue Bonds, Series 2018", and delegating matters relating to the sale and issuance of said bonds to an authorized city official(s). Caption reads as follows:

**ORDINANCE NO. 2018-08-057**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ISSUANCE OF "CITY OF MCKINNEY, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2018," MAKING PROVISIONS FOR THE PAYMENT AND SECURITY OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS, ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED CITY OFFICIAL; ENACTING PROVISIONS INCIDENT AND RELATED TO THE PURPOSES AND SUBJECT OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE**

- 18-671** Mayor Fuller called for Consideration / Discussion / Action on an Ordinance Authorizing the Issuance of "City of McKinney, Texas,



General Obligation Bonds, Series 2018”, and Delegating Matters Relating to the Sale and Issuance of Said Bonds to Authorized City Official(s). Chief Financial Officer Mark Holloway stated the presentation for item 18-670 also covered this item. Council unanimously approved a motion by Council Member Rogers, seconded by Council Member Elliott, to approve an Ordinance authorizing the issuance of “City of McKinney, Texas, General Obligation Bonds, Series 2018”, and delegating matters relating to the sale and issuance of said bonds to authorized city official(s).

Caption reads as follows:

**ORDINANCE NO. 2018-08-058**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ISSUANCE OF “CITY OF MCKINNEY, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2018”; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED CITY OFFICIAL; ENACTING PROVISIONS INCIDENT AND RELATED TO THE PURPOSES AND SUBJECT OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE**

- 18-672** Mayor Fuller called to Conduct a Public Hearing to Consider / Discuss / Act on a Resolution Approving the 2018-2019 Community Development Block Grant (CDBG) Annual Action Plan. Shirletta Best, Community Services Administrator for the City of McKinney’s Housing Community Development Department, requested approval for the CDBG Annual Plan. The grant is received the U.S. Department of Housing and Urban Development to help McKinney residents of predominately low to moderate income. The plan includes a summary of actions and activities, as well as federal funding and non-funding residents. Funding recommendations include public services, housing rehabilitation, grant administration, and community and economic development. Council unanimously approved the motion by Council Member Elliott, seconded by Council Member Rogers, to close the public

hearing and approve a Resolution for the 2018-2019 Community Development Block Grant (CDBG) Annual Action Plan. Caption reads as follows:

**RESOLUTION NO. 2018-08-093 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT 2018-2019 ACTION PLAN, AND PROVIDING AN EFFECTIVE DATE**

**17-0024Z** Mayor Fuller called for a Public Hearing to Consider / Discuss / Act on a Request to Rezone from "C"- Planned Center District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to Allow for a Telecommunication Tower, Located Approximately 985 Feet South of Bloomdale Road and on the East Side of U.S. Highway 75 (Central Expressway); and Accompanying Ordinance. Interim Director of Planning Jennifer Arnold stated the purpose of the item is to allow for a taller height of a cell tower, which is typical to see in McKinney. Staff has been working with the applicant and recommends approval of the item. The item was also reviewed and discussed by the Planning and Zoning Committee on July 10, which recommended a favorable approval. Council Member Branch asked if it was possible to request a variance rather than a rezone. Interim Director Arnold stated a variance was not an administrative level option, due to the height limitations. There were no requests to speak at the Public Hearing. Council unanimously approved the motion by Council member Scott Elliott, seconded by Council member La'Shadi Shemwell, to close the public hearing and approve the Request to Rezone from "C"- Planned Center District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to Allow for a Telecommunication Tower, Located Approximately 985 Feet South of Bloomdale Road and on the East Side of U.S. Highway 75 (Central Expressway); and Accompanying Ordinance. Caption reads as follows:

**ORDINANCE NO. 2018-08-059**

**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 0.022 ACRE PROPERTY, LOCATED APPROXIMATELY 985 FEET SOUTH OF BLOOMDALE ROAD AND ON THE EAST SIDE OF U.S. HIGHWAY 75 (CENTRAL EXPRESSWAY); AND ACCOMPANYING ORDINANCE, IS REZONED FROM “C” – PLANNED CENTER DISTRICT AND “CC” – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT AND “CC” – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO ALLOW FOR A TELECOMMUNICATION TOWER; 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**

**18-0007M** Mayor Fuller called for a Public Hearing to Consider / Discuss / Act on a Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Section 146-84 (BN - Neighborhood Business District), Section 146-85 (BG - General Business District), Section 146-86 (C - Planned Center District), Section 146-90 (ML - Light Manufacturing District), Section 146-91 (MH - Heavy Manufacturing District), and Appendix F-4 (Schedule of Uses), of the Code of Ordinances, and Accompanying Ordinance. Interim Director of Planning Jennifer Arnold stated staff requested for the item to be tabled indefinitely. The item will go back to the Planning and Zoning Commission on August 14, where staff will also recommend tabling. The plan is to consider the removal of residential uses being allowed in the commercial districts. Staff has taken time and efforts to get the word out to the community about the proposed changes. A new more all-inclusive item will be introduced on August 21 as a new item, 18-008, at which date a Public Hearing will be held.

Council unanimously approved the motion by Council Member Rogers, seconded by Council Member Elliott, to table item 18-0007M indefinitely, with no Public Hearing.

**17-0017Z** Mayor Fuller called for a Public Hearing to Consider / Discuss / Act on a Request to Rezone the Subject Property from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Allow for Commercial, Hotel/Motel, Outdoor Amusement and Multi-Family Uses, Located at the Northeast Corner of Henneman Way and Alma Road and on the South Side of Collin McKinney Parkway, and Accompanying Ordinance. Planning Manager Matt Robinson stated the applicant is proposing to rezone 55 acres of land for a mix of commercial, hotel, motel and outdoor amusement and multi-family uses. The development would create linkage between Craig Ranch Corporate Center and the McKinney Soccer Complex and set the stage for additional retail commercial office uses south of Henneman Way. It will break the property into five different tracts, allowing for various commercial use and urban multi-family. Applicant Bob Roeder stated the located supported by adequate transportation is the best place for high density urban residential. This is a unique area which includes the corporate center, Hub 121, and the open space of the soccer facility. The restaurant row of Hub 121 needs a high density population of people to support it. In the development 1 parking lot per bedroom is required, which is consistent with other parking in Craig Ranch. Parking shortages would occur in surface lots. However at 80% of the parking must be in a structured facility. All parkland dedication requirements have been satisfied with previous Chapter 380 agreements. Attorney Mark Houser stated the current parks on the east side of Craig Ranch were identified and established earlier to satisfy the parkland requirements. Mr. Roeder stated the applicant would have no problem with a minimum requirement of 80% structured parking. Lawrence Masi, 691 Country Side Dr, Fairview with daughter at McKinney High School. Mr. Lawrence stated he is a developer for Hub 121 and spoke in support of approving the item. Mr. Masi stated

McKinney has a need for restaurants and mentioned an outdoor pavilion with green room, stage area, restrooms and access to hike and bike trails, would host various levels of events from Wednesday through Sunday. Restaurants so far include Porcinos, Black Agave, a craft and mixology restaurant, and Ascension Coffee. David Craig, 6850 TPC Drive, McKinney, developer of Craig Ranch, thanked past and current City Council, co-developer Miles Preston and church pastors Tatum and Chris Lindbergh for supporting the development of Craig Ranch over the past 18 years. This is the last development case for Craig Ranch. Mr. Craig thanked Mike Kowski and Parks and Recreation for working with him and his church congregation to know what's going on in McKinney. Council Member Branch stated opposition to the item because the ratio does not get the tax base "closer to where we want to go as a city."

Council approved the motion by Council member La'Shadi Shemwell, seconded by Council member Rainey Rogers, to close the public hearing and approve item to include 80 percent guaranteed minimum structured parking on the Request to Rezone the Subject Property from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Allow for Commercial, Hotel/Motel, Outdoor Amusement and Multi-Family Uses, Located at the Northeast Corner of Henneman Way and Alma Road and on the South Side of Collin McKinney Parkway, and Accompanying Ordinance with a vote of 6 - 1 - 0, Chuck Branch voting no. Caption reads as follows:

**ORDINANCE NO. 2018-08-060**

**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 55.54 ACRE PROPERTY, LOCATED AT THE NORTHEAST CORNER OF HENNEMAN WAY AND ALMA ROAD AND ON THE SOUTH SIDE OF COLLIN MCKINNEY PARKWAY, IS REZONED FROM**

**“PD” – PLANNED DEVELOPMENT DISTRICT, “REC” – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, AND “CC” – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO “PD” - PLANNED DEVELOPMENT DISTRICT AND “CC” – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO ALLOW FOR COMMERCIAL, HOTEL/MOTEL, OUTDOOR AMUSEMENT AND MULTI-FAMILY 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**

- 18-582** Maypr Fuller called for Consideration / Discussion / Action on a Facilities Agreement for 331 Single Family Residential Lots and 9 Common Areas (Cambridge Meadows), Located at the Southwest Corner of County Road 412 and County Road 409. Planning Manager Matt Robinson stated this item and associated plat was previously tabled on July 24, 2018 in order to allow the applicant additional time to discuss the provisions of the facilities agreement. Since that time, City staff have not received any changes to the facilities agreement therefore City staff recommends denial of the request. Staff did receive word from the attorney of the applicant of the applicant's disagreement to the offer presented by the City and the applicant does not wish to enter into that agreement. City Attorney Mark Houser stated the issue of impact fees are still at an impasse so the recommendation is denial for this item and the subsequent plat. Attorney for the applicant Mark Styer stated the applicant made a counter offer which was not permissible due to city ordinances restricting a lower counter offer. My. Styer stated the applicant's budget does not allow for the payment of the impact fee. Mr. Styer confirmed the payment of the fee today would lock in the guarantee of future infrastructure by the City regardless of the future cost to the City; the impact fees per lot would represent 1% or less of the value of low priced homes; the impact fees are consistent with the current fees for other developments. Mr. Styer stated the applicant has secured water and sewer services from other sources at no cost to the City and development of that remote area of the ETJ

would be of future value to the City and County by attracting additional development to the area.

Council unanimously approved the motion by Council Member Shemwell, seconded by Council Member Elliott, to deny the Facilities Agreement for 331 Single Family Residential Lots and 9 Common Areas (Cambridge Meadows), Located at the Southwest Corner of County Road 412 and County Road 409.

- 17-0021PF** Mayor Fuller called for Consideration / Discussion / Action on a Preliminary-Final Plat for 331 Single Family Residential Lots and 9 Common Areas (Cambridge Meadows), Located at the Southwest Corner of County Road 412 and County Road 409. Planning Manager Matt Robinson stated this is a companion item to the preceding item denied by Council. Staff recommends denial of the preliminary final plat as it is not in conformance with the subdivision ordinance and the applicant did not agree to the facilities agreement offered by the City.

Council unanimously approved the motion by Council Member Elliott, seconded by Council Member Shemwell, to deny the Preliminary-Final Plat for 331 Single Family Residential Lots and 9 Common Areas (Cambridge Meadows), Located at the Southwest Corner of County Road 412 and County Road 409

- 18-674** Mayor Fuller called for Consideration / Discussion / Action on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with RKM Utility Services, Inc. for the Construction of Redbud Boulevard (ST1612) and McLarry Drive (ST1613) Paving, Sidewalk, and Drainage Improvements Project. Capital Improvement Project Manager Nicholas Ataie stated bids were solicited for improvements to the remaining lanes of Redbud Boulevard north of McLarry Drive as well as the section adjacent to the future pump station under construction. RKM Utility Services was the lowest qualified bidder from among eleven bids at \$1,948,487.20. The contract stipulates the construction will be completed in nine months from

notice to proceed which is expected May 2019 and expected to be completed three months prior to the completion of the pump facility. The aggregate contract would not exceed \$2.24 million. Mr. Ataie stated the variance in cost from \$1.9 to \$2.24 million allows for change orders and a 10 to 15 percent variance is typical on roadway projects depending on complexity.

Council unanimously approved the motion by Mayor Pro Tem Rath, seconded by Council Member Elliott, to approve a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with RKM Utility Services, Inc. for the Construction of Redbud Boulevard (ST1612) and McLarry Drive (ST1613) Paving, Sidewalk, and Drainage Improvements Project. Caption reads as follows:

**RESOLUTION NO. 2018-08-095 (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 \$1,948,487.20 WITH RKM UTILITY SERVICES, INC., FOR THE CONSTRUCTION OF REDBUD BOULEVARD (ST1612) AND MCLARRY DRIVE (ST1613) PAVING, SIDEWALK, AND DRAINAGE IMPROVEMENTS AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$2,240,000**

- 18-673** Mayor Fuller called for Consideration / Discussion / Action on a Resolution Authorizing the Execution of Documents for the Acquisition of Easements and the Consideration of the Use of Eminent Domain to Condemn Property for the Construction of Utility Lines Along US 380 (University) from about Red Bud Drive Continuing East for Approximately 4,600 Feet and Along a Portion of Custer Road Commencing Approximately 300 Feet South of its Intersection with University and Continuing South for Approximately 1,000 Feet in Association with the US 380 Water Line Improvements Project (WA4415). Assistant Director of Engineering Michael Hebert stated there are major water lines going through the western part of town. City staff have successfully negotiated five easements and have a few more to go. Staff will continue to reach agreements with additional parties; eminent domain authority will only be considered if further negotiations are unsuccessful and



staff recommend approval of the item. Mr. Hebert stated standard easement widths are 15 feet but can be smaller or larger depending on adjacency to other easements and other factors such as depth of the water line. Bigger lines require significantly larger easements in the area of 25 to 30 feet or greater because the Public Works department would need more space to do work. Mr. Hebert confirmed that properties would be restored as best as possible after any work. Mr. Hebert stated most instances where agreements have not yet been reached are due to a combination commercial and residential cases of no response by the owner, counter offers, or unwanted water line on the property.

Council unanimously approved the motion by Mayor Pro Tem Rath, seconded by Council Member Rogers to approve by record vote a Resolution Authorizing the Execution of Documents for the Acquisition of Easements and the Consideration of the Use of Eminent Domain to Condemn Property for the Construction of Utility Lines Along US 380 (University) from about Red Bud Drive Continuing East for Approximately 4,600 Feet and Along a Portion of Custer Road Commencing Approximately 300 Feet South of its Intersection with University and Continuing South for Approximately 1,000 Feet in Association with the US 380 Water Line Improvements Project (WA4415), with the record vote as follows:

Mayor Fuller — For

Mayor Pro Tem Rath — For

Council Member Philips — For

Council Member Elliot — For

Council member Rogers — For

Council Member Branch — For

Council Member Shemwell — For

Caption reads as follows:

**RESOLUTION NO. 2018-08-094 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE EXECUTION OF DOCUMENTS FOR THE ACQUISITION OF PROPERTY RIGHTS NECESSARY FOR THE CONSTRUCTION OF UTILITY LINES ALONG US 380 (UNIVERSITY) FROM ABOUT RED BUD DRIVE CONTINUING EAST FOR APPROXIMATELY 4,600 FEET AND ALONG A PORTION OF CUSTER ROAD COMMENCING APPROXIMATELY 300 FEET SOUTH OF ITS INTERSECTION WITH UNIVERSITY AND CONTINUING SOUTH FOR APPROXIMATELY 1,000 FEET IN ASSOCIATION WITH THE US 380 WATER LINE IMPROVEMENTS PROJECT (WA4415); AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS FOR THE ACQUISITION OF EASEMENTS; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER OF THE CITY OF MCKINNEY, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AND AUTHORIZING THE CITY MANAGER THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS**

- 18-675** Mayor Fuller called for Consideration / Discussion / Action on a Town Hall Meeting for a Date and Location to be Determined. City Manager Paul Grimes stated Council Member Shemwell requested the City provide an upcoming town hall meeting for Council. Mr. Grimes stated that such a meeting should come with the awareness and approval of the Council as other members might want similar support and services. Council Member Shemwell stated his desire to stay connected to the community with open dialogue and not have an agenda of his own but the agenda of the community. Mr. Shemwell stated he would like to have a series of town hall meetings to keep engagement with the community and give some type of response to concerns because law does not allow Council to respond to citizen comments at Council meetings. The town hall meetings would be posted publicly for all residents to attend. Mr. Grimes stated costs for town hall meetings held at City facilities would be fairly low (approximately \$500 each) and related to refreshments and Staff members participating after hours. Cost related to event setup and break down would be de minimis as those tasks would generally take place during operating hours. Council Member Branch applauded the request for town hall meetings stating it is the

obligation of Council to speak with constituents. Mr. Branch stated his support of the town hall meeting with consideration of cost to conduct them. Mayor Fuller stated it is important to get out and speak to constituents and Council decisions should be reflective of community rather than partisan politics. Council Member Elliott stated he and Council Member Shemwell recently met with members of the Historic district and had a long and fruitful visit. Mr. Elliott expressed his support of town hall meetings at city venues with minimal obligation for additional Staff time to do so. Council Member Rogers supported the town hall meetings with tracking of the meetings to assess the effectiveness of attendance and participation by the public. Mayor Pro Tem Rath stated her support of town hall meetings with limited obligation for Staff attendance. Mr. Grimes stated it would be prudent for pertinent Staff to attend the meetings such as a representatives of the City Manager's Office, other operating departments, Police and even interns and analysts. Mr. Shemwell stated he envisioned a two hour meeting possibly 6-8:00 p.m. that would be structured with a 2 minute limit on questions and comments by citizens and a 2 minute response from Council members in addition to staff on site to lockup facilities. Mayor Fuller stated his support of town hall meetings to include some sort of marketing and publicity and time limits for speaking. Mr. Shemwell stated the meetings should be open to all Council members and residents. Mayor Fuller mentioned State ethics policy restricts Council members' use of City resources for campaigning. Mr. Grimes recommended that any town hall meeting to be conducted on City property under the imprimatur of Council should be done so with the approval of the Council body to maintain the trust among Council members and relationship between Council and staff. Mr. Grimes confirmed there are facilities other than City Hall to host meetings across the City such as Libraries, Fire Stations and Parks & Recreation facilities.

Council unanimously approved the motion by Council Member Rogers, seconded by Mayor Pro Tem Tracy Rath, to approve the establishment of town hall meetings to take place on City property, to occur no more

frequently than once per quarter, and council members within 6 months of election do not participate in such town hall meetings.

There was no Executive Session.

Mayor Fuller called for Council and Manager Comments.

Council Member Philips

Council Member Elliott welcomed Peter Tokar III as the new President of the McKinney Economic Development Corporation (MEDC) and thanked Abby Liu for her service as MEDC Interim President during the selection process.

Council Member Shemwell recognized City Secretary Empress Drane on serving at the first Council meeting in the absence of retired Secretary Sandy Hart. Mr. Shemwell expressed his excitement for the National Night Out event on August 7 and opportunity to engage citizens and law enforcement.

Council Member Branch stated he was excited about National Night Out and commented he is looking forward to getting information back about Highway 380 in order to make a decision. Mr. Branch stated his is in favor of a West bypass wherever that ends up.

Mayor Pro Tem Rath stated she attended the recent meeting of the McKinney Community Development Corporation (MCDC) and the City Manager provided information about the grants awarded in the Manager's Notes. Mrs. Rath stated the next Main Street Board meeting will be Thursday, August 9 at 8:30 a.m.

City Manager Grimes announced the National Night Out events will be Tuesday, August 7; the Budget Presentation will be Friday, August 10 with continental breakfast served at 8:00 a.m. and Budget presentation starting at 8:30 a.m. Mr. Grimes, Chief Financial Officer Mark Holloway, Assistant to the City Manager Trevor Minyard, and other staff will be present to go over key funds within the budget and take questions from Council; this week the McKinney Parks & Recreation Fall Activity Guide will be available online as well as at City Hall, Libraries, Parks & Recreation facilities. Several pages of the guide are dedicated to details about swimming, golf, ice skating and the APEX Centre.

Mayor Fuller stated the Donuts with Superheroes event will be held Saturday, August 11 from 8:30 to 10:30 a.m. at the Sanctuary in Stonebridge. Members of the McKinney Police and Fire departments as well as heroes from all walks of life will be there

to greet kids and interact with the community. Several hundred kids will be there and the event is part of the outreach and backpack drive. Everyone is encouraged to come for donuts and coffee. Tomorrow morning Tuesday August 7 is the New Teacher Breakfast, 7:00 a.m. at McKinney Boyd High School to welcome new teachers to McKinney. Mayor Fuller also welcomed Peter Tokar III to the MEDC.

Mayor Fuller called for a motion to adjourn. Council unanimously approved the motion by Council Member Shemwell, seconded by Council Member Rogers, adjourn. Mayor Fuller adjourned the meeting at 8:16 p.m.

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GEORGE C. FULLER  
Mayor

ATTEST:

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EMPRESS DRANE  
City Secretary