

CITY COUNCIL REGULAR MEETING

JANUARY 17, 2023

The City Council of the City of McKinney, Texas met in regular session in the City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, January 17, 2023, at 6:00 p.m.

The meeting was broadcast live on cable television Spectrum Channel 16 and AT&T U-Verse Channel 99; and online at <http://mckinneytx.new.swagit.com/views/130>. A video recording of the meeting is available to the public through the City of McKinney meeting archive.

Mayor George C. Fuller called the meeting to order at 6:01 p.m. upon determining a quorum consisting of himself and the following members were present: Mayor Pro Tem Rainey Rogers, and Council Members Justin Beller, Geré Feltus, Rick Franklin, Charlie Phillips, and Patrick Cloutier.

These City of McKinney Staff were present: City Manager Paul Grimes, Assistant City Manager Kim Flom, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, City Attorney Mark Houser, City Secretary Empress Drane, City Secretary Records Specialist Juametta Terrell, City Secretary Blenda Sims, Director of Strategic Services Trevor Minyard, Director of Public Safety Greg Conley, Director of Organizational Development & Performance Management Joseph Mazzola, Information Technology Service Technician Robert Lisenby, Police Officer Rachael Rich, Assistant Fire Chief Chris Lowry, Assistant Fire Chief Paul Dow, Fire Battalion Chief Charlie Skaggs, Fire Suppression Driver / Operator Dirk Hedges, Police Financial Analyst Cammie Martin, Police Chief Joe Ellenburg, Fire Public Information & Education Coordinator Merit Ossian, Facilities Construction Manager Patricia Jackson, Director of Parks, Recreation & Open Space Michael Kowski, Director of Emergency Management Karen Adkins, Director of Engineering Gary Graham, Director of Planning Jennifer Arnold, Director of Code Services Kerry Simpson, Animal Services Officer Ashley Thompson, Transit Administrator Akia Pichon, Transit Service Administrator Jasmine Stillwell, and Transportation Engineering Manager Thuan Huynh.

There were approximately fifty (50) members of the public in attendance, including Capital Improvements Advisory Committee (CIAC) Member Steve Wilson, Planning &

Zoning Commission Member Scott Woodruff, Animal Services Facility Advisory Committee (ASFAC) Member Steve Spainhouer, and McKinney Community Development Corporation (MCDC) Member David Riche.

Mayor Fuller called for the Invocation and Pledge of Allegiance. The Invocation given by Dr. Bill Rosnett, Northwest Christian Church.

The Pledge of Allegiance was led by members of Boy Scouts Troup 123, Senior Patrol Leader Reese Anderson and Scout Pierce Thompson, who were escorted by Scout Master Michael Anderson.

Mayor Fuller called for the following Information Sharing items:

22-1210 Proclamation for “Health for Humanity” Yogathon

Yogathon representatives were present to receive the proclamation, and these individuals spoke regarding community activities related to the Yogathon campaign:

- Mahesh Chamaria, 10804 Casmir Drive, McKinney TX 75072
- Vedika Chamaria, 10804 Casmir Drive, McKinney TX 75072
- Brahma Charini Divya, 17701 Davenport, Dallas TX 75252
- Priya Nagendra, 13102 Cool Meadow Drive, Frisco TX 75035

22-1211 Recognition of Animal Control Officer Ashley Thompson for Situational Awareness and Preventative Action

Officer Thompson received a service award for her efforts to prevent a potential residential accident and saved lives by reporting a gas leak. Officer Thompson was responding to an unrelated animal incident when she became aware of a gas leak in a nearby home.

Mayor Fuller called for the Consent agenda.

Council approved the motion by Council Member Franklin, seconded by Council Member Feltus, to approve the full Consent Agenda as follows:

22-1212 Minutes of the City Council Regular Meeting of January 3, 2023

22-1182 Minutes of the Historic Preservation Advisory Board Regular Meeting of December 1, 2022

22-1166 Minutes of the Library Advisory Board meeting of November 17, 2022

22-1200 Minutes of the Planning and Zoning Commission Regular Meeting of December 13, 2022

22-1213 Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2022-2023 Annual Transit Budget to Provide Funds for the Purchase of a Vehicle for Use Within the McKinney Urban Transit District; Ordinance caption reads as follows:

ORDINANCE NO. 2023-01-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2022-2023 ANNUAL BUDGET TO PROVIDE FUNDING FOR A BUS TO BE UTILIZED BY THE MCKINNEY URBAN TRANSIT DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

22-1214 Consider/Discuss/Act on an Ordinance Amending Chapter 34 of the City's Code of Ordinances, "Emergency Management", by Amending Section 34-4, "Organization", to Make the Office of Emergency Management a Separate City Department; Repealing Conflicting Ordinances; Providing a Savings Clause; Providing a Severability Clause; Providing for Publication of the Caption of this Ordinance; and Providing for an Effective Date; Ordinance caption reads as follows:

ORDINANCE NO. 2023-01-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 34 OF THE CITY'S CODE OF ORDINANCES, "EMERGENCY MANAGEMENT", BY AMENDING SECTION 34-4, "ORGANIZATION", TO MAKE THE OFFICE OF EMERGENCY MANAGEMENT A SEPARATE CITY DEPARTMENT; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

22-1215 Consider/Discuss/Act on a Resolution Adopting the East McKinney Mobility & Transportation Alignment Study; Resolution caption reads as follows:

RESOLUTION NO. 2023-01-002 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ADOPTION OF THE EAST MCKINNEY MOBILITY & TRANSPORTATION ALIGNMENT STUDY PROJECT

22-1216 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept, if Awarded, a Selective Traffic Enforcement Program (STEP) Grant

for Fiscal Year 2024 from the Texas Department of Transportation for
Overtime Traffic Safety Enforcement; Resolution caption reads as follows:

RESOLUTION NO. 2023-01-003 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT, IF AWARDED, A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT FOR FISCAL YEAR 2024 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR OVERTIME TRAFFIC SAFETY ENFORCEMENT; AND PROVIDING AN EFFECTIVE DATE

- 22-1217** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Change Order between H-E-B, LP, EMJ Construction, LLC in its capacity as Managing Agent for H-E-B, LP and McMahon Contracting, LP pursuant to the First Amended and Restated Chapter 380 Economic Development Agreement, dated effective September 15, 2022, by and between City of McKinney, Texas, McKinney Community Development Corporation and H-E-B, LP for the Combined Eldorado Parkway Project; Resolution caption reads as follows:

RESOLUTION NO. 2023-01-005 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER BETWEEN H-E-B, LP, EMJ CONSTRUCTION, LLC IN ITS CAPACITY AS MANAGING AGENT FOR H-E-B, LP AND MCMAHON CONTRACTING, LP PURSUANT TO THE FIRST AMENDED AND RESTATED CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT, DATED EFFECTIVE SEPTEMBER 15, 2022 FOR THE COMBINED ELDORADO PARKWAY PROJECT, FOR AN INCREASE, INCLUSIVE OF ANY ADDITIONAL CHANGE ORDERS, NOT TO EXCEED \$750,000

- 22-1218** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with R Construction Civil, LLC, for the Construction of the Airport South & Harry McKillop Water Mains Project; Resolution caption reads as follows:

RESOLUTION NO. 2023-01-004 (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 \$8,045,018.50 WITH R CONSTRUCTION CIVIL, LLC, FOR THE CONSTRUCTION OF THE AIRPORT SOUTH & HARRY MCKILLOP WATER MAINS PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$9,000,000

- 22-1219** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Halff Associates, Inc. for Professional Engineering

Design Services for the Church, Henry & McKinney Area Infrastructure Improvements Project and Authorizing Any Necessary Supplemental Agreements; Resolution caption reads as follows:

RESOLUTION NO. 2023-01-006 (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 \$943,983 WITH HALFF ASSOCIATES, INC. FOR ENGINEERING DESIGN SERVICES FOR THE CHURCH, HENRY & MCKINNEY AREA INFRASTRUCTURE IMPROVEMENTS PROJECT AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$1,086,000

22-1220 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Supplemental Agreement with Kimley-Horn and Associates, Inc. for Professional Engineering Design Services for the SH 5 Utility Relocations (Power House Street to Spur 399) Project; Resolution caption reads as follows:

RESOLUTION NO. 2023-01-007 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ADDITIONAL CONSULTING ENGINEERING SERVICES FOR THE SH 5 UTILITY RELOCATIONS (POWER HOUSE STREET TO SPUR 399) PROJECT FOR AN INCREASE IN THE NOT TO EXCEED FEE FROM \$2,005,000 TO A TOTAL AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY ADDITIONAL SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$2,185,000

22-1221 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Contract with CaCo Architecture, LLC (CaCo) of Dallas, Texas for Additional Architectural and Engineering Services Related to the Design and Construction of the TKI Executive Terminal Located at 1508 Industrial Blvd, at the McKinney National Airport, McKinney, Texas; Resolution caption reads as follows:

RESOLUTION NO. 2023-01-008 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CACO ARCHITECTURE, LLC (CACO) OF DALLAS, TEXAS, FOR ADDITIONAL ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE DESIGN AND COMPLETION OF THE TKI EXECUTIVE TERMINAL

- 22-1222** Consider/Discuss/Act on a Resolution Authorizing the Formal Rejection of all Proposals Under Solicitation 22-46RFP Uniforms and Recreational Clothing; Resolution caption reads as follows:

RESOLUTION NO. 2023-01-009 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE FORMAL REJECTION OF ALL PROPOSALS RECEIVED UNDER SOLICITATION 22-46RFP UNIFORMS AND RECREATIONAL CLOTHING

- 22-1223** Consider/Discuss/Act on a Resolution Adopting the Trails Master Plan; Resolution caption reads as follows:

RESOLUTION NO. 2023-01-010 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ADOPTING A TRAILS MASTER PLAN AND PROVIDING AN EFFECTIVE DATE

- 22-1224** Consider/Discuss/Act on a Resolution Adopting the Updated Parks, Recreation & Open Space Master Plan; Resolution caption reads:

RESOLUTION NO. 2023-01-011 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ADOPTING AN UPDATED PARKS, RECREATION AND OPEN SPACE MASTER PLAN AND PROVIDING AN EFFECTIVE DATE

Mayor Fuller called for Plat Consideration under Chapter 212 of the Texas Local Government Code. Items under this subcategory require separate consideration pursuant to the Texas Local Government Code:

- 22-0256PP** Consider/Discuss/Act on a Preliminary Plat for The Lots 1R & 3R, Block A, of Wysong Hospital Addition, Located on the Southwest Corner of Virginia Parkway and North Central Express Way (US Highway 75)

Scott Woodruff, 2707 Carriage Trail, McKinney TX 75072, spoke on behalf of the applicant supporting approval of the preliminary plat with a variance from Section 2.9.A.3 requirements of the Engineering Design Manual for Traffic Signal Spacing.

Council Member Cloutier expressed comfort with approving the item only if a Sprouts grocery store were built at the location. Director Arnold stated such a requirement could not be tied to the approval, though Mr. Woodruff went on record committing that with approval of the preliminary plat, a Sprouts grocery store would indeed be built at the location.

Council unanimously approved the motion by Council Member Philips, seconded by Council Member Franklin, to approve the preliminary plat with conditions as provided in the staff report, and with a variance from Section 2.9.A.3 of the Engineering Design Manual for Traffic Signal Spacing as requested by the applicant.

Mayor Fuller called for the Regular Agenda and Public Hearing items:

22-0012SUP3 Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit for Automobile Dealership Sales (Hendrick's Auto Dealership), Located at 2601 North Central Expressway, and Accompanying Ordinance Bob Roeder, 1700 Redbud Blvd #300, McKinney TX 75069, spoke on behalf of the applicant supporting approval of the permit.

No one else requested to make public comments regarding the request.

Council approved the motion by Council Member Cloutier, seconded by Council Member Franklin to close the public hearing and approve the Special Use Permit by a vote of 4 to 3, with Mayor Pro Tem Rogers, and Council Members Feltus and Philips opposing the approval. Ordinance caption reads as follows:

ORDINANCE NO. 2023-01-004

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 AUTOMOBILE DEALERSHIP SALES (HENDRICK'S AUTO DEALERSHIP), LOCATED AT 2601 NORTH CENTRAL EXPRESSWAY; 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

22-1225 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into a Predevelopment Agreement and a Reimbursement Agreement with Griffin/Swinerton, LLC (Developer) for the Purchase of Phase 1 Services for Multiple Facilities at McKinney National Airport

Director of McKinney National Airport Ken Carley presented information regarding the development project. Griffin / Swinerton representative Corrin Crawford stated the Phase 1 predevelopment schedule is seven (7) months and approximately twelve (12) to fourteen (14) months for Phase 2 construction.

Council unanimously approved the motion by Council Member Philips, seconded by Council Member Feltus to approve the Predevelopment and Reimbursement agreements; Resolution caption reads as follows:

RESOLUTION NO. 2023-01-012 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PREDEVELOPMENT AGREEMENT AND A REIMBURSEMENT AGREEMENT WITH GRIFFIN/SWINERTON, LLC (DEVELOPER) FOR THE PURCHASE OF PHASE 1 SERVICES FOR MULTIPLE FACILITIES AT MCKINNEY NATIONAL AIRPORT

Mayor Fuller called for Council and Manager Comments relating to various items of public interest.

Council Member Philips stated the McKinney North High School Girls Varsity Basketball team are currently undefeated in district games and encouraged everyone to attend their games and take pride in the team's accomplishments.

Mayor Pro Tem Rogers commended and thanked the Boys Scouts in the audience for attending the City Council meeting. Mayor Fuller thanked them for leading the Pledge of Allegiance.

Council Member Cloutier acknowledged city staff Joe Mazzola, Jimmy Thomas and Empress Drane for a recent panel discussion about Dr. Martin Luther King, Jr. which Council Members Cloutier and Feltus attended. Council Member Cloutier emphasized Dr. King's remarks about the "tranquilizing drug of gradualism" and the inspirational things he accomplished in his short life. Council Member Cloutier also encouraged the public to support the McKinney Parks Foundation on Thursday January 19 at Stix Ice House. Parks Foundation members will be in attendance from 6:30 to 8:30 p.m. and fifteen (15) percent of sales will be donated to the Foundation.

Council Member Feltus commended the city staff regarding the MLK Jr. discussion; commended the Collin County MLK Appreciation Day Committee, Beth Bentley and the other members for their dinner event, discussion on MLK, and Mary Alice Garza for winning the Drum Major Award; commended St. James CME Church for their MLK Service which featured youth singers and remarks by Dr. Jeremy Williams who is a Pastor in Plano, Texas.

City Manager Paul Grimes thanked city staff Gary Graham, Thuan Huynh and their team for work on the agenda item # 22-0256PP development project, acknowledging its challenges; and emphasized the value of trust regarding the work of the city organization, the importance of positive relationships among staff, the community and City Council, and the contrasting roles of staff and City Council in making city decisions. City Manager Grimes announced the Parks & Recreation department and the McKinney Public Libraries have released their respective Spring Activity guides both of which are available online at <https://www.mckinneytexas.org>.

Mayor Fuller announced a benefit event for Fireman Jack Piontkowsky will be held on January 28 at the Sanctuary who was seriously injured over the holidays. The "Leave Your Hat On" event is sold out and will include raffles, auction items and live music performances by Buffalo Ruckus and Maylee Thomas.

Mayor Fuller called for a motion to adjourn at which time the Council approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Feltus to adjourn the meeting at 7:57 p.m.

These minutes were approved by the City Council on February 7, 2023.

SIGNED:

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary

City of McKinney, Texas