

## CITY COUNCIL REGULAR MEETING

JULY 19, 2016

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on July 19, 2016 at 6:00 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro Tem Randy P. Pogue, Council members: Chuck Branch, Don Day, Tracy Rath, Rainey Rogers, and Travis Ussery.

Staff Present: Interim City Manager Tom Muehlenbeck; Deputy City Manager Jose Madrigal; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Planning Director Brian Lockley; Executive Director of Development Services Michael Quint; Director of Engineering Mark Hines; Assistant Director of Parks and Recreation Ryan Mullins; Chief of Police Greg Conley; Assistant Director of Public Works Paul Sparkman; Director of Strategic Services Chandler Merritt; Planning Manager Matt Robinson; McKinney Economic Development Corporation President Darrell Auterson; Transportation and CIP Engineering Manager Gary Graham and Engineer Nicholas Ataie; Housing and Community Services Manager Janay Tieken; Community Services Administrator Shirletta Best; Communications and Marketing – CoCo Good and Frances Hooker; Chief Building Official Rick Herzberger; Interim Chief Financial Officer Mark Holloway; Senior Financial Analyst Trevor Minyard; Police Corporal Melissa Taylor; Water Utilities Superintendent Morgan Dadgostar; Aquatics and Fitness Center Manager Teresa Thomason; Environmental Education Coordinator Martha Fipps; Building Inspections – Teresa Noble, Jeff Harris, Jason Smith, Doug Lichnovsky, and Mike Smith; and Airport – Ken Wiegand and Eric Pratt.

There were approximately 80 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Senior Pastor Tommy Brumett, First United Methodist Church. Boy Scout Troop 1123 led the Pledge of Allegiance.

**16-693** Recognition of the Building Inspection Department for Receiving IAS Accreditation. Chief Building Official Rick Herzberger presented the IAS Accreditation to the Mayor and Council.

- 16-694** Presentation of Distinguished Community Development Award. Community Services Administrator Shirletta Best presented the Distinguished Community Development Award to Mayor and Council.

Mayor Loughmiller called for Citizen Comments.

The following individuals spoke against the July 18, 2016 Work Session agenda item 16-689 regarding Updated Drainage Maintenance Policy and Matrix and how detrimental it will be on their homes.

Ms. Helen Gilbert, 114 Poppy Lane, McKinney

Ms. Denise Benedict, 219 Westpark Drive South, McKinney

Ms. Magda Pampallona, 507 S. McDonald Street spoke about the condition of her home and the lack of City assistance to help with the foundation.

Ms. Nikki Barnett, 2710 Burning Tree, McKinney, spoke about the lack of affordable housing in McKinney.

Ms. Alma Hernandez, 6150 Alma Road #2181, McKinney spoke about the lack of public transportation in McKinney.

The following individuals requested Council support for the redevelopment of Merritt Homes.

Ms. Sandy Escamilla, 1200 N. Tennessee Street, McKinney

Ms. Nacole Tate, 1200 N. Tennessee Street, McKinney

The following individuals did not wish to speak but wanted their support for the redevelopment of Merritt Homes entered into the record.

Ms. Pam Scott, 1200 N. Tennessee Street, McKinney

Ms. Michelle James, 1200 N. Tennessee Street, McKinney

Ms. Connie Crosby, 1200 N. Tennessee Street, McKinney

Council unanimously approved the motion by Council member Ussery, seconded by Council member Rogers, to approve the following consent items:

- 16-695** Minutes of the City Council Work Session of June 20, 2016

- 16-696** Minutes of the City Council Regular Meeting of June 21, 2016

- 16-621** Minutes of the Board of Adjustment Meeting of May 25, 2016

- 16-626** Minutes of the Community Grants Advisory Commission Meeting of March 24, 2016
- 16-627** Minutes of the Community Grants Advisory Commission Meeting of May 11, 2016
- 16-628** Minutes of the Community Grants Advisory Commission Meeting of May 12, 2016
- 16-667** Minutes of the Historic Preservation Advisory Board Regular Meeting of April 7, 2016
- 16-630** Minutes of the Library Advisory Board Meeting of May 19, 2016
- 16-638** Minutes of the McKinney Community Development Corporation Meeting of May 26, 2016
- 16-612** Minutes of the McKinney Economic Development Corporation Meeting of May 17, 2016
- 16-613** Minutes of the McKinney Economic Development Corporation Strategic Planning Work Session of May 20, 2016
- 16-697** Minutes of the McKinney Housing Authority Meeting of May 24, 2016
- 16-666** Minutes of the Planning and Zoning Commission Regular Meeting of June 14, 2016
- 16-698** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2015-2016 Annual Budget and the 2016 - 2020 Capital Improvements Program to Create and Fund a Project to Develop Modifications and Updates to the City's Design Manuals and Construction Documents (CO1606).  
Caption reads as follows:

ORDINANCE NO. 2016-07-055

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE FISCAL YEAR 2015-2016 ANNUAL BUDGET AND 2016 - 2020 CAPITAL IMPROVEMENT PROGRAM TO CREATE AND FUND A PROJECT TO DEVELOP MODIFICATIONS AND UPDATES TO THE CITY'S DESIGN MANUALS AND CONSTRUCTION DOCUMENTS; 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

- 16-699** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2015-2016 Annual Budget and the 2016 - 2020 Capital Improvements Program to Create and Fund a New Project for the Stover Creek Master Drainage Study (DR1645). Caption reads as follows:

ORDINANCE NO. 2016-07-056

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE FISCAL YEAR 2015-2016 ANNUAL BUDGET AND THE 2016 – 2020 CAPITAL IMPROVEMENT PROGRAM TO CREATE AND FUND A NEW PROJECT FOR THE STOVER CREEK MASTER DRAINAGE STUDY (DR1645); 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

- 16-700** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2015-2016 Annual Budget and the 2016 - 2020 Capital Improvements Program to Create and Fund a New Project for the Wilson Creek Unnamed Tributary Study (DR1646). Caption reads as follows:

ORDINANCE NO. 2016-07-057

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE FISCAL YEAR 2015-2016 ANNUAL BUDGET AND THE 2016 – 2020 CAPITAL IMPROVEMENT PROGRAM TO CREATE AND FUND A NEW PROJECT FOR THE WILSON CREEK UNNAMED TRIBUTARY STUDY (DR1646); 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

- 16-701** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract with Kimley-Horn and Associates, Inc., for Design Services for the Modification and Update of the City's Engineering Design Manuals and Construction Documents, and Any Necessary Supplemental Agreements. Caption reads as follows:

RESOLUTION NO. 2016-07-099 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC., FOR ENGINEERING DESIGN SERVICES FOR MODIFICATION AND UPDATE OF THE CITY'S ENGINEERING DESIGN MANUALS AND CONSTRUCTION DOCUMENTS, AND ANY NECESSARY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID

SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$375,000

- 16-702** Consider/Discuss/Act on a Resolution Naming the Texas Department of Transportation as the City's Agent to Administer an Airport Master Plan Update and Authorizes the Interim City Manager or City Manager to Execute All Documents and Agreements with the State of Texas for the Airport Master Plan Update Project. Caption reads as follows:

RESOLUTION NO. 2016-07-100 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, NAMING THE TEXAS DEPARTMENT OF TRANSPORTATION AS THE CITY'S AGENT TO ADMINISTER AN AIRPORT MASTER PLAN UPDATE AND AUTHORIZING THE INTERIM CITY MANAGER OR CITY MANAGER TO EXECUTE ALL DOCUMENTS AND AGREEMENTS WITH THE STATE OF TEXAS FOR THE AIRPORT MASTER PLAN UPDATE PROJECT

- 16-703** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into an Online Real Estate Auction Agreement with René Bates Auctioneers, Inc. for the Park Place Tract 1 Property Located on Wilson Creek Parkway. Caption reads as follows:

RESOLUTION NO. 2016-07-101 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO AN ONLINE REAL ESTATE AUCTION AGREEMENT WITH RENÉ BATES AUCTIONEERS, INC. OF MCKINNEY, TEXAS, FOR THE PARK PLACE TRACT 1 PROPERTY LOCATED ON WILSON CREEK PARKWAY

- 16-704** Consider/Discuss/Act on a Resolution Ratifying the Execution by the Interim City Manager of the Professional Contract for Services Relating to a 2016-17 School Resource Officer Program with the McKinney Independent School District. Caption reads as follows:

RESOLUTION NO. 2016-07-102 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, RATIFYING THE EXECUTION BY THE INTERIM CITY MANAGER OF A PROFESSIONAL CONTRACT FOR SERVICES RELATING TO A SCHOOL RESOURCE OFFICER PROGRAM WITH THE MCKINNEY INDEPENDENT SCHOOL DISTRICT

- 16-705** Consider/Discuss/Act on a Resolution Ratifying the Execution by the

Interim City Manager of the Professional Contract for Services Relating to a 2016-17 School Resource Officer Program with the Frisco Independent School District. Caption reads as follows:

RESOLUTION NO. 2016-07-103 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, RATIFYING THE EXECUTION BY THE INTERIM CITY MANAGER OF A PROFESSIONAL CONTRACT FOR SERVICES RELATING TO A SCHOOL RESOURCE OFFICER PROGRAM WITH THE FRISCO INDEPENDENT SCHOOL DISTRICT

- 16-706** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Enter into an Amendment of the 2015-2016 Professional Services Agreement with the McKinney Independent School District For School Resource Officers. Caption reads as follows:

RESOLUTION NO. 2016-07-104 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO AN AMENDMENT OF THE PROFESSIONAL SERVICES AGREEMENT WITH THE MCKINNEY INDEPENDENT SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS

- 16-707** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager or City Manager to Execute a Contract and Any Supplemental Agreements with Freese and Nichols, Inc. Related to the Water System Nitrification Action Plan Project - Phases 2 and 3. Caption reads as follows:

RESOLUTION NO. 2016-07-105 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER OR THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH FREESE AND NICHOLS, INC. FOR SERVICES RELATED TO THE WATER SYSTEM NITRIFICATION ACTION PLAN PROJECT PHASES 2 AND 3

- 16-708** Consider/Discuss/Act on a Resolution Naming the Aquatic and Fitness Center Located at 3003 Alma Road and Allowing for a Tagline and Logo for the Facility. Caption reads as follows:

RESOLUTION NO. 2016-07-106 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE NAME, TAGLINE AND LOGO FOR THE AQUATIC AND FITNESS CENTER LOCATED AT 3003 ALMA ROAD

- 16-710** Consider/Discuss/Act on a Resolution Awarding a Contract to Collars, Caps, Cuffs, N' Things of Dallas, Texas, and Groggy Dog of McKinney, Texas, for the Purchase of Uniforms and Recreational Clothing. Caption reads as follows:

RESOLUTION NO. 2016-07-108 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO COLLARS, CAPS, CUFFS, N' THINGS OF DALLAS, TEXAS, & GROGGY DOG OF MCKINNEY, TEXAS, FOR THE PURCHASE OF UNIFORMS AND RECREATIONAL CLOTHING

- 16-711** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Formally Reject All Bids Received and Related to Bid Number 16-57CC for the Reconstruction of Cole Street from Bass Street to College Street. Caption reads as follows:

RESOLUTION NO. 2016-07-109 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO REJECT ALL BIDS RECEIVED AND RELATED TO BID NUMBER 16-57CC FOR THE RECONSTRUCTION OF COLE STREET FROM BASS STREET TO COLLEGE STREET

- 16-712** Consider/Discuss/Act on a Revocable License Agreement with Eastside SD1, LLC, for the Limited Continued Use of Public Right-of-Way for Hunt Street, Main Street and Virginia Street

END OF CONSENT

- 16-715** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending Ordinance No. 2016-02-015, which Ordinance Granted to Atmos Energy Corporation, a Texas and Virginia Corporation, its Successors and Assigns, a Franchise to Construct, Maintain, and Operate Pipelines and Equipment in the City of McKinney, Collin County,

Texas, for the Transportation, Delivery, Sale, and Distribution of Gas In, Out of, and Through Said City for all Purposes to Clarify Certain Provisions Contained in Sections 1, 5 and 8 of Said Ordinance. Mayor Pro Tem Pogue requested that this item be pulled down for discussion regarding incorporating a requirement for minimum burial depth to allow non-conflict in land locations when it parallels to public streets. Mr. Pogue requested that this item be tabled to allow the City Attorney to negotiate or ask Atmos to consider this particular component. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Day, to table this item Indefinitely to allow Mr. Houser the ability to negotiate the requested language.

**16-709** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Adopting the City of McKinney 2017 Legislative Agenda. Mayor Pro Tem Pogue requested this item be pulled down to acknowledge Representative Scott Sanford's efforts and input regarding the 2017 Legislative Agenda. Representative Sanford met with Mayor Loughmiller, Council member Branch, Interim City Manager Muehlenbeck and himself to discuss the Legislative Agenda. After the meeting, there were some modifications made to the Legislative Agenda. Council approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to approve a Resolution adopting the City of McKinney 2017 Legislative Agenda with a vote of 6-1-0, Council member Ussery voting against. Caption reads as follows:

RESOLUTION NO. 2016-07-107 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE APPROVAL OF THE  
CITY OF McKINNEY 2017 LEGISLATIVE AGENDA

**16-058SU2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request to Allow for a Service Station (CST Corner Store), Located Approximately 300 Feet East of Stonebridge Drive and on the South Side of U.S. Highway 380 (University Drive), and



Accompanying Ordinance. Planning Manager Matt Robinson stated that the applicant is requesting a specific use permit to allow for a gas station with seven motor vehicle fuel dispensers and a 6,700 square foot convenience store. The site is located approximately 300 feet East of Stonebridge Drive and on the South Side of U.S. Highway 380. Staff recommends approval of the proposed specific use permit. Applicant, Mr. Barry Guttridge, 1101 Central Expressway South, Allen, was available for questions and there were none. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Rogers, to approve an Ordinance granting a Specific Use Permit to allow for a service station (CST Corner Store), located approximately 300 feet east of Stonebridge Drive and on the south side of U.S. Highway 380 (University Drive), with the following special Ordinance provision: the property shall generally develop in accordance with the attached site layout exhibit (Exhibit B). Caption reads as follows:

ORDINANCE NO. 2016-07-058

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A SERVICE STATION, APPROXIMATELY 1.76 ACRES, LOCATED APPROXIMATELY 300 FEET EAST OF STONEBRIDGE DRIVE AND ON THE SOUTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE); PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 16-141Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "SF5" - Single Family Residential District, Located at 904 Baker Street, and Accompanying Ordinance. Planning Manager Matt Robinson stated that the applicant is requesting to rezone the subject property for single family uses in order to subdivide the existing parcel into two lots

and construct two single family detached homes. Under the existing "AG" zoning, the space limits are incompatible for single family residential uses as the minimum lot area required is 10 acres. The surrounding properties are currently used and zoned for single family residential uses with similar lot sizes as the requested SF5 zoning district. In Staff's opinion the proposed rezoning request is appropriate for the subject property and will be compatible and consistent with the existing surrounding land uses. Mayor Loughmiller called for public comment and there were none. Applicant was not available for questions. Council approved the motion by Council member Day, seconded by Council member Branch, to approve an Ordinance rezoning the subject property from "AG" - Agricultural District to "SF5" - Single Family Residential District, located at 904 Baker Street, with a vote of 6-1-0, Mayor Loughmiller voting against due to the lack of attendance by the applicant. Caption reads as follows:

ORDINANCE NO. 2016-07-059

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 .69 ACRE PROPERTY, LOCATED AT 904 BAKER STREET, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "SF5" – SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 16-187M2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Section 146-41 Specific Use Permits of the Zoning Ordinance Pertaining to the Timeframe to Obtain a Building Permit, and Accompanying Ordinance. Director of Planning Brian Lockley stated that this is a Staff initiated request. Staff is proposing to amend Section 146-41(6) (Specific Use Permits) to extend the length of time required to apply for and secure a building permit from 6-months to 12-months from the time of granting the specific use permit

and Staff is also proposing to extend the expiration date of the specific use permit from 6-months to 12-months if no building permit is obtained. The applicant will still have the option to receive an extension of time from the City Council. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to approve an Ordinance amending Section 146-41 Specific Use Permits of the Zoning Ordinance pertaining to the timeframe to obtain a building permit. Caption reads as follows:

ORDINANCE NO. 2016-07-060

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING SECTION 146-41 SPECIFIC USE PERMITS OF THE ZONING ORDINANCE PERTAINING TO THE TIMEFRAME TO OBTAIN A BUILDING PERMIT; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

**16-713** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending the Fiscal Year 2015-2016 Annual Budget and the 2016 - 2020 Capital Improvement Program to Transfer Funds to Laud Howell Parkway (ST4331). Transportation and CIP Engineering Manager Gary Graham stated that this item is to transfer funds to Laud Howell Parkway to allow the Interim City Manager to enter into a professional services contract for the following agenda item. The City had allocated money for the FM543 project that TxDOT has taken over. We were able to reallocate that money back into the Street Construction Fund that will fund the Laud Howell Parkway project. Council unanimously approved the motion by Council member Ussery, seconded by Council member Rogers, to approve an Ordinance amending the Fiscal Year 2015-2016 Annual Budget and the 2016 – 2020 Capital Improvement Program to transfer funds to Laud Howell Parkway (ST4331). Caption reads as follows:

ORDINANCE NO. 2016-07-061

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE FISCAL YEAR 2015-2016 ANNUAL BUDGET AND 2016 - 2020 CAPITAL IMPROVEMENT PROGRAM TO TRANSFER FUNDS TO LAUD HOWELL PARKWAY (ST4331); 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

- 16-714** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Interim City Manager to Execute a Contract with Halff Associates, Inc. (Halff), for Professional Engineering Design Services for Laud Howell Parkway from the US 75 Southbound Frontage Road to FM 1461 / Lake Forest Drive and Any Necessary Supplemental Agreements. Transportation and CIP Engineering Manager Gary Graham stated that this Resolution authorizes a contract with Halff Associates, Inc. (Halff), to provide consulting engineering services for the design of Laud Howell Parkway from the US 75 Southbound Frontage Road to FM 1461 / Lake Forest Drive for an amount not to exceed \$2,600,000. The design will include a 6-lane divided roadway from its current terminus at Trinity Falls Parkway to the proposed Honey Creek Bridge and 4-lanes from west of the Honey Creek Bridge to FM 1461 / Lake Forest Drive. Design will also include widening of the existing Laud Howell Parkway to accommodate lanes 5 & 6 from the US 75 Southbound Frontage Road to its current terminus at Trinity Falls Parkway. Council unanimously approved the motion by Council member Rogers, seconded by Council member Branch, to approve a Resolution authorizing the Interim City Manager to execute a contract with Halff Associates, Inc. (Halff), for Professional Engineering Design Services for Laud Howell Parkway from the US 75 southbound frontage road to FM 1461 / Lake Forest Drive and any necessary supplemental agreements. Caption reads as follows:

RESOLUTION NO. 2016-07-110 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY

MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$2,370,055.00 WITH HALFF ASSOCIATES, INC., FOR ENGINEERING DESIGN SERVICES FOR LAUD HOWELL PARKWAY FROM US 75 TO FM 1461 / LAKE FOREST DRIVE AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$2,600,000

Council member Ussery stepped down from the dais for the following item.

- 16-665** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing Consent Agreements Regarding Bond Authority for Two (2) Existing Municipal Utility Districts: Municipal Utility District No. 1 and Municipal Utility District No. 2 - Trinity Falls. Executive Director of Development Services Michael Quint stated that the Trinity Falls Development is governed by a Master Development Agreement. The applicant has requested that the City Council consider the renegotiated Consent Agreements that would authorize \$262,800,000 in aggregate bond debt issued by MUD #1 and MUD #2, plus an annual 3% escalation amount added to authorized, but unissued, bond debt. Representing the applicant is Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, and Mr. Stephen Eustis, 1331 Lamar, Suite 1360, Houston. Mr. Eustis presented the sources and uses of funds. Mr. Roeder stated that the MUDs must abide by the rules of the TCEQ and the City of McKinney and its citizens have no liability for any bonds that they sell. He also stated that the Trinity Falls Project Master Plan Community is in the process of being sold. With the significant increase in infrastructure construction costs, the bond caps currently in place are insufficient to meet the projected needs to build out the Trinity Falls community. The need to increase the bond cap as well as the need to combine the bonds has initiated this request. City Attorney Mark Houser stated there cannot be any additional MUDs created outside of the initial 1,700 acres expansion area of the Trinity Falls MUDs. Another MUD could become

part of the Trinity Falls but it would be within the same bond cap and within the same confines of the current MUDs. He stated that there is no risk to the City for the bond debt. Mr. Roeder presented a general breakout of the \$262,000,000. He stated that the \$262,000,000 encompasses the \$10,000,000 that has already been reimbursed through the first bond sale, it encompasses almost \$62,000,000 in cost that has already been spent by the developer on infrastructure to date, anticipated amount of \$72,000,000 in water/sewer/drainage projects and another \$77,000,000 in qualified road costs. When you add in the soft estimates of close to \$73,000,000, this totals approximately \$294,000,000, which exceeds the \$262,800,000 cap that we are requesting. Council approved the motion by Council member Rogers, seconded by Mayor Pro Tem Pogue, to approve a Resolution authorizing Consent Agreements regarding bond authority for two (2) existing Municipal Utility Districts: Municipal Utility District No. 1 and Municipal Utility District No. 2 - Trinity Falls carried with a vote of 5-1-1, Council member Branch voting against and Council member Ussery abstaining. Caption reads as follows:

RESOLUTION NO. 2016-07-111 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING AMENDMENTS TO THE 2012 AGREEMENT CONCERNING CREATION AND OPERATION OF MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY AND THE 2012 AGREEMENT CONCERNING CREATION AND OPERATION OF MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 2 OF COLLIN COUNTY AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY FROM AND AFTER ITS PASSAGE AND ADOPTION

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments.

Council member Rogers stated that he is a proud Scout Master of Troop 1123. They spent last week at camp in Oklahoma and these are fine young men. They achieve Citizenship and Communications badges for being here tonight. Mr. Rogers

recognized the scouts: Easton Holdstock, Christian Smith, Dax Bryson, and Haden Maillot. Jeremy Holdstock is the Assistant Scout Master.

Council member Ussery commented that the issues for the residents in Southwest Park Drive will be looked into by staff. He thanked the staff's service and what they do day in and day out. He also thanked Mr. Muehlenbeck and what he has done for the City of McKinney over the last two plus years. The reputation that preceded you for integrity, workmanship, diligence, and highest quality of character is definitely confirmed by what you have done for the City of McKinney.

Council member Branch thanked the police officers and all that they do for the citizens of McKinney. We appreciate you and support you in your efforts.

Mayor Pro Tem Pogue recognized the Building Inspections Department for the International Accreditation Award they received and the Housing and Community Development Department for their Distinguished Community Development Award. He thanked Mr. Muehlenbeck for his service and noted that we are indebted to you for what you have done for McKinney at a time when we needed you and provided stability when it was much needed. You have been a "gold standard" for us as a City and Council. The storm drainage policy is not for a specific location but for the overall city. The rating structure is to try to prioritize problem areas that need immediate attention. There may be private ownership issues but that is looked at on an individual basis.

Mayor Loughmiller thanked Mr. Muehlenbeck for everything he has done for the City of McKinney for the past few years and for this Council and the past Council. Your professionalism, integrity and ethics are unquestioned. The successful transition with the new City Manager and what we searched for in a new City Manager was driven by your reputation and your service to McKinney. Thank you for everything you have done for the City of McKinney. I have attended several community events recently honoring the Dallas officers and I am so proud of our citizens and their efforts to recognize those in the law enforcement. I want to recognize our Police Department and Chief and his efforts in trying to bring our community together and build bridges rather than create divide.

Interim City Manager Tom Muehlenbeck thanked every employee who helped make the Red, White & Boom a success. It was a complete collaborative effort from

nearly every department in the City. Enjoy a cup of coffee with the McKinney Police Department on Saturday, July 23<sup>rd</sup>, at Starbucks, 3001 Hardin Boulevard, from 10:00 a.m. to noon. Our National Night Out is a great way to increase neighborhood spirit, improve police-community partnerships and keep our city safer. We hope you will attend your neighborhood's event on Tuesday, August 2<sup>nd</sup>. You can register your neighborhood block party online at [mckinneytexas.org/NNO](http://mckinneytexas.org/NNO) or talk to your Crime Watch Captain to find out about events in your neighborhood. We are moving up discussion on the agenda for August 1<sup>st</sup> to the July 25<sup>th</sup> Work Session to make the new City Manager's first meeting smoother. We have moved the initial budget discussion from early August to July 27<sup>th</sup>. We are hoping to receive the appraisal figures from the appraisal district in time for our meeting on July 27<sup>th</sup>. Council will receive a balanced budget that will not exceed the rollback rate. Mr. Muehlenbeck thanked Council for the opportunity to come to McKinney to practice a profession that I have been doing for right at 50 years. I appreciate the support of the community and the staff. You have an excellent staff.

Mayor Loughmiller recessed the meeting into executive session at 7:42 p.m. per Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed), Section 551.074 Discuss Personnel Matters, and Section 551.087 Discuss Economic Development Matters as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 7:45 p.m.

Council unanimously approved the motion by Council member Ussery, seconded by Council member Branch, to adjourn. Mayor Loughmiller adjourned the meeting at 7:50 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary