

CITY COUNCIL REGULAR MEETING

JANUARY 2, 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 January 2, 2018 at 6:00 p.m.

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

Staff Present: City Manager Paul Grimes; Assistant City Manager Barry Shelton; Assistant City Manager Steve Tilton; 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; Planning Manager Matt Robinson; Fire Chief Danny Kistner; Fire Marshal Mike Smith; Director of Engineering Gary Graham; Engineering - Paul Tucker; CIP Manager Nicholas Ataie; IT Desktop Technician Trent South; Chief Financial Officer Mark Holloway; Chief Building Official Rick Herzberger; Police Officer Tyler Lewis; Assistant Fire Marshal Andrew Barr; Assistant Fire Chief Tim Mock; Assistant Fire Chief Chris Lowry; Assistant City Attorney Alan Lathrom; Parks and Recreation Director Mike Kowski; and Senior Financial Analyst Eric Corder.

There were ten guests present.

Mayor Fuller called the meeting to order at 6:02 p.m. after determining a quorum was present. Invocation was given by Reverend Dr. Phyllis Tippit, Trinity Presbyterian Church. Mayor Fuller led the Pledge of Allegiance.

Mayor Fuller called for Citizen Comments and there were none.

Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to approve the following consent items:

- 18-001** Minutes of the City Council Regular Meeting of December 5, 2017
- 18-002** Minutes of the City Council Work Session of December 18, 2017
- 18-003** Minutes of the City Council Regular Meeting of December 19, 2017
- 17-1203** Minutes of the Main Street Board Meeting of November 6, 2017

- 17-1222** Minutes of the McKinney Community Development Corporation Meeting of November 16, 2017
- 17-1216** Minutes of the McKinney Economic Development Corporation Meeting of November 28, 2017
- 18-004** Consider/Discuss/Act on an Ordinance Amending the Code of Ordinances of the City of McKinney, Texas Chapter 122, "Construction Regulations," by Amending Article II, "Building Codes," by Amending Section 122-25, "International Building Code and International Residential Code Adopted," Section 122-26, "Amendments to Building and Residential Codes," Section 122-30, "International Mechanical Code Adopted; Amendments," Section 122-31, "International Plumbing Code Adopted," Section 122-32, "Amendments to Plumbing Code," Section 122-35, "International Energy Conservation Code Adopted," Section 122-36, "Amendments to Energy Conservation Code," and Section 122-38, "International Property Maintenance Code Adopted," and Adding a New Section 122-34, Entitled "International Fuel Gas Code Adopted," and Amending Chapter 126, "Housing," by Amending Article II, "Substandard Structures," by Amending Section 126-40, "International Property Maintenance Code Adopted," to adopt the 2015 Editions of International Codes; Through the Amendment of Chapter 122, "Construction Regulations," by Amending Article III, "Electrical Installations," by Amending Section 122-97, "Issuance Generally," Section 122-128, "National Electrical Code Adopted," and Section 122-129, "Amendments to Electrical Code," by adopting the 2017 Edition of the National Electric Code and by Deleting Sections 122-67, 122-100, 122-101, 122-104 Through 122-107, 122-134, 122-136 Through 122-141, 122-143 and 122-144; and by Adopting the Local Amendments to such International Codes and the National Electric Code and Certain Amendments Recommended by the North Central Texas Council of Governments. Caption reads as follows:

ORDINANCE NO. 2018-01-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF CHAPTER 122, "CONSTRUCTION REGULATIONS," BY AMENDING ARTICLE II, "BUILDING CODES," BY AMENDING SECTION 122-25, "*INTERNATIONAL BUILDING CODE AND INTERNATIONAL RESIDENTIAL CODE ADOPTED*," SECTION 122-26, "AMENDMENTS TO BUILDING AND RESIDENTIAL CODES," SECTION 122-30, "*INTERNATIONAL MECHANICAL CODE ADOPTED; AMENDMENTS*," SECTION 122-31, "*INTERNATIONAL PLUMBING CODE ADOPTED*," SECTION 122-32, "AMENDMENTS TO PLUMBING CODE," SECTION 122-35, "*INTERNATIONAL ENERGY CONSERVATION CODE ADOPTED*," SECTION 122-36, "AMENDMENTS TO ENERGY CONSERVATION CODE," AND SECTION 122-38, "*INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED*," AND ADDING A NEW SECTION 122-34, ENTITLED "*INTERNATIONAL FUEL GAS CODE ADOPTED*," AND THROUGH THE AMENDMENT OF CHAPTER 126, "HOUSING," BY AMENDING ARTICLE II, "SUBSTANDARD STRUCTURES," BY AMENDING SECTION 126-40, "*INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED*," FOR THE PURPOSE OF ADOPTING THE 2015 EDITIONS OF SUCH INTERNATIONAL CODES; THROUGH THE AMENDMENT OF CHAPTER 122, "CONSTRUCTION REGULATIONS," BY AMENDING ARTICLE III, "ELECTRICAL INSTALLATIONS," BY AMENDING SECTION 122-97, "ISSUANCE GENERALLY," SECTION 122-128, "NATIONAL ELECTRICAL CODE ADOPTED," AND SECTION 122-129, "AMENDMENTS TO ELECTRICAL CODE," FOR THE PURPOSE OF ADOPTING THE 2017 EDITION OF THE NATIONAL ELECTRIC CODE AND BY DELETING SECTIONS 122-67, 122-100, 122-101, 122-104 THROUGH 122-107, 122-134, 122-136 THROUGH 122-141, 122-143 AND 122-144; AND BY THE ADOPTION OF LOCAL AMENDMENTS TO SUCH INTERNATIONAL CODES AND THE NATIONAL ELECTRIC CODE INCLUDING, BUT NOT LIMITED TO, CERTAIN AMENDMENTS RECOMMENDED BY THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, AND PROVIDING FOR ENFORCEMENT; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING AN EFFECTIVE DATE

- 18-009** Consider/Discuss/Act on an Ordinance Amending Chapter 42, Fire Prevention and Protection of the Code of Ordinances of the City of McKinney, Texas by Repealing Article II, "Fire Prevention Code" in its Entirety and Adopting a New Article II, Title "Fire Prevention Code" to Adopt the 2015 Edition of the International Fire Code, and the North Central Texas Council of Governments Recommended Amendments.
Caption reads as follows:

ORDINANCE NO. 2018-01-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 42, "FIRE PREVENTION AND PROTECTION," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, BY REPEALING ARTICLE II, "FIRE PREVENTION CODE," IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE II, ALSO ENTITLED "FIRE PREVENTION CODE," TO ADOPT THE 2015 EDITION OF THE *INTERNATIONAL FIRE CODE* AND LOCAL AMENDMENTS THERETO INCLUDING, BUT NOT LIMITED TO, CERTAIN AMENDMENTS RECOMMENDED BY THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, AND PROVIDING FOR ENFORCEMENT; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING AN EFFECTIVE DATE

- 18-010** Consider/Discuss/Act on an Ordinance Repealing Chapter 42, Article III, Sections 42-56 through 42-67 of the Code of Ordinances of the City of McKinney, Texas Entitled "Open Burning" and Establishing a New Chapter 42, Article III, Sections 42-56 through 42-68, Entitled "Open Burning". Caption reads as follows:

ORDINANCE NO. 2018-01-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, REPEALING CHAPTER 42, ARTICLE III, SECTIONS 42-56 THROUGH 42-67 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, ENTITLED "OPEN BURNING," AND ESTABLISHING A NEW CHAPTER 42, ARTICLE III, SECTIONS 42-56 THROUGH 42-68, ENTITLED "OPEN BURNING"; ESTABLISHING A PROHIBITION OF OPEN BURNING IN THE CITY OF MCKINNEY UNLESS CONSISTENT WITH THIS ORDINANCE; ESTABLISHING VIOLATIONS AND PENALTIES; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

END OF CONSENT

- 17-1255** Mayor Fuller called for Consideration/Discussion/Action on a Facilities Agreement for Lots 1-3, Block A of the Yakman Prather Odle Addition, Located Approximately 4,900 Feet South of FM 546 and on the West Side of County Road 318. Planning Manager Matt Robinson stated this

property is located within the ETJ. The applicant has indicated the desire not to construct the typical required improvements which includes construction of a 12 inch water line and an 8 inch sewer line. The proposed facilities agreement limits the property to one single family home on each lot. Approval of this agreement will allow the property owner to move forward with the associated preliminary-final plat. Staff recommends approval of the facilities agreement. Council unanimously approved the motion by Council member Elliott, seconded by Councilwoman Rath, to approve a Facilities Agreement for Lots 1-3, Block A of the Yakman Prather Odle Addition, located approximately 4,900 feet south of FM 546 and on the west side of County Road 318.

17-287PF Mayor Fuller called for Consideration/Discussion/Action on a Preliminary-Final Plat for Lots 1-3, Block A of the Yakman Prather Odle Addition, Located Approximately 4,900 Feet South of FM 546 and on the West Side of County Road 318. Planning Manager Matt Robinson stated this item is brought before Council to consider the six variances being requested by the applicant. This is a companion item to the previously approved Facilities Agreement. Staff is recommending approval of the plat. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Mayor Fuller, to approve a Preliminary-Final Plat for Lots 1-3, Block A of the Yakman Prather Odle Addition, located approximately 4,900 feet south of FM 546 and on the west side of County Road 318.

18-005 Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with Garney Companies, Inc. for the Construction of the WA8132 - Redbud Pump Station Site Development Project. CIP Manager Nick Ataie stated this item is to award a bid for the construction of the Redbud Pump Station. This pump station will serve two of the three major water areas in the City and is the last major pump station

facility identified in the City's current water master plan. The construction will be phased with the construction of an 8 million gallon storage tank. Due to the size and scope of this project, staff worked with Purchasing to solicit this as a competitive bid proposal. We received six sealed proposals. The base bid amount includes the City's pump station facility as well as the North Texas Municipal Water District components of the project. An added alternate item was included for a different tier of back-up generators for the pump station facility. Staff determined that item to not be beneficial to the project and as such excluded that alternate bid. Staff recommends award of the construction bid to Garney Companies, Inc. in an amount not to exceed \$24,548,350. 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 contract and all necessary change orders with Garney Companies, Inc. for the construction of the WA8132 - Redbud Pump Station Site Development Project. Caption reads as follows:

RESOLUTION NO. 2018-01-001 (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 \$23,154,100 WITH GARNEY COMPANIES, INC. FOR THE CONSTRUCTION OF THE REDBUD PUMP STATION SITE DEVELOPMENT PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$24,548,350

- 18-006** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Contract with Alliance Geotechnical Group, Inc. for Materials Testing and Inspection Services for the WA8132 - Redbud Pump Station Site Development Project. CIP Manager Nick Ataie stated this item is the construction materials testing component of the Redbud Pump Station Site Facility. The materials testing will include grading, soil stabilization, concrete reinforcement, masonry, typical components in this type of facility construction, in an

amount not to exceed \$94,000. Council unanimously approved the motion by Council member Elliott, seconded by Mayor Pro Tem Rogers, to approve a Resolution authorizing the City Manager to execute a contract with Alliance Geotechnical Group, Inc. for Materials Testing and Inspection Services for the WA8132 - Redbud Pump Station Site Development Project. Caption reads as follows:

RESOLUTION NO. 2018-01-002 (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 \$84,923 WITH ALLIANCE GEOTECHNICAL GROUP, INC. FOR MATERIAL TESTING AND INSPECTION SERVICES FOR THE CONSTRUCTION OF THE REDBUD PUMP STATION SITE DEVELOPMENT PROJECT AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$94,000

18-007 Mayor Fuller called for Consideration/Discussion/Action on an Ordinance Amending the Fiscal Year 2017-2018 Budget to Re-appropriate Projects/Items Carried from Last Fiscal Year. Chief Financial Officer Mark Holloway stated that it is time to do our fiscal year 2018 re-appropriation. Funds that are budgeted but not used last fiscal year, we are asking for these to be re-appropriated into the fiscal year 2018 budget. They are routine operating and non-CIP project expenses that cross years and are more than \$5,000. These are projects and contractual items that would be encumbered in 2017 but some of the items were not received until 2018. We have to record the expense in 2018 which means we need an appropriation. In the general fund, one that we ordered at the beginning of the fiscal year 2017 was the fire truck for Station #9. That truck has been delayed. We have paid for it but we have to expense it this year. The police body cameras that were funded mid-year have not come. The risk and insurance fund has \$417,000 of property claims. We are waiting to pay out claims on hail damage we received. The following companion item is required to re-appropriate the committed projects for the MEDC, MCDC, and MHFC. Council

unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Councilwoman Rath, to approve an Ordinance amending the Fiscal Year 2017-2018 Budget to Re-appropriate Projects/Items carried from last fiscal year. Caption reads as follows:

ORDINANCE NO. 2018-01-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2017-2018 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

18-011 Mayor Fuller called for Consideration/Discussion/Action on an Ordinance Amending the Fiscal Year 2017-2018 Budget for MEDC, MCDL & MHFC to Re-appropriate Projects/Items Carried from Last Fiscal Year. Council unanimously approved the motion by Council member Shemwell, seconded by Mayor Pro Tem Rogers, to approve an Ordinance amending the Fiscal Year 2017-2018 Budget for MEDC, MCDL & MHFC to Re-appropriate Projects/Items carried from last fiscal year. Caption reads as follows:

ORDINANCE NO. 2018-01-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2017-2018 BUDGET FOR MEDC, MCDL, AND MHFC; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

18-008 Mayor Fuller called for Consideration/Discussion on Requests for Resolutions of Support for 2018 9% Low Income Housing Tax Credits (LIHTC) from Affordable Housing Developers. Assistant City Manager Barry Shelton stated that this discussion is related to the 9% low-income housing tax credit program which is a competitive process with points awarded. Based on the revisions to the tax credit Qualified Allocation Plan made by the Governor's office in late December 2017, an Application may receive ten (10) points if at the time of Application submission or at any time within the two-year period preceding the date of submission, the Development Site is located in an area declared to be

a disaster area. Collin County is one of these counties. If a development wishes to receive the 10 points and is located in one of these counties, a completed application must be received to TDHCA prior to January 26, 2018 at 5:00 p.m. Tonight we are offering the information, not asking for any action. The City has received six applications and because there is so much information, we wanted the Council to have it in advance. Each of the six applications will be presented to the Council for consideration at the January 16th meeting for potential adoption of Resolutions of Support, Resolutions of No Objection or Resolutions of Objection to these projects. Staff is continuing to evaluate each of these applications based on the criteria of the City's policy. Councilwoman Rath asked for the Resolution that the City Council passed with the scoring criteria be sent to Council as a refresher. Mr. Shelton stated that the highest number of points are awarded with projects that have a Resolution of Support that gives them 17 points. The Resolution of No Objection which is we are not supporting and not against the project will give them 10 points. The Resolution of Objection would not give them any points. In two weeks, you will be provided individual staff reports that determine if each of the applications meet the criteria set forth in the City's policy. Mr. Shelton stated that if they do receive a Resolution of Support, it does not mean they will receive the 9% credits. They apply for the 9% credits which is the competitive process. If any of the projects fall short of the points on the state level, they could submit for the 4% credits which are noncompetitive and available if you meet that criteria.

Mayor Fuller called for Citizen Comments.

Ms. Juanita Horne, 2580 Collin McKinney Parkway, McKinney spoke about the high cost of living in McKinney.

Mayor Fuller called for Council and Manager Comments.

Council member Shemwell wished everyone a Happy New Year. Mr. Shemwell thanked the McKinney Police Department for their handling of a situation over the holidays. It was pretty fantastic to see those officers handling the situation in the

manner they did and no one lost their lives. Thank you, McKinney Police Department, for the outstanding job and the manner in which the situation was handled.

Council member Branch wished everyone a Happy New Year and a great and wonderful prosperous 2018.

Councilwoman Rath wished everyone a Happy New Year. Ms. Rath thanked staff for getting the part replacement to provide heat in Council Chambers. Thank you to staff for getting the heating repaired.

Council member Elliott stated the New Year is often time for New Year's resolutions and some of those resolutions have to do with helping those that are less fortunate. If you are looking for a place to pursue your passion and help others, I can't think of a better website or person to find than Dana Riley at Volunteer McKinney. She will work with you to find a good fit and do what you do best for others. I encourage you to visit the website. If you have a particular passion, I would be stunned if there was not an opportunity within the Volunteer McKinney umbrella to pursue them.

Mayor Pro Tem wished everyone a Happy New Year.

City Manager Grimes extended Happy New Year wishes from the Staff of the City of McKinney. Mr. Grimes announced that with the end of the holiday season, people are starting to recycle including Christmas trees. We encourage residents to recycle holiday decor and curbside pickup for Christmas trees is offered on your regular trash day until January 12th. You can bring trees to the soccer complex on Eldorado and Alma Road at Gabe Nesbitt Park through January 12th. You can go to the City's website for more information. Mr. Grimes recognized that the City had two long serving public servants retire - Paul Peterman who served as a building inspector and worked 35+ years in the public sector serving in this role in one capacity or another. Mr. Grimes recognized Captain Bailey Mercer who retired after 33 years of service to the citizens of McKinney as a firefighter. After 33 years, you can say he earned it and he said to me he is not retiring, just going to a new chapter in his life. We wish both of them well. On February 2nd, the Council will be holding a half-day strategic planning workshop. Half-day sounds like a long time but it is a big strategic plan. The facilitator will be contacting the Mayor and Council to schedule a one-on-one conference call with you to get your expectations. We are looking forward to that day and want to make sure it's productive

for you. The Strategic Plan is what gives us our course so everybody's participation is critical and we look forward to working with you on behalf of staff.

Mayor Fuller wished everyone a Happy New Year.

Mayor Fuller recessed the meeting into executive session at 6:37 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 551.072 Discuss Real Property, and Section 551.087 Discuss Economic Development Matters as listed on the posted agenda. Mayor Fuller recessed back into open session at 6:55 p.m.

Mayor Fuller called for Action on Executive Session Items.

Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Elliott, to approve the settlement agreement with City of McKinney v. Leo A. Daly v. Raymond L. Goodson, Inc. as discussed in Executive Session.

Council unanimously approved the motion by Council member Elliott, seconded by Council member Shemwell, to adjourn. Mayor Fuller adjourned the meeting at 6:58 p.m.

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary