

CITY COUNCIL REGULAR MEETING

APRIL 3, 2018

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on April 4, 2018 at 6:00 p.m.

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

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; City Secretary Sandy Hart; Assistant to the City Manager Trevor Minyard; Executive Director of Development Services Michael Quint; Planning Director Brian Lockley; Director of Public Works David Brown; Assistant Director of Public Works Paul Sparkman; Planning Manager Jennifer Arnold; Director of Parks and Recreation Michael Kowski; Fire Chief Danny Kistner; Director of Engineering Gary Graham; Facilities Construction Manager Patricia Jackson; CIP Manager Nicholas Ataie; Housing and Community Services -- Janay Tieken and Shirletta Best; Airport Director Ken Carley; Police Officer Shannon Seabrook; Help Desk Technician Trent South; and Assistant Fire Chief Tim Mock.

There were approximately thirty guests present.

Mayor Fuller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Imam Mohamed Fathi, Islamic Center of McKinney. Boy Scout Troop 7112 led the Pledge of Allegiance.

18-278 National Community Development Week Proclamation. Mayor Fuller presented the National Community Development Week Proclamation to CDBG Administrator Shirletta Best.

18-279 Sexual Assault Awareness and Prevention Proclamation. Mayor Fuller presented the Sexual Assault Awareness and Prevention Proclamation to Wendy Hanna.

Mayor Fuller called for Citizen Comments.

Ms. Brandi Price, 1701 Park Central Drive, McKinney spoke about supporting Earth Day.

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

- 18-280** Minutes of the City Council Work Session of March 19, 2018
- 18-281** Minutes of the City Council Regular Meeting of March 20, 2018
- 18-245** Minutes of the Library Advisory Board Meeting of February 15, 2018
- 18-241** Minutes of the McKinney Armed Services Memorial Board Meeting of January 10, 2018
- 18-262** Minutes of the McKinney Community Development Corporation Meeting of February 22, 2018
- 18-267** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of February 27, 2018
- 18-268** Minutes of the McKinney Convention & Visitors Bureau Finance Committee Meeting of February 26, 2018
- 18-269** Minutes of the McKinney Convention & Visitors Bureau Marketing Committee Meeting of March 5, 2018
- 18-282** Minutes of the McKinney Housing Authority Meeting of February 27, 2018
- 18-257** Minutes of the McKinney Economic Development Corporation Meeting of February 20, 2018
- 18-231** Minutes of the Main Street Board Meeting of February 8, 2018
- 18-237** Minutes of the Parks, Recreation, and Open Space Advisory Board Meeting of February 8, 2018
- 18-275** Minutes of the Planning and Zoning Commission Regular Meeting of March 13, 2018
- 18-283** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2017-2018 Annual Budget and the 2018 - 2022 Capital Improvement Program to Provide Funding for the Western TKI Hangar Project (AI1743) and the Western TKI Executive Terminal Project (AI1744). Caption reads as follows:

ORDINANCE NO. 2018-04-025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2017-2018 BUDGET AND 2018 - 2022 CAPITAL IMPROVEMENT PROGRAM TO PROVIDE FUNDING FOR THE WESTERN TKI HANGAR PROJECT (AI1743) AND THE WESTERN TKI EXECUTIVE TERMINAL PROJECT (AI1744); AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 18-284** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute the First Amendment to the Professional Services Contracts with Project Control of Texas, Inc. for Owner's Representative Services for the Executive Terminal and TKI Hangar Project at McKinney National Airport. Caption reads as follows:

RESOLUTION NO. 2018-04-034 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH PROJECT CONTROL OF TEXAS, INC. FOR OWNER'S REPRESENTATIVE AND PROJECT MANAGEMENT SERVICES FOR THE WESTERN TKI EXECUTIVE TERMINAL AND HANGAR DEVELOPMENT PROJECT

- 18-285** Consider/Discuss/Act on a Resolution Awarding a Contract to Coast to Coast of Bonham, Texas and Weisz Selection Lawn & Landscape Services, Inc. of Weston, Texas for the Mowing and Cleanup Services for Drainage, Water and Wastewater Locations. Caption reads as follows:

RESOLUTION NO. 2018-04-035 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO COAST TO COAST OF BONHAM, TEXAS AND WEISZ SELECTION LAWN & LANDSCAPE SERVICES, INC. OF WESTON, TEXAS FOR THE MOWING AND CLEANUP SERVICES FOR DRAINAGE, WATER AND WASTEWATER LOCATIONS

END OF CONSENT

- 18-286** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Resolution of the City Council of the City of McKinney, Texas, to Allow the Proposed Development, Sphinx at Throckmorton Villas, Located at

820 E. University Drive to Add Tax Credit Units in a Census Tract Containing Existing Tax Credit Units that Exceeds 20% of Total Households. REQUEST TO BE TABLED BY THE APPLICANT. Housing and Community Development Manager Janay Tieken stated that the applicant has requested this item be tabled until the next Council meeting. Council member Shemwell stated that the developer is here tonight and since there will may not be a full Council at the next meeting he requested that the Council moves forward with this tonight. The applicant said they are ready to move forward with the item this evening. Ms. Tieken stated that the proposed development, Sphinx at Throckmorton Villas, is located at 820 E. University Drive, in census tract 48085030900 which has more than 20% Housing Tax Credit (HTC) Units per Households. To continue its consideration of tax credits to the applicant, TDHCA requires that the Governing Body votes specifically to allow the proposed development to increase the amount of tax credit units in the affected census tract. The proposed mixed income development consists of 220 units, 216 of which will be affordable to families earning no more than 60% of the Area Median Income. Per TDHCA, HTC units make up 34.34% of all households in census tract 48085030900. In addition and as a condition of its consideration of tax credits to the applicant, TDHCA requires the Governing Body to affirm, via this Resolution, that the proposed development is consistent with the jurisdiction's obligation to affirmatively further fair housing and approves the construction of this development. Councilwoman Rath inquired if the TDHCA calculated the 34.34% without this development. Ms. Tieken stated that the 220 units for this project was not calculated into the 34.34%. Community Services Administrator Shirletta Best responded to Councilwoman Rath's question regarding furthering fair housing stated that this particular project regarding affirmatively furthering fair housing, with the consolidated plan as well as the projects we've been working on

with community forums, focus groups and working with individuals, this project would be in line with affirmatively furthering fair housing for a variety of reasons. Although there is a heavy concentration already with properties in this census tract, it does not mean that affirmatively furthering fair housing is completely eliminated. It just means there's an opportunity to develop different areas which the City has done in the Northwest sector as well as the West sector. This is an opportunity not only to be able to have enhancement of affordable fair housing but we have to look at fair housing in terms of choice. In addition to a mix of retail and residential in this project, the project would be a force for energy efficiency with apartment living and that would be a benefit to residents. Ms. Best responded to Council member Elliott's question regarding what the risk would be to the City since we are already over the 20% in this census tract. Ms. Best stated that this project would be an enhancement because we are not solely providing concentration in any one area. Ms. Tieken stated that TDHCA wants to make sure that the City Council in which the development is located is aware of the concentration and approves the development. The City currently has 2,128 tax credit housing units that includes Merritt Homes but not the Lofts. Ms. Rath stated that there are a total of 4,132 tax credit housing units in Collin County. Applicant Mr. Jay Oji, 3030 LBJ Freeway #1350, Dallas stated that they have been working on this project over the last several years. Unfortunately, this year TDHCA came out with a new list that shows this property to be in a census tract that was 20 percent or more in for 2017. I am asking the City Council to give consideration for how much effort I have put into this project in the last two years and grant us an opportunity to get this project built. Mayor Fuller called for public comment.

The following individuals spoke in favor of this agenda item:

Mr. Louis Rosenthal, 401 W. Erwin Avenue, McKinney

Mr. Bill Fisher, 16812 Dallas Parkway, Dallas

The following individual spoke in opposition of this agenda item:

Ms. Bridgette Wallis, 1709 Kensington, McKinney

Council unanimously approved the motion by Council member Shemwell, seconded by Mayor Pro Tem Rogers, to close the public hearing. Council member Shemwell stated that Council has already approved this and nothing has changed except the TDHCA has updated their list. If you recall when we approved this, I made it on public record that this is going into an overpopulated census tract and that we accept that. Everyone else in the City has to do their part in making sure the next project does not end up in the census tract. Councilwoman Rath stated that this project keeps coming forward and that's because there continues to be a new wrinkle. You are correct, the majority voted for this. I voted against it for many reasons one of which Ms. Wallis brought forward. We talk a lot about Purchasing Department moves forward and we give them a hard time when they only have one or two respondents to an RFP or RFQ they have sent out. This on the other hand received none. There were no criteria set, no competitive process, no vetting by the committee or was there open process. There were two projects that we approved to go forward several months ago and as I said then, they made sense. They were projects that were at Community and Hardin where we have a large number of retail going in which would allow people to walk to their jobs, not rely on public transportation, and be able to get to the amenities we hear that everybody needs. Ms. Rath stated that she is in support of redevelopment of the McKinney Housing Authority properties. I think this project is a mistake, I think it opens the door for us to say we are fine with concentrating the projects in a small census tract without amenities, and it is before us again because they need something new and they need us to say we are okay with clustering projects together in

the small census tract. Council member Shemwell stated that he was the President of the McKinney Housing Authority Resident Council. The future of the property next to this property will not be redeveloped. The property is not big enough and the site is not big enough. The McKinney Housing Authority is in support of this project. I can say for a resident that lived in the McKinney Housing Authority and lived in affordable housing, that we as a people are ones that survive. Although we don't want to over concentrate and populate, we also understand our friends and family and neighbors are on the waiting list because there are no homes available. Mayor Fuller stated that the project that came before is not the same project that is before Council tonight. The previous nine percent project had 150 units and there are 220 in this project which results in more density. Ms. Tieken stated that the McKinney Housing Finance Corporation would receive a cash flow from this development. With the four percent, there is less equity that comes in to the project, less outside equity and that's why the partnership with the nonprofit is necessary. Mayor Fuller stated that the tax credit structure has changed which requires more equity and ultimately, that puts a different burden on the project potentially and it's sustainability. Significant difference between nine percent and four percent so there's differences between what was approved and what is here tonight. Mayor Fuller stated that the difference for me is in their financing and density. I'm not saying my objection would be purely on that, but for clarity sake, when we say it's the same project, there are differences in density, financing, partnership and things like that. Mayor Pro Tem Rogers stated that he is the Liaison to the McKinney Housing Authority Board and he has had a chance to meet with these people who live there and fall in love with these people. They are so good and they want to be safe and one a roof over their heads. I'm not somebody who thinks we need to approve everything that comes by the way and especially the concentration that this project

brings really bothers me. I've lived in McKinney my whole life and it almost seems like we keep pushing everything off to the east side. Public housing should be fair housing and fair housing should be scattered throughout the City not just dominating one place. I have a real hard time supporting this project with the numbers. The motion by Council member Shemwell, seconded by Council member Philips, to approve a Resolution of the City Council of the City of McKinney, Texas, to allow the proposed development, Sphinx at Throckmorton Villas, located at 820 E. University Drive to add tax credit units in a census tract containing existing tax credit units that exceeds 20% of total households failed with a vote of 2-5-0, Mayor Fuller, Mayor Pro Tem Rogers, Council members Elliott, Branch, and Rath voting against.

18-287 Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Resolution of the City Council of the City of McKinney, Texas, Regarding the Application of the "Sphinx at Throckmorton Villas" to the Texas Department of Housing and Community Affairs (TDHCA), for 4% Tax Credits for the Construction of Multi-Family Units Within the Development REQUEST TO BE TABLED BY THE APPLICANT. Housing and Community Development Manager Janay Tieken stated that with the previous vote, disapproving the proposed development, Sphinx at Throckmorton Villas, this Resolution is not necessary as the project will not move forward at TDHCA without the previous Resolution approving the project. Mayor Fuller called for public comment.

Ms. Vanessa Hardy, 5 Valleycrest, Allen spoke in support of this item.

Council approved the motion by Mayor Pro Tem Rogers, seconded by Council member Branch, to close the public hearing and approve a Resolution of Opposition with a vote of 5-2-0, Council members Philips and Shemwell voting against. Caption reads as follows:

RESOLUTION NO. 2018-04-036 (R)

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, IN OPPOSITION TO THE APPLICATION BY SDC THROCKMORTON VILLAS, LP, TO THE TEXAS

DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR TAX CREDITS FOR THE SPHINX AT THROCKMORTON VILLAS LOCATED AT 820 E. UNIVERSITY DRIVE; MAKING FINDINGS RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE

- 18-0003M** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend the Transportation Element Section (Section 8) of the Comprehensive Plan, Including Minor Amendments to the Master Thoroughfare Plan; and Accompanying Ordinance. Planning Manager Jennifer Arnold stated that Staff is proposing an amendment to Section 8 (Transportation Element) of the 2004 Comprehensive Plan in order to integrate cross-section concepts developed as part of the ONE McKinney 2040 Comprehensive Plan Update and in association with updates to the Engineering Design Manual. The proposed amendment also includes a minor change to the Master Thoroughfare Plan (MTP) to integrate the recently completed alignment study and design of Laud Howell Parkway, and some non-substantive updates to Section 8 to refresh outdated information and correct typographical errors. Mayor Fuller called for public comment and there were none. Council unanimously approved the motion by Council member Branch, seconded by Mayor Pro Tem Rogers, to close the public hearing and approve an Ordinance amending the Transportation Element Section (Section 8) of the Comprehensive Plan, including minor amendments to the Master Thoroughfare Plan. Caption reads as follows:

ORDINANCE NO. 2018-04-026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE 2004 CITY OF MCKINNEY COMPREHENSIVE PLAN; PROVIDING FOR MODIFICATIONS TO THE TRANSPORTATION ELEMENT SECTION OF THE PLAN INCLUDING UPDATES TO ILLUSTRATIVE CROSS-SECTIONS, UPDATES TO OUTDATED TEXT AND THE CORRECTION OF TYPOGRAPHICAL ERRORS; PROVIDING FOR AN AMENDMENT TO THE MASTER THOROUGHFARE PLAN; PROVIDING FOR AN EFFECTIVE DATE THEREOF

- 18-0004M** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on an Ordinance Amending Sections 146-46 (Definitions), Section 146-135

(Landscape Requirements), and Appendix B (Urban Design Standards for the Regional Employment Center) of the Code of Ordinances Relating to Implementation of the Engineering Design Manual. CIP Manager Nick Ataie stated that in response to some of the discussion last night on this agenda item, the amendments to the Ordinance this evening do not change the current authority of the Director of Engineering. The Director of Engineering and many of our Engineering staff hold an Engineering licenses and those licenses are regulated by the Texas Board of Professional Engineers and aside from our obligations as public servants, licensed Engineers are obligated by law to uphold requirements of Engineering Practice Act which include professional conduct and ethics. The other item I want to discuss is related to the internal variances, one of the improvements of the proposed design manual is to establish clarified guidelines for the requirements for a variance request. According to the Engineering Design Manual, a variance request may be submitted to the Director of Engineering or their designee. If such a variance is not determined detrimental to the public welfare, does not adversely impact public facility in question, is supported by a signed and sealed engineering analysis performed by a professional Engineer licensed in the State of Texas, and is not solely based on financial interest. Variances are typically submitted to the City Project Manager along with supporting documentation. The City Project Manager will review the variance request and involve any subject matter experts. These could be Fire Department, traffic, and drainage based on the type of request to ensure that all the impacts are considered. The variance request is either approved or denied by the City Department Manager or Director of Engineering. In all cases, the Director of Engineering is provided a summary of the request and decision. A denied variance request may be contested with the Director of Engineering and based on professional judgment may reconsider the request. Mayor Fuller stated

that he wanted to thank Mr. Ataie for what he said and he apologized for some of the dialogue that was had last night. Mayor Fuller stated that the Engineering staff is doing a fantastic job and he appreciates the clarification tonight. Mayor Fuller called for public comment and there were none. Mayor Pro Tem Rogers stated that he does not feel that any added language needs to be included in the Ordinance and he would not support the additional language. Mr. Rogers stated that last night two Council members directed our City Attorney to prepare language that was not requested by a consensus of Council. Mayor Fuller clarified that for an agenda item to be brought forward on a Work Session, two Council members may request it. Mayor Fuller led a related discussion on the reporting structure of the City Manager, City Attorney and City Staff. Council approved the motion by Councilwoman Rath, seconded by Council member Branch, to close the public hearing and approve an Ordinance amending Sections 146-46 (Definitions), Section 146-135 (Landscape Requirements), and Appendix B (Urban Design Standards for the Regional Employment Center) of the Code of Ordinances Relating to Implementation of the Engineering Design Manual with a vote of 6-1-0, Council member Shemwell voting against. Caption reads as follows:

ORDINANCE NO. 2018-04-027

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 146, ENTITLED "ZONING REGULATIONS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF EXISTING ARTICLE II, ENTITLED "SPECIAL PROVISIONS," BY AMENDING SECTION 146-46; THROUGH THE AMENDMENT OF EXISTING ARTICLE IV, ENTITLED "SPECIAL REGULATIONS," BY AMENDING SECTION 146-135; THROUGH THE AMENDMENT OF EXISTING APPENDIX B, ENTITLED "URBAN DESIGN STANDARDS FOR THE REGIONAL EMPLOYMENT CENTER," BY AMENDING SECTION B-2 AS SET FORTH HEREIN BELOW; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

18-0005M Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on an Ordinance Amending Sections 142-6 (Improvements Required), 142-9 (Definitions), 142-37 (Facilities Agreement), 142-38 (Permits), 142-40 (City Participation), 142-41 (Floodplains), 142-71 (Pre-Development Meeting), 142-76 (Record Plat), 142-80 (Right-of-way Vacation or Abandonment), 142-81 (Conveyance Plat), 142-100 (Blocks), 142-102 (Alleys), 142-103 (Easements), 142-105 (Improvements), 142-106 (Screening and Buffering of Certain Residential Lots Adjacent to Streets), 142-130 (Authority of the City Engineer), 142-131 (Inspection of Construction), 142-132 (Maintenance Bond), 142-192 (Guidelines for Development), 142-193 (General Requirements), 142-194 (Specific Requirements), 142-196 (Relationship to the City Comprehensive Plan), 142-199 (Design Standards), 142-201 (Condominium Drives), and 142-203 (Cluster Housing Developments) of the Code of Ordinances Relating to Implementation of the Engineering Design Manual. CIP Manager Nicholas Ataie stated that this item is the second in a series of Ordinances referencing proposed Engineering Design Manual which becomes effective on April 4, 2018. Prior to the effective date of the new Engineering Design Manual, a minor amendment to Chapter 142 of the Code of Ordinances (Subdivision Regulations) are necessary to eliminate discrepancies between the current Ordinance and the requirements/criteria/language provided in the Engineering Design Manual. Staff has identified amendments to the Code of Ordinances known as subdivision regulations to eliminate discrepancies prior to the effective date. In addition, the existing regulations include design criteria covered within the proposed Engineering Design Manual and staff has proposed adding changes to remove duplicate information and clarify the language. Mayor Fuller called for public comment and there was none. City Attorney Mark Houser provided additional language to the Ordinance to the City Council regarding the request from the discussion during the

Work Session. Mayor Pro Tem Rogers stated that he does not feel that the additional language is necessary and he will not be supporting the motion with the amendment. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Shemwell, to approve closing the public hearing. Council approved the motion by Councilwoman Rath, seconded by Council member Shemwell, to close the public hearing and approve an Ordinance amending Sections 142-6 (Improvements Required), 142-9 (Definitions), 142-37 (Facilities Agreement), 142-38 (Permits), 142-40 (City Participation), 142-41 (Floodplains), 142-71 (Pre-Development Meeting), 142-76 (Record Plat), 142-80 (Right-of-way Vacation or Abandonment), 142-81 (Conveyance Plat), 142-100 (Blocks), 142-102 (Alleys), 142-103 (Easements), 142-105 (Improvements), 142-106 (Screening and Buffering of Certain Residential Lots Adjacent to Streets), 142-130 (Authority of the City Engineer), 142-131 (Inspection of Construction), 142-132 (Maintenance Bond), 142-192 (Guidelines for Development), 142-193 (General Requirements), 142-194 (Specific Requirements), 142-196 (Relationship to the City Comprehensive Plan), 142-199 (Design Standards), 142-201 (Condominium Drives), and 142-203 (Cluster Housing Developments) of the Code of Ordinances relating to implementation of the Engineering Design Manual, as written, with the addition of the language drafted by the City Attorney, into an appropriate section of the Code of Ordinance such that it shall apply to any discretionary authority granted to the Director of Engineering, or his or her designee, with a vote of 6-1-0, Mayor Pro Tem Rogers voting against. Caption reads as follows:

ORDINANCE NO. 2018-04-028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 142, ENTITLED "SUBDIVISION REGULATIONS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF EXISTING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTIONS 142-6 AND 142-9 AS SET FORTH HEREIN BELOW; THROUGH THE AMENDMENT OF EXISTING ARTICLE II, ENTITLED "SPECIAL PROVISIONS," BY AMENDING SECTIONS 142-37, 142-38, 142-

40, AND 142-41 AS SET FORTH HEREIN BELOW; THROUGH THE AMENDMENT OF EXISTING ARTICLE III, ENTITLED "PROCEDURE," BY AMENDING SECTIONS 142-71, 142-76, 142-80, AND 142-81 AS SET FORTH HEREIN BELOW; THROUGH THE AMENDMENT OF EXISTING ARTICLE IV, ENTITLED "DESIGN STANDARDS," BY AMENDING SECTIONS 142-100, 142-102, 142-103, 142-105, AND 142-106 AS SET FORTH HEREIN BELOW; THROUGH THE AMENDMENT OF EXISTING ARTICLE V, ENTITLED "ENFORCEMENT," BY AMENDING SECTIONS 142-130, 142-131, AND 142-132 AS SET FORTH HEREIN BELOW; THROUGH THE AMENDMENT OF EXISTING ARTICLE VII, ENTITLED "PRIVATE STREET REGULATIONS," BY AMENDING SECTIONS 142-192, 142-193, 142-194, 142-196, 142-199, 142-201, AND 142-203 AS SET FORTH HEREIN BELOW; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

- 18-288** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on an Ordinance Amending Sections 130-266 (Plat Approval; Development Permit), 130-267 (Plan Requirements), 130-355 (Channels), 130-357 (Natural Resource Conservation Service (NRCS) Lakes), 130-358 (Detention and Retention Facilities), 130-383 (Criteria for Approval of Floodplain Alterations), and 130-416 (Required Erosion Control Implementation, Maintenance, and Removal) of the Code of Ordinances Relating to Implementation of the Engineering Design Manual. CIP Manager Nicholas Ataie stated that this is a continuation of the proposal by the engineering department as it relates to the Engineering Design Manual. Staff drafted amendments to various sections of Article IV entitled "Stormwater Management" of Chapter 130 of the Code of Ordinances (Land Development Regulations) that are required to align with the requirements, criteria, and language as set forth in the new City of McKinney Engineering Design Manual currently published in the office of the City Secretary. Mayor Fuller called for public comment and there was none. City Attorney Mark Houser stated that the amendment to the language in the Ordinance is not required for this item since it was covered in Section 142 with the amendment to the motion on agenda item 18-0005M. Council unanimously approved the motion by Council

member Branch, seconded by Council member Philips, to close the Public Hearing and approve an Ordinance amending Sections 130-266 (Plat Approval; Development Permit), 130-267 (Plan Requirements), 130-355 (Channels), 130-357 (Natural Resource Conservation Service (NRCS) Lakes), 130-358 (Detention and Retention Facilities), 130-383 (Criteria for Approval of Floodplain Alterations), and 130-416 (Required Erosion Control Implementation, Maintenance, and Removal) of the Code of Ordinances relating to implementation of the Engineering Design Manual. Caption reads as follows:

ORDINANCE NO. 2018-04-029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 130, ENTITLED "LAND DEVELOPMENT REGULATIONS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF EXISTING ARTICLE IV, ENTITLED "STORMWATER MANAGEMENT," BY AMENDING PORTIONS OF SECTIONS 130-266, 130-267, 130-355, 130-356, 130-357, 130-358, 130-383, AND 130-416 AS SET FORTH HEREIN BELOW; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

18-289 Mayor Fuller called for Consideration/Discussion/Action on an Ordinance Amending Sections 62-3 (Signs, Markings and Other Traffic Control Devices; Responsibility for Traffic Regulation), 62-5 (Traffic and Transportation Department Established; Traffic Engineer; Manual on Uniform Traffic Control Devices Adopted), 62-326 (McGowan Elementary School-Zone Designated), 62-381.1 (Authority to Establish Parking Restrictions), and 62-480 (Established) of the Code of Ordinances Relating to Implementation of the Engineering Design Manual. CIP Manager Nicholas Ataie stated that these amendments are to various sections of Chapter 62 of the Code of Ordinances (Motor Vehicles and Traffic) and is required to align with the requirements, criteria, and language as set forth in the new City of McKinney Engineering Design Manual currently published in the office of the City Secretary. City

Attorney Mark Houser stated that the amendment to the language in the Ordinance is not required for this item since it was covered in Section 142 with the amendment to the motion on agenda item 18-0005M. Council unanimously approved the motion by Council member Branch, seconded by Council member Elliott, to approve an Ordinance amending Sections 62-3 (Signs, Markings and other Traffic Control Devices; Responsibility for Traffic Regulation), 62-5 (Traffic and Transportation Department Established; Traffic Engineer; Manual on Uniform Traffic Control Devices Adopted), 62-326 (McGowan Elementary School-Zone Designated), 62-381.1 (Authority to Establish Parking Restrictions), and 62-480 (Established) of the Code of Ordinances relating to implementation of the Engineering Design Manual. Caption reads as follows:

ORDINANCE NO. 2018-04-030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 62, ENTITLED "MOTOR VEHICLES AND TRAFFIC," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF EXISTING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTIONS 62-3 AND 62-5 AS SET FORTH HEREIN BELOW; THROUGH THE AMENDMENT OF EXISTING ARTICLE V, ENTITLED "SCHOOL ZONES," BY AMENDING SECTION 62-326 AS SET FORTH HEREIN BELOW; THROUGH THE AMENDMENT OF EXISTING ARTICLE VI, ENTITLED "PARKING," BY AMENDING SECTION 62-381.1 AS SET FORTH HEREIN BELOW; THROUGH THE AMENDMENT OF EXISTING ARTICLE VII, ENTITLED "TRUCK ROUTES," BY AMENDING SECTION 62-480 AS SET FORTH HEREIN; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

- 18-290** Mayor Fuller called for Consideration/Discussion/Action on an Ordinance Amending Sections 90-70 (Plan), 90-124 (Specifications), 90-224 (Definitions), 90-246 (Construction Standards), and 90-247 (Traffic Control) of the Code of Ordinances Relating to Implementation of the Engineering Design Manual. CIP Manager Nicholas Ataie stated that these amendments are to various sections of Chapter 90 of the Code of

Ordinances (Streets and Sidewalk) and is required to align with the requirements, criteria, and language as set forth in the new City of McKinney Engineering Design Manual currently published in the office of the City Secretary. City Attorney Mark Houser stated that the amendment to the language in the Ordinance is not required for this item since it was covered in Section 142 with the amendment to the motion on agenda item 18-0005M. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Elliott, to approve an Ordinance amending Sections 90-70 (Plan), 90-124 (Specifications), 90-224 (Definitions), 90-246 (Construction Standards), and 90-247 (Traffic Control) of the Code of Ordinances relating to implementation of the Engineering Design Manual. Caption reads as follows:

ORDINANCE NO. 2018-04-031

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 90, ENTITLED "STREETS AND SIDEWALKS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF EXISTING ARTICLE II, ENTITLED "CONSTRUCTION AND REPAIR," BY AMENDING SECTION 90-70 AS SET FORTH HEREIN BELOW; THROUGH THE AMENDMENT OF EXISTING ARTICLE III, ENTITLED "EXCAVATIONS AND ALTERATIONS," BY AMENDING SECTION 90-124 AS SET FORTH HEREIN BELOW; THROUGH THE AMENDMENT OF EXISTING ARTICLE IV, ENTITLED "RIGHTS-OF-WAY USE AND MANAGEMENT," BY AMENDING SECTIONS 90-224, 90-246, AND 90-247 AS SET FORTH HEREIN BELOW; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

- 18-291** Mayor Fuller called for Consideration/Discussion/Action on an Ordinance Amending the Fiscal Year 2017-2018 Annual Budget and Amending the 2018-2022 Capital Improvements Program and to Accept Funds from Trinity Falls Holdings LP, A Delaware Limited Partnership, as per the Executed Third Amendment to the 2012 Development Agreement for the Design and Construction of McKinney Fire Station #10. Facilities Construction Manager Patricia Jackson stated that this item is to accept

the first payment for the design services for the \$765,000 to proceed with the design. Per the 2012 Development Agreement, Fire Station #10 (F11734) will be partially funded in the amount of \$7,650,000 spanning two (2) installments. The first installment of \$765,000 has been received and the second installment of \$6,885,000 is to be received on or before July 1, 2018. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to approve an Ordinance amending the Fiscal Year 2017-2018 Annual Budget and amending the 2018-2022 Capital Improvements Program and to accept funds from Trinity Falls Holdings LP, A Delaware Limited Partnership, as per the executed Third Amendment to the 2012 Development Agreement for the Design and Construction of McKinney Fire Station #10. Caption reads as follows:

ORDINANCE NO. 2018-04-032

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE FISCAL YEAR 2017-2018 ANNUAL BUDGET AND 2018 – 2022 CAPITAL IMPROVEMENT PROGRAM AND TO ACCEPT FUNDS FOR THE DESIGN AND CONSTRUCTION OF MCKINNEY FIRE STATION #10; 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

- 18-292** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with Conduit Architecture + Design, LLC of McKinney, Texas for Architectural and Engineering Services Related to the Design and Construction of Fire Station #10. Facilities Construction Manager Patricia Jackson stated that this item is for the professional services contract for Fire Station #10 which is based on the floor plan of Fire Station #9 but with a new set of building codes and ordinances. Ms. Jackson stated that the contract would be for \$430,000 which includes a contingency amount of \$39,400. Ms. Jackson stated that the Architectural and Engineering services for Fire Station #9 was 7.1% of the cost of

construction and the Architectural and Engineering Services for Fire Station #10 is 5.8% of the cost of construction which is a reduction of 20% in the fee when you look at the projected cost of the construction versus the construction cost of the Fire Station #9. Fire Station #10 will be the same floor plan design but the building codes, mechanical code, engineering code, and life safety codes have changed since Fire Station #9 was constructed. We negotiate on a scope of services for a particular project for a particular timeframe and for all of those things that go along with the scope of services. The engineer has to look at the grade and the property. The site is new, the utilities, the grading is different, all of the slopes, drainage, the water, fire suppression system, are all new and based on the site. Council unanimously approved the motion by Council member Branch, seconded by Council member Elliott, to approve a Resolution authorizing the City Manager to execute a Professional Services Contract with Conduit Architecture + Design, LLC of McKinney, Texas for Architectural and Engineering Services related to the design and construction of Fire Station #10. Caption reads as follows:

RESOLUTION NO. 2018-04-037 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH CONDUIT ARCHITECTURE + DESIGN, LLC. OF MCKINNEY, TEXAS, FOR ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF FIRE STATION #10

- 18-293** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute Contract Amendments to the Construction Manager at Risk (CMAR) Services Contract with Structure Tone Southwest, LLC of Dallas for Services Related to the Construction of the McKinney National Airport Hangar Renovation Project. Airport Director Ken Carley introduced Mr. Andrew Hunt with Project Control which is the Owner's Representative on this project. We are requesting an increase in the contract amount for Structure Tone for \$66,689. This

is not an increase to total project budget, just a use of the existing budget so the project is realizing savings. The change requests were from the Tenant and McKinney Fire Department. At this stage, the project is not done but is several hundred thousand dollars below budget. There have been additional tenant requests and we've been able to absorb \$200,000 worth of those items to date with other savings that have been realized within the existing contract. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to approve a Resolution authorizing the City Manager to execute contract amendments to the Construction Manager at Risk (CMAR) Services Contract with Structure Tone Southwest, LLC of Dallas for services related to the construction of the McKinney National Airport Hangar Renovation Project. Caption reads as follows:

RESOLUTION NO. 2018-04-038 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH STRUCTURE TONE SOUTHWEST, LLC OF DALLAS, TEXAS FOR CONSTRUCTION MANAGER AT RISK SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF THE MCKINNEY NATIONAL AIRPORT HANGAR RENOVATION PROJECT

- 18-294** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with Indus Road & Bridge, Inc. for the East Standifer Street Paving Improvements Project. Director Public Work David Brown stated that this is a Resolution authorizing the contract for the roadway improvements on Standifer Road. Back in October, staff came before City Council to make recommendations for projects related to the Parks as well as Public Works. This project will affect the segment between Railroad Street and Bumpas. The project will involve improvements of pavement repairs, sidewalks, and handicap ramps. Council unanimously approved the motion by Council member Shemwell, seconded by Council member Elliott, to approve a Resolution authorizing the City Manager to

execute a contract and all necessary change orders with Indus Road & Bridge, Inc. for the east Standifer Street Paving Improvements Project.

Caption reads as follows:

RESOLUTION NO. 2018-04-039 (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 \$466,273.00 WITH INDUS ROAD & BRIDGE, INC. FOR THE EAST STANDIFER STREET PAVING IMPROVEMENTS PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$525,000

Mayor Fuller called for Council and Manager Comments.

Council member Philips thanked each member of the Council for making the group from Cornerstone Ranch feel welcome at the meeting in early March. I wanted to express, on the behalf of Cornerstone Ranch, how great they truly felt and how welcome each of you made them feel. I can't tell you how much I appreciate it so thank you.

Council member Elliott did not have any comments.

Mayor Pro Tem Rogers did not have any comments.

Council member Shemwell did not have any comments.

Council member Branch did not have any comments.

Councilwoman Rath did not have any comments.

City Manager Grimes stated that the City will hold the first concert in the courtyard this Saturday at 3 PM at the Roy and Helen Hall Library. A Celtic folk band will perform traditional and contemporary Irish music interspersed about stories about the songs and musical instruments. Numerous residents will be picking up litter along roadways and creeks during the Trash Off this Saturday. We are excited to say the event has reached the maximum number of registrations and we want to thank those volunteers for their time to help beautify the community. We also look forward to hosting historic downtown McKinney Arts in Bloom Festival on April 13-15. The event begins Friday and features artwork and fun for the whole family. On April 9th at 6 PM, we are having a community input meeting to discuss renovations to Cottonwood Park

that is located along Highway 5 near Newsome Homes at Old Settler's Recreation Center.

Mayor Fuller stated that tomorrow night he and Dr. Rick McDaniel will be at the Sanctuary Music Center in McKinney. We will be there representing the City and in partnership with MISD in an open town hall forum to share the resident's thoughts they have on school safety and how we may be able to do to improve the safety of our students and the community.

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Elliott, to adjourn. Mayor Fuller adjourned the meeting at 7:55 p.m.

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary