

CITY COUNCIL REGULAR MEETING

JULY 16, 2024

The City Council of the City of McKinney, Texas met in regular session in the City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, July 16, 2024 at 6:00 p.m.

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

Mayor George Fuller called the meeting to order at 6:00 p.m. upon determining a quorum of the City Council consisting of himself and the following members were present: Mayor Pro Tem Geré Feltus and City Councilmembers Patrick Cloutier, Rick Franklin, Charlie Philips, Michael Jones. City Councilmember Justin Beller was absent.

These City of McKinney Staff were present: City Manager Paul Grimes, Assistant City Manager Kim Flom, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, City Attorney Mark Houser, Director of Planning Jennifer Arnold, Director of Engineering Gary Graham, Chief of Police Joe Ellenburg, Director of Parks and Recreation Amy Kinkade, Director of Strategic Services Trevor Minyard, Director of Cultural District Andrew Jones, Deputy City Secretary Tenitrus Bethel Parchman, Assistant Director of Parks and Recreation Ryan Mullins, Apex Centre Manager Erica Lyght, Parks Planning & Development Manager Jenny Baker, Environmental Manager Kyle Odom, Assistant Recreation Center Supervisor Lauren Woodson, Recreation Center Supervisor Laura Cegelski, Recreation Supervisor Alexandria Copeland, Parks Construction Planner II Dakota Cryer, Parks Construction Planner II April Butler, Communications & Media Specialist Chris Hallmark, Athletic Supervisor Michael Kaye, Recreation & Events Supervisor Trish Yanes, Officer Joseph Spano, Audio/Visual Technician Joshua Arias, Accreditation & Reporting Specialist Edith Ruiz, ICMA Fellowship Larenz Taylor, Administrative Specialist Kara Dickson, Recreation Coordinator Preston Elliott, Recreation Coordinator Griffin White, Recreation Coordinator Jennifer Williams, and Recreation Coordinator Katie Thompson.

There were approximately thirty-five (35) members of the public present in the audience, including these appointed officials of the city: MCDC Vice Chair David Riche and McKinney Main Street Board Vice Chair AJ Micheletto.

John Crosbie of the McKinney Commandery No. 34 gave the Invocation and led the recital of the Pledge of Allegiance.

Mayor Fuller called for the following Information Sharing Items:

TMP24-0698 Proclamation for Parks & Recreation Month

TMP24-0862 Proclamation Recognizing Avery Phillips

The proclamation text, not included with the posted agenda, was ready by Mayor Fuller as follows:

WHEREAS, on a fateful morning en route to an exam at West Coast University-Texas, nursing student Avery Phillips encountered a flipped truck with occupants in distress and children needing urgent aid; and

WHEREAS, without hesitation, Avery exemplified the highest ideals of nursing swiftly assessing the situation, comforting injured children, and ensuring everyone's safety; and

WHEREAS, amidst chaos Avery remained composed, displaying resilience and quick thinking, embodying the spirit of service and compassion; and

WHEREAS, Avery's selfless actions were recognized by a responding officer who advocated for her ensuring she could retake pass her exam without penalty; and

WHEREAS, Avery's dedication extends beyond the classroom eagerly anticipating her future career challenges with a passion to make a difference; and

WHEREAS, Avery's experience reaffirmed her commitment to nursing showcasing the impact of care and compassion in healthcare;

Now, therefore, I, George C. Fuller, by the power vested in me as Mayor of the City of McKinney, Texas, do hereby proclaim the day of July 16, 2024, as Avery Phillips Appreciation day in McKinney, Texas. Avery Phillips is hereby celebrated and commended for her extraordinary courage, compassion, and unwavering dedication to the nursing profession. Witness my hand and seal this the 16th day of July 2024.

Mayor Fuller called for Public Comments On Agenda Items (for Non-Public Hearing Items) and Non-Agenda Items.

Chelsea Alton, 701 Piedmont, McKinney, Texas, spoke regarding a recent home invasion.

The following individuals spoke in support of the McKinney Trade Days:

Kerry Lunn Lankford, 1805 University Drive, Richardson, Texas, 75081.

Linda Telon, 3015 Notting Drive, Dallas, Texas, 75227.

J. Paige Arcangioli, 3113 Princess Lane, Plano, Texas, 75074.

Becky Lindstrom Ross, 2109 Evelyn Circle, Anna, Texas, 75409.

Ryan Galownia, 8012 Shady Lane, Plano, Texas, 75024.

Mayor Fuller called for the Consent Agenda

Council unanimously approved the motion by Mayor Pro Tem Feltus, seconded by Councilmember Franklin, to approve the Consent Agenda as presented:

- 24-1755** Minutes of the City Council Work Session of April 16, 2024
- 24-1756** Minutes of the City Council Special Meeting of June 25, 2024
- 24-1696** Minutes of the Board of Adjustments Meeting of January 24, 2024
- 24-1608** Minutes of the Community Grants Advisory Commission Meeting of May 9, 2024
- 24-1609** Minutes of the Community Grants Advisory Commission Meeting of May 16, 2024
- 24-1559** Minutes of the Joint Meeting of the McKinney Economic Development Corporation & McKinney Community Development Corporation of April 16, 2024
- 24-1564** Minutes of the McKinney Arts Commission Meeting of April 18, 2024
- 24-1700** Minutes of the McKinney Community Development Corporation TUPPS Subcommittee Meeting of May 9, 2024
- 24-1701** Minutes of the McKinney Community Development Corporation Affordable Housing Subcommittee Meeting of May 13, 2024
- 24-1699** Minutes of the McKinney Community Development Corporation Meeting of May 23, 2024
- 24-1434** Minutes of the McKinney Economic Development Corporation Special Meeting of March 4, 2024
- 24-1433** Minutes of the McKinney Economic Development Corporation Meeting of March 19, 2024
- 24-1676** Minutes of the McKinney Economic Development Corporation Meeting of May 21, 2024

- 24-1645** Minutes of the McKinney Housing Finance Corporation Meeting of March 8, 2024
- 24-1636** Minutes of the McKinney Main Street Board Meeting of May 9, 2024
- 24-1719** Minutes of the Planning and Zoning Commission Regular Meeting of May 28, 2024
- 24-1757** Consider/Discuss/Act on an Ordinance Amending Section 62-107 of the Code of Ordinances to Concur with Texas Department of Transportation Regarding the Speed Limit on Harry McKillop Boulevard (FM 546) from Wattleway Way to the East City Limit of McKinney. Ordinance caption reads as follows:

ORDINANCE NO. 2024-07-049

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING SECTION 62-107 OF THE CODE OF ORDINANCES TO CONCUR WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO MODIFY THE SPEED LIMIT ON HARRY MCKILLOP BOULEVARD FROM WATTLEWAY WAY TO MCKINNEY CITY LIMITS; 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

- 24-1758** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2023-2024 Annual Budget and Amending the 2024-2028 Capital Improvement Program, to Provide Funds for the Green Ribbon Project at US75 and Virginia Parkway (PK2112). Ordinance caption reads as follows:

ORDINANCE NO. 2024-07-050

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2023-2024 BUDGET AND THE 2024-2028 CAPITAL IMPROVEMENTS PROGRAM FOR THE GREEN RIBBON PROJECT AT US75 AND VIRGINIA PARKWAY (PK2112); AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 24-1759** Consider/Discuss/Act on an Ordinance to Extend the Reduced Speed School Zone and Times for Rockhill High School along Coit Road to include Jones Middle School. Ordinance caption reads as follows:

ORDINANCE NO. 2024-07-051

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS MODIFYING THE REDUCED SPEED SCHOOL ZONES AND TIMES FOR ROCK HILL HIGH SCHOOL TO INCLUDE JONES MIDDLE SCHOOL IN FRISCO, TEXAS; AMENDING THE CODE OF

ORDINANCES, CITY OF MCKINNEY, TEXAS; PROVIDING FOR PUBLICATION OF THE CAPTION OF THE ORDINANCE, EFFECTIVE DATE HEREOF AND A PENALTY CLAUSE

- 24-1760** Consider/Discuss/Act on an Ordinance to Modify the Reduced Speed School Zone and Crosswalk for Webb Elementary School. Ordinance caption reads as follows:

ORDINANCE NO. 2024-07-052

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS MODIFYING THE REDUCED SPEED SCHOOL ZONE AND CROSSWALK FOR WEBB ELEMENTARY SCHOOL; 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

- 24-1761** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept, if awarded, to Implement a Wildflower Seed Grant from the Pollinator Partnership Non-Profit organization to allow Park Maintenance and volunteers to sow seeds in parks and medians. Resolution caption reads as follows:

RESOLUTION NO. 2024-07-113 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR AND ACCEPT, IF AWARDED, THE WILDFLOWER SEED GRANT FROM THE POLLINATOR PARTNERSHIP NON-PROFIT ORGANIZATION TO ALLOW PARK MAINTENANCE AND VOLUNTEERS TO SOW SEEDS IN PARKS AND MEDIANS.

- 24-1762** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into a Professional Contract for Services Relating to a School Resource Officer Program with the McKinney Independent School District. Resolution caption reads as follows:

RESOLUTION NO. 2024-07-114 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL CONTRACT FOR SERVICES RELATING TO A SCHOOL RESOURCE OFFICER PROGRAM WITH THE MCKINNEY INDEPENDENT SCHOOL DISTRICT; AND PROVIDING AN EFFECTIVE DATE

- 24-1763** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with Western Municipal Construction of Texas, LLC, for the Construction of the Lela,

Jones, Foote, and Bradley Street Infrastructure Improvements Project.

Resolution caption reads as follows:

RESOLUTION NO. 2024-07-115 (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 \$5,403,438.75 WITH WESTERN MUNICIPAL CONSTRUCTION OF TEXAS, LLC, FOR THE CONSTRUCTION OF THE LELA, JONES, FOOTE, AND BRADLEY STREET INFRASTRUCTURE IMPROVEMNETS PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$6,225,000

24-1764 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Raba Kistner, Inc. for Geotechnical and Materials Testing Services for the Construction of the Lela, Jones, Foote, and Bradley Street Infrastructure Improvements Project and Authorizing Any Necessary Supplemental Agreements. Resolution caption reads as follows:

RESOLUTION NO. 2024-07-116 (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 \$120,602.57 WITH RABA KISTNER, INC., FOR GEOTECHNICALANDMATERIALS TESTINGSERVICES FOR THE CONSTRUCTION OF THE LELA, JONES, FOOTE, AND BRADLEY STREET INFRASTRUCTURE IMPROVEMNETS PROJECT AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$140,000

24-1765 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Gemini Stage Lighting and Equipment Company, LLC of Dallas, Texas for the McKinney Performing Arts Center Theatrical Lighting System Replacement. Resolution caption reads as follows:

RESOLUTION NO. 2024-07-117 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF CONTRACT AND CITY MANAGER AUTHORIZATION TO EXECUTE A CONTRACT WITH GEMINI STAGE LIGHTING AND EQUIPMENT COMPANY, LLC OF DALLAS, TEXAS FOR THE MCKINNEY PERFORMING ARTS CENTER THEATRICAL LIGHTING SYSTEM REPLACEMENT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$165,000

- 24-1766** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Kleinfelder, Inc. for Geotechnical and Materials Testing Services for the Construction of the Stacy Road Elevated Storage Tank Project and Authorizing Any Necessary Supplemental Agreements. Resolution caption reads as follows:

RESOLUTION NO. 2024-07-118 (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 \$128,835.00 WITH KLEINFELDER, INC., FOR GEOTECHNICAL AND MATERIALS TESTING SERVICES FOR THE CONSTRUCTION OF THE STACY ROAD ELEVATED STORAGE TANK PROJECT AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$150,000

- 24-1767** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Renewal Lease Agreement with McKinney East Fork, LLC. Resolution caption reads as follows:

RESOLUTION NO. 2024-07-119 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A RENEWAL LEASE AGREEMENT WITH MCKINNEY EAST FORK, LLC AND PROVIDING AN EFFECTIVE DATE

- 24-1768** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Facilities Agreement for Lots 1 & 2, Block A, Trinity McKinney Addition, Located in the Extraterritorial Jurisdiction (ETJ) of McKinney, Texas, Situated on the East Side of Trinity Falls Parkway Approximately 200 Linear Feet South of Weston Road. Resolution caption reads as follows:

RESOLUTION NO. 2024-07-120 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A FACILITIES AGREEMENT FOR TRINITY MCKINNEY ADDITION, LOTS 1 & 2, BLOCK A, LOCATED IN THE ETJ OF MCKINNEY ON THE EAST SIDE OF TRINITY FALLS PARKWAY, APPROXIMATELY 200 LINEAR FEET SOUTH OF WESTON ROAD

- 24-1769** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Supplemental Agreement number 5 with Johnson, Mirmiran and Thompson, Inc. for Professional Engineering Design Services for the

Virginia and Throckmorton Infrastructure Improvements (Municipal Complex) Project. Resolution caption reads as follows:

RESOLUTION NO. 2024-07-121 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A FACILITIES AGREEMENT FOR TRINITY MCKINNEY ADDITION, LOTS 1 & 2, BLOCK A, LOCATED IN THE ETJ OF MCKINNEY ON THE EAST SIDE OF TRINITY FALLS PARKWAY, APPROXIMATELY 200 LINEAR FEET SOUTH OF WESTON ROAD

- 24-1770** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Supplemental Agreement with Grantham & Associates, Inc. for Professional Engineering Design Services for the College, Hunt, Davis & Church Street Infrastructure Improvements Project and Any Necessary Supplemental Agreements. Resolution caption reads as follows:

RESOLUTION NO. 2024-07-122 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH GRANTHAM & ASSOCIATES, INC. FOR ADDITIONAL CONSULTING ENGINEERING SERVICES FOR THE COLLEGE, HUNT, DAVIS & CHURCH STREET INFRASTRUCTURE IMPROVEMENTS PROJECT FOR AN INCREASE IN THE NOT TO EXCEED FEE FROM \$790,000 TO A TOTAL AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY ADDITIONAL SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$900,000

- 24-1771** Consider/Discuss/Act on a Resolution Awarding Contracts to Jim Bowman Construction Company, L.P. of Plano, Texas and Alderink Enterprises, Inc. dba CI Pavement of Grand Prairie, Texas for Concrete Street and Concrete Sidewalk Repairs. Resolution caption reads as follows:

RESOLUTION NO. 2024-07-123 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO JIM BOWMAN CONSTRUCTION COMPANY, L.P. OF PLANO, TEXAS AND ALDERINK ENTERPRISES, INC. DBA CI PAVEMENT OF GRAND PRAIRIE, TEXAS FOR CONCRETE STREET AND CONCRETE SIDEWALK REPAIRS

Mayor Fuller called for Plat Consideration under Chapter 212 of the Texas Local Government Code.

- 24-0088FP** Consider/Discuss/Act on a Final Plat for Lot 1, Block A, of the Townsend Addition, Located within McKinney's Extraterritorial Jurisdiction (ETJ) and

Located Approximately 270 Feet East of Breezy Hill Road and on the North Side of North McDonald Street

Council unanimously approved the motion by Councilmember Franklin, seconded by Councilmember Jones, to a Final Plat for Lot 1, Block A, of the Townsend Addition, Located within McKinney's Extraterritorial Jurisdiction (ETJ) and Located Approximately 270 Feet East of Breezy Hill Road and on the North Side of North McDonald Street.

Mayor Fuller called for Regular Agenda And Public Hearing Items.

24-0049Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "BG" - General Business District to "I1" - Light Industrial District, Located at 1443 North Church Street, and Accompanying Ordinance

Council unanimously approved the motion by Councilmember Cloutier, seconded by Mayor Pro Tem Feltus, to close the public hearing and approve an ordinance for a Request to Rezone the Subject Property from "BG" - General Business District to "I1" - Light Industrial District, Located at 1443 North Church Street. Ordinance caption reads:

ORDINANCE NO. 2024-07-053

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.181 ACRE PROPERTY, LOCATED AT 1443 NORTH CHURCH STREET, IS REZONED FROM "BG" – GENERAL BUSINESS DISTRICT TO "I1" – LIGHT INDUSTRIAL 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

24-0055Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" Planned Development District to "C2" - Local Commercial District, Located at the Southeast Corner of McKinney Ranch Parkway and South Lake Forest Drive, and Accompanying Ordinance

Council approved the motion by Councilmember Cloutier, seconded by Councilmember Jones, to close the public hearing and approve an ordinance to Rezone the Subject Property from "PD" Planned Development District to "C2" - Local Commercial District, Located at the Southeast Corner of McKinney Ranch Parkway and South Lake

Forest Drive, carried with a vote of 5-0-1, Councilmember Franklin recused himself.

Ordinance caption reads:

ORDINANCE NO. 2024-07-054

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 21.871 ACRE PROPERTY, LOCATED AT THE SOUTHEAST CORNER OF MCKINNEY RANCH PARKWAY AND SOUTH LAKE FOREST DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "C2" – LOCAL COMMERCIAL 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

- 24-** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit
0001SUP2 Request to Allow for Independent Living (Elevated Independent Living),
Located on the North Side of Silverado Trail and Approximately 1,300 Feet
East of South Custer Road, and Accompanying Ordinance

Council unanimously approved the motion by Mayor Pro Tem Feltus, seconded by Councilmember Franklin, to close the public hearing and approve an ordinance for a Specific Use Permit Request to Allow for Independent Living (Elevated Independent Living), Located on the North Side of Silverado Trail and Approximately 1,300 Feet East of South Custer Road. Ordinance caption reads:

ORDINANCE NO. 2024-07-055

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 INDEPENDENT LIVING (ELEVATED INDEPENDENT LIVING), LOCATED ON THE NORTH SIDE OF SILVERADO TRAIL AND APPROXIMATELY 1,300 FEET EAST OF SOUTH CUSTER ROAD; PROVIDING REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 24-1772** Conduct a Public Hearing and Consider/Discuss/Act on an Ordinance
Authorizing the Sale of Approximately 2.815 Acres of Land Owned by the
City of McKinney that is Designated as Parkland, Which Parkland is
Generally Located on the North Side of CR 164 at Its Intersection with
Taylor-Burk Drive, to the State of Texas for the Construction of Its Highway
380 Bypass Project; and Authorizing the City Manager to Execute Deeds

and Documents Regarding the Sale of Said City-Owned Parkland Property to the State of Texas ("TxDOT")

Council unanimously approved the motion by Councilmember Jones, seconded by Councilmember Cloutier, to close the public hearing and approve an Ordinance Authorizing the Sale of Approximately 2.815 Acres of Land Owned by the City of McKinney that is Designated as Parkland, Which Parkland is Generally Located on the North Side of CR 164 at Its Intersection with Taylor-Burk Drive, to the State of Texas for the Construction of Its Highway 380 Bypass Project; and Authorizing the City Manager to Execute Deeds and Documents Regarding the Sale of Said City-Owned Parkland Property to the State of Texas ("TxDOT"). Ordinance caption reads:

ORDINANCE NO. 2024-07-056

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, MAKING FINDINGS REQUIRED BY CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE REGARDING THE STATE OF TEXAS' REQUEST FOR RIGHT OF WAY IN FEE SIMPLE TO ASSIST IN THE CONSTRUCTION OF ITS HIGHWAY 380 BYPASS PROJECT ACROSS A PORTION OF CITY OF MCKINNEY PARKLAND, WHICH PARKLAND IS GENERALLY LOCATED ON THE NORTH SIDE OF CR 164 AT ITS INTERSECTION WITH TAYLOR-BURK DRIVE; APPROVING THE SALE OF RIGHT OF WAY ACROSS SUCH PARKLAND TO THE STATE OF TEXAS IN EXCHANGE FOR THE PAYMENT OF FAIR MARKET VALUE FOR SAID RIGHT OF WAY; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ON BEHALF OF THE CITY OF MCKINNEY, TEXAS ALL NECESSARY DOCUMENTS FOR THE CONVEYANCE OF SAID RIGHT OF WAY IN FEE SIMPLE FROM THE CITY OF MCKINNEY TO THE STATE OF TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

24-1775 Consider/Discuss/Act on Adoption of a Resolution Determining a Public Necessity to Acquire Property Easement Rights for Public Use by Eminent Domain for a Water Line Easement and a Temporary Construction Easement associated with the Independence Parkway 24 Inch Water Line Project (WA0210) which Property is Located on US 380/W. University Drive, West of Custer Road and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions

Council unanimously approved the motion by Councilmember Philips, seconded by Mayor Pro Tem Feltus, to approve a Resolution Determining a Public Necessity to

Acquire Property Easement Rights for Public Use by Eminent Domain for a Water Line Easement and a Temporary Construction Easement associated with the Independence Parkway 24 Inch Water Line Project (WA0210) which Property is Located on US 380/W. University Drive, West of Custer Road and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions; with the following declaration and roll call vote:

“I move that the City of McKinney, Texas, City Council approve this item as written and adopt the Resolution described in this agenda item and authorize the use of the power of eminent domain to acquire for public use all necessary property interests from McKinney Propco Owner, LLC, identified as owner of record by the Collin Central Appraisal District, and any other persons or entities claiming an interest to the property depicted on and described by metes and bounds attached to said Resolution, said depictions and descriptions being incorporated in their entirety into this motion for all purposes including the construction, access and maintenance of infrastructure improvements located on the east side of S. McDonald Street north of the intersection of Spur 399 and Medical Center Drive associated with the SH 5 Utility Relocation Project (WA1633 & WW1633).”

Mayor FullerAye
Mayor Pro Tem FeltusAye
Councilmember PhilipsAye
Councilmember JonesAye
Councilmember CloutierAye
Councilmember FranklinAye

Resolution caption reads as follows:

RESOLUTION NO. 2024-07-125 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE PROPERTY EASEMENT RIGHTS FOR PUBLIC USE BY EMINENT DOMAIN FOR A WATER LINE EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ASSOCIATED WITH THE INDEPENDENCE PARKWAY 24 INC0048 WATER LINE PROJECT (WA0210); AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING SAID EASEMENTS, AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS

24-1773 Conduct a Public Hearing and Consider/Discuss/Act on an Ordinance of the City Council of the City of McKinney, Texas, Granting to Oncor Electric Delivery Company LLC, Its Successors and Assigns, the Non-Exclusive Right to Use and Occupy Rights-Of-Way Within the City of McKinney for the Construction and Operation of an Electric Transmission and Distribution System Prescribing Conditions Governing the Power Franchise to Use the

Present and Future Streets, Alleys, Highways, Public Utility Easements, Public Ways and Public Property of the City of McKinney, Texas, Providing for Compensation Therefor, Providing for an Effective Date and a Term of Said Franchise, Providing for Written Acceptance of This Franchise, Providing for the Repeal of All Existing Franchise Ordinances to Oncor Electric Delivery Company LLC, Its Predecessors and Assigns, and Finding That the Meeting at Which This Ordinance Is Passed Is Open to the Public

Council unanimously approved the motion by Councilmember Cloutier, seconded by Councilmember Franklin, to close the public hearing and approved an Ordinance of the City Council of the City of McKinney, Texas, Granting to Oncor Electric Delivery Company LLC, Its Successors and Assigns, the Non-Exclusive Right to Use and Occupy Rights-Of-Way Within the City of McKinney for the Construction and Operation of an Electric Transmission and Distribution System Prescribing Conditions Governing the Power Franchise to Use the Present and Future Streets, Alleys, Highways, Public Utility Easements, Public Ways and Public Property of the City of McKinney, Texas, Providing for Compensation Therefor, Providing for an Effective Date and a Term of Said Franchise, Providing for Written Acceptance of This Franchise, Providing for the Repeal of All Existing Franchise Ordinances to Oncor Electric Delivery Company LLC, Its Predecessors and Assigns, and Finding That the Meeting at Which This Ordinance Is Passed Is Open to the Public. Ordinance caption reads:

ORDINANCE NO. 2024-07-057

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT TO USE AND OCCUPY RIGHTS-OF-WAY WITHIN THE CITY OF MCKINNEY FOR THE CONSTRUCTION AN OPERATION OF AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM PRESCRIBING CONDITIONS GOVERNING THE POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF MCKINNEY, TEXAS, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE, PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS PREDECESSORS AND ASSIGNS, AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC.

- 24-1774** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Agreement with Garver, LLC for McKinney National Airport Project AI2250, East Side Development & Infrastructure

Council unanimously approved the motion by Councilmember Franklin, seconded by Councilmember Philips, to approve a Resolution Authorizing the City Manager to Execute an Agreement with Garver, LLC for McKinney National Airport Project AI2250, East Side Development & Infrastructure. Resolution caption reads:

RESOLUTION NO. 2024-7-124 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH GARVER, LLC FOR MCKINNEY NATIONAL AIRPORT PROJECT AI2250, EAST SIDE DEVELOPMENT & INFRASTRUCTURE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Mr. Houser stated agenda item 24-1775 required a revote as the previous motion language was incorrect for the agenda item, and he provided the correct motion language.

- 24-1775** Consider/Discuss/Act on Adoption of a Resolution Determining a Public Necessity to Acquire Property Easement Rights for Public Use by Eminent Domain for a Water Line Easement and a Temporary Construction Easement associated with the Independence Parkway 24 Inch Water Line Project (WA0210) which Property is Located on US 380/W. University Drive, West of Custer Road and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions

Council unanimously approved the motion by Councilmember Philips, seconded by Councilmember Franklin, to approve a Resolution Determining a Public Necessity to Acquire Property Easement Rights for Public Use by Eminent Domain for a Water Line Easement and a Temporary Construction Easement associated with the Independence Parkway 24 Inch Water Line Project (WA0210) which Property is Located on US 380/W. University Drive, West of Custer Road and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary

to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions; with the following declaration and roll call vote:

“I move that the City of McKinney, Texas, City Council approve this item as written and adopt the Resolution described in this agenda item and authorize the use of the power of eminent domain to acquire for public use all necessary property interests from Carol Story, Trustee, or her successors in trust, of the Story Family Trust, U/T/A dated September 7, 2010, identified as the owner of record by the Collin Central Appraisal District, and any other persons or entities claiming an interest to the property depicted on and described by metes and bounds attached to said Resolution, said depictions and descriptions being incorporated in their entirety into this motion for all purposes including the construction, access and maintenance of infrastructure improvements located on US 380/W. University Drive, west of Custer Road associated with the Independence Parkway 24 Inch Water Line Project (WA0210).”

Mayor FullerAye
Mayor Pro Tem FeltusAye
Councilmember PhilipsAye
Councilmember JonesAye
Councilmember CloutierAye
Councilmember FranklinAye

Resolution caption reads as follows:

RESOLUTION NO. 2024-07-125 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE PROPERTY EASEMENT RIGHTS FOR PUBLIC USE BY EMINENT DOMAIN FOR A WATER LINE EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ASSOCIATED WITH THE INDEPENDENCE PARKWAY 24 INCH WATER LINE PROJECT (WA0210); AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING SAID EASEMENTS, AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS

Mayor Fuller called for Council And Manager Comments.

Councilmember Philips thanked everyone for the well wishes for his dog Jim and he reminded everyone high school football is 45 days away.

Councilmember Jones recognized City staff for their hard work in the production of Red, White and Boom and the parade and he attended the Prosper ISD Listening Circle event along with MEDC Senior Vice President Michael Talley.

Mayor Pro Tem Feltus expressed her thanks to City staff for the Red, White and Boom event; she recently attended the MEDC Strategic Services planning session; and

she sent her heartfelt condolences for the passing of Marla Fields who was an advocate for the Collin County Animal Shelter.

Councilmember Franklin expressed his appreciation to the City staff for their hard work on the Red, White and Boom event and the parade.

Councilmember Cloutier attended the Habitat For Humanity ribbon cutting for the construction of the one hundredth home constructed in McKinney.

City Manager Grimes stated July is Smart Irrigation Month and reminded residents to water at coolest times of the day also new trash and recycling carts are continuing to be delivered and the old Waste Connection carts now will be collected now through July 19.as well.

Mayor Fuller stated the Love Life Foundation is holding their annual school supply drive; Kim Hughes and Jason Hernandez are also holding an Adopt A Child for \$50.00 school supply drive at La Tiendita and both foundations have a goal of two hundred and fifty (250) backpacks filled with supplies and supplies can be dropped off at any Starbucks and Guitar Sanctuary; and he read a letter sent to him from a friend of Martha Fields regarding her passing.

Council unanimously approved the motion by Mayor Pro Tem Feltus, seconded by Councilmember Jones, to adjourn the meeting at 7:09 p.m.

The ordinance caption(s) approved in this meeting were scheduled for publication in the Sunday, July 21, 2024, edition of the McKinney Courier-Gazette newspaper and the Monday, July 22, 2024, edition of the Celina Record newspaper.

These minutes were approved by the City Council on August 6, 2024.

SIGNED:

GEORGE C. FULLER, Mayor
GERÉ FELTUS, Mayor Pro Tem

ATTEST:

EMPRESS DRANE, City Secretary
TENITRUS BETHEL, Deputy City Secretary

City of McKinney, Texas