

## **CITY COUNCIL REGULAR MEETING**

**AUGUST 21, 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 August 21, 2018 at 6:00 p.m.

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

Council Member La'Shadion Shemwell stepped away from the meeting at 6:20 p.m. and did not return. Mayor Fuller stepped away from the meeting at 6:37 p.m. and returned at 6:42 p.m.

City of McKinney 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; Assistant to the City Manager Trevor Minyard; City Manager Staff Assistant Suzanne Bolick; President of McKinney Community Development Corporation Cindy Schneible; Director of Organizational Development and Performance Management Joseph Mazzola; Interim Director of Planning Jennifer Arnold; Director of Engineering Gary Graham; Planning Manager Matt Robinson; Planning Manager Samantha Pickett; Capital Improvements Project Manager Nicholas Ataie; Chief Plans Examiner Jeff Harris; Assistant Director of Public Works Paul Sparkman; Community Services Administrator Shirletta Best; Community Services Coordinator Camille Smith; Director of Parks and Recreation Michael Kowski; Assistant Director of Parks and Recreation Ryan Mullins; Supervisor of McKinney Senior Recreation Center Laura Cegelski; Assistant Supervisor of McKinney Senior Recreation Center Calie Willis; Recreation Coordination Jessica Couch; Recreation Customer Service Representative Stephanie Albertini; Recreation Customer Service Representative Allen Helms; Recreation Aide Erma Beeson; Custodian Rudolfo "Rudy" Gallardo; Aquatics Specialist Zach Tekavec; City Secretary Intern Cayla Simpson; and City Secretary Empress Drane.

There were 145 guests present.

Mayor Fuller called the meeting to order at 6:02 p.m. after determining a quorum of the Council was present. Invocation given by Harold Lowe, Holy Family Church. Mayor Fuller led the Pledge of Allegiance.

**18-699** National Senior Center Month Proclamation. Mayor Fuller presented the National Senior Center Month Proclamation to staff, volunteers and members of the McKinney Senior Recreation Center. Recreation Supervisor Laura Cegelski thanked Mayor Fuller and Council and invited McKinney residents to visit the McKinney Senior Recreation Center. Mayor Fuller posed for a group photograph with Senior Recreation Center staff, volunteers and members, Parks and Recreation Director Michael Kowski; and Assistant Director Ryan Mullins.

Mayor Fuller called for Citizen Comments.

The following individuals did not wish to speak but wanted their support for a regional transportation bypass on U.S. Highway 380 to be located west of Custer Road entered into the record:

Debra Campbell, 2101 State Boulevard, McKinney

David Johnson, 7505 Wescott Lane, McKinney

Stephanie Johnson, 7505 Westcott Lane, McKinney

Karen and Dick Karch, 7409 Darrow Drive, McKinney

Ann Marie McCarthy, 2509 Welty Street, McKinney

Connie Oberle, 2016 Tremont Boulevard, McKinney

Scott Oberle, 2016 Tremont Boulevard, McKinney

Melissa Sanders, 7608 Townsend Boulevard, McKinney

The following individuals did not wish to speak but wanted their support of City Council to pass a resolution regarding the U.S. Highway 380 expansion or bypass prior to the bond election entered into the record:

Birgit Keefer, 7701 Townsend Boulevard, McKinney

Amy Limas, 7505 Darrow Drive, McKinney

Diane Reynolds, 7416 Ardmore Street, McKinney

Barbara Sano, 4721 Ardmore Street, McKinney

The following individual did not wish to speak but wanted the request entered into the record for Mayor Fuller to offer a brief update on his previous comment regarding him and City Manager Grimes meeting with City of Prosper representatives:

Elon Reynolds, 7416 Ardmore Street, McKinney

The following individual did not wish to speak but wanted the request entered into the record for the City of McKinney Council to contact a company to sponsor a pool shooting club and tournaments at the McKinney Senior Recreation Center:

Mary Allam, 1822 Carol Lane, Anna

Zilda Nickens Baker, 1101 Scenic Hills, McKinney spoke about the benefits of the McKinney Senior Recreation Center as well as her positive experience as a former member and current activity instructor.

Kim Carmichael, 7709 Townsend Boulevard, McKinney, spoke in support of a regional transportation bypass on U.S. Highway 380 to be located west of Custer Road and to request a resolution by City Council regarding U.S. Highway 380 transportation.

Jon Dell'Antonia, 6201 Virginia Parkway, McKinney, spoke on behalf of Stonebridge Ranch Board of Directors and residents in support of a regional transportation bypass on U.S. Highway 380 to be located west of Custer Road.

Parker McComas, 287 Skyview Drive, Anna, spoke in support of the swimming pool and activities at McKinney Senior Recreation Center.

Council unanimously approved the motion by Council Member Branch, seconded by Mayor Pro Tem Rath, to approve the following consent items:

#### MINUTES

- 18-700** Minutes of the City Council Budget Retreat of August 10, 2018
- 18-611** Minutes of the Board of Adjustment Meeting of May 30, 2018
- 18-609** Minutes of the Historic Preservation Advisory Board Regular Meeting of May 3, 2018

#### RESOLUTIONS

- 18-701** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with JBI Partners, Inc. of Addison,

Texas for Landscape Architectural and Engineering Services Related to the Improvement of Finch Park. Caption reads as follows:

**RESOLUTION NO. 2018-08-096 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH JBI PARTNERS, INC. OF ADDISON, TEXAS FOR LANDSCAPE ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE DESIGN FOR IMPROVEMENTS TO FINCH PARK**

**18-702** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with DCBA Landscape Architecture of Plano, Texas for Landscape Architectural and Engineering Services Related to the Design of a 10 Acre Neighborhood Park Located within the Prestwyck Subdivision. Caption reads as follows:

**RESOLUTION NO. 2018-08-097 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH DAVID C. BALDWIN, INC. LANDSCAPE ARCHITECTURE & PLANNING dba DCBA LANDSCAPE ARCHITECTURE OF PLANO, TEXAS FOR LANDSCAPE ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE DESIGN OF A 10 ACRE NEIGHBORHOOD PARK LOCATED WITHIN THE PRESTWYCK SUBDIVISION**

END OF CONSENT

**18-703** Mayor Fuller called for the First Public Hearing on Proposed Tax Rate for Fiscal Year 2018-19 (Tax Year 2018). Chief Financial Officer Mark Holloway stated this is the first required Public Hearing on the proposed Tax Rate for fiscal year 2019 and the tax rate is proposed to be \$0.525170 which is a 1.5 cent decrease in the tax rate from fiscal year 2018. Mr. Holloway stated new construction added significant value and existing values increased 6.3% over fiscal year 2018. The proposed rollback rate for 2019 is the product of I&S (debt service obligation) and M&O (maintenance and operations) rates. Mr. Holloway presented a chart of the history of the declining tax rate correlating to increasing taxable values over time. Mr. Holloway stated the Second Public Hearing on the Tax Rate and First Public Hearing on the Budget will be September 4; the Second Public

Hearing on the Budget and Adoption of the Budget, Tax Rate, and Fee Ordinance for fiscal year 2019 on September 17. Mr. Holloway stated the effective tax does not take into consideration inflation but does take into consideration new construction properties that were added to the tax roll last year. Mr. Holloway confirmed that a lower tax rate does not necessarily lower the taxes on the average home within the City of McKinney; however the rate is fiscally responsible to pay for the budget that has been submitted to the City Council.

Mayor Fuller called for Citizen Comments for the Public Hearing.

Jeff Frison, 8609 Falcon Crest Drive, McKinney, encouraged Council to fully fund public infrastructure rather than lowering the tax rate.

Bridgette Wallis, 1709 Kensington Lane, McKinney, thanked the City Council and City Manager for lowering the tax rate over the past years and recommended to dissolve TIRZ (Tax Increment Reinvestment Zone) Numbers One and Number Two. Mayor Fuller stated all items for both TIRZ entities require a Public Hearing.

Council unanimously approved the motion by Mayor Fuller, seconded by Council Member Rogers, to close the First Public Hearing on Proposed Tax Rate for Fiscal Year 2018-19 (Tax Year 2018).

**18-580** Mayor Fuller called for Consideration / Discussion / Action on a Resolution Approving a Contract with the Artist together with a Related Pledge Agreement and License Agreement for the Chestnut Commons Garage Mosaic. Community Services Coordinator Camille Smith recognized the presence of Kim Sanchez in attendance on behalf of the developer and presented the mosaic design concept. Ms. Smith stated City Council approved the RFQ (Request for Qualifications) for the Chestnut Commons garage mosaic on August 10, 2017. The developer of the parking garage on which the mosaic will be attached, SP2 301 E Virginia LLC, is providing \$20,750 of the \$41,500 project cost. Three artists were invited from among the fifteen RFQ respondents to submit designs. Houston artist

Reginald C. Adams was selected by the mosaic committee. The Arts Commission recommended awarding the contract to Reginald C. Adams at the Arts Commission meeting on July 10, 2018. Mr. Shemwell thanked the developer for the contribution of funding as a great example of partnership with the City.

Council approved the motion by Mayor Pro Tem Tracy Rath, seconded by Council Member Rogers, to approve the Contract with the Artist together with a Related Pledge Agreement and License Agreement for the Chestnut Commons Garage Mosaic with a vote of 5 - 1, Chuck Branch voting no. Caption reads as follows:

**RESOLUTION NO. 2018-08-098 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN AN AMOUNT NOT TO EXCEED \$40,000 FOR THE ARTIST SERVICES OF REGINALD C. ADAMS TOGETHER WITH A RELATED PLEDGE AGREEMENT AND LICENSE AGREEMENT FOR THE CHESTNUT COMMONS GARAGE MOSAIC**

**18-0078Z** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located Southeast of the Terminus of Adriatic Parkway and Mediterranean Drive, and Accompanying Ordinance. Mayor Fuller recused himself from the item after which Mayor Pro Tem Rath led the consideration/discussion/action for the item. Interim Director of Planning Jennifer Arnold stated the request is to rezone approximately 4.5 acres of the Adriatica Harbor District, with the applicant proposing to amend the zoning of the subject property in order to adjust the boundaries between the Town Center and Villa districts as well as modify some of the development standards. The development modifications are minor in nature and consistent with the overall development pattern for Adriatica. Mrs. Arnold stated City Staff supports the request.

Bob Roeder, applicant, stated the request is to allow approximately 30 high end condominiums to be built in the location. The total number permitted

under the current Planned Development District will remain under 285. Mr. Roeder stated some of the modifications are related to changed elevations and tuck-under garage parking. Mrs. Arnold stated the current uses of the location include multi-family and commercial. Mayor Pro Tem Rath called for Citizen Comments for the Public Hearing – there were none.

Council unanimously approved the motion (5 - 0) by Council Member Rogers, seconded by Council Member Shemwell, to close the Public Hearing close and approve the Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located Southeast of the Terminus of Adriatic Parkway and Mediterranean Drive, and Accompanying Ordinance. Caption reads as follows:

**ORDINANCE NO. 2018-08-061**

**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 4.53 ACRE PROPERTY, LOCATED SOUTHEAST OF THE TERMINUS OF ADRIATIC PARKWAY AND MEDITERRANEAN DRIVE, IS REZONED FROM “PD” – PLANNED DEVELOPMENT DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; 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**

- 18-704** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request for a Meritorious Exception for a Digital Electronic Message Sign Located at 205 W. Louisiana Street. Chief Plans Examiner Jeff Harris stated the request by the applicant is to install a digital electronic sign at the specified address would be placed on the west elevation so that incoming east bound traffic on Louisiana Street would have visibility of the sign. Mr. Harris stated the sign satisfies the sign ordinance related to size and location; however the sign is not in compliance with the MTC (McKinney Town Center) guidelines which require signs to be historic in nature to

preserve the historic character of the district. City staff recommends denial of the request. Mr. Harris confirmed the dimensions of the sign will be 3 feet by 5 feet or 15 square feet.

Don Day, 110 E. Louisiana Street, McKinney, applicant of the request stated nine separate tenants to the building would utilize the digital sign rather than clutter the front of the building with individual signs. The sign would be the same sign as the current digital signs at McKinney Performing Arts Center and if it is reasonable for a historic building to have a sign then a new building should be allowed to have a sign. The sign display will rotate information every 9 nine seconds. There are currently nine tenants for the building but the sign would allow for up to ten users. Mayor Fuller called for Citizen Comments for the Public Hearing. The following individuals did not wish to speak but wanted their opposition to the Request for a Meritorious Exception for a Digital Electronic Message Sign Located at 205 W. Louisiana Street entered into the record:

Brenda Wagner, address unknown

Peggy Snyder, address unknown

Tom Micharo, address unknown

Joann Schofield, address unknown

Rene Christensen, address unknown

Kim Black, address unknown

Diane Craig, address unknown

Kelly Close, address unknown

Adah Leah Wolf was called to speak

The following individuals spoke in opposition to the Request for a Meritorious Exception for a Digital Electronic Message Sign Located at 205 W. Louisiana Street:

Christine Lindsay, 800 N. College Street, McKinney

Rudy Littrell, 405 W. Hunt Street, McKinney

Betty Petkovsek, address not listed

Billy Simmons, 509 Heard Street, McKinney



Kathryn Waite, 415 W. Louisiana Street, McKinney

Adah Leah Wolf, 200 S. Bass Street, McKinney

Deborah Kilgore, 1013 Howell Street, McKinney, spoke on the history of signage in McKinney. Ms. Kilgore stated the known variety of signs in McKinney included a variety of signs with electronic, lighted and moving signs dating back to the 1910's. Ms. Kilgore stated the proposed sign would be consistent with size, placement, materials and purpose of past signage; however the sign would break with history and tradition as it would be the first electronic billboard on private property and other billboards would follow.

McClellan Johnston, 500 W. Lamar Apt 113, McKinney, asked about the appearance and placement of the proposed sign. Mayor Fuller stated that questions are not permitted during Citizen Comments.

Council unanimously approved the motion by Mayor Pro Tem Rath, seconded by Council Member Rogers to close the Public Hearing to Consider/Discuss/Act on a Request for a Meritorious Exception for a Digital Electronic Message Sign Located at 205 W. Louisiana Street.

Mayor Fuller stated his appreciation for Mr. Day's pioneering work to change downtown and attracting people to downtown but could not support the sign based on impact to downtown. Mayor Fuller expressed his interest in possibly lending alternative solutions to accomplishing the purpose of the proposed sign. Council Member Branch stated he felt comfortable with the sign being placed on the Church Street side of the building and supported the request. Council Member Philips stated his appreciation for Mr. Day and his work downtown including the new building. Mr. Philips said the sign would take away from the building blending in with the rest of downtown. Council Member Rogers stated he did not believe the sign would not be an issue as everyone believes it will be; however he could not support the sign and he believes most constituents would not support it. Mr. Shemwell expressed his support of

the request, thanked Mr. Day for his service to revitalize downtown and read article captions from 2006 and 2016 referencing Mr. Day's efforts.

Council approved the motion by Mayor Pro Tem Rath, seconded by Council Member Rogers, to deny the Request for a Meritorious Exception for a Digital Electronic Message Sign Located at 205 W. Louisiana Street, with a vote of 4 - 2, Mayor Fuller, Mayor Pro Tem Rath, and Council Members Rogers and Philips voting in for denial; Council Members Branch and Shemwell voting against denial.

**18-0008M** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Section 146-84 (BN - Neighborhood Business District), Section 146-85 (BG - General Business District), Section 146-86 (C - Planned Center District), Section 146-90 (ML - Light Manufacturing District), Section 146-91 (MH - Heavy Manufacturing District), Appendix B-2 (Regional Employment Center - Overlay Urban Design Standards) and Appendix F-4 (Schedule of Uses), of the Code of Ordinances, and Accompanying Ordinance. Interim Director of Planning Jennifer Arnold stated the request is to modify the existing schedule of uses by removing residential uses within previous commercial districts and to require an SUP (Special Use Permit) for auto related uses in those commercial districts. Mayor Fuller stated that he will be requesting to separate the two requests because they have different arguments for their respective cases. Mayor Fuller stated there are many differences between the various types of multi-family units of housing that exist and how they impact taxes and development. Mayor Fuller stated that the intent is to not build multi-family or single family units in business districts but loopholes currently exist for knowledgeable developers to sidestep that intent. Mayor Fuller stated the intent of this item is to close the loopholes. Council Member Shemwell stated a variety of housing options including affordable housing in McKinney is necessary for the various circumstances of finance and stages of life for

residents. Mrs. Arnold stated there are two sets of zoning districts: the newly created “green” sets which were adopted by Council in 2014 and the older “red” which are still on the books but no longer allowed to be rezoned. The requests for this item are to modify the standards for the red districts. Mayor Fuller added the item will establish that areas intended to be “business and commercial” will be such and any exception to that would go before Council for consideration. Mayor Fuller called for Citizens Comments for the Public Hearing. Bob Roeder requested to speak but was not present at the time of the Public Hearing. The following individual spoke in opposition to the item:

Charlie Bush, 8016 Stone River, Frisco

Council unanimously approved the motion by Mayor Pro Tem Tracy Rath, seconded by Council Member Shemwell, to close the Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Section 146-84 (BN - Neighborhood Business District), Section 146-85 (BG - General Business District), Section 146-86 (C - Planned Center District), Section 146-90 (ML - Light Manufacturing District), Section 146-91 (MH - Heavy Manufacturing District), Appendix B-2 (Regional Employment Center - Overlay Urban Design Standards) and Appendix F-4 (Schedule of Uses), of the Code of Ordinances, and Accompanying Ordinance.

Mayor Fuller restated that the intent of the modification is to remove residential use of a commercial and business district unless the residential use make sense for that district. The possibility for residential use for the district still exists with the request to go to Council for consideration. Mayor Fuller stated the garden-style apartment complexes along Hwy 121 corridor and other places has undermined the desired future of the City. Mayor Pro Tem Rath stated City Staff completed the required notices to the public. Mrs. Rath also thank Jennifer Arnold and staff for going above and beyond the requirements of notification in response to Council

requests and citizen and Board input at recent Planning and Zoning meetings. Council Member Shemwell Council stated there was a need to balance the budget, preserve commercial tax base and protect property rights and stated his support of the item as a step in the right direction of preserving commercial and doing what the community has asked. Council Member Branch stated he was concerned with the lack of notification to citizens though he supported the change of the ordinance. Mrs. Arnold stated that for zoning amendment change such as the item before Council the legal requirement is for general circulation notice in a paper. The property owner notice is not required in this case but City Staff provided email notification to entities who have engaged with the Planning Department through the City land management software which could include both developers and property owners. Mrs. Arnold stated the department adheres to strict conformance to the law concerning notifications. Council approved the motion by Mayor George Fuller, seconded by Council Member Rogers, to approve the Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Section 146-84 (BN - Neighborhood Business District), Section 146-85 (BG - General Business District), Section 146-86 (C - Planned Center District), Section 146-90 (ML - Light Manufacturing District), Section 146-91 (MH - Heavy Manufacturing District), with the exception that no amendments be made to Appendix B-2 (Regional Employment Center - Overlay Urban Design Standards) or Appendix F-4 (Schedule of Uses), of the Code of Ordinances, and Accompanying Ordinance. The vote was 4 – 2 with Council Members Charlie Philips and Branch voting no. Amendments to Appendices B-2 and F-4 will be revisited separately in the future. Caption for the approved Ordinance reads as follows:

**ORDINANCE NO. 2018-08-062**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AMENDING SECTIONS 146-84 (BN  
DISTRICT), 146-85 (BG DISTRICT), 146-86 (C DISTRICT), 146-90**

**(ML DISTRICT), 146-91 (MH DISTRICT), AND APPENDIX F-4 (SCHEDULE OF USES) OF THE ZONING REGULATIONS; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**18-0117PF** Mayor Fuller called for Consideration / Discussion / Action on a Preliminary-Final Plat for 241 Single Family Residential Lots and 37 Common Areas (Trinity Falls Planning Unit 3, Phase 4), Located on the Northeast Corner of Trinity Falls Parkway and County Road 206. Interim Director of Planning Jennifer Arnold stated the proposed preliminary final plat is for approximately 53 acres located at the Trinity Falls Municipal Utility District (MUD). The applicant proposes to subdivide into 241 lots including 37 common areas. Mrs. Arnold stated request would typically be approved at the Planning and Zoning Commission level except the request comes with a variance to allow for ten lots that front onto a common area instead of a public street as the ordinance requires. Staff recommends approval of the request.

Council unanimously approved the motion by Council Member Shemwell, seconded by Council Member Rogers to approve a Preliminary-Final Plat for 241 Single Family Residential Lots and 37 Common Areas (Trinity Falls Planning Unit 3, Phase 4), Located on the Northeast Corner of Trinity Falls Parkway and County Road 206.

**18-705** Mayor Fuller called for Consideration / Discussion / Action on a Resolution Authorizing the City Manager to Execute a Contract with Camino Construction, LP for the Construction of the McKinney Substandard Utility Replacement and Street Rehabilitation Umbrella Projects South of Virginia and Any Necessary Supplemental Agreements. Capital Improvement Project Manager Nicholas Ataie stated this item is part of a \$13 million investment to replace aging infrastructure on the east side of town. The project includes approximately 7,500 linear feet of water and waste water

main replacement and portions of street repair on Kentucky, Hobson and Clara streets. Camino Construction was the lowest qualified of two bids received for the project. Construction is expected to start next month with completion expected by May 2019.

Council unanimously approved the motion by Mayor Pro Tem Rath, seconded by Council Member Branch, to approve a Resolution Authorizing the City Manager to Execute a Contract with Camino Construction, LP for the Construction of the McKinney Substandard Utility Replacement and Street Rehabilitation Umbrella Projects South of Virginia and Any Necessary Supplemental Agreements. Caption reads as follows:

**RESOLUTION NO. 2018-08-099 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 \$2,591,750 WITH CAMINO CONSTRUCTION, LP, FOR THE CONSTRUCTION OF THE MCKINNEY SUBSTANDARD UTILITY REPLACEMENT AND STREET REHABILITATION UMBRELLA PROJECTS SOUTH OF VIRGINIA AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$2,857,050**

- 18-706** Mayor Fuller called for Consideration / Discussion / Action on a Resolution Authorizing the City Manager to Execute a Contract with Freese and Nichols, Inc. for Construction Inspection Services on the McKinney Substandard Utility Replacement and Street Rehabilitation Umbrella Projects South of Virginia Project. Capital Improvement Project Manager Nicholas Ataie stated the item is for construction inspection services associated with the previous item and is necessary to ensure the mains installed meet the City requirements and will perform as intended. The maximum contract amount will not exceed \$66,000 based on the expected duration on construction and fees will be billed at an hourly rate. Mr. Ataie confirmed the construction contractor is obligated to meet the requirements of the City for the water and sewer mains including everything associated

including excavation and quality of materials. By having an inspector on sight the City is able to hold the contractor accountable for any corrections that come up. Freese and Nichols Inc. will serve as an extension of City staff to provide appropriate documentation of construction progress.

Council unanimously approved the motion by Mayor Pro Tem Rath, seconded by Council Member Shemwell, to approve a Resolution Authorizing the City Manager to Execute a Contract with Freese and Nichols, Inc. for Construction Inspection Services on the McKinney Substandard Utility Replacement and Street Rehabilitation Umbrella Projects South of Virginia Project. Caption reads as follows:

**RESOLUTION NO. 2018-08-100 (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 \$59,933.40 WITH FREESE AND NICHOLS, INC. FOR CONSTRUCTION INSPECTION SERVICES FOR THE CONSTRUCTION OF THE MCKINNEY SUBSTANDARD UTILITY REPLACEMENT AND STREET REHABILITATION UMBRELLA PROJECTS SOUTH OF VIRGINIA PROJECT AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$66,000**

- 18-707** Mayor Fuller called for Consideration / Discussion / Action on a Resolution Authorizing the City Manager to Execute a Development Agreement with CR Alma, LP, Mid-Alma, LP, and CR Ballfields, LP, Regarding the Construction of Linear Parks, Central Park Area and a Pedestrian Trail and Bridge that will extend the City's Trail System from Alma Road to the Soccer Fields at Craig Ranch. Planning Manager Matt Robinson stated this item is associated with a rezoning case presented two weeks ago.
- Council unanimously approved the motion by Council Member Branch, seconded by Council Member Rogers, to approve a Resolution Authorizing the City Manager to Execute a Development Agreement with CR Alma, LP, Mid-Alma, LP, and CR Ballfields, LP, Regarding the Construction of Linear Parks, Central Park Area and a Pedestrian Trail and Bridge that will extend the City's Trail System from Alma Road to the Soccer Fields at Craig Ranch. Caption reads as follows:

**RESOLUTION NO. 2018-08-101 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT WITH CR ALMA, LP, MID-ALMA, LP AND CR BALLFIELDS, LP REGARDING THE CONSTRUCTION OF LINEAR PARKS AND A CENTRAL PARK AREA TOGETHER WITH A PEDESTRIAN TRAIL AND BRIDGE THAT WILL EXTEND THE CITY'S TRAIL SYSTEM FROM ALMA ROAD TO THE SOCCER FIELDS AT CRAIG RANCH**

**18-708** Mayor Fuller called for Consideration / Discussion / Action on an Ordinance Adopting a City Council Ethics Policy as Developed by the Ad-Hoc Committee on City Council Ethics Policy. Attorney Mark Houser stated the version before Council has removed the one paragraph relating to town hall meetings at City Hall which was the consensus of Council at the work session on August 20, 2018. Mayor Fuller stated that approval of an ethics policy is long overdue and any imperfections with the document should not continue to delay an approval as those changes can be addressed in the future as issues arise. Council Member Shemwell stated his support for a council ethics policy, his adherence to treating "others how you want to be treated" and disrespect to elected officials and their families should not be tolerated.

Council approved the motion by Council Member Shemwell, seconded by Council Member Rogers, to approve an Ordinance Adopting a City Council Ethics Policy as Developed by the Ad-Hoc Committee on City Council Ethics Policy as amended by Council at the August 20, 2018 City Council work session with a vote of 4 - 2, Council Members Philips and Branch voting no.

Mayor Fuller called for City Council and City Manager Comments.

Council Member Philips had no comments.

Council Member Rogers had no comments.

Council Member Branch had no comments.

Mayor Pro Tem Rath had no comments.

Mayor Fuller stated that being on Council requires many difficult decisions and expressed his disappointment in at least one decision made at the night's meeting. Mayor



Fuller stated the importance of Council members to state their position on issues and not find a reason avoid taking a stance when conflicting issues create difficult decisions. Mayor Fuller stated the public are owed better leadership.

City Manager Paul Grimes announced the City of McKinney once again received the highest possible rating issued from two major credit rating agencies for its general obligation bonds. The City of McKinney received AA rating from Moody's and AAA rating from Standard and Poor's citing the expanding tax base, strong fiscal management and long term forecasting as factors to stable performance and very strong reserve levels. Mr. Grimes extended congratulations to Chief Financial Officer Mark Holloway and the Finance team and to City Council for adopting policies that enable us to earn that credibility in the marketplace. These are the independent arbiters of money and we rely on their third party to be able to identify the communities that have the highest credit rating. Mr. Grimes announced the final Public Hearing for the proposed fiscal year 2019 tax rate and first hearing for the proposed budget will take place September 4 and residents and stakeholders are invited to review the budget on the City website and offer feedback. The final public hearing for the budget will be September 17 followed by the budget adoption on September 17. Mr. Grimes announced registration is open for the fall citizens' police academy which will be September 13 through December 20. Citizens will learn about the police department, police work and things they can do for their own safety. Registration for the citizens' police academy ends September 7. Mr. Grimes congratulated the Police department for earning reaccreditation from the Texas Police Chiefs Association. McKinney is one of only a few departments holding accreditation from this association as well as CALEA the national standard of rating for police departments.

Council Member Shemwell added Boards and Commission appointments would take place on August 27, the police department will host a community event on September 6 at Old Settler's Recreation Center, and the Council Town Hall series will begin on September 13. Mr. Shemwell encouraged Mr. Johnston who had earlier questions to attend to Town Hall meeting.

There was no Executive Session.

Mayor Fuller called for a motion to adjourn. Council unanimously approved the motion by Council Member, seconded by Council Member Rogers, to adjourn. Mayor Fuller adjourned the meeting at 8:01 p.m.

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GEORGE C. FULLER  
Mayor

ATTEST:

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EMPRESS DRANE  
City Secretary