

## CITY COUNCIL SPECIAL MEETING

NOVEMBER 19, 2018

The City Council of the City of McKinney, Texas met in special session in the McKinney City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on November 19, 2018 at 5:30 p.m.

Council Present: Mayor George C. Fuller, Mayor Pro Tem Tracey Rath, Council Members Charlie Philips, Scott Elliott, Chuck Branch, and La'Shadion Shemwell.

Absent: Council Member Rainey Rogers

Mayor Pro Tem Rath stepped away from the meeting at 6:38 p.m., not returning.

City of McKinney Staff Present: City Manager Paul Grimes, Deputy City Manager Jose Madrigal, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, Assistant to the City Manager Trevor Minyard, City Attorney Mark Houser, Director of Engineering Gary Graham, Capital Improvements Project Manager Nicholas Ataie, Assistant Director of Public Works Paul Sparkman, Facilities Construction Manager Patricia Jackson, Assistant Director of Parks & Recreation Ryan Mullins, Police Chief Greg Conley, Assistant Police Chief Randy Roland, Fire Chief Danny Kistner, Assistant Fire Chief Chris Lowry, Fire Battalion Chief Charlie Skaggs, Fire Public Information & Education Coordinator Merit Ossian, Chief Financial Officer Mark Holloway, Community Services Administrator Shirletta Best, Director of McKinney Performing Arts Center & Main Street Program Amy Rosenthal, Video Producer Sidney Diongzon, City Secretary Intern Cayla Simpson, and City Secretary Empress Drane.

There were 15 guests present.

Mayor Fuller called the meeting to order at 5:32 p.m. after determining a quorum of the Council was present.

The Pledge of Allegiance led by Mayor Fuller.

Mayor Fuller called for the following Information Sharing item:

- 18-1004** McKinney Fire Department earns a Guinness World Records Title. Fire Chief Danny Kistner introduced Battalion Chief Charlie Skaggs to present information regarding the Fire Department's accomplishment of the Guinness Book of World Records title for obtaining the most pledges (12,128 pledges) to learn CPR. The Fire Department partnered with

McKinney ISD, and Baylor Scott & White Medical Center-McKinney and Medical Center McKinney hospitals, and deployed a social media campaign to attract participants to the “Friday Night Life” CPR event held at McKinney ISD stadium on November 9, 2018. The purpose of the event was to introduce a modernized version of hands-only cardiopulmonary resuscitation (CPR) and encourage individuals to learn the life-saving technique. An instructional video was shown prior to the start of the football competition between McKinney High and McKinney Boyd High schools, and practice stations were setup on the mezzanines for hands-on learning. After the football game a Guinness representative delivered the recognition award to Fire Staff at midfield. Battalion Chief Skaggs stated the positive public response to the event inspired other fire departments to plan similar events for the future. Additionally, the process of coordinating with Guinness generally takes about one year; however, the Fire Department successfully planned the program in 40 days. At the completion of Battalion Chief Skaggs’ presentation, the Mayor and Council Members stood with Fire Staff for group photos displaying the Guinness award. Fire Public Information & Education Coordinator Merit Ossian assisted with coordinating the presentation and photography.

Mayor Fuller called for Citizen Comments. There were no requests to speak.

Mayor Fuller called for action on Consent Items. Council unanimously approved the motion by Mayor Pro Tem Rath, seconded by Council Member Elliott, to approve the following Consent items:

**18-1005** Minutes of the City Council Work Session of November 5, 2018

Mayor Fuller called for the following Special Agenda items:

**18-1006** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Pogue Construction Co, LP of McKinney, Texas for Design / Build (D/B) Services for Pre-Construction Services Related to the Design and Construction of the StarCenter McKinney Expansion Project (FC1709) Located at 6993 Stars

Avenue in McKinney, Texas. Facilities Construction Manager Patricia Jackson stated the proposed vendor for pre-construction services of the project was chosen through a qualifications process of selection. Council Member Elliott commended staff for diligent work on the project. Council unanimously approved the motion by Council Member Elliott, seconded by Mayor Pro Tem Rath, to approve the Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Pogue Construction Co, LP of McKinney, Texas for Design / Build (D/B) Services for Pre-Construction Services Related to the Design and Construction of the StarCenter McKinney Expansion Project (FC1709) Located at 6993 Stars Avenue in McKinney, Texas. Resolution caption reads as follows:

**RESOLUTION NO. 2018-11-142 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD FORM OF AGREEMENT BETWEEN OWNER AND DESIGN-BUILDER AIA A141 - (2014) WITH POGUE CONSTRUCTION COMPANY, LP (POGUE) OF MCKINNEY, TEXAS FOR PRE-CONSTRUCTION SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF THE STARCENTER MCKINNEY EXPANSION PROJECT (FC1709) LOCATED AT 6993 STARS AVENUE, MCKINNEY, TEXAS 75070**

- 18-1007** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute the Fourth Amended Agreement for State Legislative Consulting Services from Red Media Group of Austin, Texas. Assistant to the City Manager Trevor Minyard presented the fourth amendment to an on-going joint agreement between the City of McKinney, McKinney Economic Development Corporation and McKinney Chamber of Commerce with Red Media Group (RGM), to advocate legislative priorities at the state Capitol on behalf of McKinney interests. Mr. Minyard and City Manager Paul Grimes explained the importance of the advocacy role in government function and several benefits for the City of McKinney to engage with RMG: relationships and expedient access to state officials, expertise on legislative issues and knowledge of key participants, and cost savings of

travel expenses and staff hours that would be incurred if the City engaged in the work on its own behalf without such representation. Mayor Fuller and City Manager Grimes both commended Angela Hale, RMG founder and managing partner, regarding previous work for the City. Ms. Hale was present in support of the item. Council unanimously approved the motion by Mayor Pro Tem Rath, seconded by Council Member Elliott, to approve the Resolution Authorizing the City Manager to Execute the Fourth Amended Agreement for State Legislative Consulting Services from Red Media Group of Austin, Texas. Resolution caption reads as follows:

**RESOLUTION NO. 2018-11-143 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A FOURTH AMENDMENT TO AN AGREEMENT FOR LEGISLATIVE CONSULTANT SERVICES WITH RED MEDIA GROUP; AND PROVIDING AN EFFECTIVE DATE**

- 18-1008** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Agreement for State Legislative & Regulatory Consulting Services with Focused Advocacy, LLC of Austin, Texas. Assistant to the City Manager Trevor Minyard stated the contract with Focused Advocacy is similar in nature to the preceding item for an agreement with RGM, for additional legislative and regulatory consulting, specifically noting cell phone utility related issues to be including in the upcoming state Legislative session; potential other utility and transportation bills, bills supporting airport development and economic development; monitoring bills and generally the ability to speak on behalf of the City in support of legislative priorities. City Manager noted the concern for legislative decisions regarding revenue caps and erosion of Home Rule authority of cities and towns throughout the state. Council Member Branch voiced concern for using tax paying funding for advocacy activity going against the thousands of McKinney citizens who voted in favor of a minimum 4% revenue cap during the previous primary election. Mayor Fuller stated the City is interested in assistance for advocacy toward a community focused

Council-approved agenda rather than partisan endeavors. Council approved the motion by Mayor Pro Rath, seconded by Council Member Shemwell, to approve the Resolution Authorizing the City Manager to Execute an Agreement for State Legislative & Regulatory Consulting Services with Focused Advocacy, LLC of Austin, Texas, voting 5 - 1, with Council Member Branch voting no. Resolution caption reads as follows:

**RESOLUTION NO. 2018-11-144 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR LEGISLATIVE AND REGULATORY CONSULTANT SERVICES WITH FOCUSED ADVOCACY, LLC**

**18-969** Consider/Discuss/Act on a Resolution Revising the Lease Agreement for the Downtown Parking Garage, Generally Located on the Northeast Corner of Chestnut Street and Virginia Street. Assistant City Manager Barry Shelton stated the amended contract will change the lease agreement completion date from December 1, 2018 to January 1, 2019 necessitated due to delays related to relocating power poles near the parking garage site as well as recent inclement weather (rain). The modified completion date will also modify the permanent certificate of occupancy date and initial pre-paid rent payment. Council unanimously approved the motion by Council Member Shemwell, seconded by Council Member Elliott, to approve the Resolution Revising the Lease Agreement for the Downtown Parking Garage, Generally Located on the Northeast Corner of Chestnut Street and Virginia Street. Resolution caption reads as follows:

**RESOLUTION NO. 2018-11-145 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED LEASE AGREEMENT WITH VIRGINIA@5, LLC AND SP2 301 E VIRGINIA, LLC FOR A DOWNTOWN PARKING GARAGE**

**18-1009** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract for Construction Manager at Risk (CMAR) Services

with Pogue Construction Company, LP of McKinney, Texas for a Guaranteed Maximum Price (GMP) Related to the Public Safety Building Retrofit Project Located at 2200 Taylor Burke Drive, McKinney, Texas. Facilities Construction Manager Patricia Jackson stated the vendor was selected through a two-step Request for Qualifications (RFQ) process to renovate approximately 20,000 square feet of space in multiple areas at the Public Safety Building. Council unanimously approved the motion by Mayor Pro Tem Rath, seconded by Council Member Branch, to approve the Resolution Authorizing the City Manager to Execute a Contract for Construction Manager at Risk (CMAR) Services with Pogue Construction Company, LP of McKinney, Texas for a Guaranteed Maximum Price (GMP) Related to the Public Safety Building Retrofit Project Located at 2200 Taylor Burke Drive, McKinney, Texas. Resolution caption reads as follows:

**RESOLUTION NO. 2018-11-146 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH POGUE CONSTRUCTION COMPANY, LP OF MCKINNEY, TEXAS FOR A GUARANTEED MAXIMUM PRICE (GMP) FOR CONSTRUCTION MANAGEMENT SERVICES ASSOCIATED WITH THE MCKINNEY PUBLIC SAFETY BUILDING RETROFIT PROJECT LOCATED AT 2200 TAYLOR-BURKE DRIVE, MCKINNEY, TEXAS**

- 18-1010** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into an Interlocal Agreement with McKinney Municipal Utility District No. 1 of Collin County for Funding the Construction of Trinity Falls Parkway from Laud Howell Parkway to FM 543. Capital Improvements Project Manager Nicholas Ataie stated this project is for the City of McKinney to exercise the right per the development agreement with the McKinney Municipal District No. 1 (MUD1) to construct an additional two lanes of Trinity Falls Parkway. Completion of the project will result in a 4-lane divided roadway of Trinity Falls Parkway between Laud Howell Parkway and FM 543. Council unanimously approved the motion by Council Member Elliott, seconded by Mayor Pro Tem Rath, to approve

the Resolution Authorizing the City Manager to Enter into an Interlocal Agreement with McKinney Municipal Utility District No. 1 of Collin County for Funding the Construction of Trinity Falls Parkway from Laud Howell Parkway to FM 543. Resolution caption reads as follows:

**RESOLUTION NO. 2018-11-147 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY FOR FUNDING THE CONSTRUCTION OF TRINITY FALLS PARKWAY FROM LAUD HOWELL PARKWAY TO FM 543; AND PROVIDING AN EFFECTIVE DATE**

- 18-1011** Consider/Discuss/Act on Appointing Members to the Census 2020 Complete Count Committee. Community Services Administrator Shirletta Best stated the purpose of the Complete Count Committee is the educate, advocate, and provide outreach to McKinney residents in support of an ensuring all people living in McKinney are counted during the 2020 United States Census. The Complete Count Committee should include 35-40 engaged leaders who will actively participate in achieving the committee purpose. City Manager Grimes has been working with Census Bureau representatives and has organized a team of City Staff including those from Planning, Information Technology, and Housing & Community Development departments to begin the Census process. To emphasize the critical nature of accurate Census counting, Mrs. Best noted the previous 2010 Census indicated McKinney grew by more than 144 percent, and the City was able to utilize that data for a variety of areas such as grants and emergency planning, economic development and job creation. Ms. Best explained the Complete Count Committee would employ several areas of community including businesses, education and faith-based to ensure all people are counted. The Census will provide all residents regardless of dwelling status to safely participate via mail, online and phone. In addition to requesting nominations from Council, Staff is reviewing the 2010 Census committee roster, current

City board and commission members and other community leaders to participate on the 2020 Complete Count Committee. City Manager Grimes added the Communications and Marketing department are included in the process to ensure effective communication about the Census. Mrs. Best mentioned Census data is used to provide state level and federal funding for information access, community resources, jobs and education; and shared an anecdotal example from her past Census work experience of how not being counted can adversely affected a poor rural community. Council Member Elliott requested information related to the previous committee composition and staff recommendations. Council Member Shemwell expressed concern about the anonymity of Census information, and whether participation could affect benefits to the poor, immigration, or housing arrangements; and requested information about the committee for recruiting members. City Manager Grimes emphasized that the Census Bureau is prohibited by law from using Census information for any other purpose than counting and Census workers are subject to criminal penalty for such violations. The City will use available resources will be utilized to repetitiously drive that message and encourage participation in the Census. Mayor Fuller requested for Council members to offer committee nominations of individuals from their respective districts to ensure Citywide representation. Mrs. Best stated the committee would have discretion to determine the nature of how it will operate in terms of subcommittee composition, meeting schedule and level of activity. Council unanimously approved the motion by Mayor Pro Tem Rath, seconded by Council Member Branch, to table Appointing Members to the Census 2020 Complete Count Committee until the Council Regular meeting on December 4, 2018.

Mayor Fuller called for the following Work Session items with no action taken:

**18-1012** Discuss Third Party Special Events Held Across the City of McKinney



Mayor Fuller called again for Citizen Comments. There were no Citizen requests to speak at that time.

Mayor Fuller called for Council Liaison Updates.

Council Member Philips wished a happy holiday to Mayor Fuller and commended the Planning & Zoning Commission for continuous great work; stated the McKinney Main Street Board had discussion about moving the location of the Bike the Bricks racing event with related information to be presented to Council at some future time; and congratulated the players and coaches of McKinney High and McKinney North High schools for advancing the football playoffs.

Council Member Elliott noted the work of the Parks & Recreation department to recover from the recent weather and flooding of some parks; noted the recent designation of the Cultural District and arts projects in the parks; and expressed excitement about the parks related work by the Bond committee. Council Member Elliott deferred comments regarding McKinney Economic Development as that board meeting will take place in the morning (November 20, 2018).

Council Member Shemwell had no comments.

Council Member Branch wished a happy Thanksgiving to everybody, expressing his gratitude for a wonderful year of meeting great people, appreciation for family, friends and opportunities this year.

City Manager Grimes announced the annual tree lighting ceremony will take place the Friday after Thanksgiving at 5:30 p.m. In addition to the tree lighting at the McKinney Performing Arts Center festivities will include family friendly music and fun. Mr. Grimes wished everyone a happy Thanksgiving on behalf of City Staff and asked to remember, thank and keep in prayer the public servants who work on holidays and can't be with their families.

Mayor Fuller announced the on-going opportunity to contribute Leadership McKinney Alumni food drive; announced the retirement of County Judge Keith Self, his respect for Judge Self's career and work in the County and lamented he did not get to attend the retirement event.

Mayor Pro Tem Rath was not present at the meeting at the time of Council Liaison comments.

Mayor Fuller recessed the meeting into Executive Session at 7:08 p.m., in accordance with the Texas Government Code:

A. Section 551.071(2) Consultations with Attorney on any Work Session, Special Session, or Regular Session agenda item requiring confidential attorney/client advice necessitated by the deliberation or discussion of said items (as needed)

B. Section 551.072. Deliberations about Real Property

- Municipal Facilities

C. Section 551.087. Deliberation Regarding Economic Development Matters

- Project Pegasus

No action was taken on executive session items. Mayor Fuller recessed the meeting back into open session at 8:19 p.m.

Council unanimously approved the motion by Council Member Elliott, seconded by Council Member Shemwell, to adjourn.

Mayor Fuller adjourned the meeting at 7:20 p.m.

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GEORGE C. FULLER  
Mayor

ATTEST:

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EMPRESS DRANE  
City Secretary