



CITY OF MCKINNEY, TEXAS

Agenda City Council Work Session

Monday, October 3, 2016

5:30 PM

Council Chambers
222 N. Tennessee Street
McKinney, Texas 75069

CALL TO ORDER

DISCUSS REGULAR MEETING AGENDA ITEMS

WORK SESSION ITEMS

- 16-973** [Consider and Discuss the Updated Renderings for the Proposed Mixed-Use Development \(Nine-Acre Site\), Located at the Southeast Corner of Davis Street and Tennessee Street](#)
- Attachments:** [Updated Renderings](#)
 [Public Response to Renderings](#)
 [Previous Elevations](#)
 [Previous Site Plan](#)
 [Previous Landscape Plan](#)
 [PowerPoint Presentation](#)
- 16-974** [Consider and Discuss the Airport/FBO Terminal, Parking and Hangar Expansion](#)
- Attachments:** [Presentation](#)
- 16-975** [Discuss Committee Appointments and Invitations to an Airport Master Plan Update Planning Advisory Committee for Consideration and Action during a Subsequent Regular Council Meeting](#)
- Attachments:** [Airport Master Plan Committees](#)
- 16-976** [Consider and Discuss Guidelines and Procedures for Naming Municipal Facilities](#)

Attachments: [Presentation](#)
[Municipal Naming Policy Resolution](#)

16-977 [Consider and Discuss Potential Ordinance Amendments
Regulating Donation Containers](#)

Attachments: [Donation Bin Court Opinion](#)
[Draft Ordinance](#)

16-978 [Consider and Discuss a Resolution Authorizing the City
Manager to Execute a Contract Amendment in the Amount
of \\$286,880 with Tyler Technologies, Inc., for the Acquisition
of an Enterprise Class Land Management Software System
\(ECLMSS\) and Authorizes all Necessary Change Orders
Under said Contract to an Aggregated Contract Amount not
to Exceed \\$1,663,880](#)

Attachments: [Draft Resolution](#)
[Proposal](#)
[Tyler Presentation](#)

16-998 [Consider and Discuss a Resolution Authorizing the City
Manager to Execute a Contract Amendment for Project
Manager Services Related to the Procurement, Integration
and Implementation of the Enterprise Land Management
Software System \(ELMSS\) in the Amount of \\$150,000 with
an Aggregated Contract Not To Exceed \\$380,000](#)

Attachments: [Draft Resolution](#)
[Proposal](#)

COUNCIL LIAISON UPDATES

EXECUTIVE SESSION

In Accordance with the Texas Government Code:

A. Section 551.071 (2). Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed) and legal consultation on the following item(s), if any:

- Texas Government Code, Chapter 2306 (Vernon 2016); 10 T.A.C. Chapter 11 (Housing Tax Credits)

B. Section 551.072. Deliberations about Real Property

- Municipal Facilities
- Approximately 0.6638 acres of land, more or less, in Lot 1, Block 1 of the McKinney SPCA Addition, an Addition to the City of McKinney, Collin County, Texas
- Lots 1 and 3, The Greens of McKinney, Section 2, an addition to the City of McKinney, Texas

C. Section 551.087 – Discuss Economic Development Matters

- Project A146 – Project Frost

ACTION ON EXECUTIVE SESSION**ADJOURN**

Posted in accordance with the Texas Government Code, Chapter 551, on the 30th day of September, 2016 at or before 5:00 p.m.

Sandy Hart, TRMC, MMC
City Secretary

Accommodations and modifications for people with disabilities are available upon request. Requests should be made as far in advance as possible, but no less than 48 hours prior to the meeting. Call 972-547-2694 or email contact-adacompliance@mckinneytexas.org with questions or for accommodations.



16-973

TITLE: Consider and Discuss the Updated Renderings for the Proposed Mixed-Use Development (Nine-Acre Site), Located at the Southeast Corner of Davis Street and Tennessee Street

COUNCIL GOAL: Direction for Strategic and Economic Growth

MEETING DATE: October 3, 2016

DEPARTMENT: Planning

CONTACT: Samantha Pickett, Planning Manager
Brian Lockley, AICP, Director of Planning
Michael Quint, Executive Director of Development Services

RECOMMENDED CITY COUNCIL ACTION:

- Discuss and provide direction for the elevations of the project based on the updated renderings.

ITEM SUMMARY:

- On August 16, 2016, City Council tabled the site plan and façade plan request for the Downtown McKinney Blocks A&B (Nine-Acre Site) project in order to allow the applicant to revise the elevations based on Council and public comments.
- Based on the feedback from City Council, the applicant hosted an open house meeting on September 15, 2016 to present updated renderings of the project to the public. Those renderings are now being presented to City Council for additional feedback.

BACKGROUND INFORMATION:

- Columbus Realty Partners, Ltd. has worked with staff to develop a land plan for the redevelopment of the approximately nine-acre site that would include new residential, commercial and office uses in a planned compact and pedestrian-walkable design.

- As part of Columbus Realty Partners, Ltd. land plan, the following elements are proposed to be included within the development:
 - 45,000 square feet of Office Uses;
 - 20,000 square feet of Retail Uses (with the potential for up to 12,000 square feet to be Office Uses);
 - Approximately 329 Residential Dwelling Units;
 - 319 public parking spaces (on-street and in structured parking), with an additional deed restricted approximate 125 parking spaces available on nights/weekends;
 - First phase of the development provides a mixture of retail and residential uses; and
 - Includes the construction/extension of two public streets.
- Per the agreement, construction must commence no later than January 15, 2017.

FINANCIAL SUMMARY:

- N/A

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS:

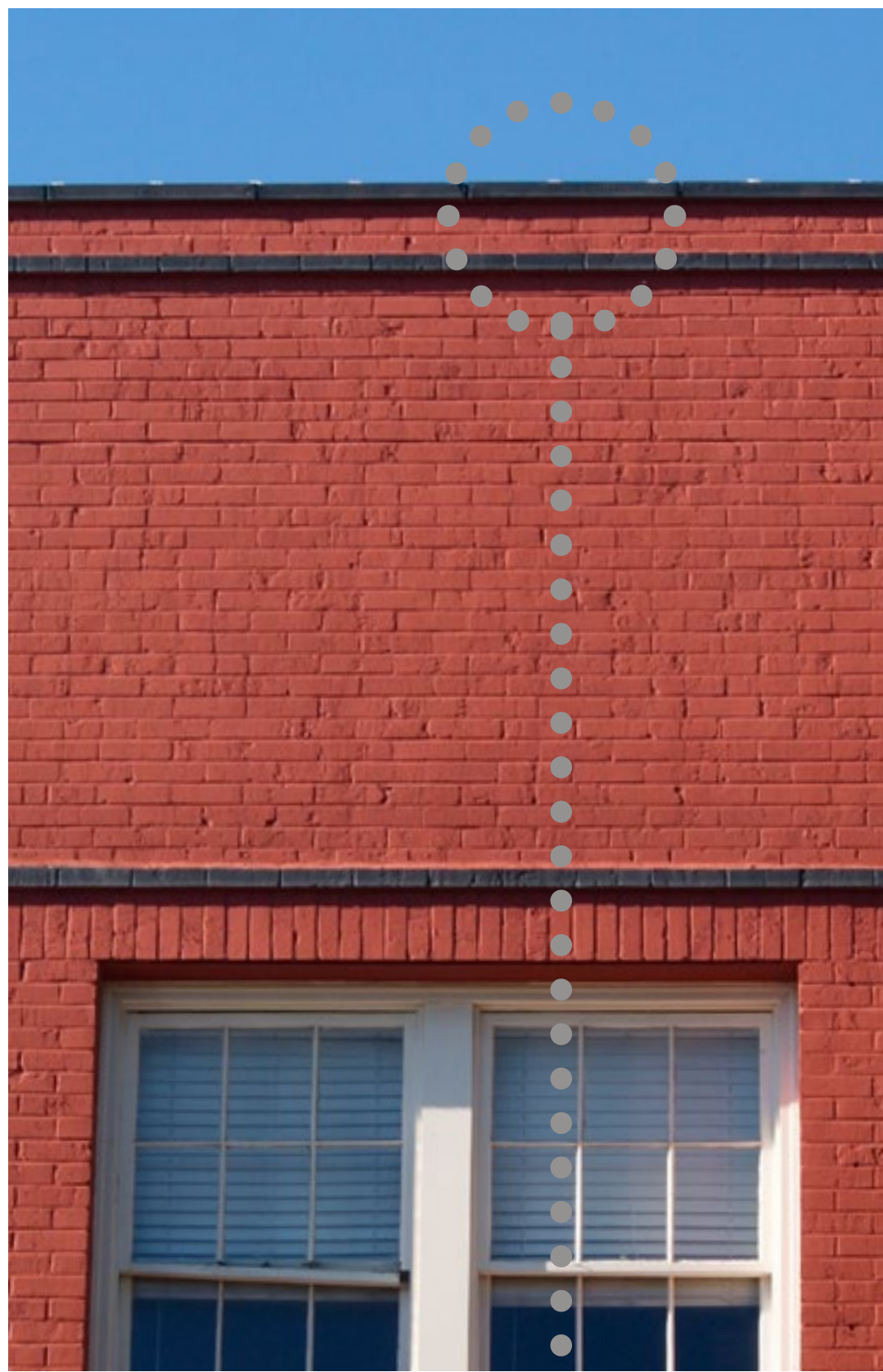
[Updated Renderings](#)
[Public Response to Renderings](#)
[Previous Elevations](#)
[Previous Site Plan](#)
[Previous Landscape Plan](#)
[PowerPoint Presentation](#)







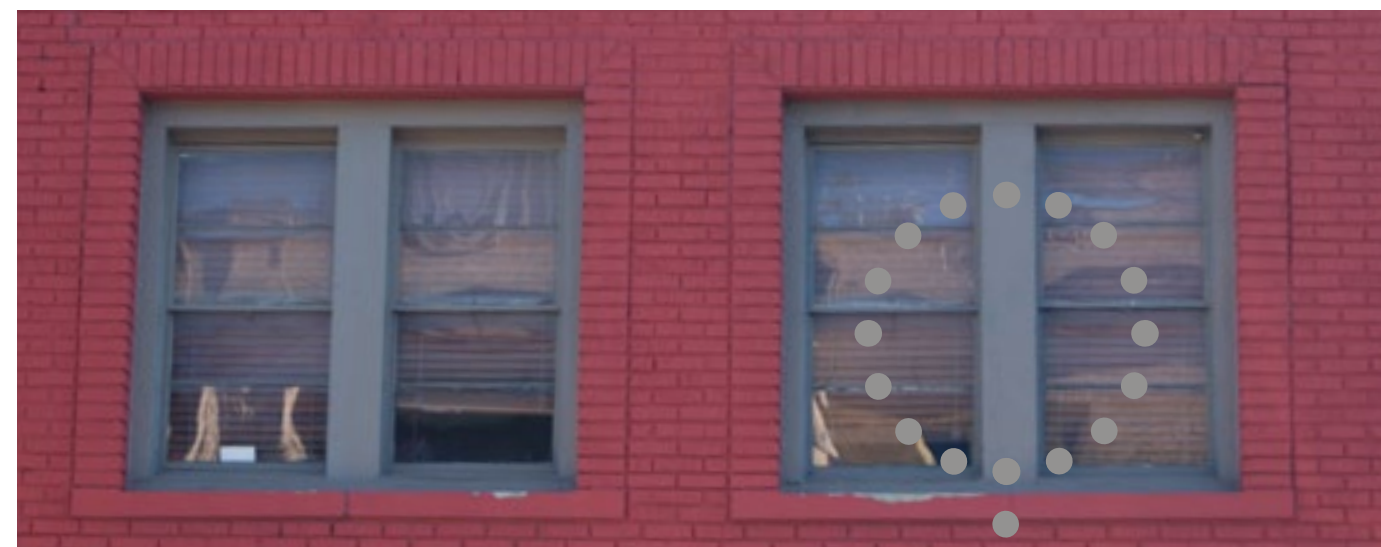




BRICK PARAPET DETAILING
101 N Kentucky St



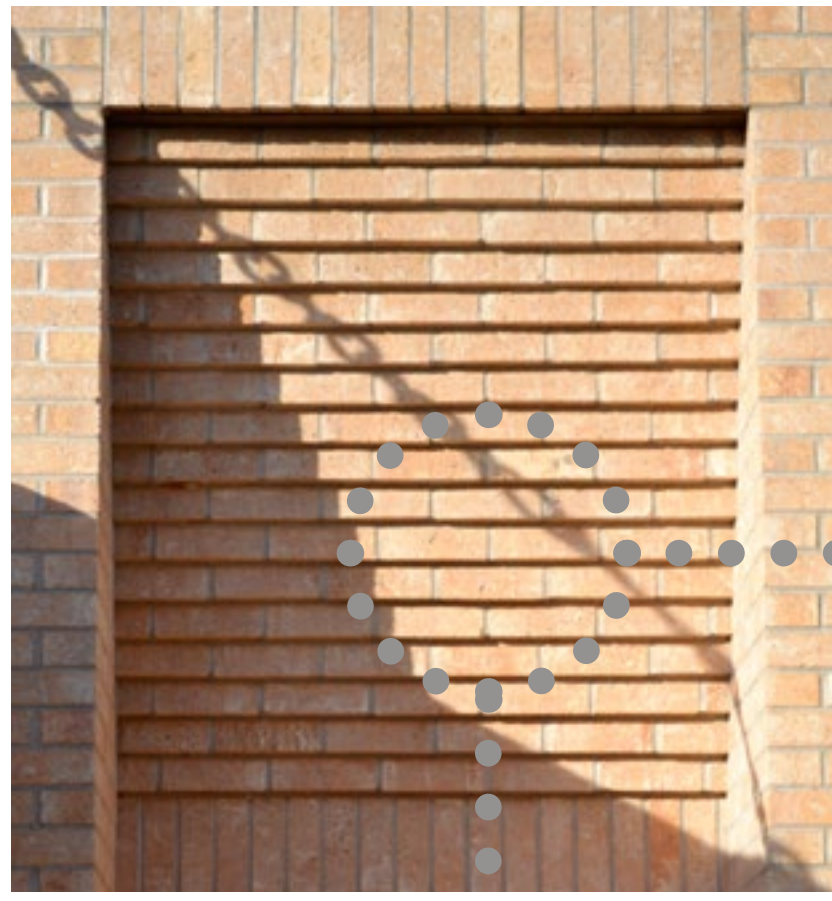
AWNINGS CUSTOMIZED TO RETAILER
109 E Virginia St



FRAMED WINDOWS INSET IN BRICK
107 W Louisiana St



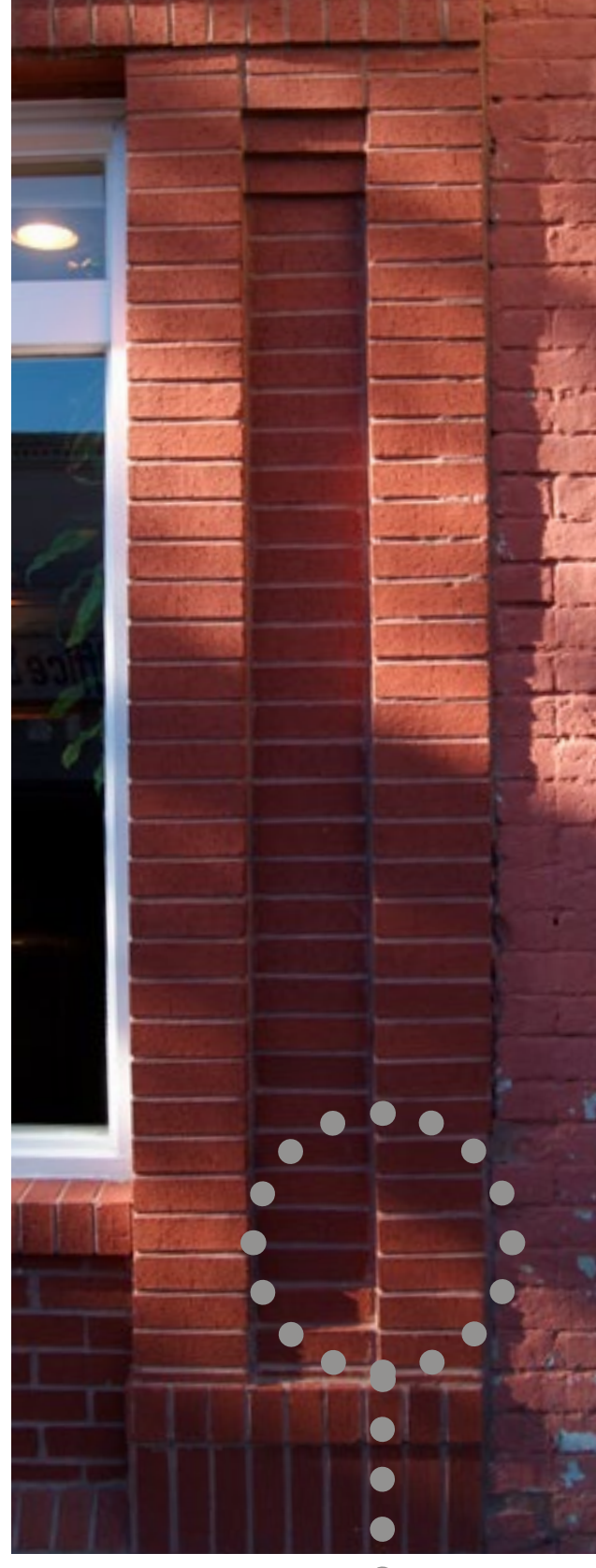
INTERMEDIATE BANDING
200 W Virginia St



INSET BRICK PANELS
107 1/2 E. Virginia Parkway



DECORATIVE BRICK PANELS
103 E Virginia St



BRICK PILASTER DETAILING
103 E Virginia St



RETAIL SIGNAGE
216 W Virginia St



GROUPED WINDOWS
208 E Louisiana St



BRICK PARAPET DETAILING
214 N Kentucky St



AWNINGS CUSTOMIZED TO RETAILER
200 W Virginia St

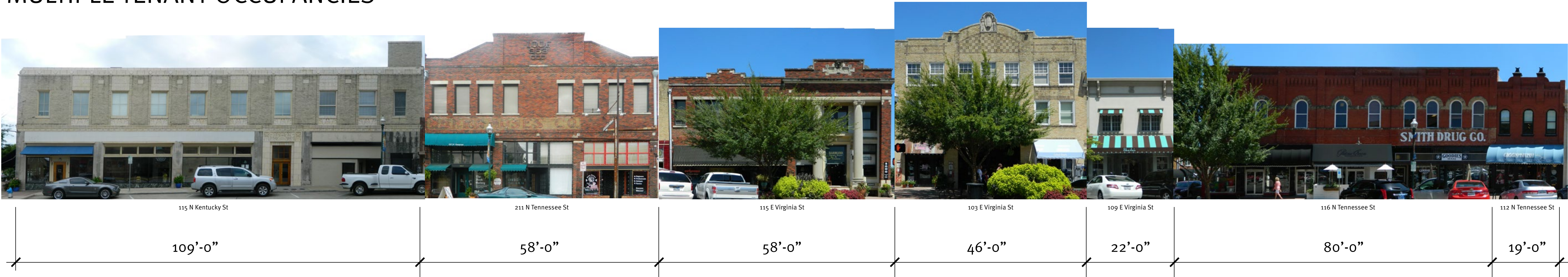


Historic Downtown Block Length Study

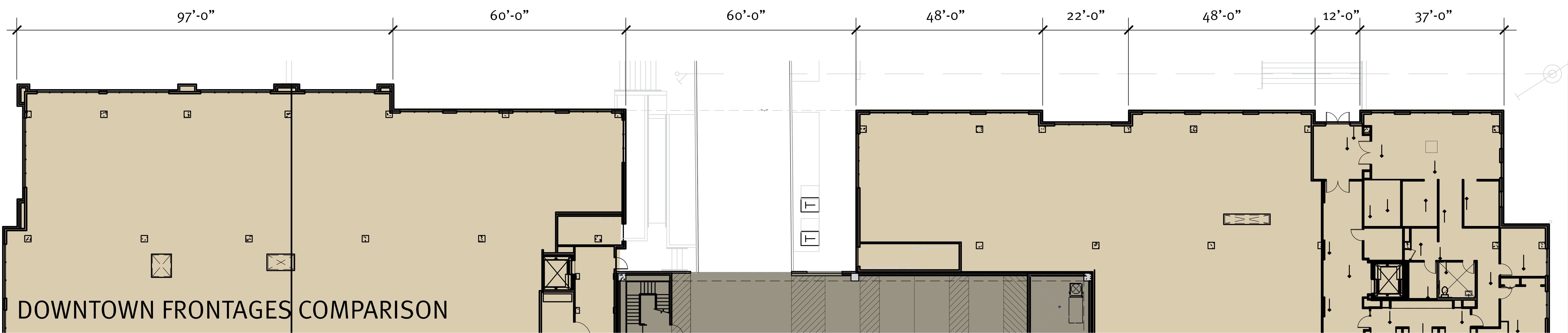
The nature of downtown McKinney consists of a broad variety of styles and building frontages that all contribute to the endearing character of this historic place. Some frontages define individual ownerships while others have several merchants within one facade block. Here is a comparison of similar existing downtown frontages to those of the proposed development.



MULTIPLE TENANT OCCUPANCIES



E. DAVIS ST.



DOWNTOWN FRONTAGES COMPARISON

Samantha Pickett

Subject: FW: DOWNTOWN MCKINNEY ELEVATION/CONSTRUCTION STANDARDS

From: Clint Scofield

Sent: Friday, September 16, 2016 2:15 PM

To: Barry Shelton <bshelton@mckinneytexas.org>; Michael Quint <mquint@mckinneytexas.org>; Samantha Pickett <spickett@mckinneytexas.org>

Cc: Paul Grimes <pgrimes@mckinneytexas.org>

Subject: FW: DOWNTOWN MCKINNEY ELEVATION/CONSTRUCTION STANDARDS

Good Afternoon All,

“My Take” on last evening’s nine acre site open house is that much progress has been made though a bit of fine tuning needs to be addressed. Elevation “Fine tuning” to be considered could include but not limited to the following:

- Variation of “brick type” by building or, perhaps, variation within each logical unit breakpoint within each building.
- Variation of brick cornices or other kinds of brick treatments within each logical unit breakpoint within each building structure.
- Variation of building component heights and varied distances from streets re: their façade frontage

BTW, my definition of “logical unit breakpoints” would be based on, perhaps, a retail storefront or two, moving to another façade/elevation

look for the following storefront or two, etc.....just like the downtown Square. The above suggested variations are desired though, not being savvy in the construction world, not sure how practical.

I am sure that I missed some common comments that had been made. However, I think that the gist of the comments is to take last

night’s elevations and vary the elevation components within each major structure enough so as to avoid a big building, big structure look.

There are many historical building units within the McKinney Square.....built at different times with varied heights and varied elevation

components. One may call it a bit of a “hodge-podge” but all of the structures have an older unique feel and look that results in commonality

and charm. It seems to me that the key to the nine acre development would be to maximize the diversity of the building structures and logical

breakpoints within each structure to help provide the appearance of the Square’s historical uniqueness.

Have a great weekend.....Clint

Samantha Pickett

Subject: FW: 9 Acre Development Open House-Feedback

From: Kathleen Lenchner

Sent: Friday, September 16, 2016 3:49 PM

To: Brian Loughmiller <bloughmi@mckinneytexas.org>; Chuck Branch <cbranch@mckinneytexas.org>; Tracy Rath <trath@mckinneytexas.org>; tussey@mckinneytexas.org; Paul Grimes <pgrimes@mckinneytexas.org>; Michael Quint <mquint@mckinneytexas.org>; Tracy Rath <trath@mckinneytexas.org>; Don Day <dday@mckinneytexas.org>

Subject: 9 Acre Development Open House-Feedback

Hello,

My name is Kathleen Lenchner and my husband Bill and I have lived at 1104 W. Louisiana St. for almost 4 years. Previously we lived in the Park Cities and Lakewood in Dallas.

I mention that because I have seen thoughtful and the downright awful when it comes to keeping the integrity of a community when merging new architecture with old.

I know I don't need to tell you all that what makes Downtown McKinney so appealing to so many is its true, authentic town square look and feel. I can put up with the speeders down my street and other personal irritations b/c I love that square and this neighborhood due to its **authenticity**. It feels and looks like a true, good old USA small town.

I was at both City Hall meetings where the developer presented its work and left feeling frustrated, depressed and angry. I feel there is zero historical integrity to his designs. Has he studied other cities (Charleston, Carmel, Mackinaw Island, Destin, Kennebunkport, Canton MS. Upstate NY, I could go on and on but you get the idea) where they keep the originality and the integrity intact and don't water it down with faux, boring facades that other cities build b/c they **don't** have what we have?

This is not architecture that will stand the test of time. Ask him to open a history book, go to Europe or travel the U.S. and see why certain styles have remained popular, in demand and appealing for centuries around the world.

I apologize for the harsh tone but Dallas is known for wrecking and "improving" areas that were beautiful and authentic and I don't want to see that happen here. McKinney is the last bastion of the "real deal" and I know we can do better!

If you want to make sure you drive revenue and visitors then please keep a firm hold on development drawings and demand better so we can thoughtfully build upon all that is special about Downtown McKinney with architecture that has historical integrity.

Please let us continue to work on this and not give the green light to what we saw last night.

Thank you,

Kathleen Lenchner

Samantha Pickett

Subject: FW: nine acre site

From: Litty Lou

Sent: Friday, September 16, 2016 4:45 PM

To: Michael Quint <mquint@mckinneytexas.org>

Subject: nine acre site

Hello Michael,

Greetings from Parker Street residents....and throughout our historic neighborhood.

It was our understanding that development on the nine acre site would be in keeping with McKinney's historic aesthetic. We learned from those in attendance last night that the current architecture may be limited to a "Plano-esque" facade...one that would fall very short of our McKinney uniqueness. Of course this is reflected in building costs, but we believe it was made known to the developer that McKinney's Historic charm should be continued in the architecture!

Please know that as long time residents in the Historic neighborhood, we are speaking not only for ourselves, but for all who are committed to the history and uniqueness that defines our side of town...and there are many of us! It would be a serious blunder to not include design elements like unique windows with much more detail, especially in the brick design and caps at the top of the buildings.

We appreciate the opportunity to share, and hope that the City will be a positive force in communication regarding these matters.

Lee & Janet Landers
407 Parker Street
McKinney, Tx 75069
residents since June 199

Samantha Pickett

Subject: FW: MHNA: Reflections on the 9-Acre Meeting Last Night & Music @ Ringley's Sat. Nite

From: Diane Craig
Sent: Friday, September 16, 2016 3:13 PM
To: Diane Craig
Subject: Fw: MHNA: Reflections on the 9-Acre Meeting Last Night & Music @ Ringley's Sat. Nite

Good Afternoon Everyone... hope you have a great weekend planned! Don't miss the info below about Music in Nina's backyard!

I don't usually share personal opinions on my emails however, after some discussions I have had this morning with other members who attend the 9-acre session last night, I decided to share the core of our thoughts:

If you were at the 9-Acre meeting last night with the developer and came away dissatisfied with what you saw, you need to let our City Council know right away!!! The reigning opinion by the City and the Developer is that everyone loved what they saw. City Staff was surprised at how few of us spoke up and has informed us that they have nothing to take to Council to support additional revisions. They want more changes - like unique windows and much more detail especially in the brick design and caps at the top of the buildings - and were expecting a much stronger reaction from us to support a push back... but based on the low turnout they are forced to recommend the plans go forward as is.

Many of us, including myself, did not speak up during the meeting. I know I didn't like what was presented. It looked very similar to what I didn't like at the first Council meeting. I knew I would need time to study the pictures and raise any objections about how it still looks like anything we might see in Plano or Frisco and not what I would like to see in Historic Downtown McKinney. I was under the impression that there would be more than one of these meetings and now I discover that **this was it!!** Thank you to those few who did speak up, your objections were quite valid in regards to softening the look. Unfortunately your ideas did not seem to be of much interest to Mr. Shaw. We wish they had been.

I am not trying to make anyone like or dislike what we saw last night. I just want to make people very aware that if you have an opinion you need to share it with your city leader now. If you want something better, please email ALL Council Members and let them know you were at the meeting but didn't speak up because you don't like speaking in public, were intimidated or like me - thought there would be more chances doesn't really matter the reason - they just need to know you were there, didn't speak up but wished you had. At the very least If we need another meeting ask for it! The Mayor did after all, call for "**meetings**" !

Mayor Loughmiller said it best - we have one shot at this and its going to set the precedent for all development going forward. We have to get it right. His passion about this project along with several other Council Members was loud and clear to the Developer... he works for us. Status quo will not suffice. We dropped the ball last night by being silent. There is still time to make our voices heard but

we are down to our very last chance. If it goes to City Council without objections from the public (like last night), it will pass as is and once it passes we can't complain unless we let our objections be known now!

You can email Council like this:

bloughmiller@mckinneytexas.org

rpogue@mckinneytexas.org and repeat that from for each person

cbranch

dday

rramey

trath

tussery

also

pgrimes (City Manager)

mquint (at Development Services)

citycouncil@mckinneytexas.org may work also but I am not sure.

Samantha Pickett

Subject: FW: 9 acre development

From: Doreen Christensen

Date: Sep 17, 2016, 11:24 AM -0500

To: Brian Loughmiller <bloughmi@mckinneytexas.org>

Cc: Randall Pogue <rpogue@mckinneytexas.org>, Chuck Branch <cbranch@mckinneytexas.org>, Don Day <dday@mckinneytexas.org>, Tracy Rath <trath@mckinneytexas.org>, Travis Ussery <tussery@mckinneytexas.org>, Paul Grimes <pgrimes@mckinneytexas.org>, Michael Quint <mquint@mckinneytexas.org>

Subject: 9 acre development

My name is Renie(Doreen) Christensen and I live at 617 North Church Street and own a building at 214 North Kentucky!

I attended the planning meeting on September 15. After viewing the “drawings” of the Historic District architecture I was amazed that the developers thought their project in any way complimented the downtown area. I did not speak up(like a number of my neighbors) because at least 5 people expressed that same response to the presentation.

The developers led me to believe that this was just a step in the process and that they would be reworking the plan and presenting it at a future meeting. I would like to register my complaint about the “modern” look of the buildings that do not fit our town! Would also like to know what is the next step in making this project more acceptable!

Thank you, Renie Christensen

Samantha Pickett

Subject: FW: 9 acres

From: "**Valerie Batch elder**"

Date: Sun, Sep 18, 2016 at 12:51 PM -0500

Subject: 9 acres

To: "Brian Loughmiller" <bloughmi@mckinneytexas.org>

Cc: "Chuck Branch" <cbranch@mckinneytexas.org>, "Don Day" <dday@mckinneytexas.org>, "Tracy Rath" <trath@mckinneytexas.org>, "Travis Ussery" <tussery@mckinneytexas.org>, "Paul Grimes" <pgrimes@mckinneytexas.org>, "Michael Quint" <mquint@mckinneytexas.org>

My husband and I attended the meeting Thursday evening. I did not speak up because the few who did, stated my opinion very clearly. I agree with the ones who stated we need more architectural details to match the ones on The Square. The windows seem too blunt. Need softer curves with more brick design. There must be something you can do to make the site more appealing.

We were under the impression there would be another meeting with more detailed drawings before everything was final.

Thank you,
Valerie Batchelder

Samantha Pickett

Subject: FW: Reflections on the 9-Acre Meeting

From: "**Wayne Batchelder**"

Date: Sun, Sep 18, 2016 at 1:08 PM -0500

Subject: Reflections on the 9-Acre Meeting

To: "Brian Loughmiller" <bloughmi@mckinneytexas.org>, "Randall Pogue" <rpogue@mckinneytexas.org>, "Don Day" <dday@mckinneytexas.org>, "Tracy Rath" <trath@mckinneytexas.org>, "Travis Ussery" <tussery@mckinneytexas.org>, "Paul Grimes" <pgrimes@mckinneytexas.org>, "Michael Quint" <mquint@mckinneytexas.org>

I participated in the meeting on Thursday evening with my wife and I talked personally with the architect concerning the lack of diversity in the architecture. I was told that there was diversity from one section to the next and that would work for fitting in with the current architecture of the Square. Several others spoke up about the same issue, and at one point the architect in charge of the "drawing" simply dismissed this with "it will have plenty of diversity as is".

Our concern, as many of us expressed in the Parking Lot Architecture, is that rows and rows of rectangular windows do not even come close to the beautiful variety of designs in our buildings on the Square. Windows can have different shapes such a rounded tops, have half rounds, ellipses, etc. There can be parapets above the windows as many are demonstrated on the Square. As was pointed out this could even be done with fake materials, such as plaster or wood structures.

This distinction about the current design is an issue to many of us - and if there were a citizen vote on the issue, it would surely win out over the current "flat-lining" of the current plan for windows.

Similar features could also be extended to doors - a variety of door treatments, and design elements at sides and tops of the doors - have you ever studied doors in New Orleans?

Please consider some changes to make the project even more likable to those of us who live here because of the uniqueness of our Square!

Wayne Batchelder
521 N. Kentucky St
McKinney, Texas

Samantha Pickett

Subject: FW: Concerns Regarding 9 Acre Development

From: Terry Ledbetter

Sent: Monday, September 19, 2016 7:37 PM

To: Brian Loughmiller <bloughmi@mckinneytexas.org>; Randall Pogue <rpogue@mckinneytexas.org>; Chuck Branch <cbranch@mckinneytexas.org>; Don Day <dday@mckinneytexas.org>; rramey@mckinneytexas.org; Tracy Rath <trath@mckinneytexas.org>; Travis Ussery <tussery@mckinneytexas.org>

Cc: Paul Grimes <pgrimes@mckinneytexas.org>; Michael Quint <mquint@mckinneytexas.org>

Subject: Concerns Regarding 9 Acre Development

To Mayor Loughmiller and the City Counsel:

I was unable to attend the recent meeting regarding the design for the 9 acre site southeast of the Historic Square, but after hearing one of my neighbors in the historic district lament the design shown at the meeting, I decided to look it up online and see it for myself. In short, I am surprised that this design is being considered. I have tried to think of a diplomatic way to say this, but well. . . it's ugly.

Stylistically, the renderings remind me of the gigantic jail across the river from downtown Dallas. To be fair, there are other modern buildings of this style, but they tend to be found in places with very new construction like Frisco. I am convinced that these buildings will look quite dated 15-20 years from now, just as buildings of the 1960's looked hopelessly dated by the 1980's and so on. This touches on what is so phenomenal about the Square: It is rich in classic architecture that has stood the test of time and will still look fantastic many decades into the future.

The Historic Square is a jewel, and I and other property owners in the Historic District have gone to enormous hassle and expense to preserve the classic beauty of this neighborhood. It pains me that you would consider approving such an out-of-place design next to the Square, especially since we will probably have to live with this design for the rest of our lifetimes. Moreover, this approval will set a precedent for other development around the Square.

The development of this site is a unique and incredible opportunity. It is also, however, an important responsibility. Please require the developer to rework the façade in order to blend with the historic district--or better yet, incorporate the classic architecture that has made the Square the success that it is. At a minimum, please consider holding another meeting as many within the district were under the impression that there would be additional meetings about this critical development.

Respectfully yours,

Terry Ledbetter, Jr., CFA
(Owner of a home and an office building in the Historic District)

Samantha Pickett

Subject: FW: Reaction to 9-Acre Meeting

From: Diane Craig

Sent: Monday, September 19, 2016 2:27 PM

To: Michael Quint <mquint@mckinneytexas.org>

Subject: Reaction to 9-Acre Meeting

Dear Mr. Quint,

I wanted to let you know that I attended the 9-Acre presentation last Thursday evening and was not satisfied with what I saw and heard. I did not, however speak up at the meeting and in hind site, wish I had done so. I felt I needed some time to assess what I was looking at because I was actually wondering how the some of the renderings were any different than what was shown at Council in August.

I really believed there would be more than that one meeting for us. I really think we need more exposure to their renderings and an explanation of what they have adjusted per previous objections. Many found it difficult to know what was where ... the streets were not clearly marked on the elevation drawings and the site plan projected on the screen was on the opposite side of the room making comparisons difficult.

I still feel their facades need more character, more color variety, and softening especially of the very straight, harsh line of the tops of the buildings. I understand Mr. Shaw's not wanting to "copy" downtown however, I think we need something closer to our downtown look than something that looks like it belongs in some of our surrounding cities.

Low turn out might be explained by the fact that there was an important MISD event that night. Our MHNA also had an event starting at 6:30. So some of our members could not be there and those of us that were, had to leave before being able to assimilate what we saw, ask more questions or make more comments.

I did go early, thinking the rendering would be on display before the meeting... but they were not., and time was wasted putting them up and waiting for Mr. Shaw to speak. We were not invited to look at the rendering until Mr. Shaw showed up.

This project is important to McKinney and I support it completely. I just want to love what I see and be proud that it is in our wonderful unique Historic Downtown. I want us to set some standards so we don't have to fight this battle every time a new project is planned.

Thank you for reading my thoughts.

Sincerely,

Diane Craig

309 North Benge Street



01 BLOCK A WEST ELEVATION (TENNESSEE ST)



02 BLOCK A WEST ELEVATION (TENNESSEE ST)

COLOR KEY

- 1 Heron Plume SW 6070 Cementitious Panel
- 2 Wool Skein SW 6148 Cementitious Panel
- 3 Mindful Gray SW 7016 Cementitious Panel
- 4 Porpoise SW 7047 Cementitious Panel
- 5 Anonymous SW 7046 Lap Siding
- 6 Acme Cinnebar Brick
- 7 Acme Red Sunset Brick
- 8 Acme Mushroom Gray Brick
- 9 Acme Ebony Brick
- 10 PAC-CLAD Weathered Zinc Mtl. Panel
- 11 PAC-CLAD Zinc Mtl. Panel
- 12 Pre-Finished Dark Bronze Mtl.
- 13 Cast Stone Band

NOTE:
1) ALL MATERIALS AND COLORS TO RETURN TO AN INSIDE CORNER.
2) ALL VINYL WINDOWS TO BE WHITE.

Material % Calculations (Detail 01 + 02)

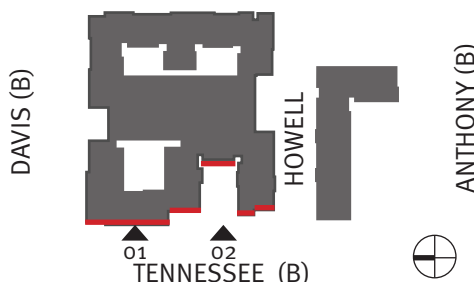
	% Total	% Required
Brick	83%	80%
Cementitious Panel	13%	Not to Exceed 20%
Metal Panel	4%	

Glazing % Calculations (Detail 01 + 02)

	Gross Sqft	Glazing Sqft	% Total	% Required
Level 1	4088 Sqft	2106 Sqft	51%	65%
Level 2	3718 Sqft	1314 Sqft	35%	30%
Level 3	3718 Sqft	1314 Sqft	35%	
Level 4	3137 Sqft	1360 Sqft	43%	

NOTE: Retail HVAC equipment located & screened in private courtyards. Residential HVAC equipment located on roof courtyard side.

CHESTNUT

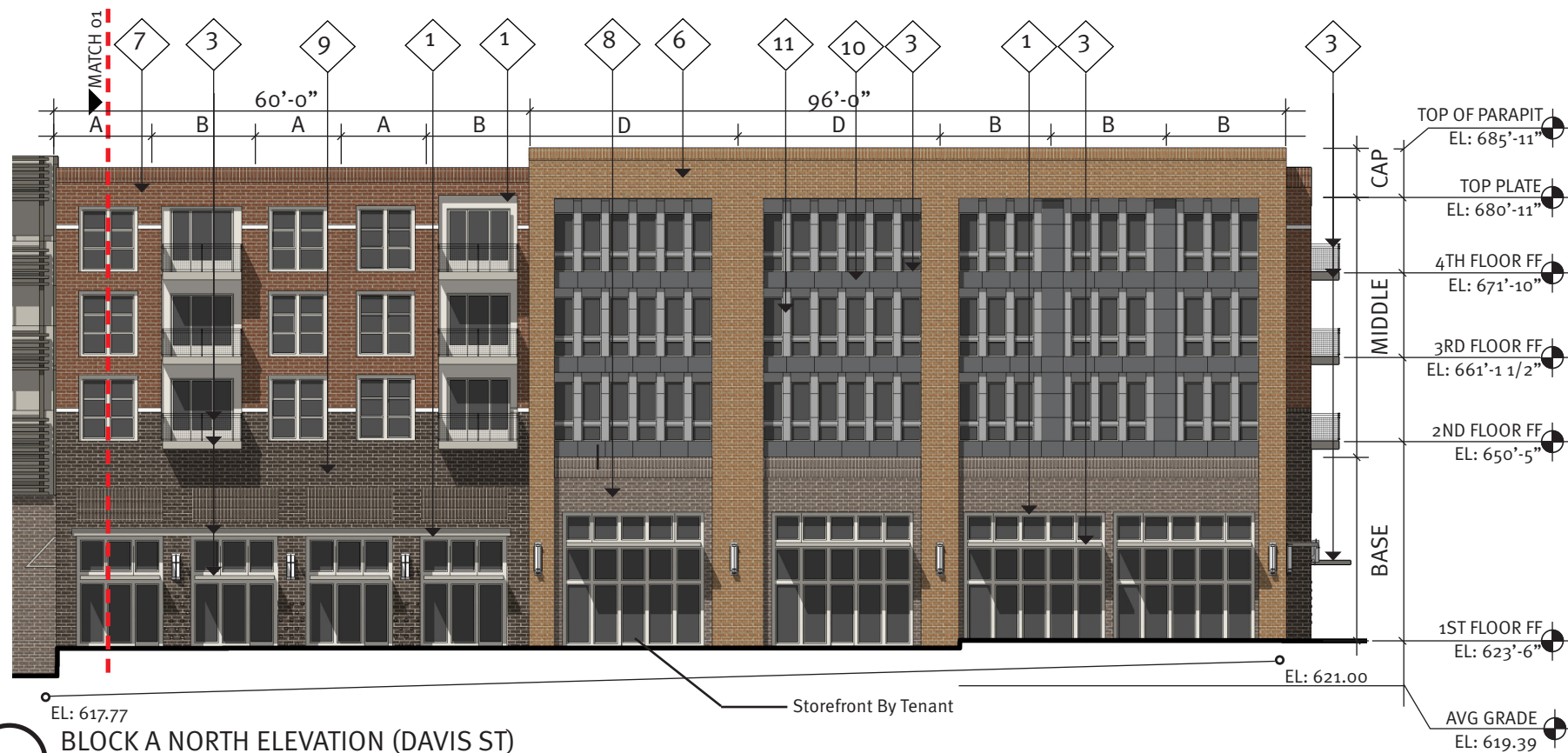


08.05.2016 2015034.00 ad

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Not for Regulatory Approval, Permit or Construction: J. Mark Wolf, AIA
Registered Architect of State of Texas, Registration No. 9129



01 BLOCK A NORTH ELEVATION (DAVIS ST)



02 BLOCK A NORTH ELEVATION (DAVIS ST)

COLOR KEY

- 1 Heron Plume SW 6070 Cementitious Panel
- 2 Wool Skein SW 6148 Cementitious Panel
- 3 Mindful Gray SW 7016 Cementitious Panel
- 4 Porpoise SW 7047 Cementitious Panel
- 5 Anonymous SW 7046 Lap Siding
- 6 Acme Cinnebar Brick
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- 13 Cast Stone Band

NOTE:
1) ALL MATERIALS AND COLORS TO RETURN TO AN INSIDE CORNER.
2) ALL VINYL WINDOWS TO BE WHITE.

Material % Calculations (Detail 01 + 02)

	% Total	% Required
Brick	85%	80%
Cementitious Panel	6%	Not to Exceed 20%
Metal Panel	9%	

Glazing % Calculations (Detail 01 + 02)

	Gross Sqft	Glazing Sqft	% Total	% Required
Retail lvl 1	4838 Sqft	3355 Sqft	70%	65%
Residential lvl 2	4228 Sqft	1500 Sqft	35%	30%
Residential lvl 3	4228 Sqft	1500 Sqft	35%	
Residential lvl 4	3587 Sqft	1500 Sqft	42%	

CHESTNUT



TENNESSEE (B)

08.05.2016 2015034.00 ad

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Registered Architect of State of Texas, Registration No. 9129

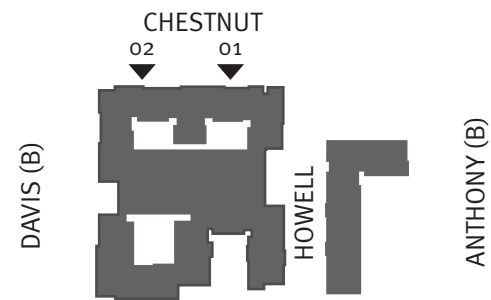
01 BLOCK A EAST ELEVATION (CHESTNUT ST)



COLOR KEY	
1	Heron Plume SW 6070 Cementitious Panel
2	Wool Skein SW 6148 Cementitious Panel
3	Mindful Gray SW 7016 Cementitious Panel
4	Porpoise SW 7047 Cementitious Panel
5	Anonymous SW 7046 Lap Siding
6	Acme Cinnebar Brick
7	Acme Red Sunset Brick
8	Acme Mushroom Gray Brick
9	Acme Ebony Brick
10	PAC-CLAD Weathered Zinc Mtl. Panel
11	PAC-CLAD Zinc Mtl. Panel
12	Pre-Finished Dark Bronze Mtl.
13	Cast Stone Band

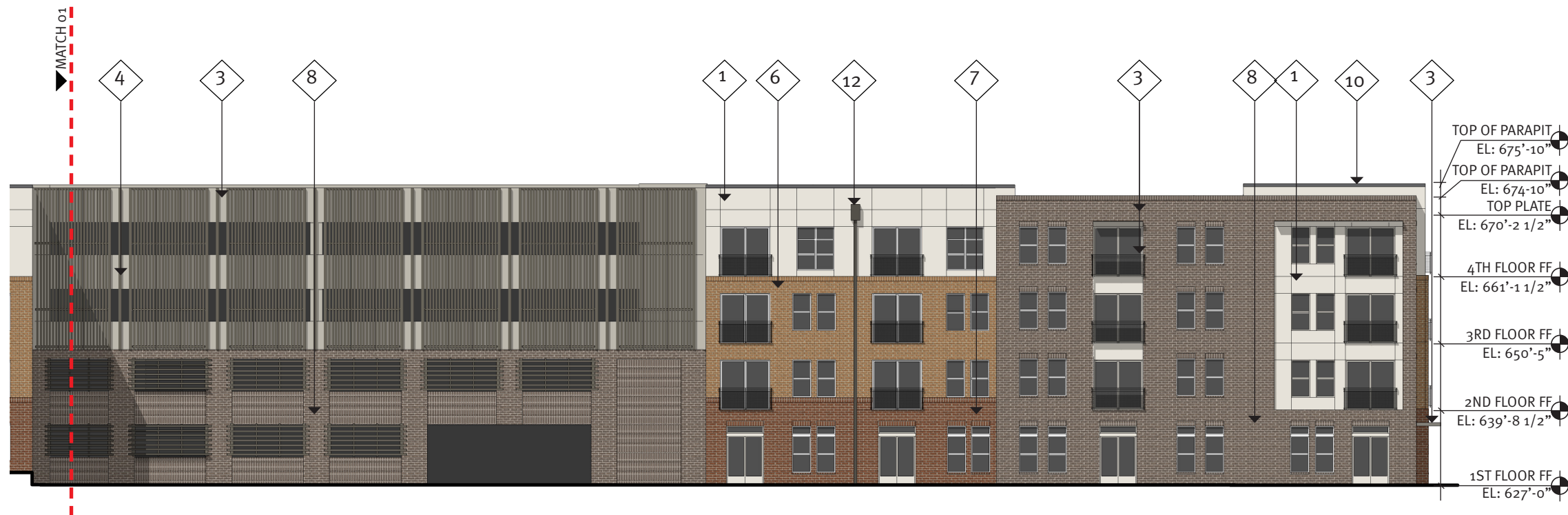
NOTE:
1) ALL MATERIALS AND COLORS TO RETURN TO AN INSIDE CORNER.
2) ALL VINYL WINDOWS TO BE WHITE.

02 BLOCK A EAST ELEVATION (CHESTNUT ST)





01 BLOCK A SOUTH ELEVATION (HOWELL ST)



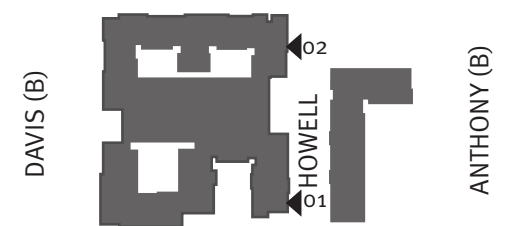
02 BLOCK A SOUTH ELEVATION (HOWELL ST)

COLOR KEY

- 1 Heron Plume SW 6070 Cementitious Panel
- 2 Wool Skein SW 6148 Cementitious Panel
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- 13 Cast Stone Band

NOTE:
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CHESTNUT

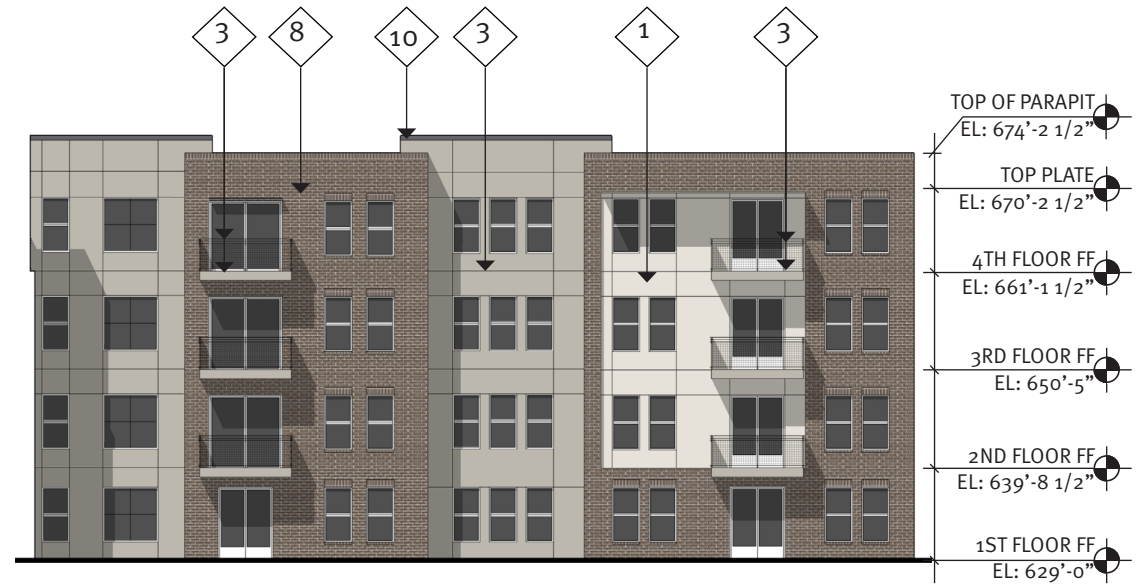


TENNESSEE (B)

08.05.2016	2015034.00	ad
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01 BLOCK A SOUTH POOL COURTYARD ELEVATION



02 BLOCK A NORTH POOL COURTYARD ELEVATION

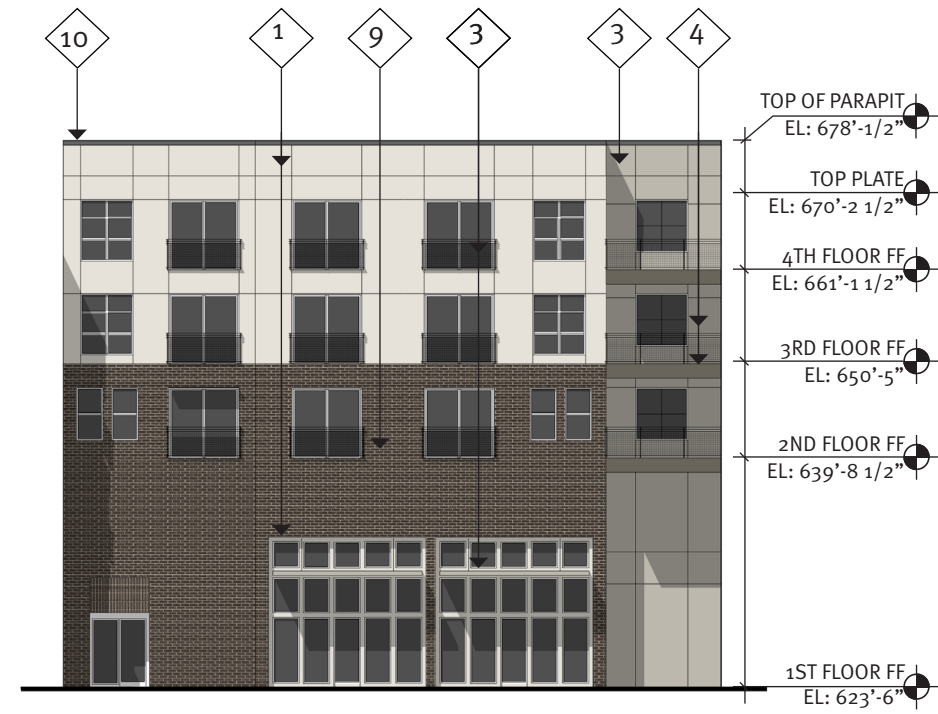
COLOR KEY

1		Heron Plume SW 6070 Cementitious Panel
2		Wool Skein SW 6148 Cementitious Panel
3		Mindful Gray SW 7016 Cementitious Panel
4		Porpoise SW 7047 Cementitious Panel
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9		Acme Ebony Brick
10		PAC-CLAD Weathered Zinc Mtl. Panel
11		PAC-CLAD Zinc Mtl. Panel
12		Pre-Finished Dark Bronze Mtl.
13		Cast Stone Band

NOTE:
 1) ALL MATERIALS AND COLORS TO RETURN TO AN INSIDE CORNER.
 2) ALL VINYL WINDOWS TO BE WHITE.



01 BLOCK A SOUTH COURTYARD A ELEVATION



02 BLOCK A EAST COURTYARD A ELEVATION

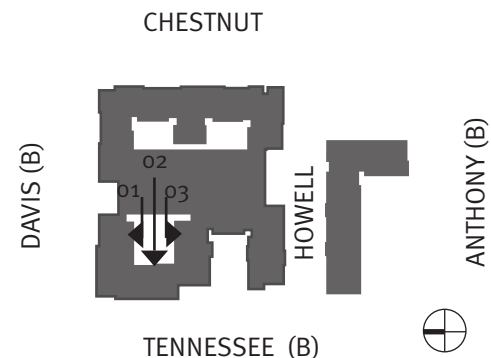


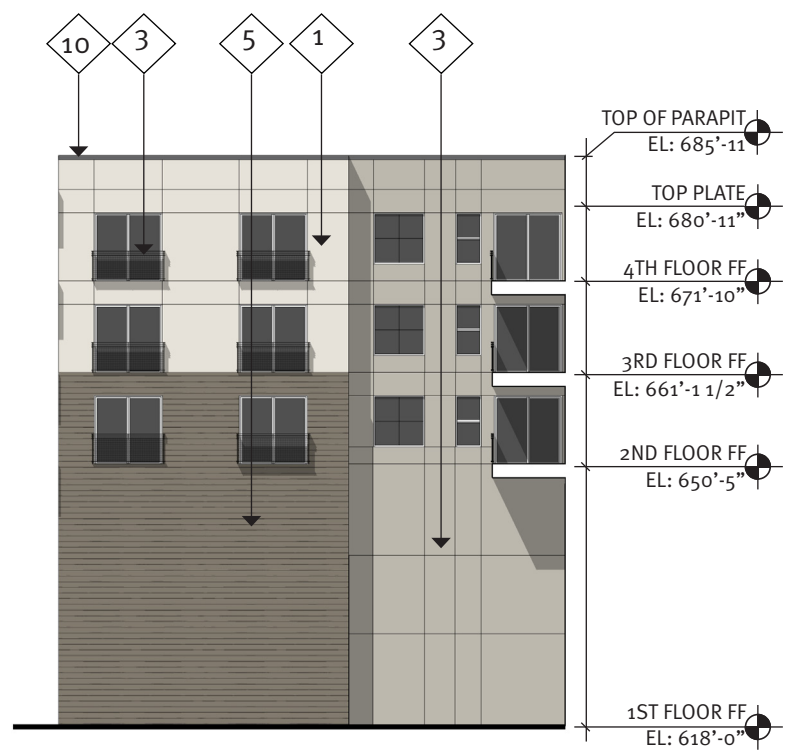
03 BLOCK A NORTH COURTYARD A ELEVATION

COLOR KEY

1	Heron Plume SW 6070 Cementitious Panel
2	Wool Skein SW 6148 Cementitious Panel
3	Mindful Gray SW 7016 Cementitious Panel
4	Porpoise SW 7047 Cementitious Panel
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11	PAC-CLAD Zinc Mtl. Panel
12	Pre-Finished Dark Bronze Mtl.
13	Cast Stone Band

NOTE:
 1) ALL MATERIALS AND COLORS TO RETURN TO AN INSIDE CORNER.
 2) ALL VINYL WINDOWS TO BE WHITE.

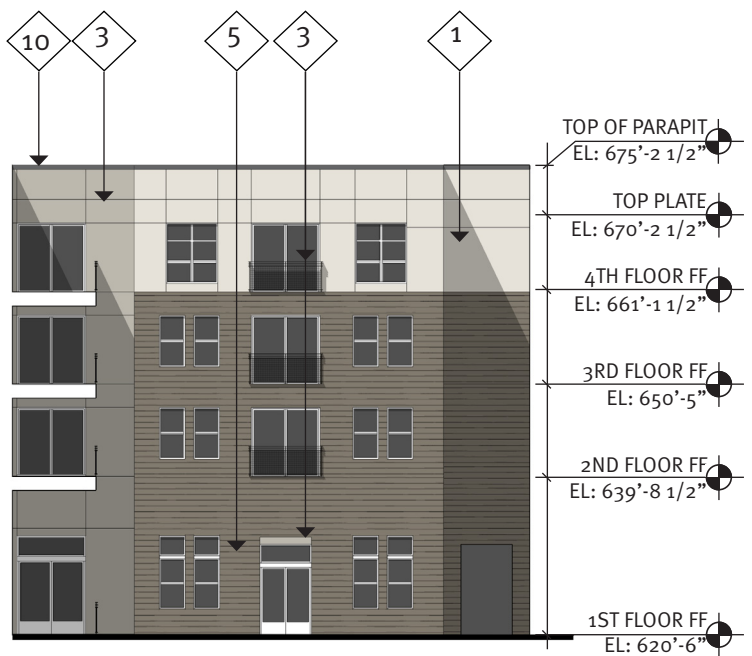




01 BLOCK A SOUTH COURTYARD B ELEVATION



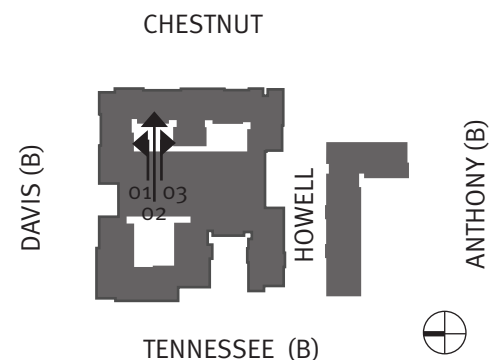
02 BLOCK A EAST COURTYARD B ELEVATION



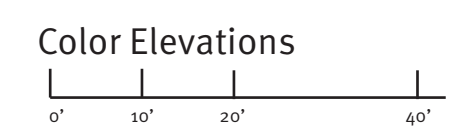
03 BLOCK A NORTH COURTYARD B ELEVATION

COLOR KEY	
1	Heron Plume SW 6070 Cementitious Panel
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3	Mindful Gray SW 7016 Cementitious Panel
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11	PAC-CLAD Zinc Mtl. Panel
12	Pre-Finished Dark Bronze Mtl.
13	Cast Stone Band

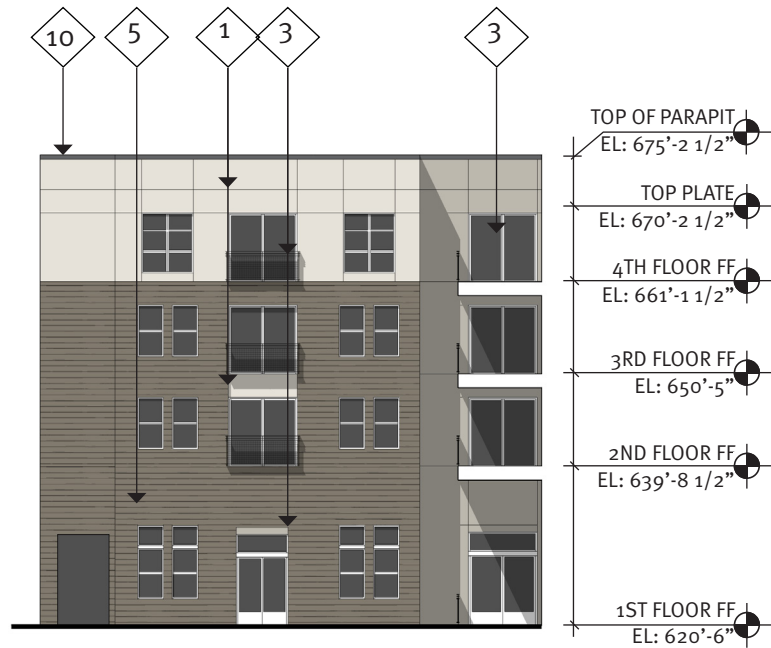
NOTE:
 1) ALL MATERIALS AND COLORS TO RETURN TO AN INSIDE CORNER.
 2) ALL VINYL WINDOWS TO BE WHITE.



Downtown McKinney Block A&B
McKinney, TX



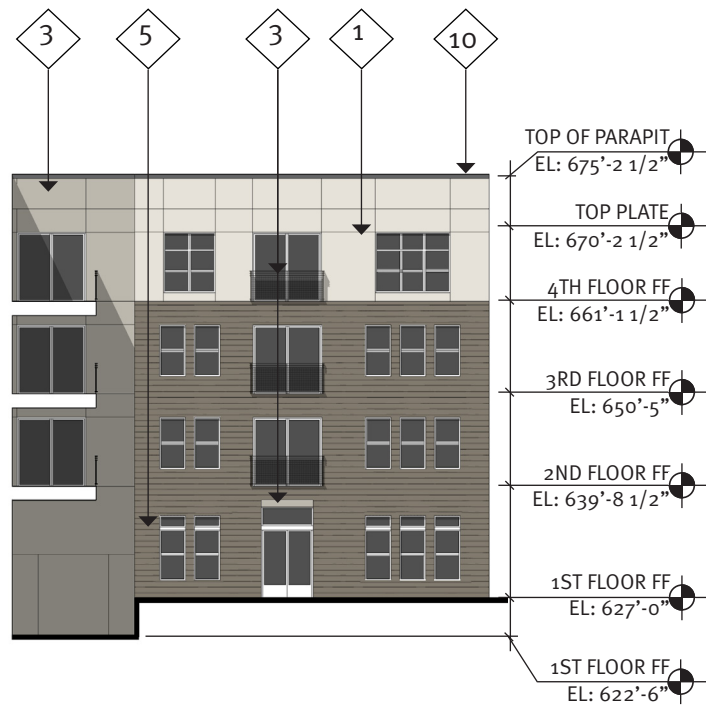
08.05.2016		2015034.00	ad
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01 BLOCK A SOUTH COURTYARD C ELEVATION



02 BLOCK A WEST COURTYARD C ELEVATION



03 BLOCK A NORTH COURTYARD C ELEVATION

COLOR KEY	
1	Heron Plume SW 6070 Cementitious Panel
2	Wool Skein SW 6148 Cementitious Panel
3	Mindful Gray SW 7016 Cementitious Panel
4	Porpoise SW 7047 Cementitious Panel
5	Anonymous SW 7046 Lap Siding
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11	PAC-CLAD Zinc Mtl. Panel
12	Pre-Finished Dark Bronze Mtl.
13	Cast Stone Band

NOTE:
 1) ALL MATERIALS AND COLORS TO RETURN TO AN INSIDE CORNER.
 2) ALL VINYL WINDOWS TO BE WHITE.

CHESTNUT



TENNESSEE (B)



01 BLOCK B NORTH ELEVATION (HOWELL ST)



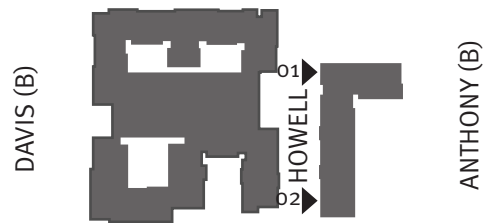
02 BLOCK B NORTH ELEVATION (HOWELL ST)

COLOR KEY

- 1 Heron Plume
SW 6070
Cementitious Panel
- 2 Wool Skein
SW 6148
Cementitious Panel
- 3 Mindful Gray
SW 7016
Cementitious Panel
- 4 Porpoise
SW 7047
Cementitious Panel
- 5 Anonymous
SW 7046
Lap Siding
- 6 Acme Cinnebar
Brick
- 7 Acme Red Sunset
Brick
- 8 Acme Mushroom Gray
Brick
- 9 Acme Ebony
Brick
- 10 PAC-CLAD
Weathered Zinc
Mtl. Panel
- 11 PAC-CLAD Zinc
Mtl. Panel
- 12 Pre-Finished Dark
Bronze
Mtl.
- 13 Cast Stone Band

NOTE:
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CHESTNUT



TENNESSEE (B)

08.05.2016 2015034.00 ad

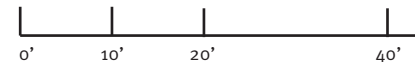
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Registered Architect of State of Texas, Registration No. 9129

JHP

Downtown McKinney Block A&B
McKinney, TX

COLUMBUS
REALTY PARTNERS, LTD.

Color Elevations





Glazing % Calculations (Detail 01)				
	Gross Sqft	Glazing Sqft	% Total	% Required
Facade	5227 Sqft	1858 Sqft	35%	30%

COLOR KEY

1

Heron Plume
SW 6070
Cementitious Panel

2

Wool Skein
SW 6148
Cementitious Panel

3

Mindful Gray
SW 7016
Cementitious Panel

4

Porpoise
SW 7047
Cementitious Panel

5

Anonymous
SW 7046
Lap Siding

6

Acme Cinnebar
Brick

7

Acme Red Sunset
Brick

8

Acme Mushroom Gray
Brick

9

Acme Ebony
Brick

10

PAC-CLAD
Weathered Zinc
Mtl. Panel

11

PAC-CLAD Zinc
Mtl. Panel

12

Pre-Finished Dark
Bronze
Mtl.

13

Cast Stone Band

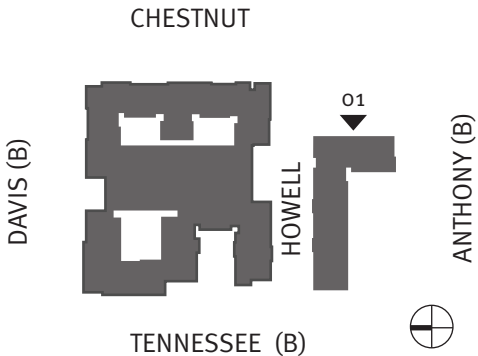
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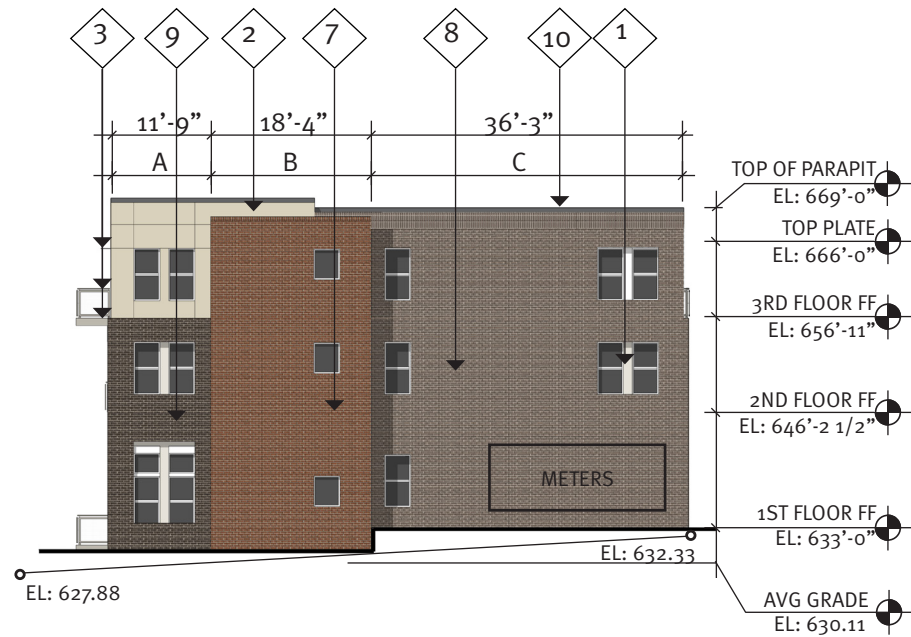
1) ALL MATERIALS AND COLORS TO RETURN TO AN INSIDE CORNER.

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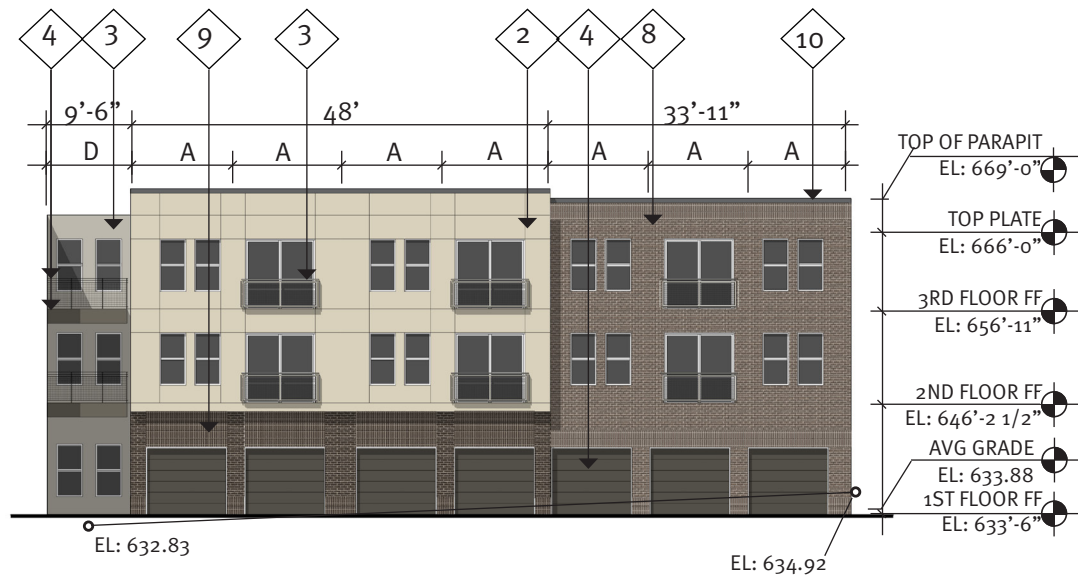
01

BLOCK B EAST ELEVATION (CHESTNUT ST)





01 BLOCK B WEST ELEVATION (TENNESSEE ST)



02 BLOCK B WEST ELEVATION (TENNESSEE ST)

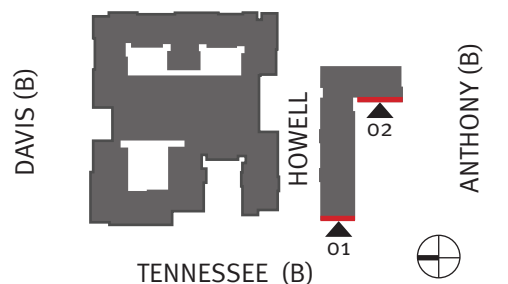
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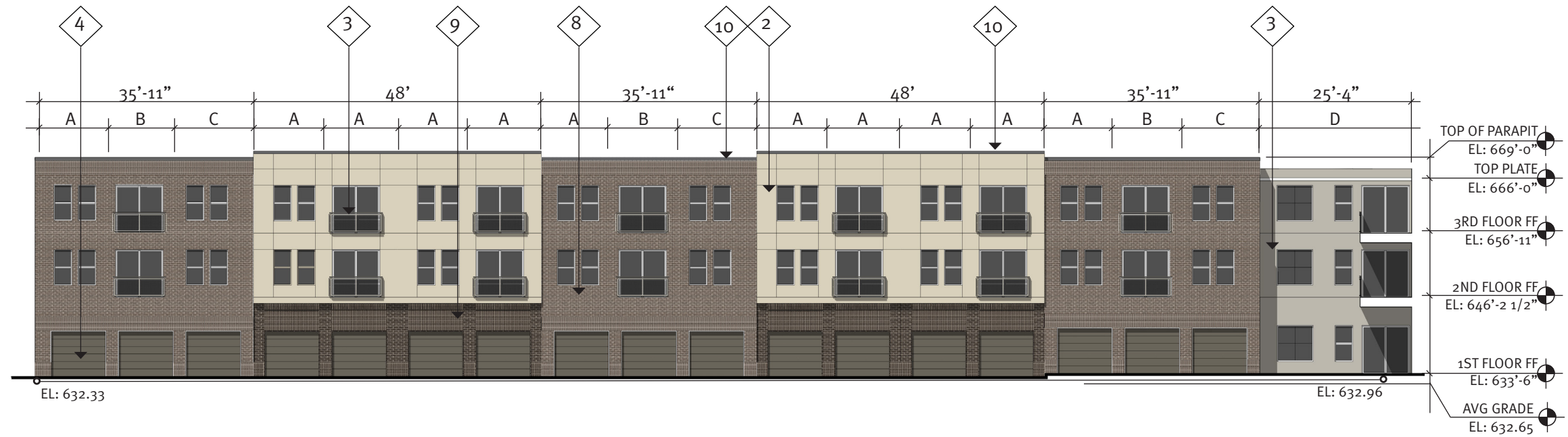
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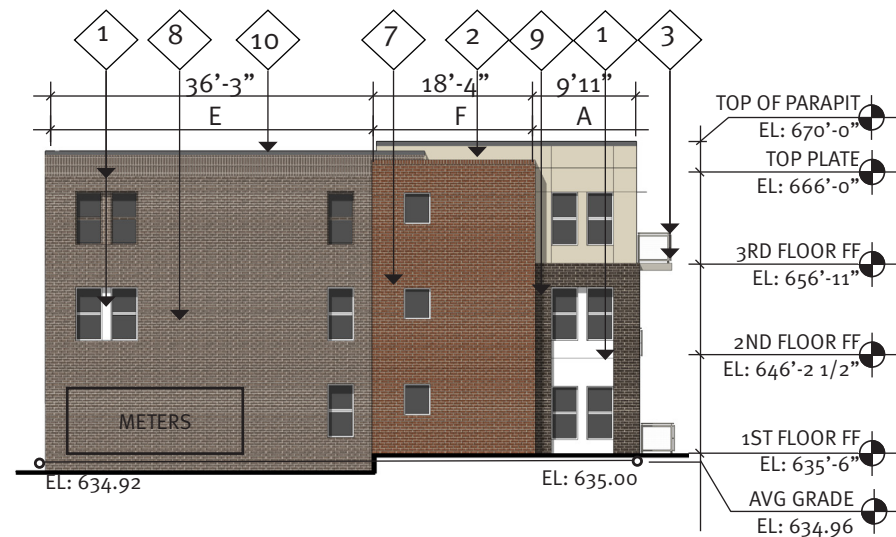
Material % Calculations (Detail 01 + 02)		
	% Total	% Required
Brick	74%	80%
Cementitious Panel	26%	Not to Exceed 20%
Metal Panel	0%	

CHESTNUT





01 BLOCK B SOUTH ELEVATION (ANTHONY ST)



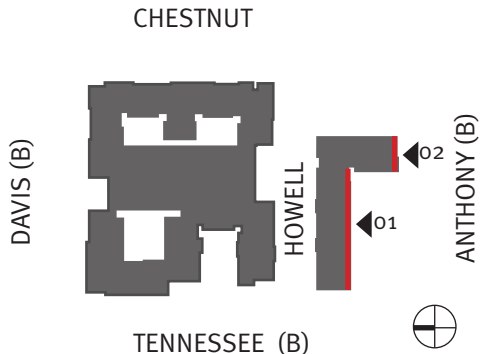
02 BLOCK B SOUTH ELEVATION (ANTHONY ST)

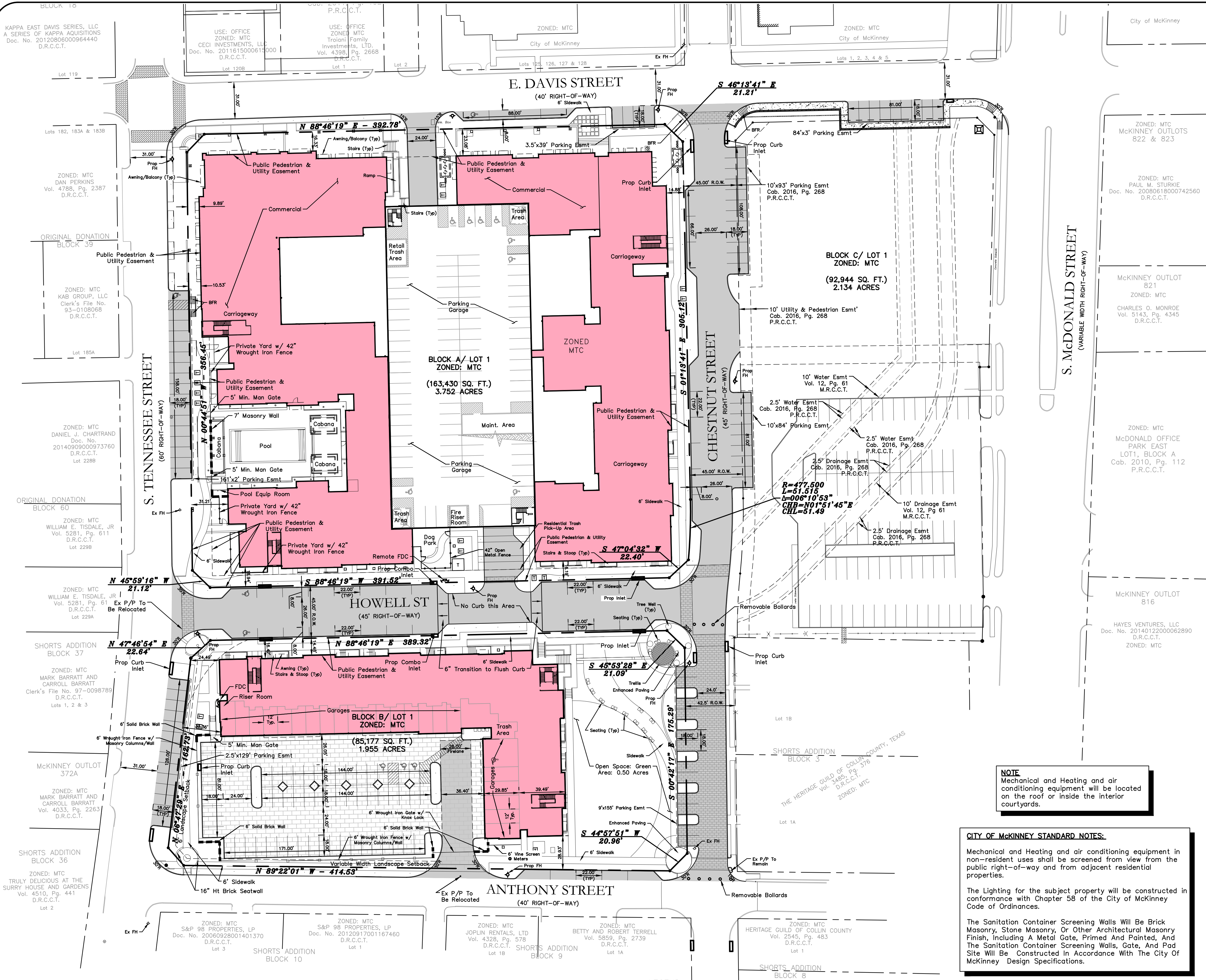
COLOR KEY

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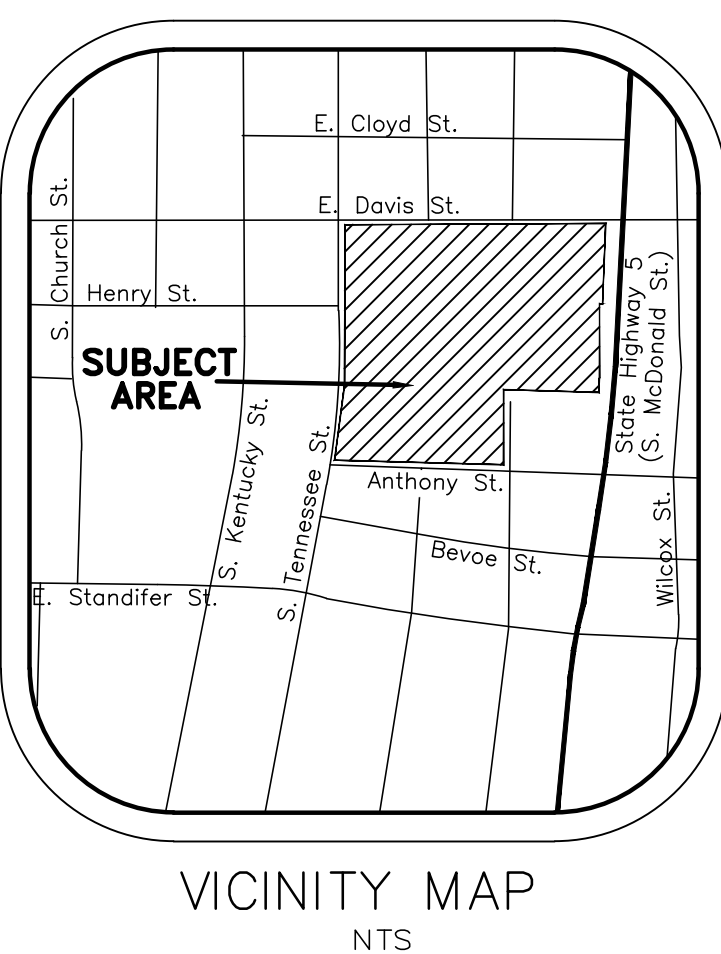
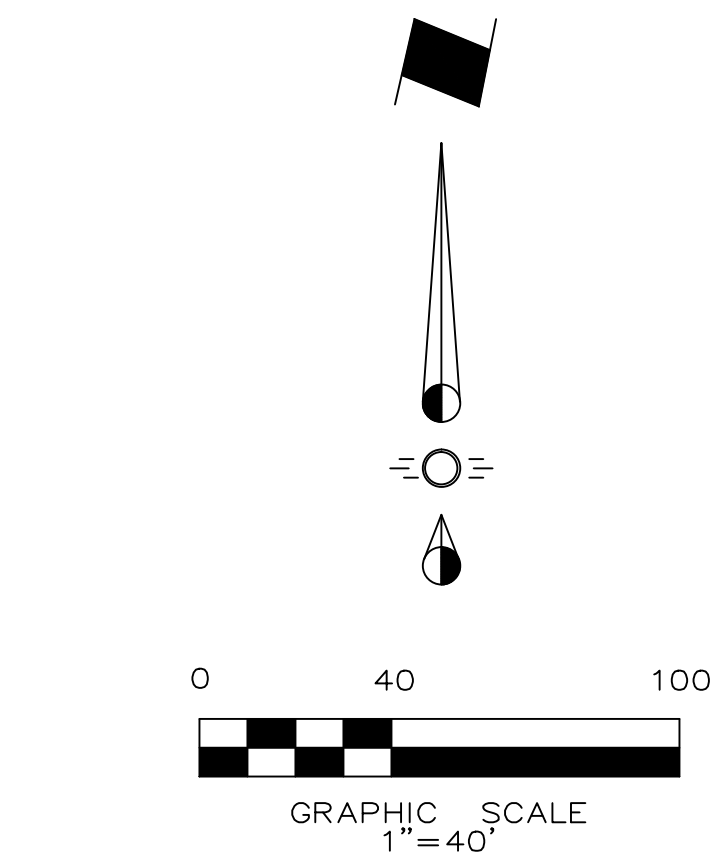
NOTE:
1) ALL MATERIALS AND COLORS TO RETURN TO AN INSIDE CORNER.
2) ALL VINYL WINDOWS TO BE WHITE.

Material % Calculations (Detail 01 + 02)		
	% Total	% Required
Brick	71%	80%
Cementitious Panel	29%	Not to Exceed 20%
Metal Panel	0%	





Site Data Table		
Lot 1, Block A Downtown McKinney Mixed Use Addition		
Zoning:	McKinney Town Center (MTC) Downtown Core District	
Use:	Commercial / Multi-Family	
Lot Area:	3.752 Acres (163,430 S.F.)	
Density:	70.90 Units/Acres	
Building Height:	64' to Top of Parapet	
Building Floors:	4 Stories	
Area Breakdown		
Retail Area	20,000 S.F.	
Misc. Area	6,000 S.F.	(area includes Leasing, Wellness, Wet Lounge, Mail)
Residential Area	250,000 S.F.	
Total Building Area:	276,000 S.F.	
Unit Breakdown:		
Efficiency	56	
One Bedroom	161	
Two Bedroom	49	
Total Units:	266	
Building Footprint:	119,000 S.F.	
Floor Area Ratio:	1.69 :1	
Lot Coverage:	73%	
Required Off-Street Parking :	1 space per bedroom	
1 Bedroom/Eff =	217 Spaces	
2 Bedroom =	98 Spaces	
Total Required=	315 Spaces	
Parking Summary		
Parking Garage - Public Spaces	201 Spaces	
Parking Garage - Private Spaces	322 Spaces	
On-Street Parking	75 Spaces	
Total Provided Parking	598 Spaces	
Lot 1, Block B Downtown McKinney Mixed Use Addition		
Zoning:	McKinney Town Center (MTC) Downtown Core District	
Use:	Multi-Family	
Lot Area:	1.955 Acres (85,177 S.F.)	
Density:	32.74 Units/Acres	
Building Height:	40' to Top of Parapet	
Building Floors:	3 Stories	
Area Breakdown		
Misc. Area	9,300 S.F.	(area includes Garages, Mail)
Residential Area	61,300 S.F.	
Total Building Area:	70,600 S.F.	
Unit Breakdown:		
Efficiency	3	
One Bedroom	42	
Two Bedroom	19	
Total Units:	64	
Building Footprint:	24,100 S.F.	
Floor Area Ratio:	0.83 :1	
Lot Coverage:	28%	
Required Off-Street Parking :	1 space per unit	
64 Units =	64 Spaces	
Total Required=	64 Spaces	
Parking Summary		
Garage Parking	23 Spaces	
Surface Parking	58 Spaces	
Total Off-Street Parking =	81 Spaces	
On-Street Parking =	44 Spaces	
Total Provided Parking =	125 Spaces	



NOTE
Mechanical and Heating and air conditioning equipment will be located on the roof or inside the interior courtyards.

CITY OF MCKINNEY STANDARD NOTES:
Mechanical and Heating and air conditioning equipment in non-resident uses shall be screened from view from the public right-of-way and from adjacent residential properties.
The Lighting for the subject property will be constructed in conformance with Chapter 58 of the City of McKinney Code of Ordinances.
The Sanitation Container Screening Walls Will Be Brick Masonry, Stone Masonry, Or Other Architectural Masonry Finish, Including A Metal Gate, Primed And Painted, And The Sanitation Container Screening Walls, Gate, And Pad Site Will Be Constructed In Accordance With The City Of McKinney Design Specifications.

ENGINEER:
Cross Engineering Consultants, Inc.
131 S. Tennessee St.
McKinney, Texas 75069
Phone (972) 562-4409
Fax (972) 562-4471
Contact: Jon David Cross, P.E.

OWNER/DEVELOPER:
Columbus Realty Partners, LTD.
8343 Douglas Avenue, Ste 360
Dallas, Texas 75225
Phone (214) 363-5687
Contact: Hunter Williams

ARCHITECT:
JHP Architecture / Urban Design, PC
8340 Meadow Road, Ste 150
Dallas, Tx. 75231
Phone (214) 363-5687
Contact: Sheila Kleinpeter

SURVEYOR:
Ringley & Associates
701 S. Tennessee St.
McKinney, TX. 75069
Phone (972) 542-1266
Fax (972) 542-8682
Contact: Lawrence Ringley

LEGEND

- Roadway Pavement/Fire Lane
- Enhanced Paving

NOTE: THIS IS NOT A CONSTRUCTION DOCUMENT.
THIS DOCUMENT IS FOR CONCEPTUAL PLANNING PURPOSES ONLY.

Issue Dates:	Revisions:	Date:
1	08/03/2016	1
2		2
3		3
4		4
5		5
6		6

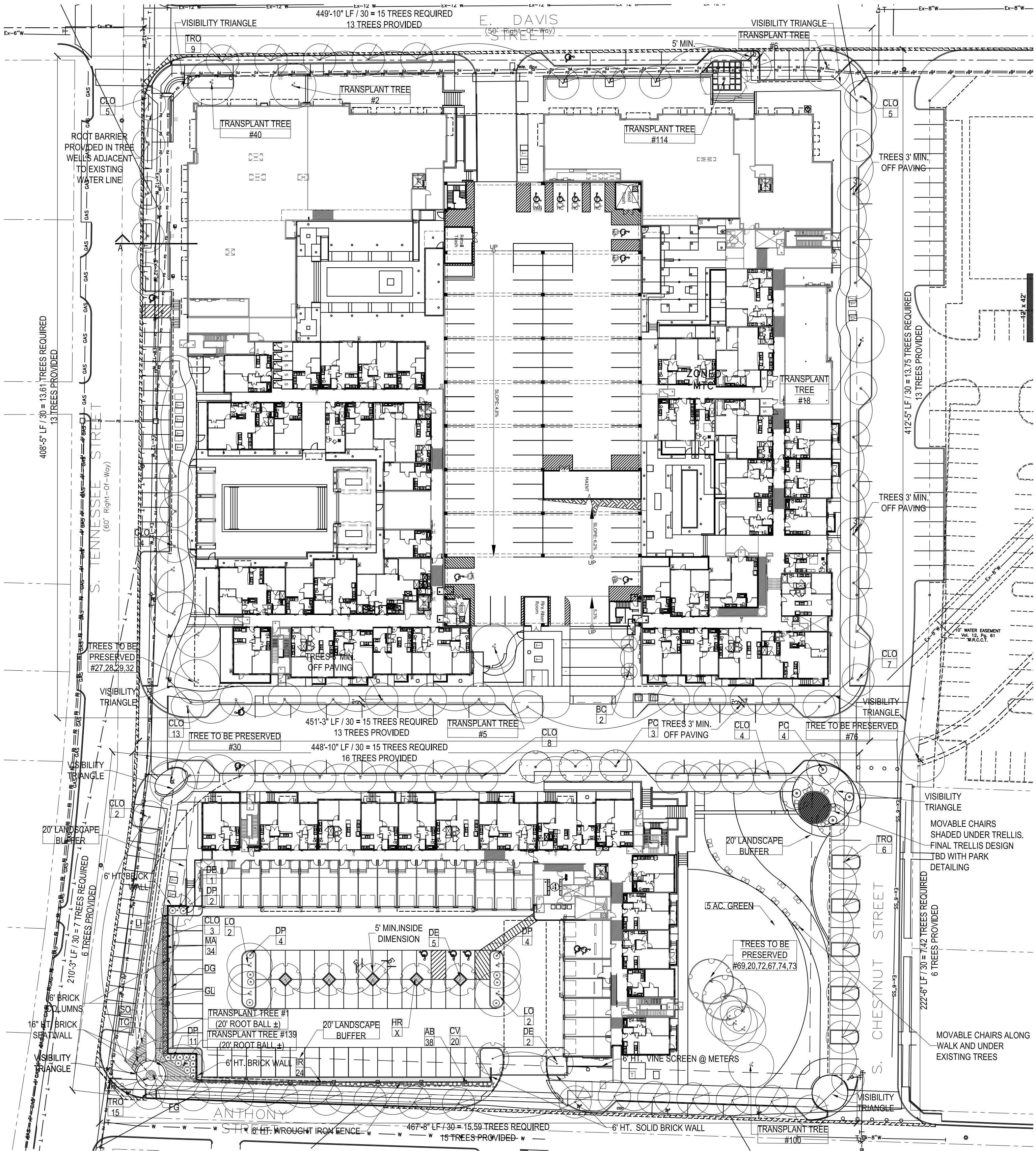
CROSS ENGINEERING CONSULTANTS	
131 S. Tennessee St. 972.562.4409	McKinney, Texas 75069 Texas P.E. Firm No. F-5935
Drawn By: C.E.C.I.	Checked By: C.E.C.I.
Scale: 1" = 40'	

SITE PLAN	
DOWNTOWN MCKINNEY BLOCKS A&B	
COLUMBUS REALTY PARTNERS, LTD. CITY OF MCKINNEY, TEXAS	
Sheet No. SP	Project No. 15053

RECEIVED
By Planning Department at 7:57 am, Aug 09, 2016

DOWNTOWN MCKINNEY BLOCKS A&B

NOTE: ALL LANDSCAPE AREAS SHALL BE PROVIDED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM WITH RAIN AND FREEZE SENSORS AND EVAPORATION (ET) WEATHER BASED CONTROLLER AND SAID IRRIGATION SYSTEM SHALL BE DESIGNED BY A QUALIFIED PROFESSIONAL AND INSTALLED BY A LICENSED IRRIGATOR



01

PLANTING PLAN

SCALE: 1:40

The Contractor shall verify water restrictions within the City of McKinney at time of planting. Should water restrictions not allow hydromulch, hydroseeding, or sprigging (Stage 3 and Stage 4 water restrictions), an approved alternate for grassing shall be installed

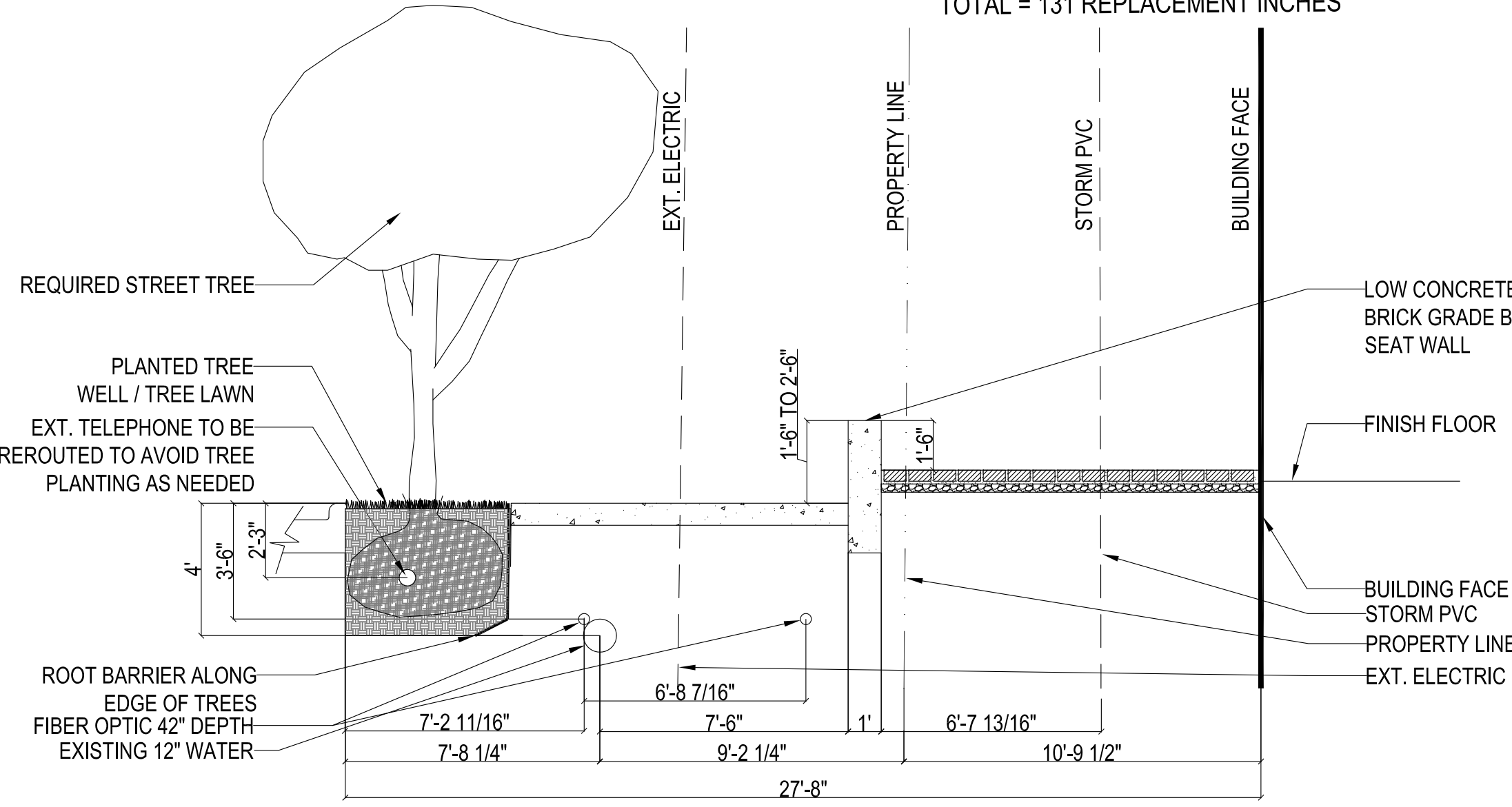
McKINNEY SITE PLAN SUBMITTAL PLANT SCHEDULE

QTY TREES	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	REMARKS	POSSIBLE FULL-GROWN CANOPY SIZE
48	CLO	Cathedral Live Oak	Quercus virginiana 'Cathedral'	4" caliper	B&B or 100 Gallon Cont., 12'-14' ht., 5'-6" sp., single straight trunk, matched	50' to 70' ht x 30' - 40' spread
8	DE	Drake Elm	Ulmus parvifolia 'Drake'	4" caliper	B&B or 100 Gallon Cont., 10'-11' ht., 7'-8" sp., single straight trunk	40' to 50' ht x 45' - 55' spread
4	BC	Bald Cypress	Taxodium distichum	3" caliper	B&B or 100 Gallon Cont., 12'-14' ht., 5'-7" sp., single straight trunk, matched	60' to 80' ht x 25' - 35' spread
30	TRO	Texas Red Oak	Quercus texana	4" caliper	B&B or 100 Gallon Cont., single straight trunk, 10'-11' ht., 6'-7" sp.	40' to 70' ht x 25' - 45' spread
4	LO	Live Oak	Quercus virginiana	4" caliper	B&B or 100 gallon Cont., 12'-13' ht., 6'-7" sp., single straight trunk	40' to 80' ht x 60' - 100' spread
7	PC	Pond Cypress	Taxodium distichum	3" caliper	B&B or 100 Gallon Cont., 11'-13' ht., 4'-6" sp., single straight trunk, matched	50' to 60' ht x 10' - 15' spread
SHRUBS						
	MA	Oregon Grape	Mahonia aquifolium	5 gallon	30"-36" ht., 22"-28" sp., full, well rooted, 30" o.c. spacing	
	AB	Edward Goucher Abelia	Abelia x 'Edward Goucher'	5 gallon	30"-36" ht., 20"-28" sp., full, well rooted, 30" o.c. spacing	
PERENNIALS						
	IR	Iris	Iris "Sugar Snaps"	3 gallon	full pot, well rooted, 18" o.c. spacing	
VINES						
22	CV	Crossvine	Bignonia capreolata L.	5 gallon	Staked, 42" ht., 5 runners min., full, well rooted	

TREE MITIGATION TABULATIONS

✕ (R)	CALIPER INCHES REMOVED BUT NOT REQUIRED TO BE MITIGATED	1012"
M (M)	CALIPER INCHES TO BE MITIGATED	72"
○ (P)	CALIPER INCHES TO BE PRESERVED (SEE SHEET LP10.00)	234"
T (T)	CALIPER INCHES TO BE TRANSPLANTED	149"
TOTAL INCHES SURVEYED - 1467 CALIPER INCHES		

MITIGATION REQUIREMENTS:
13 CALIPER INCHES AT 1:1 = 13 REPLACEMENT INCHES
59 CALIPER INCHES AT 2:1 = 118 REPLACEMENT INCHES
TOTAL = 131 REPLACEMENT INCHES



02

SECTION A - TENNESSEE ST. @ RETAIL

SCALE: 1/4"=1'-0"



2916 Woodside St.
Dallas, Texas 75219
P: 817-247-8226



Downtown McKinney
McKinney, Texas
Landscape Plan



Project Number: 10-010.0
Drawn By: FC
Landscape Plan 08.08.2016

Revision Date
1 06.13.2016

LANDSCAPE
PLAN

LP 10.00

Downtown McKinney
Blocks A & B (Nine-Acre Site)
Updated Renderings



- MONEY MAGAZINE 2014 -

Rendering Perspective Locations

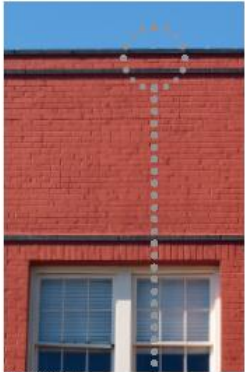












BRICK MORTAR DETAILING
200 N Kentucky St



WINDOWS CUSTOMIZED TO BRICK
200 E Virginia St



CUSTOM WINDOW INSERT IN BRICK
200 W Louisiana St



INTERMEDIATE BANDING
200 W Virginia St



INSET BRICK PANELS
200 1/2 E Virginia Parkway



BRICK MORTAR DETAILING
200 E Virginia St



RETAIL SIGNAGE
200 W Virginia St



CUSTOM WINDOW INSERTS
200 E Louisiana St



WINDOWS CUSTOMIZED TO BRICK
200 N Kentucky St



WINDOWS CUSTOMIZED TO BRICK
200 W Virginia St





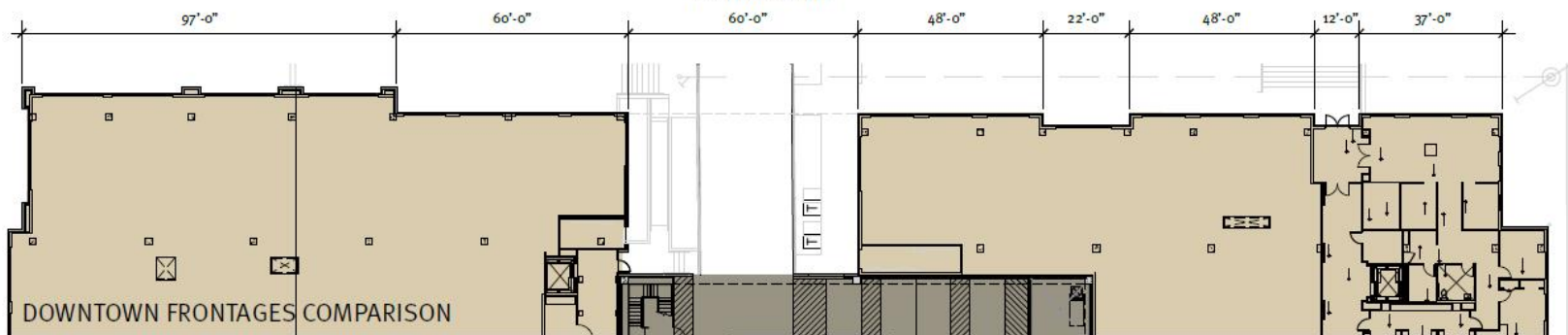
MULTIPLE TENANT OCCUPANCIES

Historic Downtown Block Length Study

The nature of downtown McKinney consists of a broad variety of styles and building frontages that all contribute to the endearing character of this historic place. Some frontages define individual ownerships while others have several merchants within one facade block. Here is a comparison of similar existing downtown frontages to those of the proposed development.



E. DAVIS ST.



DOWNTOWN FRONTAGES COMPARISON



16-974

TITLE: Consider and Discuss the Airport/FBO Terminal, Parking and Hangar Expansion

COUNCIL GOAL: Maximize the Development Potential of the Airport

MEETING DATE: October 3, 2016

DEPARTMENT: Airport

CONTACT: Mark Jaraczewski, Assistant Airport Director

RECOMMENDED CITY COUNCIL ACTION:

- Discuss future expansion and funding sources

ITEM SUMMARY:

- Currently, the Airport is unable to meet the demands of increased vehicle parking.
- FBO operations have increased and is affecting the safety of aircraft movement.
- The FBO terminal is handling more operations, terminal is becoming inadequate to support demand.
- Aircraft hangars are occupied, no space available to add additional aircraft.

BACKGROUND INFORMATION:

- On January 28, 2016 Airport staff presented to Council the proposed McKinney National Development Plan
- On April 4, 2016 Airport staff presented to Council the McKinney National Airport Update

FINANCIAL SUMMARY:

- Discuss funding options available for airport FBO terminal, parking and hangar expansion

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS:

[Presentation](#)

McKinney
National Airport



McKINNEY
AIR CENTER

“McKinney’s Front Door by Air”

Airport Capital Improvement Program

- January 2016
 - Staff presented \$10 million development plan
 - Received direction for 2nd common hangar
- April 2016
 - Staff updated Council on development plan
 - Update on 2nd common hangar
 - Update on FBO Terminal, Parking, & Hangar
- October 2016
 - FBO Terminal, Parking, & Hangar proposal

Current Constraints

- No Hangar Space
 - No hangar inventory =
 - Plateaued fuel sales
 - Leveling off of aviation activity
 - Ad Valorem values go flat or decrease
- Fully Occupied Parking
- Missed Revenue Potential
 - Larger aircraft
 - Charter opportunities
 - Facility requirements

FBO & Terminal

- Current FBO & Terminal

- No Hangar
- 7,000 sq/ft FBO
- 187 parking spaces



- Future FBO & Terminal

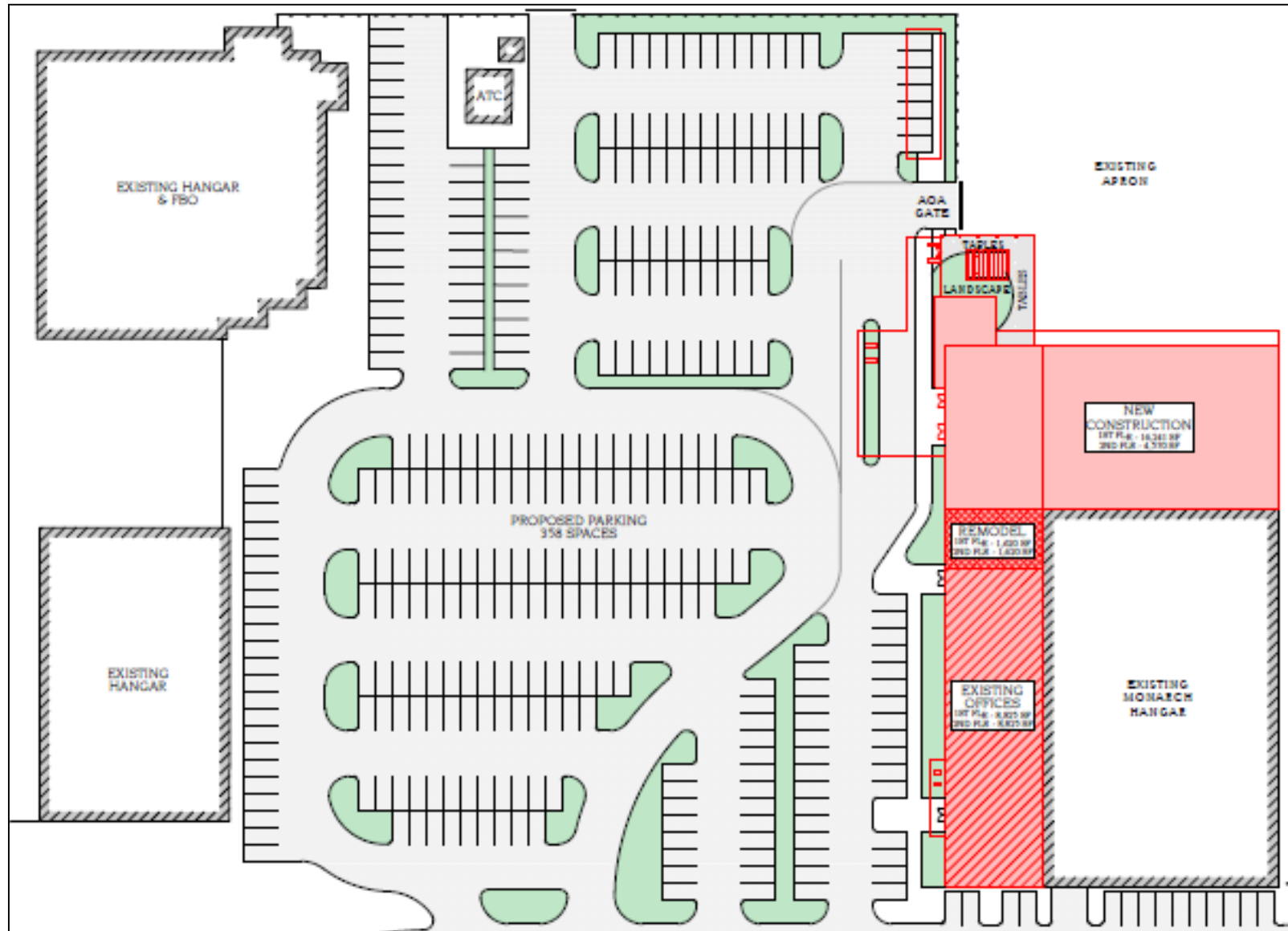
- 23,000 sq/ft Hangar
- 20,000 sq/ft FBO
- 161 parking spaces added



Parking Issues



Parking Solution



Future FBO & Terminal

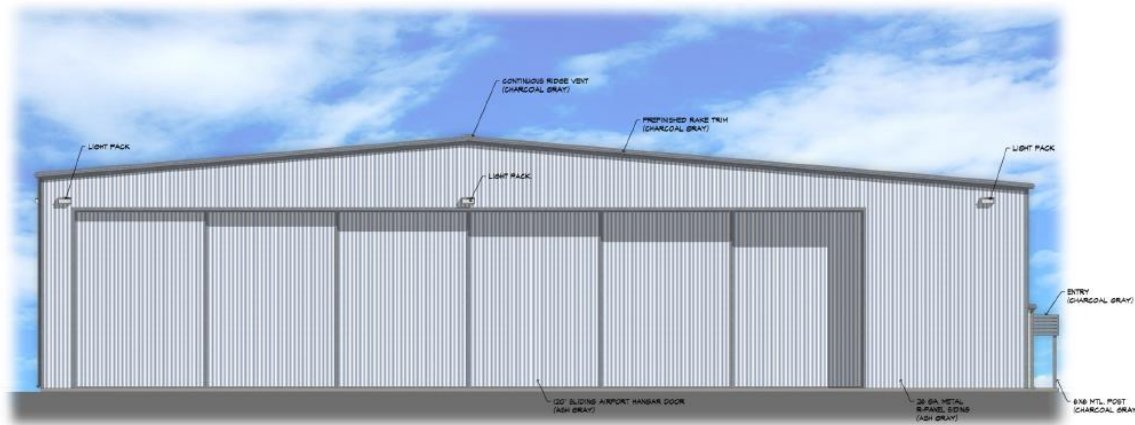


Future FBO & Terminal Lobby

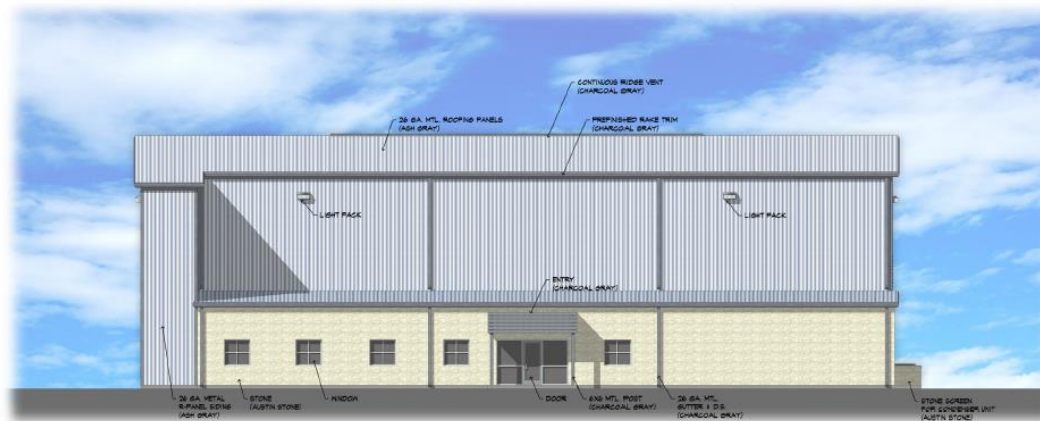


Hangar Development

- 20,500 sq/ft hangar with 2,500 sq/ft Offices



1 FRONT ELEVATION
1/8" = 1'-0"



2 RIGHT SIDE ELEVATION
1/8" = 1'-0"

Terminal, Parking, & Hangar Development

- FBO & Terminal
 - \$16 Million
 - 18-24 month construction
- Revenue Generated
 - Hangar Leases: \$391k/year
 - Fuel Sales: \$304k/year
 - Office Leases: \$473k/year
 - **Annual Rev:** **\$1.1M/year**

Funding Options

- MEDC Fund Balance
 - \$24M
- MCDC Fund Balance
 - \$22M
- Solid Waste Fund
 - \$5M Available
 - Must be paid back with a minimal interest rate

Recommendation

- MCDC
– \$8M project grant
- MEDC
– \$8M project grant
- Seeking Council Concurrence to Present to MCDC & MEDC



16-975

TITLE: Discuss Committee Appointments and Invitations to an Airport Master Plan Update Planning Advisory Committee for Consideration and Action during a Subsequent Regular Council Meeting

COUNCIL GOAL: Maximize the Development Potential of McKinney National Airport

MEETING DATE: October 3, 2016

DEPARTMENT: Airport

CONTACT: Kenneth F. Wiegand, A.A.E., Airport Director

RECOMMENDED CITY COUNCIL ACTION:

- Discuss Council appointments and invitations to participate on an Airport Master Plan Update *Planning Advisory Committee*.

ITEM SUMMARY:

- In an effort to ensure transparency and inclusiveness, the Airport Staff recommends that a *Planning Advisory Committee* and a *Technical Advisory Committee* be formed to work with City Council, City Staff and the Airport Master Plan Consultant in preparing the Airport Master Plan Update.
- *Technical Advisory Committee* members will include airport tenants and users and will be selected and organized by City Management/Airport Department.
- Staff is requesting that the City Council appoint/invite members to serve on the *Planning Advisory Committee*.
- *Planning Advisory Committee* members will be expected to receive Master Plan briefings and documents and provide strategic input concerning the subjects listed in the following Meeting Schedule.

Advisory Committee Meeting Schedule

Meeting #	Subject	Scheduled Month
1	MPU Overview and SWOT Analysis	October/November 2016
2	Demand Capacity Briefing	February 2017

3	Facility Requirements (Air and Landside)	May 2017
4	Public Hearings	September 2017

- It is recommended that City Council appoint the following members to the *Planning Advisory Committee*.
 - Three (3) City Council members
 - One (1) citizen representative from each City District (4)
- Further recommend that City Council invite one (1) representative from each of the following entities.
 - Collin County
 - Allen
 - Fairview
 - Plano
 - Frisco
 - Prosper
 - McKinney Chamber of Commerce
 - Airport-adjacent Land Owners (12 individual owners that may have an interest)
- The Airport Master Plan Update is scheduled to proceed in late October or early November 2016.

BACKGROUND INFORMATION:

- Airport Master Planning is conducted in accordance with federal and State local requirements with input from the City and Business Leaders, Management and Staff and advisory committees made up of citizens and stakeholders.
- The main objective of the MPU is to provide a road map for efficiently meeting aviation demand through the foreseeable future while preserving the flexibility necessary to respond to changing business and industry conditions affecting McKinney National Airport.
- On February 3, 2015, City Council approved the conduct of a Master Plan Update (MPU).
- Recognizing a need to Master Plan McKinney National Airport, the Texas Department of Transportation, Division of Aviation agreed to provide federal funding to conduct the planning effort.
- On October 28, 2015, Coffman Associates - Airport Consultants of Lee's Summit, MO was selected by a joint City and TxDOT evaluation team to conduct a 12-14 month Airport Master Plan Update (MPU).
- On July 21, 2016, Council named the Texas Department of Transportation (TxDOT), Division of Aviation as the City's agent to administer the MPU and authorized the City Manager to execute all contracts and agreements with TxDOT.

FINANCIAL SUMMARY: NA

BOARD OR COMMISSION RECOMMENDATION: NA

SUPPORTING MATERIALS:

[Airport Master Plan Committees](#)

McKinney National Airport

Master Plan Update Advisory Committees

INTRODUCTION

A 12-14 month Airport Master Plan Update (AMPU) is scheduled to begin in late October or early November 2016. The main objective of the AMPU is to provide a road map for efficiently meeting aviation demand through the foreseeable future while preserving the flexibility necessary to respond to changing business and industry conditions affecting McKinney National Airport. An AMPU and accompanying plan set define a concept for Airport development over the course of a 20-year period.

PURPOSE / JUSTIFICATION

The study will define facility needs and evaluate development alternatives in order to provide a useful plan for Airport development. It will also recommend improvements in accordance with specific FAA criteria, taking into consideration changes or significant events that impact the airport. Several impactful events have occurred in the City of McKinney, neighboring communities, Collin County, and the Airport since completion of the previous *Master Plan Update* of 2006 as well as the *Airport Layout Plan Update* of 2012. Those impactful events are identified as:

- October 2014 Wright Amendment repeal effect on Dallas Love Field and neighboring airports.
- November 2013 Acquisition of the Airport's Fixed Base Operation
- Need to revisit land acquisition needs in response to renewed rapid growth in the Region.
- Development along major road corridors.
- City's growth and expansion north of US 380.
- Aircraft operational increases of more than 10% per year since FY13.
- Increased educational and flight training activities.

COMMITTEES

Communication between the Sponsor, funding entities and other parties having an interest in the airport is essential to develop a consensus regarding future expansion and development of McKinney National; therefore, an important part of the AMPU process includes public and stakeholder involvement.

AMPU's are typically conducted by airport planning professionals with input from the city and business leaders, city management and staff and advisory committees. AMPU advisory committees representing several factions important to Airport expansion and development should be appointed to act as a sounding board and consulted at certain "decision" points to provide feedback from strategic and technical perspectives.

Two (2) planning committees are proposed: a *Planning Advisory Committee* and a *Technical Advisory Committee*. Lists of suggested advisory committee members are attached.

MEETINGS

The following meetings are included in the project scope.

MPU Advisory Committee Proposed Meeting Schedule

Meeting #	Subject	Scheduled Month
1	MPU Overview and SWOT Analysis	October/November 2016
2	Demand Capacity Briefing	February 2017
3	Facility Requirements (Air and Landside)	May 2017
4	Public Hearings	September 2017

PLANNING ADVISORY COMMITTEE (26 appointees / invitees)

City Council appointments

- City Council (3)
- One (1) representative from each City District (4)

City Council invited

- Collin County (1)
- Representative from each adjacent City/Town (5)
 1. Fairview
 2. Allen
 3. Plano
 4. Frisco
 5. Prosper
- Chamber of Commerce (1)
- Adjacent land owners (12)
 1. Encore Wire
 2. VT Craig International
 3. Edmonds Trust
 4. Griffin Trust
 5. McKinney Uplands
 6. MAP Holdings
 7. 114 Land & Cattle
 8. Pecan F.O.R.K., LLC
 9. Rutledge
 10. Becerra
 11. Fairview
 12. Powell

TECHNICAL ADVISORY COMMITTEE (12 invitees)
Coordinated/Invited by Airport Staff and City Management

- Representative of key Airport users (11)
 - 1. TI
 - 2. Air Flight
 - 3. Encore Wire
 - 4. Ag Power
 - 5. Monarch
 - 6. First Flight
 - 7. Select Avionics
 - 8. MHOA
 - 9. CCHOA
 - 10. Care Flight
 - 11. PHI

- Air Traffic Control Tower Manager (1)

PARTICIPATE ON BOTH COMMITTEES AS NEEDED / DESIRED (7)

(Coordinated/Invited by City Management)

- City of McKinney Departments (4)
 - City Management
 - Airport
 - Development Services
 - Finance
 - Communications and Marketing
- Funding Agencies (2)
 - TxDOT Division of Aviation
 - Federal Aviation Administration (Texas Airport District Office)



16-976

TITLE: Consider and Discuss Guidelines and Procedures for Naming Municipal Facilities

COUNCIL GOAL: Operational Excellence

MEETING DATE: October 3, 2016

DEPARTMENT: Parks and Recreation

CONTACT: Rhoda L. Savage, Director

RECOMMENDED CITY COUNCIL ACTION:

- Receive presentation and discuss options for revising the guidelines and procedures for naming municipal facilities.

ITEM SUMMARY:

- On August 16, 2016, the City Council requested this item be brought back for discussion regarding possible amendments to the policy.
- Staff will present items related to the current policy and solicit feedback from City Council regarding future actions.

BACKGROUND INFORMATION:

- The current naming policy was adopted by Resolution in 2014.

FINANCIAL SUMMARY: N/A

BOARD OR COMMISSION RECOMMENDATION: N/A

SUPPORTING MATERIALS:

[Presentation](#)

[Municipal Naming Policy Resolution](#)

FACILITY NAMING POLICY

October 3, 2016

PRESENTATION CONTENT

- PURPOSE
- OPTIONS
- COMPARISONS
- STAFF RECOMMENDATION
- COMMENTS / QUESTIONS / DIRECTION

PURPOSE

- CITY COUNCIL REQUESTED A REVIEW OF THE EXISTING POLICY ON NAMING MUNICIPAL FACILITIES
- PRESENT OPTIONS FOR CONSIDERATION
- REVIEW EXISTING POLICY
- COMPARE CONTENT TO OTHERS
- STAFF'S RECOMMENDED OPTION
- SOLICIT COMMENTS / QUESTIONS / DIRECTION
- TAKE ACTION ACCORDING TO INPUT RECEIVED

OPTIONS

- KEEP EXISTING POLICY AS IS
- NUKE POLICY AND START OVER
- MODIFY EXISTING POLICY ALLOWING UPDATES AND CLARIFICATION OF INTENT
- ELIMINATE THE POLICY

EXISTING POLICY

- ADOPTED BY RESOLUTION 2014-01-008 (R)
 - INCLUDES PURPOSE, DEFINITIONS AND GUIDELINES
 - ESTABLISHES PROCEDURES

EXISTING POLICY

- PURPOSE: ESTABLISH GUIDELINES AND PROCEDURES FOR NAMING MUNICIPAL FACILITIES
- DEFINITIONS: MUNICIPAL FACILITIES SHALL BE ANY REAL PROPERTIES THAT ARE OWNED BY THE CITY OF MCKINNEY INCLUDING PARKS AND PUBLIC BUILDINGS OR PORTIONS THEREOF
- GUIDELINES: PROMOTE READY IDENTIFICATION AND / OR GEOGRAPHICAL ASSOCIATION BY THE PUBLIC

EXISTING POLICY

- GUIDELINES FOR CONSIDERATION
 - OUTSTANDING AND / OR PREDOMINANT GEOGRAPHICAL OR PHYSICAL FEATURE OF THE LAND (NATURAL AND MANMADE)
 - OUTSTANDING AND / OR PREDOMINANT HISTORICAL FEATURES (NAMES OF EARLY RESIDENTS OR EVENTS OF SIGNIFICANCE TO THE AREA'S DEVELOPMENT)
 - CONTRIBUTIONS OF LAND AND / OR MONEY FOR A PARK SITE BY AN INDIVIDUAL OR ORGANIZATION (EQUAL TO OR GREATER THAN 50% OF THE TOTAL COST OF THE PROJECT)

EXISTING POLICY

- GUIDELINES FOR CONSIDERATION (CONT'D)
 - IN HONOR OF COMMUNITY LEADERS OR INDIVIDUALS (EITHER DECEASED OR LIVING) WHO HAVE MADE SIGNIFICANT CONTRIBUTIONS TO THE COMMUNITY BASED ON EXCELLENCE OR DURATION OF COMMITMENT OR DECEASED NATIONAL AND / OR STATE HISTORICAL LEADERS OR HEROES
 - *EXCLUDES CONSIDERATION FOR ANY LIVING CITY OR COUNTY LEADER CURRENTLY SERVING IN AN ELECTED OR APPOINTED CAPACITY OR ANY CITY OR COUNTY EMPLOYEE*

EXISTING POLICY

- GUIDELINES FOR CONSIDERATION (CONT'D)
 - MUNICIPAL FACILITIES MAY BE GIVEN THE SAME NAME AS A SCHOOL SITE, WHERE THE SITE ADJUT ONE ANOTHER OR A SUBDIVISION NAME WHERE THE PARK LANDS ARE ADJACENT TO OR LIE WITHIN THE SUBDIVISION.
 - MUNICIPAL RECREATION CENTERS THAT ARE PART OF OR LIE WITHIN THE BOUNDARIES OF A PARK SHALL BEAR THE NAME OF THAT PARK UNLESS THE PARK NAME CANNOT BE INCORPORATED IN THE FACILITY NAME.
 - SECTIONS OF A FACILITY CAN BE NAMED IN A MANNER SIMILAR TO NAMING ENTIRE FACILITY
 - THE RENAMING OF MUNICIPAL FACILITIES MAY BE CONSIDERED IF EXCEPTIONAL CIRCUMSTANCES EXIST.

EXISTING POLICY

- PROCEDURES
 - MUNICIPAL FACILITIES WILL GENERALLY BE NAMED IMMEDIATELY PRIOR TO OR DURING DEVELOPMENT.
 - THE PROS BOARD WILL BE NOTIFIED 2 MONTHS IN ADVANCE OF THE NEED TO NAME A MUNICIPAL PARK PRIOR TO BEING SUBMITTED TO CITY COUNCIL.
 - BOARD SUBMITS NAME TO CITY MANAGER AT LEAST ONE WEEK PRIOR TO THE CITY COUNCIL MEETING AT WHICH THE NAME WILL BE CONSIDERED.

COMPARISONS

- STAFF REVIEWED VARIOUS NAMING POLICIES FOR THE FOLLOWING CITIES

- PLANO
- **FRISCO
- *HIGHLAND VILLAGE
- CEDAR HILL

*GUIDELINES SIMILAR TO MCKINNEY

**GUIDELINES ALSO SIMILAR TO MCKINNEY BUT THEY FORM A COMMITTEE AND CONSIDER NAMING SEVERAL PARKS AT ONE TIME

COMPARISONS

- PLANO'S POLICY:

"THE CITY COUNCIL IS SOLELY RESPONSIBLE FOR NAMING ALL CITY-OWNED FACILITIES...THE AUTHORITY TO NAME ALL MEETING ROOMS AND OTHER INTERNAL ROOMS OR AUDITORIUMS WITHIN CITY-OWNED FACILITIES SHALL ALSO BE RESERVED TO THE CITY COUNCIL UNLESS SUCH NAMING RIGHTS ARE GRANTED SUCH AS A SPONSORSHIP PROGRAM AUTHORIZED BY THE CITY COUNCIL."

COMPARISONS

- CEDAR HILL'S POLICY:

"THE BOARD WILL BE RESPONSIBLE FOR RECOMMENDING NAMES FOR PARKS."

- The Board, with assistance from staff will be responsible for research, study and recommendation of a proposed name to City Council.
- The recommended name will be communicated to the City Council for consideration and approval.
- A park name may be changed for cause at any time.

STAFF RECOMMENDATION

- KEEP EXISTING POLICY AS IS
- *NUKE POLICY AND START OVER
- MODIFY EXISTING POLICY ALLOWING UPDATES AND CLARIFICATION OF INTENT
- ELIMINATE POLICY
- *Prepare draft policy for consideration based on direction from the City Council.

STAFF RECOMMENDATION

- STAFF WILL PREPARE A DRAFT POLICY FOR REVIEW AND APPROVAL BY:
 - PROS BOARD
 - CITY COUNCIL
- DRAFT PREPARED BY:
 - EMPLOYEES ONLY OR
 - A SUBCOMMITTEE APPOINTED BY CITY COUNCIL

COMMENTS / QUESTIONS / ANSWERS / DIRECTION

RESOLUTION NO. 2014-01-008 (R)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY,
TEXAS, AUTHORIZING THE CITY MANAGER TO ESTABLISH
PROCEDURES FOR NAMING MUNICIPAL FACILITIES**

WHEREAS, the City Council has determined the need to revise the naming procedures for municipal facilities; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. That the City Council of the City of McKinney, Texas, hereby adopts the Guidelines and Procedures for Naming Municipal Facilities, and shall read as follows:

PURPOSE. To establish guidelines and procedures for the naming of municipal facilities.

DEFINITIONS. The definition of municipal facility or municipal facilities shall be any real properties that are owned by the City of McKinney such as, but not limited to, parks and public buildings or portions thereof.

GUIDELINES. The name of municipal facilities shall promote ready identification and/or geographical association by the public. The following guidelines to accomplish the above shall be used:

- A. Outstanding and/or predominant geographical or physical features of the land. Geographical and physical features will include those naturally occurring, (e.g. vegetation materials, streams, rivers, creeks, lakes or forested areas), and those man-made, (e.g., subdivisions, streets, office/industrial complexes or other commercial areas).
- B. Outstanding and/or predominant historical features of significance. Historical features will include the names of early residents or citizens and/or events of significance to the area's development.
- C. Contributions of land for a park site and/or money (equal to or greater than 50% of the total cost of the project) by individuals or organizations.
- D. In honor of: 1) community leaders or individuals (either deceased or living) who have made significant contributions to the community based on excellence or duration of commitment; and, 2) deceased national and/or state historical leaders and/or heroes.
 - o No community (City or County) leader or individual currently serving in an elected or appointed capacity may be eligible.
 - o No individual currently employed by the City or County may be eligible.
- E. Municipal facilities may be given the same name as a school site, where the sites abut one another.
- F. Subdivision names where park lands are adjacent to or lie within the subdivision.
- G. Municipal recreation centers that are a part of or lie within the boundaries of a park shall bear the name of that park unless the park name cannot be incorporated in the facility name.
- H. Sections of a municipal facility, such as a pavilion, meeting room, or ballfield, may be given a name, which is different from that of the overall park or facility. The guidelines and procedures for naming such a section shall be the same as for naming an entire municipal facility.
- I. The renaming of municipal facilities may be considered if exceptional circumstances exist, but should not be a common practice. In such circumstances, care must be taken to avoid renaming because the purpose of the prior naming had become obscured over time (and thus eliminate appropriate recognition or honor).

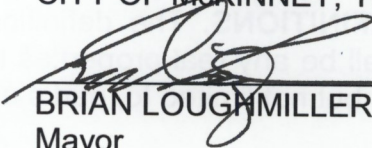
PROCEDURES

- A. Municipal facilities will generally be named immediately prior to or during development.
- B. The Parks, Recreation and Open Space Advisory Board, or other Board as appropriate, will be notified of the need to name a municipal park or other facility at least two months in advance of the City Council Meeting at which names will be considered.
- C. The Board considering the recommendation will forward such recommendation to the City Manager's office at least one week prior to the City Council Meeting at which the recommendation will be considered.

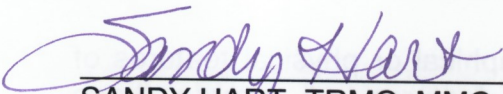
Section 2. This Resolution shall become effective from and after the date of its passage and is so resolved.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 21st DAY OF JANUARY, 2014.

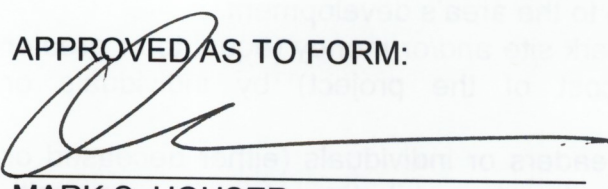
CITY OF MCKINNEY, TEXAS


BRIAN LOUGHMILLER
Mayor

ATTEST:


SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA, TRMC
Assistant City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER
City Attorney



16-977

TITLE: Consider and Discuss Potential Ordinance Amendments Regulating Donation Containers

COUNCIL GOAL: Direction for Strategic and Economic Growth

MEETING DATE: October 3, 2016

DEPARTMENT: Development Services Division

CONTACT: Michael Quint, Executive Director of Development Services
Mark Houser, City Attorney

RECOMMENDED CITY COUNCIL ACTION:

- Consider and discuss the proposed ordinance amendments regulating donation containers.

ITEM SUMMARY:

- Staff was recently made aware of recent federal court decisions that impact McKinney's current regulations and practices as they pertain to donation containers. The proposed amendments will bring McKinney into conformance with these decisions.
- In April of 2015, the U.S. Court of Appeals for the Sixth Circuit issued an opinion in the case *Planet Aid v. City of St. John's, MI*. The opinion stated that the City of St. John's ordinance which banned outdoor, unattended charitable donation bins was a violation of Planet Aid's first amendment constitutional right (free speech) and the underlying federal district court's preliminary injunction was upheld. The court's opinion is attached for reference purposes.
- McKinney's ordinances do not specifically provide for a permit to utilize or place donation bins, and thus they have been historically prohibited as a result. In order to remain consistent with current first amendment case law and avoid claims or litigation, Staff is proposing to modify the Code of Ordinances.
- Donation containers have historically proven to be a source of visual clutter and blight thus many municipalities throughout the nation have prohibited them. While McKinney has not expressly prohibited donation containers, Staff

proposes clarity in the ordinance that they are allowed and how they are to be permitted. Staff feels the proposed Code amendments adequately address this issue while preserving first amendment rights.

- Staff is seeking feedback from the City Council regarding the proposed ordinance amendments. Barring any substantial changes necessitating more revision time, Staff is planning to present these amendments for adoption at the October 18, 2016 City Council Regular Meeting.

SUPPORTING MATERIALS:

[Donation Bin Court Opinion](#)

[Draft Ordinance](#)

File Name: 15a0063p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

PLANET AID, a Massachusetts nonprofit corporation,
Plaintiff-Appellee,

v.

CITY OF ST. JOHNS, MI, a Michigan municipal
corporation,

Defendant-Appellant.

No. 14-1680

Appeal from the United States District Court
for the Western District of Michigan at Grand Rapids
No. 1:14-cv-00149—Janet T. Neff, District Judge.

Argued: March 5, 2015

Decided and Filed: April 6, 2015

Before: GRIFFIN and STRANCH, Circuit Judges; and STEEH, District Judge.*

COUNSEL

ARGUED: Mary Massaron, PLUNKETT COONEY, Bloomfield Hills, Michigan, for Appellant. Daniel P. Dalton, DALTON & TOMICH, PLC, Detroit, Michigan, for Appellee. **ON BRIEF:** Mary Massaron, PLUNKETT COONEY, Bloomfield Hills, Michigan, for Appellant. Daniel P. Dalton, DALTON & TOMICH, PLC, Detroit, Michigan, for Appellee.

OPINION

GRIFFIN, Circuit Judge. In this First Amendment case, defendant City of St. Johns, Michigan appeals the district court's order preliminarily enjoining the enforcement of the City's

*The Honorable George Caram Steeh, Senior United States District Judge for the Eastern District of Michigan, sitting by designation.

Ordinance #618 which bans outdoor, unattended charitable donation bins. We hold that the ordinance is a content-based regulation of protected speech, and that Planet Aid has demonstrated a strong likelihood of success on the merits of its constitutional claim. Accordingly, and for the reasons that follow, we affirm the district court's preliminary injunction.

I.

Plaintiff Planet Aid is a nonprofit charitable organization established in Massachusetts. Its purpose is to “work to strengthen and organize communities, reduce poverty and promote small enterprise development, support sustainable local food production, improve access to training and quality education, and increase health awareness and encourage healthy lifestyles.” To that end, Planet Aid solicits donations of clothing and shoes through its unattended, outdoor donation bins. Planet Aid distributes the items collected from the bins to organizations in other countries.

With the consent of the property owners, Planet Aid places its donation bins on the property of private businesses. It chooses locations that are “easily visible and accessible by individuals looking to deposit donations in the bins.” According to Planet Aid, its “representatives generally visit each of its donation bins on a weekly basis in order to collect the donated goods and avoid bin overflow and goods accumulating outside the bins.” Its bins are labeled with contact information so members of the public can report to Planet Aid if the bins are full.

In December 2012, the City did not have an ordinance regulating charitable donation bins. At that time, Planet Aid placed two of its donation bins on private property within the City: one at a former Save-a-Lot grocery store at 1001 S. BR US Highway 27, and the other at a Marathon gas station at 711 West State Street.

On January 14, 2013, the City sent Planet Aid a letter claiming that the “clothing donation containers have been found to create a nuisance as people leave boxes and other refuse around the containers.” It directed Planet Aid to remove the bins by January 23. The letter stated further that if the bins were not removed by January 23, the City would remove them.

In response to the letter, Planet Aid's attorney, Dan Dalton, emailed the City's attorney, John Salemi. Dalton asked Salemi whether Planet Aid could "retain its boxes in St. Johns' [sic] until the matter appears for ordinance review before the planning commission/City Council." Salemi replied that he would discuss the request with City officials and get back to Dalton. On January 18, 2013, Dalton again emailed Salemi inquiring whether City officials had made a decision and asking whether the bins "are to be removed by the 23rd . . . or if they can stay until an ordinance is enacted addressing the issue?" Salemi responded that "the city manager is firm in his belief that these boxes are both a public nuisance and a violation of our zoning ordinances re [sic] accessory uses. They need to be removed." In answer to Dalton's question of whether there was an appeals process, Salemi replied that Planet Aid would not "have standing to appeal even if there were" because the bins "aren't on [Planet Aid's] property." The City subsequently removed the bins and transported them to a City facility where they were later collected by Planet Aid.

Almost a year later, the City Council addressed the issue of regulating charitable donation bins at its December 9, 2013, meeting. According to the minutes, the planning commission had recommended a "total prohibition" of charitable donation bins. The proposed ordinance (Ordinance #618) implemented this recommendation, but included a grandfather clause because, according to Salemi, the City wished to exempt the already-operational Lions Club Recycling Center from any new regulation. At the meeting, Mayor Beaman "said other communities had people dropping off their trash" at donation bins and asked the Director of Public Works, Steve Rademacher, whether there was a problem with the St. Johns Planet Aid bins. Rademacher responded that trash drop offs at the two bins had "very seldom" occurred.

Nevertheless, the St. Johns City Council voted to adopt Ordinance #618 at its January 27, 2014, meeting. The ordinance added a new article, Article 5.518, to the St. Johns Zoning Ordinance.

Section 5.518(1)(a) of the ordinance defines a "[d]onation box" as "[a]n outdoor, unattended receptacle designed with a door, slot, or other opening that is intended to accept donated goods or items." Section 5.518(1)(b) describes the purpose of the ordinance as follows:

It is the intent of this section to prohibit donation boxes to protect the health, safety and welfare of the citizens of the city by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances and ensuring the safe and sanitary maintenance of properties. Unattended donation boxes in the city may become an attractive nuisance for minors and/or criminal activity. It is also the intent of this section to preserve the aesthetics and character of the community by prohibiting the placement of donation boxes.

The following sections contain a substantive prohibition: “No person, business or other entity shall place, use or allow the installation of a donation box within the City of St. Johns.” (5.518(1)(c)) and a grandfather clause: “A donation box that exists on the effective date of this ordinance shall not be subject to the prohibition contained herein.” (5.518(1)(d)).

On February 14, 2014, Planet Aid filed a five-count complaint in the district court, alleging, among other things, that Ordinance #618 violated Planet Aid’s First Amendment rights because it infringed on Planet Aid’s protected speech of charitable solicitation and giving.¹ The complaint sought both declaratory and injunctive relief. The City answered the complaint, denying liability.

Planet Aid also filed a motion for a temporary restraining order or a preliminary injunction. The district court’s order granting plaintiff’s motion is the subject of this appeal.

In the district court and on appeal, Planet Aid argued that its speech regarding charitable giving is protected by the First Amendment and that the ordinance is a content-based restriction subject to strict scrutiny. In opposing the motion and in this appeal, the City conceded a level of First Amendment protection regarding Planet Aid’s speech, but argued that Planet Aid’s bins are analogous to outdoor advertising signs, and that Ordinance #618 is therefore a content-neutral time, place, and manner restriction that passes constitutional muster.

After holding oral argument, the district court granted plaintiff’s motion for a preliminary injunction. The district court concluded that “Planet Aid’s operation of donation bins to solicit

¹The other four counts of the complaint alleged violations of Planet Aid’s rights under the Equal Protection and Due Process clauses of the Fourteenth Amendment, the Dormant Commerce Clause, and the Michigan Constitution. Only Planet Aid’s claim as to its First Amendment rights is at issue in this appeal.

and collect charitable donations qualifies as protected speech under the First Amendment” and that Ordinance #618 was subject to strict scrutiny. The court held that

Plaintiff, in arguing that the ordinance fails strict scrutiny because it implements an overly broad, prophylactic ban on all bins so the City can avoid dealing with hypothetical nuisances or other issues that may arise with certain bins in the future, has borne its burden of proving a substantial likelihood of succeeding on the merits of its free speech claim.

The City appeals.

II.

In reviewing a district court’s decision on a motion for a preliminary injunction, we “evaluate the same four factors that the district court does: (1) whether the movant has a strong likelihood of success on the merits; (2) whether the movant would suffer irreparable injury without the injunction; (3) whether issuance of the injunction would cause substantial harm to others; and (4) whether the public interest would be served by issuance of the injunction.” *Kentucky v. U.S. ex rel. Hagel*, 759 F.3d 588, 600 (6th Cir. 2014) (internal quotation marks omitted).

We review “the District Court’s legal rulings *de novo* (including its First Amendment conclusion), and its ultimate conclusion [regarding whether to issue a preliminary injunction] for abuse of discretion.” *Platt v. Bd. of Comm’rs on Grievances & Discipline of Ohio Supreme Court*, 769 F.3d 447, 454 (6th Cir. 2014) (internal quotation marks omitted). Findings of fact are reviewed for clear error. *N.A.A.C.P. v. City of Mansfield, Ohio*, 866 F.2d 162, 166 (6th Cir. 1989); *see also City of Pontiac Retired Emps. Ass’n v. Schimmel*, 751 F.3d 427, 430 (6th Cir. 2014) (en banc) (also noting that we review “for abuse of discretion, however, the district court’s ultimate determination as to whether the four preliminary injunction factors weigh in favor of granting or denying preliminary injunctive relief.”). In other words, “when we look at likelihood of success on the merits, we independently apply the Constitution, but we still defer to the district court’s overall balancing of the four preliminary-injunction factors.” *Platt*, 769 F.3d at 454.

III.

In this case, as the parties agree, the determination of whether Planet Aid is likely to succeed on the merits of its First Amendment claim controls the question of the validity of the preliminary injunction. *See Connection Distrib. Co. v. Reno*, 154 F.3d 281, 288 (6th Cir. 1998). We therefore turn to the merits of Planet Aid’s First Amendment claim.

The Supreme Court previously addressed charitable giving and the related act of charitable solicitation in *Village of Schaumburg v. Citizens for a Better Environment*, 444 U.S. 620 (1980). There, the Court invalidated an ordinance that prohibited charities from soliciting contributions unless the charities used at least seventy-five percent of their receipts “directly for the charitable purpose of the organization.” *Id.* at 624. The Supreme Court held that “charitable solicitations” were “clear[ly]” protected by the First Amendment, *id.* at 633, noting that its “cases long have protected speech even though it is in the form of . . . a solicitation.” *Id.* (quoting *Bates v. State Bar of Ariz.*, 433 U.S. 350, 363 (1977) (omission in original)). It emphasized the “reality that solicitation is characteristically intertwined with informative and perhaps persuasive speech seeking support for particular causes or for particular views on economic, political, or social issues, and . . . the reality that without solicitation the flow of such information and advocacy would likely cease.” *Id.* at 632. The *Schaumburg* Court applied strict scrutiny, holding that the ordinance could not be sustained unless it served a “sufficiently strong, subordinating” government interest. *Id.* at 636. Although the Court found that the village’s stated reason for passing the ordinance—fraud prevention—was substantial, it observed that the ordinance “only peripherally” served that interest because an organization could use more than twenty-five percent of its receipts for purposes other than its charitable mission and yet remain a charitable organization. *Id.* at 636–37. Later, the Supreme Court reaffirmed that speech regarding charitable giving and solicitation is a protected First Amendment activity in both *Secretary of State of Maryland v. Munson*, 467 U.S. 947 (1984), and *Riley v. National Federation of the Blind of North Carolina, Inc.*, 487 U.S. 781 (1988). Again, the Court applied strict scrutiny to regulations similar to the one at issue in *Schaumburg*. *See also Speet v. Schuette*, 726 F.3d 867, 874 (6th Cir. 2013) (holding that “the First Amendment [not only]

protects charitable solicitation performed by organizations” but also protects “the solicitation of alms when performed by an individual not affiliated with a group”).

The Supreme Court has “created a rough hierarchy in the constitutional protection of speech” with “[c]ore political speech” occupying “the highest, most protected position . . . commercial speech and nonobscene, sexually explicit speech” occupying a “sort of second-class” status, and “obscenity and fighting words” receiving “the least protection of all.” *R.A.V. v. City of St. Paul*, 505 U.S. 377, 422 (1992) (Stevens, J., dissenting); *see also Snyder v. Phelps*, 131 S. Ct. 1207, 1215 (2011) (acknowledging the “hierarchy of First Amendment values”); Paul B. Stephan III, *The First Amendment and Content Discrimination*, 68 Va. L. Rev. 203, 206 (1982) (“The approach reflected in the Court’s free speech opinions, and in almost every scholarly discussion of the first amendment, posits some hierarchy of values entitled to constitutional protection. Such a hierarchy implies a . . . ranking of particular categories of expression, according to the degree the expression implicates the underlying values.”). *Schaumburg* and its progeny hold that speech related to charitable solicitation and giving is worthy of strong constitutional protection. *Compare Snyder*, 131 S. Ct. at 1215 (“[S]peech on public issues occupies the highest rung of the hierarchy of First Amendment values.” (internal quotation marks omitted)), *with Schaumburg*, 444 U.S. at 632 (noting that charitable appeals “involve a variety of speech interests [including] communication of information, the dissemination and propagation of views and ideas, and the advocacy of causes,” as well as “informative and perhaps persuasive speech seeking support for . . . particular views on economic, political, or social issues”), *and Riley*, 487 U.S. at 796 (holding that even assuming, *arguendo*, that charitable solicitations were “in the abstract . . . merely ‘commercial,’ we do not believe that the speech retains its commercial character when it is inextricably intertwined with . . . fully protected speech” on issues of public importance such as those described in *Schaumburg*, and therefore declining to “separate the component parts of charitable solicitations from the fully protected whole”).

Although the Supreme Court has not addressed the status of unattended donation bins, the Fifth Circuit has. In *National Federation of the Blind of Texas, Inc. v. Abbott*, 647 F.3d 202 (5th Cir. 2011), the Court of Appeals for the Fifth Circuit relied on *Schaumburg* when invalidating a Texas law requiring groups operating “public donations receptacles” to make disclosures on the

donation receptacles indicating, essentially, whether donated items would be sold for profit. Texas argued that *Schaumburg* and its progeny were distinguishable because, unlike the active, in-person solicitation at issue in *Schaumburg*, donation bins “represent nothing more than an upturned palm” and were thus not expressive and protected the way that active, person-to-person solicitations are. *Id.* at 212. Our sister circuit disagreed, reasoning that

Schaumburg’s mention of “on the street or door to door” solicitations is reflective of the statute at issue in that case, not a meaningful ground on which to distinguish donations to public receptacles. Black’s law dictionary defines solicitation as “[t]he act or an instance of requesting or seeking to obtain something.” Black’s Law Dictionary 1520 (9th ed. 2009). Solicitation is not limited to in-person communication. More importantly the speech interests identified in *Schaumburg*—“communication of information, the dissemination and propagation of views and ideas, and the advocacy of causes”—are surely implicated by the public receptacles. The mere inclusion of the name of a charity on a donation box communicates information about the beneficiary of the benevolence and explicitly advocates for the donation of clothing and household goods to that particular charity. At a minimum, the donation boxes implicitly advocate for that charity’s views, ideas, goals, causes, and values. It is clear that Texans have choices when choosing to dispose of unwanted clothing or household goods.

Id. at 212–13. The court held that “public receptacles are not mere collection points for unwanted items, but are rather silent solicitors and advocates for particular charitable causes.”

Id. at 213. We agree.

The Fifth Circuit’s rationale in *Abbott* is well-reasoned and consistent with the free speech principles set forth in *Schaumburg* and its progeny. A charitable donation bin can—and does—“speak,” and not only in the ways described by the Fifth Circuit in *Abbott*. A passer-by who sees a donation bin may be motivated by it to research the charity to decide if he wants to donate—in so doing, the passer-by will gain new information about the social problem the charity seeks to remedy. Indeed, the donation bin may ultimately motivate citizens to donate clothing or shoes even if they had not previously considered doing so. The speech may not be unidirectional, either—a citizen faced with a choice among several bins from different charities may be inspired to learn more about each charity’s mission in deciding which charity is consistent with his values, thus influencing his donation decision. In this way, donation bins in

many respects mirror the passive speaker on the side of the road, holding a sign drawing attention to his cause.

For these reasons, we hold that speech regarding charitable giving and solicitation is entitled to strong constitutional protection, and the fact that such speech may take the form of a donation bin does not reduce the level of its protection. These conclusions, however, are the beginning of our inquiry, not the end of it. That is because the fact that a government regulation may incidentally impact some protected speech does not automatically trigger strict scrutiny. *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989). Government regulations of protected speech are subject to strict scrutiny only if they target the protected speech, that is, if they are content-based. With this in mind, we turn to the next step of our analysis.

IV.

A.

Determining whether Ordinance #618 is content-based is critical because the content status of a regulation dictates the level of scrutiny applied to it. Broadly speaking, content-based regulations on protected speech “can stand only if [they] satisf[y] strict scrutiny.” *United States v. Playboy Entm’t Grp., Inc.*, 529 U.S. 803, 811 (2000). By contrast, government action that merely regulates the time, place, and manner of protected speech, that is, “regulations that are unrelated to the content of speech[,] are subject to an intermediate level of scrutiny.” *Turner Broad. Sys., Inc. v. F.C.C.*, 512 U.S. 622, 642 (1994).

Determining whether a particular regulation is content-based or content-neutral “is not always a simple task.” *Id.* Generally, however, if a law “treats speech differently based on the viewpoint or subject matter of the speech, on the words the speech contains, or on the facts it conveys, the [law] is based on the content (and the communicative impact) of speech.” Eugene Volokh, *THE FIRST AMENDMENT AND RELATED STATUTES* 360 (5th ed. 2014). By contrast, if a law “focuses on the noncommunicative aspects of the speech, and treats speech the same regardless of what the speech says, [the law is] content-neutral.” *Id.*

“The First Amendment’s hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire

topic.” *Consol. Edison Co. of N.Y. v. Pub. Serv. Comm’n of N.Y.*, 447 U.S. 530, 537 (1980); *see also Carey v. Brown*, 447 U.S. 455, 462 n.6 (1980) (“It is . . . no answer to assert that the . . . [speech regulation at issue] does not discriminate on the basis of the speaker’s viewpoint, but only on the basis of the subject matter of his message.”). Indeed, “a law *may be content-based even if it’s viewpoint-neutral*. A ban on profanity, for instance, is viewpoint-neutral, but content-based. Speech restrictions [thus] fall into three categories: (1) content-neutral (and therefore viewpoint-neutral), (2) content-based but viewpoint-neutral, and (3) viewpoint-based (and therefore content-based).” Volokh, *THE FIRST AMENDMENT* at 361.

The Supreme Court has analyzed the content status of speech regulations in a number of ways. First, the Court has held that whether a regulation is content-based or content-neutral may turn on whether “the government has adopted a regulation of speech because of disagreement with the message it contains.” *Hill v. Colorado*, 530 U.S. 703, 719 (2000) (quoting *Ward*, 491 U.S. at 791). That is, if the regulation engages in viewpoint discrimination, it is content-based. *Turner*, 512 U.S. at 643 (“As a general rule, laws that by their terms distinguish favored speech from disfavored speech on the basis of the ideas or views expressed are content based.”).

Second, the Court has held that the content-neutral/content-based distinction may turn on whether the regulation hampers the “communicative impact of [the speaker’s] expressive conduct.” *Texas v. Johnson*, 491 U.S. 397, 411 (1989). That is, a regulation is content-neutral only if it is “unrelated to expression.” *Lorillard Tobacco Co. v. Reilly*, 533 U.S. 525, 567 (2001).

Third, a court should examine whether the legislature’s predominant intent regarded the content of the speech, rather than its secondary effects. *Renton v. Playtime Theaters, Inc.*, 475 U.S. 41, 48 (1986).

Fourth, and most obviously, the Supreme Court has held that when a regulation is “based on the content of speech” and not “applicable to all speech irrespective of content,” the regulation is content-based. *Consol. Edison Co.*, 447 U.S. at 536. That is, when a regulation “regulates speech on the basis of its subject matter,” it is not content-neutral. *Id.*

Employing one or more of these standards, the Supreme Court has ruled that the following are content-based: federal and state regulations prohibiting or restricting the burning of flags as a form of protest, *United States v. Eichman*, 496 U.S. 310, 315 (1990), *Johnson*, 491 U.S. at 412; a city regulation prohibiting the display of signs within 500 feet of a foreign embassy that “tend[] to bring that foreign government into ‘public odium’ or ‘public disrepute,’” *Boos v. Barry*, 485 U.S. 312, 315, 321 (1988); a federal criminal statute proscribing the posting for commercial purposes content that was “harmful to minors,” including sexually explicit content, *Ashcroft v. ACLU*, 542 U.S. 656, 661 (2004); a federal statute requiring that cable operators scramble only sexually explicit channels but not others, thus “focus[ing] *only* on the content of the speech and the direct impact that speech has on its listeners,” *Playboy Entm’t Grp., Inc.*, 529 U.S. at 811 (quoting *Boos*, 485 U.S. at 321 (opinion of O’Connor, J.)); a state provision prohibiting candidates for judgeships from announcing their views on political issues, *Republican Party of Minn. v. White*, 536 U.S. 765, 774 (2002); a state statute prohibiting criminals from receiving financial compensation from writings about their crimes because the statute “single[d] out income derived from expressive activity for a burden the State place[d] on no other income, and it [was] directed at works with a specified content,” *Simon & Schuster, Inc. v. Members of the N.Y. State Crime Victims Bd.*, 502 U.S. 105, 116 (1991); a regulation charging those organizing a parade for policing expenses, but which could be adjusted by the government based on need and therefore amounted to a “premium in the case of a controversial political message delivered before a hostile audience,” *Forsyth Cnty. v. Nationalist Movement*, 505 U.S. 123, 136 (1992); and a law banning all residential picketing except labor picketing, because “the permissibility of residential picketing under the . . . statute [was] . . . dependent solely on the nature of the message being conveyed,” *Carey*, 447 U.S. at 461. Even though several of these examples involve *viewpoint*-neutral regulations, they are all *content*-based. See Volokh, THE FIRST AMENDMENT at 360.

By contrast, the Supreme Court has concluded that regulations such as the following are content-neutral: a ban on all sleeping in public parks, *Clark v. Cmty. for Creative Non-Violence*, 468 U.S. 288, 295 (1984); a city’s “attempt to regulate the volume of amplified music at [a] bandshell,” *Ward*, 491 U.S. at 784, 792; a ban on the “proliferation of an unlimited number of signs in private, residential, commercial, industrial, and public areas . . . [because signs] would

create ugliness, [as well as] visual blight and clutter,” *City of Ladue v. Gilleo*, 512 U.S. 43, 47 (1994);² a ban on all sound amplification devices, *Kovacs v. Cooper*, 336 U.S. 77, 87 (1949); a ban on all public nudity, “regardless of whether that nudity is accompanied by expressive activity,” *City of Erie v. Pap’s A.M.*, 529 U.S. 277, 290 (2000); and a ban on the distribution of leaflets, handbills, and “oral protest” within 100 feet of a health care facility because the ban “place[d] no restrictions on . . . any subject matter that may be discussed by the speaker” but instead “establishe[d] a minor place restriction on an extremely broad category of communications with unwilling listeners,” *Hill*, 530 U.S. at 708, 723.

B.

Under these standards, Ordinance #618 clearly regulates protected speech on the basis of its content. The ordinance does not ban or regulate all unattended, outdoor receptacles. It bans only those unattended, outdoor receptacles with an expressive message on a particular topic—charitable solicitation and giving. Thus, the ordinance is not “unrelated to expression.” *Lorillard Tobacco Co.*, 533 U.S. at 567. The ordinance’s “purpose clause” lists a plethora of problems associated with donation bins, including concerns over “preserv[ing] aesthetics,” “preventing blight,” and “avoiding the creation and maintenance of nuisances.” The City elaborates in its appellant brief, arguing that donation bins “can readily be surrounded by items that don’t fit or that overflowed [sic] because the bin was [sic] full,” and that “children can be injured by climbing into or on such bins; and they have become a place for criminals loitering in some communities.” However, these concerns apply with equal force to non-expressive outdoor receptacles such as dumpsters, receptacles at recycling centers, and public and private trash cans. Yet the ordinance permits the “place[ment], use [and] . . . installation” of these non-expressive receptacles. It bans only those outdoor receptacles that are “intended to accept donated goods or items.” That is, Ordinance #618 bans only outdoor receptacles that carry a message about charitable giving—expression that the Supreme Court held in *Schaumburg* and its progeny is worthy of strong constitutional protection.

²In *Ladue*, the Court assumed, without squarely deciding, that the ordinance was content-neutral, but struck it down anyway because it failed intermediate scrutiny by not leaving open sufficient “alternative channels for communication.” *Ladue*, 512 U.S. at 56 (citation omitted).

The City asserts that Ordinance #618 is content-neutral. Underpinning its argument is its assumption that because the ordinance is viewpoint-neutral, it is also content-neutral. For example, the City argued in its briefing that Ordinance #618 is content-neutral because it “makes no distinction based on the nature of the organization, person, or entity that sought to place a donation box within the City.” At oral argument, the City elaborated that the ordinance is content-neutral because it applies “to donation bins regardless of whose they are.” However, as we explained above, a speech regulation can be viewpoint-neutral but content-based. For example, the regulation at issue in *White* prevented judicial candidates from expressing a point of view—any point of view—on “disputed legal or political issues.” 536 U.S. at 768. It was thus viewpoint-neutral, but the Supreme Court still held that it was content-based and invalidated it. *Id.* at 774, 788. Thus, it does not follow that the ordinance is content-neutral simply because it is viewpoint-neutral.

In a related argument, the City quotes the Supreme Court’s pronouncement in *Ward* that “[t]he government’s purpose is the controlling consideration” in determining content-status of a regulation and asserts that the government’s purpose in this case is “set forth in the ordinance itself.” Specifically, the City argues that because the ordinance’s “purpose clause” lists a number of non-speech-based justifications for the ordinance (prevention of blight, aesthetics, etc.), the ordinance is necessarily content-neutral. However, the “purpose clause” of the ordinance does not alter the fact that the ordinance is facially content-based. The ordinance applies only to outdoor, unattended receptacles that are “intended to accept donated goods or items.” In other words, by its terms, the ordinance applies only to one subclass of unattended, outdoor receptacles: those with a message about charitable solicitation and giving. Thus, it is clear from the face of the ordinance that the City’s purpose in enacting it was to regulate speech on the basis of its content.

The City also contends that plaintiff’s charitable donation bins are “analogous to billboards and advertising signs” because both donation bins and signs are “physical object[s] that [are] placed outside on property within [a] city.” It relies on cases in which our court has held that regulations of billboards and signs are content-neutral. *See Bench Billboard Co. v. City*

of Covington, 465 F. App'x 395, 403–05 (6th Cir. 2012), and *Prime Media, Inc. v. City of Brentwood*, 398 F.3d 814, 818–24 (6th Cir. 2004). This argument is not persuasive.

The regulations at issue in *Bench Billboard Co.* and *Prime Media* were not content-neutral simply because they regulated physical, outdoor structures. Rather, the regulations were deemed content-neutral because they did not proscribe the speech content that could be placed on the billboards or signs. See *Prime Media*, 398 F.3d at 816, 819 (noting that the case involved a challenge to an ordinance “that restricts the size and height of billboards” and holding that the ordinance was content-neutral because it “regulate[d] only the non-expressive components of billboards”); *Bench Billboard Co.*, 465 F. App'x at 403 (addressing an ordinance that regulated the height, width, and depth of newsracks on public property and governing where they could be located).

A government may regulate the physical characteristics of outdoor structures, *provided the regulations are content-neutral*. However, that is not what occurred here. The ordinance at issue does not merely regulate outdoor structures’ height, size, cleanliness, or where they may be located. On the contrary, it bans altogether an entire subclass of physical, outdoor objects—those with an expressive message protected by the First Amendment. That is why Ordinance #618 is content-based.

By way of analogy, assume that a municipality passed an ordinance banning all billboards within the city from addressing the subject of abortion, regardless of the viewpoint. Although neutral regarding viewpoint, such a regulation would clearly be content-based. At oral argument, defendant’s counsel agreed. We see no principled distinction between this hypothetical and Ordinance #618. In both instances, the government attempts to regulate an entire topic of protected speech as conveyed on a particular type of outdoor structure. And, “[b]road, prophylactic rules in the area of free expression are suspect. Precision of regulation must be the touchstone.” *Schaumburg*, 444 U.S. at 637.

Finally, defendant City of St. Johns questions the level of scrutiny applied in *Schaumburg*, *Munson*, *Riley*, and *Abbott*. The City argues that *Schaumburg* did not “announce that strict scrutiny is to be applied” to regulations that impact speech on charitable solicitation. At oral argument, the City expounded on this point. Focusing on *Abbott*’s use of the word

“stricter” rather than “strict,” *see* 647 F.3d at 212, the City argued that *Schaumburg* and its progeny applied a level of scrutiny “stricter than [that applicable] to commercial [speech] but not strict in the highest sense.” We disagree. *Schaumburg* plainly applied strict scrutiny. *Compare Schaumburg*, 444 U.S. at 637 (“The Village may serve its legitimate interests, but it must do so by *narrowly drawn* regulations designed to serve those interests without unnecessarily interfering with First Amendment freedoms.” (emphasis added)) *with Playboy Entm’t Grp., Inc.*, 529 U.S. at 813 (in order to satisfy strict scrutiny, the government must show that the regulation at issue is “*narrowly tailored* to promote a compelling Government interest” (emphasis added)). So did *Munson* and *Riley*. *Munson*, 467 U.S. at 961; *Riley*, 487 U.S. at 791, 795. *See also Riley*, 487 U.S. at 810–11 (Rehnquist, C.J., dissenting) (“The Court concludes . . . that strict scrutiny should be applied and that the statute does not survive that scrutiny.”). Moreover, the application of strict scrutiny in those cases was warranted because they, like this case, involved content-based restrictions of protected speech. *See, e.g., Riley*, 487 U.S. at 795.

C.

Because Ordinance #618 is a content-based restriction on speech, “it can stand only if it satisfies strict scrutiny.” *Playboy Entm’t Grp., Inc.*, 529 U.S. at 813. Thus, in order for the ordinance to pass constitutional muster, the City bears the burden to establish that it is “narrowly tailored to promote a compelling Government interest. If a less restrictive alternative would serve the Government’s purpose, the [City] must use that alternative.” *Id.* (citation omitted). Assuming, without deciding, that the City’s stated interests in preventing blight and aesthetics are compelling, we hold that Ordinance #618 is not narrowly tailored to promote those interests.

The parties dispute whether the ordinance should be categorized as a “complete” or “total” ban on donation bins. The City has argued both sides of this point. In the district court, the City asserted, “the City’s ban on donation boxes is complete.” In its appeal, in its opening brief, the City asserts, “the City’s ban was not complete.” In its reply brief, the City attempts to clarify this contradiction as follows:

To be sure, the ban was on occasion imprecisely labeled “total” [by the City]. But, as is clear from even a cursory review of the ordinance language, what is meant by “total” was that the ban was not limited to for-profit donation bins . . . [an approach] that would have distinguished between what was covered and what

was not on the basis of content, i.e., whether the entity was profit-making or non-profit.

This argument lacks merit. Even assuming that a for-profit/nonprofit distinction is a content-based one in the first place—and it is not clear that it is—there is no indication in the record that ensuring a ban on both for-profit and non-profit bins was the City’s purpose in enacting the ordinance.

The City also argues that the ban is not complete—and thus satisfies strict scrutiny—because “only outdoor, unattended receptacles . . . are banned. Receptacles that are attended or not outdoors are allowed.” This argument also misses the mark. The ordinance preemptively and prophylactically prevents all charities from operating outdoor, unattended donation bins within the City in the interest of aesthetics and preventing blight. This implies, without any evidence, that charities would be negligent in failing to conduct timely pickups of donated goods, in maintaining the appearance of the bins, etc. Further, it assumes that lesser, content-neutral restrictions such as requiring weekly or bi-weekly pickups or inspections of all outdoor receptacles would be ineffective.

“To prohibit this much speech is a significant restriction of communication between speakers and willing adult listeners, communication which enjoys First Amendment protection.” *Playboy Entm’t Grp., Inc.*, 529 U.S. at 812. Thus, “it is of no moment” whether the ordinance is labeled “complete” or “total” because “[t]he distinction between laws burdening and laws banning speech is but a matter of degree. The Government’s content-based burdens must satisfy the same rigorous scrutiny as its content-based bans.” *Id.*

For these reasons, we conclude that the district court did not err when it ruled that Planet Aid was likely to succeed on the merits of its First Amendment claim. And, because “[w]hen a party seeks a preliminary injunction on the basis of the potential violation of the First Amendment, the likelihood of success on the merits often will be the determinative factor,” we affirm the district court’s decision to grant the preliminary injunction. *Connection Distrib. Co. v. Reno*, 154 F.3d 281, 288 (6th Cir. 1998).

V.

For these reasons, we affirm the order of the district court.

ARTICLE VII. – DONATION COLLECTION CONTAINERS

Sec.138-500. – Purpose.

The proliferation of donation collection containers contribute to visual clutter, blight due to graffiti and poor maintenance, and the accumulation of debris and excess items outside the collection containers. These regulations are intended to promote the health, safety, and welfare of the public, and to protect the property rights of the owners of the parcels of land on which the collection containers are located by providing minimum blight-related performance standards for the operation of collection containers, including establishing criteria to ensure that:

- (a) Material is not allowed to accumulate outside of the collection containers;
- (b) The collection containers remain free of graffiti and blight;
- (c) The collection containers are maintained in sanitary conditions;
- (d) The collection containers are not placed without the approval of property owners; and
- (e) Contact information is readily available so that the operators can be contacted if there are any blight-related questions or concerns.

This article regulates the size, number, placement, installation and maintenance of collection containers, as is necessary to accomplish the foregoing purposes.

Sec. 138-501. – Definitions.

- (a) *Collection container* means a drop-off structure, box, bin, container, receptacle, trailer, mobile vehicle, or similar facility that accepts furniture, textiles, shoes, media, books and/or other salvageable or reusable items of personal property.
- (b) *Collection container, small* means a collection container that occupies less than or equal to eighty-four (84) cubic feet and is no taller than seven feet (7') above the finished grade of the area of the parcel or tract where the container is located.
- (c) *Collection container, large* means a collection container that occupies more than eighty-four (84) cubic feet. Large collection containers may not be taller than fourteen feet (14') above the finished grade of the area of the parcel or tract where the container is located.

Sec. 138-502. – Conflicts.

Where a conflict exists between the regulations or requirements in this article and applicable regulations or requirements contained in other sections of the Code, the applicable regulations or requirements of this article shall prevail.

Sec. 138-503. – Permit Required and Exemptions.

- (a) Except as provided herein, it shall be prohibited to place, operate, maintain or allow a collection container on any real property unless the property owner and operator of the collection container first obtain an annually renewable permit from the Environmental Health Manager, or their designee.
- (b) Collection containers that satisfy the following standards are exempt from the requirements of this article:
 - (1) Collection containers that are wholly located within an entirely enclosed and lawfully constructed and permitted building or structure, or otherwise cannot be seen from outside boundaries of the property on which the containers are located, provided that such collection containers satisfy the operational requirements contained herein;
 - (2) Cargo storage containers that may otherwise be allowed by this Code; and
 - (3) Refuse or recycling containers that comply with the provisions of Chapter 146-132 (Fences, Walls and Screening Requirements) of this Code.
- (c) Applications for a collection container shall be processed as a ministerial action in accordance with this article.

Sec. 138-504. – Application Requirements.

The following minimum information shall be required when applying for a permit for a collection container:

- (a) A completed permit application containing the names, signatures, phone numbers, email addresses, websites (if available), and mailing addresses of the property owner and the operator of the collection container, including 24-hour contact information, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval;
- (b) A non-refundable application fee as outlined in Appendix A (Schedule of Fees) of the Code, and as may be amended from time to time by ordinance;
- (c) A location and/or vicinity map showing the proposed location of the collection container including the distance between the site and all existing collection containers within 1,000 feet of the location for the proposed collection container;

(d) A scaled site plan or layout exhibit sufficiently reflecting:

- (1) The location and dimensions of all property boundaries;
 - (2) The location of all buildings or structures;
 - (3) The location(s) and type(s) of illumination sources that operate from dusk until dawn;
 - (4) The proposed collection container location;
 - (5) The distance between the proposed collection container and all other nearby collection containers, parcel lines, buildings, structures, and illumination sources; and
 - (6) The location and dimensions of all existing and/or proposed driveways, carports, parking spaces, maneuvering, pavement and striping/markings.
- (e) Four-sided color elevations showing the appearance, materials, and dimensions of the proposed collection container, including the information required herein to be placed on the collection container and notice sign;
- (f) A detail, description and/or diagram of the proposed collection container's locking mechanism;
- (g) A maintenance plan (including graffiti removal, pick-up schedule, and litter and trash removal on and around the collection container); and
- (h) Any other information deemed necessary by the City to adequately review and process the requested collection container permit application.

Sec. 138-505. – Permit Expiration and Renewal.

- (a) A permit issued under this section shall expire and become void on January 1 of each calendar year. An application for renewal must be submitted prior to the expiration of a permit annually and must be accompanied by the following, at a minimum:
- (1) A completed permit renewal application containing the names, signatures, phone numbers, email addresses, websites (if available), and mailing addresses of the property owner and the operator of the collection container, including 24-hour contact information, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval;

- (2) A non-refundable application fee as outlined in Appendix A (Schedule of Fees) of the Code, and as may be amended from time to time by ordinance;
- (3) Updates to any information contained in the original permit application that is to be modified; and
- (4) Any other information deemed necessary by the City to adequately review and process the request collection container permit.

Sec. 138-506. – Approval Required.

- (a) The Environmental Health Manager, or their designee, shall approve or deny a permit application for collection container within thirty (30) days of the receipt of a completed submittal. If the Environmental Health Manager fails to take action on the submittal within the required timeframe, the application shall be deemed approved.
- (b) A permit application for a collection container shall be approved if the following is found to be true:
 - (1) The applicant has submitted a complete, fully executed and accurate application accompanied by the applicable fee;
 - (2) The property on which the container is to be located has been free of any municipal code violations for at least six (6) months prior to the submission of the application or permit renewal;
 - (3) The applicant is neither currently in violation of, nor has been found in violation of this article within one (1) year prior to the submission of the application or permit renewal; and
 - (4) The application or permit renewal will be in compliance with all applicable regulations contained herein.
- (c) If a permit application or renewal application for a collection container is denied by the Environmental Health Manager, or their designee, such ruling may be appealed to the Executive Director of Development Services within seven (7) calendar days of the denial. The appeal must be made in writing and must include the reason for the appeal and the justification for why the permit application should be approved. The Executive Director of Development Services shall be the final approval authority.

Sec. 138-507. – Permit Revocation.

If any individual, company, corporation or association who owns, operates, exhibits, or displays any collection container in this City shall violate any provision of this article, the Environmental Health Manager shall have the power and authority to cancel and revoke all permits issued hereunder to any of the foregoing by giving written notice, stating the reason justifying such revocation, and the same shall become void ten (10) days from date of such notice. No permit shall be issued within a period of one (1) year to anyone whose permit has been revoked, except at the discretion of the City Council. If the permit of an individual, company, corporation, or association owning, operating, or displaying a collection container on a specific property in this City is cancelled, such individual, company, corporation or association shall not operate, display or permit to be operated or displayed such a collection container on said property until a new permit is granted.

Sec. 138-508. – Locational Requirements for Collection Containers.

- (a) No collection container shall be located within three-hundred feet (300') from any other collection container.
- (b) Collection containers are only permitted within non-residential zoning districts.
- (c) No collection container shall be located on or within three-hundred feet (300') of a property zoned or used for residential purposes.
- (d) Collection containers must be located within twenty feet (25') of an illumination source which operates from dusk until dawn that is sufficient for discouraging theft, vandalism and/or vagrancy including, but not limited to street lighting, parking lot lighting, or an illuminated building wall pack(s).
- (e) No collection container shall be located on or within the public right-of-way, a required landscaping area, or a parking or loading space that is required to satisfy the minimum requirements of the City.
- (f) No collection container shall be placed in a manner that blocks, limits, or impedes the function of, access to, or maintenance of any of the following:
 - (1) Required parking, loading or driveway areas;
 - (2) Pedestrian, wheelchair and/or bicycle routes or trails;
 - (3) Building ingress and egress;
 - (4) Required disabled access routes;
 - (5) Required easements;

- (6) Refuse and/or recycling enclosures areas or access to refuse and/or recycling bins or enclosures; or
- (7) Exhaust, ventilation, mechanical, electrical or fire suppression systems, including, but not limited fire department connections or fire hydrants.
- (g) No more than one collection container shall be located on any parcel or tract of land, except as otherwise permitted herein.
- (h) No large collection container shall be located within any zoning district's building setback.

Sec. 138-509. – Collection Container Physical Attribute Requirements.

- (a) All collection containers shall:
 - (1) Be fabricated of durable and waterproof materials;
 - (2) Be placed on ground that is paved with durable cement;
 - (3) Have a tamper-resistant locking mechanism for all collection openings;
 - (4) Not be electrically, mechanically, or hydraulically powered or otherwise mechanized; and
 - (5) Not be considered a fixture of the site or an improvement to real property.
- (b) Small collection containers shall have the following information conspicuously displayed in at least two-inch (2") type visible from the front of the collection container:
 - (1) The name, mailing address, 24-hour contact telephone number, and if available, the internet web address, and email address of the operator of the collection container and the agent or representative for the property owner;
 - (2) The type of material that may be deposited into the collection container; and
 - (3) A notice stating that no material shall be left outside the collection container.
- (c) Large collection containers shall have the following information conspicuously displayed in at least four-inch (4") type visible from the front of the collection container:
 - (1) The name, mailing address, 24-hour contact telephone number, and if available, the internet web address, and email address of the operator of

the collection container and the agent or representative for the property owner;

- (2) The type of material that may be deposited into the collection container;
- (3) A notice stating that no material shall be left outside the collection container;
and
- (4) A statement that no items may be left for collection unless an attendant is on duty.

Sec. 138-510. – Maintenance and Operation.

- (a) No overflow collection items, litter, debris or dumped materials shall be allowed to accumulate within twenty feet (20') of any collection container.
- (b) Collection containers shall be maintained and in good working order, and free from graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.
- (c) Collection containers shall be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes maintenance of the container, the removal of collected material and abatement of any graffiti, litter, or any nuisance conditions.
- (d) The operator shall maintain an active email address and a 24-hour telephone service with recording capability for the public to register complaints.
- (e) Any conditions that are in violation of this section must be remedied or abated within forty-eight (48) hours of being reported to the operator or property owner.
- (f) Collection containers cannot be used for the collection of refuse, solid waste and/or any hazardous materials.
- (g) Large collection containers shall have an attendant present at the container at all times that items are being received.



16-978

TITLE: Consider and Discuss a Resolution Authorizing the City Manager to Execute a Contract Amendment in the Amount of \$286,880 with Tyler Technologies, Inc., for the Acquisition of an Enterprise Class Land Management Software System (ECLMSS) and Authorizes all Necessary Change Orders Under said Contract to an Aggregated Contract Amount not to Exceed \$1,663,880

MEETING DATE: October 3, 2016

DEPARTMENT: Department of Information Technology
Development Services

CONTACT: Sid Hudson, Chief Information Officer
Michael Quint, Executive Director of Development Services

RECOMMENDED CITY COUNCIL ACTION:

- Approval of Resolution October 4, 2016.

ITEM SUMMARY:

- The Resolution will authorize a contract amendment with Tyler Technologies, Inc. for purchase and maintenance of a new Enterprise Class Land Management Software System (ECLMSS).

BACKGROUND INFORMATION:

- Due to staff attrition in the Information Technology Department, it is necessary to contract further assistance from Tyler Technologies in the form of UAT, (User Acceptance Testing), Data Conversion Services and Custom Report Building prior to Go Live.

Land Management Software System

- The City is in the process of acquiring and implementing software and supporting hardware as necessary to assist in the management of all aspects of land management, building permitting, code enforcement, citizen web access solution, mobile inspection solution, GIS integration, and interactive electronic plan review, along with a system for the management of the Capital Improvements Program, referred to as the ECLMSS.
- A request for proposals (RFP) was prepared for software vendors to respond to

in April of 2014. The RFP clearly outlined the requirements of the ECLMSS and provided background information needed by all the vendors allowing them to prepare their proposals.

- The three software vendors proposals were evaluated by a committee consisting of Subject Matter Experts (SMEs) for each area, and all the vendors were chosen to give on-site demonstration of their software to the committee.
- Through this process, Tyler Technologies' ECLMSS was selected as the most qualified software solution.
- Tyler Technologies' ECLMSS is web-based and will enable the City to become more efficient, flexible, transparent and adaptable. It will improve the operation of the Development Services Department as follows:
 - Tyler Technologies' ECLMSS has a strong GIS integration, which gives the ability to view data such as addresses, parcels, permits, applications, inspections, complaints, or businesses on a geographic map, which allows for validation and analysis of data. Mobile applications allow for more efficiency for city staff in the field with their ability to look up permits, plans or complaints and attach photos, and approve or reschedule inspections.
 - Tyler Technologies' ECLMSS provides a Citizen Web Portal that allows a connection between City government and its citizens that will be expanded and more transparent.
 - Tyler Technologies' ECLMSS will provide integrated electronic plan review, with the following benefits:
 - Reduce traditional plan review processing times
 - Reduce physical trips to Development Services for plan drop off/pick up
 - Reduce the amount of space used for plan storage
 - Reduce the hard copies needed
 - Improve reviewer work environment and productivity through more efficient communication and non-linear plan review processes
 - Provide customers the ability to submit plans 24/7 on-line
 - Improve customer ability to track plans through the review process
 - Provide the ability to review plans from remote locations
 - Tyler Technologies' ECLMSS will provide a centralized system of development-related software applications that will allow staff to track and manage activities, thereby speeding up the process of getting from application to occupancy, while reducing errors and redundancy.
 - Tyler Technologies' ECLMSS has credit card processing which is a primary feature of the new system to allow credit card transactions through Bank Card Services Worldwide (BCSW), the software vendor's

credit card processing company. Credit card charges involve a number of components, typically a percentage plus a flat amount. Credit card transactions will occur either through the Internet or as an “in person” card swipe transaction and carry a charge depending on the type of transaction. An advantage to accepting BCSW is customers can pay for their permits on line and print the permit from their office or home.

- Provide tracking reports that will inform staff of approaching deadlines.

Timeline

- Upon selection of the software solution, a detailed calendar for the project, including elements similar to the following, will be developed:
 - Signing of Software Contract
 - Planning and Fundamental Training
 - Assess and Define Project Scope
 - System Configuration
 - Testing
 - Training
 - Deployment

FINANCIAL SUMMARY:

- The Resolution will authorize a contract amendment with Tyler Technologies, Inc., for an amount not to exceed \$286,880.00 with a total contract value of \$1,663,880.

BOARD OR COMMISSION RECOMMENDATION: N/A

SUPPORTING MATERIALS:

[Draft Resolution](#)

[Proposal](#)

[Tyler Presentation](#)

RESOLUTION NO. 2016-10-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO A CONTRACT IN THE AMOUNT OF \$286,880 WITH TYLER TECHNOLOGIES, INC., FOR THE ACQUISITION OF AN ENTERPRISE CLASS LAND MANAGEMENT SOFTWARE SYSTEM AND AUTHORIZE ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT TO AN AGGREGATED CONTRACT AMOUNT NOT TO EXCEED \$1,663,880

WHEREAS, the City Council of the City of McKinney, Texas, has determined a need for an Enterprise Class Land Management Software System; and

WHEREAS, the acquisition of the Tyler Technologies' ECLMSS was originally approved by the City Council on December 1, 2014; and

WHEREAS, implementation of the software system is expected to last approximately an additional 6 to 9 months and it is anticipated that the expertise of SMEs and frequent users will be vital in the configuration of the software to meet business flow requirements; and

WHEREAS, Tyler Technologies, Inc., has agreed to enter into a contract amendment for additional services of the Enterprise Class Land Management Software System.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. The City Manager is hereby authorized to execute an amendment to the contract with Tyler Technologies, Inc., for the purchase and maintenance of an Enterprise Class Land Management Software System.

Section 2. The City Manager is authorized to execute an amendment contract and any change orders with Tyler Technologies, Inc. in an amount not to exceed \$1,663,880.

Section 3. This Resolution shall take effect immediately from and after the date of passage and is so resolved.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 4th DAY OF OCTOBER, 2016.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney



Purchase Proposal

EXPIRATION 10/31/2016

PLEASE FAX OR EMAIL ORDER TO:

678.474.1002

CRAIG.DIXON@TYLERTECH.COM

ATTN: CRAIG DIXON

Tyler Technologies, Inc.

2160 Satellite Boulevard Suite 300
Duluth, Georgia 30097
Phone 888.355.1093 Fax 678.474.1002

IF ACCEPTED BY CUSTOMER AND TYLER, ALL TERMS AND
CONDITIONS OF THE MASTER CUSTOMER AGREEMENT APPLY

TO

**City of McKinney
PO Box 517
McKinney, TX 75070**

[For internal use only]

Software

	Qty Licenses	Cost / Rate	Total Cost	Annual Maintenance	Notes/Comments
	0	0	0	0	
Total Software Purchased			0	0	

Professional Services

	QTY	Hourly Rate	Subtotal	Annual Maintenance	Notes/Comments
UAT	1,015	\$170	\$172,550		
Data Conversion	70	\$219	\$15,330		
Reports	396	\$250	\$99,000	\$9,900	33 reports at 12 hrs per report
Total Professional Services Purchased			\$286,880	\$9,900	

Payment Terms

Software License fees and first year ASM charges are due and payable at Software delivery or Availability for Download. Renewals of ASM are billed annually in advance on the anniversary of delivery and each year thereafter. ASM charges are subject to price adjustments. All services and travel expenses are billed as incurred. Invoice terms are Net 30.

The amounts represented herein do not include travel expenses. Travel expenses will be billed in addition to the estimated professional services outlined in this quote and will be in accordance with the Tyler Business Travel Policy as set forth in Exhibit B, Schedule 1 of the original agreement dated December 4, 2014. Professional services and any applicable travel expenses will be billed on a monthly basis as incurred. Our invoice and payment terms are Net 30.

Authorized Signature: _____

Printed Name: _____

Title: _____

PO #: _____

Date: _____



Land Management System
City of McKinney
Information Technology

- MONEY MAGAZINE 2014 -

Background



- Original Contract was approved in December 2014
- June 2015 Project was kicked off
- November 2015 - 75% attrition began and the project progress slowed considerably



COST SUMMARY



	QTY	HOURLY RATE	SUBTOTAL	ANNUAL MAINTENANCE	NOTES
UAT	1015	\$170	\$172,550		
DATA CONVERSION	70	\$219	\$15,330		
REPORTS	396	\$250	\$99,000		33 Critical Reports
TOTAL			\$286,880	\$3000	



Note: There is an additional 804 hours needed for 67 more custom reports but due to state regulations we cannot increase the contract any further. The City will seek approval for a contract of these 67 reports at a later date on a different agreement.



PROJECTESS

Consultant



- November 2013 – Approved a \$70,000 contract to develop an RFP to purchase a Land Management System.
- December 2014 – Approved a \$160,000 contract for 24 months of project management services. Due to 75% staff attrition the time commitment was exhausted earlier than expected.
- October 2016 Seeking final contract amendment for professional services at a cost of \$150,000 to finalize the implementation of the Land Management System with a projected Go Live of May 2017.

FUNDING



- A combination of salary and software maintenance savings will be utilized to fund these change orders.
- Seeking Council Approval of \$436,880 for both amendments



FUNDING SOURCES



Questions







16-998

TITLE: Consider and Discuss a Resolution Authorizing the City Manager to Execute a Contract Amendment for Project Manager Services Related to the Procurement, Integration and Implementation of the Enterprise Land Management Software System (ELMSS) in the Amount of \$150,000 with an Aggregated Contract Not To Exceed \$380,000

COUNCIL GOAL: Operational Excellence

MEETING DATE: October 3, 2016

DEPARTMENT: Department of Information Technology

CONTACT: Sid Hudson, Chief Information Officer

RECOMMENDED CITY COUNCIL ACTION:

- Approval of Resolution on October 4, 2016

ITEM SUMMARY:

- The Resolution will authorize the City Manager to execute a contract amendment with Projectess, LLC for an additional \$150,000 for project manager services related to the procurement, integration and implementation of the Enterprise Land Management Software System, until July 2017, at a rate of \$50 per hour not to exceed the aggregated amount of \$380,000.

BACKGROUND INFORMATION:

Project Manager

- This project involves the implementation of an enterprise class system that, in and of itself, is very time consuming and, based on the complexity of this project, the lack of end user experience in implementing enterprise class systems and the continuing time-project constraint, a project manager is essential to guide this project through completion.
- The implementation of the ELMSS requires a consultant that will act as the project manager and will provide technical support throughout the duration of the ELMSS project (development of the RFP has been completed, selection of

software is in process, integration with existing systems, training, etc.) and, in conjunction with the selected vendor, oversee the design, configuration, testing and post implementation support of the ELMSS.

- Kevin Sansom, the owner of Projectess, has over 25 years of experience in public and private sector projects. His firm offers specialized service leading strategic planning, project management, and process improvement efforts.
- Mr. Sansom's background includes:
 - Establishing efficient and effective project management offices with state-of-the-art processes and procedures.
 - Helping organizations set up quality assurance and process improvement programs.
 - Helping organizations with strategic planning efforts.
 - Helping municipalities set up development services centers.
 - Helping information technology departments improve their governance and service.
 - Helping organizations with RFP preparation and vendor evaluation.
 - Training organizations on project management and process improvement.

FINANCIAL SUMMARY:

- The Resolution will authorize an amendment to the contract with Projectess, LLC, until July 2017, at a rate of \$50 per hour not to exceed the aggregated amount of \$380,000.
- The additional \$150,000 is available in the FY 2015-2016 budget in fund 031-2119.

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS:

[Draft Resolution Proposal](#)

RESOLUTION NO. 2016-10-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR PROJECT MANAGER SERVICES RELATED TO THE PROCUREMENT, INTEGRATION AND IMPLEMENTATION OF THE ENTERPRISE LAND MANAGEMENT SOFTWARE SYSTEM IN THE AMOUNT OF \$150,000 WITH AN AGGREGATED CONTRACT AMOUNT NOT TO EXCEED \$380,000

WHEREAS, the City Council of the City of McKinney, Texas, determined a need for a land management software system; and

WHEREAS, the procurement, integration and implementation of this system requires the services of a project manager with explicit experience in enterprise class systems; and

WHEREAS, Projectess was identified through a qualifications based selection process as the most qualified firm; and

WHEREAS, Projectess agreed to enter into a contract for the required services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. The City Manager is hereby authorized to execute a contract amendment with Projectess, LLC for an additional \$150,000 for project manager services related to the procurement, integration and implementation of the Enterprise Land Management Software System, until July 2017, at a rate of \$50 per hour not to exceed the aggregated amount of \$380,000.

Section 2. This Resolution shall take effect immediately from and after the date of passage and is so resolved.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 4TH DAY OF OCTOBER, 2016.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

September 12, 2016

Sid Hudson
Chief Information Officer
City of McKinney
115 Industrial Blvd, Suite B
McKinney, TX 75069

RE: Extension of Contract for the City of McKinney Land Management/Permitting Project

Dr. Mr. Hudson,

Pursuant to your request, I offer the following proposal for your consideration.

This proposal is for the extension of my Land Management System Software Consultant contract (#13-36) to go one month past system "go live", not to exceed July 2017 and not to exceed a cost of \$150,000*. This serves to complete the remaining scope of work on the project and includes estimated travel and labor expenses.

* Project Management Consulting Services to continue to be billed at the discounted rate of \$50 per hour plus expenses.

Thank you for your consideration. I look forward to being of continued service to the City of McKinney, TX.

Best regards,

Kevin C. Sansom, MPA, PMP, ASQ SSBB
Owner & President