



CITY OF MCKINNEY, TEXAS

Agenda City Council Regular Meeting

Tuesday, May 1, 2018

6:00 PM

Council Chambers
222 N. Tennessee Street
McKinney, TX 75069

CALL TO ORDER

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation given by Pastor Deborah Bradford, New Jerusalem Baptist Church

CITIZEN COMMENTS

18-379 [Presentation by the Rotary Clubs of McKinney of their
Donation to the All Abilities Playground at Bonnie Wenk Park](#)

Attachments: [All Abilities Playground](#)

18-380 [Motorcycle Safety & Awareness Month Proclamation](#)

Attachments: [Proclamation](#)

18-381 [Building Safety Month Proclamation](#)

Attachments: [Proclamation](#)

18-382 [Recognizing State Yo-Yo Champion Philip Pacific](#)

CONSENT AGENDA

These items consist of non-controversial or housekeeping items required by law. Items may be considered individually by any Council member making such request prior to a motion and vote on the Consent Items.

MINUTES

18-383 [Minutes of the City Council Work Session of April 16, 2018](#)

Attachments: [Minutes](#)

- 18-384** [Minutes of the City Council Regular Meeting of April 17, 2018](#)
Attachments: [Minutes](#)
- 18-295** [Minutes of the Community Grants Advisory Commission Meeting of November 16, 2017](#)
Attachments: [Minutes](#)
- 18-349** [Minutes of the Library Advisory Board Meeting of March 15, 2018](#)
Attachments: [Minutes](#)
- 18-339** [Minutes of the McKinney Arts Commission Meeting of January 18, 2017](#)
Attachments: [Minutes](#)
- 18-354** [Amended Minutes of the McKinney Convention and Visitors Bureau Marketing Committee Meeting of March 5, 2018](#)
Attachments: [Minutes](#)
- 18-353** [Minutes of the McKinney Convention and Visitors Bureau Finance Committee Meeting of March 26, 2018](#)
Attachments: [Minutes](#)
- 18-352** [Minutes of the McKinney Convention and Visitors Bureau Board Meeting of March 27, 2018](#)
Attachments: [Minutes](#)
- 18-333** [Minutes of the McKinney Economic Development Corporation Special Meeting of March 6, 2018](#)
Attachments: [Minutes](#)
- 18-334** [Minutes of the McKinney Economic Development Corporation Meeting](#)
Attachments: [Minutes](#)

- 18-306** [Minutes of the McKinney Housing Finance Corporation Meeting of October 27, 2017](#)
Attachments: [Minutes](#)

RESOLUTIONS

- 18-385** [Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a HOME Investments Partnerships Program Tenant Based Rental Assistance \(TBRA\) Grant Through the Texas Department of Housing and Community Affairs \(TDHCA\)](#)
Attachments: [Resolution](#)
- 18-386** [Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a HOME Investments Partnerships Program Homebuyer Assistance \(HBA\) Grant Through the Texas Department of Housing and Community Affairs \(TDHCA\)](#)
Attachments: [Resolution](#)
- 18-387** [Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a HOME Investments Partnerships Program Homeowner Rehabilitation Assistance \(HRA\) Grant Through the Texas Department of Housing and Community Affairs \(TDHCA\)](#)
Attachments: [Resolution](#)
- 18-388** [Consider/Discuss/Act on a Resolution Authorizing the City Manager to Participate in Execution of Special Warranty Deed for Property Being Lot 426B, McKinney Outlots Addition, aka 416 W. Standifer Street, City of McKinney, Collin County, Texas](#)
Attachments: [Resolution](#)
 [Special Warranty Deed](#)
 [Distribution of Proceeds](#)
 [Location Map](#)

18-389 [Consider/Discuss/Act on a Resolution Authorizing the City Manager to Participate in Execution of Special Warranty Deed for Property Being Lot 2, Block E, Shorts Addition, aka 601 E. Standifer Street, City of McKinney, Collin County, Texas](#)

Attachments: [Resolution](#)
 [Special Warranty Deed](#)
 [Distribution of Proceeds](#)
 [Location Map](#)

18-390 [Consider/Discuss/Act on a Resolution Establishing the School Zone Summer Hours for Each School Holding Summer School in 2018](#)

Attachments: [Resolution](#)
 [Location Map](#)

18-391 [Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, Traffic Signal Data Sharing and WAZE Data Sharing Grants Through the North Central Texas Council of Governments \(NCTCOG\)](#)

Attachments: [Resolution](#)

18-392 [Consider/Discuss/Act on a Resolution Nominating IBG Real Estate Holdings II, Inc. to the Office of the Governor, Economic Development and Tourism and the Economic Development Bank for Designation as a Qualified Business and Enterprise Project Under the Texas Enterprise Zone Program Under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code](#)

Attachments: [Resolution](#)

MISCELLANEOUS

17-0022SP [Consider/Discuss/Act on a Site Plan for Two Medical Office Buildings \(McKinney Ortho\), Located Approximately 200 Feet South of Eldorado Parkway and Approximately 275 Feet East of Highlands Drive](#)

Attachments: [Standard Conditions Checklist](#)
[Location Map and Aerial Exhibit](#)
[Letter of Intent](#)
[Existing PD Ord. No. 1499](#)
[Existing PD Ord. No. 1522](#)
[Proposed Site Plan](#)
[Proposed Landscape Plan](#)

END OF CONSENT

REGULAR AGENDA AND PUBLIC HEARINGS

This portion of the agenda consists of items requiring individual consideration by the Council.

18-393 [Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with Bureau Veritas North America, Inc. \(BVNA\) of Plano Texas for Third Party Code Compliance Services Related to the Plan Review and/or Inspection of Permitted Construction in the City of McKinney, Texas](#)

Attachments: [Resolution](#)
[Agreement - BVNA](#)

18-394 [Conduct a Public Hearing to Consider/Discuss/Act on a Signage Meritorious Exception Request for a 75' Vertical Tower Display for Cinemark Theater, Located at the Southwest Corner of Hardin Boulevard and U.S. Highway 380 \(University Drive\)](#)

Attachments: [Sign Variance Request](#)
[Sign Appeal Request](#)
[Site Map](#)
[Site Plan](#)
[Tower Design](#)

18-395 [Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2017-2018 Annual Budget and Amending the](#)

2018-2022 Capital Improvements Program, to Provide Funds
for Additional Improvements at Bonnie Wenk Phase 2

Attachments: Ordinance

- 18-396** Consider/Discuss/Act on a Resolution Authorizing the City
Manager to Increase the Not to Exceed Amount for the
Construction Contract with Cooper General Contractors of
Plano, Texas by \$800,000 and to Execute Change Order(s)
as Necessary in Order to Construct Additional Improvements
at Bonnie Wenk Park

Attachments: Resolution
Presentation

- 18-397** Consider/Discuss/Act on a Resolution Authorizing the City
Manager to Execute a Contract and All Necessary
Supplemental Agreements with Teague, Nall, and Perkins,
Inc, to Perform a Drainage Study of the Upper Portion of the
Warden Creek Watershed

Attachments: Resolution
Location Map

- 18-398** Consider/Discuss/Act on an Ordinance Repealing Article IV,
"Electioneering" Sections 38-70 Through 38-74 of the Code
of Ordinances and Adopting a New Article IV,
"Electioneering" Sections 38-70 Through 38-74

Attachments: Ordinance
Ordinance 2017-10-095 - Redline

COUNCIL AND MANAGER COMMENTS

Council and Manager Comments relating to items of public interest: Announcements regarding local or regional civic and charitable events, staff recognition, commendation of citizens, traffic issues, upcoming meetings, informational update on City projects, awards, acknowledgement of meeting attendees, birthdays, requests of the City Manager for items to be placed on upcoming agendas, and condolences.

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.

- Third Amendment to 2012 Development Agreement by and between Trinity Falls Holdings, LP and the City of McKinney

B. Section 551.071 (A) Pending or contemplated litigation

- Devin Huffines, Jacob Thomas, Aaron Harris, Brent Connett, and Matthew Langston v. City of McKinney, Texas

C. Section 551.072. Deliberations about Real Property

- A189 - Project Topflight

ACTION ON EXECUTIVE SESSION ITEMS**ADJOURN**

Posted in accordance with the Texas Government Code, Chapter 551, on the 27th day of April, 2018 at or before 5:00 p.m.

Sandy Hart, TRMC, MMC
City Secretary

In accordance with the Americans with Disabilities Act, it is the policy of the City of McKinney to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at least 48 hours in advance of the event. Phone 972-547-2694 or email contact-adacompliance@mckinneytexas.org. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. ADA grievances may also be directed to the ADA Coordinator or filed online at <http://www.mckinneytexas.org/ada>.

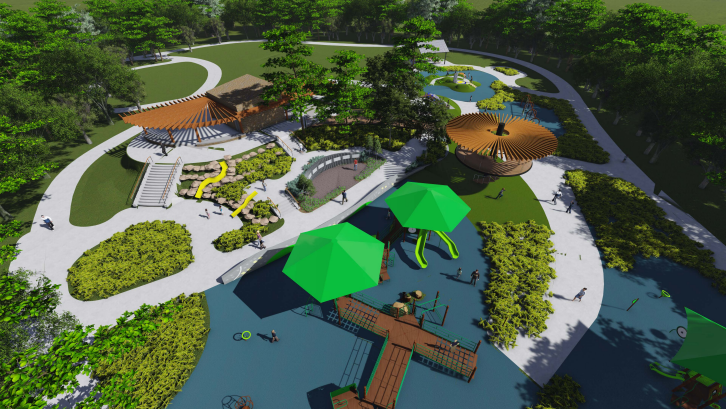


18-379

Title: Presentation by the Rotary Clubs of McKinney of their Donation to the All Abilities Playground at Bonnie Wenk Park

SUPPORTING MATERIALS:

All Abilities Playground





18-380

Title: Motorcycle Safety & Awareness Month Proclamation

SUPPORTING MATERIALS:

Proclamation



City of McKinney Proclamation

- WHEREAS,** today's society is finding more citizens involved in motorcycling on the roads of our country; and
- WHEREAS,** motorcyclists are roughly unprotected and therefore more prone to injury or death in a crash than other vehicle drivers; and
- WHEREAS,** campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and, most of all, fatalities, through a comprehensive approach to motorcycle safety; and
- WHEREAS,** it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and
- WHEREAS,** urging all citizens of our community to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike to give each other the mutual respect they deserve;

NOW, THEREFORE, I, GEORGE FULLER, BY THE POWER VESTED IN ME AS MAYOR OF THE CITY OF MCKINNEY, TEXAS, DO HEREBY PROCLAIM MAY 2018 AS

Motorcycle Safety & Awareness Month

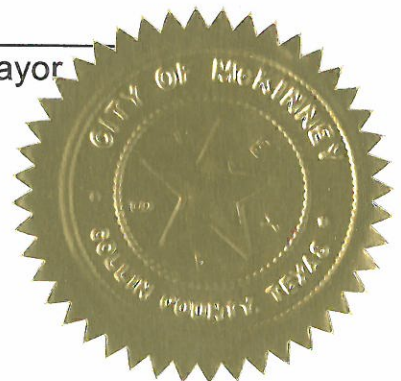
IN MCKINNEY, TEXAS AND URGE APPROPRIATE RECOGNITION THEREOF.

WITNESS MY HAND AND SEAL THIS THE 1ST DAY OF MAY, 2018.

George Fuller, Mayor

ATTEST:

Sandy Hart, City Secretary





18-381

Title: Building Safety Month Proclamation

SUPPORTING MATERIALS:

Proclamation



City of McKinney Proclamation

- WHEREAS,** our city is committed to recognizing that our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster; and
- WHEREAS,** our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers and others in the construction industry, who work year-round to ensure the safe construction of buildings; and
- WHEREAS,** these guardians are dedicated members of the International Code Council, a U.S. based organization, that brings together local, state and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, worship, play; and
- WHEREAS,** our nation benefits economically and technologically from using the International Codes® that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the nation; these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquake; and
- WHEREAS,** Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings that are essential to keep America great; and
- WHEREAS,** "Building Codes Save Lives" the theme for Building Safety Month 2018, encourages all Americans to raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2018 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies; and
- WHEREAS,** each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, I, GEORGE FULLER, BY THE POWER VESTED IN ME AS MAYOR OF THE CITY OF MCKINNEY, TEXAS, DO HEREBY PROCLAIM MAY 2018 AS

"BUILDING SAFETY MONTH"

IN THE CITY OF MCKINNEY.

WITNESS MY HAND AND SEAL THIS THE 1ST DAY OF MAY, 2018.

ATTEST:


Sandy Hart, City Secretary


George Fuller, Mayor





18-382

Title: Recognizing State Yo-Yo Champion Philip Pacific



18-383

Title: Minutes of the City Council Work Session of April 16, 2018

SUPPORTING MATERIALS:

Minutes

CITY COUNCIL WORK SESSION

APRIL 16, 2018

The City Council of the City of McKinney, Texas met in work session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on April 16, 2018 at 5:30 p.m.

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

Staff Present: City Manager Paul Grimes; Assistant City Manager Barry Shelton; Assistant City Manager Steve Tilton; City Attorney Mark Houser; City Secretary Sandy Hart; Assistant to the City Manager Trevor Minyard; Executive Director of Development Services Michael Quint; Planning Director Brian Lockley; Director of Public Works David Brown; Assistant Director of Public Works Paul Sparkman; Planning Manager Jennifer Arnold; Planning Manager Samantha Pickett; Planning Manager Matt Robinson; Director of Parks and Recreation Michael Kowski; Assistant Director of Parks and Recreation Ryan Mullins; Fire Chief Danny Kistner; Director of Engineering Gary Graham; Facilities Construction Manager Patricia Jackson; CIP Manager Nicholas Ataie; Chief Information Officer Sid Hudson; Housing and Community Services Manager Janay Tieken; Parks and Recreation – Jenny Baker and Teresa Thomason; Development Services – Brandon Opiela and Lola Isom; Planning Aaron Bloxham and Mary Smith; Director of Organizational Development & Performance Management Joe Mazzola; Emergency Management Coordinator Karen Adkins; President McKinney Community Development Corporation; Cindy Schneible; Assistant Fire Chief Chris Lowry; Development Engineering Manager Matt Richardson; and Assistant Director of Engineering Michael Hebert.

There were eight guests present.

Mayor Fuller called the meeting to order at 5:30 p.m. after determining a quorum present.

Mayor Fuller called for Discussion on Regular Meeting Agenda items.

Mayor Fuller called for discussion on the following work session items with no action taken:

- 18-320** Consider/Discuss a Recap of Apex Centre First Year of Operation
- 18-321** Consider/Discuss on an Update on the EnerGov, McKinney's New Land Management Software System Developed by Tyler Technologies, Inc.
- 18-322** CIP Program Updates

Mayor Fuller called for Council Liaison Updates.

Mayor Fuller recessed the meeting into executive session at 7:07 p.m. per Texas Government Code 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), Section 551.071 (A). Pending or contemplated litigation, and Section 551.087 Discuss Economic Development Matters as listed on the posted agenda. Mayor Fuller recessed back into open session at 7:39 p.m.

Council unanimously approved the motion by Council member Elliott, seconded by Council member Shemwell, to adjourn. Mayor adjourned the meeting at 7:35 p.m.

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary



18-384

Title: Minutes of the City Council Regular Meeting of April 17, 2018

SUPPORTING MATERIALS:

Minutes

CITY COUNCIL REGULAR MEETING

APRIL 17, 2018

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on April 17, 2018 at 6:00 p.m.

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

Staff Present: City Manager Paul Grimes; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Assistant to the City Manager Trevor Minyard; Executive Director of Development Services Michael Quint; Planning Director Brian Lockley; Assistant Director of Public Works Paul Sparkman; Planning Manager Samantha Pickett; Planning Manager Matt Robinson; Director of Parks and Recreation Michael Kowski; Fire Chief Danny Kistner; Assistant Fire Tim Mock; Director of Engineering Gary Graham; Development Engineering Manager Matt Richardson; Housing and Community Services Manager Janay Tieken; Assistant Director of Engineering; Michael Hebert; Police Sergeant Rusty May; Financial Analyst Trevor Daggon; Emergency Management Coordinator Karen Adkins; Assistant Fire Chief Tim Mock; Library Director Spencer Smith; Chief Financial Officer Mark Holloway; and Police Officer Shannon Seabrook.

There were approximately 70 guests present.

Mayor Fuller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Pastor Arnulfo Alvarado, First Hispanic Assembly

Mayor Fuller called for Citizen Comments.

The following individuals spoke about the North Texas Municipal Water District Water Safety:

Ms. Kelly Broussard, 3701 Cameron Lane, McKinney

Ms. Christy Hallford, 1007 Breckenridge, Wyle

Mr. Patrick Sanders, 4226 Bass Pro, Garland

Ms. Julie Wright, 221 Prism Lane, McKinney

Mr. David Riche, 3612 Matilda, McKinney spoke about his desire to be appointed to serve on the Planning and Zoning Commission

Ms. Nita Horne, 2580 Collin McKinney, McKinney praised the McKinney Fire Department and all that they do for the residents of McKinney.

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

- 18-323** Minutes of the City Council Work Session of April 2, 2018
- 18-324** Minutes of the City Council Regular Meeting of April 3, 2018
- 18-239** Minutes of the Building and Standards Commission Meeting of February 12, 2018
- 18-299** Minutes of the McKinney Armed Services Memorial Board Meeting of March 14, 2018
- 18-304** Minutes of the Parks, Recreation, and Open Space Advisory Board Meeting of March 8, 2018
- 18-298** Minutes of the Planning and Zoning Commission Regular Meeting of March 27, 2018
- 18-325** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, Staffing for Adequate Fire and Emergency Response (SAFER) Grant from the Federal Emergency Management Agency (FEMA) to Hire Additional Fire Department Personnel. Caption reads as follows:

RESOLUTION NO. 2018-04-040 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO
APPLY FOR AND ACCEPT, IF AWARDED, A STAFFING FOR
ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER)
GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT
AGENCY (FEMA) TO HIRE FIRE DEPARTMENT PERSONNEL

- 18-326** Consider/Discuss/Act on a Resolution Authorizing the City Manager, or Designee, to Apply for, Accept and Implement an Urban Area Security Initiative (UASI) Program Grant Award from the Department of Homeland Security Through the Office of the Governor (OOG) to Develop a

Continuity of Operations Plan (COOP) For the City of McKinney. Caption reads as follows:

RESOLUTION NO. 2018-04-041 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR, ACCEPT AND IMPLEMENT AN URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM GRANT AWARD FROM THE DEPARTMENT OF HOMELAND SECURITY THROUGH THE OFFICE OF THE GOVERNOR (OOG) TO DEVELOP A CONTINUITY OF OPERATIONS PLAN (COOP) FOR THE CITY OF MCKINNEY

- 18-327** Consider/Discuss/Act on a Resolution Authorizing the City Manager, or Designee, to Apply For, Accept and Implement an Urban Area Security Initiative (UASI) Program Grant Award from the Department of Homeland Security Through the Office of the Governor (OOG) to Purchase Ballistic Protective Equipment and Associated Medical Supplies to Support the Proper Equipping of Fire/Rescue/EMS Personnel Responding to an Active Shooter/Mass Casualty Incident. Caption reads as follows:

RESOLUTION NO. 2018-04-042 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR, ACCEPT AND IMPLEMENT AN URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM GRANT AWARD FROM THE DEPARTMENT OF HOMELAND SECURITY THROUGH THE OFFICE OF THE GOVERNOR (OOG) TO PURCHASE BALLISTIC PROTECTIVE EQUIPMENT AND ASSOCIATED MEDICAL SUPPLIES TO SUPPORT THE PROPER EQUIPPING OF FIRE/RESCUE/EMS PERSONNEL RESPONDING TO AN ACTIVE SHOOTER MASS CASUALTY INCIDENT

- 17-0021SP** Consider/Discuss/Act on a Site Plan for a Medical Office Expansion (McKinney Ortho), Located at 4271 Highlands Drive.

END OF CONSENT

- 18-328** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute an Interlocal Cooperation

Agreement with Collin County for Maintenance of Various Mutual Boundary Roads. Staff recommends tabling this item until the May 15, 2018 regular meeting. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Elliott, to table this item until the May 15th meeting.

- 18-329** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Adopting the 2018-19 Federal Legislative Agenda. Mayor Fuller stated that last night there was some discussion regarding the wording of a Bypass. Council member Branch stated that the City is going to expand Laud Howell and that would be a term we could use as a bypass per se and that be an opportunity to get help with federal funds for the project. City Manager Paul Grimes stated that the concern from last night was that the language might presuppose a certain solution to a US 380 capacity improvement. However, if TxDOT decides to pursue that, the concern on the dais was let us not put language in that presupposes one or the other. Councilwoman Rath stated that whatever language the Council chooses should be broad enough to cover all options. Council unanimously approved the motion by Council member Elliott, seconded by Council member Shemwell, to approve a Resolution adopting the 2018-19 Federal Legislative Agenda with the following changes: in Section II Roads Item 3. – remove the words “and US 380 Bypass” and the paragraph under Section II Roads Item 3. – remove the words “and US 380 Bypass” and remove the following sentence: “The Bypass of US 380 is needed to avoid significant displacement of residential and commercial properties through McKinney.” Caption reads as follows:

RESOLUTION NO. 2018-04-043 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING THE APPROVAL OF THE
CITY OF McKINNEY'S 2018-19 FEDERAL LEGISLATIVE
AGENDA

- 18-330** Mayor Fuller called for Citizen Input on the FY 2018-19 Budget. Chief

Financial Officer Mark Holloway stated that this is a citizen input meeting. This was an initiative that was started last year to allow citizens to have input on the budget process earlier in the process. We will still hold the required public hearings at the end of the process. We are in the department budget planning phase as well as citizen engagement activities from now until the end of the budget process. Mr. Holloway stated that they have received some preliminary numbers from the Collin County Appraisal District that allows us to begin the budget for the year. Last year, the certified total was \$19.45 billion. With the preliminary numbers, we project a 4.8 percent increase on existing properties. They are estimating the average homestead value will be about \$343,000 in 2018. Mr. Holloway stated that we are beginning our online exercise where people can log into mckinneytexas.org where citizens can provide their input from April 17th through June 8th. This is a virtual exercise where people can choose what their priorities are and what they would like to see incorporated into the fiscal year budget. The input will be presented to Council. On July 25, the City will receive the certified tax role. Our first budget work session will be held on August 3. The first public hearing on the tax rate will be held on August 21. On September 4th, there will be two public hearings (one on the tax rate and one on the budget). On September 18th, the City Council will adopt the tax rate and approve the budget. Mayor Fuller called for public comment.

Mr. Clint Scofield, 1101 Hill Street, McKinney spoke about the over 65 tax rate and the comparison of other cities that offer an over 65 tax freeze.

16-166FR Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Façade Plan for a Mixed-Use Development (Davis at the Square), Located on the Southeast Corner of Davis Street and Tennessee Street. Planning Manager Matt Robinson stated that the applicant has requested to amend the previously approved façade plans for the mixed-use development (Davis at the Square) that is currently under construction,

located on the southeast corner of Davis Street and Tennessee Street. The applicant has requested to modify the façade plans to alter materials and façade design. Specifically, the revised elevations increase the amount of masonry (brick), reduces the use of stucco (applicant has requested a stucco like coating for the upper levels of the parking garage façade), and tweaks the façade design with the most notable change located at the corner of Tennessee Street and Davis Street. Mr. Robert Shaw, 8343 Douglas Avenue, Dallas stated that they changed the façade to add more brick. We did not change the elevations, we replaced stucco or added brick. Mayor Fuller called for public comment and there was none. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Elliott, to close the public hearing and approve a Façade Plan for a Mixed-Use Development (Davis at the Square), located on the southeast corner of Davis Street and Tennessee Street.

18-0035Z Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located Approximately 365 Feet East of Custer Road and on the South Side of Paradise Drive, and Accompanying Ordinance. Planning Manager Samantha Pickett stated that the rezoning request is to modify the development standards. The subject property consists of seventeen (17) single family detached lots, currently platted within the Tour at Craig Ranch Subdivision. The current zoning allows for single family detached residential uses and the lots are platted as such; however, the applicant is requesting a modification in the development standards to allow for a larger building footprint to be developed on the lots. More specifically, the standards propose to reduce the rear yard setback 20 feet to 10 feet. The proposed development will maintain

consistency with what is in the rest of the neighborhood as well as the adjacent neighborhoods. Applicant, Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, 1700 Redbud Blvd., McKinney stated that larger subdivision has been developed under the "REC" – Regional Employment Center zoning category that specifies front yard build to and side yard setbacks. He stated that the rear yard setback was currently 20 feet. Mr. Roeder stated that the staff report is adequate and we are trying to reduce the rear yard setback to conform to the lots on the other side of Paradise Drive. Mayor Fuller called for public comment and there was none. Council unanimously approved the motion by Council member Shemwell, seconded by Council member Elliott, to close the public hearing and approve an Ordinance rezoning the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District, generally to modify the development standards, located approximately 365 feet east of Custer Road and on the south side of Paradise Drive. Caption reads as follows:

ORDINANCE NO. 2018-04-033

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 2.31 ACRE PROPERTY, LOCATED APPROXIMATELY 365 FEET EAST OF CUSTER ROAD AND ON THE SOUTH SIDE OF PARADISE DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

18-0004RW Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Right-of-Way Abandonment of a Portion of an Unnamed Alley, Located East of Throckmorton Street and North of Drexel Street, and Accompanying Ordinance. Development Engineering Manager Matt

Richardson stated that Staff received a request to abandon a portion of the unnamed alley referenced in February. Staff has reviewed the request and there are no public utilities that operate within the right-of-way or any reason to retain the right-of-way for a public purpose so we are recommending the right-of-way be abandoned. The property is a public right-of-way that is more or less owned by the city. Once it is abandoned, it is technically owned by the City but because the property no longer has a public purpose, the adjacent property owners can file a deed or a plat to claim the property. Mayor Fuller called for public comment and there was none. Council unanimously approved the motion by Councilwoman Rath, seconded by Mayor Pro Tem Rogers, to close the public hearing and approve an Ordinance granting a Right-of-Way Abandonment of a portion of an unnamed alley, located east of Throckmorton Street and north of Drexel Street. Caption reads as follows:

ORDINANCE NO. 2018-04-034

AN ORDINANCE VACATING A PORTION OF AN UNNAMED ALLEY, APPROXIMATELY 0.025 ACRES, LOCATED EAST OF THROCKMORTON STREET AND NORTH OF DREXEL STREET, PROVIDING FOR AN EFFECTIVE DATE HEREOF

18-0002RW Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Right-of-Way Abandonment of a Portion of Rockhill Road and Graves Street, Located East of Graves Street and South of Lee Street, and Accompanying Ordinance. Development Engineering Manager Matt Richardson stated that this request is for the portion of Rockhill Road and Graves street where it curves around the southeast corner of the First Baptist Church property. The developer of the Vintage Place subdivision has recently realigned the curve in the road to an improved alignment. The vacant right-of-way that was formally used for the road still has overhead utilities and drainage facilities however, it is no longer needed for roadway purposes. For that reason, we are supporting the abandonment of that portion of the right-of-way no longer needed for

roadway purposes but we are retaining a drainage and utility easement.

Mayor Fuller called for public comment.

Ms. Lyn Curran, 1517 Lee Street, McKinney spoke in opposition to the request. Ms. Curran stated that they did not realize that they needed to initiate a petition to have the portion adjacent to their property included.

Mr. Richardson stated that if they received the petition from the Curran, the city would retain the same drainage utility easement on the entire property. There is no reason we could not abandon the entire thing.

Council unanimously approved the motion by Councilwoman Rath, seconded by Mayor Pro Tem Rogers, to close the public hearing.

Council unanimously approved the motion by Mayor Fuller, seconded by Councilwoman Rath, to table this item until the May 15th meeting.

17-0015Z Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District and "PD" - Planned Development District to "PD" - Planned Development District, Generally to Allow for Commercial, Assisted Living and Independent Living Uses, Located Approximately 530 Feet South of Virginia Parkway and on the West Side of Hardin Boulevard, and Accompanying Ordinance. Planning Manager Matt Robinson stated that the applicant is proposing to rezone 69 acres from a mix of commercial assisted-living and independent living uses and the applicant has proposed PD that follows the C2 standards. Under the existing PD district the northern portion of the property per minute use follows the business district with some specific uses excluded and those uses consists of other related uses and standalone multifamily dwelling units. The assisted-living and independent living is proposed under the zoning currently permitted on the existing PD portion of the property. Independent living uses require an extra step of specific use permit. As described in the development regulations and shown on the concept plan, the applicant has indicated their intent to develop the property for a

mix of institutional (assisted living/memory care) and residential (independent living) uses. Specifically, the development regulations provide for a maximum of 200 assisted living units and 300 independent living units (both attached and detached) for a maximum total unit count of 500. Given the topography of the property, existing lake and floodplain, the applicant has proposed to construct a dense product on a portion of the property while much of the remaining property would be undeveloped. To accommodate the development, the applicant has requested a maximum height of five stories or 70' for several of the buildings on the site with an added provision that in no instance the elevation of the buildings exceed a maximum sight line elevation to the adjacent residential properties in the Mallard Lakes Subdivision. The proposed uses are currently permitted or requiring SUP on the northern portion of the property given these factors staff has no objections to the rezoning requests and recommends approval. Applicant, Mr. Bob Roeder, 1700 Redbud Blvd., McKinney stated that the height for this is set for each of the specific uses have a defined height and they would have to build to this concept plan. There may be some minor deviations but as far as the height, it is dictated through the concept plan. For example, the memory care has a maximum building height of 35 feet and the assisted-living is a maximum of 55 feet. Mr. Roeder stated that this project is going to cost this developer in an amount significantly in excess of \$100 million. The developer did a market study for the demand for this type of product. This is not just assisted-living but also senior independent living. Their analysis is McKinney is one of the best markets in the Southwest. With regards to heights, we have such a radical slope on the property that my client has elected to aggregate some of that density with higher elevations as long as we don't penetrate that ceiling site view. All of the access in and out of the property is off of Hardin Road and there is no cross access. The entire property is going to be one

single property owner. Mayor Fuller called for public comment and there was none. Council unanimously approved the motion by Council member Branch, seconded by Council member Shemwell, to close the public hearing. Council unanimously approved the motion by Councilwoman Rath, seconded by Mayor Pro Tem Rogers, to approve an Ordinance rezoning the subject property from "AG" - Agricultural District and "PD" - Planned Development District to "PD" - Planned Development District, generally to allow for commercial, assisted living and independent living uses, located approximately 530 feet south of Virginia Parkway and on the west side of Hardin Boulevard, with the following special ordinance provisions: the subject property shall be developed in accordance with the attached development regulations and concept plan. Caption reads as follows:

ORDINANCE NO. 2018-04-035

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 69.25 ACRE PROPERTY, LOCATED APPROXIMATELY 530 FEET SOUTH OF VIRGINIA PARKWAY AND ON THE WEST SIDE OF HARDIN BOULEVARD, IS REZONED FROM "AG" - AGRICULTURAL DISTRICT AND "PD" - PLANNED DEVELOPMENT DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR COMMERCIAL, ASSISTED LIVING AND INDEPENDENT LIVING USES AND GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 18-0032Z** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "C2" - Local Commercial District, Located on the West Side of Community Avenue and Approximately 150 Feet North of Avalon Creek Way, and Accompanying Ordinance. Planning Manager Samantha Pickett stated that the applicant is requesting to rezone the subject property to "C2" - Local Commercial District, generally for

medium intensity commercial uses at the future intersection of two major thoroughfares. The subject property is currently zoned for office and residential uses as part of a larger planned development district; however, the applicant has indicated their intent to develop for commercial uses to be more in line with existing development conditions. More specifically, the proposed design and construction of Bloomdale Road along the northern boundary of the subject property will allow for direct vehicular access from multiple directions, making it more viable than some of the surrounding properties for commercial uses. The development of the property has the potential to provide services and commercial uses to an area currently underserved. Staff recommends approval. Applicant, Mr. Douglas Mousel, 5850 Granite Parkway, Plano, stated that he was representing RWR Partners, LP, which is a family owned company. Mr. Mousel stated that the Bloomdale Road extension from Community Avenue to Hardin Boulevard is under design and nearing completion. The property was zoned in 2002 for office and commercial uses. With the extension of Bloomdale Road, one of the cost savings efforts that the City has approached us is narrowing the bridge section that crosses the lake and ultimately what that does is shrink the median where typically you have a full width median. Mr. Mousel addressed some of the concerns raised at the Planning and Zoning Commission. One was the proximity of the property to the existing homes within the Creek Hollow neighborhood. There is a 75 foot wide pipeline easement that separates the properties. That artificially increases the building setbacks from what is normally required to a 75 foot setback. In addition, to that easement that provides a physical separation, the City requires a landscape buffer be planted between properties. Another item that was raised was the concern for disturbing trees and wildlife. In this particular case, most of the trees and wildlife would be focused around the southern portion of the lake. Most of that

area is within the floodplain so will remain undisturbed. Finally there were concerns raised regarding noise, lighting, and loitering. The City has Ordinances in place that address noise and lighting and loitering situations. If the bridge was widened, it would allow us to have a left turn but that comes at huge cost. Our solution is moving the retail corner. In addition, there are challenges on the site because of the on-site topography. Mayor Fuller called for public comment.

Ms. Pamela Copeland, 2309 Avalon Creek McKinney spoke in opposition to the rezoning request.

Ms. Bobette Mauck, 3512 Bluff Creek Lane, McKinney did not wish to speak but wanted her opposition to the rezoning request entered into the record.

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Elliott, to close the public hearing.

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Branch, to approve an Ordinance rezoning the Subject Property from "PD" - Planned Development District to "C2" - Local Commercial District, located on the west side of Community Avenue and approximately 150 feet north of Avalon Creek Way. Caption reads as follows:

ORDINANCE NO. 2018-04-036

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 16.90 ACRE PROPERTY, LOCATED ON THE WEST SIDE OF COMMUNITY AVENUE AND APPROXIMATELY 150 FEET NORTH OF AVALON CREEK WAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "C2" – LOCAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 17-009DA** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Utility Impact Fee Credit,

Easement Acquisition, and Pro Rata Agreement with McKinney Ranch, LTD., for the Construction of an Oversized Sanitary Sewer Main, in Order to Serve an Approximately 254 Acre Tract, Generally Located on the South Side of F.M. 543 and on the East Side of C.R. 201. Assistant Director of Engineering Michael Hebert stated that we have an opportunity to partner with our development community to build more City infrastructure. This item authorizes the City Manager to enter into an agreement with McKinney Ranch, LTD., regarding impact fee credits and cash reimbursement for costs incurred by the oversizing of a master planned sanitary sewer main, serving an approximately 254 acre tract ("Property"). The proposed agreement also defines a process for easement acquisition and pro rata reimbursement, associated with the construction of the sanitary sewer main, detailed further below. This sewer line improves opportunities for development of approximately 2,300 acres within city limits. The proposed agreement stipulates that the City agrees to participate in the cost of construction for the oversized portion of the wastewater main (36" diameter), up to \$1,018,592.43, which is the estimated difference between the costs of the oversized main and the cost to construct the City's minimum standard 12" diameter main that would otherwise be sufficient to serve the Property. The proposed agreement also states that the City will exercise its eminent domain authority, subject to the approval and finding of necessity by the City Council, to condemn a sanitary sewer easement across the Blake Property (identified in the agreement) if the Developer is not able to finalize the acquisition and purchase of and close on the Blake Easement within forty-five (45) days of the effective date of the agreement. The agreement further stipulates that the Developer will pay all costs associated with acquiring the Blake Easement. The developer anticipates being able to obtain this easement, and Staff will only submit a request to use eminent domain to City Council should the developer be

unsuccessful. The developer has made offers and gestures for the property owner and he has modified his drawings to account for the concerns of the property owner so we are cautiously optimistic we will be able to move forward without using eminent domain. Council unanimously approved the motion by Councilwoman Rath, seconded by Mayor Pro Tem Rogers, to approve a Resolution authorizing the City Manager to execute a Utility Impact Fee Credit, Easement Acquisition, and Pro Rata Agreement with McKinney Ranch, LTD., for the construction of an oversized sanitary sewer main, in order to serve an approximately 254 acre tract, generally located on the south side of F.M. 543 and on the East Side of C.R. 201. Caption reads as follows:

RESOLUTION NO. 2018-04-044 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A UTILITY IMPACT FEE CREDIT, EASEMENT ACQUISITION AND PRO RATA AGREEMENT FOR THE CONSTRUCTION OF AN OVERSIZED SANITARY SEWER MAIN AND RELATED INFRASTRUCTURE IMPROVEMENTS, WITH MCKINNEY RANCH, LTD, BEING EXTENDED TO AN APPROXIMATELY 254 ACRE TRACT, GENERALLY LOCATED ON THE SOUTH SIDE OF F.M. 543 AND ON THE EAST SIDE OF C.R. 201

- 18-331** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Non-Binding Conceptual Term Sheet with McKinney Ranch, Ltd. and Honey Creek Investments, LLC Governing the Construction of Portions of Laud Howell Parkway. Executive Director of Development Services Michael Quint stated that Staff began negotiating the terms of a Chapter 380 Economic Development Agreement with the Owners in the winter of 2015. In the spring of 2017, the City Council agreed to general terms with the Owners regarding the construction of Laud Howell Parkway from its current terminus to Lake Forest Drive. However, in the winter of 2017, after the enacting of Texas Senate Bill 6, the City Council directed Staff to negotiate new terms that saw the reduction in the scope of construction.

Staff has negotiated conceptual terms and is seeking the City Council's approval via a Resolution. Once approved by the City Council, Staff will begin work on the detailed language to be contained in the Chapter 380 Agreement. Once completed, Staff will bring this agreement forward for the City Council's consideration and approval. Assuming this is approved, we will work with the City Attorney and property owner to draft a formal agreement and that will come back to Council for adoption at a future date. This has always been a 75/25 partnership for this first phase. We estimate this project will be in the \$12 million to \$13 million range and possibly less. If the bids come back at \$18 million, we will not move forward with the project. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Shemwell, to approve a Resolution authorizing the City Manager to execute a Non-Binding Conceptual Term Sheet with McKinney Ranch, Ltd. and Honey Creek Investments, LLC Governing the Construction of portions of Laud Howell Parkway. Caption reads as follows:

RESOLUTION NO. 2018-04-045 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A NON-BINDING TERM SHEET WITH MCKINNEY RANCH, LTD. REGARDING THE CONSTRUCTION OF PORTIONS OF LAUD HOWELL PARKWAY

- 18-332** Mayor Fuller called for Consideration/Discussion/Action on Filling the Vacant Position on the Planning and Zoning Commission. Council member Philips stated that he serves as a liaison to the Planning and Zoning Commission. Mr. Eric Zepp has announced that he and his wife are downsizing to a home in Frisco and is no longer a resident of McKinney. Mr. Mark McReynolds has been the Alternate on the Planning and Zoning Commission and he has always been available. Mr. Philips recommended that Mark McReynolds be appointed to serve the unexpired term for Mr. Zepp. Mr. Philips recommended Rick Franklin to the unexpired term as Alternate. The motion by Council member Philips,

seconded by Mayor Pro Tem Rogers, to appoint Mark McReynolds to the expired term as a member of the Planning and Zoning Commission and to appoint Rick Franklin to the unexpired term as Alternate on the Planning and Zoning Commission, failed with a vote of 3-4-0, Mayor Fuller, Councilwoman Rath, Council member Elliott, and Council member Branch voting against. Council unanimously approved the motion by Council member Shemwell, seconded by Council member Branch, to appoint Mark McReynolds to fill the unexpired term on the Planning and Zoning Commission starting April 18, 2018 and ending September 30, 2018. After the preferencing process, Council unanimously approved the motion by Council member Philips, seconded by Mayor Pro Tem Rogers, to appoint Rick Franklin as Alternate on the Planning and Zoning Commission starting April 18, 2018 and ending September 30, 2019.

Mayor Fuller called for Council and Manager Comments.

Council member Philips complimented the McKinney Police and Fire for their respect they showed to Dr. Boring, Sr. who we buried today. Mr. Philips also thanked our citizens because of the respect they showed by pulling over their cars during the funeral procession today. Mr. Philips thanked Mayor Fuller for reading a Proclamation recognizing Dr. Boring, Sr. at the funeral service. After the service, the Mayor met with two little girls to discuss their butterfly project. I think that the City of McKinney has a tremendously caring Mayor George Fuller.

Council member Elliott gave a shout out to Dana Riley at Volunteer McKinney for hosting and advocating for the McKinney youth at the event held at the Colin College Conference Center today. It was a great gathering and a great investment in time for the folks for the youth of our community. Congratulations to Volunteer McKinney for being one of 13 groups chosen out of 800 nationwide applications chosen for their project "Make a Difference Day in McKinney."

Mayor Pro Tem Rogers recognized Dr. Boring, Sr. who was a wonderful individual. He helped to make McKinney what it is today. He was a family man and he and his wife were wonderful people and great contributors to the City. Mr. Rogers

stated that as he was on the way home last night down Hardin Road, he noticed a couple walking hand-in-hand with a trash bag. I pulled over and asked what were they doing? They responded that they were picking up trash that was a result of all the construction going on close to the new MISD stadium. I wanted to give a shout out to Tim and Beatrice Chen. When people talk about McKinney is a great place to live, it's not us up here that make it a great place, it is the people like Tim and Beatrice who are out in the community doing a little bit to make this a better place. When a lot of people do a little bit, it makes a great community. I'm grateful for people like the Chens that are willing to take time out of their schedule and do something they really don't need to do but feel the need to do so thank you.

Council member Mr. Shemwell thanked the Safe Water North Texas group for taking the time to come to the meeting today. Water is such an important issue. It was during that time three years ago that I started to hear the concerns of East McKinney and particularly about water quality. That was the first time I decided to come to City Council and start to give my three minutes as a citizen. Three years ago, I started my trail here and I want you to know I am an advocate for safe quality drinking water.

Council member Branch did not have any comments.

Councilwoman Rath asked Council if she could get a consensus to post all audio recordings of Board and Commission meetings that are not videotaped. Minutes are great but we do lose a lot in the translation and hearing word for word of what happens would be beneficial to the citizens as well as the Council. There was a consensus of Council to post all audio files of non-videotaped meetings.

Mayor Fuller stated that he attended Dr. Boring, Sr.'s funeral today. He was the general surgeon that did my first surgery. He was one of the most caring and gentle souls that you could have imagined. Mayor Fuller recognized Addison and Courtney who sent in an email a while back and said, "we saw the Mayor's Monarch Pledge and we would like to get involved in the initiative because the butterflies are beautiful, would you meet with us?" I said yes and it was the most important meeting I could take. These girls were from the elementary school and I was excited to meet for hot chocolate which I did get at Starbucks and they presented me with a presentation with all these pictures of the process of the Monarch butterfly they monitored in their own backyard.

And their ideas for how to engage the City. Dr. McDaniel was there with me and was committed to those two young students. We are going to help them and support their initiative. So you will see more about that coming up. It was great to see engaged citizens who grow up to be great citizens.

City Manager Grimes provided a few announcements for the viewing audience and folks here. It is that time of year to bring out all the stacks of papers we have stored away for shredding. The Community Shred Event will be held on Saturday, April 28 from 9 to 1 at the Sheraton Hotel. The event will collect and will shred paper on site and will be recycled. Each resident will be limited to four boxes. That same day, you can safely dispose of unwanted, unused, or expired prescription drugs during the National Drug Enforcement Administration Drug Take Back event on April 28th from 10 to 2. You can take your unused prescriptions and dispose of those safely and properly. Residents can provide input as we talked about earlier to rank the budget priorities through the virtual town hall online platform through June 28th. You can leave comments and they will be considered by Council and staff during the budget process. We've gotten early results, this morning it went live before 6 a.m. and we had 15 visitors before the survey went live. Chief Financial Officer Mark Holloway was a little off on his numbers. We had about 310 responses last year as part of the budget exercise. Folks are engaging and it's easier to do it than having to come to a Council meeting. As always, you can go to our website to get more information about any of those events. There's one other event I want to remind the Council and public. TxDOT is holding a series of public meetings in Collin County regarding the US 380 feasibility study. This is an important roadway and this study will shape the future of McKinney's Road for many years to come. The first Public Input meeting will be held on April 26th from 6 to 8 at the Sheraton. There are a couple of more opportunities for public input that will be held at Princeton High School on May 1st from 6 to 8 p.m. and one on May 3rd at Rogers Middle School from 6 to 8 p.m.

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Shemwell, to adjourn. Mayor Fuller adjourned the meeting at 8:10 p.m.

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary



18-295

Title: Minutes of the Community Grants Advisory Commission Meeting of November 16, 2017

SUPPORTING MATERIALS:

Minutes

COMMUNITY GRANTS ADVISORY COMMISSION

NOVEMBER 16, 2017

The Community Grants Advisory Commission of the City of McKinney, Texas met in regular session in the 2nd Floor Conference Room, City Hall, 222 N. Tennessee Street, McKinney, Texas on November 16, 2017 at 6:30 p.m.

Commissioners Present: Chairman Randy Hubbard, Kelly Buettner, Essie Hennie, Stella Stevens, Samuel Franklin and Jennifer Mott. Absent: Adriana Pedraza.

Staff Present: Shirletta Best, Community Services Administrator; Camille Smith, Community Services Coordinator; and Judy Hawkins, Administrative Assistant.

Chairman Hubbard called the meeting to order at 6:50 p.m. The presence of a quorum was noted.

Commissioners unanimously approved the motion by Commissioner Stevens, seconded by Commissioner Franklin, to approve the following Consent Items.

- 17-1136** Minutes of the Community Grants Advisory Commission Meeting of November 8, 2017
- 17-1137** Minutes of the Community Grants Advisory Commission Meeting of November 9, 2017
- 17-1138** Consider/Discuss the CDBG Consolidated Annual Performance Report (CAPR). Administrator Best reviewed the year end CAPER (Consolidated Annual Performance Evaluation Report). This report covers CDBG activities under the Public Services Program, Community and Economic Development Programs, and Grant Administration. The report included a summary of applicants and grant recipients for both the Community Support Grant and the CDBG. In addition, the report includes how grant funds were expended. The report begins a fifteen day public comment period on November 19. The report will be posted online for public review. Following the public comment period, the report will be presented to the City Council on December 5, at which time a public hearing will be conducted. The report will be submitted to HUD at the end of December.

17-1139 Consider/Discuss/Act on Recommendations for the 2017-2018 Community Support Grant Applications. Commissioners unanimously approved the motion by Commissioner Buettner, seconded by Commissioner Stevens, to approve recommendations for the following 2017-2018 Community Support Grant funding allocations:

| | |
|--|----------|
| Assistance Center of Collin County | \$12,000 |
| Assistance League of Greater Collin County | \$ 7,300 |
| Baby Booties Diaper Bank | \$ 9,100 |
| Bridges That Unite | \$ 6,830 |
| Collin Co. Committee on Aging (Meals on Wheels) | \$ 9,000 |
| Community Lifeline Center | \$ 6,100 |
| The Family Place | \$17,000 |
| Journey of Hope Grief Support Center | \$ 5,600 |
| North Collin County Habitat for Humanity | \$ 8,600 |
| Prelude Clubhouse | \$ 4,875 |
| Wellness Center for Older Adults—Preventative Health | \$9,800 |
| Wellness Center for Older Adults—Mental Health | \$ 6,675 |
| City of McKinney-Emergency Financial Assistance | \$16,820 |

Chairman Hubbard and Coordinator Smith recused themselves from discussion regarding the City of McKinney-Emergency Financial Assistance due to a conflict of interest.

Under Commissioner Comments, Chairman Hubbard stated that he had lunch with the McKinney Police Chief and was told that McKinney has the lowest crime rate in the state compared to other cities with populations over 100,000.

Commissioners unanimously approved the motion by Commissioner Stevens, seconded by Commissioner Buettner, to adjourn the meeting. The meeting adjourned at 8:36 p.m.

RANDY HUBBARD
Chairman



18-349

Title: Minutes of the Library Advisory Board Meeting of March 15, 2018

SUPPORTING MATERIALS:

Minutes

McKINNEY PUBLIC LIBRARY SYSTEM ADVISORY BOARD

MARCH 15, 2018

The McKinney Public Library System Advisory Board met in regular session in the Dulaney Room of the Roy and Helen Hall Library, 101 East Hunt Street, McKinney, Texas on March 15, 2018 at 5:00 p.m.

Board members Present: Chairman Peter Samsury, Amanda Hamilton, Joseph Closs, Lauren Smith-Carter. Absent: Vice Chairman Joann Pond, Coretta Lule, Cheryl Darveaux

Staff Present: Director of Libraries Spencer Smith and Administrative Assistant Alicia Quiroz.

There was one guest present.

Chairman Peter Samsury called the meeting to order at 5:00 p.m. after determining a quorum present.

18-245 Minutes of the Library Advisory Board Meeting of February 15, 2018

Board members unanimously approved the motion by Board member Hamilton, seconded by Board member Smith-Carter, to approve the minutes of the Library Advisory Board meeting of February 15, 2018 with the following corrections: on agenda item 18-151, correct the date February 15, 2018 to January 18, 2018.

18-246 Chairman Samsury called for the Update on the High Performance Organization Team Charters. Library Director, Spencer Smith delivered the Update on the High Performance Organization Team Charters: I recently attended a week long, intensive training program for high performance organization in local government at UVA in Charlottesville, VA. It was a good session and offered some insights and tools into how we can be more successful as an organization for our citizens. The good news is I believe we are already operating, often, in a way similar to those proposed in the training. To incorporate the tools and techniques will, I believe, be relatively easy for us. That isn't to say it will all go

perfectly smoothly- but that we are in a prime position to make the subtle transitions successfully. The creation of the RISE values was a first step, as was the employee engagement survey. Our work is driven by our values. R.I.S.E. details the core values of McKinney employees which are: 1) Respect – We respect a healthy work environment, 2) Integrity – We model ethical behavior, 3) Service – We are selfless public servants, and 4) Excellence – We are competent and dedicated. The next step is the creation of employee teams to help us solve problems and accomplish the goals we have set forth in the Long Range Plan. The first team formed is the Leadership Team composed of Lisa, Helen, Gary, Marci, Ed, and myself. This team meets regularly to discuss the direction, vision, and mission of the library. Other functions of this team are to identify issues in need of solutions and to charter teams of staff members to work to present solutions. Each team will consist of 4 equal members and a facilitator. The teams will only exist for a finite time period and have a specific mission and charter to guide them in their actions. When the team has accomplished its mission it will disband. The Team Charters are: 1) Homeless Services, 2) Library Budget, 3) Outreach Library Vehicle, 4) Training and Onboarding, 5) Job Descriptions, and 6) Middle Zone Fiction Breakout. Our visions for the library are: 1) We serve the public- we work to make McKinney a better place to live, work, and raise a family. 2) MCKPLS strives to be the best dollar for dollar value of any library in the state of Texas. 3) MCKPLS strives to be the model other libraries look to for customer service. 4) Quantity indicates quality and value when serving the public. 5) Policies can be explained and/or overridden by any member of staff when necessary. 6) We proactively ask people if their needs are being met, and meet them where they are. 7) We innovate and experiment- with the goal of, if we fail, failing quickly. 8) When we don't know an answer, we say "I don't know, but I will find out." Then we find out. 9) We are quick,

concise, courteous, and accurate in our communication with the public.

10) Value that is not valued is not valuable- no matter how important we think a tool is, if our users do not value it, we consider doing away with it.

11) Supervisors make sure staff clearly understands their job expectations/goals and to give them the tools they need to succeed. 12)

Supervisors foster a sense of staff ownership over their jobs. 13)

Supervisors allow staff to succeed with their own methods. 14) We have

an environment of critical thinking and learning. 15) We are results

based. We treat all staff as individuals and based on their results. 16)

Actions are evidence based. (Sometimes we act to establish evidence.)

17) Staff are accountable at the institutional, team, and individual levels.

18) We offer staff the ability to learn skills to prepare them for the next

level of their career. 19) We never stop raising the bar- we are constant

in our pursuit of excellence. 20) We do not settle for industry standards if

we can do something better. 21) Staff productivity will meet or exceed

job expectations and goals. 22) Staff changes how they work if they do

not meet or exceed their goals, integrating feedback. 23) Staff treats

everyone respectfully at all times- especially during moments of disagreement. There is a zero tolerance for anything else. 24) We

approach new ideas and suggestions from a point of view of “what would it take to make this a success” and not of “here’s why it won’t work.” 25)

Supervisors are an example of modeled behavior for all staff. 26) Ideas

and results are documented at all levels. 27) We take time to get things

right- being right is more important than being fast. Both is ideal, but

being correct trumps speed. 28) Whenever possible, authority is in the

hands of those with responsibility for the outcome. 29) Aesthetics matter.

30) We have fun.

18-247

Chairman Samsury called for the Director’s Report. Library Director, Spencer Smith presented his report: There was a slowdown of fabrications for the library vehicle and it will not be available to display at

the Texas Library Association conference in Dallas on, April 4. We are hoping to have it available for Arts in Bloom. I know we have discussed more adult programming and we now have more available for the spring calendar. You all have been given flyers for upcoming Library Adult programs. These programs were proposed by all library staff and will be available for spring. We have been working closely with the Communications department for all advertising of these programs. The programs are; 1) Concert in the Courtyard. If this is successful we will look into having something similar in the courtyard for fall and summer events. 2) What's the Buzz? Weather permitting, live bees will be on-site. 3) Trivia Night. We have a great partnership with Tupps Brewery and the last program we had there was very successful. We currently have 4 teams registered. 4) Beginner's Guide to Digitizing Your Personal Collections and 5) Home Brewing for Beginners. These are ideas and feedback we received from the community and staff. You may register for all of these event on McKinneyPublicLibrary.org and Ticket Leap.

Board members unanimously approved the motion by Board member Closs, seconded by Board member Hamilton, to adjourn. Chairman Samsury adjourned the meeting at 5:36 p.m.

PETER SAMSURY
Chairman



18-339

Title: Minutes of the McKinney Arts Commission Meeting of January 18, 2017

SUPPORTING MATERIALS:

Minutes

McKINNEY ARTS COMMISSION

JANUARY 18, 2018

The McKinney Arts Commission of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on January 18, 2018 at 5:00 p.m.

Commissioners Present: Chairman Molly Brewer, Greg Huckaby, Michael McEntire, Nina Ringley, Latisha Nance and Amanda Beller. Absent: Jeffery Hull.

Staff Present: Janay Tieken, HCD Manager; and Judy Hawkins, Administrative Assistant.

- 17-1047** Minutes of the McKinney Arts Commission Meeting of August 17, 2017 (Amended). Commissioners unanimously approved the motion by Commissioner Nance, seconded by Commissioner Beller, to approve the amended minutes of the McKinney Arts Commission meeting of August 17, 2017.
- 18-027** Minutes of the McKinney Arts Commission Meeting of October 19, 2017. Commissioners unanimously approved the motion by Commissioner McEntire, seconded by Commissioner Beller, to approve the minutes of the McKinney Arts Commission meeting of October 19, 2017.
- 18-028** Discussion of Pairings Exhibit, "American Farmer". Chairman Brewer reviewed the "Hues & Blues" exhibit from 2017 and gave an overview of plans for the "American Farmer" exhibit scheduled for June-August, 2018. Commissioner Beller suggested contacting McKinney Farmer's Market vendors who provide items grown locally in the McKinney area. Chairman Brewer noted that a farm equipment museum is located at Meyers Park.
- 18-031** Consider/Discuss/Act on an Outreach Grant Request of \$3,000 from Kupira Marimba. Kupira Marimba plans to perform a 45-minute set of high-energy African music at the African Heritage/Juneteenth celebration. This performance is in conjunction with the City of McKinney Parks & Recreation Cultural Music Series and is tentatively scheduled for June 9,

2018. Commissioners unanimously approved the motion by Chairman Brewer, seconded by Commissioner Beller, to approve an Outreach Grant request of \$3,000 from Kupira Marimba.

18-032 Consider/Discuss/Act on a Request for Proposals (RFP) Presented by Russell Tether, Fine Arts Associates, LLC for the Public Art Sculpture. Commissioners unanimously approved the motion by Commissioner Brewer, seconded by Commissioner McEntire, to approve a Request for Proposals (RFP) presented by Russell Tether, Fine Arts Associates, LLC, for the Public Art Sculpture. The suggested location for the sculpture is along the Virginia Street side of Dr. Glenn Mitchell Memorial Park. The artist selected will be awarded up to \$40,000 for the sculpture. Submissions will be received no later than March 1, 2018. A selection will be determined in May, 2018. Installation of the artwork will be coordinated with City engineers and the artist.

18-033 Consider/Discuss/Act on Outreach Grant Request from Bluegrass Heritage Foundation Show for \$3,000. Commissioners unanimously approved the motion by Commissioner Ringley, seconded by Commissioner Beller, to approve an Outreach Grant request for a Bluegrass Heritage Foundation Show for \$3,000. The performance will be a music show/mini-festival at MPAC on Saturday, November 3, 2018. Grant funding will support an award-winning national touring bluegrass band headliner with one or two support bands.

18-029 Staff Report on Budget Status. Manager Tieken reported a current balance of \$15,555 in the Outreach Grant funds. With the expenditures approved tonight, the balance will be \$9,555.

18-030 Commissioner Reports. Commissioner Nance reported on her attendance at the Obelisk Awards Luncheon.

Commissioners unanimously approved the motion by Commissioner Nance, seconded by Commissioner Beller, to adjourn.

MOLLY BREWER
Chair



18-354

Title: Amended Minutes of the McKinney Convention and Visitors Bureau Marketing Committee Meeting of March 5, 2018

SUPPORTING MATERIALS:

Minutes

MCKINNEY CONVENTION AND VISITORS BUREAU BOARD

Marketing/Development Committee

March 5, 2018

The McKinney Convention & Visitors Bureau Marketing & Development Committee met on March 5, 2018 at 200 W. Virginia Street, McKinney Texas.

In attendance were Board members: Vice-Chairman Jennifer Estes, Secretary/Treasurer Connie Gibson, and Director Julie Baublis, and staff members, Executive Director Dee-dee Guerra & Communications Manager Beth Shumate.

The meeting was called to order at 4:00 p.m.

The Committee started off the meeting by discussing possible items to change or add to the MCVB Marketing Plan as a Supplemental in the FY 18-19 Budget. These Marketing efforts would support and increase the reach/visibility to visitors and planners to McKinney.

- Crowd Riff – This social media photo sharing software would be integrated into the website. Committee tasked Ms. Shumate with working out this project.
- Appadia – This app would require buy-in from local businesses at one of three levels (\$10, \$30 or \$69 a month) and would cost the CVB nothing. It would promote the business through geo-targets, pushing deals out for the stores who have paid in.
- Meetings & Conventions – This magazine would promote McKinney to meeting planners.
- Prevue – Another magazine/website.

The Committee discussed the allocation and recommendation to the MCVB Board for the second round of advertising/promotional grants (\$11,500) for FY 17-18 that will be awarded at the March 27, 2018, MCVB Board Meeting. The following were the applicants and the amount that was requested by each:

- Advertising and Promotional Grant Application Submitted by SBG Hospitality in the Amount of \$15,000 for Marketing, Advertising, and Promoting the Yellow Wood Music & Outdoor Festival
 - Event Date: May 26, 2018
 - Location: Myers Park
 - Hours: 3/27/18- 8:00 am-11:00 pm, 3/28/18-11:00 am-3:00 pm
 - Benefiting: Warrior's Keep
 - Grant requested by Lauren Stephan
 - No Matching Funds being requested
- Advertising and Promotional Grant Application Submitted by the Community Kitchen Garden of Collin County in the Amount of \$5,000 for Marketing, Advertising, and Promoting the 1st Annual Star Spangled Salsa Fest
 - Event Date: July 4, 2018
 - Location: Chestnut Square
 - Hours: 11 a.m-4 p.m.
 - Benefiting: Community Kitchen Garden of Collin County
 - Grant request by Angela Poen
 - MCDC granted \$5,268 for Advertising this event

The MCVB Marketing/Development Committee meeting was adjourned at 4:45 p.m.

Jennifer Estes
MCVB Marketing/Development Committee



18-353

Title: Minutes of the McKinney Convention and Visitors Bureau Finance Committee
Meeting of March 26, 2018

SUPPORTING MATERIALS:

Minutes

MCKINNEY CONVENTION AND VISITORS BUREAU BOARD

Finance Committee Meeting

March 26, 2018

The McKinney Convention & Visitors Bureau Finance Committee met on March 26, 2018, at 200 W. Virginia Street, McKinney Texas.

In attendance were Board members: Finance Committee Chair Jim Bressler, Hal Harbor and Bryan Perkins.

Staff: Executive Director Dee-dee Guerra.

The meeting was called to order at 3:00 pm.

The Committee discussed the following items:

1. MCVB February 2018 Financials & Occupancy Report: Committee Chair Bressler asked what the allocation for the Vouchers Payable is on the Balance Sheet. Director Harbor asked what the HOT Tax dollars were going towards, if our budget has not increased that much over the years but the Hot Tax is increasing by \$200,000-\$300,000 per year, Director Guerra stated that she would discuss with Eric Corder from Finance to obtain answers to these questions. No further discussion.
2. Detailed Budget- Director Harbor asked why the Office Rent was at a higher percentage of the Budget than other line items. Director Guerra reported to the Committee that was one of the line –items that had to be set up as a Purchase order and those dollars were encumbered. So it make it seems like those dollars have been allocated/paid out but they are paid out monthly. There are a few items in the Budget that are set up in this manner. No further discussion.
3. The McKinney Shop: Director Perkins asked when the online store would be up and running, Director Guerra stated that she had spoken to Eric Lanio regarding the McKinney Shop website. Eric reported to Director Guerra that he is currently taking pictures of the store items to put them on the website. No further discussion.
4. STR Report: February 2018-Director Bressler stated that the City of Plano & Frisco were able to stay out of the red for the month of February. There was discussion on hotels & venues that are being built in our sister cities. No further discussion.

The MCVB Finance Committee meeting adjourned at 4:00 pm.

Jim Bressler
MCVB Finance Committee



18-352

Title: Minutes of the McKinney Convention and Visitors Bureau Board Meeting of March 27, 2018

SUPPORTING MATERIALS:

Minutes

MCKINNEY CONVENTION AND VISITORS BUREAU BOARD

REGULAR MEETING

MARCH 27, 2018

The McKinney Convention and Visitors Bureau Board met in regular session at the McKinney Community Center, 2001 S. Central Expressway, McKinney, Texas on March 27, 2018 at 8 a.m.

Board members present: Sally Huggins, Hal Harbor, Jennifer Estes, Jim Bressler, Bryan Perkins, Connie Gibson, and Julia Baublis

Staff present: Executive Director Dee-dee Guerra, Communications Manager Beth Shumate, Sales Manager Vanesa Rhodes, and Staff Assistant Sue Davis.

Guests: Councilman Scott Elliott, Assistant City Manager Steve Tilton, MPAC/Main Street Program Director Amy Rosenthal, Director of Parks & Recreation Mike Kowski, Recreation Center Supervisor Trish Yanes, Senior Financial Analyst Eric Corder, and MCDL Board Liaison Hamilton Doak.

Board Chair Huggins called the meeting to order at 8:05 a.m. after determining a quorum was present.

Board members unanimously approved the motion by Board member Gibson, seconded by Board member Baublis, to approve and refer the following agenda items:

- 18-267** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of February 27, 2018
- 18-268** Minutes of the McKinney Convention & Visitors Bureau Finance Committee Meeting of February 26, 2018
- 18-269** Minutes of the McKinney Convention & Visitors Bureau Marketing Committee Meeting of March 5, 2018
- 18-270** Executive Director's Report – Executive Director Guerra asked board members if they had any questions regarding the staff report she had previously provided to them. Additionally, Guerra highlighted the following points: the hotels experienced an increase in room night's year-over-year due to more corporate business; Texas Agri-life and the Texas State Society of American Medical Technologist's chose McKinney as the

destination for their next meetings. Additionally Ms. Guerra advised board members the MCVB utilized local talent from CW Designs to create the new Visitors Map. Executive Director Guerra told board members she and staff member Vanesa Rhodes had met with the new sales managers of the Hilton Home 2 and the Spring Hill Suites, advising board members the two hotels should open mid-July.

18-271 Board & Liaison Reports

City of McKinney – Assistant City Manager Steve Tilton addressed the concerns regarding the water supply in Collin County as reported on the news. Board member Perkins asked for an update on the progress on Southgate. Councilman Elliott advised the independent study is in progress and the city hopes to have answers soon. Perkins mentioned that it was difficult for staff to help sell the Sheraton Conference center without the walkability of things to do/see close by. Board member Perkins also asked about the empty spaces in the retail shopping center located at the SW corner of 75 & El Dorado, Councilman Elliott stated that McKinney Economic Development Corporation continues to work on attracting companies to fill the empty spaces.

Main Street/MPAC – MPAC/Main Street Program Director Rosenthal advised board members that the Juried Art Show scheduled on April 6, 2018 has several submissions from various cities throughout the state. Also Arts in Bloom has artists from 16 states and one from Canada. Arts in Bloom will take place the weekend of April 13-15, 2018.

MCDC - MCDC Board liaison Doak advised board members the MCDC grant cycle was closing this month and their board would be reviewing the new applications after the grant cycle closes.

Chair Report Finance Committee – Committee Chair Bressler updated board members on the MCVB financials stating they are on target. Bressler did state the average daily rate of hotels was down slightly and there was a shortfall of occupancy during the month of February.

- 18-272** Update on Parks and Recreation Presented by Director of Parks and Recreation Michael Kowski. MCVB board members listened to Director Kowski's update in which he then informed on the department's status as well as plans for future developments.
- 18-273** Board Chair Huggins called for Consideration/Discussion/Action on Advertising and Promotional Grant Application Submitted by SBG Hospitality for \$15,000 for Marketing, Advertising, and Promotion of the Yellow Wood Music & Outdoor Festival. Marketing Committee Chair Estes recommended \$10,000 be awarded to SBG Hospitality. A motion was made by Board member Baublis and seconded by Board member Gibson to approve the grant request in the amount of \$10,000 for marketing, advertising, and promotion of the Yellow Wood Music & Outdoor Festival with a vote of 6-1-0, Board member Bressler voting against.
- 18-274** Board Chair Huggins called for Consideration/Discussion/Action on Advertising and Promotional Grant Application Submitted by the Community Kitchen Garden of Collin County for \$5,000 for Marketing, Advertising, and Promoting the 1st Annual Star Spangled Salsa Festival. Marketing Committee Chair Estes recommended \$1,500 be awarded to Community Kitchen Garden of Collin County. A motion was made by Board member Baublis and seconded by Board member Gibson to approve the grant in the amount of \$1,500 for marketing, advertising, and promotion of the 1st Annual Star Spangled Salsa Festival with a vote of 6-1-0, Board member Bressler voting against.

There were no citizen comments.

There were no additional board or commissioner comments.

Board Chair Huggins adjourned the meeting at 9:00 a.m.

SALLY HUGGINS
Chair



18-333

Title: Minutes of the McKinney Economic Development Corporation Special Meeting of
March 6, 2018

SUPPORTING MATERIALS:

Minutes

MCKINNEY ECONOMIC DEVELOPMENT CORPORATION

MARCH 6, 2018

The McKinney Economic Development Corporation met in special session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, March 6, 2018 at 8:00 a.m.

Board members Present: Chairman Jason Burress, Secretary/Treasurer Robert Clark, Kenneth Sipiora, Joe Minissale, and Michael Jones.

Absent: Vice Chairman Paul Merritt, Sharon Denny

Staff Present: Interim President Abby Liu, Mayor George Fuller, City Manager Paul Grimes, Councilman Scott Elliott, MEDC Attorney Mark Houser and MEDC Administrative Assistant Deana Smithee.

There was one guest present.

Chairman Burress called the meeting to order at 8:00 a.m. after determining a quorum present.

Chairman Burress recessed the meeting into Executive Session at 8:01 a.m. In Accordance with the Texas Government Code: A. Section 551.071 (2). Consultation with General Counsel 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: Section 551.074. Personnel Matters Section 551.087. Deliberation Regarding Economic Development Matters as listed on the posted agenda.

Chairman Burress reconvened the meeting at 10:07 a.m. with no Executive Session action items.

MEDC MINUTES
MARCH 6, 2018
PAGE 2

Board members unanimously approved the motion by Board member Jones, seconded by Board member Sipiora, to adjourn. Chairman Burress adjourned the meeting at 10:08 a.m.

JASON BURRESS
Chairman



18-334

Title: Minutes of the McKinney Economic Development Corporation Meeting

SUPPORTING MATERIALS:

Minutes

MCKINNEY ECONOMIC DEVELOPMENT CORPORATION

MARCH 20, 2018

The McKinney Economic Development Corporation met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on March 20, 2018 at 8:00 a.m.

Board members Present: Chairman Jason Burress, Vice Chairman Paul Merritt, Secretary/Treasurer Robert Clark, Kenneth Sipiora, Joe Minissale, Michael Jones

Absent: Sharon Denny

Staff Present: Interim President Abby Liu, Director of BREP (Business Retention & Expansion and Emerging Technology) John Valencia, Director of Business Development Bruce Coleman, Business Development Specialist Madison Clark, Operations and Compliance Administrator Melissa Dixon, Administrative Assistant Deana Smithee, City Manager Paul Grimes, Chief Financial Officer Mark Holloway, MCVB Executive Director Dee-dee Guerra, City Secretary Sandy Hart, MEDC Attorney Mark Houser, Chamber of Commerce President Lisa Hermes, and Assistant to the City Manager Trevor Minyard.

There was one guest present.

Chairman Burress called the meeting to order at 8:02 a.m. after determining a quorum present.

18-257 Chairman Burress called for the Minutes of the McKinney Economic Development Corporation Meeting of February 20, 2018. Board

members unanimously approved the motion by Secretary/Treasurer Clark, seconded by Board member Sipiora, to approve the minutes.

18-258 Chairman Burress called for Board and Liaison Updates. Chairman Burress reported it's been a busy month. We had a special board meeting, a lengthy meeting with Hunt Southwest and a number of other meetings that pertain to executive session items.

City of McKinney –City Manager Paul Grimes reported TxDOT and their engineer will brief City Council at a work session, probably on April 30th, on the update of their feasibility analysis of alignment options for US 380. Living Magazine published a nice article about the McKinney National Airport expansion. Annual development report; population of McKinney rose by 6.8 % in 2017. Estimated population is over 180,000. We had over 400 planning case submittals, over 2,500 single family building permits were issued which is the highest year we've had. 97 new commercial building permits were issued at \$239,000,000 in value. Our engineering department managed 55 active capital improvement projects valued at \$201,000,000.

McKinney Chamber of Commerce – Chamber President Lisa Hermes reported on the following: On April 10th, a luncheon will be held at the McKinney National Airport. The panel of speakers, including City Manager Grimes, will talk about the Airport's Master Plan. That same week we will be holding our Quarterly Membership Luncheon. The panel

will be on diversity and inclusion programs. Toyota and Raytheon are confirmed to be speaking on that panel. Lisa continued, I want to thank Abby and her team for helping secure the Director of the Texas Economic Development Corporation, Robert Allen, who works for Go Big in Texas. He will be coming to McKinney April 23rd and 24th. We will have two events, a VIP reception for Mr. Allen at Rick's Chophouse and the following morning we will host a breakfast. The breakfast is open to chamber members and the community. Mr. Allen will share updates as well as what their goals are and what their direction is. We've revamped our Competitive Edge Business Education Series which is primarily to support smaller businesses. The next event is this Thursday and the topic is tax reform and what that means for your business. We are very excited about starting to implement more technology. We understand people's time is limited and it's not always easy attending events. We are starting with Facebook Live and also looking at adding webinars. All the events and content will be stored on our website for easy access. The McKinney Chamber of Commerce has experienced tremendous growth. Last year at this time our membership count was 1,192 members. Today, we are at 1,292 members. One last note that Leadership McKinney Class of 31 will begin accepting applications on April 2nd.

MCVB – Executive Director Dee-dee Guerra reported 824 rooms nights compared to 114 room nights this time last year. Ms. Guerra also reported they're in the second grant cycle and the Board is granting funds to Yellow Wood Festival and the Community Food Pantry. There are two food tours coming into McKinney; We Ate Well and The Food Walk of Texas so we are excited about that. Ms. Guerra summed up her report by showing the board the advertisement they did in the magazine, Travel South.

18-259 Chairman Burress called for the Consideration/Discussion of the MEDC Staff Monthly Reports. Interim President Abby Liu reported it has been a very busy month and extended her thanks and appreciation for all the help from MEDC Chairman, Board and staff.

18-260 Chairman Burress called for the Consideration/Discussion/Action on February Financials. Chief Financial Officer Mark Holloway reported sales tax were down about 1.6% for this year over last year. By itself, it is concerning since that is the Christmas season and our largest usual annual collection. However, once you add in the November and January collections, both of were up 9.9 %. For the year we had budgeted to be about 5% above last year. Once we add in January, we are back around 4 ½% which is just under the 5.2%. As long as we continue the normal trend we will probably be ok on sales tax collections for the year.

Board members unanimously approved the motion by Chairman Burress, seconded by Board member Minissale, to approve February Financials.

18-261 Chairman Burress called for the Consideration/Discussion of the Regional Innovative Strategies Program Update. Director of BREP John Valenica reported there is an updated report in your packet by Mr. Mark Cottam. The second tranche has been requested through Finance. Mr. Cottam and his group are working with Lance Black and the McKinney Technology Center to house the Maker space. We will continue with the Regional Innovation Strategies grant effort in cooperation with Collin County.

Chairman Burress called for citizen comments and there were none.

Chairman Burress called for Board or Commissioner comments and there were none.

Chairman Burress recessed the meeting into Executive Session at 8:22 a.m. per 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: Section 551.072. Deliberations about Real Property, Section 551.087. Deliberation Regarding Economic Development Matters and Section 551.074. Personnel Matters as listed on the posted agenda.

Chairman Burress reconvened the meeting to open session at 10:38 a.m.

Chairman Burress called for the Action on Project A189 Topflight. Board members unanimously approved the motion by Board member Minissale, seconded by Vice Chairman Merritt, to approve and authorize the closing of a commercial contract of sale on a parcel of land in the G. Fitzhugh Survey, Abst. No. 321 in the City of McKinney.

Chairman Burress called for the Action on Project Beacon. Board members unanimously approved the motion by Vice Chairman Merritt, seconded by Board member Jones, to approve the changes of the incentive agreement for Project Beacon.

Chairman Burress called for the Action on Project A192 Project West. Board members unanimously approved the motion by Vice Chairman Merritt, seconded by Board member Sipiora, to approve Project West as discussed in Executive Session.

Chairman Burress called for the Action on Project A191 Project Trafalgar. Board members unanimously approved the motion by Board member Sipiora, seconded by Board member Jones, to approve the incentive agreement as presented by staff on Project Trafalgar.

Board members unanimously approved the motion by Board member Minissale, seconded by Secretary/Treasurer Clark, to adjourn. Chairman Burress adjourned the meeting at 10:41 a.m.

JASON BURRESS
Chairman



18-306

Title: Minutes of the McKinney Housing Finance Corporation Meeting of October 27, 2017

SUPPORTING MATERIALS:

Minutes

McKINNEY HOUSING FINANCE CORPORATION BOARD

OCTOBER 27, 2017

The McKinney Housing Finance Corporation of the City of McKinney, Texas met in the 2nd Floor Conference Room, 222 N Tennessee Street, McKinney, Texas on October 27, 2017 at 8:00 a.m.

Board Members Present: Semiramis Amirpour, Treasurer James Bresnahan, President Harry Hickey, Vice President Bridgette Wallis, Julie Armendariz and Gonzalo Cagigal. Absent: Chibuzor Okeke

Guests Present: Tim Nelson, Managing Director, Hilltop Securities, Inc; and Claire Merritt, Hilltop Securities, Inc.

Staff Present: Sandy Hart, City Secretary; Janay Tieken, Housing and Community Development Manager; and Cristel Todd, Affordable Housing Administrator

Staff member Todd called the meeting to order at 8:07 a.m. after determining a quorum was present.

- 17-1071** Oaths of Office. Oaths of Office were given by City Secretary, Sandy Hart, to the following board members: Julie Armendariz, Semiramis Amirpour, James Bresnahan, Gonzalo Cagigal, Harry Hickey, and Bridgette Wallis.
- 17-1072** Election of Officers. Board unanimously approved the motion by Board member Hickey, seconded by Board member Wallis, to elect Harry Hickey as President. Board unanimously approved the motion by Board member Amirpour, seconded by Board member Hickey, to elect Bridgette Wallis as Vice President. Board unanimously approved the motion by Board member Wallis, seconded by Board member Hickey, to elect James Bresnahan as Treasurer. Board unanimously approved the motion by Board member Amirpour, seconded by Board member Hickey, to elect Cristel Todd as Secretary.
- 17-1073** Minutes of the McKinney Housing Finance Corporation Meeting of September 29, 2017. Board unanimously approved the motion by Board member Amirpour, seconded by Vice President Wallis, to approve the

Minutes of the McKinney Housing Finance Corporation Meeting of September 29, 2017.

17-1074 President Hickey called for an Overview of Housing Finance Corporation's Roles and Responsibilities, Presented by Tim Nelson, Managing Director, Hilltop Securities, Inc. Mr. Nelson stated that Housing Finance Corporations were created under section 394 in the local government code. Housing Finance Corporations sell bonds to put affordable housing in place. And you may also own property. If you own the property it is tax exempt. Vice President Wallis asked about the process for bonds. Mr. Nelson responded, In 1986, congress set a private activity cap based on population. It's governed by the Texas Bond Review Board. You submit applications at the beginning of the year for Multifamily projects under Twenty Million. You have to wait until after August 25th if your project is over Twenty Million. Two things a developer must have to submit an application to The Texas Bond Review Board is an inducement resolution and control of the land. The steps for the process are to get an inducement resolution from a Housing Finance Corporation, make application to the Texas Bond Review Board to get volume cap, TEFRA Hearing, City Council public hearing and resolution of no objection, HFC approve the bond funding and then project closes in thirty to sixty days. If your application is later in the year and will not close before December 31st of that year then you may file for nontraditional carryforward which is good for 3 years. The last day to file for a regular allocation request is November 15th, if there is money left after that then you can apply for traditional carry forward which is good for 3 years as well. Vice President Wallis, asked if the carry forward money goes into the allotment for each additional year or is it left over. Mr. Nelson said it's allocated to your deal that year and there's a separate tab that's designated for your deal. Mr. Nelson, discussed the Housing Finance Corporation acting as a partner instead of just an issuer. There

are several roles the Housing Finance Corporation will play. General Partner, provides the tax abatement and receive excess cash flow. Ground Lessor, the partnership pays the money upfront for the HFC to purchase the land. Co-Developer, would receive developer fees in 20-30%. General Contractor, you don't have to pay sales tax on any of the sticks or bricks used on the project. Vice President Wallis, asked what happens if there is something wrong with the building and the HFC is a general contractor. Your master sub contract with the developer is going to have all the language that it's their responsibility. The developer provides guaranties and indemnifications, said Mr. Nelson. How many of these have you seen with retail, asked Vice President Wallis. I don't know if I have ever seen any that are part of the partnership said Mr. Nelson. The partnership of this is separate from the bonds and the negotiations will start after inducement resolution has been passed. Negotiations can last weeks or months depending on the project and the experience of the developer.

17-1075 President Hickey called for Consideration/Discussion/Action on All Matters Incident and Related to the Submission of an Application or Applications for Allocation of Private Activity Bonds to the Texas Bond Review Board and Declaration of Expectation to Reimburse Expenditures with Proceeds of Future Debt for the Sphinx at Throckmorton Apartments Project, Including the Adoption of a Resolution Pertaining Thereto. Board unanimously approved the motion by Board member Amirpour, seconded by Board member Bresnahan, to approve All Matters Incident and Related to the Submission of an Application or Applications for Allocation of Private Activity Bonds to the Texas Bond Review Board and Declaration of Expectation to Reimburse Expenditures with Proceeds of Future Debt for the Sphinx at Throckmorton Apartments Project, Including the Adoption of a Resolution Pertaining Thereto.

17-1076 President Hickey Called for Consideration/Discussion/Action on Appointment of Three (3) McKinney Housing Finance Corporation (MHFC) Subcommittee Members to Develop a Request for Qualifications (RFQ) For Future Affordable Housing Development Utilizing Public Private Partnerships with the MHFC. Board unanimously approved the motion by Board member Amirpour, seconded by Board member Cagigal, to approve the Appointment of President Hickey, Vice President Wallis and Treasurer Bresnahan as Subcommittee Members to Develop a Request for Qualifications (RFQ) For Future Affordable Housing Development Utilizing Public Private Partnerships with the MHFC.

There being no further business to discuss, President Hickey called for a motion to adjourn. Board member Cagigal made a motion, seconded by Vice President Wallis, meeting was adjourned at 9:22 a.m.

HARRY HICKEY
President



18-385

Title: Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a HOME Investments Partnerships Program Tenant Based Rental Assistance (TBRA) Grant Through the Texas Department of Housing and Community Affairs (TDHCA)

SUPPORTING MATERIALS:

Resolution

RESOLUTION NO. 2018-05-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, A HOME INVESTMENTS PARTNERSHIPS PROGRAM TENANT BASED RENTAL ASSISTANCE (TBRA) GRANT FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA)

WHEREAS, the City Council of the City of McKinney, Texas, has, by policy, deemed it to be in the best interests of the City of McKinney and its residents to provide tenant based rental assistance to homeless persons or other low-to-moderate-income persons completing an approved Self Sufficiency program; and

WHEREAS, the HOME Investments Partnerships Program grant will be provided to low-to-moderate-income persons and goals include residential stability, increased skill sets and income, and an improved quality of life leading toward self-sufficiency; and

WHEREAS, the City understands that the funds available under the grant are reimbursable to the City, funds in the amount of \$15,000.00 will be committed to providing tenant based rental assistance pending reimbursement under the grant.

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

- Section 1. The City Council of the City of McKinney, Texas, hereby approves the submission of the grant application and acceptance of the grant, if awarded, a Tenant Based Rental Assistance (TBRA) grant from the Texas Department of Housing & Community Affairs (TDHCA), as Announced in the 2017 HOME Single Family Programs HBA and TBRA General Set-Aside Notice of Funding Availability (NOFA).
- Section 2. The City Manager Paul G. Grimes, authorized representative, is hereby authorized to execute the Contract and approve all documentation pursuant thereto on behalf of the City of McKinney, Texas.
- 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 1ST DAY OF MAY, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney



18-386

Title: Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a HOME Investments Partnerships Program Homebuyer Assistance (HBA) Grant Through the Texas Department of Housing and Community Affairs (TDHCA)

SUPPORTING MATERIALS:

Resolution

RESOLUTION NO. 2018-05-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, A HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDING UNDER THE HOMEBUYERS ASSISTANCE GRANT (HBA), THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA); AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of McKinney, Texas, has, by policy, deemed it to be in the best interests of the City of McKinney and its residents to provide affordable homeownership opportunities to low-to-moderate-income homebuyers; and

WHEREAS, the HOME Investments Partnerships Program Homebuyers Assistance grant will be provided to low-to-moderate-income homebuyers in the form of a zero interest, 5-year deferred loan; and

WHEREAS, the City will provide a cash match of local funds from a non-federal source. The City will provide money from the fund balance of the Community Housing Fund representing the City's match of \$1,500.00; and

WHEREAS, the City understands that the funds available under the grant are reimbursable to the City, funds in the amount of \$20,000.00 will be committed to providing down payment assistance pending reimbursement under the grant.

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

Section 1. The City Council of the City of McKinney, Texas, hereby approves the submission of the grant application and acceptance of the grant, if awarded, a Homebuyer Assistance (HBA) grant from the Texas Department of Housing & Community Affairs (TDHCA), as Announced in the 2017 HOME Single Family Programs HBA and TBRA General Set-Aside Notice of Funding Availability (NOFA).

Section 2. The City Manager Paul G. Grimes, authorized representative, is hereby authorized to execute the Contract and approve all documentation pursuant thereto on behalf of the City of McKinney, Texas.

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 1ST DAY OF MAY, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney



18-387

Title: Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a HOME Investments Partnerships Program Homeowner Rehabilitation Assistance (HRA) Grant Through the Texas Department of Housing and Community Affairs (TDHCA)

SUPPORTING MATERIALS:

Resolution

RESOLUTION NO. 2018-05-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, A HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDING UNDER THE HOMEOWNER REHABILITATION ASSISTANT GRANT (HRA), THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA); AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of McKinney, Texas, has, by policy, deemed it to be in the best interests of the City of McKinney and its residents to provide safe, decent and affordable housing to its low-to-moderate-income homeowners; and

WHEREAS, the City desires to assist two (2) low-to-moderate income homeowners in the reconstruction of their substandard owner occupied home; and

WHEREAS, the HOME Investment Partnerships Program Homeowner Rehabilitation Assistance (HRA) grant will be provided to low-to-moderate-income homeowners in the form of a zero interest, 5-15 year deferred loan depending on household income; and

WHEREAS, the City will provide a cash match of local funds from a non-federal source and waived building permit fees per the Affordable Housing Policy. The City will provide money from the fund balance of the Community Housing Fund and the waived building permit fees representing the City's match of \$30,000.00; and

WHEREAS, the City understands that the funds available under the grant are reimbursable to the City, funds in the amount of \$40,000.00 will be committed to providing homeowner rehabilitation pending reimbursement under the grant.

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

- Section 1. The City Council of the City of McKinney, Texas, hereby approves the submission of the grant application and acceptance of the grant, if awarded, Homeowner Rehabilitation Assistance (HRA) grant from the Texas Department of Housing & Community Affairs (TDHCA), as Announced in the 2017 HOME Single Family Programs HRA General Set-Aside Notice of Funding Availability (NOFA).
- Section 2. The City Manager Paul G. Grimes, authorized representative, is hereby authorized to execute the Contract and approve all documentation pursuant thereto on behalf of the City of McKinney, Texas.
- 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 1ST DAY OF MAY, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney



18-388

Title: Consider/Discuss/Act on a Resolution Authorizing the City Manager to Participate in Execution of Special Warranty Deed for Property Being Lot 426B, McKinney Outlots Addition, aka 416 W. Standifer Street, City of McKinney, Collin County, Texas

SUPPORTING MATERIALS:

Resolution

Special Warranty Deed

Distribution of Proceeds

Location Map

RESOLUTION NO. 2018-05-____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOT 426B, MCKINNEY OUTLOTS ADDITION, AKA 416 W. STANDIFER STREET, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

WHEREAS, the City of McKinney, McKinney ISD, Collin County and the Collin County Community College District have acquired the property being Lot 426B, McKinney Outlots Addition, City of McKinney, Collin County, Texas; and

WHEREAS, the property was acquired as the result of a tax foreclosure sheriff's sale; and

WHEREAS, the City of McKinney has received an offer from Brittany Fast.

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

Section 1. The City Council of the City of McKinney, Texas hereby agrees to participate in the sale of the above mentioned property at a price of not less than the court costs and costs of sale amount and not greater than \$6,000.00.

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

DULY PASSED AND APPROVED BY CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 1st DAY OF MAY, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

**DEED WITHOUT WARRANTY
(TAX FORECLOSED PROPERTY RESALE)**

Date: _____, 2018

Grantor: CITY OF MCKINNEY, for itself and on behalf of MCKINNEY INDEPENDENT SCHOOL DISTRICT, COLLIN COUNTY AND COLLIN COUNTY COMMUNITY COLLEGE DISTRICT

Grantor's Mailing Address (including county):

P.O. Box 517
McKinney, Texas 75070
Collin County

Grantee: Brittany Fast

Grantee's Mailing Address (including county):

540 Lakewood Drive
Fairview, Texas 75069
Collin County

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration.

Property (including any improvements):

Property described in Exhibit "A" attached hereto and made a part hereof for all purposes.

Reservations from and Exceptions to Conveyance and Warranty:

1. Rights of the public to any portion of the above described property lying within the boundaries of dedicated or existing roadways or which may be used for road or street purposes.
2. Visible and apparent easements over or across subject property.
3. Rights of parties in possession.
4. Any and all easements, restrictions, covenants, conditions and reservations of record, if any, applicable to the herein conveyed property or any part hereof.
5. Any right of redemption as specified in Chapter 34, Subchapter B, Texas Property Tax Code.
6. All oil, gas, and other minerals reserved by prior grantors.

By acceptance of this Deed, Grantee acknowledges and agrees that the Property is being purchased and conveyed "AS IS" with all faults and defects whether patent or latent as of the closing. Grantors, on behalf of themselves and the other taxing entities on whose behalf it holds title to the Property, specifically negates and disclaims any representations, warranties or guaranties of any kind or character, whether express or implied, oral or written, past, present, future or otherwise, of, as to, concerning or with respect to the Property, including

without limitation (i) the nature and condition of the Property and the suitability thereof for any and all activities and uses which Grantee may elect to conduct thereon, (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or any other matter relating in any way to the Property, (iii) the compliance of the Property or its operation with any laws, ordinances or regulations of any government or other authority or body, (iv) the existence of any toxic or hazardous substance or waste in, on, under the surface of or about the Property, (v) geological conditions, including, without limitation, subsidence, subsurface conditions, water table, underground water reservoirs, limitations regarding the withdrawal of water and faulting, (vi) whether or not and to the extent to which the Property or any portion thereof is affected by any stream (surface or underground), body of water, flood prone area, floodplain, floodway or special flood hazard, (vii) drainage, (viii) zoning or land use restrictions rules and regulations to which the Property or any portion thereof may be subject, (ix) the availability of any utilities to the Property or any portion thereof including, without limitation, water, sewage, gas and electric and including the utility availability capacities allocated to the Property by the relevant governmental or regulatory authority, (x) usages of adjoining property, (xi) access to the Property or any portion thereof, (xii) the value, compliance with the plans and specifications, size, location, age, use, design, quality, description, durability, structural integrity, operation, leasing, title to, or physical or financial condition of the Property or any portion thereof, or any income, expenses, charges, liens, encumbrances, rights or claims on or affecting or pertaining to the Property or any part thereof, (xiii) the potential for further development of the Property, or (xiv) the merchantability of the Property or fitness of the Property for any particular purpose (Grantee affirming that Grantee has not relied on Grantors' skill or judgment to select or furnish the Property for any particular purpose, and that Grantor makes no warranty that the Property is fit for any particular purpose).

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's successors, or assigns forever WITHOUT WARRANTY.

The intent of this Deed Without Warranty is to transfer the property foreclosed on by the Grantor taxing jurisdictions in Cause No. 401-3126-06 in the 401st Judicial District Court, Collin County, Texas, and no more.

When the context requires, singular nouns and pronouns include the plural.

CITY OF MCKINNEY, for itself and on behalf of MCKINNEY INDEPENDENT SCHOOL DISTRICT,
COLLIN COUNTY AND COLLIN COUNTY COMMUNITY COLLEGE DISTRICT

By: _____

Title: _____

ATTEST:

(Acknowledgment)

THE STATE OF TEXAS §

COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of
_____, 2018, by _____,

_____ of the City of McKinney as the act and deed of
said City of McKinney.

Notary Public, State of Texas

Notary's name, (printed):

Notary's commission expires: _____

EXHIBIT A

BEING LOT 426B, McKINNEY OUTLOTS ADDITION, aka 416 W. Standifer St., CITY OF McKINNEY, COLLIN COUNTY, TEXAS, AS RECORDED IN VOL. 98, PAGE 0023629, OF THE COLLIN COUNTY DEED RECORDS.

Distribution of Proceeds

416 W Standifer, McKinney, Texas

R0926000426B1

Cause no.: 401-3126-06

Judgment date: January 19, 2007

Sheriff's sale: April 3, 2007

| | | |
|--------------------|--------|-------------------|
| Taxes in Judgment: | MISD | \$1,061.97 |
| | City | 351.57 |
| | County | 149.64 |
| | CCCCD | <u>55.96</u> |
| | Total | <u>\$1,619.14</u> |

Other Judgment Amounts:

| | |
|---------------------|--------|
| District Clerk Fees | \$0.00 |
| Demolition Lien | 0.00 |

Post Judgment Taxes/Costs: 363.00

Minimum Bid at Sale: \$1,982.14

Current Appraised Value: \$4,500.00

Resale price: \$6,000.00

Settlement Costs:

| | |
|---------------------|-------------|
| Constable Fee | 0.00 |
| Publication Fee | 134.10 |
| District Clerk Fees | 0.00 |
| Maintenance Fee | 0.00 |
| Demolition Lien | 0.00 |
| Lien Release Fee | <u>0.00</u> |

Total Costs: 134.10

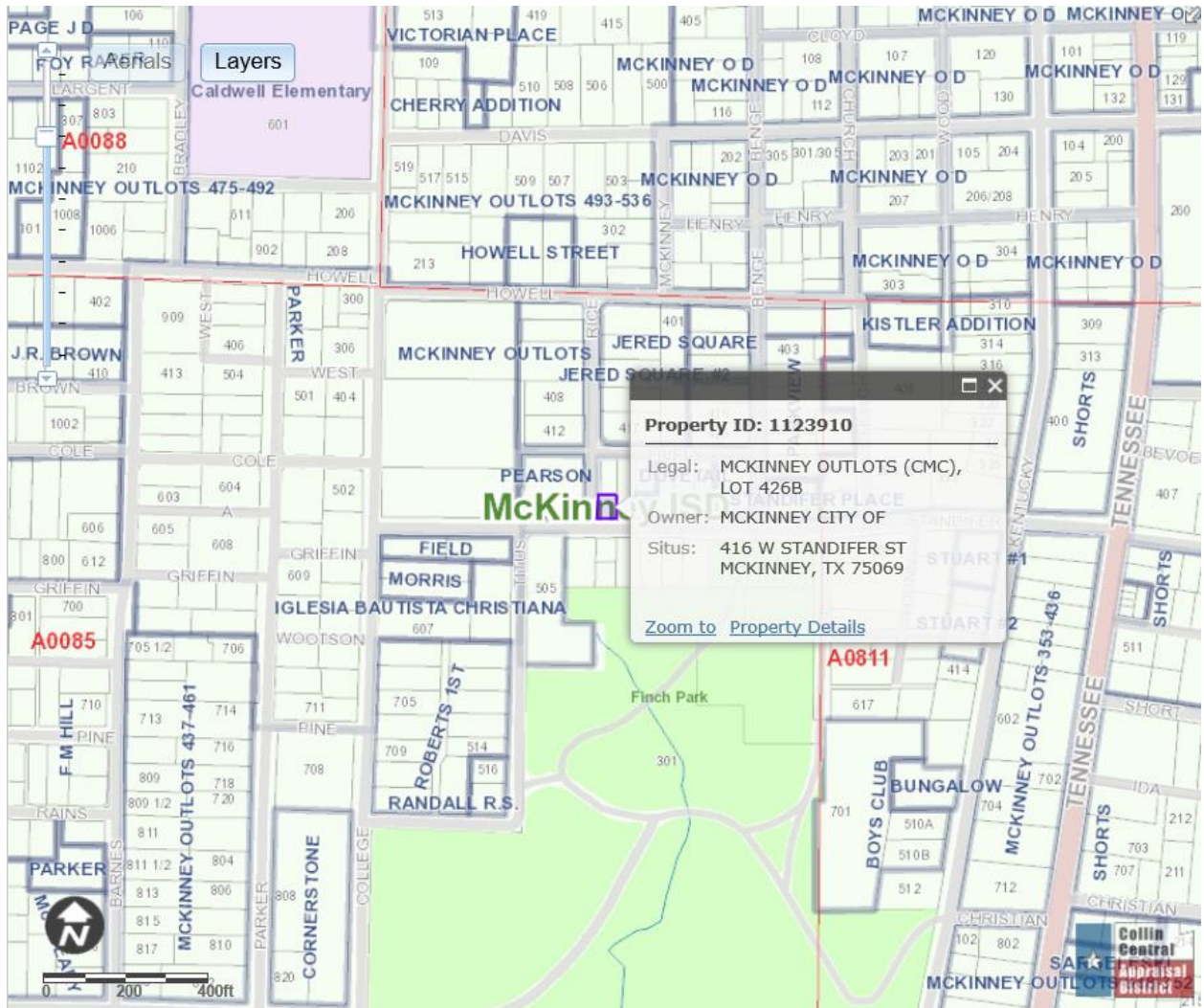
Proceeds to be Distributed: \$5,865.90

Percentage of Judgment Taxes: 362%

Distributed to Collin County Tax Assessor on Behalf of:

| | |
|--------|-------------------|
| MISD | \$3,847.36 |
| City | 1,273.69 |
| County | 542.12 |
| CCCCD | <u>202.73</u> |
| Total | <u>\$5,865.90</u> |

R0926000426B1





18-389

Title: Consider/Discuss/Act on a Resolution Authorizing the City Manager to Participate in Execution of Special Warranty Deed for Property Being Lot 2, Block E, Shorts Addition, aka 601 E. Standifer Street, City of McKinney, Collin County, Texas

SUPPORTING MATERIALS:

Resolution

Special Warranty Deed

Distribution of Proceeds

Location Map

RESOLUTION NO. 2018-05-____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOT 2, BLOCK E, SHORTS ADDITION, AKA 601 E. STANDIFER STREET, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

WHEREAS, the City of McKinney, McKinney ISD, Collin County and the Collin County Community College District have acquired the property being Lot 2, Block E, Shorts Addition, City of McKinney, Collin County, Texas; and

WHEREAS, the property was acquired as the result of a tax foreclosure sheriff's sale; and

WHEREAS, the City of McKinney has received an offer from Brittany Fast.

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

Section 1. The City Council of the City of McKinney, Texas hereby agrees to participate in the sale of the above mentioned property at a price of not less than the court costs and costs of sale amount and not greater than \$11,000.00.

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

DULY PASSED AND APPROVED BY CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 1st DAY OF MAY, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

**DEED WITHOUT WARRANTY
(TAX FORECLOSED PROPERTY RESALE)**

Date: _____, 2018

Grantor: McKINNEY INDEPENDENT SCHOOL DISTRICT, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT, and CITY OF McKINNEY

Grantor's Mailing Address (including county):

P.O. Box 517
McKinney, Texas 75070
Collin County

Grantee: Brittany Fast

Grantee's Mailing Address (including county):

540 Lakewood Drive
Fairview, Texas 75069
Collin County

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration.

Property (including any improvements):

Property described in Exhibit "A" attached hereto and made a part hereof for all purposes.

Reservations from and Exceptions to Conveyance and Warranty:

1. Rights of the public to any portion of the above described property lying within the boundaries of dedicated or existing roadways or which may be used for road or street purposes.
2. Visible and apparent easements over or across subject property.
3. Rights of parties in possession.
4. Any and all easements, restrictions, covenants, conditions and reservations of record, if any, applicable to the herein conveyed property or any part hereof.
5. Any right of redemption as specified in Chapter 34, Subchapter B, Texas Property Tax Code.
6. All oil, gas, and other minerals reserved by prior grantors.

By acceptance of this Deed, Grantee acknowledges and agrees that the Property is being purchased and conveyed "AS IS" with all faults and defects whether patent or latent as of the closing. Grantors, on behalf of themselves and the other taxing entities on whose behalf it holds title to the Property, specifically negates and disclaims any representations, warranties or guaranties of any kind or character, whether express or implied, oral or written, past, present, future or otherwise, of, as to, concerning or with respect to the Property, including without limitation (i) the nature and condition of the Property and the suitability thereof for any and all activities and uses which Grantee may elect to conduct thereon, (ii) the nature and extent of any right-of-way, lease,

possession, lien, encumbrance, license, reservation, condition or any other matter relating in any way to the Property, (iii) the compliance of the Property or its operation with any laws, ordinances or regulations of any government or other authority or body, (iv) the existence of any toxic or hazardous substance or waste in, on, under the surface of or about the Property, (v) geological conditions, including, without limitation, subsidence, subsurface conditions, water table, underground water reservoirs, limitations regarding the withdrawal of water and faulting, (vi) whether or not and to the extent to which the Property or any portion thereof is affected by any stream (surface or underground), body of water, flood prone area, floodplain, floodway or special flood hazard, (vii) drainage, (viii) zoning or land use restrictions rules and regulations to which the Property or any portion thereof may be subject, (ix) the availability of any utilities to the Property or any portion thereof including, without limitation, water, sewage, gas and electric and including the utility availability capacities allocated to the Property by the relevant governmental or regulatory authority, (x) usages of adjoining property, (xi) access to the Property or any portion thereof, (xii) the value, compliance with the plans and specifications, size, location, age, use, design, quality, description, durability, structural integrity, operation, leasing, title to, or physical or financial condition of the Property or any portion thereof, or any income, expenses, charges, liens, encumbrances, rights or claims on or affecting or pertaining to the Property or any part thereof, (xiii) the potential for further development of the Property, or (xiv) the merchantability of the Property or fitness of the Property for any particular purpose (Grantee affirming that Grantee has not relied on Grantors' skill or judgment to select or furnish the Property for any particular purpose, and that Grantor makes no warranty that the Property is fit for any particular purpose).

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's successors, or assigns forever WITHOUT WARRANTY.

The intent of this Deed Without Warranty is to transfer the property foreclosed on by the Grantor taxing jurisdictions in Cause No. 416-01607-2008 in the 416th Judicial District Court, Collin County, Texas, and no more.

When the context requires, singular nouns and pronouns include the plural.

McKINNEY INDEPENDENT SCHOOL DISTRICT

By: _____

Title: _____

ATTEST:

(Acknowledgment)

THE STATE OF TEXAS §

COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of
_____, 2018, by _____,

_____ of the McKinney Independent School District as
the act and deed of said McKinney Independent School District.

Notary Public, State of Texas

Notary's name, (printed):

Notary's commission expires: _____

COLLIN COUNTY, TEXAS

By: _____

Title: _____

ATTEST:

(Acknowledgment)

THE STATE OF TEXAS §

COUNTY OF COLLIN §

 This instrument was acknowledged before me on the _____ day of
_____, 2018, by _____,
_____ of Collin County, Texas as the act and deed of
said Collin County, Texas.

Notary Public, State of Texas

Notary's name, (printed):

Notary's commission expires: _____

COLLIN COUNTY COMMUNITY COLLEGE DISTRICT

By: Kenneth D. Lynn

Title: Chief Financial Officer

ATTEST:

[Signature]

(Acknowledgment)

THE STATE OF TEXAS §

COUNTY OF COLLIN §

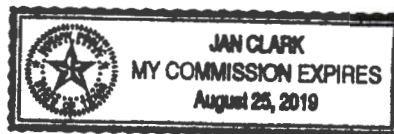
This instrument was acknowledged before me on the 4th day of April, 2018, by Ken Lynn, Chief Financial Officer of the Collin County Community College District as the act and deed of said Collin County Community College District.

Jan Clark

Notary Public, State of Texas

Notary's name, (printed):

Notary's commission expires: 8-25-19



CITY OF MCKINNEY

By: _____

Title: _____

ATTEST:

(Acknowledgment)

THE STATE OF TEXAS §

COUNTY OF COLLIN §

 This instrument was acknowledged before me on the _____ day of
_____, 2018, by _____,
_____ of the City of McKinney as the act and deed of
said City of McKinney.

Notary Public, State of Texas

Notary's name, (printed):

Notary's commission expires: _____

EXHIBIT A

BEING LOT 2, BLOCK E, SHORTS ADDITION, aka 601 STANDIFER, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AS RECORDED IN VOL. 1497, PAGE 920 OF THE COLLIN COUNTY DEED RECORDS.

Distribution of Proceeds

601 Standifer, McKinney, Texas

R094100E00201

Cause no.: 416-01607-2008

Judgment date: February 24, 2009

Sheriff's sale: July 7, 2009

| | | |
|--------------------|--------|-------------------|
| Taxes in Judgment: | MISD | \$2,976.78 |
| | City | 2,097.75 |
| | County | 795.08 |
| | CCCCD | <u>303.06</u> |
| | Total | <u>\$6,172.67</u> |

Other Judgment Amounts:

| | |
|---------------------|------------|
| District Clerk Fees | \$1,656.40 |
| Demolition Lien | 0.00 |

Post Judgment Taxes/Costs: 518.25

Minimum Bid at Sale: \$8,347.32

Current Appraised Value: \$15,000.00

Resale price: \$11,000.00

Settlement Costs:

| | |
|---------------------|-------------|
| Constable Fee | 243.00 |
| Publication Fee | 275.25 |
| District Clerk Fees | 1,656.40 |
| Maintenance Fee | 0.00 |
| Demolition Lien | 0.00 |
| Lien Release Fee | <u>0.00</u> |

Total Costs: 2,174.65

Proceeds to be Distributed: \$8,825.35

Distributed to Collin County Tax Assessor on Behalf of:

| | |
|--------|---------------|
| MISD | \$4,256.04 |
| City | 2,999.25 |
| County | 1,136.76 |
| CCCCD | <u>433.30</u> |

Total \$8,825.35

Property ID: 1140081

Legal: SHORTS ADDITION (CMC), BLK E, LOT 2

Owner: MCKINNEY CITY OF & COLLIN COUNTY CCD & MCKINNEY ISD

Situs: 601 E STANDIFER ST MCKINNEY, TX 75069

[Zoom to](#) [Property Details](#)



18-390

Title: Consider/Discuss/Act on a Resolution Establishing the School Zone Summer Hours for Each School Holding Summer School in 2018

SUPPORTING MATERIALS:

Resolution

Location Map

RESOLUTION NO. 2018-05-____ (R)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY,
TEXAS, ESTABLISHING SCHOOL ZONE HOURS FOR EACH SCHOOL
HOLDING SUMMER SCHOOL IN 2018**

WHEREAS, the City Council of the City of McKinney, Texas, has approved an Ordinance establishing school zones for schools holding summer school; and

WHEREAS, the City Council of the City of McKinney, Texas believes the school zone should continue during summer school sessions for the health and safety of the children attending; and

WHEREAS, summer school dates and time have been determined by McKinney Independent School District for 2018.

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

Section 1. The City Council of the City of McKinney, Texas hereby establishes a reduced speed school zone for McKinney High School Sessions during the hours of 6:45 a.m. to 7:45 a.m. and 2:15 p.m. to 3:15 p.m. on summer school days beginning July 10, 2018 and ending July 26, 2018.

Section 2. The City Council of the City of McKinney, Texas hereby establishes a reduced speed school zone for Faubion Middle School during the hours of 7:45 a.m. to 8:45 a.m. and 12:15 p.m. to 1:15 p.m. on summer school days beginning June 11, 2018 and ending June 28, 2018.

Section 3. The City Council of the City of McKinney, Texas hereby establishes a reduce speed school zone for Malvern Elementary School during the hours of 7:15 a.m. to 8:15 a.m. and 11:15 a.m. to 12:15 p.m. on summer school days beginning June 11, 2018 and ending June 29, 2018.

Section 4. 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 1st DAY OF MAY, 2018.

CITY OF MCKINNEY, TEXAS

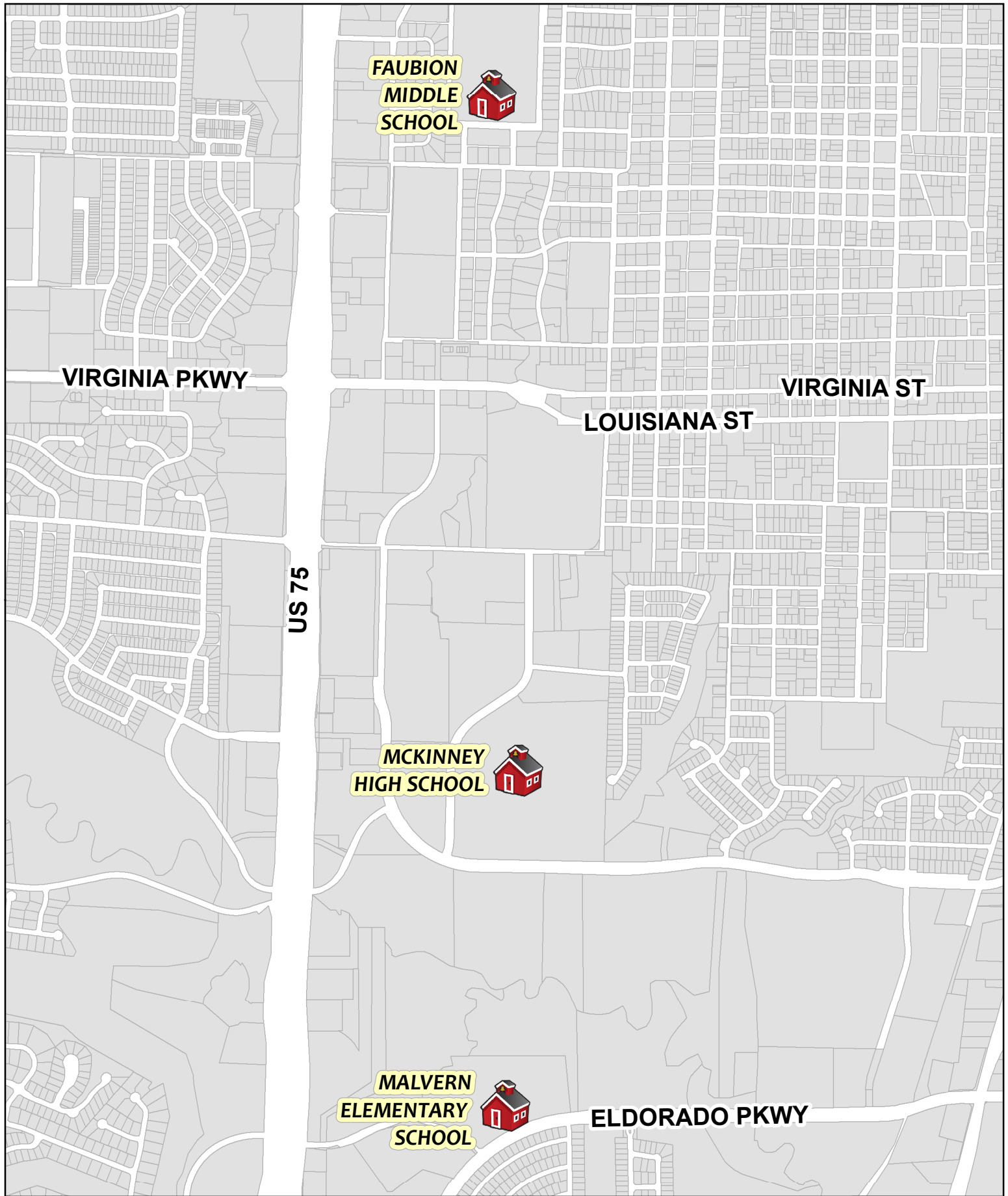
GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney



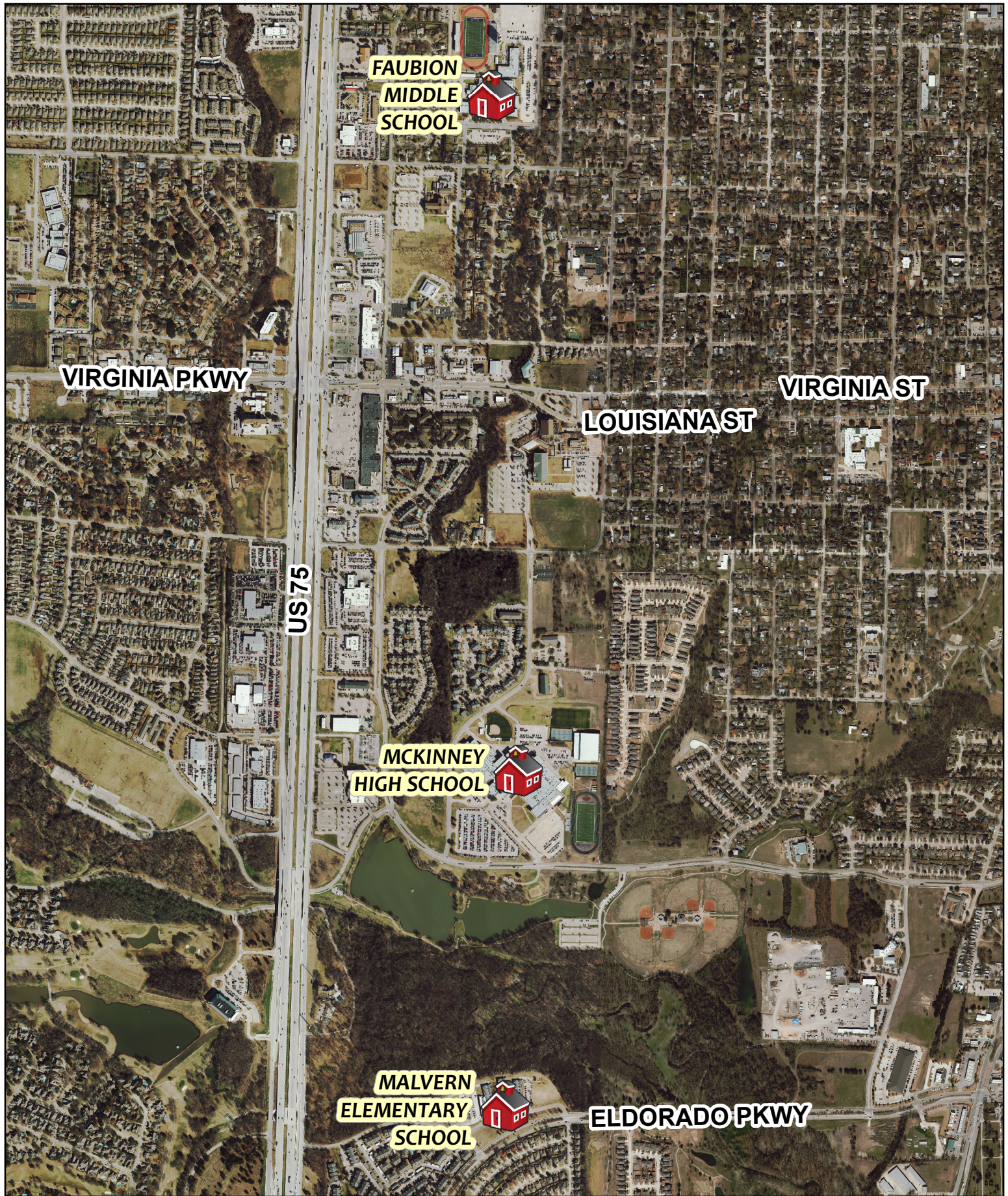
0 580 1,160
1 in = 1,167 ft

2018 Summer School Locations

Source: Development Services
Date: 4/23/2018

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.





0 580 1,160
1 in = 1,167 ft
Feet

2018 Summer School Locations

Source: Development Services
Date: 4/23/2018

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.





18-391

Title: Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, Traffic Signal Data Sharing and WAZE Data Sharing Grants Through the North Central Texas Council of Governments (NCTCOG)

SUPPORTING MATERIALS:

Resolution

RESOLUTION NO. 2018-05-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, TRAFFIC SIGNAL DATA SHARING PROGRAM AND 511DFW/WAZE DATA SHARING PROGRAM GRANTS THROUGH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG)

WHEREAS, the North Central Texas Council of Governments Mobility 2040 Plan encourages the sharing of transportation data through technology and intelligent transportation systems; and

WHEREAS, the North Central Texas Council of Government's Traffic Signal Data Sharing program and 511DFW/WAZE Data Sharing Program offer opportunities for grant funding to NCTCOG's partner agencies; and

WHEREAS, the City Council of the City of McKinney, Texas, has approved the City Manager to execute a Memorandum of Understanding with the NCTCOG for a regional ITS infrastructure; and

WHEREAS, the City of McKinney, Texas, has enrolled in the WAZE Connected Citizens Program

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

- Section 1. The City Council of the City of McKinney, Texas, hereby approves the submission of grant applications and acceptance of the grants, if awarded, from NCTCOG for Traffic Signal Data Sharing Program and the 511DFW/WAZE Data Sharing Program.
- Section 2. The City Manager Paul G. Grimes, authorized representative, is hereby authorized to execute the Contract and approve all documentation pursuant thereto on behalf of the City of McKinney, Texas.
- 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 1st DAY OF MAY, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney



18-392

Title: Consider/Discuss/Act on a Resolution Nominating IBG Real Estate Holdings II, Inc. to the Office of the Governor, Economic Development and Tourism and the Economic Development Bank for Designation as a Qualified Business and Enterprise Project Under the Texas Enterprise Zone Program Under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code

SUPPORTING MATERIALS:

Resolution

RESOLUTION NO. 2018-05-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, NOMINATING IBG REAL ESTATE HOLDINGS II, INC. TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM AND THE ECONOMIC DEVELOPMENT BANK FOR DESIGNATION AS A QUALIFIED BUSINESS AND ENTERPRISE PROJECT UNDER THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE

- WHEREAS,** the City of McKinney, Texas ("City") passed Ordinance No. 2017-11-101 reaffirming its continued participation in the Texas Enterprise Zone Program ("Program") as authorized by the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, ("Act") and identifying and summarizing restating the local business and tax incentives available in the City at a public hearing to consider said ordinance held by the City Council on November 29, 2017; and
- WHEREAS,** the local business and tax incentives offered under this resolution are the same on this date as were outlined in Ordinance No. 2017-11-101; and,
- WHEREAS,** the Office of the Governor Economic Development and Tourism ("Office") and the Economic Development Bank ("Bank") will consider IBG Real Estate Holdings II, Inc. as an enterprise project pursuant to a nomination and an application made by the City; and,
- WHEREAS,** the City Council of the City desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the City and to provide employment to residents of such areas; and,
- WHEREAS,** pursuant to Chapter 2303, Subchapter F of the Act, IBG Real Estate Holdings II, Inc. has applied to the City for designation as a Texas Enterprise Project; and,
- WHEREAS,** the City finds that IBG Real Estate Holdings II, Inc. meets the criteria for designation as an Texas Enterprise Project under Chapter 2303, Subchapter F of the Act on the following grounds:
- (a) IBG Real Estate Holdings II, Inc. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction, located outside of an enterprise zone and at least thirty-five percent (35%) of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans, and
 - (b) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area, and
 - (c) The designation of IBG Real Estate Holdings II, Inc. as a Texas Enterprise Project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area; and,
- WHEREAS,** the City finds that IBG Real Estate Holdings II, Inc. meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and,

WHEREAS, the City finds that it is in the best interest of the City to nominate IBG Real Estate Holdings II, Inc. as an enterprise project pursuant to the Act.

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

- Section 1. All of the foregoing recitals are hereby found to be true and correct and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.
- Section 2. The City nominates IBG Real Estate Holdings II, Inc. for Enterprise Project status.
- Section 3. The local business and tax incentives identified and summarized in the attached Exhibit A, which at the election of the governing body may or will be made available to the nominated Project, are the same local business and tax incentives identified and summarized in Ordinance No. 2017-11-101, and that may be made available to a project or activity seeking designation pursuant to the Act.
- Section 4. IBG Real Estate Holdings II, Inc. is a “qualified business”, as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act.
- Section 5. The Enterprise Project shall take effect on the date of the designation of the enterprise project by the Office and terminate five (5) years from the date of designation.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE ____ DAY OF MAY, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST

SANDY HART, TRMC, MMC
City Secretary

APPROVED AS TO FORM

MARK S. HOUSER
City Attorney

Exhibit A

| Name of Incentive | | Description of Incentive | Availability |
|-------------------|--|---|--------------|
| 1 | Tax Abatement | Property tax reductions | Citywide |
| 2 | Freeport Exemption | Exempts goods-in-transit from ad valorem taxes | Citywide |
| 3 | Zoning Changes/Variances | The City’s Development Services Department may make zoning changes that would have the effect of expediting the development process | Citywide |
| 4 | Building Code Variances | City may provide certain building code variances to expedite the development process | Citywide |
| 5 | Impact/ Inspection Fee Exemptions | The City may exempt impact/ inspection fees | Citywide |
| 6 | Infrastructure Improvements | The City may provide infrastructure improvements for industries | Citywide |
| 7 | Streamlined Permitting | City may allow permit applications and supporting materials to be tendered to one department for distribution to the appropriate City departments | Citywide |
| 8 | Targeted Improved Fire and Police Services | City may provide targeted safety and fire services for City residents including the Fire Department’s McTown Klownz Kids Program and Community Fire Prevention Week | Citywide |
| 9 | Community Crime Prevention Programs | City may provide school Crime Stopper programs, the Police Crime Awareness and Education Unit, and the Police-to-Citizen System | Citywide |
| 10 | Capital Improvements Plan for Water and Sewer Facilities | City may provide resources for a capital improvement plan for enhanced water and sewer service | Citywide |
| 11 | Road Repair | City’s Street Department is responsible for maintaining and repairing City Streets | Citywide |
| 12 | Promotion and Marketing Service | McKinney Economic Development Corporation, and City Communications and Marketing Department | Citywide |
| 13 | Job Training and Employment Services | Offered by community colleges, technical schools, North Texas Job Corp, and the McKinney Workforce Development Center | Citywide |
| 14 | Retraining Program | Offered by community colleges, technical schools, North Texas Job Corp, and the McKinney Workforce Development Center | Citywide |
| 15 | Literacy and Employment Skills Services | Offered by local community colleges, technical schools, North Texas Job Corp and the McKinney Workforce Development Center | Citywide |
| 16 | Creation or Improvement of Parks | Offered to maintain healthy lifestyle for City residents | Citywide |
| 17 | Vocational Education | Offered by local community colleges, technical schools and the McKinney Workforce Development Center | Citywide |

| Name of Incentive | | Description of Incentive | Availability |
|-------------------|---|--|--------------------------|
| 18 | Customized Job Training | Offered by local community colleges, technical schools and the McKinney Workforce Development Center | Citywide |
| 19 | One-Stop Permitting, Problem Resolution Center | City may offer one-stop permitting | Citywide |
| 20 | Type 4A/Type 4B Sales Tax | Sales Tax for Community Development and Economic Development | On Case by Case Basis |
| 21 | Tax Increment Financing | TIRZ Zones | Designated Zones in City |
| 22 | Other residential financial incentives | City may offer financial incentives through the McKinney Housing Finance Corporation bonds | On Case by Case Basis |
| 23 | Special Public Transportation Routes or Reduced Fares | City may contract with transit providers to provide enhanced municipal transportation services to residents and business | Citywide |
| 24 | Provision of Publicly Owned Land for Development Purposes | City may offer business and industrial development on public land | Citywide |
| 25 | Transfer of Abandoned Housing to Community Groups | City may offer vacant lot acquisitions to build affordable housing to community non-profit groups | Citywide |
| 26 | Chapter 380 and Local Sales Tax Refunds | City may offer financial incentives including Chapter 380 agreements, business grants, sales and use tax grants | On Case by Case Basis |



17-0022SP

Title: Consider/Discuss/Act on a Site Plan for Two Medical Office Buildings (McKinney Ortho), Located Approximately 200 Feet South of Eldorado Parkway and Approximately 275 Feet East of Highlands Drive

SUPPORTING MATERIALS:

Standard Conditions Checklist

Location Map and Aerial Exhibit

Letter of Intent

Existing PD Ord. No. 1499

Existing PD Ord. No. 1522

Proposed Site Plan

Proposed Landscape Plan

| |
|---|
| Standard Conditions for Site Plan Approval Checklist |
|---|

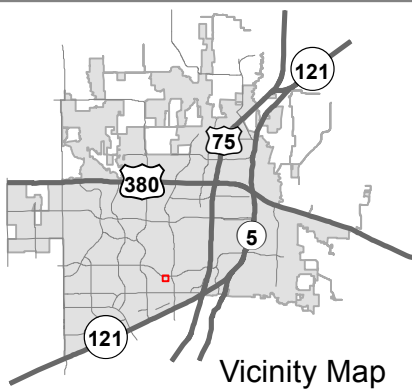
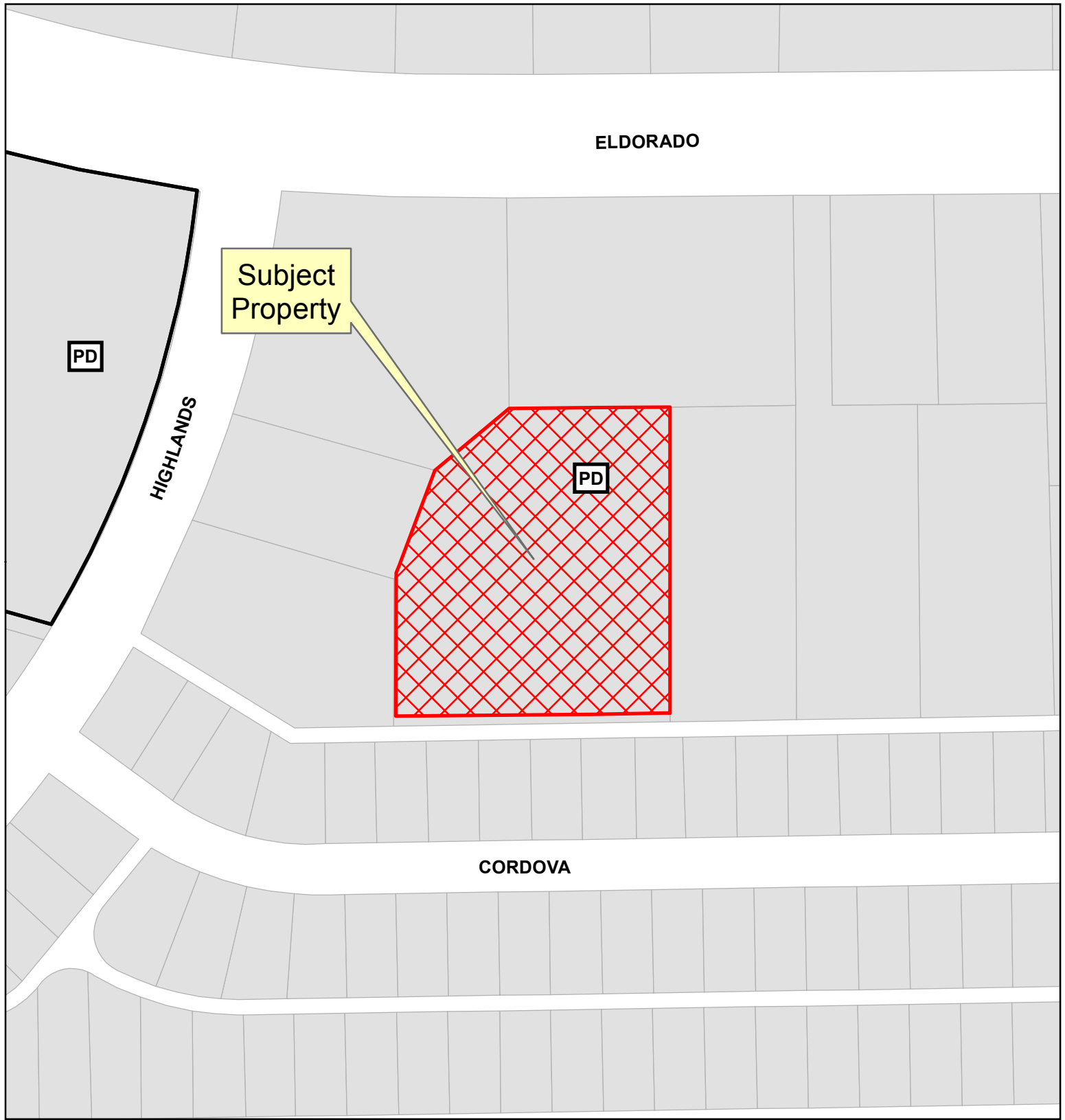
The conditions listed below marked with a “☒” need to be satisfied by the applicant, prior to issuance of a building permit.

- ☒ Approval of building permit plans by the Chief Building Official.
- ☒ Approval of architectural building elevations, in accordance with Section 146-139 of the Zoning Ordinance.
- ☒ Approval of grading and drainage plans by the City Engineer.
- ☒ Approval of public improvement construction plans by the City Engineer.
- ☒ Approval of utility construction plans by the City Engineer.
- ☐ Approval of an associated record plat or minor plat if the property is currently unplatted.
- ☒ Final location of fire hydrants be subject to review and approval by the Fire Marshal.
- ☒ The applicant comply with the requirements of the Tree Preservation Ordinance and obtain any necessary tree permits within the time frames specified within the Ordinance, subject to review and approval by the City Arborist.
- ☒ Payment of impact fees in accordance with Ordinances 2017-02-021 (utilities) and 2013-11-108 (roadway), or as specified within an approved facilities agreement or development agreement.
- ☐ The applicant satisfy park land dedication obligations, in accordance with Article VI of the Subdivision Ordinance, subject to review and approval by the Director of Parks and Recreation.
- ☒ All signage is to comply with the current Sign Ordinance of the City of McKinney, and as amended. Final location of all signage, as well as the dimension and construction specifications, be subject to review and approval by the Chief Building Official, under separate permit.

Prior to the issuance of a Certificate of Occupancy (C.O.):

- ☒ The applicant provide any additional easements as determined necessary by the City Engineer.
- ☒ The associated plat for the subject property be filed for record with the County Clerk.

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Location Map

17-0022SP

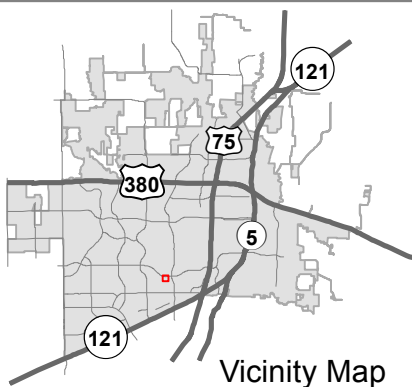


0 60 120
Feet
1 in = 128 ft

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.



Source: City of McKinney GIS
Date: 4/17/2018



Location Map

17-0022SP



0 60 120
Feet
1 in = 128 ft

Source: City of McKinney GIS
Date: 4/17/2018

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Kirkman Engineering
4821 Merlot Avenue, Suite 210
Grapevine, TX 76051
817.488.4960



February 26, 2018

Brian Lockley
Planning Director
City of McKinney
222 N. Tennessee St.
McKinney, Texas 75069

RE: McKinney Ortho – 1.68 AC

Dear Mr. Lockley,

On behalf of the owner and developer I am submitting a site plan application for a two Medical Office Buildings situated on approximately 1.67 acres of land, and located at 4299 Highlands Dr. McKinney, Tx. Building 1 is 11,000 SF and Building 2 is 7,175 SF. The site will be developed in two Phases, Building 1 in Phase 1 and Building 2 in Phase 2. The property is currently zoned PD Ord. No. 95-06-27. The site layout has been designed to meet all parking, landscaping, and screening requirements.

Should you have any further questions or concerns please feel free to contact me.

Sincerely,

Patrick Filson, P.E.

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1270 SO THAT 13 ACRES IN THE GRAFTON WILLIAMS SURVEY LOCATED WEST OF MOUNT OLIVE ROAD AND NORTH OF F.M. 720 IS ZONED PLANNED DEVELOPMENT; PROVIDING FOR A ZONING PLAN; PROVIDING FOR PLANNED DEVELOPMENT REGULATIONS; PROVIDING FOR A SITE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

THAT WHEREAS, the owner or owners of 13 acres of land in the Grafton Williams Survey have petitioned the City of McKinney to zone such property as set forth in the caption hereof, and,

WHEREAS, after due notice of the requested zoning changes as required by law and the required public hearings held before the Planning and Zoning Commission and the City Council of the City of McKinney, the City Council is of the opinion that such zoning change should be made.

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

SECTION I: That the real estate more fully described in the attached Exhibit A is zoned Planned Development and the zoning map attached hereto and marked Exhibit B is adopted as the zoning map for this planned development district.

SECTION II: That the planned development regulations contained in the attached Exhibit C are hereby adopted as the development regulations for this planned development district, provided that prior to the development of any property in this planned development district, a site plan and landscape plan shall be submitted to and receive the approval of the City Council of the City of McKinney, Texas.

SECTION III: That no developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development Zone, or specific regulations contained herein. This Ordinance and the subsequent site plan and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.


SECTION IV: If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION V: It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefor, shall be fined any sum not exceeding \$200.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

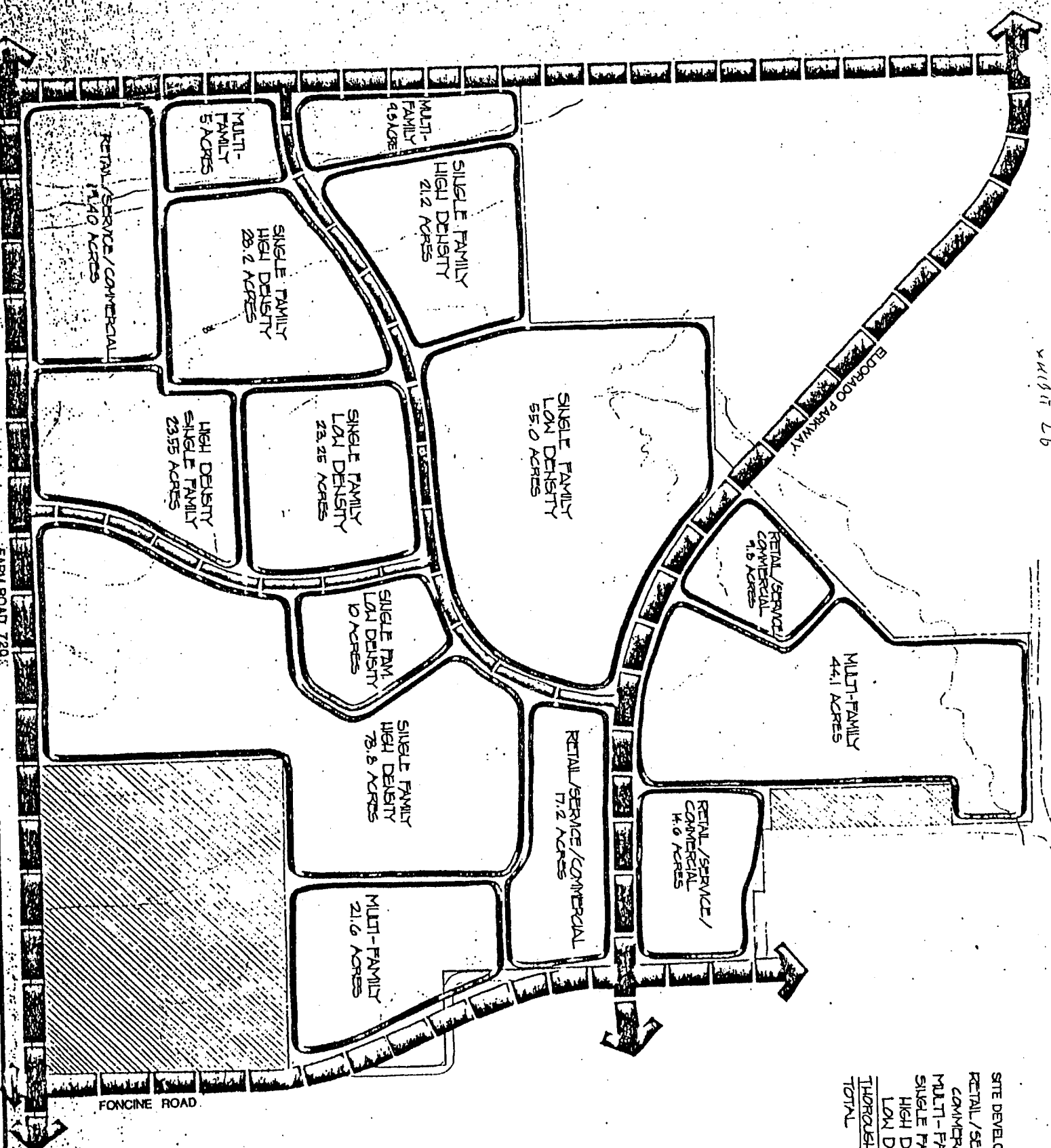
SECTION VI: The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, on this the 18th day of December, 1984.

CORRECTLY ENROLLED:


JENNIFER GRAVENS
CITY SECRETARY

Sheet 26



SITE DEVELOPMENT DATA

| | |
|---------------------------|-------------------|
| RETAIL/SERVICE/COMMERCIAL | 61.00 AC. |
| MULTIFAMILY | 82.00 AC. |
| SINGLE FAMILY | 151.75 AC. |
| HIGH DENSITY | 88.25 AC. |
| THOROUGHFARES | 16.00 AC. |
| TOTAL | 397.00 AC. |

ELDORADO WEST SCHEMATIC MASTER PLAN
McKinney, TX CBH & Moore



PERRY BLAIR & ASSOCIATES, INC.
10000 N. DALLAS STREET, SUITE 100
DALLAS, TEXAS 75243
TEL: 972-345-1111 FAX: 972-345-1112

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EXHIBITS

EXHIBIT A - SCHEMATIC MASTER PLAN (PLANNED DEVELOPMENT SITE PLAN)

EXHIBIT B - CITY OF MCKINNEY ORDINANCE 3.20 ("PD" PLANNED DEVELOPMENT DISTRICT REGULATIONS)

PLANNED DEVELOPMENT REGULATIONS

"ELDORADO WEST"

MCKINNEY, TEXAS

A. GENERAL PLANNING PRECEPTS

1. Preface

The P.D. Regulations set forth in this document and the Exhibits attached hereto shall regulate land use within "ELDORADO WEST" as well as specific considerations within individual land use categories. It is understood that each phase will be platted and developed according to this document. The P.D. Regulations shall prevail should they conflict with any Exhibits attached hereto.

2. Statement of Intent

"ELDORADO WEST" is planned as a development that will serve the needs of a wide variety of existing and new residents and businesses within the McKinney area. The developers of "ELDORADO WEST" are attempting to create an array of housing and commercial alternatives that will address the needs of current and prospective residents and businesses for a number years. To accomplish this objective, the development will include a mix of single family detached homes, single family attached homes, multifamily dwelling units and retail service and commercial areas.

3. Proposed Land Uses

"ELDORADO WEST" is a 397 + acre Planned Development located west of U.S. Highway 75 between Farm Road 720 on the south and Foncine Road on the north and bordering the Village of Eldorado on the east. It consists of the following land uses which are shown on "Exhibit A" attached:

| Land Use | Approximate Acreage | % of Land Area |
|-------------------------------|------------------------|-------------------|
| a. Residential | 320 ac. | 80.60 |
| 1. Low Density Single Family | 88 ac. | |
| 2. High Density Single Family | 152 ac. | |
| 3. Multi-family | 80 ac. | |
| b. Retail Service/Commercial | 61 ac. | 15.37 |
| c. Thoroughfares | 16 ac. | 4.03 |
| TOTAL | 397 acres | 100.00% |

(a) Residential Areas

Residential uses will consist of single family detached homes, single family attached homes, and multi-family dwellings. The overall residential development of "ELDORADO WEST" will not exceed a total of 3,127 dwelling units. Residential densities for the individual housing types will not exceed the following densities:

| Type | Maximum Density |
|--|------------------------|
| Low Density Single Family Large lot Medium Lot | 5 Dwelling units/acre |
| High Density Single Family Cluster Homes Townhomes | 14 Dwelling units/acre |
| Multi-Family Condominiums Apartments | 24 Dwelling units/acre |

(b) Retail Service/Commercial

The plan provides for retail service and commercial areas at the intersection of primary thoroughfares. These areas are designed to meet the future retail and business needs of not only "ELDORADO WEST" but, also, for the Southwestern Sector of McKinney,

B. SPECIFIC REGULATIONS

"ELDORADO WEST" shall have an official schematic master plan (Exhibit A), together with these written P.D. regulations and attached Exhibits and shall be subject to development in accordance with these documents as defined in the Planned Development Zone in the City of McKinney Zoning Ordinance (Exhibit B).

The Developer herein establishes the following regulations for the development of "ELDORADO WEST":

1. Access to the Site

The majority of vehicular traffic entering "ELDORADO WEST" from McKinney, or Dallas will initially do so via Farm Road 720. This, however, will change significantly with the completion of the Eldorado Parkway overpass and the extension of the Parkway to the Eastern boundary of the development.

2. Thoroughfare Standards

The following basic internal street types are projected:

(a) Primary Thoroughfares

There will be one major east-west thoroughfare in this development whose primary function is to provide access to "ELDORADO WEST" via the grade separated interchange proposed at U.S. 75. This major thoroughfare is designated on the City of McKinney Comprehensive Thoroughfare Plan as the extension of Eldorado Parkway. This thoroughfare will be a minimum four-lane divided median roadway consisting of a minimum 100 foot R.O.W., two 24 foot driving lanes, with turn lane provided in order to insure a safe smooth flow of traffic.

(b) Secondary Thoroughfares and/or Collector Streets

The secondary system will serve to tie together the clusters of residential areas to the primary system. The collector streets will have a minimum R.O.W. width of sixty feet (60') with a minimum thirty-seven foot (37') driving lane.

(c) Residential Streets

The residential street system will function to serve the residential areas of "ELDORADO WEST". These streets will be designed to carry relatively low volumes of vehicular traffic at low speeds through the residential areas. These streets will have a fifty foot (50') R.O.W. with a twenty-six foot (26') driving lane.

3. Utilities and Drainage

(a) Utilities (water, sewer, gas, electric) will be provided through a joint effort of the developer and the City of McKinney within the normal platting procedure, and in accordance with a Facilities Agreement (to be prepared).

(b) All utility lines shall be underground in easements provided by the developer except those required, in usual circumstances, to be overhead as determined by joint agreement to the developer, the City of McKinney, and the Public Utility Companies.

(c) Storm drainage will be handled above ground as much as possible in order to assure maximum water recharge to the natural system. Natural drainage patterns and channels will be retained, and where concentrated run-off is felt to foster excessive erosion, appropriate armament will be provided to retard water drainage and to provide an aesthetically pleasing landscape.

4. Easements

Drainage, emergency access, utility, and landscape easements will be provided as needed.

5. Creation of Sites

The determination of the location and size of specific sites shown on the schematic master plan are intended to be approximate in nature.

6. Land Use Intensity

(a) Low Density Single Family

Intent: The single family detached "Low Density" residential category is for single family uses of two types, as well as churches. The low density single family category shall be interchangeable with the high density single family category provided that a minimum of 88 acres of low density single family land is maintained in the overall development.

Permitted Uses:

Single Family Dwellings (large lot)
Single Family Dwellings (medium lot)
Churches

Maximum Net Density: 5 units/acre

(i) Large Lot Single Family

Minimum Lot Size: 8400 square feet

Coverage: Maximum of 40% of the lot area including accessory buildings.

Parking: A minimum of two (2) uncovered parking spaces shall be provided per unit.

Building Height: No building or structure shall exceed thirty-five feet (35') in height.

Setbacks: Front Yard - The minimum shall be twenty-five feet (25').

Side Yard - These shall vary according to the width of the lot. Minimum (one side) shall, in all cases, be 10% of lot width. Total side yard width (sum of two sides) shall be twenty feet (20').

Side Yard on Corner Site - Twenty feet (20') from R.O.W. and no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

Rear Yard - A minimum of twenty feet (20') from the rear property line.

(ii) Medium Lot Single Family

Minimum Lot Size: 6,000 square feet

Coverage: A maximum of 40% of the lot area including accessory buildings.

Parking: A minimum of two (2) uncovered parking spaces shall be provided per unit. However, if rear entry is provided, then one (1) uncovered and one (1) covered parking space shall be acceptable.

Building Height: No building or structure shall exceed thirty-five feet (35') in height.

Setbacks: Front Yard - The minimum shall be twenty-five (25').

Side Yard - These shall vary according to the width of the lot. Minimum (one side) shall in all cases be 10% of the lot width. Total side yard width (sum of two sides) shall be fifteen feet (15').

Side Yard on Corner Site - Twenty feet (20') from R.O.W. and no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

Rear Yard - Minimum of twenty feet (20') from the rear property line.

Note: If rear entry is provided, then the Front and Rear Yard setback requirements may be switched.

(iii) Churches

Minimum Lot Size: Two (2) acres
Coverage: The maximum site coverage, including buildings and parking shall be 75%. The remaining 25% shall be open space and landscaped areas.
Parking: One off-street space per four (4) seats of seating capacity of the church sanctuary.
Building Heights: No building or structure shall exceed thirty-five feet (35') in height, exclusive of the steeple.
Setbacks: For all lots upon which churches are built, minimum setbacks will be as follows:

Front - Thirty-five feet (35')

Side - Fifteen feet (15')

Side Yard on Corner Site - Twenty feet (20') from R.O.W. and no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

Rear - Twenty feet (20')

Location: Churches shall be located on streets at least thirty-one feet (31') in width.

(b) High Density Single Family

Intent: The intent of single family attached dwelling concept is to provide a living space adequate to serve a family's needs at a lower cost. By gaining greater efficiency from utility systems, streets and drives, common wall construction (on one or more sides) and increased net densities -- thereby providing smaller lots -- these cost savings may be realized. This concept also makes available the townhome concept of development wherein only the land under each unit is sold, and larger (common) open space adjacent to each unit is provided and maintained as an amenity through the creation of a Homeowner's Association to free the occupants of the normal maintenance of a single family home with a yard.

Permitted Uses:

Single Family Dwellings (large lot)
Single Family Dwellings (medium lot)
Churches
Cluster Single Family Dwellings
Patio Homes
Duplex
Triplex
Quadriplex
Townhomes

Maximum Net Density: 14 Dwelling units/acre

(i) Cluster Single Family Dwellings

Coverage: A maximum of 60% of the lot area including accessory buildings. (This figure includes the residential structure plus garages.)
Parking: A minimum of two (2) uncovered parking spaces shall be maintained. However, if rear entry is provided then one (1) uncovered and one (1) covered parking space shall be acceptable.
Building Length: No attached dwelling unit shall exceed 200 feet in continuous length unless specifically allowed by site plan approval.
Building Height: No building or structure shall exceed thirty-five feet (35') in height.
Setbacks: Front Yard - For all cluster homes in this P.D., minimum setback is eighteen feet (18').

Side Yard - Zero feet (0') on one or two sides, of a dwelling building (containing one or more dwelling units), provided that a minimum of ten feet (10') is provided on the free side of each building. For detached units, the minimum separation between structures shall be ten feet (10') and shall be achieved through any combination of side yard setbacks that total ten feet (10').

Side Yard on Corner Site - Twenty feet (20') from the street with no conflict with the required sight triangle as described in the Manual of Uniform Traffic Devices.

Rear Yard - Fifteen feet (15') from the rear of the property line.

Note: If rear entry is provided, then the Front and Rear Yard Setback requirements may be switched.

(ii) Townhomes

Coverage: The maximum site coverage including buildings, covered and uncovered parking spaces, shall be 60% of the overall site, the balance to include roads, parks, recreation, and landscaped areas. Individual lot coverage shall be a maximum of 100%.

Parking: A minimum of two (2) offstreet parking spaces per unit shall be provided.

Building Length: No attached dwelling unit shall exceed 200 feet in continuous length unless specifically allowed by site plan approval.

Building Height: Maximum building height shall not exceed thirty-five feet (35').

Setbacks: Where townhomes or accessory buildings front or side on a dedicated street a minimum setback of eighteen feet (18') from the R.O.W. will be maintained and there shall be no conflicts with the required sight triangle as described in the Manual of Uniform Traffic Control Devices. Also, a minimum setback of fifteen feet (15') will be maintained from any landscape easements or other property lines. The minimum required separation between structures shall be fifteen feet (15').

Accessory Uses: Any structure or use accessory to townhouses shall not exceed a height of twenty five feet (25') and shall be sited not less than ten feet (10') from any other building or structure.

(c) Multi-Family

Intent: The intent of multi-family development is to provide higher density residential options than that possible in single family residential areas. Space within these units is either sold (condominiums) or leased (apartments) and amenities and services are provided at a monthly cost more favorable than those possible in single family areas.

The Concept: The concept of design in multi-family developments provides more usable common open space within a development of multiple story buildings. The cost for maintenance of these "common" areas is borne by either a Homeowner's Association (townhomes and Condominiums) or within the monthly cost of leasing (apartments).

Permitted Uses:

Single Family Dwellings (large lot)
Single Family Dwellings (medium lot)
Churches
Cluster Single Family Dwellings
Townhomes
Condominiums
Apartments

(i) Condominiums

Maximum Density: 20⁸³ Dwelling units/acre

Coverage: The maximum site coverage including buildings and covered and uncovered parking, shall be 60% of the overall site.

Parking: A minimum of one (1) covered and one (1) uncovered parking space for each unit shall be provided. Carports will be allowed.

Building Length: No attached dwelling unit shall exceed 200 feet in continuous length unless specifically allowed by site plan approval.

Building Height: The height of the building shall not exceed thirty five feet (35').

Setbacks: Where condominiums or accessory buildings front or side on a dedicated street, a minimum setback of eighteen feet (18') will be provided, and there will be no conflicts with the required sight triangle as described in the Manual of Uniform Traffic Control Devices. Also, a minimum setback of fifteen feet (15') will be maintained from any landscape easements or other property lines. A minimum separation of fifteen feet (15') between structures shall be provided.

Accessory Uses: Any structure or accessory to condominium structures shall not exceed a height of twenty five feet (25') and shall be sited not less than ten feet (10') from any other building or structure.

(ii) Apartments

Maximum Density: 24 Dwelling units/acre

Coverage: The maximum site coverage including buildings and parking shall be 60%.

Parking: Minimum of one (1) parking space per unit plus 1/2 space per bedroom.

Building Length: No attached dwelling unit shall exceed 200 feet in continuous length unless specifically allowed by site plan approval.

Building Height: The height of the building shall not exceed thirty-five feet (35').

Setbacks: Where apartments or accessory buildings front or side on a dedicated street, a minimum setback of twenty feet (20') shall be provided, and there will be no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices. Also, a minimum setback of fifteen feet (15') will be maintained from any landscape easements or other property lines. A minimum of ten feet (10') between structures.

Accessory Uses: Any structure or accessory to apartment structures shall not exceed a height of twenty-five feet (25') and shall be sited not less than ten feet (10') from any other building or structure.

(d) Retail Service/Commercial

Five sites have been identified to meet future retail and commercial needs within the development and the Southwestern sector of the City of McKinney. The overall acreage developed for Retail-Service use shall be limited to a maximum of forty-five (45) acres. The balance of the land designated Retail-Service/Commercial shall be used for some other type of permitted Commercial (non-retail) development such as office buildings.

Permitted Uses:

Single Family Dwellings (large lots)
Single Family Dwellings (medium lots)
Churches
Cluster Single Family Dwellings
Townhouses
Condominiums
Apartments

All uses permitted under the BN, BG, and C zoning categories of ordinance 1270 as it exists on June 4, 1984.

NOTE: Condominiums and apartments may not be constructed on Retail Service/Commercial land when the tract is adjacent to a developed single family area within ELDORADO WEST.

Lot Coverage: Maximum site coverage including buildings and parking shall be 85%. The remaining 15% shall be landscaped open space.

Parking: As required for uses under the BN, BG, and C zoning categories of Ordinance 1270.

Building Length: No attached dwelling unit shall exceed 200 feet in continuous length unless specifically allowed by site plan approval.

Building Height: No building shall exceed fifty feet (50') in height, except that the height may be increased by two feet for each one foot that all required yards are increased.

Setbacks: No structure or equipment shall be located within fifteen feet (15') of any property line or within twenty feet (20') of any dedicated street and there shall be no conflict with the required sight triangle as described in the Manual of Uniform Traffic Control Devices.

7. General

- (a) Items not covered by these P.D. regulations or Exhibits will conform to the City of McKinney ordinances, pertaining to zoning, subdivision regulations, signs, and other standards for development of property.
- (b) Should any portion of the above P.D. regulations be held invalid for any reason, the remaining portions shall not be affected by invalidity and such invalidity shall not effect its application to the development of "ELDORADO WEST" Planned Development.

8. Definitions

- (a) Building Height:
The distance measured from the natural grade at the lowest point of the building to the highest point of the building.
- (b) Building Height Exceptions:
The following appurtenances may exceed the prescribed height restrictions normally required for a use permitted in the zone in which they are constructed: flagpoles, chimneys, cooling towers, elevator bulkheads, belfries, ornamental towers, monuments, cupolas, domes, spires, and other necessary mechanical appurtenances and their protective housing.
- (c) Easements:
Easements will be granted for various purposes in the development. They include: utilities, vehicular access, pedestrian access, maintenance and emergency access, storm drainage, and landscape easements.

(d) Housing Types

Note: Definitions of intent are included in the appropriate sections of these regulations.

(i) Cluster Single Family

The cluster single family home is intended to provide a single family home in a layout designed to cut utility and street costs, etc., by clustering homes on smaller lots with "zero" lot lines and other techniques to lower the total cost of each home while still providing equivalent living space.

(ii) Townhomes

Townhomes are a type of single family, row-house unit intended to provide the resident with full ownership of the structure and the land beneath the structure, while at the same time maximizing the potential for joint ownership and maintenance of common spaces, through a Homeowner's Association. This avails the resident of not having to maintain these common areas and increases the potential for use and development of these areas.

(iii) Condominiums

Condominiums are a concept of multi-family housing, which restricts ownership to the space within the structure. A higher density concept, condominiums imply the opportunity of higher densities through the "stacking" of residential units, and all land is held in common; developed and maintained by a Homeowner's Association.

(e) Lot Width:

The average lot width from the front line to the rear line.

(f) Parking:

Each exterior parking space shall include a minimum length of eighteen feet (18') and a minimum width of eight feet (8'). Except for apartments and condominiums where the minimum width shall be increased to nine feet (9'). Parking spaces shall be well drained and provided with an all-weather surface, and access.

Covered Parking:

Garage structures enclosed on all sides, with the same exterior architectural treatment and character as the building. These may or may not be attached to the main structure.

Car Ports:

A covered parking structure, open on two or more sides which must have the same exterior architectural treatment as the project. These may be detached.

(g) Required Yards:

Front Yards - An open space extending the full width of the zoning lot, between the main building and the front lot line, unoccupied and unobstructed by building or structures from the ground upward.

Side Yards - An open space extending the full width of the zoning lots between the main building and the side lot line, unoccupied and unobstructed by buildings or structures from the ground upward.

Setbacks - The line parallel to the applicable property line and extending the full length of the lot.

(h) Structure Separation:

For the purpose of determining structure separations, the term structure shall refer only to the main building and shall exclude balconies, overhangs, accessory uses, and chimneys.

EXHIBIT "A"

SITUATED in Collin County, Texas, a part of the Grafton Williams Survey, Abstract No. 976 and being a resurvey of 10 acres described in a Deed recorded in Volume 739, Page 203 of the Collin County Deed Records and said 10 acre tract out of the West portion of a 44.0 acre tract as described in a Deed recorded in Volume 625, Page 551, and being more particularly described by metes and bounds, as follows:

BEGINNING at the Southwest corner of the said 10.00 acre tract of land, said corner being also in the center of F.M. Road #720 said point also being in the Southwest corner of the said 44.0 acre tract;

THENCE North along the West line of said 44.0 acre tract of land and with an established fence line, a distance of 1537.80 feet to an iron stake for corner, said corner being the Northwest corner of said 44.0 acre tract of land;

THENCE South 89 deg. 47 min. East along the North line of said 44.0 acre tract of land, a distance of 283.40 feet to an iron stake for corner in same;

THENCE South and parallel to the West line of said 44.0 acre tract of land, a distance of 1537.80 feet to a point for corner in the center of said F.M. Road #720, and the South line of said 44.0 acre tract of land;

THENCE North 89 deg. 47 min. West along the center of said F.M. Road and the South line of said 44.0 acre tract of land a distance of 283.40 feet to the PLACE OF BEGINNING and CONTAINING 10.0 acres of land.

ORDINANCE NO. 1522

AN ORDINANCE AMENDING CITY OF MCKINNEY ORDINANCE NO. 1499; AMENDING THE PLANNED DEVELOPMENT REGULATIONS FOR THE HIGHLANDS ADDITION; PROVIDING FOR MODERATE DENSITY SINGLE FAMILY DISTRICTS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

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

SECTION I: That from and after the effective date of this Ordinance, Ordinance No. 1499 of the City of McKinney and the planned development regulations contained therein for the Highlands Addition is hereby amended by the addition thereto of the following zoning district to be designated Moderate Density Single Family:

Intent:

The intent of this category of zoning is to enable greater flexibility to adjust to changes within the single family market while insuring a quality development. Its purpose is to provide the ability to combine Low and High Density Single Family or convert High Density Single Family zoning as defined by this Ordinance so that the overall density within the combined and/or converted tract(s) is less than the maximum that could have been achieved if the tract(s) had been developed to its/their original maximum density.

The combining of Low and High Density Single Family land is permissible only when the Low Density Single Family land is combined with an equal amount of High Density Single Family Land. Low Density Single Family land that is converted to Moderate Density Single Family land will still apply towards the 88 acre minimum Low Density Single Family requirement contained in Paragraph 6(a) since it is offset by a reduction in High Density Single Family land.

High Density Single Family land may be converted to Moderate Density Single Family land without restriction.

The combining or converting of land to Moderate Density Single Family zoning shall occur when the land is platted.

Permitted Uses:

Single Family attached or detached dwellings
Cluster Single Family Dwellings
Patio Homes
Duplex
Triplex
Quadriplex
Townhomes

Maximum Density:

Seven Dwellings Units/Acre. All permitted uses within this zoning classification shall comply with the following specific requirements:

Coverage: A maximum of 60% of the lot area including accessory buildings.

Parking: A minimum of two (2) uncovered parking spaces shall be maintained. However, if rear entry is provided, then one (1) covered and one (1) uncovered parking space shall be acceptable.

Building Height: No building or structure shall exceed thirty-five feet (35') in height.

SETBACKS

Front Yard: Eighteen feet (18') minimum. Key lots may have a minimum front yard setback of fifteen feet (15') if garage doors on the front lots are facing. All Key Lots within a cluster will have a minimum of fifty-six feet (56') of separation between facing garage doors.

Side Yard: Zero feet (0') on one or both sides of a structure (containing more than two dwelling units) provided that a minimum separation of fourteen feet (14') is provided between structures. For structures containing one or two dwelling units, a minimum separation of ten feet (10') shall be maintained between structures and shall be achieved through any combination of side yard setbacks that total ten feet (10').

Side Yard on Corner: Shall be the same as the Front Yard setback. For Key Lots a minimum setback of fifteen feet (15') shall be maintained from all street right of ways.

Rear Yard: Fifteen feet (15') minimum except that the Front and Rear Yard setback requirements may be switched if rear entry is provided. For Key Lots, a minimum useable yard of at least four hundred (400) square feet with a minimum dimension of ten feet (10') shall be provided.

Lot Width: No minimum is required provided that all lots comply with minimum setbacks, maximum coverage, and required useable yard areas and provided that all lots have a minimum of ten feet (10') frontage on an existing or proposed street.

Lot Depth: No minimum, provided all setbacks are met.

Lot Shape: Lots may be irregular in shape (such as Key Lots) so as to enable the density permitted in this zoning classification.

SECTION II: This ordinance shall take effect immediately upon its adoption.


SECTION III: If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared

invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION IV: It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefor, shall be fined any sum not exceeding \$200.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, on this the 5th day of March, 1985.

CORRECTLY ENROLLED:

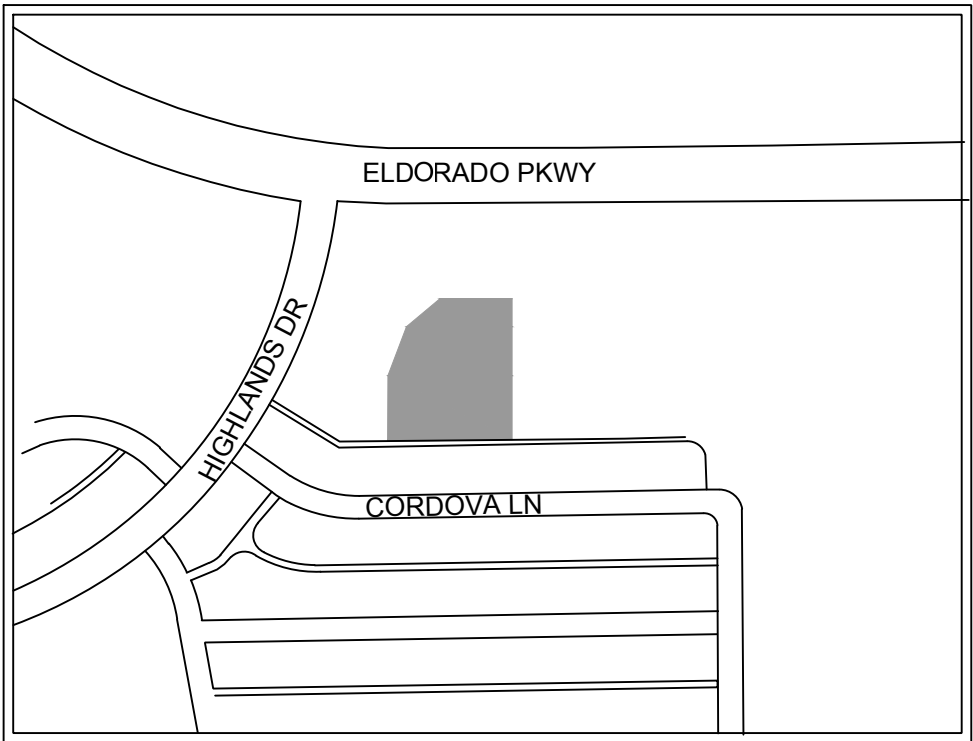
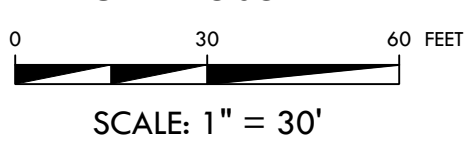

Jennifer Cravens
City Secretary



Know what's below.
Call before you dig.



GRAPHIC SCALE



LOCATION MAP

N.T.S.

LEGEND

PROPOSED FACE AND BACK OF CURB

PROPOSED FIRE LANE, UTILITY & MUTUAL ACCESS EASEMENT

EXISTING FIRE LANE

PARKING COUNT

1

SITE DATA

Existing Zoning
Proposed Use
Lot Area
Building Floor Area
Building Height
Floor Area Ratio / Lot Coverage
Impervious Cover
Parking Required / Provided

PHASE 1 BUILDING I

PD Ord. No. 95-06-27
Medical Office
1.68 Ac. (73,033 Sq. Ft.)
11,000 Sq. Ft.
1 Story - 27'
0.15:1 / 15.0%
0.76:1 / 76.4%
37 Spaces / 37 Spaces
11,000 SF Medical @ 300 Sq. Ft. = 37 Spaces

PHASE 2 BUILDING II

PD Ord. No. 95-06-27
Medical Office
1.68 Ac. (73,033 Sq. Ft.)
7,175 Sq. Ft.
1 Story - 27'
0.09:1 / 9.8%
0.79:1 / 79.6%
24 Spaces/24 Space
7,175 SF Medical @ 300 Sq. Ft. = 24 Spaces

Handicap Parking

2 Spaces

2 Spaces

Note: Handicap parking is provided in accordance with ADA standards.

NOTES

- HAZARDOUS CHEMICALS WILL NOT BE STORED ON THE PROPERTY.
- ALL A/C & MECHANICAL EQUIPMENT TO BE LOCATED ON THE PROPOSED STRUCTURES ROOF. SCREENING OF ALL ROOF MOUNTED A/C & MECHANICAL EQUIPMENT MUST BE 1' TALLER THAN THE HEIGHT OF THE EQUIPMENT.

STANDARD NOTES

- 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'S DESIGN SPECIFICATIONS.
- MECHANICAL AND HEATING AND AIR CONDITIONING EQUIPMENT IN NON-RESIDENTIAL USES SHALL BE SCREENED FROM VIEW FROM THE PUBLIC RIGHT-OF-WAY AND FROM ADJACENT RESIDENTIAL PROPERTIES.
- LIGHTING FOR THE SUBJECT PROPERTY WILL BE CONSTRUCTED AND OPERATED IN CONFORMANCE WITH CHAPTER 58 OF THE CITY OF MCKINNEY CODE OF ORDINANCES.

DIMENSION NOTE

- ALL DIMENSIONS FROM THE FACE OF CURB UNLESS NOTED OTHERWISE.
- ALL CURB RADII SHALL BE 3' AT FACE OF CURB UNLESS OTHERWISE NOTED.

LOCATION

South East Corner of
Eldorado Pkwy
and Highlands Rd

OWNER/APPLICANT

XS-Construction
8001 LBJ Fwy, Suite 410
Dallas, TX 75251
Telephone: (972) 877-1779
Contact: Glen Moore

ENGINEER

Kirkman Engineering
4821 Merlot Ave., Suite 210
Grapevine, Texas 76051
Telephone (817) 488-4960
TBPE No. 15874
Contact: Jonathan Schindler, P.E.



4821 Merlot Avenue, Suite 210
Grapevine, Texas 76051
Phone: 817-488-4960

DEVELOPER/OWNER



JOB NUMBER: XSC17006_McKinneyOrtho

DESIGNED BY: JDG

DRAWN BY: JDG

CHECKED BY: PCF

ISSUE DATE: 04-03-2018

REV:

PRELIMINARY
FOR REVIEW ONLY
THESE DOCUMENTS ARE FOR
DESIGN REVIEW ONLY AND
NOT INTENDED FOR THE
PURPOSES OF CONSTRUCTION,
BIDDING OR PERMIT. THEY
WERE PREPARED BY, OR
UNDER THE SUPERVISION OF:

PATRICK C. FILSON
P.E.# 108577
DATE: April 3, 2018

Kirkman Engineering, LLC
Texas Firm No: 15874

McKinneyOrtho

McKinney,
TEXAS

SITE PLAN

SHEET:

SP1.0



18-393

Title: Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with Bureau Veritas North America, Inc. (BVNA) of Plano Texas for Third Party Code Compliance Services Related to the Plan Review and/or Inspection of Permitted Construction in the City of McKinney, Texas

SUPPORTING MATERIALS:

Resolution

Agreement - BVNA

RESOLUTION NO. 2018-05-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH BUREAU VERITAS NORTH AMERICA INC. FOR THIRD PARTY CODE COMPLIANCE SERVICES RELATED TO THE PLAN REVIEW AND/OR INSPECTION OF PERMITTED CONSTRUCTION IN THE CITY OF MCKINNEY, TEXAS

WHEREAS, the City Council of the City of McKinney, Texas, desires to provide the Building Inspection Department with the means to use Third Party Plan Review and/or Inspections during extreme workload events.

WHEREAS, the City Council has determined that the selection of a Third Party Code Compliance Company should have the means and qualifications to provide the same type of Code Compliance Service provided by the Building Inspection Department.

WHEREAS, The Building Inspection Department has determined that for the statute mandated, qualifications based selection process, Bureau Veritas North America is indeed the most qualified Third Party Company as they have attained the same International Accreditation as the City Building Inspection Department.

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 Professional Service Contract with Bureau Veritas North America, Inc.

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 1st DAY OF MAY 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

THE STATE OF TEXAS §
 § **Professional Services Contract**
COUNTY OF COLLIN § **with Bureau Veritas North America, Inc.**

THIS CONTRACT is entered into on this ____ day of _____, 2018, by and between the **CITY OF MCKINNEY, TEXAS**, a municipal corporation located in Collin County, Texas, (hereinafter referred to as "CITY"), acting by and through its City Manager or his designee, and **BUREAU VERITAS NORTH AMERICA, INC.**, ("hereinafter referred to as "CONSULTANT") whose address is 1601 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323-2827.

WITNESSETH:

WHEREAS, CITY desires to obtain professional services from CONSULTANT to provide Non-Structural Plan Review Services and Inspection Services on an as-needed basis in accordance with the CITY's Building Code, Residential Code, Mechanical Code, Electrical Code, Plumbing Code, Fuel Gas Code and Energy Code, and other provided code related documents, as approved by the CITY upon the terms and conditions hereinafter set forth; and

WHEREAS, all services will be conducted in accordance with these terms and conditions and the agreed upon Scope of Services and Fee Schedule, the forms of which are attached hereto as Attachments "A" and "B" and incorporated herein by reference; and

WHEREAS, CONSULTANT is an accounting, professional planning, urban design, or Consulting firm qualified to provide such services and is willing to undertake the performance of such services for CITY in exchange for fees hereinafter specified; NOW, THEREFORE,

IN CONSIDERATION of the covenants and agreements hereinafter contained and subject to the terms and conditions hereinafter stated, the parties hereto do mutually agree as follows:

I.

CONSULTANT will perform as an independent contractor all services under this Contract to the prevailing professional standards consistent with the level of care and skill ordinarily provided by competent members of the accounting, professional planning, urban design, or consulting professions, both public and private, currently practicing in the same or similar locality under the same or similar circumstances and professional license including but not limited to the exercise of reasonable, informed judgments and prompt, timely action

considering the ordinary professional skill and care of a competent professional accountant, planning professional, urban design professional, or consulting professional. If CONSULTANT is representing that it has special expertise in one or more areas to be utilized in this Contract, then CONSULTANT agrees to perform those special expertise services to the appropriate local, regional and national professional standards.

II.

Scope of Services

CONSULTANT shall perform such services as are necessary to provide Consulting Services specifically including, but not necessarily limited to, the tasks enumerated more fully in Attachment "A" entitled "Scope of Services" on an as needed basis defined per project as delineated via a specific proposal for each such project in accordance with the terms and conditions set forth in this Contract (hereafter referred to as a "Defined Project"). Attachment "A" is hereby incorporated herein by reference and made a part hereof as if written word for word. However, in case of conflict in the language of Attachment "A" and this Contract, the terms and conditions of this Contract shall be final and binding upon both parties hereto.

III.

Payment for Services

Total payment for services described herein shall be determined and agreed upon in advance as a not to exceed amount for each Defined Project subject to the availability of current funding for each such Defined Project ("Total Payment Amount"). CONSULTANT will also be compensated for the following reasonable and documented reimbursable expenses, if any, from the Total Payment Amount to the extent such expenses are directly related to CONSULTANT's performance of the Defined Project, and to the extent the total amount of such reimbursable expenses, if any, do not exceed the amount agreed upon for each Defined Project in advance: printing; photocopying; reproduction of drawings and specifications; postage; courier delivery services; long distance telephone calls; and, mileage at the allowable rate established by the Internal Revenue Service. Additional expenses, which are extraordinary in nature, shall be approved in advance by CITY in writing signed by the parties. Such extraordinary expenses may be paid as incurred and billed to the CITY pursuant to this Contract over and above the total payment amount identified for the Defined Project to which such extraordinary expense is related. Any extraordinary expenses not approved in writing in advance by the CITY shall remain the sole responsibility of the CONSULTANT.

CONSULTANT will bill CITY on a percent complete basis for each Defined Project in accordance with Attachment "B"; provided however that this Contract shall control in the event of any conflict between the language in Attachment "B"

and the language in this Contract. If additional services, trips or expenses are requested for a Defined Project, CONSULTANT will not provide such additional services until authorized by CITY in writing to proceed. The scope of services for each Defined Project shall be strictly limited. CITY shall not be required to pay any amount in excess of the amount identified in the preceding paragraph for a Defined Project unless CITY shall have approved in writing in advance (prior to the performance of additional work) the payment of additional amounts.

Each month CONSULTANT will submit to CITY an invoice supporting the percentage complete for which payment is sought on a Defined Project. Each invoice shall also state the percentage of work completed on the Defined Project through the end of the then submitted billing period, the total of the current invoice amount and a running total balance for the Defined Project to date.

Within thirty (30) days of receipt of each such monthly invoice CITY shall make monthly payments in the amount shown by CONSULTANT's approved monthly statements and other documentation submitted. Such payments shall be subject to the Texas Prompt Payment Act, Texas Government Code §§ 2251.001, *et seq.*

Nothing contained in this Contract shall require CITY to pay for any work on a Defined Project that is unsatisfactory as determined by CITY or which is not submitted in compliance with the terms of this Contract, nor shall failure to withhold payment pursuant to the provisions of this section constitute a waiver of any right, at law or in equity, which CITY may have if CONSULTANT is in default on one or more Defined Projects, including the right to bring legal action for damages or for specific performance of this Contract. Waiver of any default under this Contract shall not be deemed a waiver of any subsequent default.

IV. Revisions of the Scope of Services

CITY reserves the right to revise or expand the scope of services for a Defined Project after due approval by CITY as CITY may deem necessary, but in such event CITY shall pay CONSULTANT equitable compensation for such services. In any event, when CONSULTANT is directed to revise or expand the scope of services under this Section of the Contract for a Defined Project, CONSULTANT shall provide CITY a written proposal for the entire costs involved in performing such additional services. Prior to CONSULTANT undertaking any revised or expanded services as directed by CITY under this Contract for a Defined Project, CITY must authorize in writing the nature and scope of the services and accept the method and amount of compensation and the time involved in all phases of the Defined Project.

It is expressly understood and agreed by CONSULTANT that any compensation not specified in Paragraph III herein above may require McKinney City Council approval and is subject to the current budget year limitations.

V.
Term

This Contract shall begin on the date first written above, and shall remain in full force and effect until all Defined Projects have been completed and this Contract is terminated by CITY or CONSULTANT providing the other party at least thirty (30) days written notice of termination, or the CITY otherwise terminates this Contract as provided herein.

VI.
Contract Termination Provision

This Contract may be terminated at any time by either party for any cause by providing the other party thirty (30) days written notice of such termination. Upon receipt of such notice by CITY, CONSULTANT shall immediately terminate working on, placing orders or entering into contracts for supplies, assistance, facilities or materials in connection with this Contract and shall proceed to promptly cancel all existing contracts insofar as they are related to this Contract. CONSULTANT shall invoice CITY for all Services completed and shall be compensated in accordance with the terms of this Contract for all Services performed by CONSULTANT through the date such written notice of termination is received by CONSULTANT.

VII.
Ownership of Documents

All materials and documents prepared or assembled by CONSULTANT under this Contract shall become the sole property of CITY and shall be delivered to CITY without restriction on future use. CONSULTANT may retain in its files copies of all drawings, specifications and all other pertinent information for the work. CONSULTANT shall have no liability for changes made to any materials or other documents by others subsequent to the completion of the Contract.

VIII.
Insurance Requirements

- A. Before commencing work, the consultant shall, at its own expense, procure, pay for and maintain during the term of this Contract the following insurance written by companies approved by the state of Texas and acceptable to the City of McKinney. The consultant shall furnish to the City of McKinney Purchasing Manager certificates of insurance

executed by the insurer or its authorized agent stating coverages, limits, expiration dates and compliance with all applicable required provisions. Certificates shall reference the project/contract number and be addressed as follows:

City of McKinney
Attn: Lisa Littrell
PO Box 517
McKinney, Texas 75070
Or email to:
llittrell@mckinneytexas.org

1. Commercial General Liability insurance, including, but not limited to Premises/Operations, Personal & Advertising Injury, Products/Completed Operations, Independent Contractors and Contractual Liability, with minimum combined single limits of \$1,000,000 per-occurrence, \$1,000,000 Products/Completed Operations Aggregate and \$1,000,000 general aggregate. Coverage must be written on an occurrence form. The General Aggregate shall apply on a per project basis.
2. Workers' Compensation insurance with statutory limits; and Employers' Liability coverage with minimum limits for bodily injury: a) by accident, \$100,000 each accident, b) by disease, \$100,000 per employee with a per policy aggregate of \$500,000.
3. Business Automobile Liability insurance covering owned, hired and non-owned vehicles, with a minimum combined bodily injury and property damage limit of \$1,000,000 per occurrence.
4. Professional Liability Insurance to provide coverage against any claim which the consultant and all consultants engaged or employed by the consultant become legally obligated to pay as damages arising out of the performance of professional services caused by error, omission or negligent act with minimum limits of \$2,000,000 per claim, \$2,000,000 annual aggregate.

NOTE: If the insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than *thirty-six (36) months* following completion of the contract and acceptance by the City of McKinney.

- B. With reference to the foregoing required insurance, the consultant shall endorse applicable insurance policies as follows:

1. A blanket waiver of subrogation in favor of City of McKinney, its officials, employees, and officers shall be contained in the Workers' Compensation insurance policy.
2. The City of McKinney, its officials, employees and officers shall be named as additional insureds on the Commercial General Liability policy, by using endorsement CG2026 or broader, or blanket endorsements of equal breadth are acceptable; and, the City of McKinney shall be provided a defense to any and all claims and causes of action arising out of or related to this Agreement as may be provided pursuant to CONSULTANT's general liability insurance policies.

Nothing contained in Section XII of this Agreement shall be interpreted or applied as limiting, reducing, or eliminating any obligation or duty that CONSULTANT's insurance carrier may owe to CITY as an additional insured, pursuant to endorsement CG2026 or broader under the CONSULTANT's general liability insurance policies required by this Agreement, to provide the CITY with a defense and/or indemnify the CITY for any claim or cause of action, whether one or more, regardless of the proportionate responsibility or liability of the CONSULTANT or the CITY. Neither shall anything contained in this Section VIII be interpreted or applied as providing or otherwise entitling either CONSULTANT, CONSULTANT's insurance carrier or any other party any right or ability to recover over against CITY any amounts of money attributable to damages, costs, expenses and/or attorneys' fees based on or arising out of a finding of comparative or proportionate responsibility or liability as against the CITY it being understood and agreed that CITY in no way intends by this Agreement to waive its sovereign immunity regarding any claim, suit or cause of action.

- 3.. All insurance policies shall be endorsed to the effect that City of McKinney will receive notice of the cancellation effective date of any policy of insurance that is cancelled by the insurance company pursuant to the endorsement and policy terms. CONSULTANT agrees to provide CITY at least thirty (30) day's notice in advance of any cancellation of any policy of insurance for any reason.
4. CONSULTANT agrees to provide the City of McKinney at least ten (10) days' notice in advance of the cancellation effective date of any policy of insurance that is cancelled by the insurance company for nonpayment of premium or by CONSULTANT for any reason. If CONSULTANT is unable to provide ten (10) days' advance notice, CONSULTANT shall provide CITY with such notice as soon as is reasonably practicable.

- C. All insurance shall be purchased from an insurance company that meets a financial rating of B+VI or better as assigned by A.M. Best Company or equivalent.
- D. The CONSULTANT shall notify CITY in writing at least thirty (30) days prior to CONSULTANT cancelling or making any material change to any coverage(s) provided in, or through, the insurance policies required under this Section VIII. Failure by CONSULTANT to provide CITY the notice required hereunder may, in the sole discretion of CITY, be deemed a material breach of this Agreement.

IX.

Right to Inspect Records

CONSULTANT agrees that CITY shall have access to and the right to examine any directly pertinent books, documents, papers and records of CONSULTANT involving transactions relating to this Contract. CONSULTANT agrees that CITY shall have access during normal working hours to all necessary CONSULTANT facilities and shall be provided adequate and appropriate work space in order to conduct audits in compliance with the provisions of this section. CITY shall give CONSULTANT reasonable advance notice of intended audits.

CONSULTANT further agrees to include in subcontract(s), if any, a provision that any subcontractor or engineer agrees that CITY shall have access to and the right to examine any directly pertinent books, documents, papers and records of such engineer or sub-contractor involving transactions to the subcontract, and further, that CITY shall have access during normal working hours to all such engineer or sub-contractor facilities and shall be provided adequate and appropriate work space, in order to conduct audits in compliance with the provisions of the paragraph. CITY shall give any such engineer or sub-contractor reasonable advance notice of intended audits.

X.

Successors and Assigns

CITY and CONSULTANT each bind themselves and their successors, executors, administrators and assigns to the other party to this contract and to the successors, executors, administrators and assigns of such other party in respect to all covenants of this Contract. Neither CITY nor CONSULTANT shall assign or transfer its interest herein without the prior written consent of the other.

XI.
CONSULTANT's Liability

Acceptance of the final plans by the CITY shall not constitute nor be deemed a release of the responsibility and liability of CONSULTANT, its employees, associates, agents or consultants for the accuracy and competency of their designs, working drawings, specifications or other documents and work; nor shall such acceptance be deemed an assumption of responsibility by CITY for any defect in the designs, working drawings, specifications or other documents and work; nor shall such acceptance be deemed an assumption of responsibility by CITY for any defect in the designs, working drawings, specifications or other documents and work prepared by said CONSULTANT, its employees, associates, agents or sub-consultants.

XII.
INDEMNIFICATION

CONSULTANT DOES HEREBY COVENANT AND CONTRACT TO WAIVE ANY AND ALL CLAIMS, RELEASE, DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY, ITS CITY COUNCIL, OFFICERS, EMPLOYEES AND AGENTS, IN BOTH THEIR PUBLIC AND PRIVATE CAPACITIES, FROM AND AGAINST ALL LIABILITY, CAUSES OF ACTION, CITATIONS, CLAIMS, COSTS, DAMAGES, DEMANDS, EXPENSES, FINES, JUDGMENTS, LOSSES, PENALTIES OR SUITS, WHICH IN ANY WAY ARISE OUT OF, RELATE TO, OR RESULT FROM CONSULTANT'S PERFORMANCE UNDER THIS CONTRACT AND WHICH ARE CAUSED BY THE INTENTIONAL WRONGFUL ACTS OR NEGLIGENT ACTS OR OMISSIONS OF CONSULTANT, ITS SUBCONTRACTORS, ANY OFFICERS, AGENTS OR EMPLOYEES OF EITHER CONSULTANT OR ITS SUBCONTRACTORS, AND ANY OTHER THIRD PARTIES FOR WHOM OR WHICH CONSULTANT IS LEGALLY RESPONSIBLE (THE "INDEMNIFIED ITEMS") SUBJECT TO THE LIMITATIONS IN TEXAS LOCAL GOVERNMENT CODE § 271.904 AND TEXAS CIVIL PRACTICE AND REMEDIES CODE, § 130.002(B).

BY WAY OF EXAMPLE, THE INDEMNIFIED ITEMS MAY INCLUDE PERSONAL INJURY AND DEATH CLAIMS AND PROPERTY DAMAGE CLAIMS, INCLUDING THOSE FOR LOSS OF USE OF PROPERTY, AS WELL AS INTELLECTUAL PROPERTY INFRINGEMENT OR FAILURE TO PAY A SUBCONTRACTOR OR SUPPLIER.

INDEMNIFIED ITEMS SHALL INCLUDE REASONABLE ATTORNEYS' FEES IN PROPORTION TO THE CONSULTANT'S LIABILITY AND COSTS, COURT COSTS, AND SETTLEMENT COSTS. INDEMNIFIED ITEMS SHALL ALSO INCLUDE ANY EXPENSES, INCLUDING REASONABLE ATTORNEYS' FEES AND EXPENSES, INCURRED BY AN INDEMNIFIED INDIVIDUAL OR

ENTITY IN ATTEMPTING TO ENFORCE THIS INDEMNITY IN PROPORTION TO THE CONSULTANT'S LIABILITY.

In its sole discretion, the CITY shall have the right to approve counsel to be retained by CONSULTANT in fulfilling its obligation to defend and indemnify the CITY. CONSULTANT shall retain approved counsel for the CITY within seven (7) business days after receiving written notice from the CITY that it is invoking its right to indemnification under this Contract. If CONSULTANT does not retain counsel for the CITY within the required time, then the CITY shall have the right to retain counsel and the CONSULTANT shall pay these reasonable attorneys' fees in proportion to the CONSULTANT'S liability plus expenses. The CITY retains the right to provide and pay for any or all costs of defending indemnified items, but it shall not be required to take such action.

XIII. Independent Contractor

CONSULTANT's status shall be that of an Independent Contractor and not an agent, servant, employee or representative of CITY in the performance of this Contract. No term or provision of or act of CONSULTANT or CITY under this Contract shall be construed as changing that status. CONSULTANT will have exclusive control of and the exclusive right to control the details of the work performed hereunder, and shall be liable for the acts and omissions of its officers, agents, employees, contractors, subcontractors and engineers and the doctrine of respondeat superior shall not apply as between CITY and CONSULTANT, its officers, agents, employees, contractors, subcontractors and engineers, and nothing herein shall be construed as creating a partnership or joint enterprise between CITY and CONSULTANT.

XIV. Default

If at any time during the term of this Contract, CONSULTANT shall fail to commence the work in accordance with the provisions of this Contract or fail to diligently provide services in an efficient, timely and careful manner and in strict accordance with the provisions of this Contract or fail to use an adequate number or quality of personnel to complete the work or fail to perform any of its obligations under this Contract, then CITY shall have the right, if CONSULTANT shall not cure any such default after thirty (30) days written notice thereof, to terminate this Contract. Any such act by CITY shall not be deemed a waiver of any other right or remedy of CITY. If after exercising any such remedy due to CONSULTANT's nonperformance under this Contract, the cost to CITY to complete the work to be performed under this Contract is in excess of that part of the Contract sum which has not theretofore been paid to CONSULTANT hereunder, CONSULTANT shall be liable for and shall reimburse CITY for such

excess. CONSULTANT'S liability under this provision shall be limited to the total dollar amount of this Contract.

CITY's remedies for CONSULTANT's default or breach in the performance of one or more Defined Projects under this Contract shall be limited to one or more of the following remedies which may be exercised separately or in combination at CITY's sole exclusive choice:

- (a) Specific performance of the Defined Project(s) at issue under the Contract;
- (b) Re-performance of the Defined Project(s) at issue under this Contract at no extra charge to CITY; or,
- (c) Monetary damages in an amount not to exceed the greater of:
 - (1) The amount of any applicable insurance coverage CONSULTANT is required to purchase and maintain under this Contract plus any deductible amount to be paid by CONSULTANT in conjunction with said coverage regardless of whether CONSULTANT has actually purchased and maintained said coverage; or,
 - (2) The total dollar amount of the Defined Project(s) at issue under this Contract.

The terms of Sections XII entitled Indemnification, and XVII entitled Confidential Information shall survive termination of this Contract.

XV. Changes

CITY may, from time to time, require changes in the scope of services to be performed for a Defined Project under this Contract. Such changes as are mutually agreed upon by and between CITY and CONSULTANT shall be incorporated by written modification to this Contract regarding the specific Defined Project.

XVI. Conflict of Interest

CONSULTANT covenants and agrees that CONSULTANT and its associates and employees will have no interest, and will acquire no interest, either direct or indirect, which will conflict in any manner with the performance of the services called for under this Contract. All activities, investigations and

other efforts made by CONSULTANT pursuant to this Contract will be conducted by employees, associates or subcontractors of CONSULTANT.

In addition, CONSULTANT shall comply with the requirements of Texas Government Code § 2252.908 by completing and submitting Form 1295 to the Texas Ethics Commission ("Commission") at the time CONSULTANT submits this signed Contract to CITY, and as follows:

Form 1295 Filing Process: The Commission has made available on its website a new filing application that must be used to file Form 1295. The CONTRACTOR must use the application to enter the required information on Form 1295 and print a copy of the completed form, which will include a certification of filing that will contain a unique certification number. An authorized agent of the CONTRACTOR must sign the printed copy of the form and complete the "unsworn declaration" which includes, among other things, the date of birth and address of the authorized representative signing the form. The completed Form 1295 with the certification of filing must be filed with the CITY.

The CITY must notify the Commission, using the Commission's filing application, of the receipt of the filed Form 1295 with the certification of filing not later than the 30th day after the date the Contract binds all parties to the Contract. The Commission will post the completed Form 1295 to its website within seven business days after receiving notice from the CITY.

Form 1295 Availability: Certificate of Interested Parties Form is available from the Texas Ethics Commission website at the following address:

https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

For questions regarding and assistance in filling out Form 1295, please contact the Texas Ethics Commission at 512-463-5800.

XVII.

Confidential Information

CONSULTANT hereby acknowledges and agrees that its representatives may have access to or otherwise receive information during the furtherance of its obligations in accordance with this Contract, which is of a confidential, non-public or proprietary nature. CONSULTANT shall treat any such information received in full confidence and will not disclose or appropriate such Confidential Information for its own use or the use of any third party at any time during or subsequent to this Contract. As used herein, "Confidential Information" means all oral and written information concerning City of McKinney, its affiliates and

subsidiaries, and all oral and written information concerning CITY or its activities, that is of a non-public, proprietary or confidential nature including, without limitation, information pertaining to customer lists, services, methods, processes and operating procedures, together with all analyses, compilation, studies or other documents, whether prepared by CONSULTANT or others, which contain or otherwise reflect such information. The term "Confidential Information" shall not include such materials that are or become generally available to the public other than as a result of disclosure of CONSULTANT, or are required to be disclosed by a governmental authority.

XVIII.

Non-Solicitation / Hiring of Employees

- A. To promote an optimum working relationship, CITY and CONSULTANT agree in good faith that for the term of this Agreement and one year after the completion or termination of the Agreement not to directly or indirectly employ or otherwise engage any current employee of the other party or any former employee of the other party who left the employ of the other party within the six (6) months prior to and including the date of the execution of the Agreement. The loss of any such employee would involve considerable financial loss of an amount that could not be readily established by CITY or CONSULTANT. Therefore, in the event that either CITY or CONSULTANT should breach this provision and without limiting any other remedy that may be available, the CITY or CONSULTANT shall pay the other party for whom the employee worked a sum equal to the employee's current annual salary plus twelve (12) additional months of the employee's current annual salary for training of a new employee as liquidated damages.
- B. CONSULTANT's employees shall not be retained as expert witnesses by CITY except by separate written agreement. CITY agrees to pay CONSULTANT's legal expenses, administrative costs and fees pursuant to CONSULTANT's then current fee schedule for CONSULTANT to respond to any subpoena.

XIX.

Mailing Address

All notices and communications under this CONTRACT to be mailed to CITY shall be sent to the address of CITY's agent as follows, unless and until CONSULTANT is otherwise notified:

Lisa Littrell, CPPO, CPPB
Purchasing Manager
City of McKinney
Post Office Box 517
McKinney, Texas 75069.

Notices and communications to be mailed or delivered to CONSULTANT shall be sent to the address of CONSULTANT as follows, unless and until CITY is otherwise notified:

Bureau Veritas North America, Inc.
Attn: Contract Processing
1000 Jupiter Road, Suite 800
Plano, TX 75074

With cc to: Bureau Veritas North America, Inc.
Attention: Legal Department
1601 Sawgrass Corporate Parkway, Suite 400
Fort Lauderdale, FL 33323

Any notices and communications required to be given in writing by one party to the other shall be considered as having been given to the addressee on the date the notice or communication is posted, faxed or personally delivered by the sending party.

XX.

Applicable Law

The CONTRACT is entered into subject to the McKinney City Charter and ordinances of CITY, as same may be amended from time to time, and is subject to and is to be construed, governed and enforced under all applicable State of Texas and federal laws. CONSULTANT will make any and all reports required per federal, state or local law including, but not limited to, proper reporting to the Internal Revenue Service, as required in accordance with CONSULTANT's income. Situs of this Contract is agreed to be Collin County, Texas, for all purposes, including performance and execution.

XXI.

Severability

If any of the terms, provisions, covenants, conditions or any other part of this Contract are for any reason held to be invalid, void or unenforceable, the remainder of the terms, provisions, covenants, conditions or any other part of this Contract shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

XXII.
Remedies

No right or remedy granted herein or reserved to the parties is exclusive of any other right or remedy herein by law or equity provided or permitted; but each shall be cumulative of every other right or remedy given hereunder. No covenant or condition of this Contract may be waived without written consent of the parties. Forbearance or indulgence by either party shall not constitute a waiver of any covenant or condition to be performed pursuant to this Contract.

XXIII.
Entire Agreement

This Contract embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporaneous agreements between the parties relating to matters herein, and except as otherwise provided herein cannot be modified without written agreement of the parties.

XXIV.
Non-Waiver

It is further agreed that one (1) or more instances of forbearance by CITY in the exercise of its rights herein shall in no way constitute a waiver thereof.

XXV.
Headings

The headings of this Contract are for the convenience of reference only and shall not affect any of the terms and conditions hereof in any manner.

XXVI.
Venue

The parties to this Contract agree and covenant that this Contract will be enforceable in McKinney, Texas; and that if legal action is necessary to enforce this Contract, exclusive venue will lie in Collin County, Texas.

XXVII.
No Third Party Beneficiary

For purposes of this Contract, including its intended operation and effect, the parties (CITY and CONSULTANT) specifically agree and contract that: (1) the Contract only affects matters/disputes between the parties to this Contract, and is in no way intended by the parties to benefit or otherwise affect any third person or entity notwithstanding the fact that such third person or entity may be in contractual relationship with CITY or CONSULTANT or both; and (2) the terms

of this Contract are not intended to release, either by contract or operation of law, any third person or entity from obligations owing by them to either CITY or CONSULTANT.

XXVIII.
No Boycotting of Israel

Pursuant to the requirements of Texas Government Code Chapter 2270, CONSULTANT hereby affirms and verifies by its signature on this Contract below that CONSULTANT:

- (a) does not boycott Israel; and
- (b) will not boycott Israel during the term of this Contract.

IN WITNESS WHEREOF, the parties hereto have set their hands by their representatives duly authorized on the day and year first written above.

CITY OF MCKINNEY

By: _____
PAUL G. GRIMES
City Manager

Date Signed: _____


ATTEST:

SANDY HART, TRMC, MMC
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

BUREAU VERITAS NORTH AMERICA, INC.

By: 
Name: DAVID STEPHENS
Title: DIRECTOR
Date Signed: 4-3-2018

THE STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, in and for said County, Texas, on this day personally appeared PAUL G. GRIMES, City Manager of the **CITY OF MCKINNEY**, a Texas Municipal Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he has executed the same on the City's behalf.

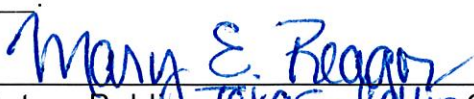
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____
DAY OF _____, 20____.

Notary Public Collin County, Texas
My commission expires _____

THE STATE OF Texas §
COUNTY OF Collin §

This instrument was acknowledged before me on the 3 day of April, 2018, by David Stephens in his capacity as Director of **BUREAU VERITAS NORTH AMERICA, INC.**, a Florida Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same on behalf of and as the act of **BUREAU VERITAS NORTH AMERICA, INC.**

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 3
DAY OF April, 2018.


Notary Public Texas - Collin County, _____
My commission expires 7/12/18



Professional Services Contract - Bureau Veritas North America Inc.
~~Consulting Services - Third Party Code Compliance Services~~

Attachment “A”

Scope of Work

Bureau Veritas North America, Inc. (“CONSULTANT”) and its representatives are charged with the enforcement of the provisions of the City of McKinney’s (“CITY”) Building Code, Residential Code, Mechanical Code, Electrical Code, Plumbing Code, Fuel Gas Code and Energy Code acting in good faith and without malice in the discharge of the duties required by these codes or other pertinent law or ordinance shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties.

CONSULTANT will process all assigned permits, after CITY has created them, through the CITY’s software. CITY will send CONSULTANT a monthly report on permit status for each assigned permit. CONSULTANT will not assess reinspection fees to CITY.

Plan Review

Non-Structural Plan Review services shall be conducted as required by the CITY’s Building Code, Residential Code, Mechanical Code, Electrical Code, Plumbing Code, Fuel Gas Code and Energy Code, and other provided code related documents, as approved by the CITY. Applicants will be notified of Plan Review Comments and are responsible for addressing comments to the satisfaction of the Jurisdiction. CITY has final interpretive authority over all plans and specifications. Permits are issued by the CITY.

Inspections

Inspection services shall be conducted as required by the CITY’s Building Code, Residential Code, Mechanical Code, Electrical Code, Plumbing Code, Fuel Gas Code and Energy Code. Special inspections as specified in chapter 17 and non-prescriptive structural inspections of the adopted International Building Code are not included and may be required as specified in the International Building Code. Any violations of the CITY’s codes or concealment of any work prior to approval by CONSULTANT will be reported to the Building Official or their designated representative. Said person is the final interpretive authority and the Certificate of Occupancy will be issued at the discretion of the CITY.

Performance

CONSULTANT is required to meet the same performance goals that the CITY meets, as follows:

1. Residential SF permit plan reviews will be reviewed / approved and returned to the EnerGov process within 7 business days from the date of permit assignment.
2. Commercial permit plan reviews will be reviewed / approved and returned to the EnerGov process, or initial comments returned to the permit applicant within 10 business days from the date of permit assignment. Any subsequent review for the same commercial permit will be completed within 3 business days after receiving comment replies.
3. All inspections will be conducted within 24 business day hours of the requested inspection. CONSULTANT and CITY will both show compliance with all requirements under IAS AC251 - Accreditation Criteria for Building Code Regulatory Agencies and Third-Party Service Providers. CONSULTANT will respond to CITY's request for compliance validation within 7 days of the date of request.

Attachment “B”

FEE SCHEDULE

Commercial and Multi-Family construction plan review

| Valuation | Fee |
|--|---|
| \$1. ⁰⁰ to \$10,000. ⁰⁰ | \$50. ⁰⁰ |
| \$10,001. ⁰⁰ to \$25,000. ⁰⁰ | \$70.69 for the first \$10,000. ⁰⁰ plus \$5.46 for each additional \$1000. ⁰⁰ |
| \$25,001. ⁰⁰ to \$50,000. ⁰⁰ | \$152.59 for the first \$25,000. ⁰⁰ plus \$3.94 for each additional \$1000. ⁰⁰ |
| \$50,001. ⁰⁰ to \$100,000. ⁰⁰ | \$251.09 for the first \$50,000. ⁰⁰ plus \$2.73 for each additional \$1000. ⁰⁰ |
| \$100,001. ⁰⁰ to \$500,000. ⁰⁰ | \$387.59 for the first \$100,000. ⁰⁰ plus \$2.19 for each additional \$1000. ⁰⁰ |
| \$500,001. ⁰⁰ to \$1,000,000. ⁰⁰ | \$1,263.59 for the first \$500,000. ⁰⁰ plus \$1.85 for each additional \$1000. ⁰⁰ |
| \$1,000,001. ⁰⁰ and up | \$2,188.59 for the first \$1,000,000. ⁰⁰ plus \$1.23 for each additional \$1000. ⁰⁰ |

Single Family Residential construction plan review

New Single Family Residential Plan

Review only

\$150.00

Single Family Residential construction plan review and inspection or inspection only Commercial and Multi-Family construction inspection

| Valuation | Fee |
|--|---|
| \$1. ⁰⁰ to \$10,000. ⁰⁰ | \$76. ⁹² |
| \$10,001. ⁰⁰ to \$25,000. ⁰⁰ | \$108.75 for the first \$10,000. ⁰⁰ plus \$8.40 for each additional \$1000. ⁰⁰ |
| \$25,001. ⁰⁰ to \$50,000. ⁰⁰ | \$234.75 for the first \$25,000. ⁰⁰ plus \$6.06 for each additional \$1000. ⁰⁰ |
| \$50,001. ⁰⁰ to \$100,000. ⁰⁰ | \$386.25 for the first \$50,000. ⁰⁰ plus \$4.20 for each additional \$1000. ⁰⁰ |
| \$100,001. ⁰⁰ to \$500,000. ⁰⁰ | \$596.25 for the first \$100,000. ⁰⁰ plus \$3.36 for each additional \$1000. ⁰⁰ |
| \$500,001. ⁰⁰ to \$1,000,000. ⁰⁰ | \$1,940.25 for the first \$500,000. ⁰⁰ plus \$2.85 for each additional \$1000. ⁰⁰ |
| \$1,000,001. ⁰⁰ and up | \$3,365.25 for the first \$1,000,000. ⁰⁰ plus \$1.89 for each additional \$1000. ⁰⁰ |

The construction valuation is determined using CITY's calculation methodology and values.

* Note: CONSULTANT fees do not include any taxes, licensing or other fees imposed by governmental or outside agencies.



18-394

Title: Conduct a Public Hearing to Consider/Discuss/Act on a Signage Meritorious Exception Request for a 75' Vertical Tower Display for Cinemark Theater, Located at the Southwest Corner of Hardin Boulevard and U.S. Highway 380 (University Drive)

SUPPORTING MATERIALS:

Sign Variance Request

Sign Appeal Request

Site Map

Site Plan

Tower Design

City of McKinney Sign Variance Application

Date: 9/6/2017

Applicant: Chandler Signs, LLC

Phone 210-349-3804

Property Address: TBD

City McKinney

Zip _____

Lot: 4

Block _____

Addition _____

380 Commons at Headington Heights

Owner Name if different than applicant: Cinemark USA

Phone 972-665-1104

Mailing address for notification of pending City Council determination:

Name: Chandler Signs, Attn: Lauren Stackhouse

Address 17309 San Pedro Ave, Ste 200 City San Antonio

ST TX Zip 78232

Owner is giving (print applicant name) Deborah Moltz
at the hearing.

authority to represent him/her

Owner's printed name: Don Harton

Owner's signature: Don Harton

In accordance with the provisions of the Sign Ordinance, appeal is now made to the McKinney City Council to grant the following variance request. (Please be specific.)

We are requesting a meritorious exception for the 90' tall vertical tower display, which has been professionally designed by the Architect as a unique design feature to serve as a landmark entertainment destination. The tower is constructed of high quality materials and a beautiful color palette, tying into the overall building design and scale, and mindful of the distance the building is setback from Hwy 380.

A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. No variance shall be granted if it conflicts with the spirit of the ordinance. In order to make a finding of hardship and to grant a variance, the McKinney City Council shall consider the following conditions:

A. The requested variance will not adversely affect surrounding properties:

N/A - meritorious exception

B. The requested variance will not adversely affect public safety:

N/A - meritorious exception

C. Special conditions exist which are unique to this applicant or property:

N/A - meritorious exception

Sign Variance Application

Applicant notified: _____

Please check one:

 X I will represent this variance request at the Council meeting

 I will not be able to represent this variance at the Council meeting. My authorized representative who will represent this variance before the McKinney City Council is: _____

I hereby certify that the above statements are true and correct to the best of my knowledge.



Applicant's signature

STATE OF TEXAS
COUNTY OF COLLIN

Subscribed and sworn to before me this

6TH day of September 20 17



(seal)


Notary Public

My commission expires: 6/18/2021

Note to Applicant:

A notice of meeting will be sent only to the applicant, or to the authorized representative, if one is designated. If the variance is denied, it will be two years before the variance can be reconsidered. The decision of the City Council shall be final on all sign cases.



CHANDLER
SIGNS

P: 210.349.3804

F: 210.349.8724

17319 San Pedro Avenue

Suite 200

San Antonio, TX 78232

chandlersigns.com

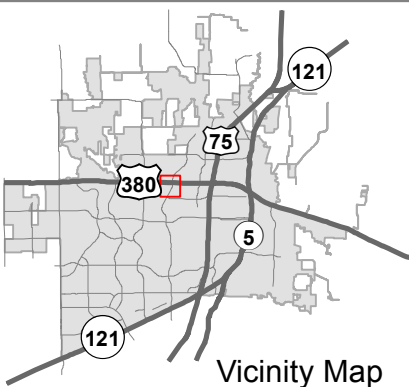
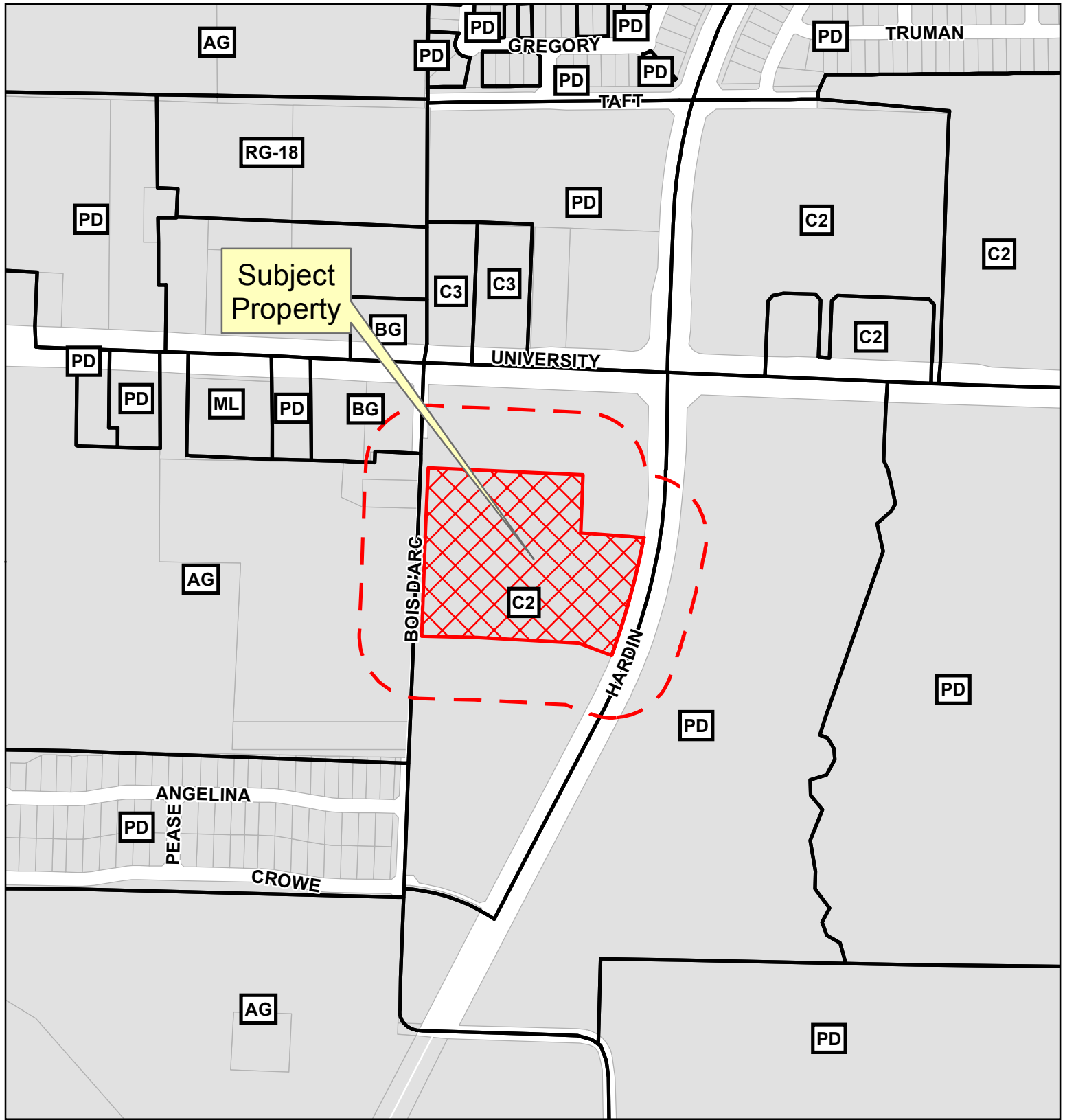
In accordance with the provisions of the Sign Ordinance, appeal is now made to the McKinney City Council to grant the following request. (Please be specific.)

We are requesting a meritorious exception for the 90' tall vertical tower display for Cinemark's new theatre in McKinney. The tower sign has been professionally designed by Cinemark's Architect as a unique landmark design feature, which will present this building as a beautiful entertainment destination in McKinney. The tower is constructed of high quality finishes and internally illuminated with energy efficient and long-life LED lighting. It features a beautiful complementary color palette, tying into the overall building design and scale, while mindful of the distance the building is setback from Hwy 380.

The first tower of this design was installed at Alliance Town Center in Fort Worth in 2012 at 90' tall, and 15 others have been installed at various locations nationwide since that time. The displays have been well received in every market for their pleasing design aesthetic and functionality as a landmark in their developments.

Cinemark would like to bring this beautiful tower feature to McKinney to mark the new theatre which will feature cutting-edge technology and customer-preferred amenities including Cinemark's Luxury Loungers recliners [electric-powered, plus, oversize recliners with cup holders and footrests in each auditorium], a Cinemark XD auditorium [the #1 private label large format in the world featuring the largest screen in the theatre and custom surround sound], 4K digital projection, and reserved seating. The exterior building design is the first impression for theatre patrons and we appreciate your consideration for the special design and unique features this tower brings to the theatre, development, and community.

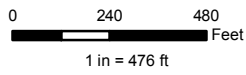
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Notification Map

17-219SP

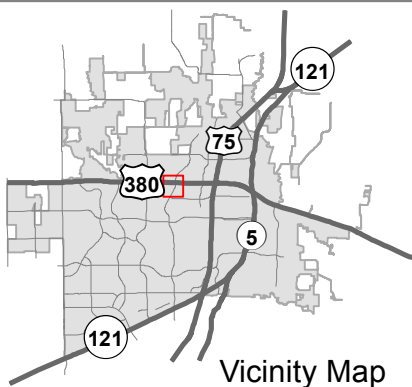
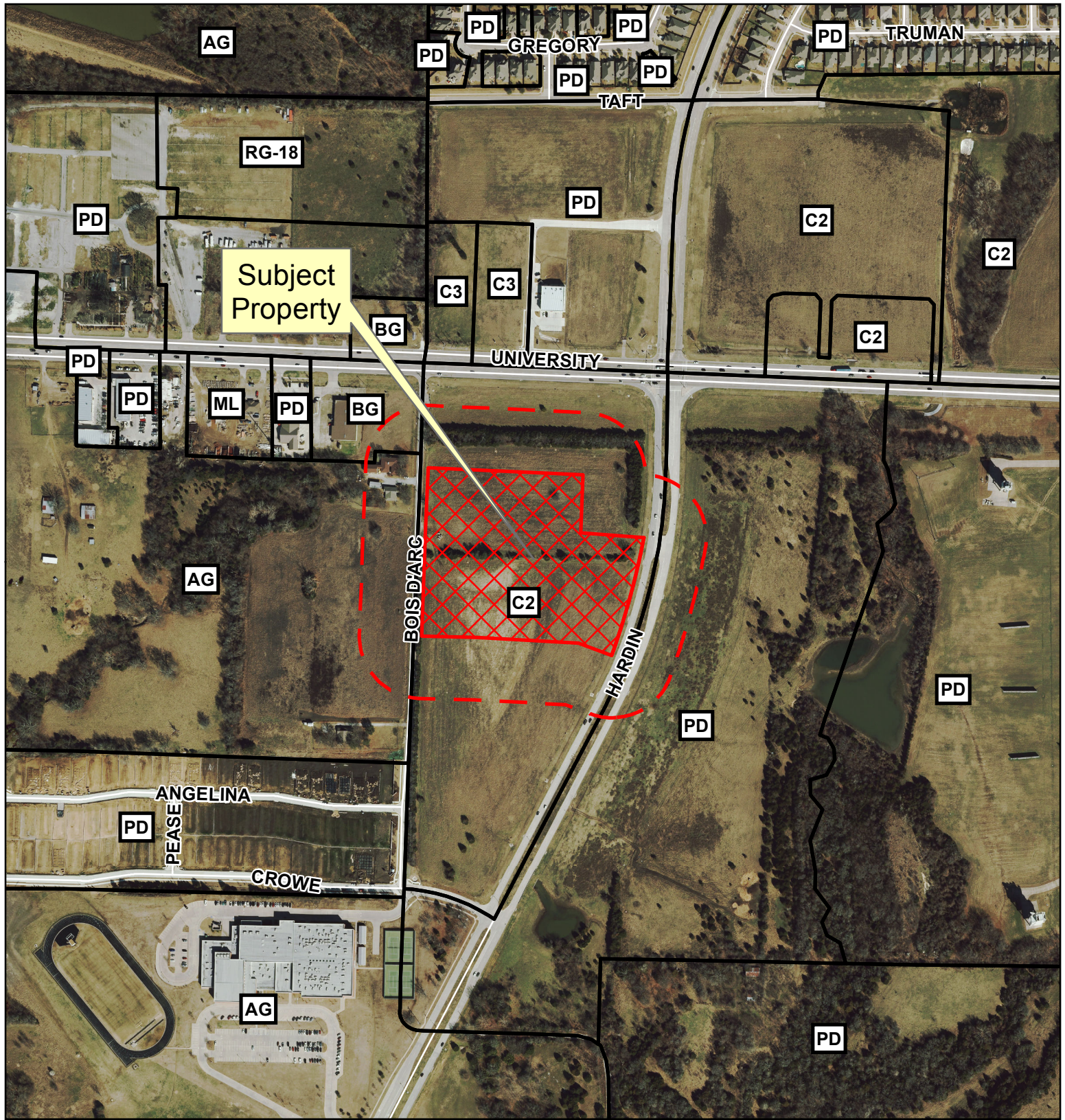
--- 200' Buffer



Source: City of McKinney GIS
Date: 4/12/2018

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Notification Map

17-219SP

--- 200' Buffer



0 240 480
Feet
1 in = 476 ft

Source: City of McKinney GIS
Date: 4/12/2018

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BECK ARCHITECTURE, LLC
1807 ROSS AVE
SUITE 500
DALLAS, TX 75201
PH: 214-303-6200
FAX: 214-303-6300

JOHN PAUL DeFRANK
TX STATE REG # 19612

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PERMIT, OR CONSTRUCTION.

ARCHITECT SEAL

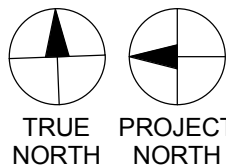
CURRENT SUBMISSION: COORDINATION SET

| # | DATE | SUBMISSION |
|---|----------|------------------|
| - | 11/15/17 | COORDINATION SET |

CINEMARK MCKINNEY
XD14
MCKINNEY, TX

SITE PLAN

- A REFER TO CIVIL AND LANDSCAPE DRAWINGS FOR SITE DIMENSIONS AND IMPROVEMENTS
- B CONTRACTOR TO COMPLY WITH REQUIREMENTS OF LOCAL OFFICIALS REGARDING MEANS OF EGRESS AND EXITING. MAINTAIN REQUIRED EGRESS DURING CONSTRUCTION.
- C CIVIL IS TO COMPLY WITH LOCAL CODES
- D REFER TO SHEET A2-10 FOR GROUND FLOOR PLAN
- E THEATERS GENERAL CONTRACTOR'S SCOPE OF WORK INCLUDES BACK OF CURB TO FACE OF BUILDING, INCLUDING TRASH COMPACTOR PAD AND ENCLOSURE. REFER TO MATRIX OF RESPONSIBILITY
- F PROVIDE CONSTRUCTION PROJECT SIGN AS SHOWN ON DRAWINGS. REFER ALSO TO SPECIFICATION FOR DESCRIPTION. ALL SIGNAGE IS SUBJECT TO APPROVAL BY LOCAL ORDINANCES.



1" = 40'-0"

01 GENERAL NOTES

NOT TO SCALE

05 ARCHITECTURAL SITE PLAN

170869
JOB NO.

A1.01
SHEET

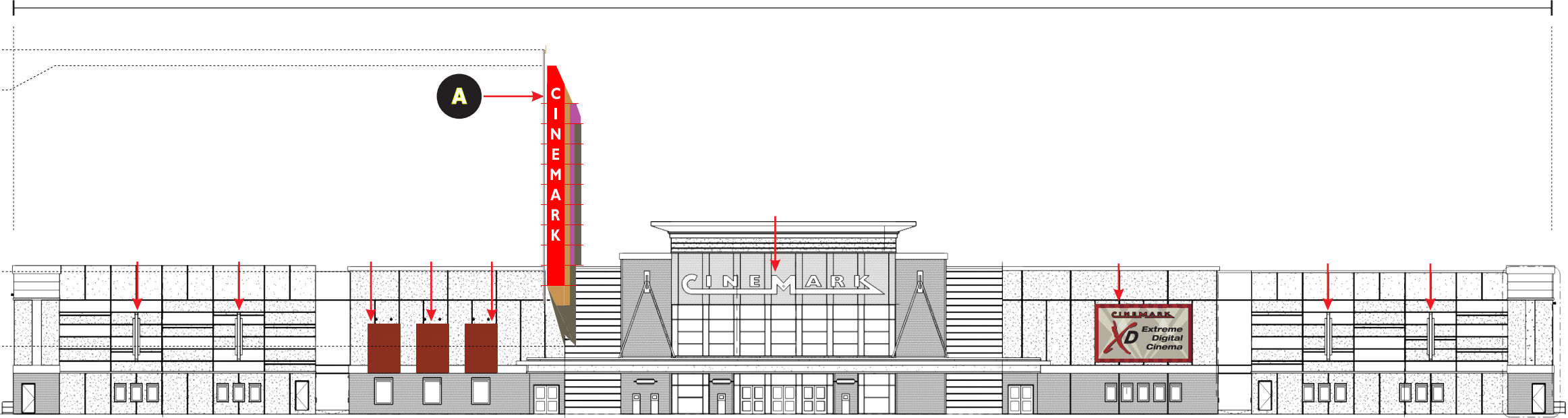
379'-8"

90'-0"
T.O. SPIRE ELEMENT
86'-0"
TOP OF CABINET

36'-6"
TOP OF PARAPET

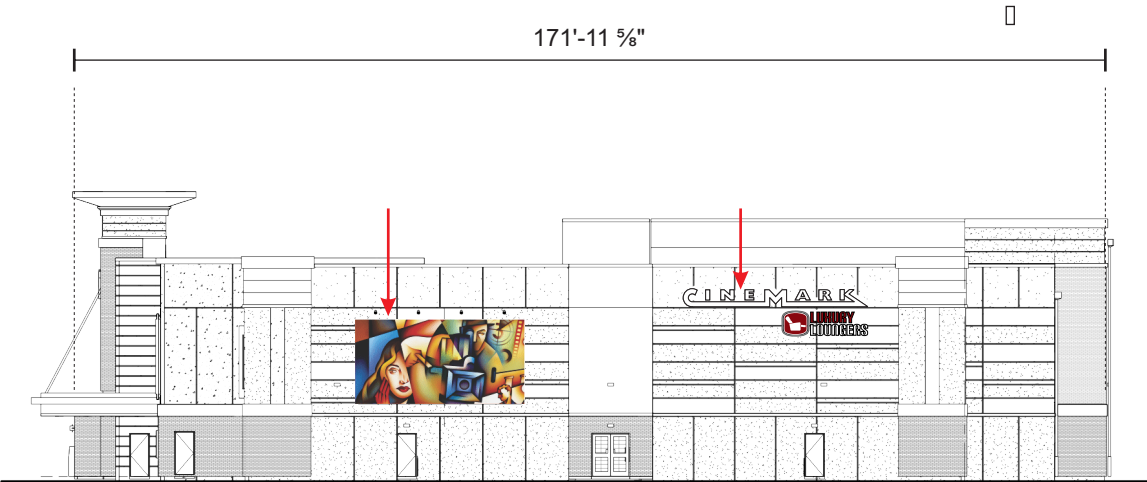
16'-10 1/2"
B.O. TOWER

00'-0"
A.F.F.



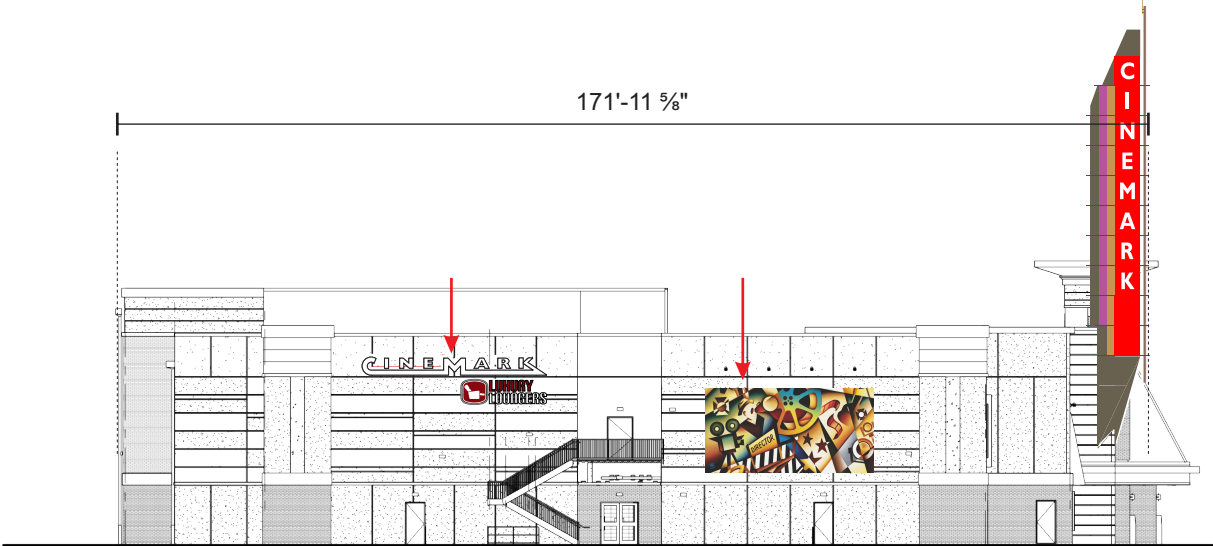
SOUTH BLDG. ELEVATION

SCALE: 1/32" = 1' - 0"



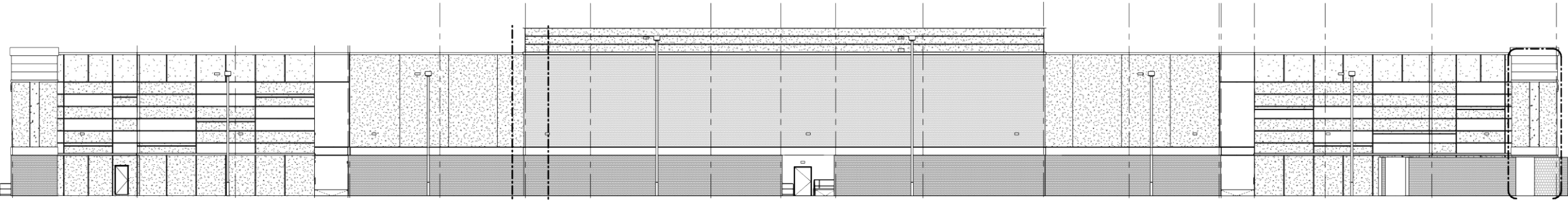
EAST ELEVATION

SCALE: 1/32" = 1' - 0"



WEST BLDG. ELEVATION

SCALE: 1/32" = 1' - 0"



NORTH BLDG. ELEVATION

SCALE: 1/32" = 1' - 0"

CINEMARK
The Best Seat In Town

| | |
|-----------------|---|
| Design # | 0614732AR2 |
| Sheet | 2 of 24 |
| Location | #1154 |
| Address | WEST UNIVERSITY DR.- HARDIN DR., MCKINNEY, TX |
| Acct. Rep. | DEBBIE MOLTZ |
| Coordinator | LAUREN STACKHOUSE |
| Designer | INES HERRASTI |
| Date | 6/13/17 |
| Approval / Date | |
| Client | |
| Sales | |
| Estimating | |
| Art | |
| Landlord | |
| Engineering | |
| Revision / Date | |

R1(7/17)JH: Update elevations. Add copy to the left side of the lower & adjust layout for a blank section at the top without teal panels (similar to Frisco). Fix the elevations to show white faces on "Loungers" signs. Correct note for (3) banners on page 15. Correct notes on page 20 - no longer interior.

R2(9/29/17)PA: - The building is changing to the design of Roanoke - ref #0606507Ar13. Per Customer - Footprint of the building is very similar so it will orient very similarly to what is currently shown. Updated the elevations for now before we receive a new site plan/floor plan from the architect.

- The signs will all be the same except for H1/H2 on Roanoke will be Cinemark Luxury Loungers signs instead of Cinemark Nextgen.

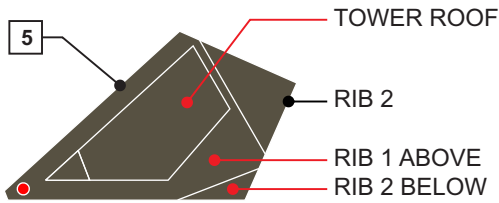
Chandler Signs
Brand Image Begins Here.

| | |
|--|---|
| 3201 Manor Way 214-902-2000 | Dallas, TX 75235 Fax 214-902-2044 |
| 17319 San Pedro, Ste 200 210-349-3804 | San Antonio, TX 78222 Fax 210-349-8724 |
| 963 Baxter Avenue, Ste 200 502-479-3075 | Louisville, KY 40204 Fax 502-412-0013 |
| 2584 Sand Hill Point Circle 863-420-1100 | Davenport, FL 33837 Fax 863-424-1160 |
| 37 Waterfront Park Court 800-851-7062 | Dawsonville, GA 30534 Fax 210-349-8724 |
| P.O. Box 125 206 Doral Drive 361-563-5599 | Portland, TX 78374 Fax 361-643-6533 |
| 3220 Executive Ridge Drive Ste 250 760-734-1708 | Vista, CA 92081 Fax 760-734-3752 |

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**FINAL ELECTRICAL
CONNECTION BY
CUSTOMER**

THIS SIGN IS INTENDED TO BE MANUFACTURED
IN ACCORDANCE WITH ARTICLE 600 OF THE
NATIONAL ELECTRICAL CODE AND/OR OTHER
APPLICABLE LOCAL CODES. THIS INCLUDES
PROPER GROUNDING & BONDING OF THE SIGN.
SIGN WILL BEAR UL LABEL(S)



TOP VIEW OF ENTIRE TOWER DISPLAY

1

#2447 WHITE POLYCARBONATE WITH CUSTOM COLOR; 3M VINYL MARMALADE # T.B.D.

2

RED LEXAN WITH NO DIFFUSER

3

#2447 WHITE POLYCARBONATE WITH CUSTOM COLOR; 3M VINYL PURPLE # T.B.D.

4

#7328 WHITE PLEX FACES FOR LETTERS

5

TO MATCH SW 7055 ENDURING BRONZE

6

TO MATCH SW 2913 CLASSY RED

7

GE CONTOUR RED LED ON RIBS

INTERNAL ILLUMINATION NOTES:

2

ALL RED LEXAN BACKGROUND PANELS TO HAVE NO DIFFUSER

- ALL RED LEXAN PIGMENTED PANELS TO BE ILLUMINATED WITH RED GE TETRA MAX LEDS
- .040 ALUM. PRE-FIN. WHITE PANELS (INTERNAL SKIN)

1

ALL ORANGE AND PURPLE PANELS TO BE #2447 WHITE POLYCARBONATE WITH APPLIED 3M CUSTOM VINYL COLORS. EXACT COLOR CODES TO BE DETERMINED.

- PANELS TO BE ILLUMINATED WITH WHITE GE TETRA POWER MAX LEDS
- .040 ALUM. PRE-FIN. WHITE PANELS (INTERNAL SKIN)

NOTE:
ALL BACKGROUND PANELS ARE RED LEXAN WITH NO DIFFUSER

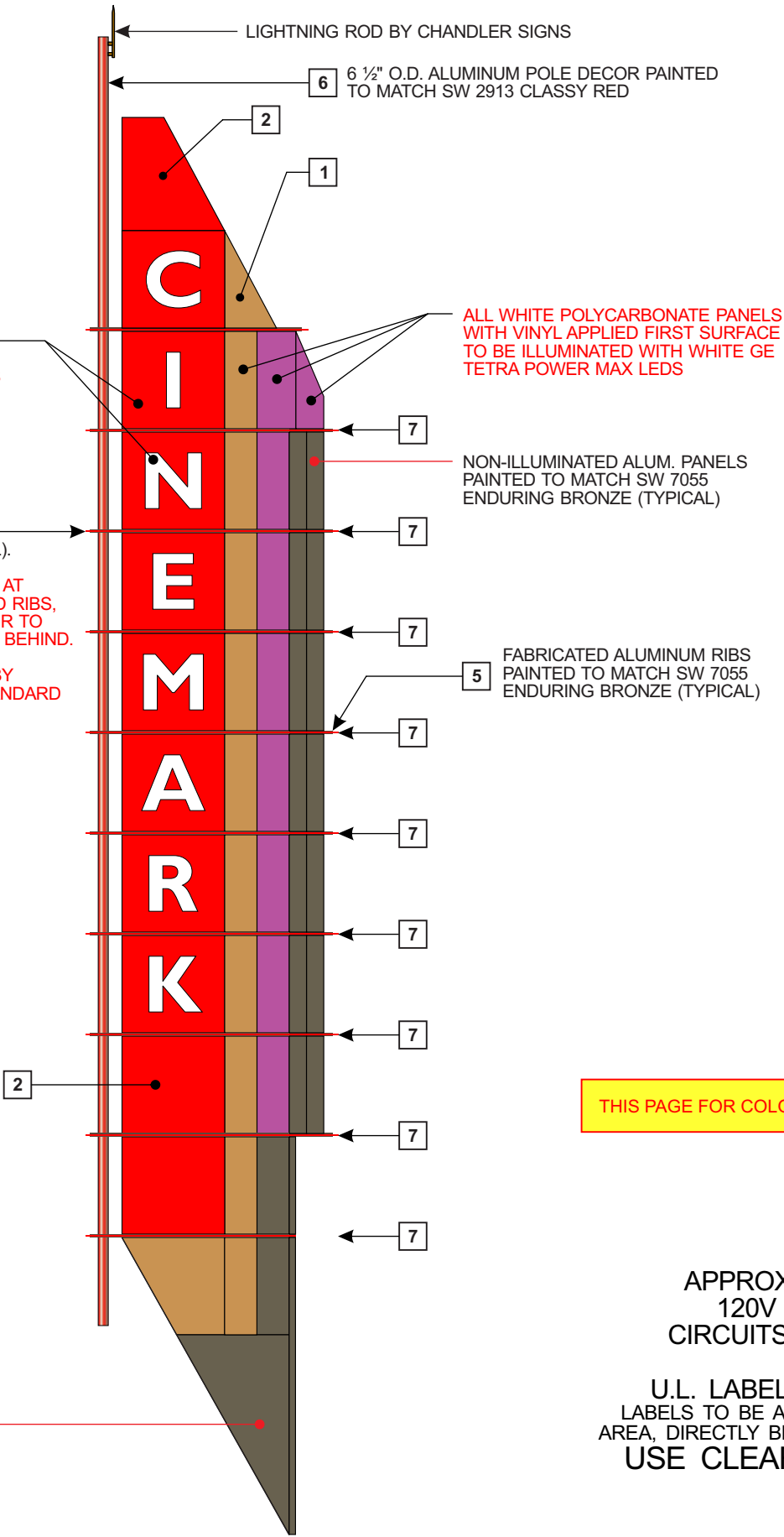
- ALL RED LEXAN PIGMENTED PANELS TO BE ILLUMINATED WITH RED GE TETRA MAX LEDS

GE CONTOUR RED LED LIGHTING ON FABRICATED ALUMINUM RIBS (TYPICAL).

- RED LED's STRIPS TO BE INSTALLED AT ENTIRE PERIMETER OF FABRICATED RIBS, BLOCK OUT BACKS OF GE CONTOUR TO STOP REFLECTION ONTO SURFACE BEHIND.
- ALL ANGLE JOINTS TO BE FORMED BY CS DALLAS MFG. IN SHOP (NON STANDARD ANGLES).

POWER SUPPLIES TO BE LOCATED AT LOWER PORTION OF THE TOWER FOR ACCESS.

NON-ILLUMINATED ALUMINUM PANELS PAINTED TO MATCH SW 7055 ENDURING BRONZE (TYPICAL)



THIS PAGE FOR COLOR DESIGNATION ONLY

APPROX. SIX (6)
120V - 20amp
CIRCUITS REQUIRED

U.L. LABELS REQUIRED
LABELS TO BE ATTACHED IN VISIBLE
AREA, DIRECTLY BELOW ON/OFF SWITCH
USE CLEAR UL LABELS

A ILLUMINATED TOWER STRUCUTRE SCALE: 1/8"=1'-0"
ONE (1) REQUIRED - MANUFACTURE AND INSTALL

| Design # | |
|---|-------------------|
| 0614732AR2 | |
| Sheet | 3 of 24 |
| Location | |
| #1154 | |
| Address | |
| WEST UNIVERSITY DR.- HARDIN DR., McKINNEY, TX | |
| Acct. Rep. | DEBBIE MOLTZ |
| Coordinator | LAUREN STACKHOUSE |
| Designer | INES HERRASTI |
| Date | 6/13/17 |
| Approval / Date | |
| Client | |
| Sales | |
| Estimating | |
| Art | |
| Landlord | |
| Engineering | |

| Revision / Date | |
|---|--|
| R1(7/11/17)H: Update elevations. Add copy to the left side of the tower & adjust layout for a blank section at the top without teal panels (similar to Frisco). Fix the elevations to show white faces on "Loungers" signs. Correct note for (3) banners on page 15. Correct notes on page 20 - no longer interior. | |
| R2(9/29/17)PA: The building is changing to the design of Roanoke - ref #0606507Ar13. Per Customer - Footprint of the building is very similar so it will orient very similarly to what is currently shown. Updated the elevations for now before we receive a new site plan/floor plan from the architect. | |
| - The signs will all be the same except for H1/H2 on Roanoke will be Cinemark Luxury Loungers signs instead of Cinemark Nextgen. | |

Brand Image Begins Here.

3201 Manor Way
214-902-2000

Dallas, TX 75235
Fax 214-902-2044

17319 San Pedro, Ste 200
210-349-3804

San Antonio, TX 78232
Fax 210-349-8724

963 Baxter Avenue, Ste 200
502-479-3075

Louisville, KY 40204
Fax 502-412-0013

2584 Sand Hill Point Circle
863-420-1100

Davenport, FL 33837
Fax 863-424-1160

37 Waterfront Park Court
800-851-7062

Dawsonville, GA 30534
Fax 210-349-8724

P.O. Box 125 206 Doral Drive
361-563-5599

Portland, TX 78374
Fax 361-643-6533

3220 Executive Ridge Drive Ste 250
760-734-1708

Vista, CA 92081
Fax 760-734-3752

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FINAL ELECTRICAL
CONNECTION BY
CUSTOMER

THIS SIGN IS INTENDED TO BE MANUFACTURED
IN ACCORDANCE WITH ARTICLE 600 OF THE
NATIONAL ELECTRICAL CODE AND/OR OTHER
APPLICABLE LOCAL CODES. THIS INCLUDES
PROPER GROUNDING & BONDING OF THE SIGN.
SIGN WILL BEAR UL LABEL(S)



| | |
|---|-------------------|
| Design # | |
| 0614732AR2 | |
| Sheet | 4 of 24 |
| Location | |
| #1154 | |
| Address | |
| WEST UNIVERSITY DR.- HARDIN DR., MCKINNEY, TX | |
| Acct. Rep. | DEBBIE MOLTZ |
| Coordinator | LAUREN STACKHOUSE |
| Designer | INES HERRASTI |
| Date | 6/13/17 |
| Approval / Date | |
| Client | |
| Sales | |
| Estimating | |
| Art | |
| Landlord | |
| Engineering | |

R/71(11/17)H: Update elevations. Add copy to the left side of the lower & adjust layout for a blank section at the top without teal panels (similar to Frisco). Fix the elevations to show white faces on "Loungers" signs. Correct note for (3) banners on page 15. Correct notes on page 20 - no longer interior

R/29(25/17)PA: The building is changing to the design of Roanoke - ref #0606057/A13. Per Customer - Footprint of the building is very similar so it will orient very similarly to what is currently shown. Updated the elevations for now before we receive a new site plan/floor plan from the architect.

The signs will all be the same except for H1/H2 on Roanoke will be Cinemark Luxury Loungers signs instead of Cinemark Nexgen.



| | |
|--|---|
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| 17319 San Pedro, Ste 200 210-349-3804 | San Antonio, TX 78232 Fax 210-349-8724 |
| 963 Baxter Avenue, Ste 200 502-479-3075 | Louisville, KY 40204 Fax 502-412-0013 |
| 2584 Sand Hill Point Circle 863-420-1100 | Davenport, FL 33837 Fax 863-424-1160 |
| 37 Waterfront Park Court 800-851-7062 | Dawsonville, GA 30534 Fax 210-349-8724 |
| P.O. Box 125 206 Doral Drive 361-563-5599 | Portland, TX 78374 Fax 361-643-6533 |

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FINAL ELECTRICAL CONNECTION BY CUSTOMER





18-395

Title: Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2017-2018 Annual Budget and Amending the 2018-2022 Capital Improvements Program, to Provide Funds for Additional Improvements at Bonnie Wenk Phase 2

SUPPORTING MATERIALS:

Ordinance

ORDINANCE NO. 2018-05-____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY,
TEXAS AMENDING THE FISCAL YEAR 2017-2018 ANNUAL BUDGET
AND 2018 – 2022 CAPITAL IMPROVEMENT PROGRAM TO PROVIDE
FUNDS FOR BONNIE WENK PHASE 2**

WHEREAS, as required by City Charter, the City Manager has prepared an amendment to certain appropriations and expenditures in Fiscal Year 2017-2018 Annual Budget and the 2018-2022 Capital Improvement Program; and

WHEREAS, the City Manager submitted same to the City Council of the City of McKinney, Texas for its approval and a true and correct copy is attached.

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

Section 1. Pursuant to the City Charter requirements of the City of McKinney, Texas, a Budget Amendment pertaining to Fiscal Year 2017-2018 Annual Budget is hereby authorized and approved.

Section 2. The budget shall be amended by transferring \$800,000 from Parkland Dedication Zone 3 Funds to the Parks Construction Fund.

Section 3. The budget shall be amended by appropriating \$800,000 in the Park Construction Fund to CIP project PK3222 for Bonnie Wenk Phase 2.

Section 4. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 1st DAY OF MAY 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

| AMENDMENT # 81805 | | | | | |
|-----------------------------------|----------------|-------------------------------------|--------------------------|---------------------------|----------------------|
| Bonnie Wenk Phase 2 (PK3222) | | | | | |
| Account No. | Project Number | Account Description | Current Budget (Project) | Proposed Budget (Project) | Increase/ (Decrease) |
| Revenues | | | | | |
| 023-0000-391-6400 | PK3222 | Transfers In / Parkland/Median Fund | \$ - | \$ 800,000 | \$ 800,000 |
| Expenditures | | | | | |
| 023-7777-xxx-xxxx | PK3222 | Parks Improvements | \$ - | \$ 800,000 | \$ 800,000 |
| 064-9999-493-8823 | | Transfer / Park Construction Fund | \$ - | \$ 800,000 | \$ 800,000 |
| Fund Balance | | | | | |
| Fund 023 - Park Construction Fund | | | | | \$ - |
| Fund 064 - Parkland/Median Fund | | | | | \$ (800,000) |
| Net Effect on Fund Balance | | | | | \$ (800,000) |



18-396

Title: Consider/Discuss/Act on a Resolution Authorizing the City Manager to Increase the Not to Exceed Amount for the Construction Contract with Cooper General Contractors of Plano, Texas by \$800,000 and to Execute Change Order(s) as Necessary in Order to Construct Additional Improvements at Bonnie Wenk Park

SUPPORTING MATERIALS:

Resolution

Presentation

RESOLUTION NO. 2018-05-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO THE CONTRACT WITH COOPER GENERAL CONTRACTORS OF PLANO, TEXAS, FOR THE CONSTRUCTION OF ADDITIONAL IMPROVEMENTS AT BONNIE WENK

WHEREAS, the City Council of the City of McKinney, Texas, has determined the need to add additional improvements at Bonnie Wenk; and,

WHEREAS, the City Council approved the budget on September 19, 2017; and

WHEREAS, the project has been bid in a manner consistent with State Law; and

WHEREAS, the City will prepare a contract change order(s) for Cooper General Contractors of Plano, Texas to construct additional improvements at Bonnie Wenk (PK3222).

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

- Section 1. The City Council of the City of McKinney, Texas, approved the addition of the sky walk, donor plaza enhancements and stone work modifications at Bonnie Wenk.
- Section 2. The City Manager is authorized to execute a change order(s) to the contract with Cooper General Contractors of Plano, Texas in an amount up to \$800,000.
- Section 3. The contract with Cooper General Contractors of Plano, Texas for construction of Bonnie Wenk Park shall not exceed \$8,518,470, which provides funds for the construction of the items noted above in addition to a project contingency of \$90,000.
- Section 4. 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 1st DAY OF MAY, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary

APPROVED AS TO FORM:

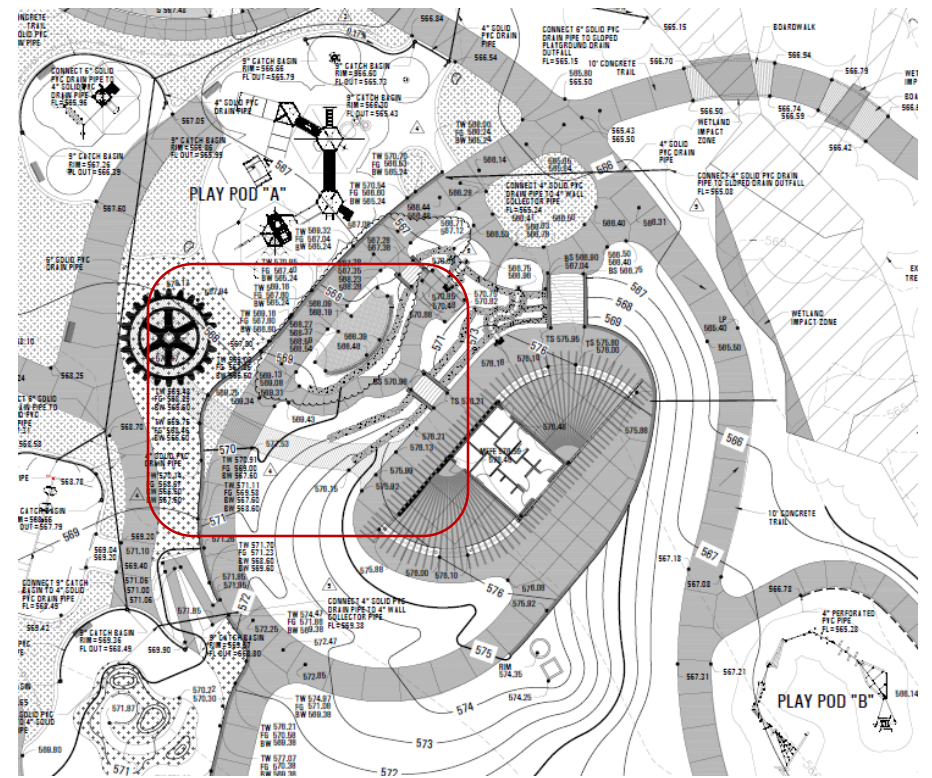
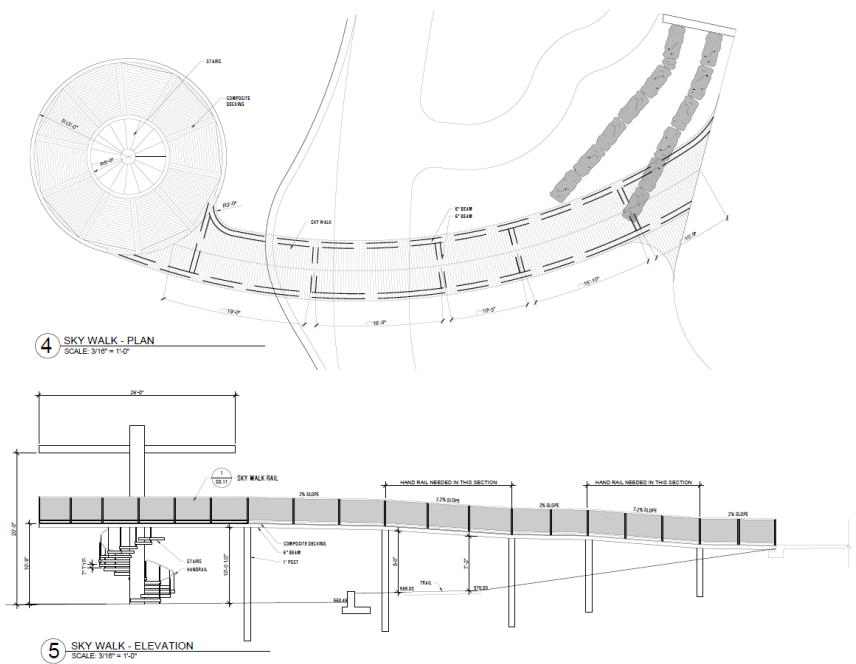
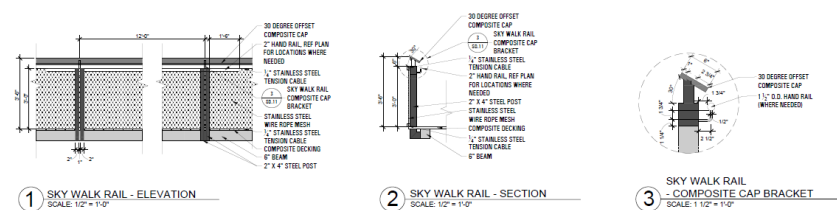
MARK S. HOUSER
City Attorney

Bonnie Wenk Phase 2

Cooper Construction Contract Increase and budget amendment

- Construction of the Sky Walk
- Construction of the Donor Wall
- Construction of Stone Modifications to Phase 1 pond

Sky Walk Addition



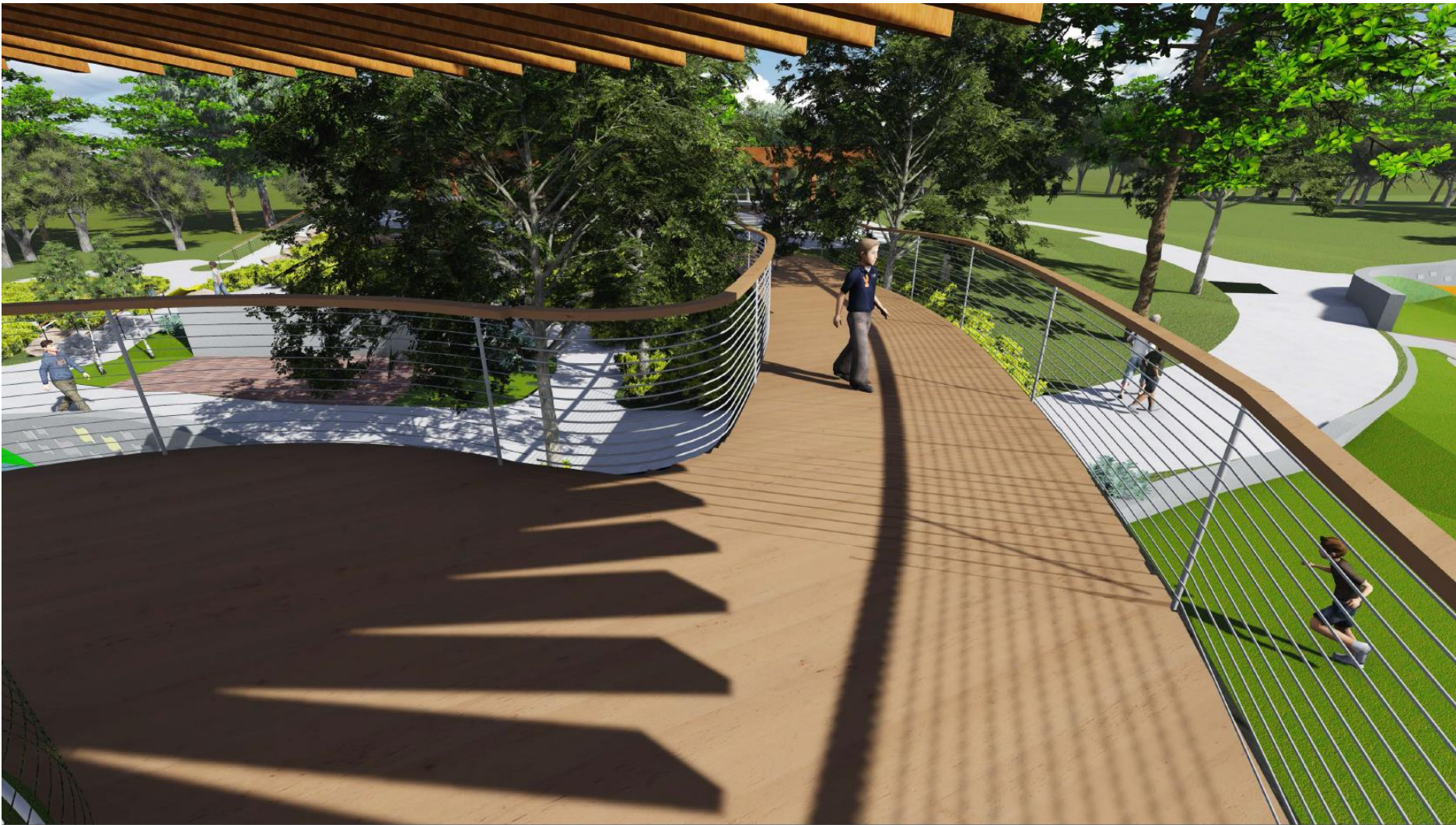
Sky Walk within the All Abilities Playground Area



Sky Walk within the All Abilities Playground Area



Sky Walk within the All Abilities Playground Area



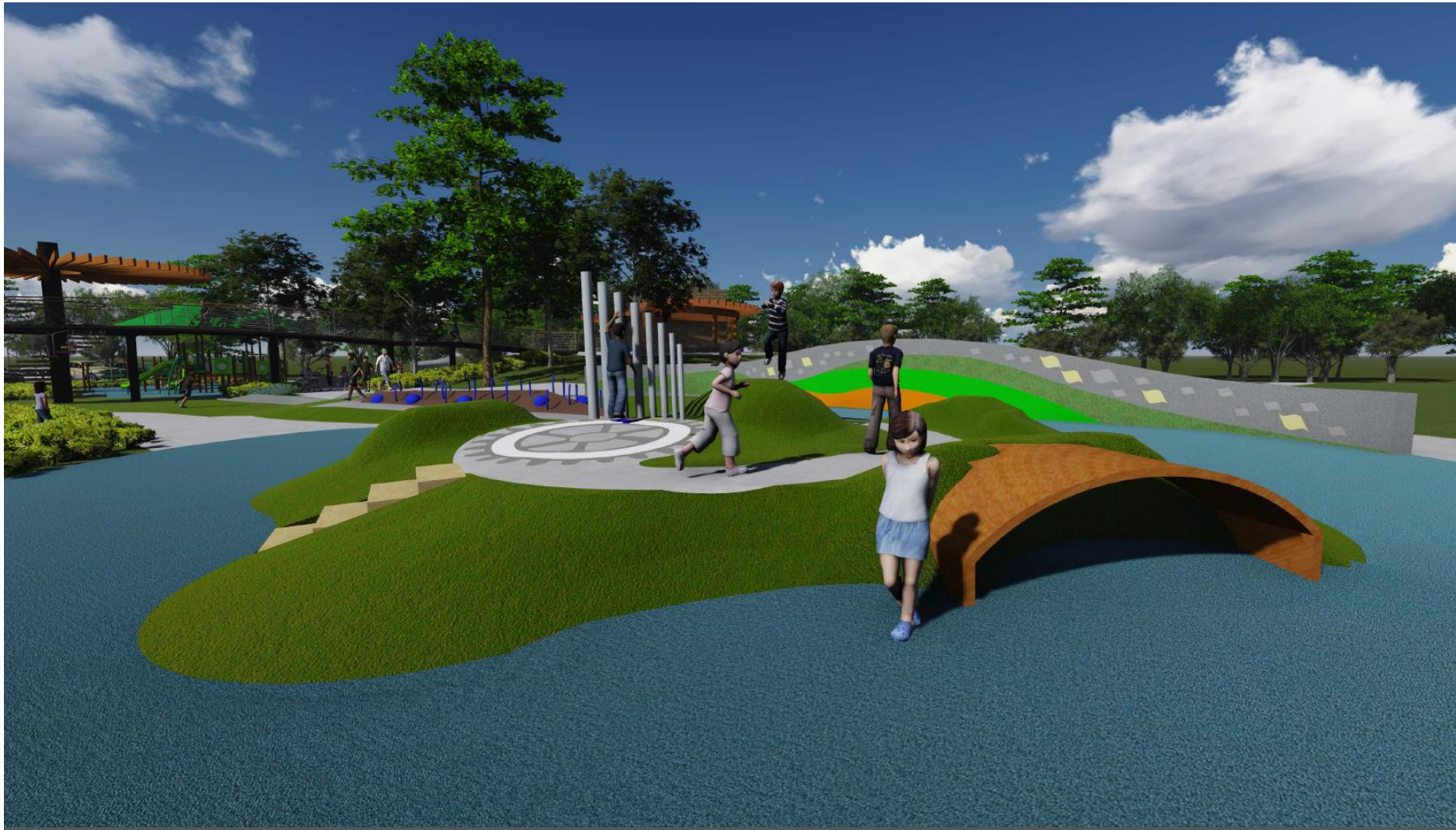
Sky Walk within the All Abilities Playground Area



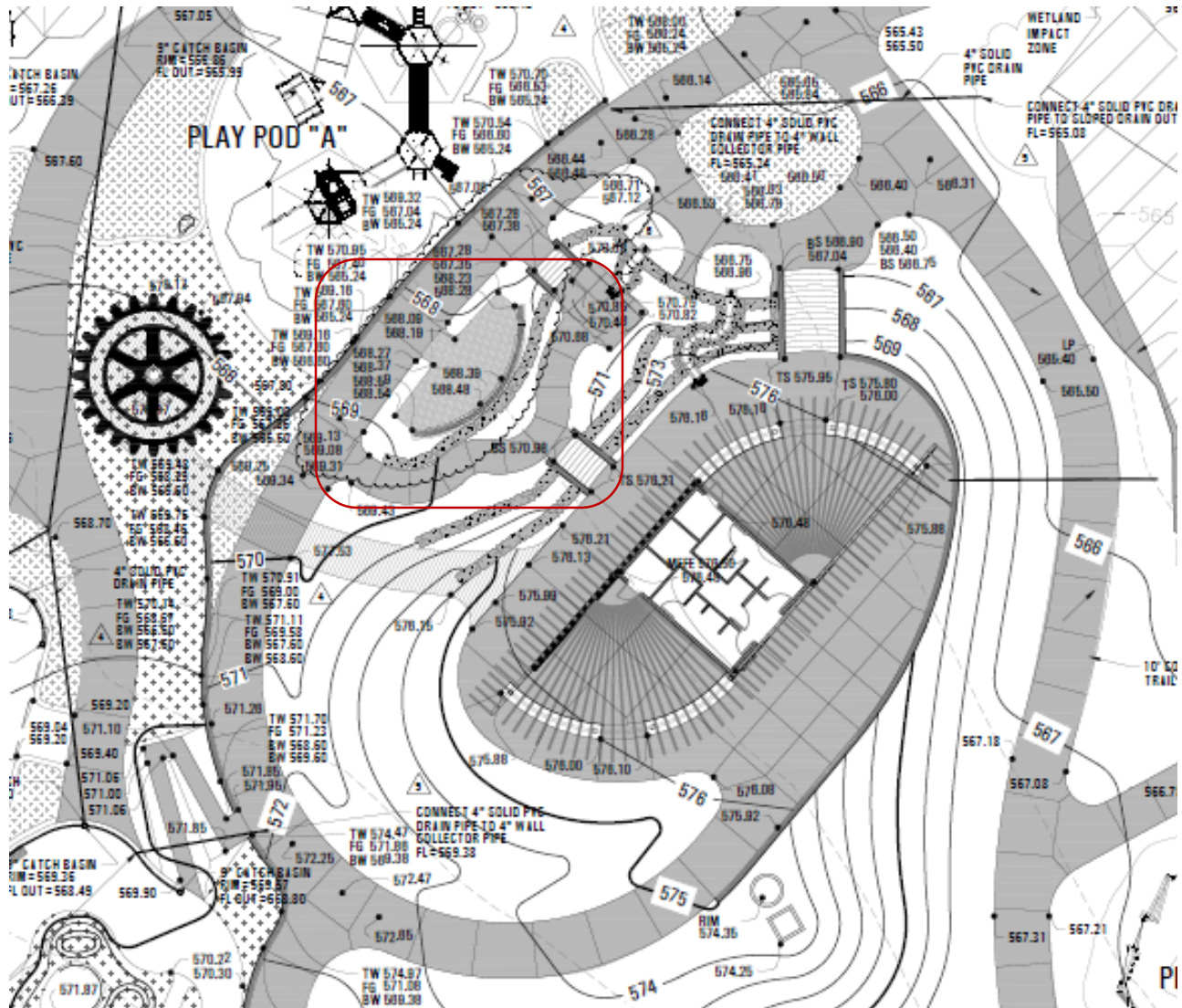
Sky Walk within the All Abilities Playground Area



Sky Walk within the All Abilities Playground Area



Donor Plaza



Donor Plaza – recognition of the largest donors to the all abilities playground



Donor Plaza



Phase 1 Pond Stonework (existing conditions)

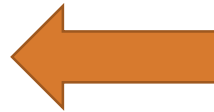


Phase 1 Pond Stonework (existing conditions)

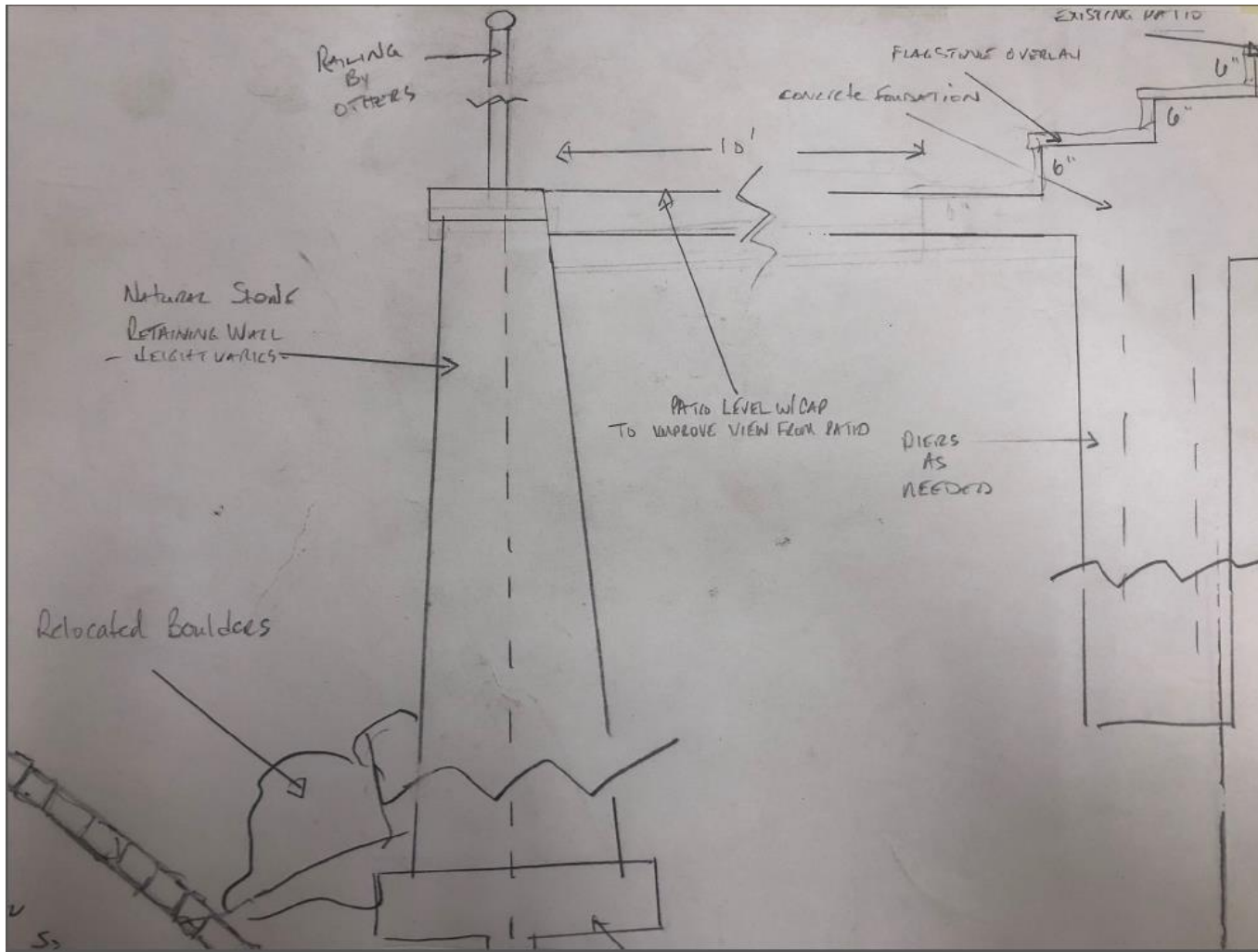
Decomposed granite washing out between boulders;
potential safety hazard



Debris and weeds catching between boulders



Phase 1 Pond Stonework (proposed modifications)





18-397

Title: Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Supplemental Agreements with Teague, Nall, and Perkins, Inc, to Perform a Drainage Study of the Upper Portion of the Warden Creek Watershed

SUPPORTING MATERIALS:

Resolution

Location Map

RESOLUTION NO. 2018-05-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$134,000 WITH TEAGUE, NALL, AND PERKINS, INC, TO PERFORM A DRAINAGE STUDY OF THE UPPER PORTION OF THE WARDEN CREEK WATERSHED AND AUTHORIZING ALL NECESSARY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT FOR AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$140,000

WHEREAS, the City Council of the City of McKinney, Texas, desires to perform a drainage study of the existing stormwater infrastructure in the upper portion of the Warden Creek Watershed; and

WHEREAS, the City has prepared a contract with Teague, Nall, and Perkins, Inc, to perform said study.

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 in the amount of \$134,000 with Teague, Nall, and Perkins, Inc, to perform a drainage study of the existing stormwater infrastructure in the upper portion of the Warden Creek Watershed and authorized to execute all necessary supplemental agreements under said contract for an aggregate contract amount, inclusive of any supplemental agreements, not to exceed \$140,000.

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 1st DAY OF MAY, 2018.

CITY OF MCKINNEY, TEXAS

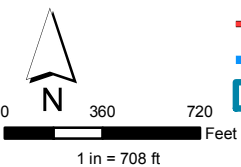
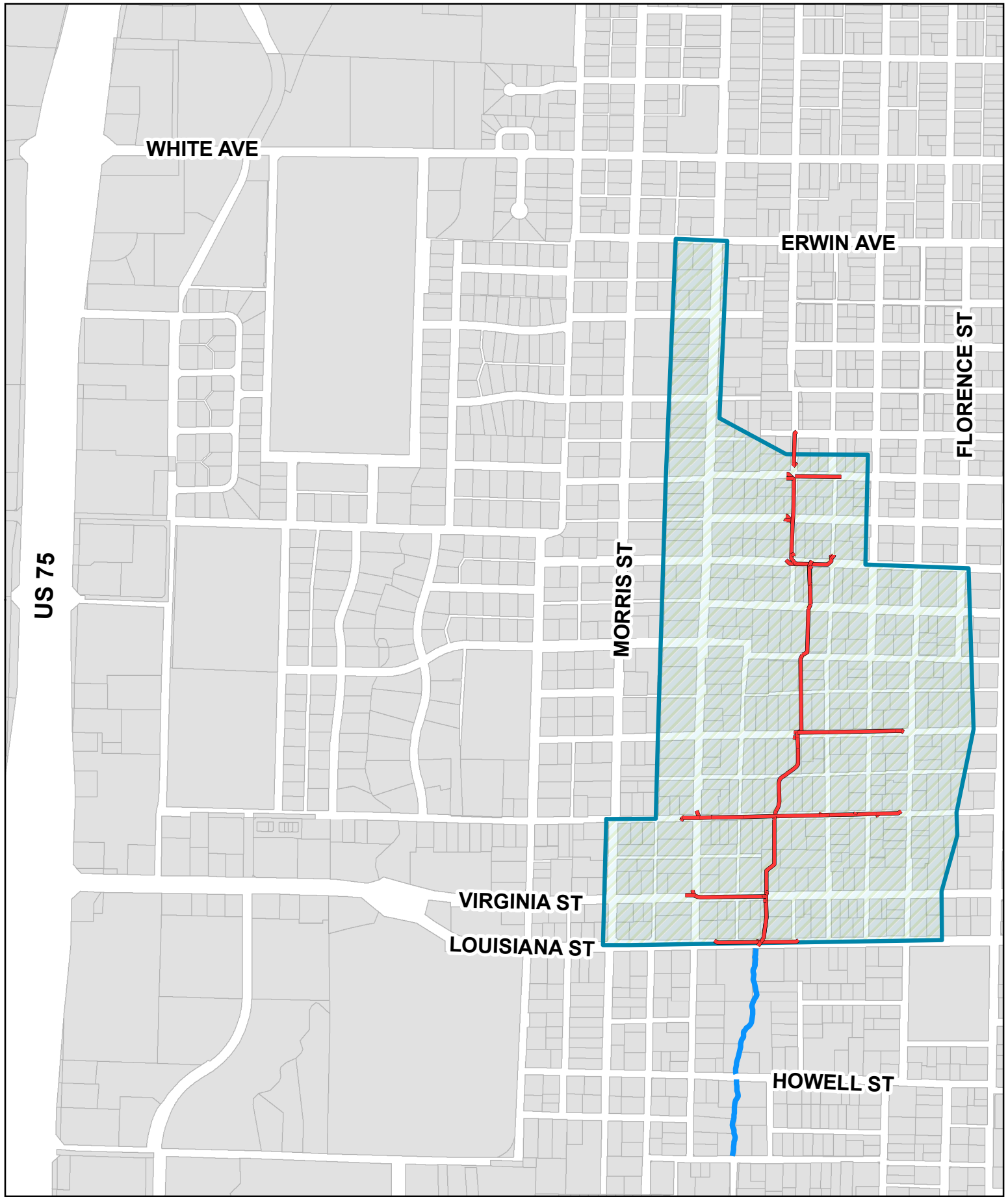
GEORGE C. FULLER
Mayor




ATTEST:

SANDY HART, TRMC, MMC
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney



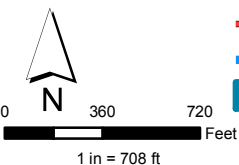
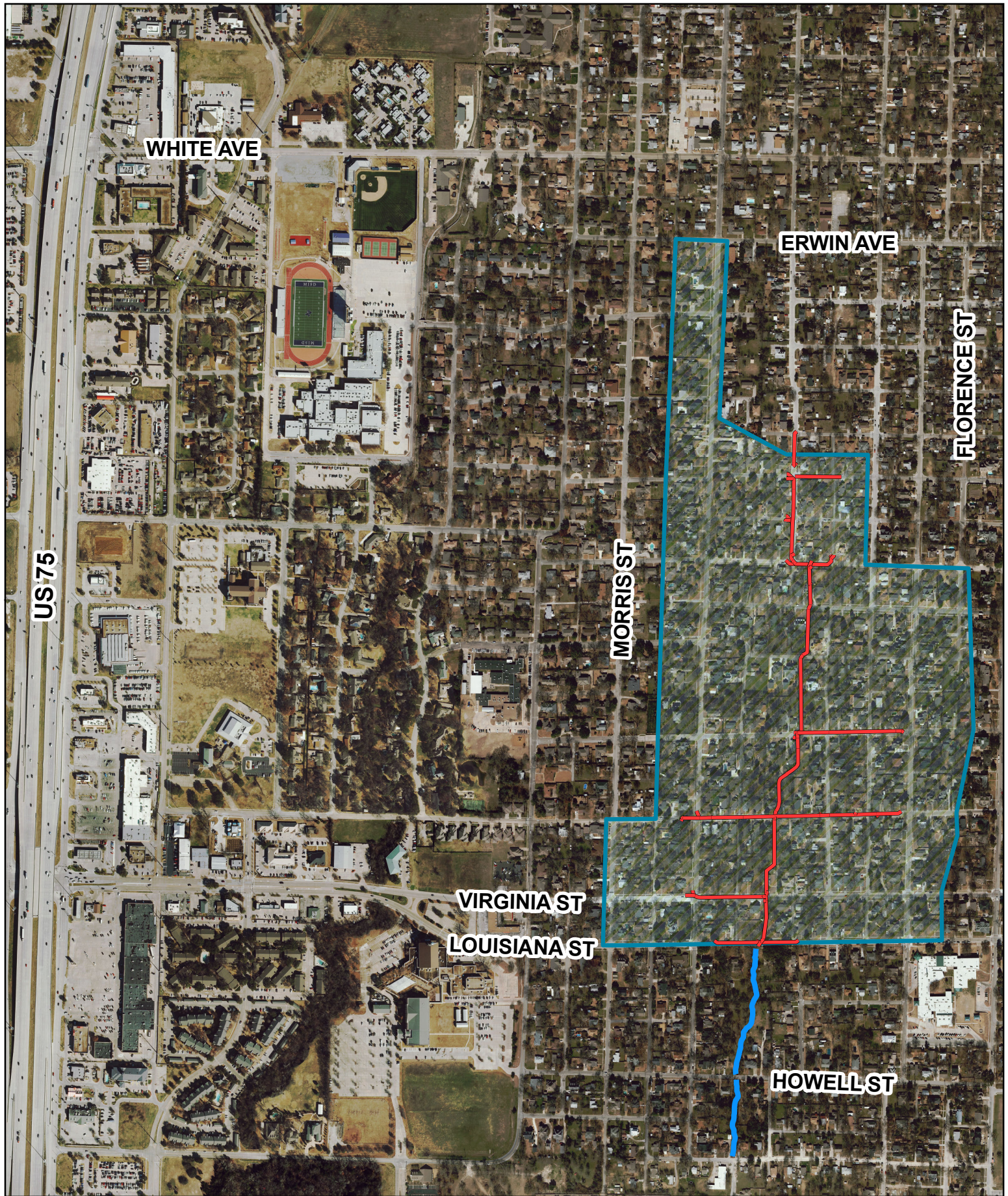
-  Storm Drain
-  Warden Creek
-  Warden Creek Watershed

DRAINAGE STUDY Upper Portion of the Warden Creek Watershed

Source: Development Services
Date: 4/19/2018

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.





- Storm Drain
- Warden Creek
- Warden Creek Watershed

DRAINAGE STUDY Upper Portion of the Warden Creek Watershed

Source: Development Services
Date: 4/19/2018

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18-398

Title: Consider/Discuss/Act on an Ordinance Repealing Article IV, "Electioneering" Sections 38-70 Through 38-74 of the Code of Ordinances and Adopting a New Article IV, "Electioneering" Sections 38-70 Through 38-74

SUPPORTING MATERIALS:

Ordinance

Ordinance 2017-10-095 - Redline

ORDINANCE NO. 2018-05-____

AN ORDINANCE AMENDING CHAPTER 38, "ELECTIONS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, ARTICLE IV, "ELECTIONEERING," BY REPEALING IN ITS ENTIRETY SECTIONS 38-70 THROUGH 38-74, AND REPLACING THOSE SECTIONS WITH NEW SECTIONS 38-70 THROUGH 38-74; ESTABLISHING RULES AND REGULATIONS REGARDING ELECTIONEERING WITHIN THE CITY; PROVIDING DEFINITIONS; CREATING OFFENSES FOR INDIVIDUALS VIOLATING RULES AND REGULATIONS; PROVIDING ENFORCEMENT BY DESIGNATED OFFICIALS AND OFFICERS; PROVIDING A SAVINGS CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas ("City") is a Home Rule City possessing the full power of local self-government pursuant to Article XI, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code, and its Home Rule Charter; and

WHEREAS, the City Council of the City of McKinney, Texas ("City Council"), has authority, pursuant to Section 61.003 and Section 85.036 of the Texas Election Code, to enact reasonable regulations concerning the time, place, and manner of electioneering within the City limits; and

WHEREAS, the City Council now desires to amend the City's Code of Ordinances and establish certain rules and regulations that will govern the time, place, and manner of electioneering within the City; and

WHEREAS, the City Council finds that the adoption of this Ordinance is in the best interests of its citizens and serves a public purpose, and protects the health, safety, and welfare of the citizens of the City of McKinney.

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

Section 1. All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. From and after the effective date of this Ordinance, Chapter 38 of the Code of Ordinances of the City of McKinney, Texas, entitled "Elections," Article IV, "Electioneering," is hereby amended by repealing Sections 38-70 through 38-74, and replacing those sections with new Sections 38-70 through 38-74, to read as follows:

"Sec. 38-70. Definitions.

(a) *Early voting period* means:

- (1) The period for early voting by personal appearance as prescribed by the Texas Election Code or by other applicable state law.
- (2) If because of the date for which an election is ordered it is not possible to begin early voting by personal appearance on the prescribed date, the early voting period shall begin on the earliest date practicable after the prescribed date as set by the authority ordering the election.

- (b) *Electioneering* means the posting, use, or distribution of political signs, literature, or material.
- (c) *Post* or *Posting* means to display a sign by attaching or affixing it to a surface or staking it into the ground. T-posts are not allowed on any City-owned or -controlled property.
- (d) *Prohibited area* means the area within which Texas Election Code § 85.036(a), as amended, prohibits electioneering during the time an early voting place or election day voting place is open for the conduct of early voting or election day voting, respectively.
- (e) *Voting period* means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later, on election day and any day in an early voting period. The period for a run-off election shall be considered to be a separate voting period.

Sec. 38-71. Purpose and Scope.

- (a) It is the purpose of this article:
 - (1) To provide reasonable regulations for electioneering on City-owned or -controlled public property when such property is used as a polling place location during a voting period.
 - (2) To establish an electioneering-free zone, within one hundred feet (100') of any outside door through which a voter may enter a city building containing a polling place during any voting period, against persons electioneering for or against any candidate, measure, or political party.
 - (3) To prevent damage to public property and to ensure that a polling place location is sufficiently available during a voting period for those who use the facilities other than for election purposes.
 - (4) To protect the public health, safety, and welfare of the City.
 - (5) To protect the voter and the integrity of the election process.
- (b) The provisions of this article shall not be construed in violation of any city ordinance, state or federal statute, or other applicable law.

Sec. 38-72. Administration.

The provisions of this article shall be administered and enforced by the city secretary, a designated election officer, a code enforcement official, or any law enforcement official.

Sec. 38-73. Prohibited Activities and Conduct.

- (a) It shall be unlawful for any person to post a sign during any voting period within a prohibited area on City-owned or -controlled property that is used as a polling place location.
- (b) It shall be unlawful for any person to post a sign on City-owned or -controlled property that is used as a polling place location **other than** during the period beginning twenty-four (24) hours before any voting period begins and ending twenty-four (24) hours after a voting period ends.

- (c) It shall be unlawful for any person to engage in electioneering during any voting period, within a prohibited area on City-owned or -controlled property that is used as a polling place location.
- (d) It shall be unlawful for any person to park or leave a motor vehicle or other vehicle or device customarily used for transportation, with or without an occupant, which displays a sign **during any voting period** within a prohibited area on a City-owned or -controlled property that is used as a polling place is location.
- (e) Signs shall be limited to two-foot by two-foot (2' x 2') signs at each City-owned or -controlled property that is used as a polling place location.
- (f) Tents, awnings, shelters, booths, and tables are not permitted on any City-owned or -controlled property that is used as a polling place location during any voting period unless otherwise authorized by the City Manager.
- (g) Megaphones shall not be permitted within 1,000 feet of any City-owned or -controlled polling place location during any voting period.
- (h) All electioneering shall comply with applicable local, state, and federal election laws.
- (i) The following regulations, adopted for the health, safety, and welfare of the City's residents, shall apply to any person who engages in electioneering outside of a prohibited area during any voting period:
 - (1) It shall be unlawful for any person to engage in electioneering on any driveway of a City-owned or -controlled polling place location or in any area that the Fire Chief or his/her designee determines is unsafe for electioneering or interferes with patrons or City employees and staff who use the areas other than for election purposes.
 - (2) It shall be unlawful to obstruct firefighting or police activities on City-owned or -controlled property.
 - (3) The regulations set forth in this section shall not apply to any City-authorized signs, literature, materials, or other messages on City-owned or -controlled property.

Sec. 38-74. Penalty.

- (a) Any person who violates any provision or term of this article shall be deemed guilty of a Class C misdemeanor and, upon conviction, shall be punished by a fine not to exceed the sum of \$500.00 for each offense, and each and every day such violation occurs or continues shall be deemed to constitute a separate offense. Allegation and evidence of a culpable mental state is not required for proof of any offense defined by this article.
- (b) In addition to the imposition of any criminal penalty, the City, without prior notification, may remove or dispose of any sign, in its entirety, which is located or placed in violation of this Ordinance."

Section 3. The Code of Ordinances of the City of McKinney, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 4. Any provision of any prior ordinance of the City, whether codified or uncoded, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

- Section 5. It is the intention of the City Council that each phrase, clause, sentence, paragraph and section of this Ordinance is severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or void by any court of competent jurisdiction, such determination shall not affect any remaining phrase, clause, sentence, paragraph or section, since the same would have been enacted by the City Council without incorporating into this Ordinance such unconstitutional or void phrase, clause, sentence, paragraph or section.
- Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney following the City Council's adoption hereof as provided by law.
- Section 7. This Ordinance shall become effective immediately from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, ON THE 1st DAY OF MAY, 2018.**

CITY OF McKinney, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

ORDINANCE NO. 2018-05-_____

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WHEREAS, the City Council now desires to amend the City's Code of Ordinances and establish certain rules and regulations that will govern the time, place, and manner of electioneering within the City; and

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(2) If because of the date for which an election is ordered it is not possible to begin early voting by personal appearance on the prescribed date, the early voting period shall begin on the earliest date practicable after the prescribed date as set by the authority ordering the election.

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- (b) Electioneering means the posting, use, or distribution of political signs, literature, or material.
- (c) Post or Posting means to display a sign,by attaching or affixing it to a surface,or staking it into the ground. T-posts are not allowed on any City-owned or -controlled property.
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Posting period means:¶
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The period during which political signs may be placed at any City-owned or -controlled polling location, i.e., placement beginning twenty-four (24) hours before an early voting period begins and removal no later than twenty-four (24) hours after an early voting period closes.¶
¶
The period during which political signs may be placed at any City-owned or -controlled polling location, i.e., placement beginning twenty-four (24) hours before election day voting begins and removal no later than twenty-four (24) hours after election day voting closes.¶

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 - (3) To prevent damage to public property and to ensure that a polling place location is sufficiently available during a voting period for those who use the facilities other than for election purposes.
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- (d) It shall be unlawful for any person to park or leave a motor vehicle or other vehicle or device customarily used for transportation, with or without an occupant, which displays a sign during any voting period, within a prohibited area on a City-owned or -controlled property that is used as a polling place is location.
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- (a) Any person who violates any provision or term of this article shall be deemed guilty of a Class C misdemeanor and, upon conviction, shall be punished by a fine not to exceed the sum of \$500.00 for each offense, and each and every day such violation occurs or continues shall be deemed to constitute a separate offense. Allegation and evidence of a culpable mental state is not required for proof of any offense defined by this article.
- (b) In addition to the imposition of any criminal penalty, the City, without prior notification, may remove or dispose of any sign, in its entirety, which is located or placed in violation of this Ordinance."

Section 3. The Code of Ordinances of the City of McKinney, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 4. Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

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Deleted: <#>Within the Prohibited Area, i.e., within one hundred feet (100') of an outside door through which a voter may enter a City-owned or -controlled property in which a polling place is located, as more fully depicted in the attached Exhibit A; or ¶

<#>¶
<#>Within, on or at a polling place location that is City-owned or -controlled. ¶

<#>¶
<#>Within the Designated Area for Electioneering only, political signs

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- Section 5. It is the intention of the City Council that each phrase, clause, sentence, paragraph and section of this Ordinance is severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or void by any court of competent jurisdiction, such determination shall not affect any remaining phrase, clause, sentence, paragraph or section, since the same would have been enacted by the City Council without incorporating into this Ordinance such unconstitutional or void phrase, clause, sentence, paragraph or section.
- Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney following the City Council's adoption hereof as provided by law.
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DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, ON THE 1 DAY OF 1, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

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

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

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EXHIBIT A¶

Front Door

100 Ft Buffer

No Designated Area

Parcel

0 50 100 Feet

McKINNEY TEXAS

Unique by nature.™

City of McKinney

222 N

DISCLAIMER: This map and information contained in it were developed exclusively for the City of McKinney and are not to be used for any other purpose without the written consent of the City of McKinney. The City of McKinney is not responsible for any errors or omissions in this map or information.

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