

CITY COUNCIL REGULAR MEETING

MARCH 5, 2019

The City Council of the City of McKinney, Texas met in regular session in the McKinney City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on March 5, 2019 at 6:00 p.m.

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

City of McKinney Staff Present: City Manager Paul Grimes, Deputy City Manager Jose Madrigal, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, City Attorney Mark Houser, Assistant to the City Manager Trevor Minyard, Director of Engineering Gary Graham, Director of Planning Jennifer Arnold, Assistant Director of Public Works Paul Sparkman, Facilities Construction Manager Patricia Jackson, Director of Parks & Recreation Michael Kowski, Chief Financial Officer Mark Holloway, Director of Libraries Spencer Smith, Human Resources Analyst Olivia Nahas, and City Secretary Empress Drane.

There were approximately 20 guests present.

Mayor Fuller called the meeting to order at 6:00 p.m. upon determining a quorum of the Council was present.

Mayor Fuller called for the Invocation and recital of the Pledge of Allegiance.

The Invocation was given by Avery Figueroa of Cornerstone Ranch. The Pledge of Allegiance was led by Adam Eck of Cornerstone Ranch.

Mayor Fuller called for the following Information Sharing Items:

19-0185 Proclamation for National Developmental Disabilities Awareness Month

Mayor Fuller was joined by Avery Figueroa, Adam Eck, and Jayme Bajula of Cornerstone Ranch for the reading of the proclamation recognizing the issues related to developmental disabilities and the value to society that individuals with developmental disabilities contribute, and to encourage the public to recognize and honor the efforts of affected individuals and their supportive community. The group stood with Mayor Fuller, Council Members and City Manager Grimes for photos after the reading.

19-0186 Proclamation for Shriners Hospitals for Children and IHOP "Flip it Forward for Kids" Free Pancake Day. Mayor Fuller read the proclamation recognizing the partnership of IHOP and Shriners Hospital for Children to fundraise in support of children with serious injuries and disabilities through the IHOP "Flip it Forward for Kids" Free Pancake Day on March 12, 2019, in which donations would be accepted for the cause at participating IHOP locations. Mayor Fuller said he looked forward to the event and encouraged the public to participate as well.

19-0187 Proclamation for the McKinney Parks Foundation.

Mayor Fuller was joined by McKinney Parks Foundation members Rick Moreno and Greg Smith for the reading of the proclamation recognizing the 2017 establishment of the Foundation as a strategic partner of the City in support of the 2017 Parks, Recreation, Open Space, Trails and Streetscape Master Plan; and the efforts of the non-profit organization of volunteers to support the beautification of parks and open space, promote community involvement, secure grants and funds, and provide education about the wonderful natural spaces in McKinney. Mr. Moreno thanked the City Council and Parks & Recreation department for the recognition, encouraged the public to visit the Foundation website (www.mckinneyparksfoundation.org) and extended an invitation for volunteers to serve with the Foundation.

Mayor Fuller called for Citizen Comments.

Council Member Philips recognized Ruth Thompson, Founder and Manager of Hugs Café at 224 E. Virginia St, McKinney. The café employs adults with disabilities. Council Member Philips acknowledged her advocacy and support of National Disabilities Awareness Month and adults with disabilities. Mayor Fuller also thanked Mrs. Thompson for her efforts and service, relating a positive experience he had while dining at Hugs Café.

The following individuals spoke regarding Agenda Item #19-0195 Resolution Establishing a McKinney Community Internship Program for the Summer of 2019:

Siotha Vest, 2801 Woodson Drive, McKinney 75072

Jimmy Teeling, 3704 Landsdowne Drive, McKinney 75070

Mayor Fuller called for action on the Consent Agenda.

Mayor Pro Tem Rath and Council Member Shemwell requested Agenda Item #19-0195 (Resolution Establishing a McKinney Community Internship Program for the Summer of 2019) be pulled from the Consent Agenda for individual discussion, consideration, and action.

Council unanimously approved the motion by Council Member Branch, seconded by Council Member Shemwell, to approve the following Consent items:

- 19-0188** Minutes of the City Council / McKinney Independent School District Board of Trustees Joint Meeting of February 11, 2019
- 19-0189** Minutes of the City Council Work Session of February 19, 2019
- 19-0190** Minutes of the City Council Regular Meeting of February 19, 2019
- 19-0144** Minutes of the McKinney Economic Development Corporation Meeting of January 15, 2019
- 19-0101** Minutes of the Planning and Zoning Commission Regular Meeting of January 22, 2019
- 19-0191** Consider/Discuss/Act on an Ordinance Establishing a Reduced Speed School Zone and Crosswalk for Elliot Elementary along Silverado Trail at Brookstone Drive. Ordinance caption reads as follows:

ORDINANCE NO. 2019-03-016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ESTABLISHING A REDUCED SPEED SCHOOL ZONE AND CROSSWALK FOR ELLIOT ELEMENTARY ALONG SILVERADO TRAIL AT BROOKSTONE DRIVE IN MCKINNEY, TEXAS; AMENDING THE CODE OF ORDINANCES, CITY OF MCKINNEY, TEXAS; PROVIDING FOR PUBLICATION OF THE CAPTION OF THE ORDINANCE, EFFECTIVE DATE HEREOF AND A PENALTY CLAUSE

- 19-0192** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Supplemental Agreement with Burns & McDonnell Engineering Company, Inc. for Professional Engineering Design Services for the Bloomdale Road Extension Project from Hardin Boulevard to Community Avenue (ST4227). Resolution caption reads as follows:

RESOLUTION NO. 2019-03-021 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH BURNS & MCDONNELL ENGINEERING COMPANY, INC. FOR ADDITIONAL ENGINEERING

DESIGN SERVICES FOR THE BLOOMDALE ROAD EXTENSION PROJECT FROM HARDIN BOULEVARD TO COMMUNITY AVENUE FOR AN INCREASE IN THE NOT TO EXCEED FEE FROM \$800,000 TO A TOTAL AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY ADDITIONAL SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$875,000

- 19-0193** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Civil Consulting Group, PLLC to Provide Consulting Engineering Services for the CO4238 - Town Center Infrastructure Improvements Project and Authorizing Any Supplemental Agreements. Resolution caption reads as follows:

RESOLUTION NO. 2019-03-022 (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 \$608,632.26 WITH CIVIL CONSULTING GROUP, PLLC FOR CONSULTING ENGINEERING SERVICES FOR PROJECT CO4238 - TOWN CENTER INFRASTRUCTURE IMPROVEMENTS AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$670,000

- 19-0194** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Clarion Associates for Professional Services to be Provided in Support of an Update to the City's Development Regulations. Resolution caption reads as follows:

RESOLUTION NO. 2019-03-023 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CLARION ASSOCIATES FOR PROFESSIONAL SERVICES IN SUPPORT OF AN UPDATE TO THE CITY'S DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE

- 19-0196** Consider/Discuss/Act on an Updated Resolution Authorizing the Application and Acceptance, if Awarded, of a Texas Parks & Wildlife Grant for the Construction of the Gabe Nesbitt Tennis Center Indoor Complex Project at 3253 Alma Road. Resolution caption reads as follows:

RESOLUTION NO. 2019-03-025 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY AND ACCEPT, IF AWARDED, A TEXAS PARKS & WILDLIFE GRANT FOR THE CONSTRUCTION OF THE GABE NESBITT TENNIS CENTER INDOOR COMPLEX PROJECT AT 3253 ALMA ROAD; AND PROVIDING AN EFFECTIVE DATE

Mayor Fuller called for discussion of the item pulled from the Consent Agenda.

- 19-0195** Consider/Discuss/Act on a Resolution Establishing a McKinney Community Internship Program for the Summer of 2019. Assistant to the City Manager Trevor Minyard and McKinney resident Jimmy Teeling answered questions by Council concerning the intent of the program and barriers to participation affecting those excluded by the proposed program eligibility requirements. Council discussed how to include potential candidates who are “high school aged” but not public school students, such as homeschool students and early graduates; potential human resource issues related to establishing age restrictions or ranges for program participants; and inviting an overwhelming pool of candidates by expanding eligibility to college students.

Council unanimously approved the motion by Council Member Rogers, seconded by Council Member Shemwell, to approve the Resolution Establishing a McKinney Community Internship Program for the Summer of 2019, with the following inclusions by Council: “The City Manager shall endeavor to provide student internships to residents of McKinney, Texas who are full-time high school students, or full-time college students, generally under the age of 19, but not exclusively thereto.” Resolution caption reads as follows:

RESOLUTION NO. 2019-03-024 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ESTABLISH A COMMUNITY STUDENT INTERNSHIP PROGRAM FOR THE SUMMER OF 2019; AND PROVIDING AN EFFECTIVE DATE

Mayor Fuller called for the remaining regular agenda items:

- 18-0152Z3** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS 84" - Single Family Residence District to "SO" Suburban Office District, Located Approximately 160 Feet East of Redbud Boulevard and on the South Side of Hunt Street, and Accompanying Ordinance. Director of Planning Jennifer Arnold stated the properties in the surrounding area of the subject property are already zoned

for commercial use, the rezoning of the subject property would be consistent with the rest of the block and would allow for the development of office uses at a suburban scale. The Planning & Zoning Commission and City staff support the request. Bruce Geer of Geer Surveying & Engineering, 1101 W. Hwy 380, McKinney 75069 was present in support of the request. Mr. Geer's company completed the survey of the property and he stated an office building was intended for the property. There were no other requests to speak at the Public Hearing.

Council unanimously approved the motion by Mayor Pro Tem Rath, seconded by Council Member Branch, to close the public hearing and approve the Request to Rezone the Subject Property from "RS 84" - Single Family Residence District to "SO" Suburban Office District, Located Approximately 160 Feet East of Redbud Boulevard and on the South Side of Hunt Street. Ordinance caption reads as follows:

ORDINANCE NO. 2019-03-017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.47 ACRE PROPERTY, APPROXIMATELY 160 FEET EAST OF REDBUD BOULEVARD AND ON THE SOUTH SIDE OF HUNT STREET, IS REZONED FROM "RS 84" – SINGLE FAMILY RESIDENCE DISTRICT TO "SO" – SUBURBAN OFFICE 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
RESOLUTIONS

- 19-0197** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract Amendment to the Construction Manager at Risk (CMAR) Services Contract with Pogue Construction Company, LP of McKinney, Texas for a Guaranteed Maximum Price (GMP) Related to the John and Judy Gay Library Expansion & Renovation (JJGLE&R) Located at 6861 W. Eldorado Parkway, McKinney, Texas 75070. Facilities Construction Manager Patricia Jackson requested approval of the contract amendment to allow for expansion of the library and additional parking

spaces, doubling the public space, adding an outdoor teaching space, and a teen phase of the facility.

Council unanimously approved the motion by Council Member Elliott, seconded by Council Member Rogers, to approve the Resolution Authorizing the City Manager to Execute a Contract Amendment to the Construction Manager at Risk (CMAR) Services Contract with Pogue Construction Company, LP of McKinney, Texas for a Guaranteed Maximum Price (GMP) Related to the John and Judy Gay Library Expansion & Renovation (JJGLE&R) Located at 6861 W. Eldorado Parkway, McKinney, Texas 75070. Resolution caption reads as follows:

RESOLUTION NO. 2019-03-026 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH POGUE CONSTRUCTION COMPANY, LP OF MCKINNEY, TEXAS WITH A GUARANTEED MAXIMUM PRICE (GMP) FOR CONSTRUCTION MANAGER AT RISK SERVICES ASSOCIATED WITH THE JOHN AND JUDY GAY LIBRARY EXPANSION & RENOVATION (JJGLE&R) PROJECT LOCATED AT 6861 W. ELDORADO PARKWAY, MCKINNEY, TEXAS 75070

19-0198 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Professional Service Industries (PSI) for the Construction Materials Testing and Observation Services Related to the John and Judy Gay Expansion & Renovation Project Located at 6861 W. Eldorado Parkway, McKinney, Texas 75070. Facilities Construction Manager Patricia Jackson stated PSI is one of five consultants selected by the City of McKinney through a Request for Quotation (RFQ) process to contract for the listed types of services.

Council unanimously approved the motion by Council Member Branch, seconded by Council Member Rogers, to approve the Resolution Authorizing the City Manager to Execute a Contract with Professional Service Industries (PSI) for the Construction Materials Testing and Observation Services Related to the John and Judy Gay Expansion & Renovation Project Located at 6861 W. Eldorado Parkway, McKinney, Texas 75070. Resolution caption reads as follows:

RESOLUTION NO. 2019-03-027 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A

**CONTRACT WITH PROFESSIONAL SERVICE INDUSTRIES, INC. (PSI)
FOR CONSTRUCTION MATERIALS TESTING AND OBSERVATION
SERVICES ASSOCIATED WITH THE JOHN AND JUDY GAY LIBRARY
EXPANSION AND RENOVATION PROJECT (LI1609) LOCATED AT
6861 W. ELDORADO PARKWAY, MCKINNEY, TEXAS 75070**

- 19-0199** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with MSB Constructors, Inc. for Construction Services Related to the McKinney Public Works Restrooms as Part of the Accessibility Improvements for Facilities Projects (FC2239) located at 1550 S. College Street, McKinney, Texas 75069. Facilities Construction Manager Patricia Jackson stated the current Parks Maintenance facility features a single restroom to accommodate more than 50 workers. The approved project would expand the accommodations to include additional water closets, urinals and lavatories.

Council unanimously approved the motion by Mayor Pro Tem Rath, seconded by Council Member Rogers, to approve the Resolution Authorizing the City Manager to Execute a Contract with MSB Constructors, Inc. for Construction Services Related to the McKinney Public Works Restrooms as Part of the Accessibility Improvements for Facilities Projects (FC2239) located at 1550 S. College Street, McKinney, Texas 75069. Resolution caption reads as follows:

RESOLUTION NO. 2019-03-028 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH MSB CONSTRUCTORS, INC. (MSB) FOR CONSTRUCTION SERVICES ASSOCIATED WITH THE PUBLIC WORKS RESTROOM PROJECTS LOCATED AT 1550 S. COLLEGE STREET, BUILDING A AND BUILDING B, MCKINNEY, TEXAS 75069

Mayor Fuller again called for Citizen Comments. There were no speakers.

Mayor Fuller called for Council and Manager comments.

Council Member Philips thanked City Manager Grimes for his attention and response to addressing sidewalk repair needs near the senior parking lot at First Methodist Church. Council Member also described Mayor Fuller as the “hardest working Mayor in the state of Texas.” Commenting on his recent trip to Austin with Mayor Fuller and the Mayor’s efforts of working on behalf of the good people of McKinney. Council Member Rogers added Mayor Fuller was also voted by other mayors to represent them.

Council Member Elliott announced the election of Ken Sipiora by the McKinney Economic Development Corporation (MEDC) to serve as board Chairman and Paul Merritt continuing his service as board Vice Chair. Mr. Elliott welcomed new board member Dr. Gere' Feltus who was appointed to MEDC on March 4, 2019.

Mayor Pro Tem Rath echoed the sentiments of Council Member Philips crediting the hard work of Mayor Fuller and noting his efforts to achieve "real tax relief" for McKinney citizens.

Council Members Rogers, Shemwell, Branch

City Manager Paul Grimes announced Spring Break activities: day camps at Old Settler's Recreation Center and the Apex Centre, Super Hero Academy at the libraries; announced athletics facilities roofing construction underway at Gabe Nesbitt concessions and bleacher pavilion and 7 other park pavilions and thanked the public for patiently awaiting the improvements at those facilities.

Mayor Fuller thank Council Members for the kind words about him and thanked Council Member Philips for his attendance at the State Capitol in the previous week advocating for McKinney as well. Mayor Fuller stated freezing temperatures affected attendance at the Krewe of Barkus event at downtown McKinney but those attended had fun. Mayor Fuller thanked the TUPPS Brewery and Sicily's Pizza establishments for recently hosting community events and collectively raising more than \$60,000 in support of an ill McKinney Police Officer. Mayor Fuller also expressed gratitude Collin County Judge Chris Hill for speaking kindly of the City of McKinney as one of the many cities contributing to the success of Collin County.

At 7:01 p.m., Mayor Fuller adjourned the meeting following the unanimous Council vote of motion to adjourn by Council Member Shemwell, seconded by Council Member Philips.

GEORGE C. FULLER, Mayor

ATTEST:

EMPRESS DRANE, City Secretary