

CITY COUNCIL REGULAR MEETING

DECEMBER 5, 2023

The City Council of the City of McKinney, Texas met in regular session in the City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, December 5, 2023 at 6:00 p.m.

The meeting was broadcast live on cable television Spectrum Channel 16 and AT&T U-Verse Channel 99; and online at <https://mckinneytx.new.swagit.com/views/130>. A video recording of the meeting is available to members of the public through the City of McKinney meeting archive.

Mayor George Fuller called the meeting to order at 6:41 p.m. upon determining a quorum of the City Council consisting of himself and the following members present: Mayor Pro Tem Charlie Philips; and Councilmembers Justin Beller, Patrick Cloutier, Geré Feltus, Rick Franklin, and Michael Jones.

The following City of McKinney staff were present: City Manager, Paul Grimes; Assistant City Managers Kim Flom, Barry Shelton and Steve Tilton; City Attorney, Mark Houser; City Secretary, Empress Drane; Director of Planning, Jennifer Arnold; Director of Engineering, Gary Graham; Fire Chief, Paul Dow; Assistant Fire Chiefs, Jim Floyd, Sean Stephens and Chris Lowry; Deputy City Secretary, Tenitrus Bethel; Grants Program Manager, Elena Berg; Fire Public Information & Education Coordinator, Merit Ossian; Fire Fighter, Chris Muscle; Fire Driver, Chris Waller; Community Services Administrator, Shirletta Best; and Police Officer, Kevin Lauppe.

There were approximately twenty (20) members of the public present including Planning and Zoning Commissioner Charles Wattle and Cardiac Arrest survivor Ms. Kirby.

Mayor Fuller called for the invocation given by Assistant Fire Chief Lowry. Following the invocation those in attendance recited the Texas State Pledge and the Pledge of Allegiance led by Girl Scout Troop #6946.

Mayor Fuller called for Information Sharing Items:

23-0970 Presentation of Cardiac Arrest Survivors Board

23-0971 Proclamation for Lead By Example Non-Profit Organization Third Year of Service

Mayor Fuller called for Public Comments on agenda items for Non-Public Hearing Items as well as matters not on the agenda.

Jason Yount, 1012 Woodcliff Dr, McKinney, TX, addressed the Council regarding the downtown requests for proposal.

Karl Sefcik, 5701 Virginia Pkwy, McKinney, TX, addressed the Council regarding the airport.

Paul Chabot, PO Box 6656, McKinney, TX, addressed the Council regarding integrity.

Brint Driggs, 3301 St. Pierre, McKinney, TX, addressed the Council regarding the Light the World Giving Machines.

Paul Ballesteros, 6508 Marvin Gardens, McKinney, TX, addressed the Council regarding homelessness.

Mark Martin, 1799 N. Graves St, McKinney, TX, addressed the Council regarding business assistance.

Mayor Fuller called for the Consent Agenda.

Councilmember Cloutier requested to pull the following Consent Agenda items for discussion: 23-0976, 23-0980, and 23-0981.

Council unanimously approved the motion by Mayor Pro Tem Philips, seconded by Councilmember Feltus, to approve the Consent Agenda excluding the following agenda items: 23-0976, 23-0980, and 23-0981.

Consent MINUTES

23-0972 Minutes of the City Council Work Session of November 7, 2023

23-0973 Minutes of the City Council Regular Meeting of November 7, 2023

23-0893 Minutes of the Historic Preservation Advisory Board Regular Meeting of October 5, 2023

23-0871 Minutes of the Library Advisory Board meeting of August 17, 2023

23-0939 Minutes of the Library Advisory Board Meeting of October 19, 2023

- 23-0888** Minutes of the McKinney Armed Services Memorial Board Meeting of October 11, 2023
- 23-0744** Minutes of the McKinney Economic Development Corporation Special Meeting of January 24, 2023
- 23-0742** Minutes of the McKinney Economic Development Corporation Meeting of August 15, 2023
- 23-0743** Minutes of the McKinney Economic Development Corporation Special Meeting of August 29, 2023
- 23-0848** Minutes of the McKinney Economic Development Corporation Meeting of September 19, 2023
- 23-0945** Minutes of the McKinney Economic Development Corporation Meeting of October 17, 2023
- 23-0829** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of September 14, 2023
- 23-0930** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of October 12, 2023
- 23-0897** Minutes of the Tax Increment Reinvestment Zone Number Two (TIRZ2) Board Meeting of March 7, 2023

Consent ORDINANCES

- 23-0974** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2023-2024 Annual Budget and the 2024-2028 Capital Improvements Program to Provide Funds for Project AI2114, Taxilane A Realignment and Rehabilitation Phase I; caption reads as follows:

ORDINANCE NO. 2023-12-079

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2023-2024 ANNUAL BUDGET AND THE 2024-2028 CAPITAL IMPROVEMENTS PROGRAM, TO PROVIDE FUNDING FOR PHASE I OF PROJECT AI2114, TAXILANE A REALIGNMENT & REHABILITATION; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 23-0975** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2023-2024 Annual Budget and Amending the 2024-2028 Capital Improvements

Program to Provide Funds for the City Safety Action Plan Project; caption reads as follows:

ORDINANCE NO. 2023-12-080

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE FISCAL YEAR 2023-2024 ANNUAL BUDGET AND 2024-2028 CAPITAL IMPROVEMENT PROGRAM TO PROVIDE FUNDS FOR THE CITY SAFETY ACTION PLAN PROJECT (ST2463); AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Consent RESOLUTIONS

23-0977 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept a Federal Grant from the United States Department of Transportation (USDOT) to develop a comprehensive Safety Action Plan through the Safe Streets and Roads for All (SS4A) Program; caption reads as follows:

RESOLUTION NO. 2023-12-163 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT A FEDERAL GRANT TO DEVELOP A COMPREHENSIVE SAFETY ACTION PLAN THROUGH THE SAFE STREETS AND ROADS FOR ALL (SS4A) GRANT PROGRAM

23-0978 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into an Agreement with the Regional Transportation Council for Award of Transportation Development Credits for Various Mobility Management and Preventative Maintenance Expenses Related to the Collin County Transit Program; caption reads as follows:

RESOLUTION NO. 2023-12-164 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE REGIONAL TRANSPORTATION COUNCIL FOR AWARD OF TRANSPORTATION DEVELOPMENT CREDITS FOR VARIOUS MOBILITY MANAGEMENT AND PREVENTATIVE MAINTENANCE EXPENSES RELATED TO THE COLLIN COUNTY TRANSIT PROGRAM

23-0979 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with F1RST Sports Academy LLC to Enhance Wellness Program and Mental Health Services for First Responders; caption reads as follows:

RESOLUTION NO. 2023-12-165 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH F1RST SPORTS ACADEMY LLC TO PROVIDE A COMPREHENSIVE A

WELLNESS PROGRAM AND MENTAL HEALTH SERVICES FOR FIRST RESPONDERS

- 23-0982** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with TEAM Consultants, Inc. for Materials Testing Services on the Virginia Street and Throckmorton Street Infrastructure Improvements (Municipal Complex) Project; caption reads as follows:

RESOLUTION NO. 2023-12-168 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 \$101,182.25 WITH TEAM CONSULTANTS, INC., FOR THE CONSTRUCTION OF THE VIRGINIA STREET AND THROCKMORTON STREET INFRASTRUCTURE IMPROVEMENTS (MUNICIPAL COMPLEX) PROJECT AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$112,000

- 23-0983** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Development Agreement for the Platting and Conveyance of Certain Land together with an Escrow Deposit and Chapter 380 Grant for the Rehabilitation of a Dam Structure with McKinney SH II, Ltd. and Raytheon Company; caption reads as follows:

RESOLUTION NO. 2023-12-169 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT FOR THE PLATTING AND CONVEYANCE OF CERTAIN LAND TOGETHER WITH A DEVELOPER ESCROW DEPOSIT AND CHAPTER 380 GRANT FOR THE REHABILITATION OF A DAM STRUCTURE WITH MCKINNEY SH II, LTD., AND RAYTHEON COMPANY

- 23-0984** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Grant Agreement with The Texas Department of Transportation for McKinney National Airport Project AI2114, Taxilane A Realignment and Rehabilitation; caption reads as follows:

RESOLUTION NO. 2023-12-170 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN CONTRACTS AND AGREEMENTS NECESSARY TO IMPLEMENT THE MCKINNEY NATIONAL AIRPORT PROJECT AI2114, THE TAXILANE A REALIGNMENT & REHABILITATION PHASE I; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 23-0985** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with LJA Engineering of

McKinney, Texas, for Landscape Architectural and Engineering Services Related to the Design of the Wilson Creek Greens Trail Phase 2; caption reads as follows:

RESOLUTION NO. 2023-12-171 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH LJA ENGINEERING, INC. OF MCKINNEY, TEXAS FOR LANDSCAPE ARCHITECTURE AND ENGINEERING SERVICES RELATED TO THE DESIGN OF THE WILSON CREEK GREENS TRAIL PHASE 2

23-0986 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Roadway Impact Fee Reimbursement Agreement with Eastgroup Properties, LP, for the Construction of Portions of Collin McKinney Parkway and Hardin Boulevard and Dedication of Right-of-Way, Serving an Approximately 27.64 Acre Industrial Development (McKinney 121), Generally Located on the North Side of Collin McKinney Parkway and the West Side of Hardin Boulevard; caption reads as follows:

RESOLUTION NO. 2023-12-172 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A ROADWAY IMPACT FEE REIMBURSEMENT AGREEMENT WITH EASTGROUP PROPERTIES, LP, FOR THE CONSTRUCTION OF PORTIONS OF COLLIN MCKINNEY PARKWAY AND HARDIN BOULEVARD AND DEDICATION OF RIGHT-OF-WAY, SERVING AN APPROXIMATELY 27.64 ACRE INDUSTRIAL DEVELOPMENT (MCKINNEY 121), GENERALLY LOCATED ON THE NORTH SIDE OF COLLIN MCKINNEY PARKWAY AND THE WEST SIDE OF HARDIN BOULEVARD

23-0987 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Supplemental Agreement with Kleinfelder, Inc. for Materials Testing Services for the Wilmeth Road (Lake Forest Drive to Hardin Boulevard) Project; caption reads as follows:

RESOLUTION NO. 2023-12-173 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH KLEINFELDER, INC. FOR ADDITIONAL MATERIALS TESTING SERVICES FOR THE WILMETH ROAD (LAKE FOREST DRIVE TO HARDIN BOULEVARD) PROJECT (ST1719) FOR AN INCREASE IN THE NOT TO EXCEED FEE FROM \$195,000 TO A TOTAL AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY ADDITIONAL SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$240,000

23-0988 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Interlocal Cooperation Agreement among North Texas

Municipal Water District, the City of McKinney, and Collin County for the
Conveyance of Real Property; caption reads as follows:

RESOLUTION NO. 2023-12-174 R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS,
AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL
COOPERATION AGREEMENT AMONG NORTH TEXAS MUNICIPAL WATER
DISTRICT, THE CITY OF MCKINNEY, AND COLLIN COUNTY FOR THE
CONVEYANCE OF REAL PROPERTY**

23-0989 Consider/Discuss/Act on a Resolution of the City of McKinney, Texas,
Finding That Coserv Gas, Ltd.'s Statement of Intent to Increase Rates
Within the City Should Be Denied; Finding That the City's Reasonable Rate
Case Expenses Shall Be Reimbursed by the Company; Finding That the
Meeting at Which This Resolution Is Passed Is Open to the Public as
Required by Law; Requiring Notice of This Resolution to the Company and
the City's Legal Counsel; caption reads as follows:

RESOLUTION NO. 2023-12-175 R

**A RESOLUTION OF THE CITY OF MCKINNEY, TEXAS FINDING THAT
COSERV GAS, LTD.'S STATEMENT OF INTENT TO INCREASE RATES
WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S
REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE
COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS
PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING
NOTICE OF THIS RESOLUTION TO THE COMPANY AND THE CITY'S LEGAL
COUNSEL**

Consent MISCELLANEOUS

23-0002CP2 Consider/Discuss/Act on a Concept Plan for Bloomdale 140 Townhomes,
Located on the East Side of Future Hardin Boulevard and Approximately
300 Feet North of Bloomdale Road

Council discussed the following Consent Agenda items:

23-0976 Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2023-
2024 Annual Budget and Amending the 2024-2028 Capital Improvements
Program, to Provide Funds for the Lower 5 Plaza Design (PK2234)

Council approved the motion by Mayor Fuller, seconded by Councilmember Jones,
to approve an Ordinance Amending the Fiscal Year 2023-2024 Annual Budget and
Amending the 2024-2028 Capital Improvements Program, to Provide Funds for the Lower

5 Plaza Design (PK2234) with a vote of 5 - 2 – 0. Councilmembers Beller and Cloutier opposed; caption reads as follows:

ORDINANCE NO. 2023-12-081

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE FISCAL YEAR 2023-2024 ANNUAL BUDGET AND 2024-2028 CAPITAL IMPROVEMENT PROGRAM TO PROVIDE FUNDS FOR THE LOWER 5 PLAZA (PK2234); AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

23-0980 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Kimley-Horn and Associates, Inc. for Professional Engineering Design Services for the Lower 5 Plaza Infrastructure Improvements Project and Authorizing Any Necessary Supplemental Agreements

Council approved the motion by Mayor Fuller, seconded by Councilmember Jones, to approve a Resolution Authorizing the City Manager to Execute a Contract with Kimley-Horn and Associates, Inc. for Professional Engineering Design Services for the Lower 5 Plaza Infrastructure Improvements Project and Authorizing Any Necessary Supplemental Agreements with a vote of 5 - 2 – 0. Councilmembers Beller and Cloutier opposed; caption reads as follows:

RESOLUTION NO. 2023-12-166 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 \$435,000 WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ENGINEERING DESIGN SERVICES FOR THE LOWER 5 PLAZA INFRASTRUCTURE IMPROVEMENTS PROJECT (ST2234) AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$475,000

23-0981 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Kimley-Horn and Associates, Inc. for Professional Engineering Design Services for the Lower 5 Plaza Park Improvements Project and Authorizing Any Necessary Supplemental Agreements

Council approved the motion by Mayor Pro Tem Philips, seconded by Councilmember Feltus, to approve a Resolution Authorizing the City Manager to Execute a Contract with Kimley-Horn and Associates, Inc. for Professional Engineering Design Services for the Lower 5 Plaza Park Improvements Project and Authorizing Any

Necessary Supplemental Agreements with a vote of 5 - 2 – 0. Councilmembers Beller and Cloutier opposed; caption reads as follows:

RESOLUTION NO. 2023-12-167 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 \$225,000 WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ENGINEERING DESIGN SERVICES FOR THE LOWER 5 PLAZA PARK IMPROVEMENTS PROJECT (PK2234) AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$250,000

Mayor Fuller called for Regular Agenda and Public Hearing Items

- 23-0990** Conduct a Public Hearing to Consider/Discuss on an Update of the Community Development Block Grant (CDBG) Consolidated Annual Performance Evaluation Report (CAPER), Program Year 2022-23
- 23-0063Z5** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "C" - Planned Center District to "LI" - Light Industrial District, Located at 3200 North Central Expressway, and Accompanying Ordinance

Council unanimously approved the motion by Mayor Pro Tem Philips, seconded by Councilmember Cloutier, to approve a Request to Rezone the Subject Property from "C" - Planned Center District to "LI" - Light Industrial District, Located at 3200 North Central Expressway, and Accompanying Ordinance; approved with Council specified uses; caption reads as follows:

ORDINANCE NO. 2023-12-082

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 18.78 ACRE PROPERTY, LOCATED 3200 NORTH CENTRAL EXPRESSWAY, IS REZONED FROM "C" – PLANNED CENTER DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS AND ALLOW FOR LIGHT INDUSTRIAL USES; 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

The revised ordinance for this item is included in these minutes as *Appendix A: Ordinance 2023-12-082*.

- 23-0991** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with DDM Construction Corporation, for the Construction of the Virginia Street and Throckmorton Street Infrastructure Improvements (Municipal Complex) Project

Council unanimously approved the motion by Mayor Pro Tem Philips, seconded by Councilmember Franklin, to approve a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with DDM Construction Corporation, for the Construction of the Virginia Street and Throckmorton Street Infrastructure Improvements (Municipal Complex) Project; caption reads as follows:

RESOLUTION NO. 2023-12-176 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 \$9,274,378.48 WITH DDM CONSTRUCTION CORPORATION, FOR THE CONSTRUCTION OF THE VIRGINIA STREET AND THROCKMORTON STREET INFRASTRUCTURE IMPROVEMENTS (MUNICIPAL COMPLEX) PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$10,650,000

- 23-0992** Consider/Discuss/Act on a Resolution Authorizing the Sale of Three Tracts of Land Totaling Approximately 29.215 Acres of Land as More Particularly Described Hereinafter, Consisting of Approximately 8.695 Acres of Land Located North of Old Mill Road West of its Intersection with County Road 317 (Tract I), Approximately 11.142 Acres of Land Located South of Farm to Market Road 546 at its Intersection with County Road 317 (Tract II), and Approximately 9.378 Acres of Land Located at the Northwest Quadrant of Farm to Market Road 546 and County Road 722 (Tract III) to the State of Texas for the Construction of the Spur 399 Project; and Authorizing the City Manager to Execute Deeds and Documents Regarding the Sale of Said City-Owned Property to the State of Texas

Council unanimously approved the motion by Councilmember Feltus, seconded by Councilmember Jones, to approve a Resolution Authorizing the Sale of Three Tracts of Land Totaling Approximately 29.215 Acres of Land as More Particularly Described Hereinafter, Consisting of Approximately 8.695 Acres of

Land Located North of Old Mill Road West of its Intersection with County Road 317 (Tract I), Approximately 11.142 Acres of Land Located South of Farm to Market Road 546 at its Intersection with County Road 317 (Tract II), and Approximately 9.378 Acres of Land Located at the Northwest Quadrant of Farm to Market Road 546 and County Road 722 (Tract III) to the State of Texas for the Construction of the Spur 399 Project; and Authorizing the City Manager to Execute Deeds and Documents Regarding the Sale of Said City-Owned Property to the State of Texas; caption reads as follows:

RESOLUTION NO. 2023-12-177 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE SALE OF THREE TRACTS OF LAND TOTALING APPROXIMATELY 29.215 ACRES OF LAND AS MORE PARTICULARLY DESCRIBED HEREINAFTER, CONSISTING OF APPROXIMATELY 8.695 ACRES OF LAND LOCATED NORTH OF OLD MILL ROAD WEST OF ITS INTERSECTION WITH COUNTY ROAD 317 (TRACT I), APPROXIMATELY 11.142 ACRES OF LAND LOCATED SOUTH OF FARM TO MARKET ROAD 546 AT ITS INTERSECTION WITH COUNTY ROAD 317 (TRACT II), AND APPROXIMATELY 9.378 ACRES OF LAND LOCATED AT THE NORTHWEST QUADRANT OF FARM TO MARKET ROAD 546 AND COUNTY ROAD 722 (TRACT III) TO THE STATE OF TEXAS FOR THE CONSTRUCTION OF ITS SPUR 399 PROJECT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE DEEDS AND DOCUMENTS REGARDING THE SALE OF SAID CITYOWNED PROPERTY TO THE STATE OF TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

23-0996 Consider/Discuss/Act on Adoption of a Resolution Determining a Public Necessity to Acquire Property Easement Rights for Public Use by Eminent Domain for a Water Line Easement and a Temporary Construction Easement associated with the Independence Parkway 24 Inch Water Line Project (WA0210) which Property is Located on US 380/W. University Drive, West of Custer Road and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions

23-0997 Consider/Discuss/Act on Adoption of a Resolution Determining a Public Necessity to Acquire Property Easement Rights for Public Use by Eminent Domain for a Water Line Easement and a Temporary Construction Easement associated with the Independence Parkway 24 Inch Water Line Project (WA0210) which Property is Located North of the Terminus of

Independence Parkway at Virginia Parkway and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions

Council unanimously approved the motion by Councilmember Cloutier, seconded by Mayor Pro Tem Philips, to Table Indefinitely 23-0966 Consider/Discuss/Act on Adoption of a Resolution Determining a Public Necessity to Acquire Property Easement Rights for Public Use by Eminent Domain for a Water Line Easement and a Temporary Construction Easement associated with the Independence Parkway 24 Inch Water Line Project (WA0210) which Property is Located on US 380/W. University Drive, West of Custer Road and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions and 23-0997 Consider/Discuss/Act on Adoption of a Resolution Determining a Public Necessity to Acquire Property Easement Rights for Public Use by Eminent Domain for a Water Line Easement and a Temporary Construction Easement associated with the Independence Parkway 24 Inch Water Line Project (WA0210) which Property is Located North of the Terminus of Independence Parkway at Virginia Parkway and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions.

23-0993 Consider/Discuss/Act on Adoption of a Resolution Determining a Public Necessity to Acquire Property Easement Rights for Public Use by Eminent Domain for a Sanitary Sewer Line Easement and a Temporary Construction Easement associated with the SH 5 Utility Relocation Project (WA1633 & WW1633) which Property is Located at the Intersection of S. McDonald Street and Tennessee Street and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions

Council unanimously approved the motion by Mayor Pro Tem Philips, seconded by Councilmember Cloutier, to approve a Resolution Determining a Public Necessity to Acquire Property Easement Rights for Public Use by Eminent Domain for a Sanitary Sewer Line Easement and a Temporary Construction Easement associated with the SH 5 Utility Relocation Project (WA1633 & WW1633) which Property is Located at the Intersection of S. McDonald Street and Tennessee Street and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions; with the following declaration and roll call vote:

“I move that the City of McKinney, Texas, City Council approve this item as written and adopt the Resolution described in this agenda item and authorize the use of the power of eminent domain to acquire for public use all necessary property interests from Hise Real Estate Investments, L.P., identified as owner of record by the Collin Central Appraisal District, and any other persons or entities claiming an interest to the property depicted on and described by metes and bounds attached to said Resolution, said depictions and descriptions being incorporated in their entirety into this motion for all purposes including the construction, access and maintenance of infrastructure improvements located at the intersection of S. McDonald Street and Tennessee Street associated with the SH 5 Utility Relocation Project (WA1633 & WW1633).”

Mayor FullerAye
Mayor Pro Tem PhilipsAye
Councilmember JonesAye
Councilmember FeltusAye
Councilmember CloutierAye
Councilmember FranklinAye
Councilmember BellerAye

Resolution caption reads as follows:

RESOLUTION NO. 2023-12-178 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE PROPERTY EASEMENT RIGHTS FOR PUBLIC USE BY EMINENT DOMAIN FOR A SANITARY SEWER LINE EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ASSOCIATED WITH THE SH 5 UTILITY RELOCATION PROJECT (WA1633 & WW1633); AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING SAID EASEMENTS, AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS

23-0994 Consider/Discuss/Act on Adoption of a Resolution Determining a Public Necessity to Acquire Property Easement Rights for Public Use by Eminent Domain for a Water Line Easement and a Temporary Construction Easement associated with the SH 5 Utility Relocation Project (WA1633 & WW1633) which Property is Located East of the Intersection of N. McDonald Street and Midway Street and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions

Council unanimously approved the motion by Mayor Pro Tem Philips, seconded by Councilmember Cloutier, to approve a Resolution Determining a Public Necessity to Acquire Property Easement Rights for Public Use by Eminent Domain for a Water Line Easement and a Temporary Construction Easement associated with the SH 5 Utility Relocation Project (WA1633 & WW1633) which Property is Located East of the Intersection of N. McDonald Street and Midway Street and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions; with the following declaration and roll call vote:

“I move that the City of McKinney, Texas, City Council approve this item as written and adopt the Resolution described in this agenda item and authorize the use of the power of eminent domain to acquire for public use all necessary property interests from RI CK2, LLC, identified as owner of record by the Collin Central Appraisal District, and any other persons or entities claiming an interest to the property depicted on and described by metes and bounds attached to said Resolution, said depictions and descriptions being incorporated in their entirety into this motion for all purposes including the construction, access and maintenance of infrastructure improvements located east of the intersection of N. McDonald Street and Midway Street associated with the SH 5 Utility Relocation Project (WA1633 & WW1633).”

Mayor FullerAye
Mayor Pro Tem PhilipsAye
Councilmember JonesAye
Councilmember FeltusAye
Councilmember CloutierAye
Councilmember FranklinAye
Councilmember BellerAye

Resolution caption reads as follows:

RESOLUTION NO. 2023-12-179 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE PROPERTY EASEMENT RIGHTS FOR PUBLIC USE BY EMINENT DOMAIN FOR A WATER LINE EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ASSOCIATED WITH THE SH 5 UTILITY RELOCATION PROJECT (WA1633 & WW1633); AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING SAID EASEMENTS, AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS

23-0995 Consider/Discuss/Act on Adoption of a Resolution Determining a Public Necessity to Acquire Property Easement Rights for Public Use by Eminent Domain for a Sanitary Sewer Line Easement and a Temporary Construction Easement associated with the SH 5 Utility Relocation Project (WA1633 & WW1633) which Property is Located on the East Side of S. McDonald Street North of the Intersection of Spur 399 and Medical Center Drive and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions

Council unanimously approved the motion by Mayor Pro Tem Philips, seconded by Councilmember Cloutier, to approve a Resolution Determining a Public Necessity to Acquire Property Easement Rights for Public Use by Eminent Domain for a Sanitary Sewer Line Easement and a Temporary Construction Easement associated with the SH 5 Utility Relocation Project (WA1633 & WW1633) which Property is Located on the East Side of S. McDonald Street North of the Intersection of Spur 399 and Medical Center Drive and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions; with the following declaration and roll call vote:

"I move that the City of McKinney, Texas, City Council approve this item as written and adopt the Resolution described in this agenda item and authorize the use of the power of eminent domain to acquire for public use all necessary property interests from McKinney Propco Owner, LLC, identified as owner of record by the Collin

Central Appraisal District, and any other persons or entities claiming an interest to the property depicted on and described by metes and bounds attached to said Resolution, said depictions and descriptions being incorporated in their entirety into this motion for all purposes including the construction, access and maintenance of infrastructure improvements located on the east side of S. McDonald Street north of the intersection of Spur 399 and Medical Center Drive associated with the SH 5 Utility Relocation Project (WA1633 & WW1633).”

Mayor FullerAye
Mayor Pro Tem PhilipsAye
Councilmember JonesAye
Councilmember FeltusAye
Councilmember CloutierAye
Councilmember FranklinAye
Councilmember BellerAye

Resolution caption reads as follows:

RESOLUTION NO. 2023-12-180 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE PROPERTY EASEMENT RIGHTS FOR PUBLIC USE BY EMINENT DOMAIN FOR A SANITARY SEWER LINE EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ASSOCIATED WITH THE SH 5 UTILITY RELOCATION PROJECT (WA1633 & WW1633); AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING SAID EASEMENTS, AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS

23-0998 Consider/Discuss/Act on Designating a Board Chair of the Tax Increment Reinvestment Zone Board Number One (TIRZ1) Board

Council unanimously approved the motion by Mayor Pro Tem Philips, seconded by Councilmember Cloutier, to elect Charlie Philips as Board Chair of the Tax Increment Reinvestment Zone Board Number One (TIRZ1) Board

23-0999 Consider/Discuss/Act on Designating a Board Chair of the Tax Increment Reinvestment Zone Board Number Two (TIRZ2) Board.

Council unanimously approved the motion by Mayor Pro Tem Philips, seconded by Councilmember Cloutier, to elect Charlie Philips as Board Chair of the Tax Increment Reinvestment Zone Board Number Two (TIRZ2) Board.

Mayor Fuller called for Council and Manager Comments.

Councilmember Feltus thanked City staff for the success of the Home For The Holidays event; she attended the BizNow event at the Sheraton and thanked the MEDC for their work on the event.

Councilmember Beller discussed the success of the Home For The Holidays event; the Collin County History Museum will be opening up a new exhibit starting December 6; reminded everyone of the Angel Trees around the city with names still available for adopting; WFAA Toy Drive on Thursday; Holiday Parade will be taking place on Saturday at 6:00 p.m.; and next Saturday is the Division II National Championship in the City of McKinney.

Councilmember Cloutier recognized Charles Wattley, Larry Jagours, Ashely Sign and members of Leadership McKinney.

Mayor Pro Tem Philips sends his congratulations to all of the McKinney ISD teams that made the playoffs.

City Manager Grimes reminded all that the WFAA will be broadcasting live from downtown on December 7th from 5:00 p.m. – 6:00 p.m. for the Santa's Helpers unwrapped gift drop-off and he encouraged those dropping off toys to decorate their vehicles; NCAA Division II Championship game will be played on December 16 at MISD Stadium and tickets are available for purchase at VisitMcKinney.com/d2mckinney.

Council unanimously approved the motion by Councilmember Feltus, seconded by Mayor Pro Tem Philips, to Adjourn the meeting at 6:58 p.m.

These minutes were approved by the City Council on January 2, 2024.

SIGNED:

GEORGE C. FULLER, Mayor
CHARLIE PHILIPS, Mayor Pro Tem

ATTEST:

EMPRESS DRANE, City Secretary
TENITRUS BETHEL, Deputy City Secretary

City of McKinney, Texas

Appendix A – Ordinance 2023-12-082

ORDINANCE NO. 2023-12-082

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 18.78 ACRE PROPERTY, LOCATED 3200 NORTH CENTRAL EXPRESSWAY, IS REZONED FROM “C” – PLANNED CENTER DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS AND ALLOW FOR LIGHT INDUSTRIAL USES; 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

WHEREAS, the City of McKinney has considered the rezoning of an approximately 18.78-acre property, located 3200 North Central Expressway, which is more fully depicted on Exhibits “A”, “B”, and “C” attached hereto, from “C” – Planned Center District to “PD” – Planned Development District, generally to modify the development standards and allow for light industrial uses; and,

WHEREAS, after due notice of the requested rezoning 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, Texas, the City Council is of the opinion that the change in zoning district should be made.

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

Section 1. The zoning map is hereby amended so that an approximately 18.78-acre property, located at 3200 North Central Expressway, which is more fully depicted on Exhibits “A”, “B”, and “C”, attached hereto, is rezoned from “C” – Planned Center District to “PD” – Planned Development District, generally to modify the development standards and allow for light industrial uses.

Section 2. The subject property shall develop in accordance with Section 204X of the Unified Development Code (“PD” – Planned Development District), except as follows:

1. The subject property shall develop in accordance with attached Development Regulations – Exhibit “D”.

Section 3. 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 4. 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 therefore, shall be fined any sum not exceeding \$2,000.00, 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 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.

Section 6. 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 THE 5th DAY OF DECEMBER, 2023.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE, City Secretary
TENITRUS BETHEL, Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney