

CITY COUNCIL REGULAR MEETING

JULY 6, 2021

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, July 6, 2021 at 6:00 p.m.

Council Present: Mayor George Fuller, Mayor Pro Tem Rainey Rogers, and Council Members Charlie Philips, Geré Feltus, Frederick Frazier, Rick Franklin, and Justin Beller.

City of McKinney Staff Present: City Manager Paul Grimes, Assistant City Manager Kim Flom, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, City Attorney Mark Houser, City Secretary Empress Drane, Deputy City Secretary Joshua Stevenson, City Secretary Administrative Assistant Blenda Sims, City Secretary Records Specialist, Police Chief Greg Conley, Director of Planning Jennifer Arnold, Planning Manager Caitlyn Strickland, Director of Engineering Gary Graham, Director of Parks & Recreation Michael Kowski, Assistant Director of Parks & Recreation Ryan Mullins, Parks Superintendent Marty Sillito, APEX Aquatics and Fitness Manager Teresa Thomason, APEX Assistant Manager of Operations Erica Lyght, Recreation & Events Supervisor Trish Yanes, Assistant Recreation Center Supervisor Lauren Woodson, Recreation Coordinator Stacy Sullivan, Senior Recreation Center Supervisor Laura Cegelski, Assistant Senior Recreation Center Supervisor Calie Willis, Aquatics Supervisor Natalia Robalik, Assistant Aquatics Supervisor Griffin White, Aquatics Coordinator Sarah Larche, Parks Planning & Development Manager Jenny Baker, Park Planner II April Butler, Athletics Specialist Michael Kaye, Parks & Recreation Executive Assistant Flora Ray, and Desktop Support Technician Logan Atwood.

There were approximately thirty-five (35) Members of the public present in the audience.

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 Pledge of Allegiance. The Invocation given by Pastor Rob Bowsher of First McKinney Baptist Church. The Pledge of Allegiance led by Mayor Fuller.

Mayor Fuller called for the Information Sharing Agenda.

21-0517 Recognition of Former North Texas Municipal Water District (NTMWD)
Board Directors Charles McKissick and Joe Joplin

21-0578 Proclamation for Parks and Recreation Month

Mayor Fuller called for Public Comments regarding Agenda items. There were none when called.

Mayor Fuller for the Consent Agenda.

Council unanimously approved the motion by Council Member Feltus, seconded by Council Member Franklin, to approve the following Consent items:

21-0579 Minutes of the City Council Work Session of June 15, 2021

21-0580 Minutes of the City Council Regular Meeting of June 15, 2021

21-0581 Minutes of the City Council Special Meeting of June 22, 2021

21-0341 Minutes of the Board of Adjustment Meeting of March 10, 2021

21-0452 Minutes of the Board of Adjustment Meeting of April 28, 2021.

21-0540 Minutes of the Community Grants Advisory Committee Meeting of May 13, 2021

21-0541 Minutes of the Community Grants Advisory Committee Meeting of May 19, 2021

21-0503 Minutes of the McKinney Economic Development Corporation Meeting of April 20, 2021

21-0504 Minutes of the McKinney Economic Development Corporation Meeting of May 18, 2021

21-0536 Minutes of the Library Advisory Board Meeting of May 20, 2021

21-0546 Minutes of the McKinney Community Development Corporation TUPPS Project Subcommittee Meeting of May 19, 2021

21-0549 Minutes of the McKinney Community Development Corporation Potential Project Subcommittee Meeting of May 20, 2021

- 21-0548** Minutes of the McKinney Community Development Corporation Meeting of May 27, 2021
- 21-0545** Minutes of the McKinney Community Development Corporation TUPPS Project Subcommittee Meeting of May 27, 2021
- 21-0547** Minutes of the McKinney Community Development Corporation TUPPS Project Subcommittee Meeting of June 2, 2021
- 21-0550** Minutes of the McKinney Community Development Corporation Potential Projects Subcommittee Meeting of June 8, 2021
- 21-0571** Minutes of the Planning and Zoning Commission Regular Meeting of June 8, 2021
- 21-0582** Consider/Discuss/Act on an Ordinance Amending Section 70-120(b)(6) of the Code of Ordinances Relating to Specific Noise Disturbance Prohibition. Ordinance caption reads as follows:

ORDINANCE NO. 2021-07-064

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 70, ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF EXISTING ARTICLE V, ENTITLED "NOISE" BY AMENDING SUBPARAGRAPH 70-120(b)(6)e. AND SUBPARAGRAPH 70-120(b)(6)f. TO AUTHORIZE THE DIRECTOR OF ENGINEERING OR CHIEF BUILDING OFFICIAL TO ALLOW THE PLACEMENT OF CONCRETE OUTSIDE OF A QUIET ZONE BETWEEN 9:00 PM AND 6:00 AM; AS SET FORTH HEREIN BELOW; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

- 21-0583** Consider/Discuss/Act on a Resolution Awarding a Contract to SAI McKinney M, LLC dba Mercedes-Benz of McKinney of McKinney, Texas for the Purchase of a SWAT Cargo Van. Resolution caption reads as follows:

RESOLUTION NO. 2021-07-076 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO SAI MCKINNEY M, LLC dba MERCEDES-BENZ OF MCKINNEY OF MCKINNEY, TEXAS FOR THE PURCHASE OF A SWAT CARGO VAN

- 21-016DA** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into an Agreement with the Developer of Oxford Place, Authorizing Third Party Inspections of All Public Improvements and a Variance to the Requirements of Section 2-1(b) of the Code of Ordinances Regarding Construction Inspection fees. Resolution caption reads as follows:

RESOLUTION NO. 2021-07-077 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE DEVELOPER OF OXFORD PLACE TO ALLOW THIRD PARTY CONSTRUCTION INSPECTION AND GRANTING A VARIANCE TO SECTION 2-1(B) OF THE CODE OF ORDINANCES REGARDING THE CHARGE FOR CONSTRUCTION INSPECTION SERVICES

Mayor Fuller called for the Regular Agenda and Public Hearing items.

- 21-0041Z4** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow for a Telecommunications Tower, Located on the Southeast Corner of Bluestem Drive and Hidden Haven Drive, and Accompanying Ordinance

Director of Planning Jenifer Arnold was called to present.

Director Arnold began by reminding Council that the items was first presented at the City Council Regular Meeting on May 18, 2021 where it was tabled to allow City Staff and the Applicant to discuss if there was alternant locations for the proposed Cell Tower.

Director Arnold stated that City Staff have worked with the Applicant and the Applicant is still requesting the proposed Cell Tower on the site the Council has before them.

Director Arnold gave a quick recap on the request by the Applicant. The Applicant is requesting to rezone the subject property, which is a Prosper ISD elementary school (Furr Elementary). The subject property is approximated 10.7 acres in size. The request is to rezone, specifically, to allow for the installation of an eighty (80) foot cellular tower on the Northeast side of the school property.

Director Arnold presented exhibits to the Council of the subject property, where the cell tower would be placed, and the requirements that would be tied down in the rezone request.

Director Arnold stated per the request, the Applicant has proposed to provide additional screening around the base of the cell tower, in concert with the Prosper School District, that the cell tower is located in a place that is appropriate for the School's concerns.

Director Arnold stated that, from a Staff perspective, that the request meets all the distance requirements when considering a cell tower. As such, City Staff recommends approval of the request.

Director Arnold stood for questions from the City Council.

Mayor Fuller asked City Attorney Mark Houser what information, by Federal law, is the Council allowed to consider and not able to consider when deliberating on this item.

City Attorney Houser stated that the burden is on the Applicant to establish that there is no other sites that would provide equivalent service to the one that is being sought and that if there are alternant sites, then the Council would be legally able to deny the Applicant's rezoning request.

Mayor Fuller asked Attorney Houser what the Council would not be able to consider when deliberating on this item, such as health and safety.

Attorney Houser stated that the issues that cell towers and waves do cannot be considered when deliberating.

Mayor Fuller asked the Council if there were any more questions for City Staff.

Council Member Feltus asked if the location of the tower is being used by children as play areas or something similar.

Director Arnold deferred the question to the Applicant. Director Arnold stated that the School District and the Applicant have stated that the location is satisfactory for them. In a call with the Deputy Superintendent of Prosper ISD, the School feels the location proposed will not incumber the activities they have on site and are supportive of it.

Council Member Frazier asked if McKinney would receive any benefit from the tower since the proposed location is on a Prosper ISD school.

Director Arnold responded that McKinney students attend the school, however in terms of taxes, school sites are not taxable and would not receive that.

Council Member Frazier asked what were the other sites, that were close to this, that were looked at.

Director Arnold responded that the Applicant would walk through the other sites in their presentation. Director Arnold stated that the Applicant looked at a gas station site and a fire station in the City of McKinney.

Council Member Philips asked if the City would be able to tax the value of the tower if it was located on private property.

Director Arnold deferred the question to Attorney Houser. Director Arnold stated that the City would still get the AV.

Mayor Fuller called the Applicant to present.

Mason Griffin, 6423 Tulip, Dallas, TX 75230, spoke on behalf of the Applicant, Hemphill.

Griffin stated that he was there to go through a quick presentation that focuses on alternative sites and to answer any questions.

Griffin started the presentation with propagation maps of Verizon coverage in the area. The presentation showed the existing coverage in the area and the coverage with the proposed eighty (80) foot tower. The next slide showed the propagation map overlaid with a google map to show the area.

Griffin stated that when a siting company seeks to build a new tower in an area, they start in the middle of the gap in coverage. The exceptions being issues with topography with hills or large downtown area. Looking at the gap in the coverage, there are three (3) possible locations for a tower to work. Griffin stated that the three (3) are the Fire Station, the Amenity Center, and Furr Elementary.

Griffin stated that the Fire Station was considered and pursued, but the City of McKinney rejected the proposal due to City of McKinney policy that prohibits leases on City Property that is used for Public Safety purposes. Furthermore, the size of the property does not allow for the required distance for the setbacks, which would be 2:1.

Griffin continued to speak on the Amenity Center location. The location was not pursued due to the layout of the land. Most of the land is already utilized and would violate setback requirements. The rest of the property is either in floodplain or the pond, which cannot be built on.

Council Member Philips asked Griffin how much land area is being covered by the proposed tower.

Griffin went back in his presentation to show the Verizon Wireless existing coverage that is overlaid on the google maps and replied that it would be the area just South of Westridge.

Council Member Philips asked if it was all the area on the slide.

Griffin responded that it is and even more to the North off of the map. All the indicated areas on the map are sought to be addressed by the tower.

Council Member Philips asked if a spot to the South was looked at as a potential location.

Griffin responded that Southern locations could be discussed. The applicant continued to say that with our "relatively flat" land, the best place to place the tower would be in the middle of the gap in coverage. If a tower was placed to the South of the gap, it would necessitate a need to place another tower to the North.

Council Member Philips asked if he (Griffin) has a map showing other tower in the area.

Griffin presented a slide that showed the coverage map with the other Verizon tower in the area and stated that there would be another one just off the map to the West that is not reflected. Griffin stated that current day towers provides coverage to anywhere from a half of a mile to three (3) quarters of a mile in any given direction.

Council Member Philips asked if the coverage map was just for Verizon or all cellular carriers.

Griffin clarified that it is just showing Verizon's coverage.

Council Member Philips asked if there are any other cellular carrier's towers in the area.

Griffin stated that there is not that would address the gap in the coverage that is shown in the coverage map. Griffin stated that would have been the first option for Verizon if there was a tower in the area.

City Attorney Houser asked Griffin to indicate where an existing water tower is on the map.

Griffin continued in his presentation to show the third option for possible locations for a cell tower. Griffin stated that Furr Elementary provides the best possible coverage with least impact on the neighborhood. Griffin showed the proposed property and split it into three (3) sections. The Eastern end of the property is within flood plain and is unusable. The middle section is owned by a residential developer who will not allow it to be the first project to be built on the property. That leaves the school site to be the best property.

Griffin continued with other considerations: AT&T has similar needs in the area; proposed Hemphill tower uses slimmest pole design available; according to the ISD, the tower location has been sited to provide least amount of disruption to the school; the tower design meets or exceeds City requirements; the boundary wall of the cell tower will match the aesthetics of the gymnasium; the City-required wind load capacity of 106 mph, the tower would be stressed to 58% of its load capacity and the tower is designed to buckle at forty (40) feet; the tower is intended to address coverage and capacity deficiencies in the area; provides safe and secure 911 service to the neighborhood and school; cell towers are necessary infrastructure for a growing city; and the tower will help with the increase in "work from home" demands.

Griffin continued to show that the Elementary School is shown to be a suitable location for small cell towers on a Map that the City operates. Griffin stated that the tower that they are proposing to build is not a "small" tower, but it is still in the direction that the City points to.

Griffin continued in his presentation to show other schools in the area that have cell towers on their property. Examples being Cobb Middle School in Frisco ISD; Hendrick Middle School in Plano ISD; and Kerr Elementary, Kerr Middle School, and Vaughan Elementary School in Allen ISD.

Griffin noted that the proposed tower at Furr Elementary would be far further away from residential property than the tower that is at Vaughan Elementary School in Allen ISD.

Griffin stated that Schools all over the metroplex are installing cell towers on school properties with no issues.

Griffin stated that Verizon Wireless conducted a text messaging campaign of its customers within three (3) zip codes.

The Applicant handed out a packet to the Council that contained a letter to the City Manager Paul Grimes and sample responses from Verizon Wireless customers in the area that responded to the text messaging campaign. The handout will be included in the appendix of the minutes as "Appendix A – Verizon Letter and Sample Responses".

The text message that was sent out reads as follows: "Verizon Msg: Help us improve wireless voice and data service in your area! Reply 'Yes' to this message to show your support for a new wireless facility in the McKinney Westridge/Rose Garden area near Furr Elementary School. You may also add an optional message describing your support to city officials."

Griffin stated that Verizon Wireless conducts text campaigns on occasion and typically receive about two hundred (200) responses. Griffin said that this text campaign received over nine hundred (900) responses, with nine hundred and thirteen (913) in support of the tower and nineteen (19) in opposition.

Council Member Philips asked Griffin how many of the text messages came from the 75035 zip code in Frisco.

Griffin stated that he does not have a break down of the text messages by zip code, but the text message was only sent to residents within three (3) zip codes that are in that area.

Griffin read some of the sample responses in favor of the tower that were included in the packet that was handed out.

Griffin stood for questions by Council.

Mayor Fuller called for Raúl Ramos.

Raúl Ramos, 12518 Clarksburg Trl., Fort Worth, TX 76244, Verizon Wireless Radio frequency Engineer.

Griffin handed out packets to the City Council of the presentation given by Ramos.

The handout will be included in the appendix of the minutes as “Appendix B – Westridge Proposed Macro Site RF Plots”.

Ramos stated that he will go through technical considerations when selecting location for cell towers.

Ramos stated his presentation with the first slide showing the aerial view of the challenged area again. Ramos stated that Verizon Wireless is looking to improve both capacity and performance to the customers in the target area to handle the added capacity.

Ramos stated that Verizon Wireless only have one tower in the area with causes slow speeds with uploading and downloading information.

Ramos' next slide shows current coverage of the area with the proposed tower in the middle of the ring which Ramos calls an “optimum location” for what Verizon Wireless wants to achieve. The tower would give 90% of the coverage that Verizon wants to improve.

Ramos continued to the next slide which shows the updated coverage if the proposed tower was built at Furr Elementary. Ramos stated that it almost covers all the gaps in the coverage.

Ramos continued to slide number five (5) which shows what the coverage would be if Verizon uses the water tower to the South. Ramos said that it is not an optimal location and would only cover 30 – 40% of the area that Verizon wants to improve, which would require another tower to be installed to the North in the future.

Ramos repeated that if the tower is built at Furr Elementary, Verizon would improve 80 – 90% of the coverage area. If it is built on the water tower to the South, Verizon would only have one sector serving the area and would only improve 40% of coverage.

Ramos went to the next slides which show the sectors that are providing the current coverage. Ramos indicated that the dark blue to the East is dominating the area.

With the usage in the area, it is exceeding the capacity of the tower. The next slide shows what the sectors would be with the proposed tower at Furr Elementary, which is more balanced. The last slide shows the sectors if the water tower is used, which indicated that only a limited area would see improvements.

Ramos repeated that the Elementary School is the optimal location for the tower.

Ramos stood for question from the Council.

Council Member Philips asked Ramos if the water tower and the Elementary School were the only two (2) locations evaluated.

Ramos replied that they also evaluated the Fire Station, but it was discarded due to the zoning issues.

Mayor Pro Tem Rogers asked if this (the cell tower) is just for cell service.

Ramos replied that it would be for 4G and 5G services which includes phone calls, data, and emails.

Mayor Fuller asked if there are any more questions from the Council.

Griffin stated that some of the request to speak card are for representatives of Hemphill and are here to answer question if needed.

Mayor Fuller called Ralph Wyngarden to speak.

Ralph Wyngarden (Representative on behalf of Hemphill), 678 Front Ave NW, STE. 215, Grand Rapids, MI 49504, thanked the City Staff, Jennifer Arnold and Kaitlin Sheffield, through the application process. Wyngarden stated that they have been careful and diligent with this application to build solid support and evidence for the application: Hemphill has submitted a number of pieces of information that is on the Agenda item that include photo simulation view; Hemphill has limited the tower height to eighty (80) feet, which is a modest size for this type of tower; a stealth design where the antennas are fully concealed within the pole; the masonry wall will be eight (8) feet tall and will match the brick work that is on the school building and will plant junipers around the wall. Wyngarden stated that Hemphill is trying to be diligent with screening the tower. He continued with acknowledging that past applicants have not met setback requirements for their tower. The rule of thumb is two (2) times the tower height, which is met in this location. Wyngarden remarked that in the Staff report, this project is inline with the City's Comprehensive Plan and respectfully asked the Council to concur with

the Staff report and the 7-0 Planning and Zoning Commission vote of approval and approve the item.

Council Member Frazier asked Wyngarden who he was representing and what's his address.

Wyngarden responded that he was there representing Hemphill and his address is 678 Front Ave NW, STE. 215, Grand Rapids, MI 49504.

Mayor Fuller called for Lucas Conder.

Lucas Conder (Representative on behalf of Hemphill), 347 Clemens Ave., New Braunfels, TX 78130, yielded his time if there were no question for him.

Mayor Fuller called for Sheldon Pearson.

Sheldon Pearson (Representative on behalf of Hemphill), 3705 Noontide Ln., Celina, TX 75009, yielded his time if there were no question for him.

Mayor Fuller called for Gary Harnack.

Gary Harnack, 10105 Sailboard Dr., McKinney, TX 75072, spoke in opposition to this item. Harnack continued that when he bought his house, the planned development of the area was the Elementary school and not a cell tower. The tower would not be desirable for home buyers when buying housing in the area. The tower is twice the height of the school gymnasium and on the North side of the building, which is the closest side to the established residential area. Harnack stated that he feels that the Applicant (Hemphill) treats the residents on Sailboard as though they will not be affected by the negative visual impact and the potential property devaluation due to the eighty (80) foot tower. Harnack asked the Council if they would like if an eighty (80) foot 5G cell tower behind your house. Harnack continued that the Northside of the school is where children congregate outside and is used for Physical Education. Harnack stated that, contrary to the vendor letter of intent, the proposed tower will not be one hundred and forty (140) feet away from where the children have these activities. The location is exactly where parents wait in line every school day for student drop off and pick up. Harnack's last point is that, as stated in the Planning and Zoning meeting, this is the first request to place a cell tower on a school in McKinney and that approving this would set an unwise precedent. Harnack noted that in 2004, the U.S. and Canadian Members of

the International Association of Firefighters passed a resolution opposing cell towers on or adjacent to fire stations due to documented health concerns.

Mayor Fuller called for any additional comments for the public hearing before it is closed. There were none when called.

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Franklin, to close the public hearing for this item.

Mayor Fuller called for Council deliberation on this item.

Mayor Fuller called Director Arnold back to the podium.

Mayor Fuller pointed out the four (4) locations looked at, the Fire Station, Amenity Center, Furr Elementary, and the water tower, are surrounded by residential areas.

Council Member Frazier stated that the water tower to the South currently has communication devices on it.

Director Arnold clarified that communication companies are able to co-locate their antennae on the towers. The base of the water tower is about eighty-five to ninety (85 to 90) feet in height and the co-location would occur around the eighty to ninety (80 to 90) foot height. Director Arnold would defer the question to the Applicant but stated that the height of the water tower would not be enough to provide the coverage that be sufficient.

Council Member Franklin commented that he does not believe that Furr Elementary is an appropriate location for a cell tower and is skeptical if the Applicant investigated all the possible sites. Franklin continued to ask if it is better to build one tower in an inappropriate location or build two towers in the area in different locations.

Council Member Frazier state that he never believed that Furr Elementary was an appropriate location. Frazier believes that the water tower is more appropriate and to build another tower in the North. The Council Member commented that there were forty (40) letters of opposition to the tower in the proposed location and he has never seen anyone oppose antennae on water towers. Frazier ended by saying that he is going to listen to the families of the forty (40) letters of opposition.

Council Member Philips stated that he believes that there is substantial evidence of alternant sites that would equally serve the tele-communication needs of

Verizon located within the specific area and because of that substantial evidence, he would vote against the rezone.

Mayor Pro Tem Rogers stated that he does not have a problem with the location or the project and believes that it is needed. The Mayor Pro Tem believes that this is a great location and loves the fact that the school gets the money and not some individual. There are other towers on other schools and if there were concerns, they would have been addressed by now. The School does not have an issue with it and is welcoming the tower. Rogers believes that the homeowners in the area will appreciate it and thinks that the Council would be foolish not to approve it.

Mayor Fuller stated that we (the Council) do not get letters of oppositions on water towers, because there is no rezoning and they just need to get through our Engineering Department and accept our terms. The Mayor continued to address the question on if the Council would want towers in their backyards and stated that he already has them. The Mayor stated he was categorically opposed when they (the antennae) were being installed, thought they looked horrible, and felt as they would going to hurt the value of his home. The Mayor found that it did not affect the value at all and enhanced the living experience by allowing him to take calls while inside. Fuller continues that he thinks that there will never be a case like this where the City will not receive letters of opposition if there is residential homes around and the City will not receive request for rezoning for towers if there are not any residential homes around. The fact of the situation is that the coverage is needed, and the School will benefit. Children from McKinney go to that school and they will benefit for the money that the School District gets. As a developer, the Mayor continued, he knows that no one's home values will be affected by the tower. The tower will serve a great, great purpose and serve the community there. The Mayor is for it.

Council Member Philips requested that Raúl Ramos, Verizon Wireless Radio Frequency Engineer, be called back to the podium.

Mayor Fuller called for Raúl Ramos.

Council Member Philips asked Ramos where Verizon would put the tower if the School District backed out of the lease.

Ramos stated that we (Verizon) would be in a little bit of trouble and would have to start at the beginning which could take upwards of two (2) years to find another location.

Council Member Philips asked if any location were investigated that are owned by Homeowners Associations.

Ramos deferred the question to the real-estate team and that he is not aware any.

Council Member Philips asked if any discussion happened about locations with D.R. Horton.

Ramos deferred the question to the real-estate team and that he is not aware any.

Council Member Beller agreed with the Mayor that the coverage is needed in the community and the location is good.

The Mayor commented that this is a necessary thing, and no one wants it. The Mayor continued that the Applicant investigated four (4) properties and they could have pick four (4) more and still faced opposition. There will be opposition at every location.

Council Member Frazier asked Director Arnold regarding a statement made during the City Council Work Session on the responsiveness of the Applicant.

Director Arnold clarified that the City has not received any requested propagation maps from the Applicant had they installed a tower on the Westridge elevated storage tank, not that they (the Applicant) were being unresponsive.

Council Member Philips stated that the whole concept reminds him of the Fox guarding the Hen house, because they (the Applicant) say they do not like it and they did not bring any scientific evidence to the contrary.

Mayor Pro Tem Rogers commented that this case is about getting people the coverage and it would be sad if the City Council is going to deny it for one (1), two (2), or three (3) years.

Council Member Philips commented that they (the Applicant) have a favorable Act that was written by the Federal Legislature in 1996, which was written at a time when we did not have internet coverage everywhere. It was written to give authority for telecommunication companies to go out and force themselves on people. Philips

continued to say that “we are not in 1996 anymore and we are in 2021 where everybody has internet coverage. We all walk around with computers in your hand that are more powerful than the computer at the university in the town that I (Philips) grew up in that was an entire building. This Act was written in 1996, twenty-five (25) years ago, but times have changed and gives far too much power to telecommunication companies to go out and put it wherever they want to. We have got a group (Hemphill) here tonight that has only seriously in good faith investigated one (1) other site. They have not looked at the other two (2) that they called out. There is several other sites out there that they could have negotiated on, but they didn’t do it because they want to run it down the citizens of McKinney’s throats, because the Federal government did a very poor job of drafting something, not looking out for the future.”

Citing substantial evidence that several alternative sites were available to the applicant to build the proposed cell tower that would resolve the significant gap in coverage, the applicant’s failure to investigate or attempt to obtain rights to build the proposed tower on the alternate sites as stated by the applicant’s own expert to the Council during the meeting, Council Member Philips made a motion that the item be denied. The motion was seconded by Council Member Franklin.

Council approved the motion to deny the proposition in a vote of 4-3, Mayor Fuller, Mayor Pro Tem Rogers, and Council Member Beller voting no.

21-0006A/ 21-0054Z2 Conduct a Public Hearing to Consider/Discuss/Act on a
21-0054Z2 Petition to Annex (Case No. 21-0006A) and a Request to Zone (Case No. 21-0054Z) on Certain Land (the "Property") to "PD" - Planned Development District, Located on the Southeast Corner of Bloomdale Road and Lake Forest Drive, and Related Ordinance(s) and Agreements

Council unanimously approved the motion by Council Member Philips, seconded by Council Member Frazier, to close the public hearing for this item.

Council unanimously approved the motion by Council Member Philips, seconded by Council Member Frazier, to approve a Petition to Annex (Case No. 21-0006A) and a Request to Zone (Case No. 21-0054Z) on Certain Land (the "Property") to "PD" - Planned Development District, Located on the Southeast Corner of

Bloomdale Road and Lake Forest Drive, and Related Ordinance(s) and Agreements.

The Ordinance captions read as follows:

ORDINANCE NO. 2021-07-066

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ANNEXING CERTAIN TERRITORIES TO THE CITY OF MCKINNEY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

ORDINANCE NO. 2021-07-067

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 613.359 ACRE PROPERTY, LOCATED ON THE SOUTHEAST QUADRANT OF BLOOMDALE ROAD AND LAKE FOREST DRIVE, IS ZONED TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, AND COMMERCIAL 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

Mayor Fuller called for Citizen Comments on matter not on the Agenda.

Jimmy Stewart, 617 Cypress Hill Dr., McKinney, TX 75071, spoke regarding a fourth man on fire engines.

James Simmons, 512 Cypress Hill Dr., McKinney, TX 75071, spoke regarding the Association of Trinity Heights Inc.

Tamara Johnson, P.O. Box 2514, McKinney, TX 75070, spoke regarding racial injustice in America.

Chris Thornton, 508 Howell St., McKinney, TX 75069, spoke regarding a property and easement issue.

Larry Jagours, P.O. Box 1992, McKinney, TX 75069, spoke regarding the City's Juneteenth celebration.

Lisa Washington, 813 Rockwall St., McKinney, TX 75069, spoke regarding post pandemic issues for seniors.

Zeta White, 906 Throckmorton, McKinney, TX 75069, spoke regarding post pandemic issues for seniors.

Beth Bentley, no address given, spoke regarding the Work Session Agenda items regarding A.R.P.A. Funds.

Mayor Fuller called for Council and Manager Comments.

Council Member Beller spoke regarding housing and old communities in the City of McKinney; Fourth of July and Juneteenth Event; the McKinney Fire Department; the McKinney Police Department; the Boys & Girls Club; the Child Advocacy Center; and the AEYL Football camp.

Council Member Franklin spoke regarding the East side of McKinney; the Fourth of July events; and thanked McKinney Performing Arts Center (MPAC) & Main Street Program Director Amy Rosenthal for her work.

Council Member Frazier spoke regarding the East side of McKinney and the anniversary of the Police officers who were shot in Dallas in 2016.

Council Member Philips spoke regarding the Fourth of July parade; Runway Rockstars; thanked Amy Rosenthal for her work; and thanked the following McKinney groups: Willow House, Faith and Feathers, Cynthia Elliot's, LY Outfitters and Local Yocal, HUGS Café, Cornerstone Ranch, Stacy Apple and Beautiful Life, and Maylee Thomas-Fuller.

Council Member Feltus spoke regarding the Juneteenth event; the Fourth of July parade; and McKinney resident Zeta White.

Mayor Pro Tem Rogers spoke regarding McKinney resident Zeta White; Fourth of July Event; Jesse McAllen; and thanked Fire Captains Jared Turner and Bill South and Firefighters Casey Durham and Chris Dudley for their heroic acts.

City Manager Grimes spoke regarding Parks and Rec Month and the list of activities the Parks Department is hosting during the month of July.

Mayor Fuller spoke regarding McKinney resident Zeta White; Council Member Frazier and his service in Dallas Law Enforcement; the Juneteenth event; the Fourth of July event; and North Texas residents Tom Scott and Brian Irr who are going to the Olympics in Karate.

Council unanimously approved the motion by Council Member Feltus, seconded by Council Member Philips, to adjourn the meeting at 8:04 p.m.

The video recording of this meeting is available online through the City of McKinney video archives.

These minutes were approved by the City Council July 20, 2021.

SIGNED:

GEORGE C. FULLER, Mayor

ATTEST:

EMPRESS DRANE, City Secretary
JOSHUA STEVENSON, Deputy City Secretary

City of McKinney, Texas

Appendix A – Verizon Letter and Sample Responses



July 6, 2021

Paul Grimes, City Manager
City of McKinney
222 N Tennessee Street
McKinney, Texas 75069

Re: 913 Supporters for Verizon Wireless' Proposed Facility
Westridge Site, McKinney, TX

Dear Mr. Grimes:

I am a Manager in Verizon's Consumer Sales Operations Group, and I oversee the network-related messages that are sent to Verizon Wireless customers. In connection with its proposed facility, Verizon Wireless arranged for a text message to be sent to customers with billing addresses within ZIP codes 75070, 75035, and 75071. The entire text message sent reads as follows:

Verizon Msg: Help us improve wireless voice and data service in your area! Reply "Yes" to this message to show your support for a new wireless facility in the McKinney Westridge/Rose Garden area near Furr Elementary School. You may also add an optional message describing your support to city officials.

The text message above was sent on July 1, 2021. As of July 6, 2021, we have received 913 affirmative text message responses indicating support for the proposed facility and 19 respondents opposed. Text messages received confirm the need to provide improved Verizon Wireless service in the Westridge/Rose Garden area. Samples of the text messages received from Verizon Wireless customers appear on the attached page.

I am available to verify the above information as you may require.

Sincerely,

Rynae Benson
Manager - Legal Support
Consumer Sales Operations

Attachment

Sample Responses for Verizon Wireless' Proposed Facility
Westridge Site, McKinney, TX

- Yes My service has been bad at my house and needs improvement.
- NO stop putting 5G everywhere. You're going to make us all sick.
- Yes! Yes! Yes!
- Yes! We need the added service in this area!
- Yes. Also need one in the McKinney area off RD 412 in the Hunter Lakes neighborhood!
- Yes. The most bars I ever get is 3 often 2 at my home in Brightwood in Stonebridge Ranch
- Yes a great company been with them for over 20 yrs.
- Yes our coverage is very poor in the Southern Hills
- Yes. My service has not been good.
- r children, keep those things away from population centers as much as possible and especially away from the kids. Duh.
- Yes. I'd also like to see internet services available in the area.
- Yes. Wireless signals suck here.
- Yes - currently I do not have good reception in my house. I frequently have to sit outside to make phone calls.
- Yes. Build another tower in this town
- Yes. I have minimal access to Verizon at my house and looked at choosing another carrier for this very reason.
- Yes. I live on coit near 380 and have no service at my home
- Yes. Cell service can be someone what spotty through this area.
- YES. Often reception is bad and it would be a great to be able to better communicate between parents and children.
- I do not support your Wireless facility or your messages.

Appendix A – Verizon Letter and Sample Responses

Yes we support the new wireless mentioned in the above text..

Yes. My location in McKinney has very poor cell phone service. We NEED better facilities in this area. Winston Veazey.

Yes . Need a wireless facility East of McKinney. I live on County Road 471. Most of the time I can't make or receive calls. I get a message telling me I'm not registered too this system and can only make 911 calls

Yes live on boat, get phone and internet via Verizon. no cable in marina, boat people vote too

Yes - current reception is weak which results in dropped calls.

I'm supporting Verizon wireless in this area thanks

YES, very much Needed!!!!

Yes !!! Wireless facilities are essential to quality communications and have little or no adverse impact on the communities where they are located.

Yes. As long as it doesn't interfere with any humans or animals.

"Yes" would greatly appreciate the improvement! I have been a Verizon customer for many years & have a hard time here in McKinney getting a good signal....

Yes I get 2 bars at my house and it's problematic. We need stronger coverage in McKinney

Hell no. Don't put that 5g cancer causing shit near our kids. You already had to pull down towers in Cali. Just stop

Yes! Can't make calls or received they dropped. Paying to much to Verizon to having this issues

Yes. I support adding a new wireless facility in McKinney

YES. We need a clear signals in this area.

WESTRIDGE Proposed Macro Site RF Plots

McKinney, TX

RF Design

July 1, 2021



Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

WESTRIDGE - Aerial view of challenged area



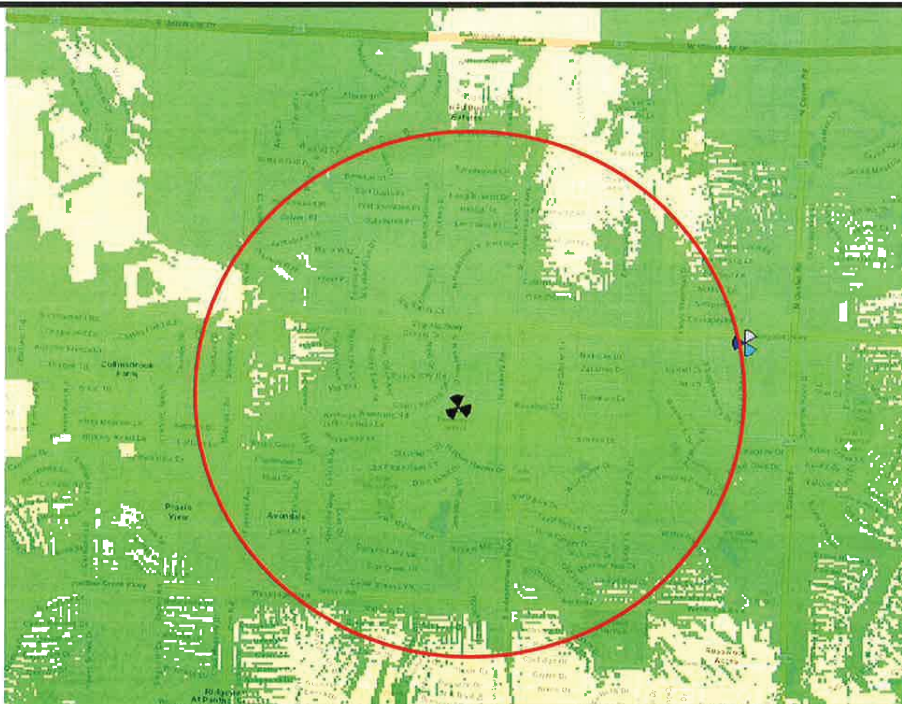
Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

WESTRIDGE - RSRP Plots – Current



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WESTRIDGE - RSRP Plots - Proposed School Flagpole



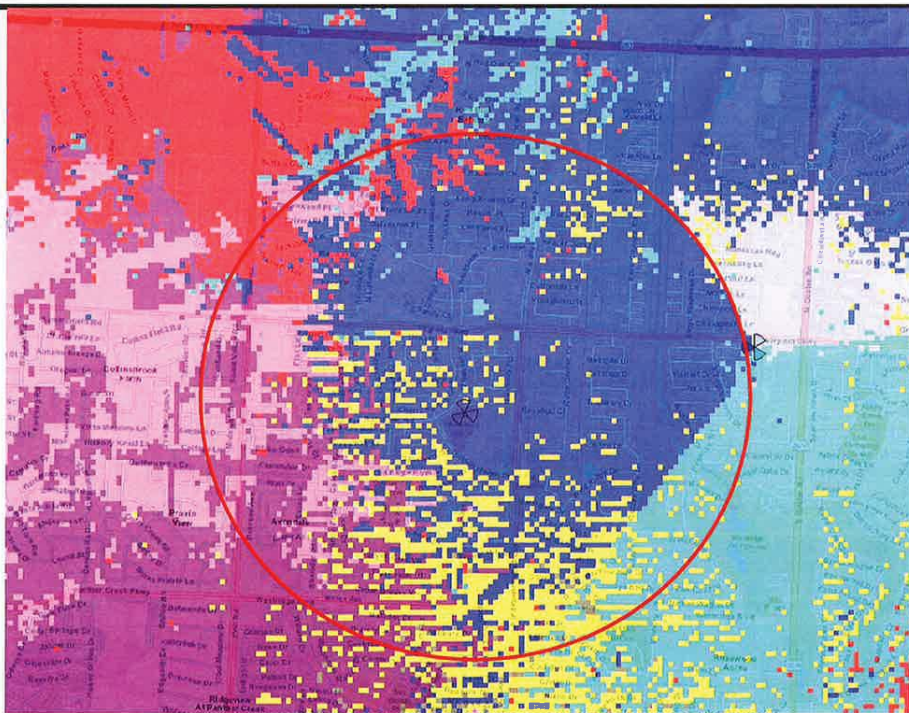
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WESTRIDGE - RSRP Plots – Water Tank option



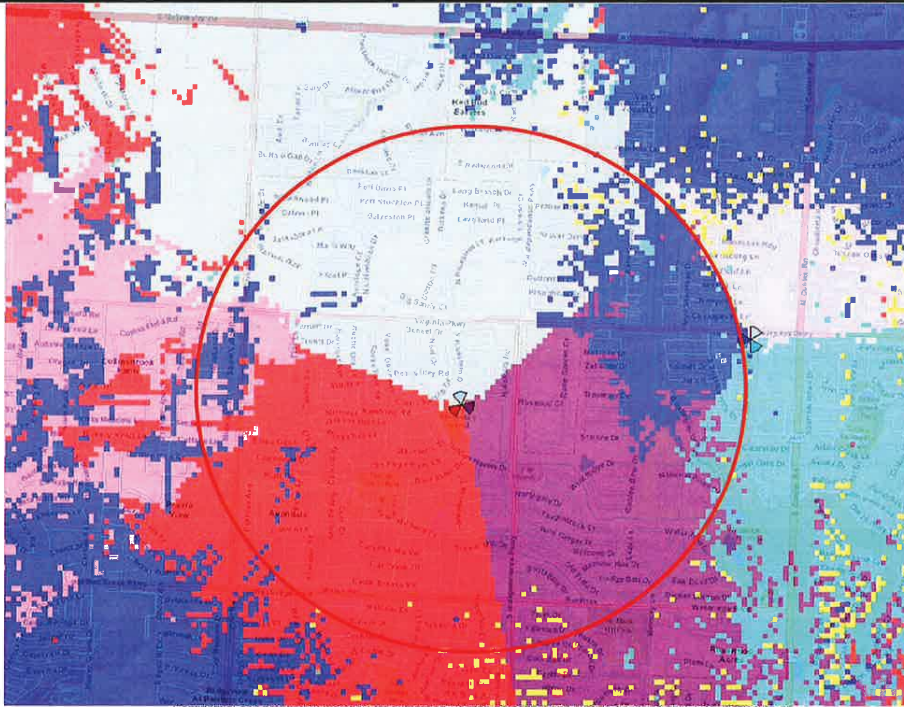
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WESTRIDGE - Best Server Plots – Current



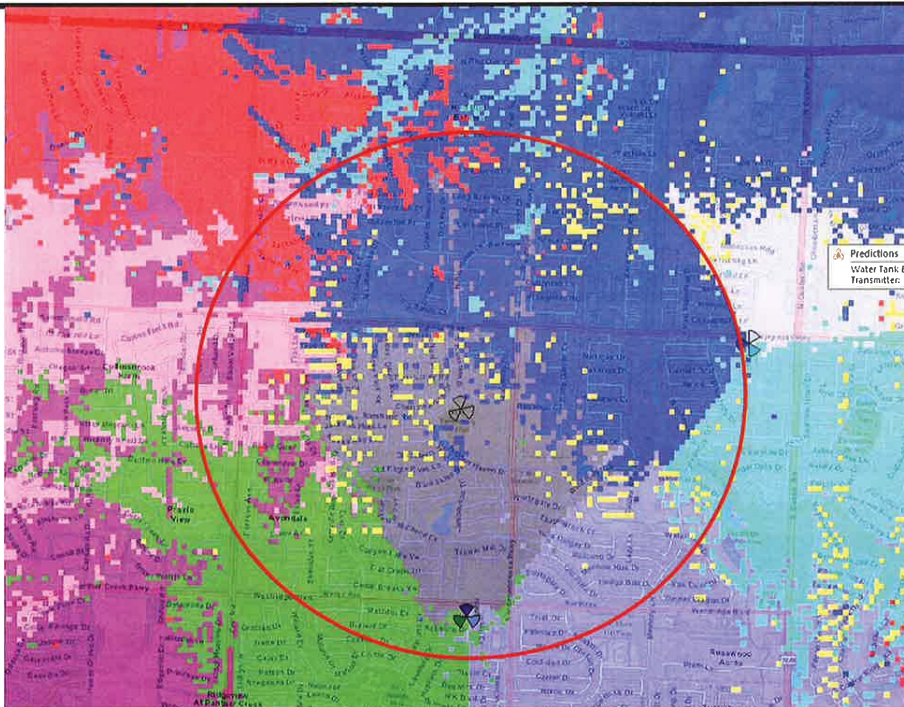
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WESTRIDGE - Best Server Plots – Proposed School Flagpole



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WESTRIDGE - Best Server Plots – Water Tank option



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Thank you!



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