

CITY COUNCIL REGULAR MEETING

AUGUST 3, 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, August 3, 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.

Council Member Philips participated remotely for the duration of the meeting.

City of McKinney Staff Present: City Manager Paul Grimes, Assistant City Manager Barry Shelton, Assistant City Manager Kim Flom, 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 Juametta Terrell, Chief of Police Greg Conley, Police Officer Shannon Seabrook, Chief of Fire Danny Kistner, Director of Human Resources Ike Obi, Director of Planning Jennifer Arnold, Director of Engineering Gary Graham, Transportation Engineering Manager Thuan Huynh, Community Services Administrator Shirletta Best, and Desktop Support Technician Asif Ali.

There were approximately twenty-six (26) Members of the public present in the audience.

Mayor Fuller called the meeting to order at 6:18 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 Senior Pastor Bruce Miller of Christ Fellowship Church. The Pledge of Allegiance led by Mayor Fuller.

Mayor Fuller called for Public Comments regarding Agenda items.

Beth Bentley, no address given, spoke regarding Agenda item # 21-0677.

Christopher Kennedy, 2200 Taylor Burk Dr., McKinney, TX 75071, spoke regarding Agenda item # 21-0677.

Mayor Fuller called for the Consent Agenda.

Council Member Beller requested Agenda item # 21-0677 to be considered separately.

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Franklin, to approve the following Consent items:

- 21-0671** Minutes of the City Council Work Session of July 20, 2021
- 21-0672** Minutes of the City Council Regular Meeting of July 20, 2021
- 21-0673** Minutes of the City Council Special Meeting of July 27, 2021
- 21-0600** Minutes of the McKinney Arts Commission Meeting of May 20, 2021
- 21-0603** Minutes of the Library Advisory Board Meeting of June 17, 2021
- 21-0611** Minutes of the McKinney Community Development Corporation Finance Subcommittee of June 16, 2021
- 21-0612** Minutes of the McKinney Community Development Corporation TUPPS Project Subcommittee of June 16, 2021
- 21-0610** Minutes of the McKinney Community Development Corporation Meeting of June 24, 2021
- 21-0613** Minutes of the McKinney Community Development Corporation Promotional and Community Events Grant Subcommittee Meeting of July 7, 2021
- 21-0614** Minutes of the McKinney Community Development Corporation TUPPS Subcommittee Meeting of July 7, 2021
- 21-0649** Minutes of the McKinney Economic Development Corporation Meeting of June 15, 2021
- 21-0664** Minutes of the Planning and Zoning Commission Regular Meeting of June 22, 2021
- 21-0663** Minutes of the Planning and Zoning Commission Regular Meeting of July 13, 2021
- 21-0655** Minutes of the Visit McKinney Board Meeting of May 25, 2021
- 21-0674** Consider/Discuss/Act on a Resolution Authoring the City Manager, or Designee, to Enter into a Contract with Economic and Planning Systems, Inc (EPS) for Professional Services in Support of a Neighborhood

Preservation Study. Resolution caption reads as follows:

RESOLUTION NO. 2021-08-085 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO ENTER INTO A CONTRACT WITH ECONOMIC & PLANNING SYSTEMS, INC (EPS) FOR PROFESSIONAL SERVICES IN SUPPORT OF A NEIGHBORHOOD PRESERVATION STUDY

- 21-0675** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Kimley-Horn and Associates, Inc. to Provide Consulting Engineering Services for the 2021 Citywide Traffic Count Program and Authorizing Any Supplemental Agreements. Resolution caption reads as follows:

RESOLUTION NO. 2021-08-086 (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 \$140,500 WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR CONSULTING ENGINEERING SERVICES FOR THE 2021 CITYWIDE TRAFFIC COUNT PROGRAM, AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$152,000

- 21-0676** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into an Advance Funding Agreement with the Texas Department of Transportation for Improvements to East Louisiana Street (Capital Improvement Project CO1817). Resolution caption reads as follows:

RESOLUTION NO. 2021-08-087 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO EAST LOUISIANA STREET

- 21-0678** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into an Interlocal Agreement with the University of Texas - Dallas for Participation in a Graduate Certificate in Local Government Management Program. Resolution caption reads as follows:

RESOLUTION NO. 2021-08-089 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE UNIVERSITY OF TEXAS – DALLAS FOR PARTICIPATION IN A GRADUATE CERTIFICATE IN LOCAL GOVERNMENT MANAGEMENT PROGRAM

- 21-0679** Consider/Discuss/Act on a Resolution Amending the City's Policy for

Board and Commission Member Appointments and Eligibility. Resolution caption reads as follows:

RESOLUTION NO. 2021-08-090 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ITS POLICY FOR BOARD AND COMMISSION MEMBER APPOINTMENTS AND ELIGIBILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Fuller called for the Consent item to be considered separately.

21-0677 Consider/Discuss/Act on a Resolution Ratifying the Third Meet and Confer Agreement with the McKinney Police Association

Council unanimously approved the motion by Council Member Frazier, seconded by Council Member Feltus, to approve a Resolution Ratifying the Third Meet and Confer Agreement with the McKinney Police Association. Resolution caption reads as follows:

RESOLUTION NO. 2021-08-088 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, RATIFYING THE THIRD MEET AND CONFER AGREEMENT WITH THE MCKINNEY POLICE ASSOCIATION

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

21-0680 Consider/Discuss/Act on Fiscal Year 2021-22 Proposed Tax Rate, Take Record Vote and Set Public Hearing and Adoption Date

Mayor Pro Tem made the motion "that the City of McKinney propose to adopt a Fiscal Year 2022 Total Tax Rate of \$0.502500, which is higher than the Fiscal Year 2022 no-new-revenue tax rate of \$0.485199, and call for a public hearing; the public hearing to be held of September 7, 2021 at 6:00 p.m. Further, a record vote on the tax rate adoption will be held on September 7, 2021 at 6:00 p.m. All meetings will be held in the McKinney City Hall Council Chambers at 22 North Tennessee Street, McKinney, TX 75069."

The motion was seconded by Council Member Franklin.

The record vote is documented below:

Mayor Fuller – Aye

Mayor Pro Tem Rogers – Aye

Council Member Philips – Aye

Council Member Feltus – Aye

Council Member Frazier – Aye

Council Member Franklin – Aye

Council Member Beller – Aye

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Franklin, to approve Fiscal Year 2021-22 Proposed Tax Rate, Take Record Vote and Set Public Hearing and Adoption Date.

21-0681 Conduct a Public Hearing to Consider/Discuss/Act on a Resolution Approving the 2021-2022 CDBG Annual Action Plan

Council unanimously approved the motion by Council Member Philips, seconded by Council Member Frazier, to close the public hearing and approve a Resolution Approving the 2021-2022 CDBG Annual Action Plan. Resolution caption reads as follows:

RESOLUTION NO. 2021-08-091 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2022 (PY21) ANNUAL ACTION PLAN UNDER THE 2020-2024 CONSOLIDATED PLAN, AND PROVIDING AN EFFECTIVE DATE

21-0682 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into a Contract with Cigna Health and Life Insurance Company (Cigna) for Third Party Administrative Services for Employee Medical, Prescription Drugs and Dental Benefits

Council unanimously approved the motion by Council Member Feltus, seconded by Mayor Pro Tem Rogers, to approve a Resolution Authorizing the City Manager to Enter into a Contract with Cigna Health and Life Insurance Company (Cigna) for Third Party Administrative Services for Employee Medical, Prescription Drugs and Dental Benefits. Resolution caption reads as follows:

RESOLUTION NO. 2021-08-092 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CIGNA HEALTH AND LIFE INSURANCE COMPANY (CIGNA) OF BLOOMFIELD, CT FOR THIRD PARTY ADMINISTRATIVE SERVICES FOR EMPLOYEE MEDICAL, PRESCRIPTION DRUGS AND DENTAL BENEFITS INCLUDING THE ADMINISTRATION OF PLAN DESIGNS AND PROVIDER NETWORK SERVICES

- 21-0683** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into a Contract with Lincoln National Life Insurance Company (Lincoln) for Basic & Supplemental Life, Accidental Death & Dismemberment, and Long Term Disability Insurance Coverage

Council unanimously approved the motion by Council Member Franklin, seconded by Council Member Feltus, to approve a Resolution Authorizing the City Manager to Enter into a Contract with Lincoln National Life Insurance Company (Lincoln) for Basic & Supplemental Life, Accidental Death & Dismemberment, and Long Term Disability Insurance Coverage. Resolution caption reads as follows:

RESOLUTION NO. 2021-08-093 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE LINCOLN NATIONAL LIFE INSURANCE COMPANY OF OMAHA, NEBRASKA FOR BASIC & SUPPLEMENTAL LIFE, ACCIDENTAL DEATH & DISMEMBERMENT, AND LONG-TERM DISABILITY INSURANCE COVERAGE

- 21-0684** Consider/Discuss/Act on a Resolution to Award a Contract with HPS, LLC of Georgetown, Texas, for the Development and Implementation of an Advanced Metering Infrastructure (AMI) System, WA2051, and to Authorize the City Manager to Execute a Contract and any Change Orders

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Frazier, to approve a Resolution to Award a Contract with HPS, LLC of Georgetown, Texas, for the Development and Implementation of an Advanced Metering Infrastructure (AMI) System, WA2051, and to Authorize the City Manager to Execute a Contract and any Change Orders. Resolution caption reads as follows:

RESOLUTION NO. 2021-08-094 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO HPS, LLC OF GEORGETOWN, TEXAS TO DEVELOP AND IMPLEMENT AN ADVANCED METERING INFRASTRUCTURE (AMI) SYSTEM, WA2051, AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT AND ANY CHANGE ORDERS

- 21-0005SUP2** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit to Allow for an Outdoor Amusement Facility (The Flour Mill), Located at 501 East Louisiana Street, and Accompanying Ordinance

Council unanimously approved the motion by Council Member Philips, seconded by Council Member Franklin, to close the public hearing and approve a

Specific Use Permit to Allow for an Outdoor Amusement Facility (The Flour Mill), Located at 501 East Louisiana Street, and Accompanying Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2021-08-081

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR AN OUTDOOR AMUSEMENT FACILITY (THE FLOUR MILL), LOCATED AT 501 EAST LOUISIANA STREET; PROVIDING REGULATIONS; 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.

21-0035Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS-60" Single Family Residence District and "TMN" Traditional McKinney Neighborhood Overlay District to "PD" - Planned Development District and "TMN" Traditional McKinney Neighborhood Overlay District, Generally to Modify the Uses and Development Standards, Located at 800 South Chestnut Street, and Accompanying Ordinance

Betty Petkovsek, 1101 W. Louisiana, McKinney, TX 75069, spoke in opposition of this item.

Nina Dowell-Ringley, 313 N. Benge, McKinney, TX 75069, spoke in opposition of this item.

Council denied the motion by Council Member Philips, to table this item in a vote of 3-4, Mayor Fuller, Mayor Pro Tem Rogers, and Council Members Frazier and Feltus voting against.

Council approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Franklin, to close the public hearing and approve a Request to Rezone the Subject Property from "RS-60" Single Family Residence District and "TMN" Traditional McKinney Neighborhood Overlay District to "PD" - Planned Development District and "TMN" Traditional McKinney Neighborhood Overlay District, Generally to Modify the Uses and Development Standards, Located at 800 South Chestnut Street, and Accompanying Ordinance with a vote of 5 - 1, Council Member Philips voting no. Ordinance caption reads as follows:

ORDINANCE NO. 2021-08-082

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 1.27 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF SOUTH CHESTNUT STREET AND EAST CHRISTIAN STREET, IS REZONED FROM "RS-60" – SINGLE FAMILY RESIDENCE DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

21-0007A/ Conduct a Public Hearing to Consider/Discuss/Act on a Petition to Annex
21-0074Z2 (Case No. 21-0007A) and a Request to Rezone a Portion of the Subject Property from "AG" - Agricultural District and "CC" - Commercial Corridor Overlay District to "C2" - Local Commercial District and "CC" - Commercial Corridor Overlay District, and Zone a Portion of the Subject Property to "C2" - Local Commercial District (Case No. 21-0074Z), Located on the Northwest Corner of University Drive (U.S. Highway 380) and County Road 856, and Related Ordinance(s) and Agreements

Council unanimously approved the motion by Council Member Franklin, seconded by Council Member Philips, to close the public hearing and approve a Petition to Annex (Case No. 21-0007A) and a Request to Rezone a Portion of the Subject Property from "AG" - Agricultural District and "CC" - Commercial Corridor Overlay District to "C2" - Local Commercial District and "CC" - Commercial Corridor Overlay District, and Zone a Portion of the Subject Property to "C2" - Local Commercial District (Case No. 21-0074Z), Located on the Northwest Corner of University Drive (U.S. Highway 380) and County Road 856, and Related Ordinance(s) and Agreements.

Ordinance captions read as follows:

ORDINANCE NO. 2021-08-083

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. 2021-08-084

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 4.85 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF UNIVERSITY DRIVE (U.S. HIGHWAY 380) AND COUNTY ROAD 856, IS REZONED FROM "AG" - AGRICULTURAL DISTRICT AND "CC" - COMMERCIAL CORRIDOR OVERLAY DISTRICT TO "C2" - LOCAL COMMERCIAL DISTRICT AND "CC" - COMMERCIAL CORRIDOR OVERLAY DISTRICT, AND AN APPROXIMATELY 1.92 ACRE PROPERTY, LOCATED APPROXIMATELY 180 FEET NORTH OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND ON THE WEST SIDE OF COUNTY ROAD 856, IS ZONED TO "C2" - LOCAL COMMERCIAL DISTRICT, GENERALLY TO ALLOW FOR 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

21-0006M2 Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Appendix G-1 (MTC - McKinney Town Center Regulating Plan) of the Code of Ordinances (REQUEST TO BE TABLED)

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Franklin, to close the public hearing and table a Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Appendix G-1 (MTC - McKinney Town Center Regulating Plan) of the Code of Ordinances.

21-0080Z2 Conduct a Public Hearing to Consider / Discuss / Act on a Request to Rezone the Subject Property from "RS-60" - Single Family Residence District and "TMN" Traditional McKinney Neighborhood Overlay District to "MTC" - McKinney Town Center District and "TMN" Traditional McKinney Neighborhood Overlay District, Located at 511 Green Street and 701 Anthony Street (REQUEST TO BE TABLED)

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Franklin, to close the public hearing and table a Request to Rezone the Subject Property from "RS-60" - Single Family Residence District and "TMN" Traditional McKinney Neighborhood Overlay District to "MTC" - McKinney Town Center District and "TMN" Traditional McKinney Neighborhood Overlay District, Located at 511 Green Street and 701 Anthony Street.

21-0685 Consider/Discuss/Act on Ethics Complaint No. 06-16-2021

The presentation for this item will be included in the minutes as “Appendix A – 21-0685 Ethics Complaint No. 06-16-2021”.

Council Member Philips made the following comments “The complainant alleged that Mayor George Fuller violated Section 2-263-Civility on May 4, 2021. The conduct alleged to have occurred as stated in the complaint does not rise to the level of abusive conduct, personal charges or a verbal attack. The complaint does not allege that the alleged conduct occurred while acting within the accused’s official capacity or that the alleged conduct occurred during an official function of the City of McKinney. The complaint simply alleges that the conduct complained of occurred ‘online.’ The allegations contained within the complaint, if taken as true, demonstrates a difference of opinion of the parties involved. Section 2-263, the provision alleged to have been violated, does not deprive the respondent of his First Amendment right to freedom of speech nor does this council determine that elected officials should be restrained from public expression of their opinions or be deprived of the right to freedom of speech. The City Council finds that the matters contained within the complaint demonstrates a difference of opinion between the parties involved, were conducted online and not in the official capacity of the accused, does not demonstrate sufficient cause that a violation of the ordinance has occurred and dismisses the complaint.”

Council Member Philips made the motion that the matter be dismissed because sufficient cause does not exist to suggest a violation of the ordinance has occurred. The motion was seconded by Council Member Franklin.

Council unanimously approved the motion to dismiss the ethics complaint.

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

Hilda Farr, 1409 Sanctuary Ln., McKinney, TX 75069, spoke regarding street name changes.

Nina Dowell-Ringley, 313 N. Benge, McKinney, TX 75069, spoke regarding her gratitude.

Teri Youngdale, 7810 Eldorado Pkwy, Suite 200, McKinney, TX 75070, spoke regarding the COVID-19 Pandemic and vaccines.

Lisa Washington-Unoko, 12662 Jupiter RD #1123, Dallas, TX 75238, gave her thanks to the City Council.

Zeta Faye White, 906 Throckmorton, McKinney, TX 75069, gave her thanks to the City Council.

Mayor Fuller called for Council and Manager Comments.

Council Member Philips recognized Camille Murray a freshman at McKinney North High School who was recognized as McKinney's Best Female Athlete of the 2020-2021 school year for her performance in the Texas State Swimming Championship. Camille placed second in the 100-meter backstroke and third in the 100-meter butterfly.

Council Member Beller spoke regarding mobile vaccination sites, back-to-school events, Taco with Cops Event, and the Lead By Example Organization.

Council Member Frazier spoke regarding the Police Association, the Crape Myrtle Trails, and Eldorado being cleaned.

Council Member Feltus spoke regarding the Police and Fire Associations, McKinney resident Zeta White, vaccines, back-to-school time, and cold & flu season.

Mayor Pro Tem Rogers gave his condolences to Butch Aycock's family.

City Manager Grimes thanked Assistant City Manager Barry Shelton for his work with the Meet and Confer process with the Police Association. The City Manager spoke regarding the Parks & Apex Recreation guides and Water Quality Month.

Mayor Fuller spoke regarding his son on leave from the Army, Taco with Cops Event, Maylee Thomas-Fuller & back-to-school events, Donuts with Super Heroes, and the Police and Fire Departments.

Council unanimously approved the motion by Council Member Rainey Rogers, seconded by Council Member Gere' Feltus, to adjourn the meeting at 8:45 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 on August 17, 2021.

SIGNED:

GEORGE C. FULLER, Mayor

ATTEST:

EMPRESS DRANE, City Secretary
JOSHUA STEVENSON, Deputy City Secretary

City of McKinney, Texas

ETHICS COMPLAINT

No. 06-16-2021 / Mayor George Fuller

Presented by
Mark Houser, City Attorney

THE COMPLAINT

- On June 16, Robert Bruce Warren submitted an ethics complaint against Mayor George Fuller regarding comments the Mayor made on Facebook in a conversation with Tammy Warren, the complainant's wife, excerpted here:
 - "George Fuller engaged in abusive verbal conduct online with personal attacks on my wife [Tammy Warren] and her character, and motives... Called her foolish, called McKinney First PAC team members (of which she is a part) foolish, said ability to grasp reality is compromised, said she was filled with hate and disdain... He goes on to belittle CCCR leadership (Collin County Conservative Republicans) of which she is on the board. He called it and McKinney First PAC a joke, etc. ... Finally he deleted his comments from his Facebook page..."
- Mr. Warren's complaint alleges violation of **Section 2-263 - Civility**, which calls for the conduct of city officials to be "above reproach" and requires city officials to refrain from "abusive conduct, personal charges, or verbal attacks upon the person, character or motives of members of the public or other city officials and employees."

PROCEDURES FOR HANDLING COMPLAINT

- City Attorney forwarded complaint to Rebecca Hendricks Brewer, the assigned investigating attorney, who found the complaint to be procedurally correct and recommended the City Council to conduct further proceedings. Brewer offered no comment on the merits of the complaint.
- City Council will deliberate, vote, and render a decision as to whether the complaint shall be:
 1. Dismissed as frivolous; or
 2. Dismissed because the subject conduct was undertaken in good faith reliance on a formal written opinion of the City Attorney; or
 3. Dismissed because sufficient cause does not exist to suggest a violation may have occurred; or
 4. Investigated more thoroughly by the investigating attorney because sufficient cause exists to suggest a civil violation may have occurred.
- City Council may conduct any hearing in closed executive session, but must make any final decision during an open public meeting.

DISMISSING A COMPLAINT

- When deciding a complaint should be **dismissed as frivolous**, the council may consider the following:
 1. The existence and nature of any relationship between the accused official and the person filing the complaint before the complaint was filed;
 2. Any evidence that the person filing the complaint knew or reasonably should have known that the allegations in the complaint were groundless; and
 3. Any evidence regarding the motives of the person filing the complaint.
- If the council determines a complaint should be **dismissed for insufficient cause to proceed with the investigation**, it shall dismiss the complaint and send notification to the complainant and the respondent.

FURTHER INVESTIGATING A COMPLAINT

- Council may direct the investigating attorney to **further investigate** the allegations in the complaint using such procedures as are appropriate.
 - If the council determines that there is sufficient cause to proceed, it will send notification within 10 business days to the complainant and the respondent.
 - The respondent may file with the council a response to the complaint within 10 business days.
- Council may also **enter into an agreement** with the accused official at any time after a complaint is filed. The agreement should include an admission of violation or a statement of no desire to contest the complaint by the accused official and a promise by the accused official not to engage in certain actions as well as any penalties or remedial action to be taken by or against the accused official.
 - Council may rescind an agreement if breached by the accused official.

CIVIL SANCTIONS

- If the council determines that a **violation has occurred**, the council may, after providing notice and an opportunity for the accused official to respond, impose one or more of the following civil sanctions:
 1. A resolution of **notification**: appropriate for when a violation may have occurred, but was clearly unintentional or was made in reliance on a public written opinion of the City Attorney.
 2. A resolution of **admonition**: appropriate for a violation that was either minor or unintentional, but requires a more substantial response.
 3. A resolution of **reprimand**: appropriate for a violation believed to be intentional or through culpable disregard of the ethics ordinance.
 4. A resolution of **censure**: appropriate for when a serious or repeated ethics violation has been committed intentionally or through culpable disregard.
 - Council may also recommend a voter-initiated **recall** of an elected official for a serious or repeated ethics violation committed intentionally or through culpable disregard.
 - A City Council member cannot be removed from office by action of the City Council

QUESTIONS