

CITY COUNCIL REGULAR MEETING

JUNE 1, 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, June 1, 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 Manger 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, McKinney Performing Arts Center (MPAC) and Main Street Program Director Amy Rosenthal, Director of Engineering Gary Graham, Director of Planning Jennifer Arnold, and Desktop Support Technician Robert Lisenby.

There were approximately twenty-one (21) 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 Dr. Bill Rosnett of Northwest Christian Church.

Mayor Fuller called for Public Comments regarding Agenda items.

Elizabeth Michel, 6205 Eaglestone, McKinney TX, spoke regarding Agenda item 21-0473.

Mayor Fuller called for the Consent Agenda.

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

- 21-0470** Minutes of the City Council Work Session of May 18, 2021
- 21-0471** Minutes of the City Council Regular Meeting of May 18, 2021
- 21-0377** Minutes of the Community Grants Advisory Commission Meeting of April

22, 2021

- 21-0321** Minutes of the Joint Meeting of the McKinney City Council, McKinney Economic Development Corporation & McKinney Community Development Corporation and City Council Work Session of March 23, 2021
- 21-0322** Minutes of the Joint Meeting of the City Council, McKinney Economic Development Corporation, and McKinney Community Development Corporation of April 6, 2021
- 21-0392** Minutes of the Main Street Board Meeting of April 15, 2021
- 21-0438** Minutes of the McKinney Arts Commission Meeting of March 18, 2021
- 21-0454** Minutes of the McKinney Community Development Meeting of April 22, 2021
- 21-0455** Minutes of the McKinney Community Development TUPPS Project Subcommittee Meeting of April 8, 2021
- 21-0456** Minutes of the McKinney Community Development TUPPS Project Subcommittee Meeting of April 21, 2021
- 21-0429** Minutes of the McKinney Economic Development Corporation Meeting of March 16, 2021 (Amended)
- 21-0457** Minutes of the McKinney Community Development TUPPS Project Subcommittee Meeting of May 5, 2021
- 21-0458** Minutes of the McKinney Community Development Nonprofit Collaborative Project Subcommittee Meeting of April 8, 2021
- 21-0468** Minutes of the Planning and Zoning Commission Regular Meeting of May 11, 2021
- 21-0407** Minutes of the Tax Increment Reinvestment Zone Number One (TIRZ1) Board Meeting of January 5, 2021
- 21-0408** Minutes of the Tax Increment Reinvestment Zone Number One (TIRZ1) Board Meeting of February 2, 2021
- 21-0303** Minutes of the Visit McKinney Board Meeting of March 30, 2021
- 21-0447** Minutes of the Visit McKinney Board Meeting of April 22, 2021

21-0448 Minutes of the Visit McKinney Board Meeting of April 23, 2021

21-0472 Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2020-2021 Annual Budget and Amending the 2021-2025 Capital Improvements Program to Provide Funds for PK4392, AI Ruschhaupt Improvement Project. Ordinance caption reads as follows:

ORDINANCE NO. 2021-06-052

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE FISCAL YEAR 2020-2021 ANNUAL BUDGET AND 2021-2025 CAPITAL IMPROVEMENT PROGRAM TO PROVIDE FUNDS FOR AI RUSCHHAUPT IMPROVEMENT PROJECT (PK4392); AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

21-0473 Consider/Discuss/Act on a Ordinance Amending the Fiscal Year 2020-2021 Annual Budget to Provide Funds for the purpose of Gap Funding the McKinney Silos Art Mural Project; and Authorizing the McKinney Arts Commission through the City Manager, or Designee, to Apply for and Accept Any Grant Funding for the McKinney Silos Art Mural Project. Ordinance caption reads as follows:

ORDINANCE NO. 2021-06-053

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2020-2021 ANNUAL BUDGET; AND AUTHORIZING THE MCKINNEY ARTS COMMISSION THROUGH THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR, ACCEPT, IF AWARDED, ANY GRANT FUNDING FOR THE MCKINNEY SILOS ART MURAL PROJECT (GR2109); AND PROVIDING FOR AN EFFECTIVE DATE

21-0474 Consider/Discuss/Act on an Ordinance Authorizing the Issuance of "City of McKinney, Texas, General Obligation Bonds, Taxable Series 2021C", and Delegating Matters Relating to the Sale and Issuance of Said Bonds to an Authorized City Official(s). Ordinance caption reads as follows:

ORDINANCE NO. 2021-06-054

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ISSUANCE OF "CITY OF MCKINNEY, TEXAS, GENERAL OBLIGATION BONDS, TAXABLE SERIES 2021C"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED CITY OFFICIAL;

ENACTING PROVISIONS INCIDENT AND RELATED TO THE PURPOSES AND SUBJECT OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

- 21-0475** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Extension and Modification to the Commercial Lease Agreement with El Dorado Properties, LTD for the premises located at 216 North Tennessee Street. Resolution caption reads as follows:

RESOLUTION NO. 2021-06-057 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION AND MODIFICATION TO THE COMMERCIAL LEASE AGREEMENT BETWEEN EL DORADO PROPERTIES, LTD AND THE CITY OF MCKINNEY, TEXAS FOR PROPERTY AT 216 NORTH TENNESSEE STREET AND PROVIDING AN EFFECTIVE DATE

- 21-0476** Consider/Discuss/Act on a Resolution of the City of McKinney, Texas Finding that Oncor Electric Delivery Company LLC's Application for Approval to Amend its Distribution Cost Recovery Factor Pursuant to Increase Distribution Rates Within the City Should be Denied; Authorizing Participation with Oncor Cities Steering Committee; Authorizing the Hiring of Legal Counsel and Consulting Services; 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 Legal Counsel. Resolution caption reads as follows:

RESOLUTION NO. 2021-06-058 (R)

A RESOLUTION OF THE CITY OF THE CITY OF MCKINNEY, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; 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 LEGAL COUNSEL.

- 21-0477** Consider/Discuss/Act on a Resolution of the City Council of the City of

McKinney, Texas Denying CoServ Gas, LTD.'s Requested Rate Increase; Requiring the Company to Reimburse City's Reasonable Ratemaking Expenses; 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 Legal Counsel. Resolution caption reads as follows:

RESOLUTION NO. 2021-06-059 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DENYING COSERV GAS, LTD.'S REQUESTED RATE INCREASE; REQUIRING THE COMPANY TO REIMBURSE THE CITY'S REASONABLE RATEMAKING EXPENSES; 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 LEGAL COUNSEL

21-0478 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Construction Solutions USA, LLC of Carrollton, Texas, for the Construction of the AI Ruschhaupt Park Improvement Project (PK4392). Resolution caption reads as follows:

RESOLUTION NO. 2021-06-060 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT TO CONSTRUCTION SOLUTIONS USA, LLC OF CARROLTON, TEXAS, FOR THE CONSTRUCTION OF THE AI RUSCHHAUPT PARK IMPROVEMENT PROJECT

21-0479 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Agreement with the Texas Department of Transportation for the Temporary Closure of the State Right-of-Way for the Purpose of a Special Event. Resolution caption reads as follows:

RESOLUTION NO. 2021-06-062 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY

21-0480 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with Mario Sinacola and Sons Excavating, Inc., for the Construction of the Ridge Road (US

380 to Wilmeth Road) Project. Resolution caption reads as follows:

RESOLUTION NO. 2021-06-063 (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 \$17,862,051.92 WITH MARIO SINACOLA AND SONS EXCAVATING, INC., FOR THE CONSTRUCTION OF THE RIDGE ROAD (US 380 TO WILMETH ROAD) PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$19,500,000

- 21-0481** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Alliance Geotechnical Group for Materials Testing Services on the Ridge Road (US 380 to Wilmeth Road) Project (ST1617). Resolution caption reads as follows:

RESOLUTION NO. 2021-06-064 (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 \$190,021.00 WITH ALLIANCE GEOTECHNICAL GROUP FOR MATERIAL TESTING SERVICES FOR THE CONSTRUCTION OF THE RIDGE ROAD (US 380 TO WILMETH ROAD) PROJECT (ST1617) AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$220,000

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

- 21-0005A/** 21-0039Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Petition to Annex (Case No. 21-0005A) and a Request to Zone (Case No. 21-0039Z) on Certain Land (the "Property") to "LI" - Light Industrial District, Located Approximately 750 Feet West of Almeta Lane and on the South Side of Harry McKillop Boulevard (FM 546), and Related Ordinance(s) and Agreements (REQUEST TO BE TABLED)

Council unanimously approved the motion by Council Member Franklin, seconded by Council Member Feltus, to close the public hearing and table a Petition to Annex (Case No. 21-0005A) and a Request to Zone (Case No. 21-0039Z) on Certain Land (the "Property") to "LI" - Light Industrial District, Located Approximately 750 Feet West of Almeta Lane and on the South Side of Harry McKillop Boulevard (FM 546), and Related Ordinance(s) and Agreements.

21-0040Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "SF 5" - Single Family Residential District to "PD" - Planned Development District, to Allow for Multi-Family Residential, Single Family Residential and Commercial Uses and to Modify the Development Standards, Located on the North Side of FM 1461 and Approximately 5,500 Feet East of FM 2478, and Accompanying Ordinance

Council Member Franklin abstained from the discussion and vote on this item.

Bob Roeder (Applicant), 1700 Redbud #300, McKinney, TX 75069, spoke in favor of the item.

Council approved the motion made by Mayor Pro Tem Rogers, seconded by Council Member Frazier, to close the public hearing with a vote of 6-0, Council Member Franklin abstaining.

The motion by Council Member Philips, seconded by Mayor Fuller, to approve a Request to Rezone the Subject Property from "PD" - Planned Development District and "SF 5" - Single Family Residential District to "PD" - Planned Development District, to Allow for Multi-Family Residential, Single Family Residential and Commercial Uses and to Modify the Development Standards, Located on the North Side of FM 1461 and Approximately 5,500 Feet East of FM 2478, and Accompanying Ordinance carried with a vote of 4-2-1, Council Members Frazier and Feltus voting against and Council Member Franklin abstaining. Ordinance caption reads as follows:

ORDINANCE NO. 2021-06-055

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 461 ACRE PROPERTY, LOCATED APPROXIMATELY 5,500 FEET EAST OF FM 2478 AND ON THE SOUTH SIDE OF FM 1461, IS REZONED FROM "SF5" – SINGLE FAMILY RESIDENTIAL DISTRICT AND "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, AND COMMERCIAL USES, AND 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

21-0051Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "C2" - Local Commercial District, Located on the Northeast Corner of Collin McKinney Parkway and Alma Road and Accompanying Ordinance

Council unanimously 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 "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "C2" - Local Commercial District, Located on the Northeast Corner of Collin McKinney Parkway and Alma Road and Accompanying Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2021-06-056

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 4.237 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF COLLIN MCKINNEY PARKWAY AND ALMA ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "C2" – LOCAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Mayor Fuller called for Citizen comments regarding issues not on the Agenda.

Tamara Johnson, P.O. Box 2514, McKinney, TX 75070, spoke regarding the Throckmorton Statue and Street.

Comment cards submitted online or after the start of the meeting will be entered in the minutes as "Regular Meeting Appendix A – Citizen Comment Cards".

Mayor Fuller called for Council and Manager Comments.

Council Member Franklin spoke regarding the Smiles Charity Event.

Council Member Frazier spoke regarding the Texas Government Legislative Session, police policy standardization, TxDOT, Memorial Day, and Carry the Load Event.

Council Member Philips congratulated the McKinney Students who were National Merit Scholars.

Council Member Feltus spoke regarding the Juneteenth Event on June 19, 2021 at Finch Park from 9 a.m. to 9 p.m.

Mayor Pro Tem Rogers thanked Council Member Frazier for his service and spoke regarding the Smiles Charity Event and a Citizen email regarding the excellent service of the McKinney Police Department.

City Manager Grimes updated the Council on the following items:

- The Parks and Recreation Department was able to hire enough seasonal workers to staff facilities.

- The Old Settler's Aquatic Facility will be closed with a hopeful opening date of July 4, 2021.

- Engineering Study on Eastside Improvements

- The final day for a citizen to apply for a Board or Commission is June 18, 2021.

- Texas Music Revolution Festival

Mayor Fuller thanked Council Member Frazier for his service and spoke regarding the Smiles Charity Event, Texas Music Revolution Festival. The Mayor thanked MPAC and Main Street Director Amy Rosenthal for her work in organizing the Texas Music Revolution Festival.

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Franklin, to adjourn the meeting at 6:57 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 June 15, 2021.

SIGNED:

GEORGE C. FULLER, Mayor

ATTEST:

EMPRESS DRANE, City Secretary

JOSHUA STEVENSON, Deputy City Secretary

City of McKinney, Texas

Regular Meeting Appendix A – Citizen Comment Cards

Joshua Stevenson

From: noreply@civicplus.com
Sent: Monday, May 31, 2021 10:58 PM
To: Deana Smithee; Joanne Isom; Linda Jones; Terri Ramey; Kathy Wright; Akia Pichon; City Secretary
Subject: Online Form Submittal: Citizen Comments

EXTERNAL SENDER ALERT: THIS EMAIL IS FROM AN EXTERNAL SENDER. BE CAUTIOUS WHEN OPENING ATTACHMENTS OR CLICKING URLS LINKS.

Citizen Comments

My comment is for the: McKinney City Council

Date of Meeting: 6/1/2021

My public comments are for an item: NOT on the Agenda

I wish to comment about: Agenda Item 21-0040Z2

Public Comments

Due to legal requirements, the Council or specified Board cannot take action on Citizen Comments topics; however they can:

- *Provide statements of fact regarding the topic,*
- *Request the topic be included as part of a future meeting, and / or*
- *Refer the topic to city staff for further study, conclusion, or assistance.*

Comments submitted through this online form will not be read aloud at the meeting but will be documented in the meeting record.

Comments submitted to other emails will not be included in the meeting record.

Comments: We have been McKinney residents (homeowners) for the past 11 years and have just made the decision to move our young family out of McKinney to another DFW metro plex city because of the demographic change in the past 4 years due to massive increase of multi-family housing. We have seen people not from our neighborhood occupying our children's playground in the community, and we have our cars broken into as well as suspected gun shots in our neighborhood late at nights. I no longer feel safe walking alone being an Asian female in my own neighborhood.

First Name: Elisa

Last Name: Hutt

1

Address 1: 1008 Buffalo Creek Drive

Address 2: *Field not completed.*

City: McKinney

State: TX

Zip: 75072

Email Address: elisa.hutt@gmail.com

Email not displaying correctly? [View it in your browser.](#)

Request to Speak Before McKinney City Council

Date 6/1/2021

(Print) Full Name Steven Spainhower Phone 214 241 9929

Address 1836 Inglisha City MCK Zip 75069

Email spainhower@gmail.com

Public Comments for items ON THE AGENDA

I wish to speak in SUPPORT / OPPOSITION of Item # _____
**Those wishing to speak on Public Hearing item(s) will be called at the time of the Public Hearing.*

Public Comments for items NOT ON THE AGENDA

I wish to speak about: wayfinding signage for McKinney
**It is the Mayor's decision to call those wishing to speak on Non-Agenda at either the beginning or end of the meeting.*

Submit a Comment without Speaking

I do not wish to speak; however, please record my SUPPORT FOR OPPOSITION AGAINST

Topic of Discussion: Request updated park plan be considered
to look @ wayfinding signage at city entrances

PUBLIC COMMENTS INSTRUCTIONS

- Individuals wishing to address the Council must be present at the meeting.
- Complete this "Request to Speak" card and submit to city staff before the start of the meeting.
- When called to speak, go to the speaker's stand, state your name and address, and discuss the topic of interest. Please address the whole Council as one body – do not address specific Council Members individually.
- Due to legal requirements, the Council cannot take action on Citizen Comments topics; however, the Council can:
 - Provide statements of fact regarding the topic,
 - Request the topic be included as part of a future meeting, and / or
 - Refer the topic to city staff for further study, conclusion, or assistance.
- The time allowed to speak is generally 3 minutes per item, but can be changed by the Mayor.
- All speakers will have the same amount of time to speak for each item.