

CITY COUNCIL REGULAR MEETING

MAY 7, 2019

The City Council of the City of McKinney, Texas met in regular session in the McKinney City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, May 7, 2019 at 6:00 p.m.

Mayor George C. Fuller called the meeting to order at 6:00 p.m. upon determining a quorum of the Council was present, consisting of himself and the following members:

- La'Shadion Shemwell..... District 1
- Rainey Rogers District 2
- Scott Elliott District 3
- Chuck Branch..... District 4
- Charlie Philips At Large
- Tracy Rath, Mayor Pro Tempore..... At Large

City of McKinney Staff Present: City Manager Paul Grimes, Deputy City Manager Jose Madrigal, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, City Attorney Mark Houser, City Secretary Empress Drane, Assistant to the City Manager Trevor Minyard, City Secretary Intern Cayla Simpson, Director of Organizational Development & Performance Management Joseph Mazzola, Director of Engineering Gary Graham, Director of Planning Jennifer Arnold, Chief Building Official Rick Herzberger, Assistant Director of Public Works Paul Sparkman, Facilities Construction Manager Patricia Jackson, Director of Parks & Recreation Michael Kowski, Police Chief Greg Conley, Fire Chief Danny Kistner, Assistant Fire Chief Chris Lowry, Chief Financial Officer Mark Holloway, Executive Director of McKinney Convention & Visitors Bureau (MCVB) DeeDee Guerra, MCVB Staff: Vanesa Rhodes, Beth Shumate and Sue Davis, Police Officers: Damien Guerrero, Adrian Guzman, Adrian Linwood, and Randy Patton, Planner Aaron Bloxham

There were sixteen (16) members of the public present.

Mayor Fuller called for the Invocation which was given by Pastor Louis Rosenthal of McKinney First Baptist Church, then the recital of the Pledge of Allegiance.

Mayor Fuller called for the following Information Sharing items:

- 19-0379** Presentation of Texas Film Commission/Office of the Governor of the City of McKinney's Film Friendly Texas Designation to the McKinney Convention & Visitors Bureau
- 19-0380** Proclamation for National Travel and Tourism Week
- 19-0381** Proclamation for Motorcycle Safety and Awareness Month
- 19-0382** Proclamation for National Bike Month and Bike to Work Week
- 19-0383** Proclamation for Building Safety Month
- 19-0384** Proclamation for McKinney High School Students Against Slavery and Human Trafficking

Mayor Fuller and the Council greeted five-year old Henry who was present in the audience, along with his family. Mayor Fuller stated that Henry was fascinated with the trash collection trucks and acknowledged city worker Richard Hernandez who took time on his day off to visit with Henry on this birthday.

Mayor Fuller called for Public Comments:

The following individual spoke regarding homelessness in the city:

Paul Ballesteros, 6508 Marvin Gardens, McKinney TX 75070

Mayor Fuller called for the Consent Agenda. Council unanimously approved the motion by Council Member Chuck Branch, seconded by Council Member Scott Elliott, to approve the following Consent Agenda items:

- 19-0346** Minutes of the Library Advisory Board Meeting of March 21, 2019
- 19-0291** Minutes of the Main Street Board Meeting of March 14, 2019
- 19-0314** Minutes of the McKinney Arts Commission Meeting of January 17, 2019
- 19-0355** Minutes of the McKinney Community Development Corporation Meeting of March 28, 2019
- 19-0349** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of March 26, 2019.
- 19-0325** Minutes of the McKinney Economic Development Corporation Special Meeting of March 5, 2019
- 19-0326** Minutes of the McKinney Economic Development Corporation Meeting of March 19, 2019

19-0286 Minutes of the Planning and Zoning Commission Work Session of March 26, 2019

19-0287 Minutes of the Planning and Zoning Commission Regular Meeting of March 26, 2019

19-0385 Consider/Discuss/Act on a Resolution Approving and Authorizing Application of McKinney's Third Permit Term Stormwater Management Program. Resolution caption reads as follows:

RESOLUTION NO. 2019- 05-044 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE MCKINNEY STORMWATER MANAGEMENT PROGRAM TO BE INCLUDED WITH THE APPLICATION FOR A TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

19-0386 Consider/Discuss/Act on a Resolution Approving Award of Fixed Price Contracts to Stripe-A-Zone, Inc. of Grand Prairie, Texas; Total Highway Maintenance, LLC of Cedar Hill, Texas; CI Pavement of Grand Prairie, Texas; and A&M Maintenance Services, Inc. of Mesquite, Texas; for Street Striping and Pavement Marking Materials. Resolution caption:

RESOLUTION NO. 2019-05-045 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF FIXED PRICE CONTRACTS TO STRIPE-A-ZONE, INC. OF GRAND PRAIRIE, TEXAS; TOTAL HIGHWAY MAINTENANCE, LLC OF CEDAR HILL, TEXAS; CI PAVEMENT OF GRAND PRAIRIE, TEXAS; AND A&M MAINTENANCE SERVICES, INC. OF MESQUITE, TEXAS FOR STREET STRIPING AND PAVEMENT MARKING MATERIALS

19-0387 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Aleksander Omega, LLC for Construction Services Related to the Exterior ADA (Americans with Disabilities Act) Improvements Project at McKinney Senior Recreation Center (Project FC2239) located at 1400 S. College Street, McKinney, Texas 75069. Resolution caption reads as follows:

RESOLUTION NO. 2019-05-046 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ALEKSANDER OMEGA LLC FOR CONSTRUCTION SERVICES ASSOCIATED WITH THE EXTERIOR ADA (AMERICANS

WITH DISABILITIES ACT) IMPROVEMENTS PROJECT AT MCKINNEY SENIOR RECREATION CENTER LOCATED AT 1400 S. COLLEGE STREET, MCKINNEY, TEXAS 75069

- 19-0388** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Halff Associates, Inc. for Professional Engineering Design Services for the Wilmeth Road Lanes 3 & 4 Project (ST1723) and Any Necessary Supplemental Agreements. Resolution caption reads as follows:

RESOLUTION NO. 2019-05-047 (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 \$390,738 WITH HALFF ASSOCIATES, INC. FOR ENGINEERING DESIGN SERVICES FOR THE WILMETH ROAD LANES 3 & 4 PROJECT (ST1723) AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$440,000

- 19-0389** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with Kimley-Horn and Associates, Inc. to Provide Consulting Engineering Services for the ST4231 - 2018-2019 Roadway Impact Fee Update and Authorizing Any Supplemental Agreements. Resolution caption reads as follows:

RESOLUTION NO. 2019-05-048 (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 \$162,000 WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR CONSULTING ENGINEERING SERVICES FOR PROJECT ST4231 – 2018-2019 ROADWAY IMPACT FEE UPDATE AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$180,000

- 19-0390** Consider/Discuss/Act on a Resolution Awarding a Contract to A New Deal Irrigation (A N D Inc) of Wylie, Texas for the Performance of Irrigation Services: Repair and Installation. Resolution caption reads as follows:

RESOLUTION NO. 2019-05-049 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO A NEW DEAL IRRIGATION (A N D INC) OF WYLIE, TEXAS FOR IRRIGATION SERVICES: REPAIR AND INSTALLATION

- 19-0391** Consider/Discuss/Act on a Resolution Awarding a Contract to Aqua Bore, LLC of Terrell, Texas for the Performance of Boring Services. Resolution caption reads as follows:

RESOLUTION NO. 2019-05-050 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO AQUA BORE, LLC OF TERRELL, TEXAS FOR BORING SERVICES

- 19-0392** Consider/Discuss/Act on a Resolution Establishing the Summer School Zone Times for Each School Holding Summer School in 2019. Resolution caption reads as follows:

RESOLUTION NO. 2019-05-051(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ESTABLISHING THE SUMMER SCHOOL ZONE TIMES FOR EACH SCHOOL HOLDING SUMMER SCHOOL IN 2019

Mayor Fuller called for the Regular Agenda and Public Hearing Items:

- 19-0003M2** Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Section 146-40 (Nonconforming uses and nonconforming structures) of the Code of Ordinances, and Accompanying Ordinance

Council unanimously approved the motion by Council Member Rainey Rogers, seconded by Council Member Scott Elliott, to close the Public Hearing and approve a Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Section 146-40 (Nonconforming uses and nonconforming structures) of the Code of Ordinances, and Accompanying Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2019-05-030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING SECTION 146-40 (NONCONFORMING USES AND NONCONFORMING STRUCTURES) OF THE ZONING REGULATIONS; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 19-0393** Consider/Discuss/Act on an Ordinance Establishing Specific Guidelines for the Sale, Service and Consumption of Alcoholic Beverages in and about Certain Specified City-Owned Parklands and Recreation Centers

Council approved the motion by Mayor Pro Tem Tracy Rath, seconded by Council Member La'Shadion Shemwell, to approve an Ordinance Establishing Specific Guidelines for the Sale, Service and Consumption of Alcoholic Beverages in and about Certain Specified City-Owned Parklands and Recreation Centers with a vote of 6 - 1, Council Member Chuck Branch voting no. Ordinance caption reads as follows:

ORDINANCE NO. 2019-05-031

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 14, "ALCOHOLIC BEVERAGES," CHAPTER 74, "PARKS AND RECREATION," AND CHAPTER 87, "SPECIAL PERMITS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF VARIOUS SECTIONS OF EACH SUCH CHAPTER AS IDENTIFIED MORE PARTICULARLY HEREINBELOW REGARDING THE SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON CERTAIN DEFINED "CITY-OWNED PARKLAND" AND "RECREATION CENTERS"; AND FURTHER AMENDING CHAPTER 74, "PARKS AND RECREATION," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE RENUMBERING OF EXISTING SECTIONS 74-80 THROUGH 74-83 AS SECTIONS 74-81 THROUGH 74-84, RESPECTIVELY, THE ADOPTION OF A NEW SECTION 74-80, ENTITLED "CAMPING IN PARKS OR PUBLIC AREAS OTHER THAN DESIGNATED CAMPSITES IN ERWIN PARK PROHIBITED," AND THE AMENDMENT OF OLD SECTION 74-80 WHICH SECTION IS RENUMBERED HEREBY AS SECTION 74-81 ENTITLED "ADDITIONAL PROHIBITED ACTS," ALL 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

19-0394 Consider/Discuss/Act on Appointing a Member to the North Texas Municipal Water District (NTMWD) Board of Directors

Council unanimously approved the motion by Council Member Charlie Philips, seconded by Council Member La'Shadion Shemwell, to reappoint Joe Joplin to the North Texas Municipal Water District (NTMWD) Board of Directors, to serve a term effective June 1, 2019 to May 31, 2021.

Mayor Fuller called for Citizen Comments regarding matters not on the agenda, at which time there were no requests to address the Council.

Mayor Fuller called for Council and Manager Comments.

Council Member Charlie Philips recognized Tessa Smith, daughter of city staff Mike Smith (Planning Department) for collecting more than five thousand pencils to support students in Ghana, and he recognized Maylee Thomas for assisting Imagine Academy with a fundraiser.

Council Member Scott Elliott encouraged citizenship, respect and kindness amongst and between all residents throughout the process of determining the future of Highway 380 development.

Council Member Rainey Rogers expressed condolences for the recent loss of his friend Rick Rowe, who suffered a stroke. Council Members Rogers requested prayers on behalf of Mr. Rowe's surviving wife and children. Council Member Rogers stated he would be traveling to Nepal to climb Mount Everest and thanked and complimented Tracy Rath and Chuck Branch for their service to the City Council.

Council Member La'Shadion Shemwell wished an early birthday to his sister Dasia, whose birthday is Friday, May 10.

Council Member Chuck Branch thanked the city staff and board members during his time on the Council.

Mayor Pro Tem Tracy Rath stated she attended the recent County Commissioners Court at which meeting a resolution was passed by the County, expressed the May 2016 position of the city of McKinney which was opposition to Hwy 380 as a limited access roadway, and expressed the Council's concern for the impact of the highway development on McKinney businesses and families.

City Manager Paul Grimes thanked everyone who recently voted in the May 4, 2019 local election; announced the "virtual town hall" online tool for residents to submit input for the city budget – the tool will be available through June 7, 2019; announced the forty thousand (40,000) square foot hangar at McKinney National Airport is open and operational since opening; and announced the latest "City at Work" video provided information about the city's performance metrics.

Mayor George Fuller announced the Council results of the May 4, 2019 General Election: Frederick Frazier was elected to serve At Large, Rick Franklin was elected to serve District Place 4, and Rainey Rogers was re-elected to serve District Place 2; and stated the bond propositions and charter amendment passed in the election. Mayor Fuller expressed agreement with Mayor Pro Tem Tracy Rath regarding the Highway 380 issue and the recent Commissioners Court meeting, and he read several emails from city residents and businesses regarding Highway 380.

Mayor Fuller called for adjournment. Council unanimously approved the motion by Council Member Chuck Branch, seconded by Council Member La'Shadion Shemwell, to adjourn at 7:08 p.m.

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary