

**CITY COUNCIL REGULAR MEETING**

**JANUARY 21, 2020**

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, January 21, 2020 at 6:00 p.m.

Mayor George C. Fuller called the meeting to order at 6:10 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, Mayor Pro Tempore.....District 2

Scott Elliott .....District 3

Rick Franklin .....District 4

Charlie Philips .....At Large

Council Member Frederick Frazier was absent.

City of McKinney Staff Present: City Manager Paul G. Grimes, Assistant City Manager Kim Flom, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, City Attorney Mark S. Houser, Strategic Services Manager Trevor Minyard, Director of Organizational Development & Performance Management Joseph Mazzola, Executive Director of Development Services Michael Quint, Director of Planning Jennifer Arnold, Assistant Director of Planning Mark Doty, Director of Engineering Gary Graham, Capital Improvement Projects Manager Nicholas Ataie, Police Chief Greg Conley, Fire Chief Danny Kistner, Assistant Fire Chief Robert Alley, City Secretary Administrative Assistant Blenda Sims, City Secretary Intern Isabel Duran and City Secretary Empress Drane

There were approximately fifty (50) guests present.

Mayor Fuller called for the Invocation and recital of the Pledge of Allegiance, led by Reverend Lorenzo Galuszka of St. Peter's Episcopal Church.

Mayor Fuller called for Public Comments regarding Information Sharing Items. There were no requests to speak.

Mayor Fuller called for Information Sharing Items.

- 20-0092** Recognition of Volunteer Service to McKinney Citizens Fire Academy Alumni Association (McKinney CFAAA). Fire Chief Danny Kistner

recognized the efforts of volunteer of McKinney CFAAA community service and engagement over the past year, with special recognition for volunteer Pat O'Riley who contributed more than four hundred twenty-five (425) hours. Mayor Fuller presented Mr. O'Riley with a recognition award and stood for photos with approximately twenty CFAAA members and Fire Department staff who were present in support of Mr. O'Riley.

**20-0093** Proclamation for It's Time Texas Community Challenge. Mayor Fuller read a proclamation presented a video in recognition of the statewide initiative to promote wellness. Mayor Fuller and Council Members signed a pledge to support wellness activities.

Mayor Fuller called for Citizen Comments.

The following individual spoke regarding 5g / Wireless Technology concerns:

Tasha Escoto, 1704 Quarry Lane, McKinney TX 75072

The following individual spoke regarding homelessness and safety concerns:

Warren Owens, (no address provided), McKinney TX 75069

The following individual spoke regarding City Council and community action, and policing concerns:

Dee Crane, (no address provided), Arlington TX

Mayor Fuller called for the Consent Agenda.

Council unanimously approved the motion by Mayor Pro Tempore Rainey Rogers, seconded by Council Member Rick Franklin, to approve the following Consent Agenda items:

**20-0094** Minutes of the City Council Work Session of January 7, 2020

**20-0095** Minutes of the City Council Regular Meeting of January 7, 2020

**19-1073** Minutes of the Library Advisory Board meeting of November 21, 2019

**20-0096** Consider/Discuss/Act on Approving a Neighborhood Block Party Ordinance. Ordinance caption reads as follows:

**ORDINANCE NO. 2020-01-008**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 87, "SPECIAL EVENTS," OF THE CITY OF MCKINNEY CODE OF ORDINANCES BY ADDING A NEW ARTICLE VI, "NEIGHBORHOOD BLOCK PARTY PERMITS";**

**PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; ESTABLISHING GOVERNING LAW; PROVIDING FOR A PENALTY FOR THE VIOLATION HEREOF; AND PROVIDING AN EFFECTIVE DATE**

**20-0097** Consider/Discuss/Act on Resolution authorizing the City Manager to apply for and accept For FY 2020 Texas Counts Pooled Grant Funds, for McKinney Census 2020 Outreach and Education Program, if awarded, from Educate Texas at Communities Foundation of Texas. Resolution caption reads as follows:

**RESOLUTION NO. 2020-01-015 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, A GRANT FROM THE TEXAS COUNTS POOLED FUND, A PARTNERSHIP THROUGH THE CENTER FOR PUBLIC POLICY PRIORITIES AND COMMUNITIES FOUNDATION OF TEXAS, FOR FUNDING TO SUPPORT CENSUS 2020 ENGAGEMENT AND EDUCATION ACTIVITIES TARGETING HARD-TO-COUNT POPULATIONS IN MCKINNEY, TO SUPPORT A COMPLETE AND ACCURATE COUNT**

**20-0098** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Fugro USA Land, Inc. for Materials Testing Services on the Country Lane Extension Project (ST4372). Resolution caption reads as follows:

**RESOLUTION NO. 2020-01- 016 (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 \$76,430 WITH FUGRO USA LAND, INC. FOR MATERIAL TESTING SERVICES FOR THE COUNTRY LANE EXTENSION PROJECT (ST4372) AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$85,000**

**20-0099** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Standard Utility Agreement and Any Necessary Supplemental Agreements with the Texas Department of Transportation (TxDOT) for Reimbursement of Expenses for the WA1630 Custer Road Utility Relocations Project from US 380 to FM 1461. Resolution caption reads:

**RESOLUTION NO. 2020-01-017 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD UTILITY AGREEMENT AND ANY NECESSARY**

**SUPPLEMENTAL AGREEMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) FOR REIMBURSEMENT OF EXPENSES FOR THE WA1630 CUSTER ROAD UTILITY RELOCATIONS PROJECT**

Mayor  
**20-0104** Consider/Discuss/Act on an Ordinance Calling for a Special Recall Election

Council approved the motion by Council member Charlie Philips, seconded by Council member Rainey Rogers, to Approved 20-0104 Consider/Discuss/Act on an Ordinance Calling for a Special Recall Election with a vote of 5 - 1 - 0, La'Shadion Shemwell voting no.

**19-0238PF** Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1 & 2, Block A, James Gang Estates, Located in the ETJ of McKinney on the South Side of County Road 413 and 830 Feet East of Farm Road 2933 (Milrany Lane)

Jennifer Arnold, Staff was called to speak

Gary Graham, Staff was called to speak

John James, Applicant was called to speak

Council unanimously approved the motion by Council member La'Shadion Shemwell, seconded by Council member Scott Elliott, to Approved motion to disapprove was approved, 19-0238PF Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1 & 2, Block A, James Gang Estates, Located in the ETJ of McKinney on the South Side of County Road 413 and 830 Feet East of Farm Road 2933 (Milrany Lane)

**19-0048SP** Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for McKinney Independent School District (MISD) Transportation Facility Expansion, Approximately 760 Feet North of Wilmeth Road and on the West Side of James Pitts Drive

Frank Kennedy, Applicant was called to speak

Council unanimously approved the motion by Council member Rick Franklin, seconded by Council member La'Shadion Shemwell, to Close

the public hearing 19-0048SP Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for McKinney Independent School District (MISD) Transportation Facility Expansion, Approximately 760 Feet North of Wilmeth Road and on the West Side of James Pitts Drive Council unanimously approved the motion by Council member Rick Franklin, seconded by Council member La'Shadion Shemwell, to Approved 19-0048SP Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for McKinney Independent School District (MISD) Transportation Facility Expansion, Approximately 760 Feet North of Wilmeth Road and on the West Side of James Pitts Drive

**19-0124Z2** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District and "LI" - Light Industrial District to "LI" - Light Industrial District, Located Approximately 160 Feet South of Spur 195 and on the West Side of State Highway 5 (McDonald Street)

Ryan Spears, Applicant was called to speak

Council unanimously approved the motion by Council member Scott Elliott, seconded by Council member La'Shadion Shemwell, to Close the public hearing 19-0124Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District and "LI" - Light Industrial District to "LI" - Light Industrial District, Located Approximately 160 Feet South of Spur 195 and on the West Side of State Highway 5 (McDonald Street)

Council unanimously approved the motion by Council member Scott Elliott, seconded by Council member La'Shadion Shemwell, to Approved 19-0124Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District and "LI" - Light Industrial District to "LI" - Light Industrial District, Located Approximately 160 Feet South of Spur 195 and on the West Side of State Highway 5 (McDonald Street)

- 20-0100** Conduct a Public Hearing to Consider/Discuss/Act on an Ordinance Amending the Project Plan for Tax Increment Reinvestment Zone Number One

Mark Doty, Staff was called to speak

Council unanimously approved the motion by Council member Rick Franklin, seconded by Council member Rainey Rogers, to Close the public hearing 20-0100 Conduct a Public Hearing to Consider/Discuss/Act on an Ordinance Amending the Project Plan for Tax Increment Reinvestment Zone Number One

Council unanimously approved the motion by Council member Rick Franklin, seconded by Council member Rainey Rogers, to Approved 20-0100 Conduct a Public Hearing to Consider/Discuss/Act on an Ordinance Amending the Project Plan for Tax Increment Reinvestment Zone Number One

- 20-0101** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with Ed Bell Construction Company for the Construction of the Country Lane Extension Project (ST4372)

Nicholas Ataie, Staff was called to speak

Council unanimously approved the motion by Council member Scott Elliott, seconded by Council member Rick Franklin, to Close the public hearing 20-0101 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with Ed Bell Construction Company for the Construction of the Country Lane Extension Project (ST4372)

Council unanimously approved the motion by Council member Scott Elliott, seconded by Council member Rick Franklin, to Approved 20-0101 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with

Ed Bell Construction Company for the Construction of the Country Lane Extension Project (ST4372)

- 20-0102** Consider/Discuss/Act on a Resolution to Appoint a Member to the 9-1-1 Emergency Communications District Board of Managers within the North Central Texas Council of Governments (NCTCOG)

Council unanimously approved the motion by Council member Rainey Rogers, seconded by Council member Charlie Philips, to Approved 20-0102 Consider/Discuss/Act on a Resolution to Appoint a Member (La'Shadion Shemwell) to the 9-1-1 Emergency Communications District Board of Managers within the North Central Texas Council of Governments (NCTCOG)

- 20-0103** Consider/Discuss/Act on Appointing a Member to the Board of Adjustment

Council unanimously approved the motion by Council member Rainey Rogers, seconded by Council member Charlie Philips, to Approved 20-0103 Consider/Discuss/Act on Appointing a Member to the Board of Adjustment

#### CITIZEN COMMENTS ON MATTERS NOT ON THE AGENDA

#### COUNCIL AND MANAGER COMMENTS

Council and Manager Comments relating to items of public interest: Announcements regarding local or regional civic and charitable events, staff recognition, commendation of citizens, traffic issues, upcoming meetings, informational update on City projects, awards, acknowledgement of meeting attendees, birthdays, requests of the City Manager for items to be placed on upcoming agendas, and condolences.

#### EXECUTIVE SESSION

In Accordance with the Texas Government Code: A. Section 551.071(2) Consultations with Attorney on any Work Session, Special Session, or Regular Session agenda item requiring confidential attorney/client advice necessitated by the deliberation or discussion of said items (as needed) B. Section 551.071 (A) Pending or contemplated litigation - Petition of the Cities of Garland, Mesquite, Plano, and Richardson Appealing Wholesale Water Rates Implemented by North Texas Municipal Water District, PUC

Docket No. 46662, Public Utility Commission of Texas - First Amended Non-Exclusive Revocable License Agreement between the City of McKinney, Texas and KLA International Sports Management LLC C. Section 551.072. Deliberations about Real Property - Ground Lease Between City of McKinney, Texas and WesternTKI Leasing, Inc., together with all amendments to said Agreement, and the companion Lease Agreement with Purchase Option between WesternTKI Leasing, Inc., and City of McKinney, Texas, together with all amendments to said Agreement D. Section 551.074. Personnel Matters - City Manger Annual Evaluation E. Section 551.087. Deliberation Regarding Economic Development Matters

ACTION ON EXECUTIVE SESSION ITEMS

ADJOURN

Council unanimously approved the motion by Council member La'Shadion Shemwell, seconded by Council member Scott Elliott, to Adjourn ADJOURN

Posted in accordance with the Texas Government Code, Chapter 551, on or before the 18th day of January, 2020 6:00 p.m. \_\_\_\_\_ Empress Drane  
City Secretary In accordance with the Americans with Disabilities Act, it is the policy of the City of McKinney to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at least 48 hours in advance of the event. Phone 972-547-2694 or email contact-[adacompliance@mckinneytexas.org](mailto:adacompliance@mckinneytexas.org). Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. ADA grievances may also be directed to the ADA Coordinator or filed online at <http://www.mckinneytexas.org/ada>.

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GEORGE C. FULLER  
Mayor

ATTEST:



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EMPRESS DRANE  
City Secretary