

CITY COUNCIL REGULAR MEETING

APRIL 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, April 21, 2020 at 6:00 p.m.

The meeting was broadcast live on cable television and through the City's website on Spectrum Channel 16; AT&T U-Verse Channel 99; and online at <http://mckinney.legistar.com>. Some members chose to participate from remote locations in an effort to contain the spread of COVID-19.

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

(Council Member Shemwell participated remotely by telephone.)

Rainey Rogers, Mayor Pro Tempore..... District 2

Scott Elliott District 3

Rick Franklin District 4

Charlie Philips At Large

Frederick Frazier At Large

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, Police Officer Bruno Siqueira, Strategic Services Manager Trevor Minyard, Assistant Director of Planning Mark Doty, Facilities Construction Manager Patricia Jackson, Affordable Housing Administrator Cristel Todd, and Video Producer Joey Barr

Mayor Fuller called for the Invocation led by Council Member Charlie Philips, and recital of the Pledge of Allegiance.

Mayor Fuller called for Information Sharing items and announced the following proclamations:

20-0320 Proclamation for National Fair Housing and Community Development Month

20-0321 Proclamation for Administrative Professionals Week

Mayor Fuller called for Public Comments and read comments submitted by email from Shirley Mack, Ada Simmons, Don DeBoer, Kerrie (no last name), Tamara Johnson, Beth Bentley, and B. Weatherall. (see Minutes Appendix A - Citizen Comments Submitted by Email)

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

- 20-0322** Minutes of the City Council Work Session of April 7, 2020
- 20-0323** Minutes of the City Council Regular Meeting of April 7, 2020
- 19-0117** Minutes of the Animal Service Facility Advisory Committee Meeting November 28, 2018
- 19-0719** Minutes of the Animal Service Facility Advisory Committee Meeting February 13, 2019
- 19-0905** Minutes of the Animal Service Facility Advisory Committee Meeting August 28, 2019
- 20-0054** Minutes of the Animal Service Facility Advisory Committee Meeting of October 30, 2019
- 19-0478** Minutes of the Board of Adjustment Meeting of May 15, 2019
- 19-0523** Minutes of the Board of Adjustment Meeting of June 12, 2019
- 19-0592** Minutes of the Board of Adjustment Meeting of June 26, 2019
- 20-0131** Minutes of the Board of Adjustment Meeting of July 31, 2019
- 20-0324** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2019-2020 Annual Budget and the 2020-2024 Capital Improvements Program to Provide Funds for the Runway 18-36 Joint Rehabilitation Project (AI20640-Airfield Pavement Rehabilitation) at the McKinney National Airport; and Providing an Effective Date. Ordinance caption reads:

ORDINANCE NO. 2020-04-029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2019-2020 ANNUAL BUDGET AND THE 2020-2024 CAPITAL IMPROVEMENTS PROGRAM, TO PROVIDE FUNDING FOR THE RUNWAY 18-36 JOINT REHABILITATION PROJECT (AI2064 - AIRFIELD PAVEMENT

REHAB); AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 20-0325** Consider/Discuss/Act on a Resolution Amending Resolution Number 2020-02-025 (R), Authorizing the City Manager to Apply for, Accept, Reject, Alter or Terminate, a Grant from the U. S. Department of Justice, Administered Through the State of Texas, Office of the Governor, for a Victims of Crime Act (VOCA) Grant, to Fund a Victim Advocate. Resolution caption reads as follows:

RESOLUTION NO. 2020-04-046 (R)

A RESOLUTION TO AMEND RESOLUTION NUMBER 2020-02-025 (R) OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, A GRANT TO THE U.S. DEPARTMENT OF JUSTICE, ADMINISTERED THROUGH THE STATE OF TEXAS, CRIMINAL JUSTICE DIVISION FOR A VICTIMS OF CRIME ACT (VOCA) GRANT

- 20-0326** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with VAI Architects, Inc. (VAI) of Addison, Texas for Architectural and Engineering Services Related to the Public Safety Building (PSB) Phase 5 Expansion and Renovation Project Located at 2200 Taylor Burk Drive, McKinney, Texas 75071. Resolution caption reads as follows:

RESOLUTION NO. 2020-04-047 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH VAI ARCHITECTS, INC. OF ADDISON, TEXAS, FOR ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE PUBLIC SAFETY BUILDING (PSB) PHASE 5 EXPANSION AND RENOVATION PROJECT

- 20-0327** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for, and Accept if Awarded, a Grant from the Texas Historic Courthouse Preservation Program, in an Amount not to Exceed \$3,000,000, for Preservation and Repairs to the McKinney Performing Arts Center at the Historic Collin County Courthouse. Resolution caption:

RESOLUTION NO. 2020-04-048 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, SUPPORTING THE CITY OF MCKINNEY TO APPLY FOR, AND ACCEPT IF AWARDED, A GRANT FROM THE TEXAS HISTORIC COURTHOUSE PRESERVATION PROGRAM, IN AN AMOUNT NOT TO EXCEED \$3,000,000, FOR PRESERVATION AND REPAIRS TO THE

MCKINNEY PERFORMING ARTS CENTER AT THE HISTORIC COLLIN COUNTY COURTHOUSE

- 20-0328** Consider/Discuss/Act on a Resolution Authorizing the 'McKinney Strong' COVID-19 Business Grant Program; and Providing an Effective Date. Resolution caption reads as follows:

RESOLUTION NO. 2020-04-049 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE 'MCKINNEY STRONG' COVID-19 BUSINESS GRANT PROGRAM; AND PROVIDING AN EFFECTIVE DATE

- 20-0329** 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. 2020-04-050 (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

Mayor Fuller called for Plat Consideration under Texas Local Government Code Chapter 212:

- 19-0170PF2** Consider/Discuss/Act on a Preliminary-Final Plat for Trinity Falls Planning Unit 7 South, Located North of County Road 228 and West of County Road 206

Council unanimously approved the motion by Council Member Rick Franklin, seconded by Council Member Frederick Frazier, to approve the staff recommendation regarding 19-0170PF2 a Preliminary-Final Plat for Trinity Falls Planning Unit 7 South, Located North of County Road 228 and West of County Road 206.

20-0035PF2 Consider/Discuss/Act on a Preliminary-Final Replat for the Danielle at Craig Ranch, Located on the Northeast Corner of Collin McKinney Parkway and Millie Way

Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council Member Charlie Philips, to approve the staff recommendation regarding a Preliminary-Final Replat for the Danielle at Craig Ranch, Located on the Northeast Corner of Collin McKinney Parkway and Millie Way.

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

20-0330 Conduct a Public Hearing to Consider/Discuss/Act on a Resolution Regarding the Application of "Kinwood Apartments" to the Texas Department of Housing and Community Affairs (TDHCA), for 4% Tax Credits for the Acquisition and Rehabilitation of Multi-Family Units Within the Development

Neal Route spoke (by phone call) in support of the applicant's request, thanking the Council for consideration of the request.

Council unanimously approved the motion by Council Member Scott Elliott, seconded by Mayor Pro Tem Rainey Rogers, to Close the public hearing and approve a Resolution of No Objection Regarding the Application of "Kinwood Apartments" to the Texas Department of Housing and Community Affairs (TDHCA), for 4% Tax Credits for the Acquisition and Rehabilitation of Multi-Family Units Within the Development. Resolution caption reads as follows:

RESOLUTION NO. 2019-04-051 (R)

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, OF NO OBJECTION TO THE APPLICATION BY MCKINNEY LEASED HOUSING ASSOCIATES OWNER 1, LLC TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR THE NON-COMPETITIVE 4% HOUSING TAX CREDITS PROGRAM FOR THE ACQUISITION AND REHABILITATION OF KINWOOD APARTMENTS, A 200-UNIT MULTI-FAMILY RENTAL HOUSING DEVELOPMENT LOCATED AT 3300 N MCDONALD

STREET; MAKING FINDINGS RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE

- 20-0331** Consider/Discuss/Act on an Ordinance of the City Council of the City of McKinney, Texas, Amending and Restating Ordinance No. 2020-03-025 Declaring a Local State of Disaster Due to a Public Health Emergency in Response to the COVID-19 Virus Outbreak, Pursuant to the Texas Disaster Act of 1975, Chapter 418, Texas Government Code and Chapter 122 of the Texas Health and Safety Code; Providing a Penalty; Providing for the Publication of the Caption of this Ordinance; and Providing for an Effective Date.

Council unanimously approved the motion by Council Member Charlie Philips, seconded by Council Member Frederick Frazier, to approve an Ordinance Amending and Restating Ordinance No. 2020-03-025 Declaring a Local State of Disaster Due to a Public Health Emergency in Response to the COVID-19 Virus Outbreak, Pursuant to the Texas Disaster Act of 1975, Chapter 418, Texas Government Code and Chapter 122 of the Texas Health and Safety Code; Providing a Penalty; Providing for the Publication of the Caption of this Ordinance; and Providing for an Effective Date. Ordinance caption reads as follows:

ORDINANCE NO. 2020-04-030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING AND RESTATING ORDINANCE NO. 2020-04-025 DECLARING A LOCAL STATE OF DISASTER DUE TO A PUBLIC HEALTH EMERGENCY IN RESPONSE TO THE COVID-19 VIRUS OUTBREAK, PURSUANT TO THE TEXAS DISASTER ACT OF 1975, CHAPTER 418, TEXAS GOVERNMENT CODE AND CHAPTER 122 OF THE TEXAS HEALTH AND SAFETY CODE; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

- 20-0332** Consider/Discuss/Act on a Resolution of the City Council of the City of McKinney, Texas, Strongly Urging That All McKinney Landlords and Tenants (Both Commercial and Residential) Work Together to Minimize the Adverse Human and Financial Impacts Associated with the Owning and Leasing of Real Property During the COVID-19 Pandemic; and Providing for an Effective Date

Council approved the motion by Council Member Scott Elliott, seconded by Mayor Pro Tem Rainey Rogers, to approve 20-0332 Consider/Discuss/Act on a Resolution of the City Council of the City of McKinney, Texas, Strongly Urging That All McKinney Landlords and Tenants (Both Commercial and Residential) Work Together to Minimize the Adverse Human and Financial Impacts Associated with the Owning and Leasing of Real Property During the COVID-19 Pandemic; and Providing for an Effective Date with a vote of 6 - 1 - 0, La'Shadion Shemwell voting against. Resolution caption reads as follows:

20-0333 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 Scott Elliott, seconded by Council Member Frederick Frazier, to reappoint Charles McKissick to the North Texas Municipal Water District (NTMWD) Board of Directors, for a term effective June 1, 2020 to May 31, 2022.

Mayor Fuller called again for Citizen Comments, at which time there were no additional requests to address the Council.

Mayor Fuller called for Council & Manager Comments.

Council Member Scott Elliott announced a food giveaway event supported by the North Texas Food Bank (NTFB) Mobile Food Pantry on April 28, 9:00 a.m. to noon, at the parking lot of McKinney ISD Athletic Stadium. Mr. Elliott thanked Trisha Cunningham (NTFB), MISD Superintendent Dr. Rick McDaniel, and MISD Athletics Director Shawn Pratt for making the event possible.

McKinney City Manager Paul Grimes announced:

- waste services that were temporarily suspended due to COVID-19 had resumed during the week Apr 20-27: yard waste pick up, bulk item, household hazards, and other waste pick up
- the City continues to update the COVID-19 webpage with important information at mckinneytexas.org/Coronavirus. Public information also available through Collin County Healthcare Services and Centers for Disease Control & Prevention.

Council unanimously approved the motion by Council Member Rick Franklin, seconded by Council Member Frederick Frazier, to adjourn the meeting at 6:51 p.m.

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary

This is a plane housed at McKinney airport. I WANT THESE IRRESPONSIBLE ROGUE PILOTS SANCTIONED-- BANNED FROM MCKINNEY AIRPORT AND MCKINNEY AIR SPACE

IF THIS IS WHAT MCKINNEY HAS PLANNED FOR THE AIRPORT EXPANSION IT'S TIME TO REVISIT THAT..I AM NOT OK THAT MY TAX DOLLARS ARE SUPPORTING DANGEROUS ROGUE BEHAVIOR LIKE THIS.

Enclosed are pictures documenting this incident. Also Flightaware documents both speed and repeated dangerous aerobatic maneuvers of this plane or a 50 minute period over McKinney.

Unfortunately, nuisance level noise is increasing exponentially from TKI as more planes use Stonebridge Ranch as a takeoff and landing approach path. Please redirect them away from residential areas... there is no need for them to create a nuisance for hundreds of Stonebridge Ranch residents.

Don DeBoer
469 500 9086
Principal, DDB Organizational Consulting
ddb.org.consulting@gmail.com

Kerrie (no last name)

From: Kerrie <flourishcbi@gmail.com>
Sent: Tuesday, April 21, 2020 5:25 PM
To: Contact-City Council
Subject: Public Comment for Council Meeting on evictions

On behalf of the Flourish community we would like the moratorium on evictions to be extended through the month of June given the nature and uncertainty of COVID-19 and its economic follow out. There is likely to be a tsunami of families who have lost their jobs and aren't ready to reenter the workforce. We all understand that housing-distressed families create a sundry of problems that can be avoided by extending this eviction moratorium.

It costs more to evict someone and stabilize them, and get them back into housing than to work with the renter while they are seeking employment. So many Americans, including Collin County residents are one paycheck away from disaster, and all these evictions happening simultaneously over the next two months would be devastating.

We seek a resolution that urges all McKinney landlords and tenants to work together to minimize the adverse human and financial impacts associated with owning and leasing property during the COVID-19 pandemic. Let's be the city that looks to the well-being of all it's citizens.

Thank you for your leadership and consideration.

The Flourish Community-Based Initiatives Team

Tamara Johnson

From: Tamara Johnson <tkjohnson75070@gmail.com>
Sent: Tuesday, April 21, 2020 5:32 PM
To: Contact-City Council
Subject: Evictions in the City of McKinney

Good Evening All!!

I pray each of you and your families are well and staying safe in this time of Pandemic. I ask your consideration for those within our city who are not as fortunate as all. I ask that

ordinance(s) be made adding protections for local citizens who have been affected financially due to COVID-19 from being displaced from their places of residence by eviction. Please go on record as being helpers of those who just cannot pay their rent and make provision for the process to go on hold or be suspended for at least 60 days.

I would like to add my encouragement and support to Councilman Shemwell and any other members of the McKinney City Council who are working to keep the citizens of McKinney housed and safe.

"For you have the poor with you always, and whenever you wish you may do them good;..." Mark 14:7

Thank you.

Beth Bentley

From: Beth Bentley <mackbethbentley@yahoo.com>
Sent: Tuesday, April 21, 2020 6:03 PM
To: Contact-City Council
Subject: Public Comment - Item 20-0332 - Resolution Regarding Rental Assistance

Good evening, Mayor George Fuller and McKinney City Council!
As you consider a resolution that urges all McKinney landlords and tenants to work together to minimize the adverse human and financial impacts associated with owning or leasing real property during the COVID-19 pandemic, please consider the provisions that have been put in place through the CARES Act in support of property owners. These provisions seem to provide extended time for property owners to make their mortgage payments. Seemingly, these respective time-frames can be passed along to their tenants. As such, please consider strengthening the current resolution to include "adherence to the provisions that have been afforded through the CARES Act or any Act that might preclude the untimely eviction of tenants during this declared pandemic." Perhaps any financial support requested by landlords from the City can also take this into consideration. Please see details below.

Thank you for your consideration as you work to make business owners and renters whole.

- Beth Bentley

Sections 4022 through 4024 of the CARES act deal with mortgages and foreclosures, including eviction moratoriums and mortgage forbearance.

Section 4022 states that a borrower with a federally backed mortgage can request forbearance regardless of delinquency status by submitting a request to the loan servicer. Forbearance lasts for up to 180 days and can be extended for an additional period of up to 180 days at the request of the borrower. During the forbearance period, no fees, penalties, or interest beyond the amount of the contractual payments can accrue.

Either the initial or extended period of forbearance may be shortened at any time by the borrower's request. This section blocks the servicer of a Federally backed mortgage loan from initiating any judicial or nonjudicial foreclosure process for not less than a 60-day period beginning on March 18, 2020.

Section 4023 covers multifamily forbearance and states that a multifamily borrower with a Federally backed multifamily mortgage loan can request forbearance of up to 30 days with two additional 30-day periods, for a total of 90 days. The borrower must be current on payments as of February 1, 2020. A multifamily borrower that receives a forbearance under this section cannot evict tenants for nonpayment of rent and cannot charge late fees due to the late payment of rent.

Section 4024 creates a 120-day moratorium on evictions of tenants in properties that are part of government programs or that have a Federally backed mortgage loan.

As the National Multifamily Housing Council noted in its analysis of the Act, the forbearance for multifamily properties only applies to owners with federally backed mortgages. Also, there is a disconnect between the possible 90-day multifamily forbearance and the 120-day eviction moratorium.

B. Weatherall

From: b weatherall <bweatherall1@gmail.com>
Sent: Tuesday, April 21, 2020 6:11 PM
To: Contact-City Council
Subject: Re: Testing Covid-19

Will or has this been addressed...

Please advise

On Thu, Apr 9, 2020, 11:38 AM b weatherall <bweatherall1@gmail.com> wrote:
I keep hearing that the results are more fatal for those black/brown residents in cities who have the virus. Meaning by the time these people are tested they are normally in a serious condition and the survival rates are lower.

Will there be testing set up in those areas of McKinney?
Will they have to have the same requirements to get tested?
Will the fees be reduced for these tests?

Thank you