

## **CITY COUNCIL REGULAR MEETING**

**MAY 1, 2018**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on May 1, 2018 at 6:00 p.m.

Council Present: Mayor George C. Fuller, Mayor Pro Tem Rainey Rogers, Council members: Scott Elliott, Charlie Philips, and La'Shadion Shemwell. Absent: Council members Tracy Rath and Chuck Branch.

Staff Present: City Manager Paul Grimes; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Assistant to the City Manager Trevor Minyard; Executive Director of Development Services Michael Quint; Planning Director Brian Lockley; Assistant Director of Public Works Paul Sparkman; Director of Parks and Recreation Michael Kowski; Assistant Director of Parks and Recreation Ryan Mullins; Fire Chief Danny Kistner; Director of Engineering Gary Graham; President McKinney Community Development Corporation Cindy Schneible; Parks Planning & Development Manager Jenny Baker; Chief Plans Examiner Jeff Harris; Chief Building Official Rick Herzberger; Engineering – Danny Still, Kyle Odom, and Matt Tilke; Affordable Housing Administrator Cristel Todd; Officer Shannon Seabrook; and Deputy Fire Marshal Andrew Barr.

There were approximately 90 guests present.

Mayor Fuller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Pastor Deborah Bradford, New Jerusalem Baptist Church. Mayor Fuller led the Pledge of Allegiance.

Mayor Fuller called for Citizen Comments.

Mr. T.J. Lane, 302 W. Hunt Street, McKinney spoke about the lack of information provided regarding an Open Records request he submitted.

Mr. John Van Horn, 404 Pearson Avenue, McKinney requested a bus for the Senior Center.

Mr. David Johnson, 7505 Wescott Lane, McKinney spoke about his concerns with the future of U.S. 380 and the effect on the Tucker Hill neighborhoods.

The following individuals spoke about agenda item 18-398 regarding Electioneering:

Mr. David M. Smith, 101 E. Park, Suite 500, Plano

Mr. Roger Barone, 4408 Buchanan Drive, Plano

Ms. Karen Crump, 2611 Mountain View Dr., McKinney, spoke about the drug activity, speeding, parking issues, and the lack of lighting in McKissick Park in the High Pointe Subdivision.

**18-379** Presentation by the Rotary Clubs of McKinney of their Donation to the All Abilities Playground at Bonnie Wenk Park. Ms. Juli Smith presented a check from the Rotary groups of McKinney for the All Abilities Playground at Bonnie Wenk Park.

**18-380** Motorcycle Safety & Awareness Month Proclamation. Mayor Fuller read and presented the Motorcycle Safety & Awareness Month Proclamation.

**18-381** Building Safety Month Proclamation. Mayor Fuller read and presented the Building Safety Month Proclamation to Chief Building Official Rick Herzberger, Chief Plans Examiner Jeff Harris, Fire Chief Danny Kistner, and Deputy Fire Marshal Andrew Barr.

**18-382** Recognizing State Yo-Yo Champion Philip Pacific. Philip Pacific provided a demonstration of his Yo-Yo talents that won him the State Championship.

Council unanimously approved the motion by Council member Elliott, seconded by Mayor Pro Tem Rogers, to approve the following consent items:

**18-383** Minutes of the City Council Work Session of April 16, 2018

**18-384** Minutes of the City Council Regular Meeting of April 17, 2018

**18-295** Minutes of the Community Grants Advisory Commission Meeting of November 16, 2017

**18-349** Minutes of the Library Advisory Board Meeting of March 15, 2018

**18-339** Minutes of the McKinney Arts Commission Meeting of January 18, 2017

**18-354** Amended Minutes of the McKinney Convention and Visitors Bureau

Marketing Committee Meeting of March 5, 2018

**18-353** Minutes of the McKinney Convention and Visitors Bureau Finance Committee Meeting of March 26, 2018

**18-352** Minutes of the McKinney Convention and Visitors Bureau Board Meeting of March 27, 2018

**18-333** Minutes of the McKinney Economic Development Corporation Special Meeting of March 6, 2018

**18-334** Minutes of the McKinney Economic Development Corporation Meeting

**18-306** Minutes of the McKinney Housing Finance Corporation Meeting of October 27, 2017

**18-385** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a HOME Investments Partnerships Program Tenant Based Rental Assistance (TBRA) Grant Through the Texas Department of Housing and Community Affairs (TDHCA). Caption reads as follows:

RESOLUTION NO. 2018-05-046 (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 HOME INVESTMENTS PARTNERSHIPS PROGRAM TENANT BASED RENTAL ASSISTANCE (TBRA) GRANT FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA)

**18-386** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a HOME Investments Partnerships Program Homebuyer Assistance (HBA) Grant Through the Texas Department of Housing and Community Affairs (TDHCA). Caption reads as follows:

RESOLUTION NO. 2018-05-047 (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 HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDING UNDER THE HOMEBUYERS ASSISTANCE GRANT (HBA), THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA); AND PROVIDING FOR AN EFFECTIVE DATE

- 18-387** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a HOME Investments Partnerships Program Homeowner Rehabilitation Assistance (HRA) Grant Through the Texas Department of Housing and Community Affairs (TDHCA). Caption reads as follows:

RESOLUTION NO. 2018-05-048 (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 HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDING UNDER THE HOMEOWNER REHABILITATION ASSISTANT GRANT (HRA), THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA); AND PROVIDING FOR AN EFFECTIVE DATE

- 18-390** Consider/Discuss/Act on a Resolution Establishing the School Zone Summer Hours for Each School Holding Summer School in 2018. Caption reads as follows:

RESOLUTION NO. 2018-05-051 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ESTABLISHING SCHOOL ZONE HOURS FOR EACH SCHOOL HOLDING SUMMER SCHOOL IN 2018

- 18-391** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, Traffic Signal Data Sharing and WAZE Data Sharing Grants Through the North Central Texas Council of Governments (NCTCOG). Caption reads as follows:

RESOLUTION NO. 2018-05-052 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, TRAFFIC SIGNAL DATA SHARING PROGRAM AND 511DFW/WAZE DATA SHARING PROGRAM GRANTS THROUGH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG)

- 18-392** Consider/Discuss/Act on a Resolution Nominating IBG Real Estate Holdings II, Inc. to the Office of the Governor, Economic Development and Tourism and the Economic Development Bank for Designation as a Qualified Business and Enterprise Project Under the Texas Enterprise Zone Program Under the Texas Enterprise Zone Act, Chapter 2303,

Texas Government Code. Caption reads as follows:

RESOLUTION NO. 2018-05-053 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, NOMINATING IBG REAL ESTATE HOLDINGS II, INC. TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM AND THE ECONOMIC DEVELOPMENT BANK FOR DESIGNATION AS A QUALIFIED BUSINESS AND ENTERPRISE PROJECT UNDER THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE

- 17-0022SP** Consider/Discuss/Act on a Site Plan for Two Medical Office Buildings (McKinney Ortho), Located Approximately 200 Feet South of Eldorado Parkway and Approximately 275 Feet East of Highlands Drive.

END OF CONSENT

- 18-388** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Participate in Execution of Special Warranty Deed for Property Being Lot 426B, McKinney Outlots Addition, aka 416 W. Standifer Street, City of McKinney, Collin County, Texas. Affordable Housing Administrator Cristel Todd stated that these properties are acquired once they go into foreclosure and they go to the Sheriff's sale. If they do not sell, they are sent to the taxing entities and then they go on a list that is posted on the county's website under struck off properties. Anyone interested in the property can send information to the tax attorney and make an offer. Council unanimously approved the motion by Council member Shemwell, seconded by Mayor Pro Tem Rogers, to approve a Resolution authorizing the City Manager to participate in execution of Special Warranty Deed for property being Lot 426B, McKinney Outlots Addition, aka 416 W. Standifer Street, City of McKinney, Collin County, Texas. Caption reads as follows:

RESOLUTION NO. 2018-05-049 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE

CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOT 426B, MCKINNEY OUTLOTS ADDITION, AKA 416 W. STANDIFER STREET, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 18-389** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Participate in Execution of Special Warranty Deed for Property Being Lot 2, Block E, Shorts Addition, aka 601 E. Standifer Street, City of McKinney, Collin County, Texas. Council unanimously approved the motion by Council member Shemwell, seconded by Council member Elliott, to approve a Resolution authorizing the City Manager to participate in execution of Special Warranty Deed for property being Lot 2, Block E, Shorts Addition, aka 601 E. Standifer Street, City of McKinney, Collin County, Texas. Caption reads as follows:

RESOLUTION NO. 2018-05-050 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOT 2, BLOCK E, SHORTS ADDITION, AKA 601 E. STANDIFER STREET, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 18-393** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with Bureau Veritas North America, Inc. (BVNA) of Plano Texas for Third Party Code Compliance Services Related to the Plan Review and/or Inspection of Permitted Construction in the City of McKinney, Texas. Chief Building Official Rick Herzberger stated the Building Inspection Department is proposing to enter into a Third Party Code Compliance Service Contract with Bureau Veritas North America, Inc. (BVNA), to provide as-needed plan review and building inspection services during unanticipated excessive workload events. This would cover for an unanticipated excessive workload event. In fact, in 2017 the City issued almost 10,000 reroof permits which included almost 10,000

building inspections. The annual cost to the City, for this type of as-needed service, is offset by the permit fee collected by the City. The Contract does not bind the City to any annual mandatory cost. In June 2016, McKinney is one of three cities in Texas and 24 in the nation to receive accreditation. This company is the only third-party accredited company in the world so they have to meet the same requirements we meet. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Shemwell, to approve a Resolution authorizing the City Manager to execute a Professional Services Contract with Bureau Veritas North America, Inc. (BVNA) of Plano Texas for third party code compliance services related to the plan review and/or inspection of permitted construction in the City of McKinney, Texas. Caption reads as follows:

RESOLUTION NO. 2018-05-054 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH BUREAU VERITAS NORTH AMERICA INC. FOR THIRD PARTY CODE COMPLIANCE SERVICES RELATED TO THE PLAN REVIEW AND/OR INSPECTION OF PERMITTED CONSTRUCTION IN THE CITY OF MCKINNEY, TEXAS

- 18-394** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Signage Meritorious Exception Request for a 75' Vertical Tower Display for Cinemark Theater, Located at the Southwest Corner of Hardin Boulevard and U.S. Highway 380 (University Drive). Chief Plans Examiner Jeff Harris stated that this item is a meritorious exception request and for the Cinemark Theater on U.S. 380. The building is 36 feet and with the placement of the tower, the total height is 90 feet. The sign ordinance does allow for a meritorious exception when an applicant applies for a unique design with an architectural element of exceptional quality. The word Cinemark is displayed on the tower which makes it a sign and would then be under the sign ordinance provision for the meritorious exception. Mr. Harris stated that the City has adopted the

2015 building code and the wind loads are 115 miles per hour with three second wind gusts for the sign. The sign would be engineered and designed for those maximum wind gust requirements. Applicants Mr. Scott Somerville, Architect, 1807 Ross Avenue, Suite 500, Dallas and Ms. Deborah Moltz, Chandler Signs, 14201 Sovereign Road, Ft. Worth stated that this is engineered with the high winds that Jeff mentioned by the sign company and a structural engineer. We feel it is an integral part of the building, we have done the sign in other theaters. It harkens back to the old Hollywood movie tower. Being a lower elevation from University Boulevard than some of the other buildings, we do have an obstructed view to the building. We feel that this would help give a beacon toward the center of the development. It is surrounded on three sides by other buildings at Hardin and University. Council unanimously approved the motion by Council member Shemwell, seconded by Mayor Pro Tem Rogers, to close the public hearing. Council member Philips stated that he drove past several theaters on the way from Frisco to McKinney. I don't believe any other business in McKinney currently has a 90 foot sign meritorious exception and I'm concerned of future ramifications. I do not see any signs on Movies 14 on US 75 or the Studio Movie Grill that has just opened along S.H. 121 and Custer. I will not support this. Mayor Fuller stated that he finds this to be an architectural element that supports the nostalgic feel they are going for. Mr. Harris stated that the neighborhood behind the Costco is over 2,000 feet away and the closest community and housing is 825 feet to the southwest of this development. The sign will have LED lights that does not provide the lighting or glare like traditional lighting. There will not be lights on the back of the sign. Council approved the motion by Mayor Pro Tem Rogers, seconded by Mayor Fuller, to approve a Signage Meritorious for a 75' Vertical Tower Display for Cinemark Theater, located at the southwest corner of Hardin Boulevard and U.S. Highway 380 (University



Drive) with a vote of 4-1-0, Council member Philips voting against.

**18-395** Mayor Fuller called for Consideration/Discussion/Action on an Ordinance Amending the Fiscal Year 2017-2018 Annual Budget and Amending the 2018-2022 Capital Improvements Program, to Provide Funds for Additional Improvements at Bonnie Wenk Phase 2. Planning & Development Manager Jenny Baker stated that Staff is requesting funding to construct the sky walk, donor plaza enhancements and stone modifications for the Bonnie Wenk Phase 2 Project. The skywalk was authorized this past November to start design and we are requesting funds to be incorporated into the project to allow for construction. This Ordinance amends expenditures in the FY2017-2018 Annual CIP Budget and the 2018-2022 Capital Improvements Program by transferring \$800,000 from Parkland Dedication Zone 3 to the Parks Construction Fund and appropriating the funds into project PK3222 Bonnie Wenk Phase 2. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Elliott, to approve an Ordinance amending the Fiscal Year 2017-2018 Annual Budget and amending the 2018-2022 Capital Improvements Program, to provide funds for additional improvements at Bonnie Wenk Phase 2. Caption reads as follows:

ORDINANCE NO. 2018-05-037

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE FISCAL YEAR 2017-2018 ANNUAL BUDGET AND 2018 – 2022 CAPITAL IMPROVEMENT PROGRAM TO PROVIDE FUNDS FOR BONNIE WENK PHASE 2

**18-396** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Increase the Not to Exceed Amount for the Construction Contract with Cooper General Contractors of Plano, Texas by \$800,000 and to Execute Change Order(s) as Necessary in Order to Construct Additional Improvements at Bonnie Wenk Park. Planning & Development Manager Jenny Baker stated that this will allow

us to increase the contract with Cooper General Contractors up to \$800,000 as well is to execute change orders. Council unanimously approved the motion by Council member Elliott, seconded by Council member Shemwell, to approve a Resolution authorizing the City Manager to increase the not to exceed amount for the construction contract with Cooper General Contractors of Plano, Texas by \$800,000 and to execute change order(s) as necessary in order to construct additional improvements at Bonnie Wenk Park. Caption reads as follows:

RESOLUTION NO. 2018-05-055 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO THE CONTRACT WITH COOPER GENERAL CONTRACTORS OF PLANO, TEXAS, FOR THE CONSTRUCTION OF ADDITIONAL IMPROVEMENTS AT BONNIE WENK

- 18-397** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Supplemental Agreements with Teague, Nall, and Perkins, Inc, to Perform a Drainage Study of the Upper Portion of the Warden Creek Watershed. Civil Engineer II Danny Still stated that in recent years, City staff has received numerous complaints of flooding in and around the downtown area causing the inundation of City streets and some property damage. This flooding is believed to be due at least in part to undersized and outdated stormwater infrastructure. Much of the stormwater infrastructure in this area was built in the 1950's. Flooding remains a concern and increased amounts of rainfall seen in north Texas beginning in 2015 have brought into question the adequacy of this infrastructure. This study will perform a 2-dimensional study of the watershed and the existing infrastructure to determine the level of flood protection it provides. If needed, recommended improvements will be provided. At a City Council meeting on March 3, 2014, Teague, Nall, and Perkins, Inc, (TNP) was one of six firms deemed qualified for this type of work based on their response to 15-03RFQ for Miscellaneous Drainage and

Floodplain Management Services. TNP was selected for this particular project based on their experience and knowledge of urban flooding. Council unanimously approved the motion by Council member Shemwell, seconded by Mayor Pro Tem Rogers, to approve a Resolution authorizing the City Manager to execute a contract and all necessary supplemental agreements with Teague, Nall, and Perkins, Inc, to perform a drainage study of the upper portion of the Warden Creek Watershed. Caption reads as follows:

RESOLUTION NO. 2018-05-056 (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 \$134,000 WITH TEAGUE, NALL, AND PERKINS, INC, TO PERFORM A DRAINAGE STUDY OF THE UPPER PORTION OF THE WARDEN CREEK WATERSHED AND AUTHORIZING ALL NECESSARY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT FOR AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$140,000

- 18-398** Mayor Fuller called for Consideration/Discussion/Action on an Ordinance Repealing Article IV, "Electioneering" Sections 38-70 Through 38-74 of the Code of Ordinances and Adopting a New Article IV, "Electioneering" Sections 38-70 Through 38-74. City Attorney Mark Houser stated that this Ordinance removes the prior-enacted designated areas for placement of political signs and limits all signs on City-owned property during all periods except during early voting and on election day. There is no limitation on the number or type of sign allowed during the voting periods. Signs are limited to 2' x 2' in size; however, only on those City-owned properties which serve as polling places. There are also provisions for prohibition of signs so we don't define them as political signs because we are treating all signs the same. These were requested changes that came out of the experience we had this last primary. The regulations on tents, booths, tables, megaphones and those regulating the obstruction of police, fire, traffic, and patrons remain unchanged. Mr. Houser stated that many of the items the two gentleman mentioned

tonight are addressed in this version before the Council tonight. Council member Shemwell stated that nobody wants to be harassed at the polls when they go vote. We would not be here now addressing rules and laws if people in the City governed themselves like we expect people to act. To remind people, we have a duty as people, as humans to do the right thing and be a decent person. We need to figure out as a people and city how to do better. Mayor Pro Tem Rogers read several emails he received after the passage of the Ordinance in October 2016. "I hate the mob scene at the polls and I'm thankful for the Ordinance. You can be assured if your campaign team approaches me I will flip on a dime if your candidate has no respect for the laws." "I have the same experience, I was surprised at being yelled at and ran into as I walked into the Gay library by the campaign person." "My wife had a similar situation at Eldorado Country Club." "I was working at a polling voting location not in McKinney and it is awful dealing with those people throughout all of early voting through an election day. I wished the City I worked for would consider the Ordinance like McKinney just passed." What we tried to do is make it a better voting experience. Somebody who came up and spoke earlier talked about where there was an opportunity that the voters could avoid the poll greeters. The problem is there is no opportunity to avoid the poll greeters is because as soon as you open your door, they are on top of you. We were trying to make it a better experience and nobody likes voting and getting accosted from the time they open their door until they leave. It is a shame that we have to do these changes because what we were trying to do was make it a better experience for our citizens. I hope that one day we can change a little bit and give them relief. But I'm disappointed. I understand we need to change this for now and hopefully we can come up with a better solution down the road. Council unanimously approved the motion by Council member Philips, seconded by Mayor Pro Tem Rogers, to approve an Ordinance repealing Article IV,

"Electioneering" Sections 38-70 through 38-74 of the Code of Ordinances and adopting a new Article IV, "Electioneering" Sections 38-70 Through 38-74. Caption reads as follows:

ORDINANCE NO. 2018-05-038

AN ORDINANCE AMENDING CHAPTER 38, "ELECTIONS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, ARTICLE IV, "ELECTIONEERING," BY REPEALING IN ITS ENTIRETY SECTIONS 38-70 THROUGH 38-74, AND REPLACING THOSE SECTIONS WITH NEW SECTIONS 38-70 THROUGH 38-74; ESTABLISHING RULES AND REGULATIONS REGARDING ELECTIONEERING WITHIN THE CITY; PROVIDING DEFINITIONS; CREATING OFFENSES FOR INDIVIDUALS VIOLATING RULES AND REGULATIONS; PROVIDING ENFORCEMENT BY DESIGNATED OFFICIALS AND OFFICERS; PROVIDING A SAVINGS CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Mayor Fuller called for Council and Manager Comments.

Council member Philips did not have any comments.

Council member Elliott stated that regarding the electioneering Ordinance - to all the folks who take time to call and have a respectful conversation about the election Ordinance, you know who you are. I want to extend my sincere thanks for having a civil discussion. There are a lot of things I will be disappointed in. A number of folks over the last few days and weeks indicated they will remember my vote in the next election. I sometimes get irreverent but I tip my hat because their filing system is better than mine. I have trouble remembering what I ate for lunch on Saturday so if they remember something like that in three years, I tip my hat to them. I do not understand the expectation of someone in an elected or appointed position that they must vote 100 percent of the way you want them to. I don't understand that and it does not work that way in any relationship so why would it work on Council or within appointed board members? I have some general comments and questions out after observing the primaries. A small sample of items that were posted on social media include: the names of people have called each other online through direct observation or folks deciding to let me know what they saw include fascist, moron, idiot, corrupt, scoundrel, something that rhymes with whole, insane, lacking credibility, sleazy, numbskull, senile, which somebody applied to Sam Johnson. We can be better than this. We can be better

than this we can be better people. Most of us learned on the kindergarten playground that calling people names is not acceptable. To folks that post comments online that call each other names, how's that working for you? How many people have you swayed to your opinion by calling them a name? If your spouse does not agree, do you call them names in an attempt to bend them to your will? Is that how you interact with clients and coworkers? Does calling them by names bring them to your side of the argument? It is disappointing, the lack of civility we have seen online and in person as we saw with one of our election judges who was insulted to her face carrying out her duties for the citizens. The lack of civility is disturbing as is the term for people to ascribe malicious intent to those with whom they disagree. I appreciate the Mayor's comments about what we are attempting to do with the Ordinance, so regardless of how folks who do not live in our City conduct themselves on the state or national level, I know McKinney can be better. I would say our friends deserve better, our neighbors deserve better and the kids and grandkids deserve a better example going forward.

Mayor Pro Tem Rogers did not have any comments.

Council member Shemwell thanked Mr. Elliott for his comments and stated that the Mayor would not understand because he was not in a runoff with the additional six weeks of harshness. Mr. Shemwell thanked Parks Director Mike Kowski who is on top of everything in dealing with parks. Mr. Shemwell thanked City Manager Paul Grimes who is on top of every email that goes back to the City for help. They are both on top of everything. Mr. Shemwell stated that to the management and the High Pointe residents, if you are here listening, we understand your concerns about safety and we have the Chief of Police working on it. The engineers are working on lighting. The Parks department is working on replacing the table and getting lights and electricity. We are working to make the McKinney experience better for everyone that reaches out to us.

City Manager Paul Grimes thanked the City Council for your comments on social media. I usually don't weigh in on these things as the City Manager, but as a member of the community and someone who has to lead the organization, it is very gratifying to hear your comments about decency and public discourse. Organizationally, our leadership team, our core values and what our organization has embraced about respect, integrity, service, and excellence that is what we live by and that's what we are

driving organizationally. What governs us is a building a strong community which is characterized by strong families are the foundation of a strong community. You build strong families by building relationships. You can't build relationships by throwing pot shots at each other on social media. This Council understands that and we appreciate it. I can tell you we will do our part as City staff to live up to that model. Building relationships every time we can and that will make a strong community. I have some announcements. TxDOT will be holding one more public meeting to discuss and receive public comments on the proposed improvements to Highway 380 through Collin County from 6 p.m. to 8 p.m. on May 3 at Rogers Middle School in Prosper. Parks and Recreation is sponsoring a free mobile food pantry where people can get free produce, benefits counseling, and financial application assistance from various agencies. The event is from 9:30 AM to 11:30 AM on May 10<sup>th</sup> at the Senior Recreation Center. Kudos to Parks and Recreation Department for bringing this event to the community. Mr. Grimes invited residents to provide input and rank priorities to the City's FY 2019 Budget through June 8<sup>th</sup>. You have a little over a month to weigh in on the virtual town hall budget priorities. Residents may leave comments and feedback that will be considered during the current fiscal year budget discussions as well as future fiscal years. Additional information can be found on the website. Mr. Grimes reminder Council that he would be sending out a draft of our strategic plan with departmental objectives later this week for the Council to review. This will give the Council an opportunity to review prior to adoption which is scheduled for May 15<sup>th</sup> with a Staff presentation at the meeting. It does include the objectives from each department and those are intended to align with the strategic priorities you set at the workshop.

Mayor Fuller thanked Council member Elliott for his comments, as he could not have said it better. What you said was eloquent and spot on and same goes to Council member Shemwell. Mr. Fuller stated that he is told all the time by some of the people in the audience tonight that they will remember my vote in the next go round if I run again. And I say to them, I am counting on it. There has been some horrible behavior and sadly, it's very partisan based. I sat with an official that was going to be running for an office that the City will work with and I sat down to meet with them. I thought we would talk about how the two entities could work together. I was asked what their political

party could do for me not what the office or the municipality he was running going to represent could do. I found that a sad state of affairs. I told him don't endorse me and leave the City. We don't want that divisiveness in the City and I know most people don't. Mayor Fuller stated that we will be revisiting the Electioneering Ordinance again at a time when it is not a distraction for the current election because I believe people have the right to vote and not be harassed. I'd like us to see bring it back and come up with something that works.

Council unanimously approved the motion by Council member Shemwell, seconded by Council member Elliott, to adjourn. Mayor Fuller adjourned the meeting at 7:33 p.m.

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GEORGE C. FULLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary