

CITY COUNCIL REGULAR MEETING

SEPTEMBER 6, 2022

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, September 9, 2022, at 6:00 p.m.

Mayor Pro Tem Rainey Rogers called the Regular Meeting to order at 6:17 p.m. upon determining a quorum consisting of himself and the following Members were present: Council Members Justin Beller, Geré Feltus, Rick Franklin, Charlie Philips, and Patrick Cloutier.

Mayor George Fuller was absent.

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 (departed the meeting at 7:45 p.m.), City Secretary Empress Drane, Deputy City Secretary Joshua Stevenson, City Secretary Administrative Assistant Blenda Sims, Director of Strategic Services Trevor Minyard, Director of Planning Jennifer Arnold, Development Review Planning Manager Caitlyn Strickland, Planner Kaitlin Sheffield, Police Chief Greg Conley, Police Financial Analyst Cammie Martin, Police Officer Bruno Siqueira, Chief Financial Officer Mark Holloway, Information Technology Technician Logan Atwood, and Facilities Construction Manager Patricia Jackson.

There were approximately sixty (60) Members of the public present, including Board of Adjustment Member Mikhail Tutson.

The meeting was broadcast live on Spectrum Channel 16; AT&T U-Verse Channel 99; and online at <http://mckinney.legistar.com>.

Mayor Pro Tem Rainey Rogers called for the Invocation to be given by Reverend Andrew Van Kirk of St. Andrew's Episcopal Church, and the Pledge of Allegiance to be led by Marlon Wallace of Seventh Day Adventist Church.

Mayor Pro Tem Rainey Rogers called for Public Comments regarding non-Public Hearing agenda items, at which time there were no requests to address the Council.

Mayor Pro Tem Rainey Rogers called for the Consent Agenda.

Council unanimously approved the motion by Council Member Rick Franklin, seconded by Council Member Patrick Cloutier, to approve all Consent items:

- 22-0813** Minutes of the City Council Budget Work Session of August 12, 2022
- 22-0814** Minutes of the City Council Work Session of August 16, 2022
- 22-0815** Minutes of the City Council Regular Meeting of August 16, 2022
- 22-0816** Minutes of the City Council Special Meeting of August 23, 2023 for Boards & Commissions Appointments
- 22-0615** Minutes of the Library Advisory Board Meeting of June 16, 2022
- 22-0780** Minutes of the McKinney Community Development Corporation Meeting of July 28, 2022
- 22-0584** Minutes of the McKinney Urban Transit District Board Meeting of April 19, 2022
- 22-0772** Minutes of the Visit McKinney Board Meeting of July 26, 2022
- 22-0817** Consider/Discuss/Act on a Resolution Authorizing the City Manager or Designee, to Apply For, Accept and Implement a Public Safety Office Criminal Justice Division Grant Award Through the Office of the Governor (OOG) to Purchase Bullet-Resistant Shields for the McKinney Police Department School Resource Officers. Resolution caption reads:

RESOLUTION NO. 2022-09-130 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR, ACCEPT AND IMPLEMENT A PUBLIC SAFETY OFFICE CRIMINAL JUSTICE DIVISION GRANT AWARD THROUGH THE OFFICE OF THE GOVERNOR (OOG) TO PURCHASE BULLET-RESISTANT SHIELDS FOR MCKINNEY POLICE DEPARTMENT SCHOOL RESOURCE OFFICERS

- 22-0818** Consider/Discuss/Act on a Resolution Authorizing a Contract with the Collin County Elections Administration to Conduct the City of McKinney, Local Option Election of November 8, 2022, and Authorizing a Joint Election Agreement with the Various Election Participants. Resolution caption reads as follows:

RESOLUTION NO. 2022-09-131 (R)

A RESOLUTION AUTHORIZING A CONTRACT WITH THE COLLIN COUNTY ELECTIONS ADMINISTRATOR TO CONDUCT THE

ELECTION OF NOVEMBER 8, 2022, AND AUTHORIZING A JOINT ELECTION AGREEMENT BETWEEN THE CITY OF MCKINNEY, TEXAS AND VARIOUS OTHER JOINT ELECTION PARTICIPANTS UNDER CONTRACT WITH THE COLLIN COUNTY ELECTIONS ADMINISTRATOR

- 22-0819** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter Into an Interlocal Agreement with the City of Frisco, Texas, for Funding the Construction of the Intersection Improvements at Eldorado Parkway and Custer Road. Resolution caption reads as follows:

RESOLUTION NO. 2022-09-132 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF FRISCO, TEXAS FOR FUNDING THE CONSTRUCTION OF THE INTERSECTION IMPROVEMENTS AT ELDORADO PARKWAY AND CUSTER ROAD; AND PROVIDING AN EFFECTIVE DATE

- 22-0820** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Facilities Agreement for Lots 1-5, Block A, in the Samuel Burton Survey, Abstract No. 123, Located in the ETJ of McKinney, on the northeast corner of County Road 340 and Farm-to-Market Road 2933. Resolution caption reads as follows:

RESOLUTION NO. 2022-09-133 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A FACILITIES AGREEMENT FOR FOREST GROVE ESTATES, LOTS 1-5, BLOCK A, IN THE SAMUEL BURTON SURVEY, ABSTRACT NO. 123, LOCATED IN THE ETJ OF MCKINNEY, ON THE NORTHEAST CORNER OF COUNTY ROAD 340 AND FARM-TO-MARKET ROAD 2933

- 22-0821** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Phase 1 GMP Amendment to the Existing Pre-Construction Contract with Pogue Construction for Soil Remediation Services Related to the Design and Construction of the McKinney Municipal Complex Project (FC1707). Resolution caption reads as follows:

RESOLUTION NO. 2022-09-134 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PHASE 1 GMP AMENDMENT TO THE CONTRACT WITH POGUE CONSTRUCTION CO., LP FOR SOIL REMEDIATION SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF THE MCKINNEY MUNICIPAL COMPLEX PROJECT (FC1707)

- 22-0822** Consider/Discuss/Act on a 2022 Amended and Restated Development Agreement and a 2022 Amended and Restated Park Development and Disbursement Agreement with Trinity Falls Holdings, LP

Mayor Pro Tem Rainey Rogers called for Plat Consideration under Texas Local Government Code Chapter 212.

- 22-0160PF** Consider/Discuss/Act on a Preliminary-Final Plat for the Jefferson McKinney Stacy Addition, Located on the South Side of Stacy Road and Approximately 1,550 Feet East of Custer Road

Council unanimously approved the motion by Council Member Patrick Cloutier, seconded by Council Member Rick Franklin, to approve a Preliminary-Final Plat for the Jefferson McKinney Stacy Addition, Located on the South Side of Stacy Road and Approximately 1,550 Feet East of Custer Road, with conditions as recommended in the staff report.

Mayor Pro Tem Rainey Rogers called for the Regular Agenda and Public Hearing items:

- 22-0823** Conduct Public Hearing to Consider/Discuss/Act on the Adoption of the Budget Appropriation Ordinance for FY 2022-23

Mayor Rainey Rogers called for Public Comments regarding the item, at which time there were no requests to speak.

Council unanimously approved by record vote the motion by Council Member Charlie Philips, seconded by Council Member Rick Franklin, to close the public hearing and adopt the Budget Appropriation Ordinance for FY 2022-23, recorded as follows:

Mayor Pro Tem Rainey Rogers, District 2.....Aye
Council Member Justin Beller, District 1Aye
Council Member Geré Feltus, District 3Aye
Council Member Rick Franklin, District 4Aye
Council Member Charlie Philips, At Large #1Aye
Council Member Patrick Cloutier, At Large #2Aye

Ordinance caption reads as follows:

ORDINANCE NO. 2022-09-096

AN ORDINANCE ADOPTING A BUDGET FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, IN ACCORDANCE WITH THE CHARTER OF THE CITY OF MCKINNEY, APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR A PUBLIC HEARING; PROVIDING FOR PUBLICATION OF THIS ORDINANCE AND FOR AN EFFECTIVE DATE HEREOF

- 22-0824** Consider/Discuss/Act on an Ordinance to Ratify the Property Tax Revenue Increase in the Fiscal Year 2022-23 Budget as a Result of the City Receiving More Revenues from Property Taxes than the Previous Fiscal Year

Council unanimously approved the motion by Council Member Charlie Philips, seconded by Council Member Geré Feltus, "*that the increased revenue from property taxes in the Fiscal Year 2022-23 City budget is hereby ratified with the following declaration:*

Based on the Tax Rate of \$0.457485:

This budget will raise more total property taxes than last year's budget by \$10,365,804 or 7.83%, and of that amount, \$4,084,941 is tax revenue to be raised from new property added to the tax roll this year," with accompanying ordinance, caption reading as follows:

ORDINANCE NO. 2022-09-097

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, RATIFYING THE PROPERTY TAX REVENUE INCREASE IN THE 2022-23 BUDGET AS A RESULT OF THE CITY RECEIVING MORE REVENUES FROM PROPERTY TAXES IN THE 2022-23 BUDGET THAN IN THE PREVIOUS FISCAL YEAR; AND PROVIDING AN EFFECTIVE DATE

- 22-0825** Conduct Public Hearing to Consider/Discuss/Act on an Ordinance Adopting a Tax Rate for Fiscal Year 2022-23 (Tax Year 2022)

Mayor Pro Tem Rainey Rogers called for Public Comments regarding the item, as which time there were no requests to speak.

Council unanimously approved the motion by Council Member Charlie Philips, seconded by Council Member Geré Feltus, to close the public hearing.

Council unanimously approved by record vote the motion by Council Member Charlie Philips, seconded by Council Member Patrick Cloutier, "*that the property tax rate be increased by the adoption of a tax rate of 0.457485, which is effectively a*

5.58% percent increase in the tax rate" with accompanying ordinance, recorded as follows:

- Mayor Pro Tem Rainey Rogers, District 2.....Aye
- Council Member Justin Beller, District 1Aye
- Council Member Geré Feltus, District 3Aye
- Council Member Rick Franklin, District 4Aye
- Council Member Charlie Philips, At Large #1Aye
- Council Member Patrick Cloutier, At Large #2Aye

Ordinance caption reads as follows:

ORDINANCE NO. 2022-09-098

AN ORDINANCE LEVYING TAXES FOR THE CITY OF MCKINNEY, TEXAS, FOR THE TAX YEAR 2022; PROVIDING FOR A DATE ON WHICH SUCH TAXES BECOME DELINQUENT; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE THE PAYMENT OF TAXES DUE THEREON; PROVIDING FOR PENALTY AND INTEREST FROM AN EFFECTIVE DATE HEREOF; PROVIDING FOR A 15% COLLECTION FEE FROM AN EFFECTIVE DATE HEREOF; PROVIDING FOR ACCEPTANCE OF THE TAX ROLL TOGETHER WITH ANY SUPPLEMENTS THERETO; AND PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE

22-0826 Consider/Discuss/Act on an Ordinance to Change Rates/Fees for City Services

Council unanimously approved the motion by Council Member Charlie Philips, seconded by Council Member Rick Franklin, to approve an Ordinance to Change Rates/Fees for City Services, caption reading as follows:

ORDINANCE NO. 2022-09-099

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, RELATING TO FEES, BY AMENDING APPENDIX A SCHEDULE OF FEES, IN PART, BY AMENDING SECTIONS 2-1, 2-3, 74-161, 110-44, 110-45, 110-141, 110-142, 110-230, 122-29, 122-30, 122-31, 122-142, 122-175, 142-133, AND 146-193; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

21-0072Z3 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 "PD" - Planned Development District, Generally to Modify the Development

Standards and to Allow for Single Family Residential and Commercial
Uses, Located on the Northwest Corner of McKinney Ranch Parkway and
Silverado Trail, and Accompanying Ordinance

Mayor Pro Tem Rainey Rogers called for Public Comments regarding the item.

Director of Planning Jennifer Arnold stated that in addition to materials included with the posted agenda, Planning staff received a petition and letters of opposition from residents. The additional petition did not meet the submittal deadline and were not sufficient to require a super majority vote by the Council to approve the request.

The following individuals spoke in support of the request:

David Kalhoefer, Applicant, 11000 Frisco St #400, Frisco TX 75033

The following individuals spoke in opposition to the request:

Margie McAllister, 1503 Timber Edge, McKinney TX 75072

Holly Lafevers, 4900 Spanishmoss Dr, McKinney TX 75070

Brian Elledge, 5821 Rubblestone Dr, McKinney TX 75070

Daniel Porzio, 5500 McKinney Place Dr, McKinney TX 75070

Shannon Frink, 5901 Settlement Way, McKinney TX 75070

Cynthia Porter Gore, 2007 Glenmere Dr, Allen TX 75013

Julia Anderson, 3501 Havasu Ln, McKinney TX 75070

Gregg Pappas, 300 Gibbons Creek Trail, McKinney TX 75071

Edward Searles, 725 Bristlewood Dr, McKinney TX 75072

Katherine Keller, 801 Mayberry Dr, McKinney TX 75071

Ken Tomas, 8201 Sonnet Dr, McKinney TX 75071

Sara Sharratt, 204 Los Rios Dr, McKinney TX 75072

Logan Hurst, 7805 Rancho De La Osa Trail, McKinney TX 75070

Maggie Pitka, 1573 Sweetbriar Dr, Allen TX 75002

Andrew Van Kirk, 217 Adonis Circle, McKinney TX 75072

Council unanimously approved the motion by Council Member Rick Franklin, seconded by Council Member Geré Feltus, to close the public hearing.

Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council Member Charlie Philips, to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center

Overlay District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow for Single Family Residential and Commercial Uses, Located on the Northwest Corner of McKinney Ranch Parkway and Silverado Trail, and Accompanying Ordinance, with the modification of reducing the maximum building height from thirty-five (35) feet to thirty (30) feet. Ordinance caption reads:

ORDINANCE NO. 2022-09-100

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 9.6 ACRE PROPERTY, , LOCATED ON THE NORTHWEST CORNER OF MCKINNEY RANCH PARKWAY AND SILVERADO TRAIL, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, TO ALLOW SINGLE FAMILY RESIDENTIAL AND COMMERCIAL USES AND TO 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

22-0827 Consider/Discuss/Act on Appointing a Member to the McKinney Arts Commission (MAC)

Council unanimously approved the motion by Council Member Patrick Cloutier, seconded by Council Member Rick Franklin, to Jackie Brewer to the McKinney Arts Commission (MAC) as a Regular Member serving a partial term which expires on September 30, 2023.

Mayor Pro Tem Rainey Rogers called for Public Comments on matters not in the meeting agenda.

Julie Luton was not present when called.

Bernstine Williams, 6551 McKinney Ranch Pkwy #3405, McKinney TX 75070, spoke about discrimination in housing practices and the need for more affordable housing opportunities throughout the city.

Daniel Muenchau, 8320 Parish Ave, McKinney TX 75071, spoke about the Committee on Racial Equity (C.O.R.E.) sponsored by Trinity Presbyterian Church of McKinney, which aims to advocate throughout the community for unheard and marginalized people.

Daniel Porzio, 5500 McKinney Place Dr, McKinney TX 75070, providing an update about his “back porch storytelling” activity for youth which included the story of people landing on the moon.

Mayor Pro Tem Rainey Rogers called for Council & Manager Comments.

Council Member Justin Beller extended Happy Birthday wishes to Council Member Geré Feltus; commended Assistant City Manager Kim Flom for an excellent presentation to the Chamber of Commerce regarding East McKinney development, which he shared with the Lions Club on the next day; mentioned attending the recent Solo Ribbon cutting for the completed art project, noting that while the artist Guido Van Helten has returned home, he will be in McKinney later this year for other work; commended City Manager Paul Grimes and City Secretary Empress for their participation in the Leadership McKinney “City Day” along with himself, Council Member Patrick Cloutier, and Mayor George Fuller; mentioned attending the recent “Night of Hope” event, commending non-profit leaders Stephanie Kelly (Co-Founder & Board Secretary of Silver Linings Sober Living) and Shannon White (Founder & Executive Director of Grace to Change) for their efforts to promote support for Overdose Awareness Day and those impacted by overdose; commended Executive Director Denise Kendrick and those involved with the Embrace adoption and foster support program in McKinney; acknowledged retired McKinney ISD Educator DeLana Cofield who passed away last week – she was a resident, as were her parents, and she was active in numerous community initiatives, such as AEYL McKinney, NAACP, the Delta Sigma Theta sorority, Bridge the Gap, and Legacy Keepers of East McKinney, and she was a member of Believer’s Tabernacle Church – and her funeral service will be held Friday, September 9 at Shiloh Missionary Baptist Church (SMBC) in Plano, Texas, officiated by SMBC Pastor and long-time McKinney ISD Educator Dr. Isiah Joshua, Jr.

Council Member Patrick Cloutier commended City Staff on work toward the budget preparation, as well as providing quality public safety, clean water and other services while operating on a responsible budget.

Council Member Geré Feltus commented on the recent incident of vandalism at the Stonebridge United Methodist Church which coincided with sermon plans to address issues of racial equity, expressing feelings of anger and extending apologies to those

affected by the vandalism and negative attitudes and behaviors, emphasizing that such instances will continue in public spaces as long as they are not challenged in private spaces; commended the McKinney Police for investigating the vandalism; encouraged members of the public to call Crime Stoppers at (214)373-8477 to join the Crime Stoppers campaign or to contribute to the reward, which Mayor Fuller has already contributed and helped get started; commended leaders for addressing issues in faith-based and community settings, to create awareness and provide united message that "McKinney will not tolerate racism."

Council Member Charlie Philips commended the McKinney High School Junior Marine Reserve Officer Training Corps (ROTC) who earned top honors from among seven other schools this summer, encouraging the community to celebrate and take pride in their accomplishments and caliber.

City Manager Paul Grimes thanked Council Member Patrick Cloutier for his kind comments and all the City Council for their support throughout the budget process and commended city staff for their hard work to continually improve; and announced:

- In addition to the Proclamation read by Mayor Pro Tem Rainey Rogers during the Work Session, the city and Office of Emergency Management celebrates National Preparedness Month by encouraging residents to prepare their homes, businesses, and community for any kind of emergency; and providing five hundred (500) free preparedness bags available at the city's two libraries. The bags contain items such as ice scrapers, rain gauges and helpful books. Additional information will also be provided on the city webpage.

Mayor Pro Tem Rainey Rogers extended well wishes to Mayor George Fuller for unfortunately experiencing some illness while away on vacation. The Mayor Pro Tem also praised the Mayor for his personal financial support and engagement to help a local small business stay open, for his overall investment in the city and for representing the McKinney fantastically as a great Mayor.

Council unanimously approved the motion by Council Member Patrick Cloutier, seconded by Council Member Geré Feltus, to adjourn the meeting at 8:24 p.m.

These minutes were approved by the City Council on September 20, 2022.

SIGNED:

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

City of McKinney, Texas