

# CITY COUNCIL REGULAR MEETING

**FEBRUARY 18, 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, February 18, 2020 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, 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 S. Houser, Strategic Services Manager Trevor Minyard, Director of Planning Jennifer Arnold, Planner Alek Miller, Assistant Director of Engineering Michael Hebert, Development Engineering Manager Matt Richardson, Civil Engineer Robyn Root, Civil Engineer Jason Horn, Director of Public Works David Brown, Facilities Construction Manager Patricia Jackson, Police Chief Greg Conley, Police Officer Nolan Palmer, Police Financial Analyst Hilary Jones, Fire Chief Danny Kistner, Assistant Fire Chief Mike Smith, Assistant Fire Chief Chris Lowry, Assistant Fire Chief Robert Alley, Fire Services Medical Director Elizabeth Fagan, Fire Battalion Chief Charlie Skaggs, Senior Communications & Media Specialist Frances LaRue,

There were approximately one hundred twenty-five (125) members of the public present at the meeting.

Mayor Fuller called for the Invocation and recital of the Pledge of Allegiance. The Invocation was given by Senior Pastor Deborah Bradford of New Jerusalem Baptist

Church. The Pledge of Allegiance was led by Youth Members of New Jerusalem Baptist Church.

Mayor Fuller called for the following information sharing items:

**20-0169** Recognition for Cardiopulmonary Resuscitation (CPR) Save

Civilian nurse Jennifer Inman was recognized for rendering life-saving CPR aid to Thomas Cook on January 26, 2020 at downtown McKinney. Ms. Inman received a civilian recognition award plaque from Mayor Fuller and stood for photographs alongside Mayor Fuller, Fire Chief Danny Kistner, Mr. Cook, Fire Services Medical Director Elizabeth Fagan, and approximately ten (10) other Firefighters and Emergency Medical Services (EMS) members.

**20-0170** Proclamation for The League of Women Voters 100th Anniversary

Mayor Fuller read a proclamation for the one hundredth (100<sup>th</sup>) Anniversary of The League of Women Voters, recognizing the organization's historic role in supporting public awareness for election processes, election candidates, and voting. Several members of the organization were present to receive the proclamation and stood with Mayor Fuller for photographs.

**20-0171** Proclamation for Engineers Week

Mayor Fuller read a proclamation recognizing the significance of the engineering profession and its role in supporting student education and interest in science, technology, engineering and mathematics (STEM). Approximately twenty (20) City of McKinney engineers were present to receive the proclamation and stood with Mayor Fuller for photographs.

**20-0172** Proclamation for Shriners Hospitals for Children and IHOP "Flip it Forward for Kids" Free Pancake Day

Mayor Fuller read a proclamation recognizing the IHOP "free pancakes" fundraising event on February 25, to support the efforts of Shriners Hospital. Donations in lieu of costs for dining at IHOP on that day will benefit the hospital. Two representatives of Shriners Hospital were present to receive the proclamation and stood with Mayor Fuller for photographs.

Mayor Fuller called for public comments.

The following individuals spoke regarding items not on the meeting agenda:

Kim Rhodes, 826 Inwood Dr, McKinney TX 75069 spoke regarding the KVP Warehouse & Distribution near her home, zoning regulations, and environmental impact for noise, water drainage, and lighting created by commercial and industrial activities.

Randal Baker, 621 SE 82nd Street, Oklahoma City OK 73149, spoke regarding payments due to Titan Construction for construction work at the airport.

Warren Owens, (no address provided), spoke regarding the removal of homeless camps and the need for on-going services in east McKinney.

Shirley Mack, 503 N. Chestnut Street, McKinney TX 75069, spoke regarding roadway construction near Tennessee Street and the need for cleanup services during and after the construction work.

An unnamed individual did not wish to speak but requested the following comment be entered into the record: As part of my seventh-grade history class I'm learning about civic responsibility focusing on littering and would like the city to install trash cans to allow people to throw their trash away responsibly. Thank you for considering my request.

Mayor Fuller called for action on the consent agenda.

Council Member Charlie Phillips called for individual consideration of agenda item #20-0186 (Public Comments Policy). Council Member La'Shadion Shemwell called for the individual consideration of agenda item #20-0185 (Election Contract).

Council unanimously approved the motion by Mayor Pro Tempore Rainey Rogers, seconded by Council member Rick Franklin, to approve the remaining consent agenda as follows:

- 20-0173** Minutes of the Joint Meeting between McKinney City Council and McKinney Independent School District Board of Trustees of February 10, 2020
- 20-0137** Minutes of the Joint Meeting of the McKinney City Council and Planning & Zoning Commission of January 28, 2020
- 19-0983** Minutes of the Historic Preservation Advisory Board Regular Meeting of November 7, 2019

- 20-0043** Minutes of the Library Advisory Board Meeting of December 19, 2019
- 20-0144** Minutes of the Community Grants Advisory Commission Meeting of November 21, 2019
- 19-1077** Minutes of the McKinney Housing Finance Corporation Meeting of November 8, 2019
- 20-0105** Minutes of the Planning and Zoning Commission Regular Meeting of January 14, 2020
- 19-0995** Minutes of the Tax Increment Reinvestment Zone Number Two (TIRZ 2) Board Meeting of February 6, 2018
- 20-0174** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2019-2020 Annual Budget and Amending the 2020-2024 Capital Improvements Program, to Provide Funds for the Senior Recreation Center Renovation Project. Ordinance caption reads as follows:

**ORDINANCE NO. 2020-02-017**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE FISCAL YEAR 2019-2020 ANNUAL BUDGET AND 2020 – 2024 CAPITAL IMPROVEMENT PROGRAM TO PROVIDE FUNDS FOR THE SENIOR CENTER RENOVATION PROJECT**

- 20-0175** Consider/Discuss/Act on a Resolution Awarding a Contract to The Goodyear Tire & Rubber Company of Akron, Ohio for the Purchase and Delivery of Tires. Resolution caption reads as follows:

**RESOLUTION NO. 2020-02-020 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO THE GOODYEAR TIRE & RUBBER COMPANY OF AKRON, OHIO FOR PURCHASE AND DELIVERY OF TIRES**

- 20-0176** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract Amendment to the Construction Manager at Risk (CMAR) Services with Balfour Beatty Construction, LLC (BBC) of Dallas, Texas for Guaranteed Maximum Price (GMP) Related to the Senior Recreation Center Renovations located at 1400 S. College Street, McKinney, Texas. Resolution caption reads as follows:

**RESOLUTION NO. 2020-02-021 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH BALFOUR BEATTY CONSTRUCTION, LLC (BBC) WHOSE LOCAL OFFICE IS IN DALLAS, TEXAS FOR CONSTRUCTION MANAGER AT RISK SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF THE SENIOR RECREATION CENTER RENOVATIONS PROJECT, MCKINNEY, TEXAS**

- 20-0177** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with North Rock Construction, LLC of Denton, Texas, for the Cottonwood Park Improvement Project Located at 212 McMakin Street.

**RESOLUTION NO. 2020-02-022 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH NORTH ROCK CONSTRUCTION, LLC OF DENTON, TEXAS FOR THE CONSTRUCTION OF THE COTTONWOOD PARK RENOVATION PROJECT**

- 20-0178** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with Crossland Construction Company, Inc. whose local office is in Prosper, Texas for Construction Manager at Risk (CMAR) Services Related to the Design and Construction of McKinney Fire Station 11 located at 6260 Rundell Way, McKinney, Texas 75070. Resolution caption reads as follows:

**RESOLUTION NO. 2020-02-023 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH CROSSLAND CONSTRUCTION COMPANY, INC. (CROSSLAND) WHOSE LOCAL OFFICE IS IN PROSPER, TEXAS FOR CONSTRUCTION MANAGER AT RISK (CMAR) SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF FIRE STATION 11**

- 20-0179** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Consulting Services Contract with 720 Design, Inc. of Dallas, Texas for Professional Consulting Services and Owner's Representation Services Related to Multiple Public Safety Projects in McKinney, Texas. Resolution caption reads as follows:

**RESOLUTION NO. 2020-02-024 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A**

**PROFESSIONAL CONSULTING SERVICES CONTRACT WITH 720 DESIGN, INC. OF DALLAS, TEXAS, FOR PROFESSIONAL CONSULTING SERVICES AND OWNER'S REPRESENTATION SERVICES RELATED TO MULTIPLE PUBLIC SAFETY PROJECTS**

- 20-0180** Consider/Discuss/Act on a Resolution 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 reads as follows:

**RESOLUTION NO. 2020-02-025 (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 TO THE U.S. DEPARTMENT OF JUSTICE, ADMINISTERED THROUGH THE STATE OF TEXAS, CRIMINAL JUSTICE DIVISION FOR A VICTIMS OF CRIME ACT (VOCA) GRANT**

- 20-0181** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Agreement with the Texas Department of Transportation for the Temporary Closure of the State Right-of-Way for the Purpose of a Special Event. Resolution caption reads as follows:

**RESOLUTION NO. 2020-02-026 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY**

- 20-0182** Consider/Discuss/Act on a Resolution Authorizing a Memorandum of Agreement with North Texas Municipal Water District for the Construction and Operation of Three Demonstration Rain Gardens. Resolution caption:

**RESOLUTION NO. 2020-02-027(R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY TEXAS, AUTHORIZING A MEMORANDUM OF AGREEMENT WITH NORTH TEXAS MUNICIPAL WATER DISTRICT FOR THE CONSTRUCTION AND OPERATION OF THREE DEMONSTRATION RAIN GARDENS**

- 20-0183** Consider/Discuss/Act on a Resolution Nominating Columbia Medical Center of McKinney Subsidiary, L.P. 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. Resolution caption:

**RESOLUTION NO. 2020-02-028 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, NOMINATING COLUMBIA MEDICAL CENTER OF MCKINNEYSUBSIDIARY, L.P., KNOWN AS MEDICAL CENTER MCKINNEY, 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**

- 20-0184** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Change Order with Camino Construction, LP for the Construction of the Substandard Utility Replacement and Street Rehabilitation North of Virginia Street (CO1706) and Aerial Wastewater Crossing Improvements - Erwin Avenue (WW2245) Projects. Resolution caption reads as follows:

**RESOLUTION NO. 2020-02-029 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY CHANGE ORDERS WITH CAMINO CONSTRUCTION, LP, FOR THE CONSTRUCTION OF THE MCKINNEY SUBSTANDARD UTILITY REPLACEMENT AND STREET REHABILITATION NORTH OF VIRGINIA PROJECT, INCREASING THE NOT TO EXCEED AMOUNT FROM \$4,735,000 TO A TOTAL AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY ADDITIONAL CHANGE ORDERS, NOT TO EXCEED \$4,835,000**

- 19-0109SP** Consider/Discuss/Act on a Site Plan for a Medical Office Building, Located 515 Feet East of Skyline Drive and on the North Side of U.S. Highway 380 (University Drive)
- 20-0187** Consider/Discuss/Act on a Facilities Agreement for Lots 1 & 2, Block A, Grace Acres, Located in the ETJ of McKinney on the Southwest Corner of FM 2933 (Milrany Road) and County Road 1217

Mayor Fuller called for individual consideration of these items pulled from the Consent Agenda:

- 20-0185** Consider/Discuss/Act on a Resolution Authorizing a Contract with Collin County Elections Administration to Conduct the May 2, 2020 Special Election and Authorizing a Joint Election Agreement with Various Governmental Bodies within Collin County

Council approved the motion by Council Member Charlie Philips, seconded by Mayor Pro Tempore Rainey Rogers, to Approve a Resolution Authorizing a Contract with Collin County Elections Administration to Conduct the May 2, 2020 Special Election and Authorizing a Joint Election Agreement with Various Governmental Bodies within Collin County with a vote of 6 - 1, with Council Member La'Shadion Shemwell voting no. Resolution caption reads as follows:

**RESOLUTION NO. 2020-02-030 (R)**

**A RESOLUTION AUTHORIZING A CONTRACT WITH COLLIN COUNTY ELECTIONS ADMINISTRATOR TO CONDUCT THE MAY 2,2020 SPECIAL ELECTION AND AUTHORIZING A JOINT ELECTION AGREEMENT BETWEEN THE CITY OF MCKINNEY AND THE VARIOUS ELECTION ENTITIES**

**20-0186** Consider/Discuss/Act on a Resolution Adopting a Policy for Public Comments during City Council Meetings

Council unanimously approved the motion by Council member Charlie Philips, seconded by Mayor Pro Tempore Rainey Rogers, to approve a Resolution Adopting a Policy for Public Comments during City Council Meetings, as amended to include paragraph (d) under section II. Procedures for Speaking to the City Council, reading as follows:

“d. A Speaker segment will be held prior to the City Council’s consideration the Agenda Items for those Speakers who wish to address the City Council on an Agenda Item(s) only. An additional Speaker segment will be held after the Agenda Items are heard for those Speakers who wish to address the City Council on matters not listed on the Agenda. Statutory public hearings will allow for speakers in addition to the Speaker segments.”

Resolution caption reads as follows:

**RESOLUTION NO. 2020-02-031 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ESTABLISHING ITS POLICY AND PROCEDURES FOR PUBLIC COMMENTS AND PRESENTATIONS AT CITY COUNCIL MEETINGS; AND PROVIDING FOR AN EFFECTIVE DATE**

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

**20-0011PF** Consider/Discuss/Act on a Preliminary-Final Plat for Lake Forest Phase II,



Located on the East Side of Lake Forest Drive and Approximately 900 Feet South of McKinney Ranch Parkway

Council unanimously approved the motion by Council member La'Shadion Shemwell, seconded by Council member Scott Elliott, to approve the staff recommendation to disapprove 20-0011PF Consider/Discuss/Act on a Preliminary-Final Plat for Lake Forest Phase II, Located on the East Side of Lake Forest Drive and Approximately 900 Feet South of McKinney Ranch Parkway

**20-0013CVP** Consider/Discuss/Act on a Conveyance Plat for Lots 1 - 4, Block A, of Custer Silverado Addition, Located at the Northeast Corner of Silverado Trail and Custer Road

Council unanimously approved the motion by Council member La'Shadion Shemwell, seconded by Council member Scott Elliott, to approve the staff recommendation to conditionally approve 20-0013CVP Consider/Discuss/Act on a Conveyance Plat for Lots 1 - 4, Block A, of Custer Silverado Addition, Located at the Northeast Corner of Silverado Trail and Custer Road

Mayor Fuller called for Regular Agenda and Public Hearing items:

**20-0001M2** Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Appendix G (MTC - McKinney Town Center Zoning District) of the Code of Ordinances, and Accompanying Ordinance

Council unanimously approved the motion by Council member Rick Franklin, seconded by Council member Frederick Frazier, to Approve Closing the Public Hearing and approve a Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Appendix G (MTC - McKinney Town Center Zoning District) of the Code of Ordinances, and Accompanying Ordinance. Ordinance caption reads as follows:

**ORDINANCE NO. 2020-02-018**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 146, ENTITLED "ZONING REGULATIONS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, BY AMENDING APPENDIX G, "MTC - MCKINNEY TOWN CENTER ZONING DISTRICT," THROUGH THE AMENDMENT OF SECTION G-2, TITLED "MTC - MCKINNEY TOWN CENTER ZONING DISTRICT," BY AMENDING SECTION 5.6, "DESIGN EXCEPTIONS," 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 HEREOF**

Mayor Fuller called again for Citizen Comments, at which time there were no requests by members of the public to speak.

Mayor Fuller called for Council and Manager Comments.

Council Member Charlie Philips acknowledged Black History Month and recognized Mr. Jesse Gowen (namesake of McGowen Elementary School) and Mrs. June McGowen, who were present in the audience. The McGowens were among the first African-American educators to help integrate McKinney schools. Council Member Philips also expressed appreciation and respect for the McKinney history of Leonard Evans (namesake of Evans Middle School), Reuben Johnson (namesake of Johnson Elementary School), St. James CME Church and Doty School. Council Member Philips recognized Cameron Frazier (daughter of Council Member Frederick Frazier). Cameron is a member of the Faubion Middle School girls 8<sup>th</sup> basketball team, which won the district championship.

Council Member Elliott Scott commended the work of the McKinney Economic Development Corporation (MEDC) staff and board members.

Mayor Pro Tempore Rainey Rogers expressed appreciation for the McGowen family, noting that Mr. McGowen was an administrator during his tenure in school, and Mrs. McGowen taught many of the Mayor Pro Tem's family members.

Council Member La'Shadion Shemwell recognized and thanked a McKinney High School student who was present at the meeting for a journalism assignment. Council Member Shemwell expressed concern about the airport payment issues presented during the citizen comments, as well as comments from Warren Owens and Shirley Mack and the role of the city in assisting residents with community issues. Council Member Shemwell acknowledged the McGowen family, mentioning the voting rights act, school integration in McKinney schools. Council Member Shemwell stated the attendance of more Black residents at Council meetings during his tenure is progress.

Council Member Frederick Frazier thanked the members of the public who submitted comments and bringing issues to the attention of the Council in a good way.

Council Member Frazier especially noted Warren Owens and the group of supporters who attended the meeting with him. Council Member Frazier thanked Council Member Philips for acknowledging his daughter's basketball accomplishment.

City Manager Paul Grimes announced that McKinney Public Libraries and McKinney Fire Station along with AARP will offer free tax preparation services at various locations across the city. Informational information about service locations, times and required documents to bring is available on the city web site.

Mayor Fuller stated the Martin Luther King, Jr. event at the McKinney Performing Arts Center on Sunday, February 16 including discussion and a photo gallery. Mayor Fuller acknowledged the Black pioneering figures of McKinney, stating that he looked forward to the next event. Mayor Fuller expressed concern for the airport payment issue presented during the citizen comments and committed to resolve the problem. Mayor Fuller mentioned early voting was underway for various elections, as well shared information for how the 2020 Census will contribute to funding for public services of the future, encouraging all people living in the city to participate in being counted.

The Council did not meet in Executive Session.

Council unanimously approved the motion by Council member La'Shadion Shemwell, seconded by Mayor Pro Tem, to adjourn. Mayor Fuller adjourned the meeting at 7:59 p.m.

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GEORGE C. FULLER  
Mayor

ATTEST:

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EMPRESS DRANE  
City Secretary