

**CITY COUNCIL REGULAR MEETING**

**SEPTEMBER 3, 2019**

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 3, 2019, at 6:00 p.m.

City Council Members Present: Mayor George C. Fuller, Mayor Pro Tem Rainey Rogers, and Council Members Charlie Philips, Scott Elliott, La'Shadion Shemwell, Frederick Frazier, and Richard Franklin

City of McKinney Staff Present: City Manager Paul Grimes, Assistant City Managers Barry Shelton and Steve Tilton, City Attorney Mark Houser, Assistant to the City Manager Trevor Minyard, Chief Financial Officer Mark Holloway, Director of Libraries Spencer Smith, Fire Chief Danny Kistner, Police Chief Greg Conley, Police Officer Shannon Seabrook, Director of Parks & Recreation Michael Kowski, Assistant Director of Parks & Recreation Ryan Mullins, Staff Members of the McKinney Senior Recreation Center: Supervisor Laura Cegelski, Assistant Supervisor Calie Willis, Recreation Coordinator Jessica Couch, and Recreation Aide Erma Beeson, Aquatics Specialist Zach Tekavec, McKinney Convention & Visitors Bureau Sales Manager Vanesa Rhodes, Assistant Director of Engineering Michael Hebert, Director of McKinney Performing Arts Center & McKinney Main Street Amy Rosenthal, McKinney Main Street Program Coordinator Aaron Werner, Chief Plans Examiner Jeff Harris, Video Producers Sidney Diongzon and Joey Barr, and City Secretary Empress Drane

There were approximately 26 guests present.

Mayor Fuller called the meeting to order at 6:00 p.m. upon determining a quorum of the Council was present.

Mayor Fuller called for the Invocation and recital of the Pledge of Allegiance. The Invocation given by John Wills, Executive Pastor at First McKinney Baptist Church. The Pledge of Allegiance was led by Nathaniel Wessel, Youth Member of First McKinney Baptist Church.

Mayor Fuller called for Information Sharing items.

Council Member Philips noted the recent recognition of City Secretary Empress Drane as an inductee into the McKinney Independent School District Athletic Hall of

Honor and presented a photo of her standing alongside McKinney ISD Athletics Director Shawn Pratt during the announcement of all honorees on August 30, 2019.

**19-0732** Proclamation for National Senior Center Month. Mayor Fuller read the proclamation for National Senior Center Month, acknowledging the value of the McKinney Senior Recreation Center and its 17-year history of providing activities and services to senior members. Recreation Coordinator Jessica Crouch commented of the upcoming week of activities to celebrate Senior Recreation. Mayor Fuller stood with Parks & Recreation Staff for photographs.

Mayor Fuller called for Citizen Comments.

Steve Spainhouer, 4690 Eldorado Parkway #512, McKinney, Texas 75070, spoke regarding the Homelessness Task Force meeting that was held Tuesday, September 3, 2019 at 7:00 a.m., supporting the work of the meeting participants and requesting City Council to increase funding to the Community Grants program to help address homelessness.

Paul Ballesteros, 6508 Marvin Gardens, McKinney, Texas 75070, spoke regarding the non-profit organization Emmanuel Labor, invited McKinney residents to join efforts to fight homelessness in McKinney, thanked the individuals who participated in the Homelessness Task Force meeting, and encouraged everyone to treat individuals experiencing homelessness as any other people worthy of dignity and respect.

Mayor Fuller called for action on the Consent Agenda. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Elliott, to approve the following Consent Agenda:

**19-0682** Minutes of the Library Advisory Board Meeting of July 18, 2019.

**19-0687** Minutes of the McKinney Economic Development Corporation Meeting of July 16, 2019

**19-0551** Minutes of the McKinney Housing Finance Corporation Meeting of June 14, 2019

**19-0674** Minutes of the Planning and Zoning Commission Regular Meeting of July 23, 2019

**19-0733** Consider/Discuss/Act on an Ordinance of the City Council of the City of McKinney, Texas, Approving a Negotiated Settlement Between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division Regarding the Company's 2019 Rate Review mechanism Filings; Declaring Existing Rates to be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Attached Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attached Exhibit Establishing a Benchmark for Pensions and Retiree Medical Benefits; Approving an Attached Exhibit Regarding Amortization of Regulatory Liability; Requiring the Company to Reimburse ACSC's Reasonable Ratemaking Expenses; Determining that this Ordinance was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; and Requiring Delivery of this Resolution to the Company and the ACSC's Legal Counsel. Ordinance caption reads as follows:

**ORDINANCE NO. 2019-09-065**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2019 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL**

**19-0734** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Freese and Nichols, Inc. for Professional Engineering Services to Complete a Risk and Resilience Assessment as

Required by the America's Water Infrastructure Act of 2018 and Any Necessary Supplemental Agreements. Resolution caption reads as follows:

**RESOLUTION NO. 2019-09-103 (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 \$117,860 WITH FREESE AND NICHOLS, INC. FOR CONSULTING ENGINEERING SERVICES TO COMPLETE A RISK AND RESILIENCE ASSESSMENT AS REQUIRED BY THE AMERICA'S INFRASTRUCTURE ACT OF 2018 FOR A TOTAL AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$130,000**

- 19-0735** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Rich Leidl, P.C. for Federal Legislative Services. Resolution caption reads as follows:

**RESOLUTION NO. 2019-09-104 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR FEDERAL LEGISLATIVE CONSULTING SERVICES FROM RICH LEIDL, P.C. OF WASHINGTON, DC**

- 19-0736** Consider/Discuss/Act on a Resolution Awarding a Contract to Ray Huffines Chevrolet of Plano, Texas for the Purchase of GM OEM Parts and Service. Resolution caption reads as follows:

**RESOLUTION NO. 2019-09-105 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO RAY HUFFINES CHEVROLET OF PLANO, TEXAS FOR GM OEM PARTS AND SERVICES**

- 19-0737** Consider/Discuss/Act on a Resolution of a Third Amendment to the Professional Full Golf Services Management Agreement with DWW Golf Management, a Texas Limited Liability Corporation

**RESOLUTION NO. 2019-09-106 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A THIRD AMENDMENT TO THE PROFESSIONAL FULL GOLF SERVICES MANAGEMENT AGREEMENT WITH DWW GOLF MANAGEMENT, A TEXAS LIMITED LIABILITY CORPORATION**

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

- 19-0738** Conduct Second Public Hearing on Proposed Tax Rate for Fiscal Year

2019-20 (Tax Year 2019). Chief Financial Officer Mark Holloway presented information at the second of two state-mandated public hearings regarding the proposed tax rate (the first of which was conducted August 20, 2019): the proposed tax rate is \$0.515600 based on 100% market ratio on each \$100 of all taxable property within the City, and the proposed tax rate is 0.009570 cents lower than last year. The rate for Maintenance and Operations (M&O) is \$0.355393 per \$100 valuation, and the rate for Interest and Sinking Funds (I&S) is \$0.160207 per \$100 valuation. The tax rate ratio is 69% for M&O and 31% for I&S. The proposed tax rate exceeds the effective tax rate of \$0.508664. The proposed tax rate will raise more taxes for M&O than last year's tax rate. The amount of taxes imposed this year on the average home value of \$349,567 would be \$1,802. The tax rate adoption date is September 17, 2019, at which time at least 60 percent of the Council must vote in favor of the adoption ordinance. There were no requests by the public to speak at the Public Hearing. Council unanimously approved the motion by Council Member Franklin, seconded by Council Member Frazier, to close the Second Public Hearing on Proposed Tax Rate for Fiscal Year 2019-20 (Tax Year 2019).

**19-0739** Conduct First Public Hearing on the Budget Appropriation Ordinance for FY 2019-20. Chief Financial Officer Mark Holloway presented information regarding the Budget Appropriation: the proposed budget for all operating funds and CIP projects for FY 2019-20 total \$585.8 million; the proposed budget for component unit funds for FY2019-20 are McKinney Convention & Visitors Bureau \$863,815; McKinney Economic Development Corporation Debt Service Fund \$3,955,988; McKinney Economic Development Corporation \$15,029,119; McKinney Community Development Corporation \$10,338,530. The proposed tax rate is \$0.51560 per \$100 of assessed value. The second public hearing for the budget appropriation will be September 17, 2019,

followed by a vote to adopt the related ordinance. There were no public requests to speak on the Public Hearing. Council unanimously approved the motion by Council Member Philips, seconded by Council Member Frazier, to close the First Public Hearing on the Budget Appropriation Ordinance for FY 2019-20.

- 19-0740** Conduct a Public Hearing to Consider/Discuss/Act on a Signage Meritorious Exception Request for Cultural District Identification Signs. Director of McKinney Performing Arts Center & McKinney Main Street Amy Rosenthal presented information regarding the request for Cultural District signage: Downtown McKinney was designated a Cultural District by the Texas Commission on the Arts (TCA) in November 2018. TCA provides cultural districts with unique funding opportunities, only available to designated districts. McKinney Main Street, a private 501(c)3, has received funding support from Texas Commission on the Arts and McKinney Community Development Corporation to manufacture and install three signature signs to help brand and identify the district, to create a unique attraction and to support evening activities. The signs include a pole sign, a blade sign and a roof-mounted sign. The pole sign will be installed at the corner of Virginia Street and Church Street. The blade sign will be installed on the west side of the Chestnut Commons parking structure, Chestnut Street. The roof-mounted sign will be installed on the parking structure to capture high visibility of Highway 5 traffic. Though these signs serve special purpose to help brand and identify the Historic Downtown McKinney Cultural District, they do not comply with city sign ordinances; therefore, McKinney Main Street requests a Meritorious Exception to the ordinance for the installation of three Cultural District identification signs. Staff has no objection to the request. The City of McKinney has not received a similar request for this type of signage. Most signage requests relate to a specific business - not a district. Similar district branding signs are found in Deep Ellum (Dallas,

Texas) and Red River Cultural District (Austin, Texas). The following citizen spoke in support of the request for a Meritorious Exception to allow the Cultural District signage:

Jimmy Teeling, 3704 Landsdowne Drive, McKinney, Texas 75072

Council unanimously approved the motion by Council Member Elliott, seconded by Council Member Franklin, to close the public hearing and approve the Signage Meritorious Exception Request for Cultural District Identification Signs.

**19-0741** Consider/Discuss/Act on a Resolution Authorizing a Variance to the Requirements of Section 130-356 of the Code of Ordinances Deferring the Requirement to Rehabilitate the Existing Stock Pond Dam on Lot 5 of the 380 Towne Centre Addition. Assistant Director of Engineering Michael Hebert stated the request is for a temporary variance allowing more time for the developer of the property to obtain the necessary permits for rehabilitating an onsite dam between the McKinney Towne Centre and Raytheon properties. Council unanimously approved the motion by Council Member Shemwell, seconded by Council Member Elliott, to approve a Resolution Authorizing a Variance to the Requirements of Section 130-356 of the Code of Ordinances Deferring the Requirement to Rehabilitate the Existing Stock Pond Dam on Lot 5 of the 380 Towne Centre Addition. Resolution caption reads as follows:

**RESOLUTION NO. 2019-09-107 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY TEXAS, GRANTING A VARIANCE TO SECTION 130-356 OF THE CODE OF ORDINANCES DEFERRING THE REQUIREMENT TO REHABILITATE THE EXISTING STOCK POND DAM ON LOT 5 OF THE 380 TOWNE CENTRE ADDITION**

**19-0742** Consider/Discuss/Act on Amending a Resolution Authorizing the City Manager to Apply for and Accept if Awarded, a Grant from the Department of Housing and Urban Development (HUD), through the Metro Dallas Homeless Alliance (MDHA), for Continuum of Care Rapid Rehousing Funding for Housing and a Case Manager Position at Samaritan Inn. Housing & Community Service Manager Janay Tieken stated the a HUD

grant approved on August 20, 2019 for Rapid Rehousing and supporting Case Manager requires additional matching funds, which was not known and the time of the initial approval. The required matching funds in the amount of \$71,663 will be provided by the City of McKinney (\$51,663) and Samaritan Inn (\$20,000) in the form of in-kind services and donations.

Council unanimously approved the motion by Council Member Shemwell, seconded by Council Member Franklin, to approve Amending a Resolution Authorizing the City Manager to Apply for and Accept if Awarded, a Grant from the Department of Housing and Urban Development (HUD), through the Metro Dallas Homeless Alliance (MDHA), for Continuum of Care Rapid Rehousing Funding for Housing and a Case Manager Position at Samaritan Inn. Resolution caption reads as follows:

**RESOLUTION NO. 2019-09-108 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING RESOLUTION #2019-08-093 (R), AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, A GRANT TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, THROUGH THE METRO DALLAS HOMELESS ALLIANCE, FOR CONTINUUM OF CARE RAPID REHOUSING FUNDING FOR HOUSING AND A CASE MANAGER POSITION AT THE SAMARITAN INN**

**19-0743** Consider/Discuss/Act on Appointing a Member to the McKinney Housing Finance Corporation.

Council unanimously approved the motion by Mayor Fuller, seconded by Council Member Shemwell, to table to another meeting agenda item #19-0743 Consider/Discuss/Act on Appointing a Member to the McKinney Housing Finance Corporation.

Mayor Fuller called for Citizen Comments regarding matters not on the agenda. There were no requests to speak.

Mayor Fuller called for Council and Manager Comments.

Mayor Fuller noted the attendance of journalist Cassidy Ritter who will be relocating from McKinney to the state of Colorado, commending her work and engagement as a reporter for the Community Impact newspaper. Mayor Fuller thanked the attendees and participants of the Homelessness Task Force meeting that was held this morning at 7:00 a.m. urging those interested to wait



for the release of video recording to obtain the most accurate information about the Task Force activities. Mayor Fuller commented on the tremendous efforts of non-profit organizations address the issues impacting the community, stating it is not only the job of the non-profits to address the challenges of homelessness.

Mayor Pro Tem Rogers recognized his former Boys Scouts members who were in attendance at the meeting, thanking them for their community work.

Council Member Shemwell expressed his appreciation for the efforts of the Homelessness Task Force to address the issue of homelessness in McKinney. Council Member Frazier expressed agreement on the issue, emphasizing the need to remain aware of it.

City Manager Grimes stated the city deployed two paramedics Duke Durham and Chris Harlow on August 24, to offer aid to the Texas Intrastate Fire Mutual Aid System to assist efforts against Copper Breaks and Vivian wildfires. Mr. Grimes thanked the two who have since returned to McKinney safely. Mr. Grimes noted the Prepare-A-Thon campaign which encourages residents to prepare for emergency situations. The Office of Emergency Management System will be giving away 700 free emergency preparedness bags, which include ice scrapers, rain gauges, and a variety of preparedness information. The bags can be picked up from either of McKinney's two libraries in the month of September. Additional information can be found on the city website.

Council did not meet in Executive Session.

Council unanimously approved the motion by Mayor Fuller, seconded by Council Member Shemwell, to adjourn the meeting. Mayor Fuller adjourned the meeting at 6:46 p.m.

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GEORGE C. FULLER, Mayor

ATTEST:

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EMPRESS DRANE, City Secretary  
LISA SEWELL, Deputy City Secretary