

## **CITY COUNCIL REGULAR MEETING**

**OCTOBER 20, 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, October 20, 2020 at 6:00 p.m.

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

Mayor Fuller participated remotely by phone.

Thockmorton Statue Ad Hoc Advisory Board Members Present: Board Chair Jimmy Stewart, Board Vice Chair Larry Jagours, and Board Members Justin Beller, Nathan White, Kenneth Holloway, Mark Cervantes, Betty Petkovsek, and Colin Kimball.

Throckmorton Statue Board Members Absent: Latisha Nance, Matt Hamilton, and Don Day.

City of McKinney Staff Present: City Manager Paul Grimes, Assistant City Manager Kim Flom, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, City Attorney Mark Houser, City Secretary Empress Drane, Deputy City Secretary Joshua Stevenson, City Secretary Administrative Assistant Blenda Sims, Strategic Services Manager Trevor Minyard, Assistant Director of Planning Mark Doty, Planning Manager Aaron Bloxham, Historic Preservation Officer Guy Giersch, Neighborhood Services Coordinator Dana Riley, Director of McKinney Performing Arts Center (MPAC) & Main Street Programs, Assistant Director of Engineering Michael Hebert, Facilities Construction Manager Patricia Jackson, Information Technology Technician Asif Ali, Police Chief Greg Conley, Assistant Police Chief Joe Ellenburg, Police Lieutenant Randall Meyer, Police Detective Jason Ogburn, Police Detective Carl Severan, Police Detective Adam Wright, Police Officer Derrick Byrd, Police Office Jesse Vasquez, Police Office Shannon Seabrook, and Fire Chief Danny Kistner.

There were approximately fifty (50) members of the public present in the audience.

Mayor Pro Tem Rogers called the meeting to order at 6:02 p.m. upon determining a quorum of the Council was present.

Mayor Pro Tem Rogers called for the Invocation and the Pledge of Allegiance, given by Doug Schulte & Ranchers of Cornerstone Ranch.

Mayor Pro Tem Rogers called for Public Comments regarding Agenda items.

Tamara Johnson, P.O. Box 2514, McKinney TX 75070, spoke in favor of removing the Throckmorton Statue.

Alonzo Tutson, P.O. Box 1201, Anna TX 75409, spoke regarding Domestic Abuse Awareness Month.

John Hardin, 304 E. Walker, McKinney TX 75069, spoke in favor of keeping the Throckmorton Statue in its current location.

Shannon Carter, 3409 Sugar Pine, McKinney TX 75070, spoke in favor of removing the Throckmorton Statue.

Mayor Pro Tem Rogers called for the Consent Agenda.

Council unanimously approved the motion by Mayor Fuller, seconded by Council Member Shemwell, to approve the following Consent items:

- 20-0930** Minutes of the City Council Work Session of March 17, 2020
- 20-0931** Minutes of the City Council Regular Meeting of March 17, 2020
- 20-0932** Minutes of the City Council Special Meeting and Work Session of March 24, 2020
- 20-0933** Minutes of the City Council Special Meeting and Work Session of September 22, 2020
- 20-0934** Minutes of the City Council Work Session of October 6, 2020
- 20-0935** Minutes of the City Council Regular Meeting of October 6, 2020
- 20-0780** Minutes of the Main Street Board Meeting of August 13, 2020
- 20-0768** Minutes of the McKinney Armed Services Memorial Board Meeting of August 12, 2020
- 20-0711** Minutes of the McKinney Urban Transit District (MUTD) Board Meeting of June 17, 2020
- 20-0894** Minutes of the Planning and Zoning Commission Regular Meeting of September 22, 2020
- 20-0937** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2020-

2021 Annual Budget to Provide Funds for Purchase of a 190,238 square foot or 4.3676 acre, tract of land situated in the William Davis Survey, Abstract No. 248, City of McKinney, Collin County, Texas, and being known as all of Lots 1 and 2, Block 1 of Andrew's Addition, an Addition to the City of McKinney, according to the Plat thereof recorded in Volume 116, Page 210, Deed Records, Collin County, Texas. Ordinance caption reads as follows:

**ORDINANCE NO. 2020-10-070**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A BUDGET AMENDMENT PERTAINING TO FISCAL YEAR 2020-2021 TO PROVIDE FUNDING FOR PURCHASE OF A 4.3676 ACRE TRACT OF LAND IN THE ANDREW'S ADDITION, IN THE CITY OF MCKINNEY, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**20-0938** Consider/Discuss/Act on a Resolution Authorizing a Contract for the Purchase of Uniforms, Recreational Clothing and Promotional Items with 4imprint Inc. and Groggy Dog Sportswear. Resolution caption reads as follows:

**RESOLUTION NO. 2020-10-153 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF CONTRACTS WITH 4IMPRINT INC. AND GROGGY DOG SPORTSWEAR FOR UNIFORMS, RECREATIONAL CLOTHING AND PROMOTIONAL ITEMS**

**20-0939** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Amended ILA with Collin County and Amending McKinney Emergency Housing Living Assistance (EHLA) Grant Agreements with Participating Nonprofit Agencies. Resolution caption reads as follows:

**RESOLUTION NO. 2020-10-154 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AGREEING TO RETURN \$2,095,442 OF TREASURY CARES ACT FUNDING, FOR THE EMERGENCY HOUSING AND LIVING ASSISTANCE (EHLA) GRANT FUND, TO COLLIN COUNTY AND PROVIDING AN EFFECTIVE DATE**

**20-0940** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract Amendment to the Existing Construction Manager at Risk (CMAR) Services Contract with Crossland Construction Company,

Inc. (Crossland) Whose Local Office is in Prosper, Texas Related to the Installation of Fire Department Training Props at McKinney Fire Station 10 Located at 1150 Olympic Crossing, McKinney, Texas 75071. Resolution caption reads as follows:

**RESOLUTION NO. 2020-10-155 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT TO THE EXISTING CONSTRUCTION MANAGER AT RISK CONTRACT WITH CROSSLAND CONSTRUCTION COMPANY, INC. (CROSSLAND) WHOSE LOCAL OFFICE IS IN PROSPER, TEXAS RELATED TO THE INSTALLATION OF TRAINING PROPS AT FIRE STATION 10 LOCATED AT 1150 OLYMPIC CROSSING, MCKINNEY, TEXAS 75071**

**20-0941** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract Amendment to the Construction Manager at Risk (CMAR) Services Contract with Crossland Construction Company, Inc. (Crossland) Whose Local Office is in Prosper, Texas for a Guaranteed Maximum Price (GMP) Related to the Construction of McKinney Fire Station 11 Located at 6260 Rundell Way, McKinney, Texas 75070. Resolution caption reads as follows:

**RESOLUTION NO. 2020-10-156 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH CROSSLAND CONSTRUCTION COMPANY, INC. (CROSSLAND) WHOSE LOCAL OFFICE IS IN PROSPER, TEXAS FOR A GUARANTEED MAXIMUM PRICE (GMP) FOR CONSTRUCTION MANAGER AT RISK SERVICES RELATED TO THE CONSTRUCTION OF FIRE STATION 11 LOCATED AT 6260 RUNDELL WAY, MCKINNEY, TEXAS 75070**

**20-0942** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Change Order for Additional Services to the Design/Build Services Agreement with ScoBilt Contractors, Inc. Related to the Old Settler's Recreation Center Renovation Project (PK4398) Located at 1201 E. Louisiana Street, McKinney, Texas 75069. Resolution caption reads as follows:

**RESOLUTION NO. 2020-10-157 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER FOR ADDITIONAL SERVICES TO THE DESIGN /**

**BUILD SERVICES AGREEMENT WITH SCOBILT CONTRACTORS, INC. RELATED TO THE OLD SETTLER'S RECREATION CENTER RENOVATION PROJECT (PK4398) LOCATED AT 1201 E. LOUISIANA STREET, MCKINNEY, TEXAS 75069**

- 20-0943** Consider/Discuss/Act on a Resolution Authorizing the Application and Acceptance, if Awarded, of a Texas Parks and Wildlife Department Local Park Program Grant for Old Settler's Park Renovation Project. Resolution caption reads as follows:

**RESOLUTION NO. 2020-10-158 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR AND ACCEPT, IF AWARDED, A TEXAS PARKS AND WILDLIFE DEPARTMENT LOCAL PARK PROGRAM GRANT FOR OLD SETTLER'S PARK RENOVATION PROJECT**

- 20-0944** Consider/Discuss/Act on a Resolution Authorizing the Application and Acceptance, if Awarded, of a Texas Parks and Wildlife Department Community Outdoor Outreach Program Grant for a Kayak Program. Resolution caption reads as follows:

**RESOLUTION NO. 2020-10-159 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR AND ACCEPT, IF AWARDED, A TEXAS PARKS AND WILDLIFE DEPARTMENT COMMUNITY OUTDOOR OUTREACH PROGRAM GRANT FOR A KAYAK PROGRAM**

- 20-0945** Consider/Discuss/Act on a Resolution Authorizing the Sale of Land to the City of Celina, which Land Contains 1.00 Acre Situated in the Coleman Watson Survey, Abstract No. 945, Generally Located at the Southwest Corner of FM 2478 (Custer Road) and PR 5434 in an Unincorporated Area of Collin County; and Authorizing the City Manager to Execute Deeds and Documents Regarding the Sale of Said City-Owned Property to the City of Celina. Resolution caption reads as follows:

**RESOLUTION NO. 2020-10-160 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE SALE OF A PARCEL OF LAND TO THE CITY OF CELINA, WHICH PARCEL CONTAINS 1.00 ACRE OF LAND SITUATED IN THE COLEMAN WATSON SURVEY, ABSTRACT NO. 945, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF FM 2478 (CUSTER ROAD) AND PR 5434 IN AN UNINCORPORATED AREA OF COLLIN COUNTY, TEXAS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE DEEDS AND**

**DOCUMENTS REGARDING THE SALE OF SAID CITY-OWNED  
PROPERTY TO THE CITY OF CELINA; AND PROVIDING FOR AN  
EFFECTIVE DATE HEREOF**

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

- 20-0946** Receive and Consider Research, Presentations and Report of the Throckmorton Statue Ad Hoc Advisory Board

Board Member Justin Beller presented to the Council in favor of relocating the Throckmorton Statue.

Board Member Nathan White presented to the Council in favor of keeping the Throckmorton Statue in its current location.

Council Member Shemwell expressed grievances about not taking action on this item during the meeting.

- 20-0947** Conduct a Public Hearing to Consider/Discuss/Act on a Request by the North Texas Municipal Water District ("NTMWD") for a Grant by the City of McKinney of a Sanitary Sewer Easement Under and Across Public Land Owned by the City that is Designated as Parkland, Which Parkland is Generally Located South of US 380 Between Airport Boulevard and New Hope Road, for the Construction and Installation of Sanitary Sewer Force Mains for the Mutual Benefit of NTMWD and the Public and Accompanying Ordinance.

Council unanimously approved the motion by Council Member Philips, seconded by Council Member Shemwell, to close the public hearing and to approve a Request by the North Texas Municipal Water District ("NTMWD") for a Grant by the City of McKinney of a Sanitary Sewer Easement Under and Across Public Land Owned by the City that is Designated as Parkland, Which Parkland is Generally Located South of US 380 Between Airport Boulevard and New Hope Road, for the Construction and Installation of Sanitary Sewer Force Mains for the Mutual Benefit of NTMWD and the Public and Accompanying Ordinance. Ordinance caption reads as follows:

**ORDINANCE NO. 2020-10-071**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY,  
TEXAS, MAKING FINDINGS REQUIRED BY CHAPTER 26 OF THE TEXAS  
PARKS AND WILDLIFE CODE REGARDING NORTH TEXAS MUNICIPAL**

**WATER DISTRICT'S REQUEST TO EXTEND SEWAGE FORCE MAINS UPON, OVER, UNDER AND ACROSS A PORTION OF CITY OF MCKINNEY PARK LAND GENERALLY LOCATED SOUTH OF US 380 AND EAST OF AIRPORT BOULEVARD; APPROVING THE GRANT OF PERMANENT SANITARY SEWER EASEMENTS UPON AND ACROSS SUCH PARK LAND TO NORTH TEXAS MUNICIPAL WATER DISTRICT IN EXCHANGE FOR THE PAYMENT OF FAIR MARKET VALUE FOR SAID SANITARY SEWER EASEMENTS; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE ON BEHALF OF THE CITY OF MCKINNEY, TEXAS ALL NECESSARY DOCUMENTS FOR THE CONVEYANCE OF EASEMENTS FROM THE CITY OF MCKINNEY TO THE NORTH TEXAS MUNICIPAL WATER DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**20-0007M1** Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Make Amendments to the ONE McKinney 2040 Comprehensive Plan, Including Minor Updates to the Future Land Use Plan, Land Use Diagrams, Placetype Definitions, Criteria for Specific Uses and Locations, Master Thoroughfare Plan, and Illustrative Cross-Sections, and Accompanying Ordinance.

Alonzo Tutson, P.O. Box 1201, Anna TX 75409, requested to speak during the public hearing.

Council unanimously approved the motion by Council Member Franklin, seconded by Council Member Frazier, to close the public hearing and to approve a Request by the City of McKinney to Make Amendments to the ONE McKinney 2040 Comprehensive Plan, Including Minor Updates to the Future Land Use Plan, Land Use Diagrams, Placetype Definitions, Criteria for Specific Uses and Locations, Master Thoroughfare Plan, and Illustrative Cross-Sections, and Accompanying Ordinance; caption reads as follows:

**ORDINANCE NO. 2020-10-072**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE ONE MCKINNEY 2040 COMPREHENSIVE PLAN; INCLUDING MINOR UPDATES TO THE FUTURE LAND USE PLAN, LAND USE DIAGRAMS, PLACETYPE DEFINITIONS, CRITERIA FOR SPECIFIC USES AND LOCATIONS, MASTER THOROUGHFARE PLAN, ILLUSTRATIVE CROSS-SECTIONS, AND UPDATING OUTDATED TEXT, GRAPHICS, FIGURES, AND THE CORRECTION OF TYPOGRAPHICAL ERRORS; PROVIDING FOR AN EFFECTIVE DATE THEREOF**

Mayor Pro Tem Rogers called for Public Comments regarding issues not on the agenda.

Joshua Murray, 1762 Lake Rd., Lavon TX 75166, spoke regarding the recall petition and the election on November 2, 2020.

Nina Dowell-Ringley, 313 N. Bengue, McKinney TX 75069, spoke in opposition of Proposition B on the November 3, 2020 ballot.

Kim Black, 509 N. Kentucky St., McKinney TX 75069, spoke in opposition of Proposition B on the November 3, 2020 ballot.

Tamara Johnson, P.O. Box 2514, McKinney TX 75070, thanked Council Member Shemwell for his service as a Council Member and all he has done for District 1.

Alonzo Tutson, P.O. Box 1201, Anna TX 75409, thanked the Council for all the work that they have done and reminded the Council Members who serve at Large that they represent the entire City.

Sheilla Tutson, P.O. Box 1201, Anna TX 75409, spoke regarding Council Member Shemwell's past.

Mayor Pro Tem Rogers called for Council and Manager Comments.

Council Member Philips urged citizens to check out Hugs Café, in downtown McKinney, if they have not already visited and stated that Hugs Café just had their five (5) year anniversary. Council Member Philips acknowledged Kim Black for gaining a Historical Landmark designation for the Myrick House. Council Member Philips thanked City Secretary Empress Drane for speaking at the McKinney Kiwanis Club. Council Member Philips thanked Fire Chief Danny Kistner and Emergency Management Coordinator Karen Adkins for sending a firetruck to drive past Cornerstone Ranch to cheer up the residents. Lastly, Council Member Philips gave the following updates on sports in McKinney:

- JJ Henry from McKinney North is listed in the Top 10 Receivers in North Texas.
- Matteo Bianchi, a Linebacker from McKinney Boyd, got fifteen (15) tackles, a blocked kick, two (2) forced fumbles, a fumble recovery, a pass breakup, and six (6) tackles for loss in the game against Trophy Club.
- Matthew Jeter had another touchdown for the McKinney Cowboys.



Council Member Elliott thanked everyone that has assisted in the events by Community Lifeline that dispersals food to families in need. Council Member Elliott thanked Asia Smith of Hands 2 Offer (H2O) for all that she does. The Council Member thanked Derrick and Ceretha Robinson for all their help and everything that they do.

Council Member Shemwell spoke regarding fearmongering and his campaign from 2017. Council Member Shemwell stated that he has served hard for the last three (3) and a half year and his works speak for themselves. The Council Member continued stating that he has pushed the Fire and Police Departments to do more and be better.

Council Member Franklin spoke regarding the State of the City Event on November 5, 2020.

Council Member Frazier spoke regarding domestic violence and police response. Council Member Frazier thanked those who sent condolences to him about his Mother's passing.

Mayor Pro Tem Rogers spoke regarding Park land that is owned by the City of McKinney that is in floodplain and Proposition B that is on the November 3, 2020 ballot.

City Manager Paul Grimes updated the Council on the following items:

- The McKinney Trick or Treat Trail Event has been cancelled due to concerns related to COVID-19.
- The Housing Hub is now live online for information on the residential plan that the City has.
- As of October 1, 2020, the estimated population of the City of McKinney was 198,962.
- The 2020 Census ended on October 15, 2020. City Manager Grimes thanked all enumerators that participated this year to get everyone counted.

Mayor Fuller reiterated what Mayor Pro Tem Rogers spoke about regarding Proposition B. The Mayor thanked the following individuals:

- Asia Smith for her work in the community and the work of her organization, H2O.
- Alonzo Tutson for his work in the community.
- Council Member Philips for his effort in coordinating with the Fire Department to send a fire truck to drive by Cornerstone Ranch.

- Police Chief Conley for his implementation of a program that focused on diversity hires.
- Fire Chief Kistner for his hiring of the new Battalion Chief Barry Mitchell.
- The staff of McKinney for all their efforts and for everything that they do for Capital Improvement.

Council unanimously approved the motion by Mayor Fuller, seconded by Council Member Elliott, to adjourn the meeting at 8:30 p.m.

The video recording of this meeting is available through the City of McKinney meeting archives.

These minutes approved by the McKinney City Council on November 3, 2020.

SIGNED:

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GEORGE C. FULLER  
Mayor

ATTEST:

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EMPRESS DRANE  
City Secretary  
JOSHUA STEVENSON  
Deputy City Secretary

City of McKinney, Texas