

CITY COUNCIL REGULAR MEETING

MAY 15, 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 15, 2018 at 6:00 p.m.

Council Present: Mayor George C. Fuller, Mayor Pro Tem Rainey Rogers, Council members: Chuck Branch, Scott Elliott, Charlie Philips, Tracy Rath, and La'Shadion Shemwell. Staff Present: City Manager Paul Grimes; Deputy City Manager Jose Madrigal; Assistant City Manager Barry Shelton; Assistant City Manager Steve Tilton; 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; Director of Public Works David Brown; Assistant Director of Public Works Paul Sparkman; Planning Manager Samantha Pickett; Planning Manager Matt Robinson; Assistant Director of Parks and Recreation Ryan Mullins; Director of Engineering Gary Graham; Housing and Community Services Manager Janay Tieken; Director of Organizational Development & Performance Management Joe Mazzola; Development Engineering Manager Matt Richardson; Assistant Director of Engineering; Michael Hebert; Chief of Police Greg Conley; Chief Financial Officer Mark Holloway; Recreation Center Superintendent Empress Drane; Performance Manager Lisa Davies; Police – Chris Kennedy; Sherwood Holmes, Shannon Seabrook, Russel May, and various Police Department personnel; Library Director Spencer Smith; Airport Director Ken Carley; and Training Administrator John Cunningham.

There were approximately 130 guests present.

Mayor Fuller called the meeting to order at 6:00 p.m. after determining a quorum present. Invocation was given by Pastor Derrick A. Golden, Amazing Church. The children of the McKinney Boys and Girls Club led the Pledge of Allegiance.

18-412 Recognizing Volunteer McKinney for a National Award from TEGNA, Arby's Foundation and Points of Light for the 2017 Make a Difference Day. Mayor Fuller recognized Director Dana Riley and Volunteer McKinney for the National Award from TEGNA, Arby's Foundation and

Points of Light for the 2017 Make a Difference Day.

- 18-413** McKinney Public Library 90th Anniversary Proclamation. Mayor Fuller read and presented the McKinney Public Library 90th Anniversary Proclamation to Library Director Spencer Smith.

Mayor Fuller called for Citizen Comments.

The following individuals spoke about Council member Shemwell's traffic stop and subsequent arrest:

Mr. Chris Kennedy, 2200 Taylor Burk Dr., McKinney

Ms. Mandy Wilkerson, 2200 Taylor Burk Dr., McKinney

Mr. Steven Spainhouer, 4690 West Eldorado #512, McKinney

Dr. Misty Hook, 1453 Timber Edge, McKinney

Mr. James Semmons, 512 Cypress Hill Dr., McKinney

Ms. Arlicia Chapman, 451 Wilson Creek Blvd #835, McKinney

Ms. Angie Bado, 7002 Old York, McKinney

Ms. Ida Shoulders, 1450 Amcott Ave #1224, McKinney

Ms. Sherry Lyn, 1200 North Tennessee #74, McKinney

Ms. Princess Parker, 705A Main St, McKinney

Ms. Ada Simmons, 512 Cypress Hill, McKinney

Pastor Chris Thornton, 508 Howell Street, McKinney

Ms. Kristi Lara, 18333 Roehampton, Dallas

Ms. Ranya Rahim, 432 New Orleans Dr., Plano

Ms. Gayrita Hiris, 2000 Skyline #1112, McKinney

Mr. Laurence Mooney, 1450 Amcott, McKinney

Ms. Anneliese Griego, 2901 Berry Hill, McKinney

Ms. Jolie Williams, 3613 Cockerill, McKinney

Ms. Jennifer Mott, 5417 Pebble Ct, McKinney

Ms. Pam Slavin (for Gabi Harris), 2055 North Central, McKinney

Ms. Kristin Whitaker, 5105 Boxwood Lane, McKinney

Ms. Bernstine Williams, 6551 McKinney Ranch #3405, McKinney

Ms. Ellen Gresham, 303 W Graham St, McKinney

Ms. Rasheedah McClenon, 6646 East Lovers Lane., Dallas

The following individuals did not wish to speak but wanted their support of Council member Shemwell entered into the record:

Ms. Cara Holland, 5005 Sugarberry Dr., McKinney

Mr. David Burgess, 5005 Sugarberry Dr., McKinney

Ms. Shelaine O'Keefe, 1121 Lakewood, McKinney

Ms. Tiffany Pearl Lewis, 5000 Kave #3321, Plano

The following individuals did not wish to speak but wanted their opposition to Council member Shemwell entered into the record:

Ms. Kim Black, 509 N Kentucky St, McKinney

Ms. Angi Burns (no address provided)

Ms. Linda Khron, 2201 South Highway 5, Lot 50, McKinney, spoke about concerns regarding the Batch Plant located on Highway 5 and the noise, dust, and lighting concerns.

Mayor Fuller recessed the meeting into executive session at 7:23 p.m. per Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed), as listed on the posted agenda. Mayor Fuller recessed back into open session at 7:35 p.m.

Mayor Fuller called for Action on Executive Session Items.

Mayor Fuller stated that Council will speak to the issue that we just discussed Work Session agenda item 18-432.

Council member Philips stated that for those of you who do not know me, I practice law for a profession. It is my opinion now and has been my opinion that this is a problem that should be resolved by our judicial system before comment is made by the City Council. I have due process concern. I have constitutional concerns. My job is to look out for the City of McKinney and that includes both Mr. Shemwell as well as our Police Department. Once this matter has been resolved and they have sought regress of any grievance that either party may have, I will happily comment and do what I believe is appropriate. I simply do not believe that today is the appropriate time for the Council to address that issue. Once the time comes, I will happily address that issue.

Council member Elliott asked for forgiveness as his comments will be a little bit lengthy. As I review the incident concerning my fellow Councilman, there are obligations I believe I have in fulfilling the various roles in which I serve which I would like to cover here. I am far from perfect in carrying out these obligations, but I have the responsibility to do so to the best of my ability. And when I close out with some additional comments as we look toward the future. First, I feel I owed Councilman Shemwell a face-to-face visit regarding my comments that I am going to share tonight both as a colleague and friend and we met yesterday to do that. I want to go back to the first meeting La'Shadion and I had to get to know each other better. My first statement was that I am not black. This was, I think, not a surprise to La'Shadion. Being aware, he figured that out. But in stating that, I want to acknowledge that I would only know the impact of being a minority through the knowledge that comes from asking questions, not experience. Also, I don't know what it's like to have my father murdered when I was 12 nor to experience homelessness. I say all this to frame the rest of my discussion as both a colleague and a friend. If I have any further individual comments regarding the incident, beyond those I am making tonight, they will be delivered privately to La'Shadion which I feel is appropriate. There are certain obligations I believe I have as a Council member. I recognize and whole heartedly embrace my obligation to support and encourage our City staff recognizing their dedication and desire to serve our City. I also have an obligation to take a dispassionate look at the performance of our City staff and how they live out the standards we expect from them. In reviewing the body-cam video, I believe our Police Officer conducted himself in a professional manner and one that upholds the high standards we expect from our Police Department. As Council members, we have an obligation to promote and protect our City and as I visited with La'Shadion, I don't believe his actions fulfilled that obligation. In general, poor choices lead to poor outcomes and I am saddened of the course of action in which La'Shadion chose to take. There are also certain obligations I have with La'Shadion as a friend. I have an obligation to my friends to be honest and have a conversation with them when they mess up. Which, I believe was the case in this event. I also have an obligation to better understand my friends and the motivation behind actions that they take even when I strongly disagree with what they have done. As a Christian, I have an

obligation to pray for each and every individual with whom I serve on Council and the wisdom for the decisions we make. This is not meant to be a sanctimonious statement but rather a reflection of a personal responsibility that I absolutely embrace. Honestly, there are some things that I mourn as a result of the incidence. I mourn the increasing loss of stability in our City based on comments and emails that have been shared through various medium. I mourn the threats against Officer Wilkinson and his family. I equally mourn the threats against La'Shadion. There's nothing to be gained by threatening anybody that's involved in this incident and that saddens me. I mourn the fractured relationships that have occurred in the last week that may frankly take quite a while to repair. I mourn the loss of momentum as a Council as there are many things to reviewed and considered in the coming months. I mourn the reputational damage to our City that will inevitably occur as a result of the publicity this generated. Enough of mourning, let's look to the future. I have an obligation to work with each and every person on the Council for the betterment of our City regardless of personal feelings and regardless of public sentiment. I intend to fulfill this obligation and do my best to make our City a place where all our citizens have the opportunity to live and thrive. I also want to say that in spite of the things I mourn, that I'm an eternal optimist. I have hope that even in the most difficult of situations, the good will wins out and we will continue to move forward. I appreciate the forbearance of my fellow Council members and for you in the audience letting me share my thoughts.

Mayor Pro Tem Rogers stated that he is a certified financial planner and every day he gets up and puts on a shirt and tie and goes to work. What I don't do is strap on a weapon that can save my life or the life of somebody else that day. I have a great gratitude for those who have chosen that profession to be able to provide safety for those of us in the City. I have a great love and admiration for the police officers that do a good job. I am grateful for them. I'm very disappointed with what took place last week. I did not support La'Shadion when he ran, in fact, I thought there was no way we could have him on Council. In the last 11 months, I have been pleasantly pleased and surprised with how much I really like La'Shadion. We serve on a board together and we really get along well. He says some very intelligent things coming from his background that I've never really thought about so I have appreciated what he has brought to the

Council. But having said that, I find it really hard to swallow that a Councilman putting a Policeman in the position that this officer found himself in. To be accused of racism, to be accused of anything like that hurts. He could lose his job. He could lose his ability to support his family and bring a lot of damage upon himself and his family. I just think that is despicable. I go back and forth but the one thing that I will always do is support our officers and you can't know somebody by just meeting them for the first time. So, I realize La'Shadion felt a certain way but because you feel a certain way doesn't mean you can damage someone's reputation and that is the thing that I have the hardest time with. I found it interesting to learn that three weeks ago one of our black female officers tried to get someone to sign their ticket and was attacked ultimately because she was trying to do her job and this is what they face. Those of us who don't face that every day don't really understand how difficult it is being a Police Officer. I've never thought this is a black or white thing. I think this was a man that was caught speeding and was given a ticket and when he refused to sign it, he was arrested. It's disappointing that he did not sign. So many people said, just sign the ticket and let's move on but it wasn't done. I want to say unequivocally that I support our police officers, I love you guys and we have your back here on Council.

Councilwoman Rath stated that among Council, I think I'm the oldest one here and been around and doing this for a long time - not just serving on Council but serving in the community and attending a lot Council meetings. As Council representatives we get to do a lot of really cool things in the City. We get to go to events and meet people and get to do things that as ordinary citizens would probably not get to do. It takes a lot of time and with that a lot of responsibility. I take that very seriously. Regarding the perfect driving comment earlier, I am really a perfect driver and will not be for breaking a law and getting a ticket until one more year. When I finish my term on Council, then I can drive fast. Because it would be embarrassing for me as an elected official that follows the rules and that set rules for the citizen to get a ticket. It may be a little O.C.D of me, but that's just how my mind works. We take an oath when we are sworn in and we swear to uphold the Constitution of the United States and of the State of Texas and by virtue of that, also McKinney. When I saw the video, I probably had never been prouder of the way that the McKinney Police Department handled a traffic stop. I'm a

graduate of the citizens police academy and it is a really interesting program. I have done two or three ride-outs and in the last couple of years and it's one of the scariest things I do. I always do the night shift, from 6 p.m. to 6 a.m. It's a pretty scary thing when the officer you are riding with gets out of their car and locks the doors while I am in the car safe. These officers have to make a judgment call whether it is a traffic stop or a domestic abuse or all kinds of things that they come up on. I know my adrenaline is pumping when I'm watching this so the composure that Officer Wilkerson was just amazing and I thought he did a great job. We have remedies available to us as citizens. If there is something we don't like, we can certainly file a complaint or file a formal protest. But as Council people, I do think that we should be held to a higher standard and I think we should not expect any different treatment than our citizens receive on a daily basis. I appreciate what the men and women in the McKinney Police Department do. I have to give a shout out to our Firefighters, we have McKinney's finest and McKinney's bravest in this City. I've had a lot going on medically these last couple of months so I tend to look forward to every day. I think we should all do that. A lot of really heavy comments were made tonight and I appreciate them because they have given me something to think about. We are talking about a situation that happened last week and I hope that we can look at that situation, look at that traffic stop, and think maybe we that can do better as a community in how we speak to each other when we disagree with our perception of things.

Council member Branch thanked everyone who came out tonight to be here. I certainly appreciate each and every one of you, for and against, coming out and exercising your First Amendment rights. I also appreciate the Officers who help protect those rights and put their lives out there each and every day. I fortunately don't have to and at some of my toughest dealings are with my kids and sometimes dealing with citizens but that is part of my life and part of what I signed up for. I don't put my life on the line. I don't fight every day not knowing what's going to come out in front of me. My wife doesn't have to worry about me and my kids don't have to worry when I leave. They know I'm coming home. I thank them for their actions and for everything they do. As Council members, we are held to a higher standard and that means that we treat people with respect. We also realize that we are here to serve others. We are here to listen to

you. We' ae here to serve the best interest of the community as a whole, not just one group or one specific interest. We also have a charter which was voted on by the people of the City. That charter holds us accountable so we don't get out of line. Just to explain a little bit about the role, a lot of people may not understand. We are on a Council manager role here which means we are at the top of the hierarchy but the hierarchy stops at the City Manager which is Paul Grimes. It doesn't go below that and no direction is given below that. Once direction is given by a Council member, it has to be reported by that employee who has been given that specific direction. It does not matter what that direction is. If that was someone who has a project they are working on and they give direction to the Planning and Zoning Department to give a Certificate of Occupancy or to pass an inspection, that's a direction and that's against the Charter. Whenever we give direction to anyone, whether a police officer or anywhere else, there's consequences for that. Whether I agree with it or not, it doesn't matter, there's consequences against all direction. In this case, I believe there was direction given, therefore, I believe in disciplinary action. I don't know what that is, I don't know if that's censorship or whatever it is and I would be in favor of that at this point in time. It has nothing to do with who's right or who's wrong or anything else. The fact is there was direction and that's where I go with this. At this time, I'm hoping that we'll come out with the ethics policy that we've talked about. I've been in agreement with coming out with something that will be more tangible and something that will help us focus on and keep us on track as Council members.

Council member Shemwell stated that tonight, we have heard our community in turmoil. It pains me to see this. I did not run to make a statement, I ran to serve our community. I ran to continue the service that I started years ago. I have been serving long before I got elected. I've served the homeless, the elderly, our children and speaking on behalf of those standing up to bullies long before I got elected. However, I know that this service as a Council member brings a voice to a community that is often not had one and often not been represented. I understand that with that comes responsibility greater than myself. There are people from all walks of life, not just black people who believe they don't see themselves represented in the government. I know there is a young person out here right now who does not feel like they belong in their

community who sees me as an example of something that they can be one day. Leading and being a leader in this community. The example that I gave in last week's ordeal is not the best example that I should be leaving for our youth and those who look forward to the leadership that we have and the role that we play. That being said, I could have handled myself differently. For all the nasty comments that I got and all the things moving forward, whenever I speak on race relations, it's not using a race card. My skin color is part of who I am and it is not something I can shuffle up and put in the back of a deck when I so see fit. To young people who are looking at me as an example, remember, life is chess and not checkers. Remember to stand strong and firm in your beliefs and never be a pawn in someone else's chess game. I will continue to serve, I will continue to lead, and I will never stop speaking truth to power. I should have done better and waited for my day of.

Mayor Fuller stated that he considers La'Shadion a friend. I want La'Shadion to succeed and I want him to continue to constructively influence the Council on behalf of the district in the city he was elected to represent. I appreciate his seat at the table because he absolutely offers a perspective that would be absent otherwise. I appreciate his passion and conviction and I told you this when you are running. I also believe those same attributes cause him to view through a filter that is not always appropriate. Three weeks ago, as was stated, a black female officer arrested a white female driver. She was arrested for refusing to sign a citation and this happened on the west side of the town in Stonebridge, but this arrest did not make the news. On May 8th, La'Shadion was stopped for allegedly speeding, driving 55 mph in a 35 mph zone. During that stop, he was argumentative, he was defiant, and ultimately he was arrested for refusing to sign the citation. These are facts that even La'Shadion will not dispute. So why are we here? Why is this merely a national spectacle? It is because of alleged racial bias and profiling. It's why most of you came to speak today. There is no factual evidence of this in this instance, only unilateral assumption. In the minds of some there is absolutely no other explanation for La'Shadion being pulled over. I have received many emails that say there is absolutely no other explanation. That he must have been and he was racially profiled. I challenge that narrative. Is it not possible that La'Shadion, despite his belief, was actually speeding? Is it possible that the radar gun read the speed of another

vehicle and the officer mistaken it for his. Is it possible the equipment failed? For some, there is only one explanation and that's racial profiling. There does not need to be any actual evidence of bias in this case. Apparently, past experiences for some are enough to warrant being judge and jury. Somehow some know the officer's heart and mind and they are comfortable convicting him as a racist and engaged in racial profiling. I find that form of bias and racism as sad as the racism that has been alleged by some here. The notion that it doesn't matter if La'Shadion was wrong or right, lied or told the truth, exploited his position or did not because of bigger racial issue being placed in the spotlight. More important it is reckless, it is unfair and it is absurd. It always matters. It matters to the idea of integrity, to the community affected and the families involved. It very much matters to Officer Carl Wilkinson, his wife Mandy and their child. It matters to our police department, our community, both the minority community and the majority community. It matters to the racial inequality calls as it attempts to further that cause on fractured and shaky ground. I received scores of emails and messages. Some measured, most viciously hateful towards me, towards La'Shadion, and towards police. Many subscribe to the idea that you can only support black lives matter or back the blue but not both. If you take any position on this, you are absolutely by definition against the other. Why not support the truth? Truth will identify itself case-by-case given the opportunity. It is possible to believe racial profiling exists and at the same time see absolutely no evidence of it in this case. I reject the idea that events like that of May 8th and the ensuing allegations are necessary to further a racial divide conversation. That's what most spoke about today. Unsubstantiated narratives and baseless allegations are never a sustainable means of progress. They set us back. I've heard that from the community and I've heard that from the minority community a lot in the last week. They erode, destroying and divide us as a city. We are experiencing that in our community and we've seen it tonight. I believe there are racial biases. I know there is work to do be done and trust to build but this is not the way to build trust. It's quite the opposite. Councilman Shemwell's behavior was not acceptable, plain and simple. As a Council body we will be considering what action is to be taken in response. What action is decided by the majority of Council will be carried out swiftly. Then as a body of seven, all of us up here, will get to back to work together in concert on the issues that we were

elected to address. We will, as a Council, put this behind us and work together for the greatest good of McKinney. With regard to a racial divide discussion, that discussion deserves to be had on its own merit across the country for that matter, but it is undermined when connected to these types of baseless allegations. A person arrested for refusing to obey the law is not a springboard for an agenda other than that person owning their actions, atonement and constructively moving forward. I look forward to that here and I believe that is ultimately La'Shadion's current agenda.

Council unanimously approved the motion by Council member Elliott, seconded by Council member Branch, to approve the following consent items:

- 18-414** Minutes of the City Council Work Session of April 30, 2018
- 18-415** Minutes of the City Council Regular Meeting of May 1, 2018
- 18-357** Minutes of the Board of Adjustment Meeting of January 31, 2018
- 18-375** Minutes of the Historic Preservation Advisory Board Regular Meeting of March 1, 2018
- 18-315** Minutes of the Main Street Board Meeting of March 8, 2018
- 18-361** Minutes of the McKinney Community Development Corporation Meeting of March 22, 2018
- 18-362** Minutes of the McKinney Community Development Corporation Finance Committee Meeting of April 10, 2018
- 18-363** Minutes of the McKinney Community Development Corporation and Promotional and Community Events Grant Committee of January 8, 2018
- 18-416** Minutes of the McKinney Housing Authority Special Meeting of March 19, 2018
- 18-417** Minutes of the McKinney Housing Authority Meeting of March 27, 2018
- 18-374** Minutes of the Planning and Zoning Commission Regular Meeting of April 10, 2018
- 18-407** Minutes of the Planning and Zoning Commission Regular Meeting of April 24, 2018
- 18-328** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Interlocal Cooperation Agreement with Collin County for

Maintenance of Various Mutual Boundary Roads. Caption reads as follows:

RESOLUTION NO. 2018-04-057 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH COLLIN COUNTY FOR MAINTENANCE OF VARIOUS MUTUAL BOUNDARY ROADS

18-419 Consider/Discuss/Act on a Resolution of the City of McKinney, Texas Finding that Oncor Electric Delivery Company LLC's ("Oncor" or "Company") Application for Approval of a Distribution Cost Recovery Factor Pursuant to 16 Tex. Admin. Code Should § 25.243 to Increase Distribution Rates Within the City Should be Denied; Finding that the City's Reasonable Rate Case Expenses Shall be Reimbursed by the Company; Finding that the Meeting at Which this Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and Legal Counsel. Caption reads as follows:

RESOLUTION NO. 2018-05-058 (R)

A RESOLUTION OF THE CITY OF MCKINNEY, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S ("ONCOR" OR "COMPANY") APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

18-420 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into an Interlocal Agreement with Collin County for Funding the Extension of Bloomdale Road from Community Avenue to CR 164. Caption reads as follows:

RESOLUTION NO. 2018-05-059 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH COLLIN COUNTY FOR FUNDING THE DESIGN AND CONSTRUCTION

OF BLOOMDALE ROAD FROM COMMUNITY AVENUE TO CR
164

END OF CONSENT

18-418 Mayor Fuller called for Consideration/Discussion/Action on a Curfew Ordinance, Article VIII, Chapter 70, "Curfew Hours for Minors". Council members Branch and Philips pulled the item down for discussion. Council member Branch requested to delete the language in Whereas that states "persons under the age of seventeen (17) years are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime." Council member Philips requested the defenses be amended so a miner could engage in hunting prior to 6 a.m. according to the Texas Parks and wildlife guideline. Council unanimously approved the motion by Council member Philips, seconded by Mayor Pro Tem Rogers, to approve on an Ordinance, Article VIII, Chapter 70, "Curfew Hours for Minors" with the removal of the wording: Whereas: persons under the age of seventeen (17) years are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime" and to add under defenses "lawfully discharging a firearm or other weapon pursuant to Texas Local Government Code Sec. 229.002. "Caption reads as follows:

ORDINANCE NO. 2018-05-039

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, REPEALING ARTICLE VIII OF CHAPTER 70, "CURFEW HOURS FOR MINORS" IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE VIII, CHAPTER 70, TO THE CITY OF MCKINNEY'S CODE OF ORDINANCES ENTITLED "CURFEW HOURS FOR MINORS;" ESTABLISHING A CURFEW BETWEEN THE HOURS OF 11:00 P.M. ON ANY SUNDAY, MONDAY, TUESDAY, WEDNESDAY, OR THURSDAY UNTIL 6:00 A.M. ON THE FOLLOWING DAY; AND 12:01 A.M. UNTIL 6:00 A.M. ON ANY SATURDAY OR SUNDAY FOR PERSONS UNDER SEVENTEEN (17) YEARS OF AGE; DEFINING TERMS; CREATING OFFENSES FOR MINORS, PARENTS AND GUARDIANS OF

MINORS AND BUSINESS ESTABLISHMENTS VIOLATING CURFEW REGULATIONS; PROVIDING DEFENSES; PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING FOR WAIVER BY THE MUNICIPAL COURT OF JURISDICTION OVER A MINOR WHEN REQUIRED UNDER THE TEXAS FAMILY CODE; PROVIDING A PENALTY NOT TO EXCEED \$500.00; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

18-0002RW Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Right-of-Way Abandonment of a Portion of Rockhill Road and Graves Street, Located East of Graves Street and South of Lee Street, and Accompanying Ordinance. Development Engineering Manager Matt Richardson stated that this is a request to abandon a portion of Rockhill Road and Graves Street. There was a roadway that formally existed and the roadway was realigned by the developer at Vintage Place subdivision and the right-of-way is now considered to be surplus by the City. This item was discussed at the April 17th meeting and was tabled to allow the developer of the subdivision and neighboring property owner more time to work together on the issue. We have received a petition from the adjoining property owner and what we are bringing to you tonight is an item that will abandon the entire triangle of right-of-way. The City will be retaining a drainage and utility easement over the right-of-way once it is abandoned because there are overhead utilities and a drainage facility located in the area. Applicant, Mr. Gary Schell, 7406 Saint Armond Court, McKinney asked who would be maintaining the right-of-way. Mr. Richardson stated that the owner of the property will maintain the property. The drainage easement grants the City the ability to enter onto the property if needed to clear the drainage way to allow drainage. Council member Shemwell asked the applicant he is understanding that he is not to touch or damage the trees to the best of his ability doing the drainage easement. Mr. Schell stated that he understood it. Applicant, Ms. Lyn Curran, 1517 Lee Street McKinney, stated that she wanted it on the record and since the maintenance has been a point of contention,

they would be handling the maintenance. Mayor Fuller called for public comment and there was none. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to close the public hearing and approve an Ordinance abandoning the Right-of-Way of a portion of Rockhill Road and Graves Street, located east of Graves Street and south of Lee Street. Caption reads as follows:

ORDINANCE NO. 2018-05-040

AN ORDINANCE VACATING A PORTION OF ROCKHILL ROAD AND GRAVES STREET, APPROXIMATELY 0.294 ACRES, LOCATED EAST OF GRAVES STREET AND SOUTH OF LEE STREET, PROVIDING FOR AN EFFECTIVE DATE HEREOF

18-0002SUP Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Day Care Facility (Village Park Square Day Care), Located on the Northwest Corner of Collin McKinney Parkway and Village Park Drive, and Accompanying Ordinance. Planning Manager Samantha Pickett stated that the applicant is requesting a specific use permit within a neighborhood commercial district to do a daycare facility to serve the surrounding area. Given the residential use of the area and daytime nature of the daycare use, staff is in support of the request. Ms. Pickett stated that the neighbors and applicant came to an agreement about the screening that would occur along the back of the property. Mr. Costa Mazidji, PE, Mazidji Group, 11105 Fernald Avenue, Dallas, TX, stated that he was the Civil Engineering on the project. Mr. Mazidji stated that having the daycare center for that neighborhood will be useful for the neighborhood. Mayor Fuller called for public comment and there was none. Council unanimously approved the motion by Council member Branch, seconded by Council member Elliott, to close the public hearing and approve an Ordinance granting a Specific Use Permit for a Day Care Facility (Village Park Square Day Care), located on the Northwest Corner of Collin McKinney Parkway and Village Park Drive. Caption reads as follows:

ORDINANCE NO. 2018-05-041

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A DAY CARE FACILITY (VILLAGE PARK SQUARE DAY CARE), LOCATED ON THE NORTHWEST CORNER OF COLLIN MCKINNEY PARKWAY AND VILLAGE PARK DRIVE; PROVIDING REGULATIONS; 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

18-0045Z Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "C3" - Regional Commercial District and "CC" - Corridor Commercial Overlay District, Located on the Southeast Corner of U.S. Highway 380 (University Drive) and Hardin Boulevard, and Accompanying Ordinance. Planning Manager Samantha Pickett stated that the applicant is requesting to rezone the property for light manufacturing to regional commercial with the intent to develop heavier commercial uses. This is in conformance with the surrounding area with the C2 across the street and on the other side of Hardin. Staff recommends approval. Mayor Fuller stated that he had a conversation with the Developer Eric today. We talked about the discussion from last night's Work Session and the possibility that a motion would be made to approve it with a condition to limit the location of the hotel within 750 feet from the right-of-way of U.S. 380. The idea was to move the hotel from the southern portion of the property to the northern portion to satisfy an overwhelming response that we have in opposition concerning the proximity of a hotel across the street from the school. That 750 feet allows for a quarter-mile of separation between the school and where the hotel can be placed. Applicant Mr. Kevin Gaskey, 13455 Noel Drive, Dallas representing the applicant. We have heard the concerns from the neighborhood of how close the hotel may be to the school. Hotels are typically destinations

versus a drive-by hotel. We have come up with a site plan where the hotel will be 1,200 feet from the hotel building to the school building. On the site plan we have moved the limited service hotel from lot number 12, 2.97 acre tract and moved it up to tract 13. Pads 8, 9, 10, 11 and 12 will exclude the use of a hotel. Mayor Fuller called for public comment.

The following individual spoke in favor of the rezoning request:

Ms. Kelly Rudiger, 812 Moss Cliff Cir, McKinney

The following individuals spoke in opposition to the rezoning request:

Ms. Serena Ashcroft, 1016 Orchard Hill Trail, McKinney

Ms. Lisa Scilimenti, 3917 Lands End Dr., McKinney

Mr. Mike Scilimenti, 3917 Lands End Dr., McKinney

Ms. Lisa Pellegrin, 13058 Shady Bend Dr., McKinney

Ms. Traci Watkins, no address given

Ms. Lynette Kehoe, 804 Trinity Oak Circle, McKinney

Mr. Dan Weintraub, 1000 Orchard Hill Trail, McKinney

The following individual did not wish to speak but wanted their support entered into the record:

Mr. Roy Ralls, 1009 Park Meadow Lane, McKinney

The following individuals did not wish to speak but wanted their opposition entered into the record:

Ms. Angela Bretado, 1117 Inland Lane, McKinney

Ms. Tiffany Moore, 403 Ridgeview Trail, McKinney

Mr. Amol Wadpalle, 6617 Wind Song Dr., McKinney

Mr. Burnie Chambers, no address given

Ms. Lisa Wickersham, 6301 Country Ridge Lane, McKinney

Ms. Nikki Moore-Henderson, 408 Elm Creek Dr., McKinney

Mr. Mike Porter, 2313 Killarney Dr., McKinney

Ms. Nancy Porter, 2313 Killarney Dr., McKinney

Mr. Harry Hickey, 1600 Eastbrook Dr., McKinney

Ms. Donna Maestas, 504 Elm Creek Dr., McKinney

Mr. Aaron Maestas, 504 Elm Creek Dr., McKinney

Mr. Clint Henderson, 408 Elm Creek Dr., McKinney

Ms. Michelle McDaniel, 112 Appalachian Way, McKinney

Mr. Justin McDaniel, 112 Appalachian Way, McKinney

Mr. and Mrs. Gregg & Tracy Payne, 820 Hidden Springs Court, McKinney

Ms. Mariam Richert, 5217 Mountain Pointe Dr., McKinney, TX

Mr. Anthony Bingham, 812 Moss Cliff Circle, McKinney, TX

Ms. Lori Giebel, 809 Eagle Ridge, McKinney

Ms. Amy Lu, 1409 Montclair Circle, McKinney

Ms. Emily Baker, 501 Cypress Garden Dr., McKinney

Ms. Qi Yu, 1409 Montclair Circle, McKinney

Ms. Alice Sayman, 6320 Windsong Dr., McKinney

Mr. Randall Shaver, 805 Eagle Ridge Court, McKinney

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Elliott, to close the public hearing. Ms. Pickett stated that this can be a PD zoning with a C3 zoning base and you can add conditions. Council member Philips stated that he commends the developer for making changes, however, he represents the people of McKinney and right now, they say no. I'm going to vote how the people of McKinney have told me to vote. Mayor Fuller stated that he recognizes the large amount of opposition was as it was first presented and it has changed dramatically. Council approved the motion by Mayor Fuller, seconded by Mayor Pro Tem Rogers, to approve an Ordinance rezoning the Subject Property from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" - Corridor Commercial Overlay District, located on the southeast corner of U.S. Highway 380 (University Drive) and Hardin Boulevard, with the following provisions: the property shall develop according to "C3" – Regional Commercial District with the exception that development shall conform

to the attached graphic, including the hotel only designated on lot 13, limiting Lot 7 through 12 to no hotel or motel use, that no building be higher than 55 feet, and the plat conform to the graphic depicted, with a vote of 5-2-0, Council member Philips Shemwell voting against. Caption reads as follows:

ORDINANCE NO. 2018-05-042

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 40.07 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND HARDIN BOULEVARD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY FOR COMMERCIAL USES; 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

18-421 Mayor Fuller called for Consideration/Discussion/Action on a Facilities Agreement for Lots 1 and 2, Block A of the Perez Addition, Located Approximately 1,400 Feet East of the intersection of County Road 341 and FM 2933 and on the South Side of County Road 341. Planning Manager Matt Robinson stated that this item is a facilities agreement for the ETJ. This item is associated with the next item which is a preliminary final plat The applicant has indicated the desire to not construct escrow for the typical improvements associated with the plat which include construction of an eight inch water and sewer line. This limits the use to one single-family detached home on each lot and approval will allow the applicant to move forward with the associated plat and provide the City with the assurance the improvements will be done at some point in the future. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Elliott, to approve a Facilities Agreement for Lots 1 and 2, Block A of the Perez Addition, located approximately 1,400 feet east of the intersection of County Road 341 and

FM 2933 and on the south side of County Road 341.

17-044PF Mayor Fuller called for Consideration/Discussion/Action on a Preliminary-Final Plat for Lots 1 and 2, Block A of the Perez Addition, Located Approximately 1,400 Feet East of the intersection of County Road 341 and FM 2933 and on the South Side of County Road 341. Planning Manager Matt Robinson stated that this is the associated preliminary final plat that is associated with the previous item. It consists of five acres located in the ETJ. The item is being brought forward because of the requested variances which includes construction of typical improvements and those were aligned with the facilities agreement. Staff recommends approval. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Elliott, to approve a Preliminary-Final Plat for Lots 1 and 2, Block A of the Perez Addition, located approximately 1,400 feet east of the intersection of County Road 341 and FM 2933 and on the south side of County Road 341 with the following conditions: The applicant receive approval of the associated facilities agreement, the applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to construct public streets, including the associated street lighting and sidewalks adjacent to the property, the applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to construct sanitary sewer and water lines to the subject property and extend them to the adjacent property upstream, the applicant receive variance to Section 142-105 (Improvements) of the Subdivision Ordinance allowing the use of individual septic systems, the applicant receive a variance to the Storm Water Management Ordinance waiving the requirement to collect drainage in an underground storm water system, the applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance to allow lot to lot drainage, the applicant receive a variance to Section 142-105 (Improvements) of

the Subdivision Ordinance requiring water systems to be of a sufficient size to furnish fire protection to all lots, Prior to the issuance of a building permit: the applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Plat Approval Checklist, and the associated facilities agreement be filed with the county prior to filing the plat, subject to review and approval of the City Attorney.

18-422 Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Contract Amendment to the Construction Manager at Risk (CMAR) Services Contract with Structure Tone Southwest, LLC of Dallas for Services Related to the Construction of the McKinney National Airport Hangar Renovation Project. Airport Director Ken Carley stated that we have a proposed change order on the renovation project at the airport. Some items are required by the City and other items that are requests from the tenant. Of significance is one item from the City that requires an upgrade to the fire panel alarm and is a requirement for the certificate of occupancy. The change order amounts to six percent of the construction project budget. We still have a significant savings on the project of 10 percent after the change order. Mr. Andrew Hunt, Project Control stated that we are in the punch walk phase and waiting for one final inspection. We are almost substantially complete. The majority are tenant requests and we are essentially done but we have the fire panel that the Fire Marshal requested. Council unanimously approved the motion by Council member Shemwell, seconded by Council member Branch, to approve a Resolution authorizing the City Manager to execute a contract amendment to the Construction Manager at Risk (CMAR) Services Contract with Structure Tone Southwest, LLC of Dallas for services related to the construction of the McKinney National Airport Hangar Renovation Project. Caption reads as follows:

RESOLUTION NO. 2018-05-060 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH STRUCTURE TONE SOUTHWEST, LLC OF DALLAS, TEXAS FOR CONSTRUCTION MANAGER AT RISK SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF THE MCKINNEY NATIONAL AIRPORT HANGAR RENOVATION PROJECT

- 18-423** Mayor Fuller called for Consider/Discuss/Act on an Ordinance Amending the McKinney Economic Development Corporation FY2017-18 Budget to Provide Funding for the Acquisition of Land. Chief Financial Officer Mark Holloway stated that this item was approved by MEDC at their regular meeting. This item requires that the Council approve the budget amendment for the purchase of land. Council unanimously approved the motion by Council member Shemwell, seconded by Council member Elliott, to approve an Ordinance amending the McKinney Economic Development Corporation FY2017-18 Budget to provide funding for the acquisition of land. Caption reads as follows:

ORDINANCE NO. 2018-05-043

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2017-2018 MCKINNEY ECONOMIC DEVELOPMENT CORPORATION BUDGET TO PROVIDE FUNDING FOR THE ACQUISITION OF LAND; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 18-424** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Adopting the FY2019 Strategic Goals. Performance Manager Lisa Davies presented an overview of the strategic goals. What is different from last year is that we did add new and updated supporting objectives. We condensed and refreshed the format and remove duplication throughout the plan. We limited the plan to one fiscal year only and we made it in alignment with the budget. We went through and made sure all department objectives added the smart test, making sure the objectives were specific, measurable, attainable, relevant and time bound. The six overarching City Council strategic goals remain the same and the Council's strategies are underneath the goals and support your goals.

Staff has developed our own specific objectives to make sure they had a bridge to support your plan. We believe that the proposed strategic plan is something that will support all of your goals and strategies and will help the department make your strategies achievable. When you go into the agenda items, the legislative text has the Council Goal listed. Council requested that future agenda items list the more specific subcategory in the agenda items. Council unanimously approved the motion by Council member Branch, seconded by Councilwoman Rath, to approve a Resolution Adopting the FY2019 Strategic Goals. Caption reads as follows:

RESOLUTION NO. 2018-05-061 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, APPROVING THE COUNCIL'S FY2019
STRATEGIC GOALS

18-425 Mayor Fuller called for Consideration/Discussion/Action on Appointing a Member to the North Texas Municipal Water District Board. City Secretary Sandy Hart stated that before you tonight is to appoint one of your two members to the North Municipal Water District Board for a two year term starting June 1 and will run through May 31, 2020. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Shemwell, to appoint Charles McKissick as a Member of the North Texas Municipal Water District Board starting June 1, 2018 through May 31, 2020.

Council unanimously approved the motion by Council member Elliott, seconded by Council member Branch, to adjourn. Mayor Fuller adjourned the meeting at 9:05 p.m.

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary