

## CITY COUNCIL REGULAR MEETING

SEPTEMBER 18, 2018

The City Council of the City of McKinney, Texas met in regular session in the McKinney City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on September 18, 2018, at 6:00 p.m.

Council Members Present: Mayor Pro Tem Tracy Rath; Council Members Charlie Philips, Scott Elliott, Rainey Rogers, Chuck Branch, and La'Shadion Shemwell.

Council Members Absent: Mayor George C. Fuller.

City of McKinney Staff Present: City Manager Paul Grimes; Deputy City Manager Jose Madrigal; Assistant City Manager Barry Shelton; Assistant City Manager Steve Tilton; Assistant to the City Manager Trevor Minyard; City Attorney Mark Houser; Police Chief Gregory Conley; Executive Director of Development Services Michael Quint; Interim Director of Planning Jennifer Arnold; Director of Engineering Gary Graham; Assistant Director of Public Works Paul Sparkman; Airport Director Kenneth Carley; Director of Parks and Recreation Michael Kowski; Assistant Director of Parks and Recreation Ryan Mullins; Police Sergeant Jonathan Meyer; Video Producer Joey Barr; City Secretary Intern Cayla Simpson; and City Secretary Empress Drane.

There were approximately 215 guests present.

Mayor Pro Tem Rath called the meeting to order at 6:02 p.m. after determining a quorum of the Council was present. The Invocation was given by Jamael Graves, Pastor of Christ Evangel Outreach (CEO) Church. The Pledge of Allegiance was led by Cub Scout Pack 531.

**18-779** Presentation of 2018 USPTA Lessons for Life Award to Matt Hanlin of Lifetime Tennis. Director of Parks and Recreation announced Matt Hanlin, General Manager of the McKinney Tennis Center, as the recent recipient of the Lessons for Life Award for stellar service to the local tennis community. Mr. Hanlin hosted a charity event benefiting hurricane-affected families. The event raised ten thousand dollars in one evening. USPTA representation Craig Bell was in attendance to recognize Mr. Hanlin and present the award. The following individuals spoke in favor of Mr. Hanlin and the McKinney Tennis Center:

Theresa Lane, 7428 Boulder Creek Drive, McKinney

Layne Fletcher, 6709 Knollwood Drive, McKinney

Mayor Pro Tem Rath called for Citizen Comments.

Jon Dell'Antonia, 6201 Virginia Pkwy, McKinney; Mr. Dell'Antonia presented a petition (see Minutes Appendix A) to City Secretary Empress Drane which he stated contained signatures of "over three thousand McKinney residents" in support of a Hwy 380 Bypass.

The following individuals spoke in support of improving Hwy 380 at its existing location, without establishing a Bypass:

Janet Anders, 8168 CR 859, McKinney

Stephanie Wayenberg, 5861 Baxter Well Rd, McKinney

Andrea Horvath, 5705 Ivyridge Ln, McKinney

Samantha McComas-Baker, 3900 Ramble Creek Dr, McKinney

Andrea Johnson, 709 Osage Dr, McKinney

Nicholas Nordman, 4221 Bellingrath Dr, Prosper

Cameron Mills, 3108 Mosswood Dr, McKinney

Pat Justice, 4301 Glacier Point Ct, Prosper

Ron Justice, 4301 Glacier Point Ct, Proper

Amanda Hurlbut, 3729 Cameroon Ln, McKinney

Fred Costa, 260 Burnet Ct, Prosper

Cassandra Carrion, 5612 Pinewood Dr, McKinney

Terry Reishus, 3924 Ramble Creek Dr, McKinney

Tracy Thomas, 5124 Grovewood Dr, McKinney

Tara Voigt, 6290 CR 123, McKinney

Kerstin Marek, 504 Wichita Trail, McKinney

Douglas Deaton, 5532 Centeridge Ln, McKinney

Debra Carter, 1000 Evers Dr, McKinney

Matt Swilling, 501 Kiowa Dr, McKinney

Janine Potter, 713 Wichita Trail, McKinney

Lisa Birdsong, 3820 Dogwood Dr, Prosper

The following individual spoke in support of Preserving Historic Dowell House at 1104 S. Tennessee Street:

Aaron Werner, 1007 S. Tennessee St

More than two hundred Citizen Comment cards were submitted by individuals who did not wish to speak. In consideration of time, Mayor Pro Tem instructed the cards to be entered into the minutes of the meeting in lieu of reading each individual card (see Minutes Appendix B). Mayor Pro Tem offered to read any card if requested by the submitter. No requests were made to read any cards.

Mayor Pro Tem Rath called for a recess at 7:14 p.m. The meeting reconvened at 7:20 p.m.

Council unanimously approved the motion by Council Member Rogers, seconded by Council Member Elliott, approve the following consent items:

These items consist of non-controversial or housekeeping items required by law. Items may be considered individually by any Council member making such request prior to a motion and vote on the Consent Items.

#### MINUTES

- 18-780** Minutes of the City Council Regular Meeting of August 6, 2018
- 18-781** Minutes of the City Council Work Session of August 20, 2018
- 18-782** Minutes of the City Council Regular Meeting of August 21, 2018
- 18-783** Minutes of the City Council Special Meeting of August 27, 2018
- 18-784** Minutes of the City Council Regular Meeting on September 4, 2018
- 18-730** Minutes of the Historic Preservation Advisory Board Regular Meeting of August 2, 2018
- 18-653** Minutes of the Main Street Board Meeting of July 12, 2018
- 18-718** Minutes of the Planning and Zoning Commission Regular Meeting of August 14, 2018

#### RESOLUTIONS

- 18-785** Consider/Discuss/Act on a Resolution Authorizing the Application and Acceptance, if Awarded, of a Texas Parks & Wildlife Grant for the

Construction of the Gabe Nesbitt Tennis Center Indoor Complex Project at 3253 Alma Road. Caption reads as follows:

**RESOLUTION NO. 2018-09-108 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY AND ACCEPT, IF AWARDED, A TEXAS PARKS & WILDLIFE GRANT FOR THE CONSTRUCTION OF THE GABE NESBITT TENNIS CENTER INDOOR COMPLEX PROJECT AT 3253 ALMA ROAD; AND PROVIDING AN EFFECTIVE DATE.**

**18-786** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute the First Amendment to the Softball Complex Lease Agreement with CR Ballfields, LP, Related to City Use of the Craig Ranch Softball Complex. Caption reads as follows:

**RESOLUTION NO. 2018-09-109 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO SOFTBALL COMPLEX LEASE AGREEMENT WITH CR BALLFIELDS, LP ALLOWING THE TERMINATION OF SAID LEASE AGREEMENT ON NOVEMBER 30, 2018, SUBJECT TO CERTAIN CONDITIONS FOR CONTINUATION**

**18-787** Consider/Discuss/Act on a Resolution Awarding a Contract to AERO Specialties, Inc. of Boise, ID for the Purchase of an Aircraft Tug. Caption reads as follows:

**RESOLUTION NO. 2018-09-110 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO AERO SPECIALTIES, INC. OF BIOSE, ID FOR THE PURCHASE OF AN AIRCRAFT TUG**

**18-788** Consider/Discuss/Act on a Resolution Awarding Contracts to Bean Electrical Inc. of Fort Worth, Texas and Durable Specialties Inc. of Grand Prairie, Texas for Traffic Signal and Miscellaneous Traffic Construction Services. Caption reads as follows:

**RESOLUTION NO. 2018-09-111 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO BEAN ELECTRICAL INC. OF FORT WORTH, TEXAS AND DURABLE SPECIALTIES INC. OF GRAND PRAIRIE, TEXAS FOR TRAFFIC SIGNAL AND MISCELLANEOUS TRAFFIC CONSTRUCTION SERVICES.**

- 18-789** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into an Interlocal Agreement and Memorandum of Understanding Between the City of Plano, City of McKinney and Collin County for the Application and Administration of the Department of Justice 2018 Byrne Justice Assistance Grant and Designating the City Manager or Designee, as Official Representative of the City in Matters Relating to the Program.  
Caption reads as follows:

**RESOLUTION NO. 2018-09-112 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT AND MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PLANO, THE CITY OF MCKINNEY AND COLLIN COUNTY FOR THE APPLICATION FOR AND ADMINISTRATION OF THE DEPARTMENT OF JUSTICE 2018 BYRNE JUSTICE ASSISTANCE GRANT, AND DESIGNATING THE CITY MANAGER, OR DESIGNEE, AS OFFICIAL REPRESENTATIVE OF THE CITY IN MATTERS RELATING TO THE PROGRAM**

- 18-791** Consider/Discuss/Act on a Resolution 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 2018 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 Resolution was Passed in Accordance with the Requirements of the Texas Open Meeting Act; Adopting a Savings Clause; Declaring an Effective Date; and Requiring Delivery of this Resolution to the Company and the ACSC'S Legal Counsel.  
Caption reads as follows:

**RESOLUTION NO. 2018-09-113 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY,  
TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN  
INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF  
MCKINNEY AND COLLIN COUNTY FOR JAIL SERVICES**

END OF CONSENT

REGULAR AGENDA AND PUBLIC HEARINGS

This portion of the agenda consists of items requiring individual consideration by the Council.

**18-0084Z** Mayor Pro Tem Rath 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 "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Modify the Development Standards, Located on the Southeast Corner of U.S. Highway 380 (University Drive) and Hardin Boulevard, and Accompanying Ordinance. Interim Director of Planning Jennifer Arnold stated the item is for slight modifications to allow for the planned hotel site to shift around within the existing lot without moving outside of it, noting that previous discussed and approved development requirements tied down the exact footprints of the lot not allowing any modifications to orientation of the hotel. There were no public comments for the Public Hearing.

Council unanimously approved the motion by Council Member La'Shadion Shemwell, seconded by Council Member Scott Elliott, to close the Public Hearing and approve a Request to Rezone 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, Generally to Modify the Development Standards, Located on the Southeast Corner of U.S. Highway 380 (University Drive) and Hardin Boulevard, and Accompanying Ordinance. Caption reads as follows:

**ORDINANCE NO. 2018-09-070**

**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 42.07 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 TO MODIFY THE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

- 18-0107Z** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Allow for Communication Tower, Utility Substation, and Commercial Uses, Located on the Southwest Corner of McKinney Ranch Parkway and State Highway 121 (Sam Rayburn Tollway). Interim Director of Planning Jennifer Arnold presented to Council three letters of support for the applicant which were provided by the applicant to staff via email (see Minutes Appendix C). Mrs. Arnold stated concerns the utility substation could potentially limit commercial development along the corridor of Hwy 121. Mrs. Arnold stated the applicant David McGuinness, the CEO and General Manager of GCEC, and Bruce Stevens, Operations Manager were present and requested to table the item. The item went before the Planning and Zoning Commission (P&Z) in the previous week which recommended denial of the request. Mrs. Arnold stated Council approval of the item would require a super majority due to the P&Z denial recommendation. Mr. McGuinness stated the company's electrical distribution transmission service area included a western boundary of Hardin Blvd, up through Stonebridge Ranch to Hwy 380 and areas to Fairview, TX and Allen, TX. The eastern boundary is predominantly Hwy 75 and stated they have been working on the request for two years. Mr. McGuinness stated the company has reached 3.6 of 4

Megawatts capacity allowed by the other utility substation and have recently declined to serve a development at the corner of Sam Rayburn Highway and Hardin Boulevard as it would exceed the allowable capacity. He also stated they do not have a backup provision for service in the event of issues with the sole feeder from the other utility substation owned by Oncor. GCEC has been on the Oncor site for about three year and Oncor has not offered to provide additional allowances for service or Megawatts, though GCEC has not requested it due to significant cost. The applicant stated additional tests would be conducted to determine the actual height of the tower and the applicant will satisfy staff recommendations for the tower to be no more than 80 feet high. The tower could be attached to an existing building as opposed to having a separate footprint on the site. The company investigated one other south of Hwy 121 and one across Hardin Boulevard. The applicant stated use would be restricted to GCEC and its power supplier per its own policy.

Council approved the motion by Council Member Shemwell, seconded by Council Member Rogers, to table to the Council meeting on October 2, 2018, a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Allow for Communication Tower, Utility Substation, and Commercial Uses, Located on the Southwest Corner of McKinney Ranch Parkway and State Highway 121 (Sam Rayburn Tollway) with a vote of 4 - 2 - 0, Chuck Branch, La'Shadion Shemwell voting no.

- 18-792** Mayor Pro Tem Rath called for Consideration / Discussion / Action on the Appointment of a New Alternate Member to the Board of Adjustment. Council Member Philips nominated Eric Roberts to fill the vacancy.



Council unanimously approved the motion by Council Member Philips, seconded by Council Member Rogers, to appointment Eric Roberts to a two-year as an Alternate Member on the Board of Adjustment, effective October 1, 2018, to September 30, 2020.

Mayor Pro Tem Rath called for Council and Manager Comments.

Council Member Philips said he has received several positive comments about City Manager Grimes and thanked Mr. Grimes for the good work he does for the people of McKinney.

Council Member Elliott stated his stance on the Hwy 380 Bypass has been the same since March 2017. Mr. Elliott stated his opposition to a bypass and support of building out the arterials of the northwest sector, such as Wilmeth, Bloomdale, Laud Howell roadways as Bloomdale and Laud Howell can be extended to Custer Road. Mr. Elliott stated his support of an outer loop and glad to see the County take steps to acquire the right of way, bring forth a bond proposition to start planning for it. Mr. Elliott is opposed to the indiscriminate widening of Hwy 380 noting there are many examples of right of ways less than 300 feet and in some cases less than 1080 feet across the Metroplex while maintaining 6 lanes of traffic that can effectively satisfy the concerns of those with residences and businesses along Hwy 380 that would be impacted. Mr. Elliott supported as many right turn lanes as possible to support safety and offered consideration of future technology advancement that will affect transportation. Mr. Elliott also commended City Manager Grimes for his work in the City.

Council Member Rogers recognized the “masterful job” of Mayor Pro Tem Rath in leading the Council meeting, noting she is the first female Mayor Pro Tem thus the first female to preside over a McKinney City Council meeting. Council Member Rogers said Mayor Pro Tem Rath is one of the best people on the Council, putting in more time and being the most prepared.

Council Member Shemwell said he was excited to see the Council meeting room filled with engaged people, applauding the children and adults in attendance. Mr. Shemwell stated “if we can teach young people about local politics and local government I think we can change this world.” Mr. Shemwell stated more than 100 residents attended the first City town hall meeting and thanked Council Members Elliott and Philips for

participating. Mr. Shemwell said if it were up to him he would change Citizen Comments to the end of the meeting to help people be engaged with all of the items on the agenda.

Council Member Branch congratulated everyone on the town hall meeting that was very well attended. Council Member Branch stated his support of a west bypass and not in favor of widening Hwy 380 as it would damage homes and businesses that are already there and ruined things already accomplished. He does not want Bloomdale to interrupt homes to the north and hope for something that will alleviate the challenges we have.

City Manager Grimes was appreciative of all the "fine comments" from Council. Mr. Grimes said the McKinney Neighborhood Policing Unit and Fire Department along with Old Settler's Recreation Center will host a free fishing adventure Saturday September 22 to celebrate National Hunting and Fishing Day for youth ages 12 to 16. McKinney Oktoberfest is September 28 to September 30 at Downtown McKinney offering authentic German food and drink, traditional costumes and dancing and childrens' activities. Mr. Grimes stated Mayor Fuller, Staff and he met with Jennifer Pope of the US Census Bureau on September 12 to discuss strategies to support participation in the Census. A resolution will probably be presented to Council at the October 16 Council Meeting to kick off an effort by the City to help get out the word that the Census count is good for McKinney. The Census is mandated by the US Constitution and plays an important role in allocating representation as well as financial and other resources.

Mayor Pro Tem Rath thanked everyone for their patience and wished Mayor Fuller safe travels on his return after being away for a few days.

Council unanimously approved the motion by Council Member Shemwell, seconded by Council Member Elliott to Adjourn. Mayor Pro Tem Rath adjourned the meeting at 7:57 p.m.

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TRACY RATH  
Mayor Pro Tem

ATTEST:

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EMPRESS DRANE  
City Secretary