

## CITY COUNCIL REGULAR MEETING

NOVEMBER 3, 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, November 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, La'Shadion Shemwell.

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, Assistant City Attorney Alan Lathrom, Strategic Services Manager Trevor Minyard, City Secretary Empress Drane, Deputy City Secretary Joshua Stevenson, Director of Engineering Gary Graham, Capital Improvement Projects Manager Nicholas Ataie, President of McKinney Community Development Corporation (MCDC) Cindy Schneible, Fire Chief Danny Kistner, Emergency Management Coordinator Karen Adkins, Associate Municipal Court Judge Claire Petty, Municipal Court Administrator April Morman, Municipal Court City Marshal Timothy Rich, Director of Public Works Julia Hunt, Facilities Construction Manager Patricia Jackson, Purchasing Manager Lisa Littrell, Purchasing Buyer Mindy Smith, Community Services Administrator Shirletta Best, Information Technology Technician Robert Lisenby, Police Chief Greg Conley, Assistant Police Chief Joe Ellenburg

There were approximately thirty (30) members of the public present.

Mayor Fuller called the meeting to order at 6:10 upon determining a quorum of the Council was present.

Mayor Fuller called for the Invocation and the Pledge of Allegiance, given by Major David Feeser of the Salvation Army.

Mayor Fuller called for the following Information Sharing items:

- 20-0973** Proclamation for Municipal Court Week
- 20-0974** Proclamation for Hunger and Homelessness Awareness Week
- 20-0975** Proclamation for Salvation Army Red Kettle Campaign

Mayor Fuller called for Public Comments regarding Agenda items.

Beth Bentley, no address given, spoke regarding the changes made to the Purchasing Policies by the Procurement Department.

Mayor Fuller called for the Consent Agenda.

Council unanimously approved the motion by Council Member Franklin, seconded by Council Member Frazier, to approve the following Consent items:

- 20-0976** Minutes of the City Council Special Meeting and Work Session of October 20, 2020
- 20-0977** Minutes of the City Council Regular Meeting of October 20, 2020
- 20-0951** Minutes of the Capital Improvements Advisory Committee Regular Meeting of September 8, 2020
- 20-0962** Minutes of the Joint Meeting of the City Council and Planning & Zoning Commission of September 22, 2020
- 20-0897** Minutes of the Library Advisory Board Meeting of September 17, 2020
- 20-0913** Minutes of the McKinney Community Development Corporation Meeting of September 28, 2020
- 20-0914** Minutes of the McKinney Community Development Corporation Project Grant Subcommittee Meeting of September 22, 2020
- 20-0915** Minutes of the McKinney Community Development Corporation Project Grant Subcommittee Meeting of October 1, 2020
- 20-0916** Minutes of the McKinney Community Development Corporation Project Grant Subcommittee Meeting of October 8, 2020
- 20-0901** Minutes of the McKinney Economic Development Corporation Meeting of September 22, 2020
- 20-0963** Minutes of the Planning and Zoning Commission Regular Meeting of October 13, 2020
- 20-0954** Minutes of the Visit McKinney Board Meeting of September 29, 2020
- 20-0978** Consider/Discuss/Act on Adopting a Liquid Waste Ordinance and Amending Appendix A Schedule of Fees. Ordinance caption reads as follows:

**ORDINANCE NO. 2020-11-074**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE MCKINNEY CITY CODE, AS AMENDED, TO ENACT CHAPTER 84, "LIQUID WASTE," BY PROVIDING REGULATIONS GOVERNING LIQUID WASTE ACCUMULATION, PRODUCTION, TRANSPORT, AND DISPOSAL; PROVIDING REGULATIONS GOVERNING DISCHARGES INTO THE WASTEWATER SYSTEM TO COMPLY WITH STANDARDS PROMULGATED BY THE EPA AND TCEQ; DEFINING TERMS; PROVIDING FOR ENFORCEMENT; PROVIDING A PENALTY; AUTHORIZING THE COLLECTION OF RELATED FEES; AMENDING APPENDIX A – SCHEDULE OF FEES BY ADOPTING NEW FEES APPLICABLE TO LIQUID WASTE TRANSPORTERS IN ACCORDANCE WITH ARTICLE IV; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

- 20-0979** Consider/Discuss/Act on an Ordinance Amending the 2020-2021 Annual Budget to transfer funds in the amount of \$11,333,262 from Fund 060 - McKinney Community Development Corporation ("MCDC") Fund to Fund 060-9999-456-9101 for McKinney Community Development Corporation Project 4B20-09 for the Expansion and Relocation of TUPPS Brewery into an MCDC-owned Facility situated on the former site of McKinney Grain located at 402 E. Louisiana Street in McKinney, TX. Ordinance caption reads as follows:

**ORDINANCE NO. 2020-11-075**

**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 MCKINNEY COMMUNITY DEVELOPMENT PROJECT 4B 20-09, FOR THE EXPANSION AND RELOCATION OF TUPPS BREWERY AT 402 E. LOUISIANA STREET, CITY OF MCKINNEY, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

- 20-0980** Consider/Discuss/Act on a Resolution Adopting an Amendment to Chapter 7: Historically Underutilized Business Program of the Procurement Policy and Procedures Manual. Resolution caption reads as follows:

**RESOLUTION NO. 2020-11-161 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ADOPTING AN AMENDMENT TO CHAPTER 7: HISTORICALLY UNDERUTILIZED BUSINESS PROGRAM OF THE PROCUREMENT POLICY AND PROCEDURES MANUAL**

- 20-0981** Consider/Discuss/Act on a Resolution Awarding a Contract to Jerry

Carpenter Excavation of Allen, Texas for Erosion Control and Miscellaneous Drainage Repairs. Resolution caption reads as follows:

**RESOLUTION NO. 2020-11-162 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO JERRY CARPENTER EXCAVATING OF ALLEN, TEXAS FOR THE PURCHASE OF EROSION CONTROL AND MISCELLANEOUS DRAINAGE REPAIRS SERVICES**

**20-0936** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Witt O'Brien's, LLC of Houston, Texas as the Primary Contractor and Thompson Consulting Services, LLC of Lake Mary, Florida as the Secondary Contractor for Disaster and Debris Monitoring Services. Resolution caption reads as follows:

**RESOLUTION NO. 2020-10- 163 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AWARDING A CONTRACT TO WITT O'BRIEN'S, LLC AS PRIMARY CONTRACTOR AND THOMPSON CONSULTING SERVICES, LLC AS SECONDARY CONTRACTOR FOR DISASTER AND DEBRIS MONITORING SERVICES.**

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

**20-0982** Conduct a Public Hearing to Consider/Discuss/Act on a Resolution Amending the 2020-2021 Community Development Block Grant (CDBG) Annual Action Plan and the Consolidated Plan, CDBG-CV Funding

Council unanimously approved the motion by Council Member Elliott, seconded by Council Member Shemwell, to close the public hearing and to approve a Resolution Amending the 2020-2021 Community Development Block Grant (CDBG) Annual Action Plan and the Consolidated Plan, CDBG-CV Funding. Resolution caption reads as follows:

**RESOLUTION NO. 2020-11-164 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING SUBSTANTIAL AMENDMENT TO THE CDBG PROGRAM YEAR 2020 ANNUAL ACTION PLAN UNDER THE CONSOLIDATED PLAN, AND PROVIDING AN EFFECTIVE DATE**

**20-0983** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Lake | Flato + Parkhill of Frisco, Texas for Architectural and Engineering Services in Conjunction

with the Design and Construction of the McKinney Municipal Complex (MMC) Project

Council unanimously approved the motion by Council Member Philips, seconded by Council Member Frazier, to approved a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Lake | Flato + Parkhill of Frisco, Texas for Architectural and Engineering Services in Conjunction with the Design and Construction of the McKinney Municipal Complex (MMC) Project. Resolution caption reads as follows:

**RESOLUTION NO. 2020-11-165 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH LAKE | FLATO + PARKHILL, OF FRISCO, TEXAS FOR ARCHITECTURAL AND ENGINEERING SERVICES IN CONJUNCTION WITH THE DESIGN AND CONSTRUCTION OF THE MCKINNEY MUNICIPAL COMPLEX PROJECT FC1707, MCKINNEY TEXAS**

**20-0984** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with HQS Construction, LLC for the Construction of the Arterial Capacity Improvements Project

Council unanimously approved the motion by Council Member Elliott, seconded by Council Member Franklin, to approved a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with HQS Construction, LLC for the Construction of the Arterial Capacity Improvements Project. Resolution caption reads as follows:

**RESOLUTION NO. 2020-11-166 (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 \$1,706,907.75 WITH HQS CONSTRUCTION, LLC, FOR THE CONSTRUCTION OF THE ARTERIAL CAPACITY IMPROVEMENTS PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$1,965,000**

**20-0004SUP2** Conduct a Public Hearing to Consider/Discuss/Act a Specific Use Permit Request to Allow for Garage, Auto Repair Facility (Express Oil Change & Tire Engineers), Located on the East Side of Hardin Boulevard and

Approximately 1,500 Feet South of U.S. Highway 380 (University Drive),  
And Accompanying Ordinance

Council unanimously approved the motion by Council Member Franklin, seconded by Mayor Pro Tem Rogers, to close the public hearing and approve a Specific Use Permit Request to Allow for Garage, Auto Repair Facility (Express Oil Change & Tire Engineers), Located on the East Side of Hardin Boulevard and Approximately 1,500 Feet South of U.S. Highway 380 (University Drive), And Accompanying Ordinance. Ordinance caption reads as follows:

**ORDINANCE NO. 2020-11-076**

**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 GARAGE, AUTO REPAIR FACILITY (EXPRESS OIL CHANGE AND TIRE ENGINEERS), LOCATED ON THE EAST SIDE OF HARDIN BOULEVARD AND APPROXIMATELY 1,500 FEET SOUTH OF U.S. HIGHWAY 380 (UNIVERSITY 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 HEREOF**

**20-0114Z2** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "TMN" - Traditional McKinney Neighborhood Overlay District to "PD" - Planned Development District and "TMN" - Traditional McKinney Neighborhood Overlay District, to Allow an Emergency Overnight Warming Station, Located on the North Side of Wilson Creek Parkway and Approximately 850 Feet West of College Street; and Accompanying Ordinance

The following citizens requested to speak during the public hearing.

VeeAnne Miller, 1615 Oka Street, McKinney TX 75069, spoke in favor.

Lance Olinski, 2723 Stonepointe, McKinney TX 75072, spoke in favor.

Paul Ballesteros, 6508 Marvin Gardens, McKinney TX 75070, spoke in favor.

Charlene Pryor, 4139 Highland Rd., McKinney TX 75454, spoke in favor.

Beth A Ray, 208 Wilson Creek Prky., McKinney TX 75069, spoke in favor.

Scott Henneberry, 1209 Hyde Park Ct., McKinney TX 75069, spoke in favor with revisions.

Council unanimously approved the motion by Council Member Shemwell, seconded by Council Member Franklin, to close the public hearing and to approve a Request to Rezone the Subject Property from "PD" - Planned Development District and "TMN" - Traditional McKinney Neighborhood Overlay District to "PD" - Planned Development District and "TMN" - Traditional McKinney Neighborhood Overlay District, to Allow an Emergency Overnight Warming Station, Located on the North Side of Wilson Creek Parkway and Approximately 850 Feet West of College Street; and Accompanying Ordinance. Ordinance caption reads as follows:

**ORDINANCE NO. 2020-11-077**

**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 4.425 ACRE PROPERTY, LOCATED ON THE NORTH SIDE OF WILSON CREEK PARKWAY AND APPROXIMATELY 850 FEET WEST OF COLLEGE STREET, IS REZONED FROM "PD" - PLANNED DEVELOPMENT DISTRICT AND "TMN" - TRADITIONAL MCKINNEY NEIGHBORHOOD OVERLAY DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT AND "TMN" - TRADITIONAL MCKINNEY NEIGHBORHOOD OVERLAY DISTRICT, TO ALLOW AN EMERGENCY OVERNIGHT WARMING STATION; 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**

**20-0066Z2** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District, Generally to Modify the Uses and Development Standards, Located on the Southeast Corner of Van Tuyl Parkway and Weiskopf Avenue, And Accompanying Ordinance (REQUEST TO BE TABLED)

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Elliott, to table item to the Special Meeting on November 10, 2020.

**20-0985** Conduct a Public Hearing to Consider/Discuss/Act on an Ordinance

Amending the Project Plan for the Tax Increment Reinvestment Zone  
Number One

Beth Bentley, no address given, requested to speak during the public hearing.

Council unanimously approved the motion by Council Member Elliott, seconded by Council Member Franklin, to close the public hearing and approve an Ordinance Amending the Project Plan for the Tax Increment Reinvestment Zone Number One.

Ordinance caption reads as follows:

**ORDINANCE NO. 2020-11-078**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS APPROVING THE TAX INCREMENT REINVESTMENT ZONE NUMBER 1 (TOWN CENTER) THIRD AMENDED PROJECT PLAN, CITY OF MCKINNEY, AS ADOPTED BY ITS BOARD OF DIRECTORS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Fuller called for Public Comments regarding issues not on the agenda.

Patrick Funk, 4821 Fox Ridge Ln., McKinney TX 75071, spoke regarding the Painted Tree Development.

Tamara Johnson, P.O. Box 254, McKinney TX 75070, spoke regarding the state of America and regarding Council Member Shemwell.

Joshua Murray, 1762 Lake Rd., Lavon TX 75166, thanked the Council for everything they are doing and thanked Council Member Shemwell for his service.

Justin Wood, 320 Industrial Blvd. #202, McKinney TX 75069, spoke regarding the Groundbreaking event for City Church.

Jennifer Baker, 620 Sorrell Rd., McKinney TX 75072, spoke regarding the Groundbreaking event for City Church.

Mayor Fuller called for Council and Manager Comments.

Council Member Shemwell spoke about his participation in the Citizen Fire Academy and Fire Chief Kistner's presentation to the Academy. Council Member Shemwell spoke about the past three (3) and a half year of activities while he has been a Council Member. The Council Member finished with speaking about the future of District 1 and the City of McKinney.



Council Member Frazier requested citizens to accept the results from the 2020 Elections, regardless of the outcome. The Council Member urged citizens to stay safe. Council Member Frazier thanked the police for serving.

Council Member Philips thanked the Police Department and urged citizens to get in touch with the local Fraternal Order of Police to donate. The Council Member updated the Council about the following McKinney athletes:

- Rylee Hallford, a senior at McKinney Boyd, plays as a Libero on the Volleyball team.
- Hallie Collett, a senior at McKinney North, plays as an Outside Hitter on the Volleyball team.
- Matthew Jeter's football season came to an end.
- Brandon Frazier, a Tight end with the Auburn Tigers, has been cleared to play.

Council Member Elliott spoke about the current political environment of the nation. Council Member Elliott thanked all the Election Clerks and Judges that worked during this election. The Council Member also thanked Council Member Frazier for everything that he does.

City Manager Grimes updated the Council and the citizens on the following City Events:

- Veterans Day Ceremony at Veterans Memorial Park on November 7, 2020.
- McKinney Performing Arts Center is holding its annual fund-raising campaign to cover the cost of importing the 34' Christmas Tree. Donations of any size is accepted.

Mayor Fuller urged citizens to donate to City Church as they are constructing their facility. Mayor Fuller congratulated Cameron Spears, ten (10) years old, was awarded Bronze President Volunteer Service Award for her service with Whatever Is Good Inc. Mayor Fuller thanked Council Member Shemwell for his service.

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Elliott, to adjourn the meeting at 7:54 p.m.

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

These minutes approved by the McKinney City Council on December 1, 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