

## CITY COUNCIL REGULAR MEETING

OCTOBER 15, 2019

The City Council of the City of McKinney, Texas met in regular session in the City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, October 15, 2019 at 6:00 p.m.

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

City of McKinney Staff Present: City Manager Paul Grimes, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, City Attorney Mark Houser, Strategic Services Manager Trevor Minyard, Executive Director of Development Services Michael Quint, Director of Engineering Gary Graham, Capital Improvement Projects Manager Nicholas Ataie, Police Chief Greg Conley, Police Officer Shannon Seabrook, Fire Chief Danny Kistner, Assistant Fire Chief Robert Alley, Airport Director Kenneth Carley, Affordable Housing Administrator Cristel Todd, President of McKinney Community Development Corporation (MCDC) Cindy Schneible, Executive Director of Visit McKinney DeeDee Guerra, Health Compliance Supervisor Richard Milam, Video Producer Joey Barr, and City Secretary Empress Drane

There were approximately one hundred fifteen (115) guests present.

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

Mayor Fuller called for the Invocation and recital of the Pledge of Allegiance.

The Invocation was given by Arnulfo Alvarado, Pastor of Vida Abundante.

The Pledge of Allegiance was led by Youth Members of Vida Abundante, as well as Youth Members of the Boys & Girls Club.

Mayor Fuller called for the following Information Sharing items:

- 19-0843** Recognition of Shawn Pratt, State Athletic Director of the Year. Mayor Fuller read a proclamation recognizing Athletic Director Shawn Pratt of McKinney Independent School District (MISD) for earning a state level award, and for his numerous accomplishments and service as an MISD educator, coach and administrator. Coach Pratt accepted the

proclamation and stood with Mayor Fuller for photographs. Dr. Rick McDaniel, MISD Superintendent, and Nancy Cowlshaw, MISD Partners in Education Staff, were in attendance in support of the proclamation.

**19-0844** Proclamation for Lights on Afterschool Day – Mayor Fuller read a proclamation recognizing the value of Afterschool Programs and the service of citywide agencies, such as the Boys & Girls Club, McKinney YMCA, McKinney Parks & Recreation, McKinney ISD, and the Alliance of Elite Youth Leadership, that provide afterschool programs benefiting residents of the city. Staff and Youth Members of the Boys & Club accepted the proclamation and stood with Mayor Fuller for photographs.

**19-0845** Proclamation for Breast Cancer Awareness Month. Mayor Fuller read a proclamation supporting everyone affected by breast cancer, and the importance of wellness efforts, screenings, and medical research to fight the battle against cancer.

Mayor Fuller called for Citizen Comments.

H. Mousawi, 201 N. McDonald Street, McKinney 75069, submitted a request to speak regarding the issue of parking, but was not present when called.

Rolanda Macharia, 1824 Douglas Street, Howe 75457 spoke regarding a non-agenda item, “state of emergency” calling for a unified approach to solving issues of injustice.

Kelda Barlow, 6501 Meyer Way #704, McKinney 75070, spoke regarding a non-agenda item, proposing the establishment of a 9-1-2 phone number for non-emergent health services and information.

Joel Wasinger, 1329 Ballymote Ln, Plano 75074, spoke regarding a non-agenda item, supporting Council Member La’Shadion Shemwell in supporting police oversight in Dallas and Fort Worth.

Ida Shoulders, 1450 Amcott #1224, McKinney 75069, spoke regarding a non-agenda item: “state of emergency” and support of Council Member Shemwell.

Lelani Russell, 4431 Posada Drive, Dallas 75211, spoke regarding a non-agenda item: support of Council Member La’Shadion Shemwell.

Greg Booth, 7200 Maudsley Dr, McKinney 75071, spoke regarding two issues: 1) opposition to agenda item #19-0712 (Food Ordinance), and 2) requesting clarification about a request to the City of McKinney for information

Tasha Escoto, 1704 Quarry Ln, McKinney 75072, spoke in opposition to agenda item #19-0849 (5g / Wireless)

John Dell'Antonio, 6201 Virginia Pkwy, McKinney 75071, spoke in support of agenda item #19-0854 (Hwy 380 Alignment)

Amy Limas, 7505 Darrow Dr, McKinney 75071, spoke in support of agenda item #19-0854 (Hwy 380 Alignment)

Don Blackwood, 3838 Oaklawn Ave, Dallas, 75219 spoke in support of agenda item #19-0854 (Hwy 380 Alignment)

Mayor Fuller called for Council Comments.

Council Member La'Shadion read a prepared statement (see Appendix A – *Statement by Council Member La'Shadion Shemwell 2019-10-15*), which he prefaced with expressions of respect for his fellow Council Members and the attendees at the meeting, not intending to create an “us against them” situation. Mr. Shemwell mentioned Police Chief Greg Conley, stating the comments were not an indictment of all police officers but expressed a need to make a statement. Before and after the prepared statement, Mr. Shemwell said his concerns for safety in his home and community should be treated equally as other concerns and interests of the community, such as the proclamations about breast cancer awareness and athletics; however, talking about black lives has to be a contentious issue.

Council Member Rick Franklin had no comments.

Council Member Frederick Frazier said everyone looks to him when it comes to the subject of law enforcement, always asking about what has been done and what changes have been made. Mr. Frazier reflected on the past ten years he's worked with the state Legislature in Austin, supporting law enforcement reporting and providing accurate information, and “doing the best we can.” Mr. Frazier stated (law enforcement) won't always be at the right place at the right time, and no shooting or putting hands on anybody will ever look right. Mr. Frazier said McKinney has one of the lowest crime rates and praised Police Chief Greg Conley as “one of the best Police Chiefs in the

area” and the community to focus on solving the issues at home. Mr. Frazier recognized the responsibility of police and public safety to provide safety. Mr. Frazier expressed understanding for Mr. Shemwell’s comments, though he did not agree with everything, as law enforcement officers are away from their families patrolling the streets and are also being hunted and killed. Mr. Frazier recognized his wife who was in attendance and mentioned his own present service as an active duty officer, running warrants and dealing with individuals who do not want to comply. Mr. Frazier apologized to those who have experienced unfair situations, emphasizing the importance of moving forward and the need to fix the huge issue of training. Mr. Frazier said he will continue to listen, share knowledge, and work to fix issues with law enforcement, calling on everyone in the community to work together.

Council Member Charlie Philips congratulated Athletic Director Shawn Pratt on his award, stating it was nice to see after Coach Pratt receive the award after watching him coach kids for the past twenty-five (25) years, providing love to the players and the kids at school.

Council Member Scott Elliott acknowledged the breast cancer proclamation, sharing that his mother-in-law, who was “one of the nicest, sweetest women” he’d ever known, was taken by the disease. Mr. Elliott stressed the importance of prevention when dealing with the disease.

Mayor Pro Tem Rainey Rogers addressed the citizen comment about 5G health concerns, stating the eighth principle established in the 5G Guiding Principles is to “ensure health and safety to residents and visitors of the city of McKinney” reiterating that health and safety are important to the future development of 5G in the city. Moving away from 5G, the Mayor Pro Tem said the great thing about living in McKinney is “the people.” The mothers and fathers who participate in the schools; the coaches giving time to kids and programs; a man named Wendell, who picks up trash along Hardin Boulevard – that’s what makes McKinney great. Mayor Pro Tem Rogers said he and Council Member Frazier recently attended a home dedication to a McKinney family. The new, magnificent, fully furnished home was provided by orthodontist Dr. Jennifer Buchanan’s Smile Charity, a program supporting men and women wounded during military service. He said Dr. Buchanan does a wonderful job, and another home would

be dedicated next month. The Mayor Pro Tem expressed gratitude for having grown up in McKinney and being able to serve on the City Council.

Mayor Fuller explained his decision for not presenting the statement of Council Member Shemwell as a proclamation: while he agreed that a person should be not shot in their own home, he did not agree with many of the statements issued by Mr. Shemwell, such as “the State of Texas and its local governments have declared a state of war on black and brown citizens....” Mayor Fuller stated he found the statements appalling, as a member of local government and as the father of an African-American daughter. Mayor Fuller said McKinney has a Police Chief that cares about people to every depth possible and the “best damn Police Department there is.” Mayor Fuller said that in war, killing the enemy goes unpunished, contrasting that with the recent murder charge applied to a police officer who shot and killed an individual, and a separate shooting case resulting in a murder conviction. Mayor Fuller said he supported Council Member Shemwell in the past based on Mr. Shemwell’s potential to be a positive influence, role model, mentor, and difference maker, but expressed regret for that not happening to date. Mayor Fuller expressed concern for what he described as “reckless” comments by Council Member Shemwell, that can influence harmful and dangerous interactions between police and citizens. Mayor Fuller said there is a more constructive form of activism and ways to seek justice. Mayor Fuller addressed the citizen comments regarding the City Council being predominately white men, stating the residents and citizens determine the elected officials of the city. Mayor Fuller stated the many incidents of police shootings of individuals (in areas not McKinney) were “atrocious” and “horrible” but cautioned that claiming the McKinney Police Department or others have declared war on black and brown citizens was not constructive toward solving the problem. Mayor Fuller complimented Mr. Shemwell as tremendously articulate and passionate, but stated Mr. Shemwell’s means are often misguided. Mayor Fuller expressed his continued hope for Mr. Shemwell to become the influence he, Mayor Fuller, knows Mr. Shemwell can be.

Mayor Fuller called the meeting into recess at 7:11 p.m., reconvening the meeting at 7:15 p.m. All members returned except Council Member Charlie Philips, who rejoined the meeting at 7:17 p.m.

Mayor Fuller called for the Consent Agenda.

Council Member Scott Elliott requested individual consideration of agenda item #19-0849 related to consultant services for the 5G / Wireless Strategic Plan. Council approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Rick Franklin, to approve all other Consent Agenda items, with a vote of 6 in favor – 0 against; Council Member Charlie Philips was absent from this vote.

The following Consent Agenda was approved:

- 19-0846** Minutes of the City Council Work Session of October 1, 2019
- 19-0847** Minutes of the City Council Regular Meeting of October 1, 2019
- 19-0751** Minutes of the Main Street Board Meeting of August 8, 2019
- 19-0673** Minutes of the McKinney Armed Services Memorial Board Meeting of June 12, 2019
- 19-0791** Minutes of the McKinney Community Development Corporation Meeting of August 22, 2019.
- 19-0792** Minutes of the McKinney Community Development Corporation Marketing Subcommittee Meeting of August 20, 2019.
- 19-0755** Minutes of the Parks, Recreation, and Open Space Advisory Board Meeting of August 8, 2019
- 19-0783** Minutes of the Planning and Zoning Commission Work Session of September 10, 2019
- 19-0784** Minutes of the Planning and Zoning Commission Regular Meeting of September 10, 2019
- 19-0829** Minutes of the Planning and Zoning Commission Regular Meeting of September 24, 2019
- 19-0848** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2019-2020 Annual Budget and the 2020-2024 Capital Improvements Program to Provide Funds for Additional Work for Project AI1744, Western TKI Executive Terminal at McKinney National Airport. Ordinance caption reads as follows:

**ORDINANCE NO. 2019-10-071**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2019-2020 ANNUAL BUDGET AND THE 2020-2024 CAPITAL IMPROVEMENTS PROGRAM, TO PROVIDE FUNDING FOR ADDITIONAL WORK FOR THE WESTERN TKI EXECUTIVE TERMINAL PROJECT (AI1744); AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

- 19-0850** 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. Resolution caption reads as follows:

**RESOLUTION NO. 2019-10-125 (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 EXTENSION OF BLOOMDALE ROAD FROM COMMUNITY AVENUE TO CR 164**

- 19-0851** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into an Escrow Agreement with Timber Creek Properties, LLC for the Relocation of Gas Line Facilities Required for the Extension of Bloomdale Road from Community Avenue to CR 164. Resolution caption reads as follows:

**RESOLUTION NO. 2019-10-126 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ESCROW AGREEMENT WITH TIMBER CREEK PROPERTIES, LLC FOR THE RELOCATION OF GAS LINE FACILITIES REQUIRED FOR THE EXTENSION OF BLOOMDALE ROAD FROM COMMUNITY AVENUE TO CR 164**

- 19-0852** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with HDR Engineering, Inc. for Professional Engineering Services for the WW1638 - Honey Creek Sanitary Sewer Trunk Main Project and Any Necessary Supplemental Agreements. Resolution caption reads as follows:

**RESOLUTION NO. 2019-10-123 (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 \$872,000 WITH HDR ENGINEERING, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE HONEY CREEK SANITARY SEWER TRUNK MAIN PROJECT (WW1638), FOR A TOTAL AGGREGATE CONTRACT AMOUNT,**

**INCLUSIVE OF ANY SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$960,000**

Mayor Fuller called for individual consideration of the following item pulled from the Consent Agenda:

- 19-0849** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with HR Green, Inc., for a Wireless/5G Strategic Plan and Consultant Services. Strategic Services Manager Trevor Minyard stated the proposal included review of scientific literature related to biological health impact and an evaluation of how laws can be aligned with policies. Council Member Elliott stated he would request a future work session regarding the health impact of 5G separate from the other work of the project. Mayor Fuller stated that the implementation of 5G is allowed federally, cities cannot decide whether to allow or not allow 5G, and McKinney is working to position itself to deal with implementation in a good way. Council Member Charlie Philips recognized Ken Demlow of the proposed 5G consulting firm, suggesting Mr. Demlow was aware of the issue, taking notes, and would be able to address concerns.

Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council Member Scott Elliott, to approve a Resolution Authorizing the City Manager to Execute a Contract with HR Green, Inc., for a Wireless/5G Strategic Plan and Consultant Services. Resolution caption reads as follows:

**RESOLUTION NO. 2019-10-127 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HR GREEN, INC. FOR A WIRELESS/5G STRATEGIC PLAN AND CONSULTANT SERVICES**

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

- 18-0142Z3** 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 Allow for Single Family



Residential, Multi-Family Residential and Commercial Uses, Located at the Northwest Corner of Collin McKinney Parkway and Alma Road  
(REQUEST TO BE TABLED)

Executive Director Michael Quint stated the applicant requested to table the item. There were no citizen requests to speak on the item. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Elliott, to close the public hearing and table the item indefinitely.

**19-0853** Conduct a Public Input Session Regarding a Change in Aeronautical Use on a Certain 2.2 Acre Parcel at McKinney National Airport

The item was presented for information purposes and to solicit input from Council and the public. Airport Director Kenneth Carley stated the proposed development of ten (10) additional executive hangars at the Airport requires the elimination of twenty-one (21) existing tie-down spaces, half of which are currently vacant. While such agreements do not require City Council approval, the Airport is seeking input due to the elimination of space and potential affects to current tenants of the space. The additional hangars are expected to generate more revenue per acre than the current tie-down space. There were no requests by the public to speak on this item. No action was taken by Council.

**19-0854** Consider/Discuss/Act on a Resolution Supporting Regional Transportation Initiatives in Collin County and Providing Guiding Principles for the Development of a US 380 Freeway Alignment

Director of Engineering Gary Graham presented a rendering by the Texas Department of Transportation (TxDOT) of its recommended alignment of US Highway 380, stating additional work will be done by TxDOT to review information and determine a final decision. Mr. Graham said the resolution states the city's support of east-west improvements of US 380 with north-south mobility improvements, supports a bypass corridor, and does not support widening the existing Highway 380, for the purpose of serving all the people of the region. Council Member Charlie Philips stated he did not think the resolution as written provides any additional benefit to the project and would not support it right now. Council Member Philips also stated his comments were no a

criticism of city staff or Council, but he has grown jaded with TxDOT and has no confidence in TxDOT listening to the recommendations of the resolution. He desired to out the project where everybody is happy, though it does not seem to be possible. Council Member La'Shadion Shemwell the resolution identifies the important areas related to the city's master plan and airport. Council Member Elliott said several constituents expressed opposition to the resolution. He stated more could be done to protect neighborhoods beyond what TxDOT has considered, requesting an amendment to wording in Section 4 of the proposed resolution from "hereby opposes any alternative that converts the existing US 380 to a Limited Access Roadway" to "hereby opposes any alternative that converts the existing US 380 to a Limited Access Roadway *forwards by widening in place*" to deal with the most deleterious and harmful way to handle coming down 380 and see if there's a better way to go about it, to which Mayor Fuller concurred. Mayor Fuller expressed caution to not give false hope concerning what will happen to the highway, emphasizing the information available today suggests that widening 380 is not a viable option. Council Member Rick Franklin iterated the sentiments of his constituents who oppose widening 380, adding it is not a viable route. Council Member Shemwell stated the city should step back and allow TxDOT to make the decision and avoid alienating half the community based on choosing an undesirable route, and the resolution was good way to help the city move forward. Council Member Frederick Frazier expressed opposition to widening 380 in consideration of the existing businesses and potential loss of businesses, and alluding to Council as representatives of the people, stated "if they don't like it, we don't like it." Mr. Frazier expects a better alignment than what has been proposed so far. Mayor Pro Tem Rainey Roger expressed support for the resolution as proposed because it recognizes the oncoming changes and identifies what we would like to happen. The Mayor Pro Tem said talks will continue many years before anything gets done but steps need to be taken to get started. Council Member Philips said he would support a proposal that does not lose a single business or single tax dollar from businesses on 380. Council approved the motion by Mayor Fuller, seconded by Mayor Pro Tem Rogers, to approve a Resolution Supporting Regional Transportation Initiatives in Collin County and Providing Guiding Principles for the Development of a US 380 Freeway Alignment, as written, with a vote

of 5 - 2 - 0, Council Members Charlie Philips and Scott Elliott voting no. Resolution caption reads as follows:

**RESOLUTION NO. 2019-10-128 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, SUPPORTING REGIONAL TRANSPORTATION INITIATIVES IN COLLIN COUNTY AND PROVIDING GUIDING PRINCIPLES FOR THE DEVELOPMENT OF A US 380 FREEWAY ALIGNMENT**

**19-0855** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Participate in Execution of a Deed Without Warranty for Property Being Block 6, Lot 14C 15D & Block 6, Lot 14A 15B, W J S Russell 2nd Addition, AKA Rockwall Street, City of McKinney, Collin County, Texas

Affordable Housing Administrator Cristel Todd stated the request is approve the sale of a tax-delinquent vacant lot, which has been approved for sale by all other taxing entities. The property was "struck off" to the city for itself and on behalf of the other taxing jurisdictions after there were no bidders at a Sheriff's Sale in 2017. The current offer for the property is twenty thousand dollars (\$20,000), which will pay the back taxes associated fees. Council Member Shemwell expressed the importance of people to understand the process and where to locate information on the sale of properties such as this, to reinvest in communities.

Arnulfo Alvarado, stated the subject property is located next to his own property and mentioned an resolved dispute of ownership concerning the subject property. Mayor Fuller called for a motion to table the item. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Shemwell, to table the item to another meeting (tentatively November 5, 2019).

**19-0712** Consider/Discuss/Act on an Ordinance Repealing Chapter 46 of the Code of Ordinances and Replacing with a New Chapter 46 to be Titled Food Establishment Regulations

Health Compliance Supervisor Richard Milam stated the item was being re-submitting to Council after the initial presentation on September 17, 2019 resulted in additional areas to address: availability of a Certified Food Manager (CFM), and reinspection procedures allowing for a reinspection to occur no later than the next

business day. Council Member Philips thanked Mr. Milam for his work, considering two previous proposals were tabled. Council Member Shemwell stated Mr. Milam went above and beyond to get the ordinance right. Mayor Fuller expressed appreciation to Mr. Milam for making the requesting changes to the ordinance. Council unanimously approved the motion by Council Member Elliott, seconded by Council Member Philips, to approve an Ordinance Repealing Chapter 46 of the Code of Ordinances and Replacing with a New Chapter 46 to be Titled Food Establishment Regulations. Ordinance caption reads as follows:

**ORDINANCE NO. 2019-10-072**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 46, "FOOD SERVICE REGULATIONS," OF THE CITY'S CODE OF ORDINANCES BY REPEALING SAID CHAPTER AND REPLACING IT WITH A NEW CHAPTER 46 TO BE TITLED "FOOD ESTABLISHMENT REGULATIONS"; PROVIDING FOR THE ADOPTION OF THE CURRENT TEXAS FOOD ESTABLISHMENT RULES; PROVIDING FOR THE REQUIREMENT OF CERTAIN PERMITS FOR FOOD ESTABLISHMENTS; PROVIDING FOR INSPECTIONS OF FOOD ESTABLISHMENTS; PROVIDING FOR COMPETENCY OF INSPECTORS; PROVIDING FOR CERTIFIED FOOD PROTECTION MANAGER AND FOOD HANDLER REQUIREMENTS; PROVIDING FOR EMPLOYEE HEALTH REQUIREMENTS; PROVIDING FOR TIME/TEMPERATURE CONTROL FOR SAFETY REQUIREMENTS; PROVIDING FOR HAIR RESTRAINTS REQUIREMENTS; PROVIDING FOR PHYSICAL FACILITIES REQUIREMENTS; PROVIDING FOR REQUIREMENTS OF OUTDOOR AREAS; PROVIDING FOR SUSPENSION OF A FOOD ESTABLISHMENT PERMIT; PROVIDING FOR THE REVOCATION OF A FOOD ESTABLISHMENT PERMIT; PROVIDING FOR THE EXAMINATION AND CONDEMNATION OF FOOD; PROVIDING FOR HEARINGS; PROVIDING FOR NOTICE OF HEARINGS; PROVIDING FOR A FEE SCHEDULE; AMENDING APPENDIX A, "SCHEDULE OF FEES"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; ESTABLISHING GOVERNING LAW; PROVIDING FOR A PENALTY FOR THE VIOLATION HEREOF; AND PROVIDING AN EFFECTIVE DATE**

**19-0856** Consider/Discuss/Act on Appointing a Member to the Planning & Zoning Commission. Council Member Philips requested additional time to review the applicants being considered.

Council unanimously approved the motion by Council Member Philips, seconded by Council Member Shemwell, to table the appointment to another meeting.

Mayor Fuller called for Council and Manager Comments.

City Manager Paul Grimes announced the Share the Shade event at McKinney Performing Arts Center on Saturday, October 26 (9:00 a.m. to 11:00 a.m.) where the city will give away one hundred (100) free trees to McKinney residents on a first-come,

first-serve basis. Valid identification with a McKinney address is required. The National Drug Take Back event is also October 26 (10:00 a.m. to 2:00 p.m.) where unwanted, unused, or expired drugs can be anonymously disposed in a safe way. More information, including a list of accepted items, is available online at [www.mckinneytexas.org/drugtakeback](http://www.mckinneytexas.org/drugtakeback). Mr. Grimes invited the community to participate in the Halloween trick-or-treat Trail event at the Towne Lake Recreation Area. Local business and organizations will hand out candy and other treats (4:30 p.m. to 7:00 p.m.) on October 31. The event will include food truck vendors, costumes, inflatable rides. Mr. Grimes reminded everyone the Scare on the Square event has been moved to Towne Lake to provide a more expansive and safer experience for families with more Halloween treats and games and addresses Downtown merchant concerns about street closures.

Mayor Fuller again called for Citizen Comments. There were no additional requests by the public to speak.

Council unanimously approved the motion by Mayor Fuller, seconded by Council Member Elliott, to adjourn. Mayor Fuller adjourned the meeting at 8:08 p.m.

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GEORGE C. FULLER  
Mayor

ATTEST:

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EMPRESS DRANE  
City Secretary

Appendix A – *Statement by Council Member La’Shadion Shemwell 2019-10-15*

“**WHEREAS**, the State of Texas and its local governments have demonstrated a pattern and practice of discriminatory and biased conduct by and through its law enforcement officers and officials which deprives black and brown citizens of rights protected under the Constitution and laws of the United States (42 U.S.C. § 1983, 34 U.S.C. § 12601);

**WHEREAS**, the State of Texas and its local governments have declared war on black and brown citizens by conspiring to kill, injure, oppress, threaten, and intimidate, and to willfully deprive citizens of their constitutional rights while acting under color of law (42 U.S.C. § 1983, 18 U.S.C. §§ 241 - 242);

**WHEREAS**, the State of Texas and its local governments harass and prosecute its minority citizens both in daily interactions and as punishment for speaking out against said institutions;

**WHEREAS**, the Texas Rangers have demonstrated a clear bias and lack of integrity in its handling of law enforcement officer misconduct;

**WHEREAS**, most recently in the City of Fort Worth, law enforcement—without provocation, justification or warning, without adherence to protocol, without proper identification and announcement of their presence—murdered a woman of color, Atatiana Jefferson, in her home;

**WHEREAS**, recently in the City of Dallas, law enforcement—without provocation, justification or proper warning, without adherence to protocol, without proper identification and announcement of their presence—murdered a man of color, Botham Jean, in his home;

**WHEREAS**, both perpetrators in aforementioned murders, Aaron Dean and Amber Guyger, were shielded from arrest and standard procedure as applied to any other criminal suspect with a similar preponderance of evidence attesting their guilt;

**WHEREAS**, McKinney has enjoyed the distinction of being recognized as the safest city in Texas of its size this year, McKinney is not exempt from these atrocities, and the similarities are eerie;

**WHEREAS**, in 2001 McKinney officer Joyce Vandertuin —without provocation, justification or warning, without adherence to protocol, without proper identification and announcement of their presence—murdered a woman of color, Cathy Jo Howard-Kalimah, in her home;

**WHEREAS**, in 2015 McKinney officer Eric Casebolt targeted and assaulted a group of minority children;

**WHEREAS**, Clinton Allen, Santos Rodriguez, Jermaine Darden, Jason Harrison, Tony Timpa, Carlos High Sr., James Harper, Genevieve Dawes, Jordan Edwards, Christian Taylor, Sandra Bland, Ruben Garcia, Tavis Crane, Bertrand Davis, Kerry Bradley, Brandon Washington, Pamela Turner; and numerous others, all had their lives taken by hands of those who are sworn and paid to protect;

**WHEREAS**, in 2015 studies showed DFW ranked 3rd in the nation for rate of fatal police shootings, studies also showed that 1 in every 1000 black men will die at the hands of law enforcement, compared to only 39 of every 100,000 white men;

**NOW THEREFORE, WE, THE CITIZENS OF TEXAS** Declare a **BLACK STATE OF EMERGENCY** to exist in the State of Texas, bearing especially on Black and Brown citizens living in or traveling through Texas.

**WHEREFORE, WE, THE CITIZENS OF TEXAS** Hereby demand that the Texas legislature:

- Update Texas Use of Force laws to assure that peace officers avoid using deadly force at every possible opportunity;
- Require additional training for all law enforcement officers, including de-escalation training;
- Establish the Racial and Identity Profiling Advisory Board (RIPA) and require each state and local agency to report data on all stops conducted by officers that includes demographic and circumstantial information related to the stop;
- Require an annual report from law enforcement agencies detailing use of force injuries and homicides with specific demographic and circumstantial information to the state and federal Department of Justice; and
- Establish an external investigation process (exclusive of the Texas Rangers) for all officer misconduct cases involving allegations of racial profiling, assault, sexual assault and homicide.

It is incumbent upon all elected officials, staff, clergy, organizations, and citizens to fight to protect our rights and to make and maintain the safety of our cities. We are demanding Texas lawmakers ensure that every resident of Texas can enjoy the rights protected under the U.S. Constitution and can live in safety, free from the threat of police misconduct.

Signed,  
**We, the Citizens of the State of Texas”**