

## **CITY COUNCIL REGULAR MEETING**

**OCTOBER 19, 2021**

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 19, 2021 at 6:00 p.m.

Council Present: Mayor George Fuller, Mayor Pro Tem Rainey Rogers, and Council Members Charlie Philips, Geré Feltus, Frederick Frazier, Rick Franklin, and Justin Beller.

City of McKinney Staff Present: City Manager Paul Grimes, Assistant City Manager Barry Shelton, Assistant City Manager Kim Flom, Assistant City Manager Steve Tilton, City Attorney Mark Houser, Strategic Services Manager Trevor Minyard, City Secretary Empress Drane, Deputy City Secretary Joshua Stevenson, City Secretary Administrative Assistant Blenda Sims, City Secretary Records Specialist Juametta Terrell, Chief of Fire Danny Kistner, Assistant Fire Chief Robert Alley, Fire Battalion Chief Barry Mitchell, Emergency Management Coordinator Karen Adkins, Emergency Management Planner Jeremy Cuddeback, Director of Planning Jennifer Arnold, Planning Manager Aaron Bloxham, Planning Manager Caitlyn Strickland, Arborist Adam Engelskirchen, Planner I Jacob Bennett, Director of Public Works Ryan Gillingham, Code Enforcement Manager John Christophe, Code Enforcement Officer Aaron Williams, Code Enforcement Officer Letha Frame, Code Enforcement Officer Ivan Shevtsov, Code Enforcement Officer Jaime Lozoya, Code Enforcement Officer Michael McLain, Code Enforcement Officer Raymond Durrett, Police Officer Bruno Siqueira, Police Officer Jonathan Losawyer, Police Officer Randy Patton, Police Officer Derrick Byrd, Police Officer Adrian Linwood, and Desktop Support Technician Logan Atwood.

There was approximately fifteen (15) Members of the public present in the audience. Notable guests include Executive Director of Volunteer McKinney Christine Ortega and Members of Volunteer McKinney.

Mayor Fuller called the meeting to order at 6:00 p.m. upon determining a quorum of the Council was present.

Mayor Fuller called for the Invocation and Pledge of Allegiance. The Invocation given by Senior Pastor Bo Thompson of Rhea's Mill Baptist Church. The Pledge of Allegiance led by Mayor Fuller.

Mayor Fuller called for the Information Sharing Agenda.

- 21-0906** Proclamation for Make a Difference Day
- 21-0907** Proclamation for Code Enforcement Appreciation Month
- 21-0908** Proclamation for National Community Planning Month
- 21-0909** Proclamation for Breast Cancer Awareness Month

Mayor Fuller called for Public Comments regarding Agenda items.

Neil Sperry, 3757 CR 325, McKinney, TX 75069, spoke regarding Agenda Item #21-0008A3/21-0087Z4.

Jamie Cox, 3487 County Road 317, McKinney, TX 75069, spoke regarding Agenda Item #21-0008A3/21-0087Z4.

Daniel Porzio, 5500 McKinney Pl. Dr., McKinney, TX 75070, spoke regarding Agenda Item #21-0008A3/21-0087Z4.

Carol Mitchell, 1606 West St., McKinney, TX 75069, spoke regarding Agenda Item #21-0008A3/21-0087Z4.

Drew York, 2901 Wilderness Ct., McKinney, TX 75069, spoke regarding Agenda Item #21-0008A3/21-0087Z4.

Meg Latham, 461 Kentucky Ln., Fairview, TX 75069, spoke regarding Agenda Item #21-0008A3/21-0087Z4.

Catherine Dunne, 2945 C.R. 325, McKinney, TX 75069, spoke regarding Agenda Item #21-0008A3/21-0087Z4.

George Grayson, 2945 CR 325, McKinney, TX 75069, spoke regarding Agenda Item #21-0008A3/21-0087Z4.

Mike Giles, 3213 Gillespie Rd., McKinney, TX 75072, spoke regarding Agenda Item #21-0008A3/21-0087Z4.

Vicente Torres, 3300 Brentwood Dr., McKinney, TX 75070, spoke regarding Agenda Item #21-0008A3/21-0087Z4.

Rich Szecsy, 4807 Arbor Glen Dr., McKinney, TX 75072, spoke regarding Agenda Item #21-0008A3/21-0087Z4.

Mayor Fuller called for the Information Sharing Agenda.

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Franklin, to approve the follow Consent items:

- 21-0883** Minutes of the Joint Meeting of the City Council and Planning & Zoning Commission of September 28, 2021
- 21-0910** Minutes of the City Council Work Session of October 4, 2021
- 21-0911** Minutes of the City Council Regular Meeting of October 4, 2021
- 21-0862** Minutes of the Historic Preservation Advisory Board Regular Meeting of August 5, 2021
- 21-0789** Minutes of the McKinney Armed Services Memorial Board Meeting of August 11, 2021
- 21-0844** Minutes of the McKinney Economic Development Corporation Meeting of August 17, 2021
- 21-0795** Minutes of the McKinney Main Street Board Meeting of August 12, 2021
- 21-0791** Minutes of the Parks, Recreation, and Open Space Advisory Board Meeting of August 12, 2021
- 21-0884** Minutes of the Planning & Zoning Commission Regular Meeting of September 28, 2021
- 21-0912** Consider/Discuss/Act on an Ordinance to Establish a Schedule of Fees for Payment for Services at the Request of a Health Care Provider or Insurer Pursuant to the City Fire Department for the Administrative and Logistics Cost of the Community Healthcare Program. Ordinance caption reads as follows:

**ORDINANCE NO. 2021-10-105**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF APPENDIX A, "SCHEDULE OF FEES," BY AMENDING CHAPTER 18, "AMBULANCES," BY AMENDING SECTION 18-28, "AMOUNTS OF CHARGES," BY DELETING SUBPARAGRAPH (b) IN ITS ENTIRETY AND REPLACING SAID SUBPARAGRAPH (b) WITH A NEW SUBPARAGRAPH (b) THAT MODIFIES THE FEES FOR CERTAIN SERVICES UNDER THE COMMUNITY HEALTHCARE PROGRAM; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY;**

**PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

- 21-0913** Consider/Discuss/Act on a Resolution Adopting the Hazard Mitigation Plan as required by the Federal Emergency Management Agency for Final Plan Approval; and Providing for an Effective Date. Resolution caption reads as follows:

**RESOLUTION NO. 2021-10-136 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ADOPTING THE HAZARD MITIGATION PLAN AS REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR FINAL PLAN APPROVAL; AND PROVIDING FOR AN EFFECTIVE DATE**

- 21-0914** Consider/Discuss/Act on a Resolution Approving Recommendations of the McKinney Arts Commission for Fiscal Year 2021-22 Season Grants and Annual Funding of the Arts in the City of McKinney. Resolution caption reads as follows:

**RESOLUTION NO. 2021-010-137 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE FOLLOWING FUNDING ALLOCATIONS FOR THE SUPPORT OF THE ARTS IN MCKINNEY IN THE AMOUNT NOT TO EXCEED \$200,000; AND PROVIDING FOR AN EFFECTIVE DATE**

- 21-0915** Consider/Discuss/Act on a Resolution Approving Redirection of Fiscal Year 2020-21 Unspent Arts Commission Funds to the Public Art Fund. Resolution caption reads as follows:

**RESOLUTION NO. 2021-10-138 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE REDIRECTION OF FY21 UNSPENT ARTS COMMISSION FUNDS TO THE PUBLIC ART FUND**

- 21-0916** Consider/Discuss/Act on a Resolution Awarding a Contract to David's Paint and Body of McKinney Texas for Automotive Paint and Body Services. Resolution caption reads as follows:

**RESOLUTION NO. 2021-10-139 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO DAVID'S PAINT AND BODY OF MCKINNEY, TEXAS FOR THE PURCHASE OF AUTOMOTIVE PAINT AND BODY SERVICES**

- 21-0917** Consider/Discuss/Act on a Resolution Authorizing the City Manager, or Designee, to Accept and Implement an Urban Area Security Initiative (UASI) Program Grant Award from the Department of Homeland Security through the Office of the Governor (OOG) to Purchase Equipment to Enhance Special Teams Operations. Resolution caption reads as follows:

**RESOLUTION NO. 2021-10-140 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO ACCEPT AND IMPLEMENT AN URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM GRANT AWARD FROM THE DEPARTMENT OF HOMELAND SECURITY THROUGH THE OFFICE OF THE GOVERNOR (OOG) TO PURCHASE EQUIPMENT TO ENHANCE SPECIAL TEAMS OPERATIONS**

- 21-0918** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with J.R. Stelzer Company for the Wilmeth Water Storage Tank Maintenance Project. Resolution caption reads as follows:

**RESOLUTION NO. 2021-10-141 (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 \$970,161 WITH J.R. STELZER COMPANY FOR THE WILMETH WATER STORAGE TANK MAINTENANCE PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$1,120,000**

- 21-0919** Consider/Discuss/Act on a Resolution Authorizing the Execution and Sale to the North Texas Municipal Water District of a Water Line Easement Consisting of 2 Parcels Containing 1.773 Acres (Parcel 1-1) and 0.231 Acres (Parcel 1-2) in the John R. Jones Survey, Abstract No. 497, Collin County, Texas, and Generally Located South of Bloomdale Road Between McLarry Drive and Redbud Boulevard in the amount of \$140,598.00; and Authorizing the City Manager to Execute Easements and Documents Regarding the Sale of Said Easements Across City-Owned Property to the North Texas Municipal Water District. Resolution caption reads as follows:

**RESOLUTION NO. 2021-10-142 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY,**

**TEXAS, AUTHORIZING THE SALE OF A WATER LINE EASEMENT TO THE NORTH TEXAS MUNICIPAL WATER DISTRICT, WHICH EASEMENT CONSISTS OF TWO PARTS, PART 1-1 BEING 1.773 ACRES AND PART 1-2 BEING 0.231 ACRES SITUATED IN THE JOHN R. JONES SURVEY, ABSTRACT NO. 497, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS GENERALLY LOCATED NEAR BLOOMDALE ROAD AND MCLARRY DRIVE IN THE AMOUNT OF \$140,598.00; AND AUTHORIZING THE CITY MANAGER TO EXECUTE EASEMENT AND DOCUMENTS REGARDING THE SALE OF SAID EASEMENT ACROSS CITY-OWNED PROPERTY TO THE NORTH TEXAS MUNICIPAL WATER DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

- 21-0920** Consider/Discuss/Act on a Non-Binding Term Sheet for a Proposed Interlocal Agreement with McKinney Municipal Utility District No. 1 of Collin County and McKinney Municipal Utility District No. 2 of Collin County Related to Park Property Maintenance and Capital Expenditures within Trinity Falls

Mayor Fuller called for Plat Agenda.

- 21-0166PF** Consider/Discuss/Act on a Preliminary-Final Plat for Phase 1 and 2 of the Painted Tree Woodlands Addition, Located on the Southeast Corner of Lake Forest Drive and Bloomdale Road

Council unanimously approved the motion by Council Member Franklin, seconded by Council Member Feltus, to approve Staff's recommendation on a Preliminary-Final Plat for Phase 1 and 2 of the Painted Tree Woodlands Addition, Located on the Southeast Corner of Lake Forest Drive and Bloomdale Road.

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

- 21-0922** Conduct a Public Hearing to Consider/Discuss/Act on Substantial Amendments under the 2020-2024 Consolidated Plan for Program years 2020 and 2021

Council unanimously approved the motion by Council Member Feltus, seconded by Council Member Franklin, to close the public hearing and approve Substantial Amendments under the 2020-2024 Consolidated Plan for Program years 2020 and 2021. Resolution caption reads as follows:

**RESOLUTION NO. 2021-10-143 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING AMENDMENTS TO FY 2021 AND FY 2022 CDBG ANNUAL ACTION PLANS, AND PROVIDING AN EFFECTIVE DATE**

**21-0127Z3** Conduct 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 "C2" - Local Commercial District and "CC" - Corridor Commercial Overlay District, Located on the North Side of Eldorado Parkway and on the West Side of U.S. Highway 75 (Central Expressway), and Accompanying Ordinance

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Feltus, 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 "C2" - Local Commercial District and "CC" - Corridor Commercial Overlay District, Located on the North Side of Eldorado Parkway and on the West Side of U.S. Highway 75 (Central Expressway), and Accompanying Ordinance. Ordinance caption reads as follows:

**ORDINANCE NO. 2021-10-106**

**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 14.3 ACRE PROPERTY, LOCATED ON THE NORTH SIDE OF ELDORADO PARKWAY AND ON THE WEST SIDE OF U.S. HIGHWAY 75 (CENTRAL EXPRESSWAY), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT, AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "C2" – LOCAL COMMERCIAL DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT; 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**

**21-0062Z3** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "C" - Planned Center District, "RG 18" - General Residence District, "PD" - Planned Development District, "BG" - General Business District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, to Allow Multi-Family and Commercial Uses and to Modify

the Development Standards, Located on the North Side of U.S. Highway 380 (University Drive) and Approximately 1,115 Feet West of Hardin Boulevard, and Accompanying Ordinance

Council unanimously approved the motion by Council Member Franklin, seconded by Council Member Philips, to close the public hearing and approve a Request to Rezone the Subject Property from "C" - Planned Center District, "RG 18" - General Residence District, "PD" - Planned Development District, "BG" - General Business District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, to Allow Multi-Family and Commercial Uses and to Modify the Development Standards, Located on the North Side of U.S. Highway 380 (University Drive) and Approximately 1,115 Feet West of Hardin Boulevard, and Accompanying Ordinance. Ordinance caption reads as follows:

**ORDINANCE NO. 2021-10-107**

**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 20.76 ACRE PROPERTY, LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DR) AND APPROXIMATELY 1115 FEET WEST OF HARDIN BOULEVARD, IS REZONED FROM "C" – PLANNED CENTER DISTRICT, "RG 18 – GENERAL RESIDENCE DISTRICT, "PD" – PLANNED DEVELOPMENT DISTRICT, "BG" – GENERAL BUSINESS DISTRICT, AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO ALLOW MULTIFAMILY AND COMMERCIAL USES AND 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**

**21-0008A3/** 21-0087Z4 Consider/Discuss/Act on a Petition to Annex (Case No. 21-  
**21-0087Z4** 0008A) and a Request to Zone (Case No. 21-0087Z) on Certain Land (the "Property") to "PD" - Planned Development District, Located on the East Side of County Road 317 and Approximately 2,000 Feet South of Harry McKillop Boulevard (FM 546), and Related Ordinance(s) and Agreements



Council unanimously approved the motion by Council Member Feltus, seconded by Mayor Pro Tem Rainey Rogers, to approve a Petition to Annex (Case No. 21-0008A) and a Request to Zone (Case No. 21-0087Z) on Certain Land (the "Property") to "PD" - Planned Development District, Located on the East Side of County Road 317 and Approximately 2,000 Feet South of Harry McKillop Boulevard (FM 546), and Related Ordinance(s) and Agreements. Ordinance captions read as follow:

**ORDINANCE NO. 2021-10-108**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ANNEXING CERTAIN TERRITORIES TO THE CITY OF MCKINNEY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF**

**ORDINANCE NO. 2021-10-109**

**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 54 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF COUNTRY ROAD 317 AND APPROXIMATELY 2,000 FEET SOUTH OF HARRY MCKILLOP BOULEVARD (FM 546), IS ZONED TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR INDUSTRIAL 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**

**21-0923** Consider/Discuss/Act on Appointing a Member to the Historic Preservation Advisory Board (HPAB)

Council unanimously approved the motion by Mayor Fuller, seconded by Council Member Franklin, to appoint Mallori Hanes as Member to the Historic Preservation Advisory Board (HPAB).

Mallori Hanes' term term will start October 19, 2021 and will serve until September 30, 2023 at the will of the Council.

Mayor Fuller called for Citizen Comments on matters not on the Agenda.

Bridgett White, 2905 Berry Hill, McKinney, TX 75069, spoke regarding the McKinney Animal Zoning Ordinance.

Mayor Fuller and Council Member Franklin requested to place the discussion of the Animal Zoning Ordinance on an upcoming Work Session Agenda.

Hari Krishnan, 11175 Ortega St., Frisco, TX 75035, spoke regarding Sewa Diwali.

Raj Govindan, 925 Boyd Creek Rd., McKinney, TX 75071, thanked Mayor Fuller for issuing a Proclamation for Hindu Heritage Month.

Zoe Adams, 2732 Brookside Ln., McKinney, TX 75072, spoke regarding the creation of a Kids Council.

Mayor Fuller called for Council and Manager Comments.

Council Member Philips spoke regarding North Girls' Volleyball team and all of McKinney's Highschool Bands.

Council Member Feltus spoke regarding National Night Out, the Fire & Police Departments, Dia De Los Muertos, and the Legacy Keepers of Old East McKinney.

Council Member Beller spoke regarding Covid-19 vaccinations, Scottish Right Hospital Charity, Chamber of Commerce Leadership Graduations, National Night Out, the Police & Fire Departments, new residents to McKinney, Dia De Los Muertos, and the Legacy Keepers of Old East McKinney.

Council Member Frazier spoke regarding National Night Out, the Parks & Recreation Department winning five (5) awards, McKinney soccer fields at Craig Ranch, and the cleaning of Highway 75.

City Manager Grimes updated the Council on the Share the Shade Event, National Drug Takeback Day, Trick or Treat Trail, and the new officers on the McKinney Economic Development Corporation (MEDC) Board.

Mayor Fuller spoke regarding Dia De Los Muertos, driving Ms. Daily, Omaggio Circus Downtown, Amy Rosenthal & the Main Stree Program, the Church of Christ of Latter Day Saints, Make a Difference Day, Monster Bash at TUPPs Brewery, blood donations, and the Wine and Music festival at Towne Lake.

Council unanimously approved the motion by Council Member Franklin, seconded by Council Member Philips, to adjourn the meeting at 8:12 p.m.

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

These minutes were approved by the City Council on November 2, 2021.

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