

CITY COUNCIL REGULAR MEETING

SEPTEMBER 21, 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, September 21, 2021 at 6:00 p.m.

Council Present: Mayor George Fuller, and Council Members Geré Feltus, Frederick Frazier, Rick Franklin, and Justin Beller.

Council Absent: Mayor Pro Tem Rainey Rogers and Council Member Charlie Philips.

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 Terrel, Director of Planning Jennifer Arnold, Director of Parks & Recreation Michael Kowski, Director of Code Services Kerry Simpson, Environmental Health Specialist Shane Salley, Environmental Health Specialist Victoria Schweitzer, Emergency Management Coordinator Karen Adkins, Assistant Emergency Management Coordinator Stevee Franks, Community Services Administrator Shirletta Best, Police Officer Bruno Siqueira, and Desktop Support Technician.

There was approximately twenty-five (25) members of the public present in the audience.

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 Pastor Justin Hornsby of First McKinney Baptist Church. The Pledge of Allegiance led by Mayor Fuller.

Mayor Fuller called for the Information Sharing Agenda.

21-0816 Proclamation for Food Safety Education Month

21-0817 Proclamation for National Preparedness Month

Mayor Fuller called for Public Comments regarding Agenda items.

Josh White, 3525 Marquette, Dallas, TX 75225, spoke regarding Executive Session item City of McKinney, Texas, Plaintiff, v. River Ranch Educational Charities, Wayne Kirk, individually, and the Real Property at 3701 Custer Road, McKinney, Texas, In Rem, Defendants.

Wayne Kirk, 16603 Warm Wish, Dallas, TX 75248, spoke regarding Executive Session item City of McKinney, Texas, Plaintiff, v. River Ranch Educational Charities, Wayne Kirk, individually, and the Real Property at 3701 Custer Road, McKinney, Texas, In Rem, Defendants was called to speak

Chris Mayzner, 5607 Hickorey Hill, McKinney, TX 75071, spoke regarding Agenda item #21-0829.

Mayor Fuller called for the Consent Agenda.

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

- 21-0798** Minutes of the Joint Meeting of the City Council and Planning & Zoning Commission of August 24, 2021
- 21-0818** Minutes of the City Council Special Meeting of September 7, 2021
- 21-0819** Minutes of the City Council Regular Meeting of September 7, 2021
- 21-0694** Minutes of the McKinney Armed Services Memorial Board Meeting of May 12, 2021
- 21-0733** Minutes of the Library Advisory Board Meeting of July 15, 2021
- 21-0703** Minutes of the Parks, Recreation, and Open Space Advisory Board Meeting of July 8, 2021
- 21-0796** Minutes of the Planning & Zoning Commission Regular Meeting of August 24, 2021
- 21-0820** Consider/Discuss/Act on an Ordinance Adopting Fees Related to Public Improvement Districts (PID). Ordinance caption reads as follows:

ORDINANCE NO. 2021-09-097

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING APPENDIX A, SCHEDULE OF FEES, OF THE CODE OF ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, BY ESTABLISHING NEW FEES PERTAINING TO A PUBLIC IMPROVEMENT DISTRICT (PID); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR

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

- 21-0821** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Extension the Interlocal Agreement with Collin County, and Any Additionally Required Agreements, for the Allocation of Round 2 of the "CARES Act," Coronavirus Relief Package Funding, to the City of McKinney, Texas, from the Department of the Treasury, Through Collin County. Resolution caption reads as follows:

RESOLUTION NO. 2021-09-115 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION TO THE INTERLOCAL AGREEMENT, AND ANY ADDITIONALLY REQUIRED DOCUMENTS, WITH COLLIN COUNTY, FOR THE ALLOCATION OF ROUND 2 OF "CARES ACT" FUNDING TO THE CITY OF MCKINNEY, FROM THE DEPARTMENT OF THE TREASURY, THROUGH COLLIN COUNTY; AND PROVIDING AN EFFECTIVE DATE

- 21-0822** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Rich Leidl, P.C. for Federal Legislative Services. Resolution caption reads as follows:

RESOLUTION NO. 2021-09-116 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR FEDERAL LEGISLATIVE CONSULTING SERVICES FROM RICH LEIDL, P.C. OF WASHINGTON, DC

- 21-0823** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with J.C. Commercial, Inc of Lewisville, Texas, for the Construction of the Finch Park Phase V Improvement Project (PK2039). Resolution caption reads as follows:

RESOLUTION NO. 2021-09-117 (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 \$2,388,974.33 WITH J. C. COMMERCIAL, INC. OF LEWISVILLE, TEXAS, FOR THE CONSTRUCTION OF THE FINCH PARK PHASE V IMPROVEMENT PROJECT (PK2039) AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$2,538,974.33

- 21-0824** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with AT Construction, LLC of Aubrey, Texas, for the Construction of the Monument at McKinney Gateway at Creekside Park Project. Resolution caption reads as follows:

RESOLUTION NO. 2021-09-118 (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 \$159,220.26 WITH AT CONSTRUCTION, LLC OF AUBREY, TEXAS FOR THE CONSTRUCTION OF THE MONUMENT AT MCKINNEY GATEWAY AT CREEKSIDE PARK PROJECT (PK1906) AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$169,220.26.

- 21-0825** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Supplemental Agreement with Kimley-Horn and Associates, Inc. for Professional Engineering Services for the McLarry Water Line Project (WA2052). Resolution caption reads as follows:

RESOLUTION NO. 2021-09-119 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ADDITIONAL ENGINEERING DESIGN SERVICES FOR THE McLARRY WATER LINE PROJECT FOR AN INCREASE IN THE NOT TO EXCEED FEE FROM \$272,000 TO A TOTAL AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY ADDITIONAL SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$352,000.

- 21-0826** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Roadway Impact Fee Credit Agreement with W/J Wilmeth Ridge, L.P., for the Construction of Two Lanes of Ridge Road (Extending 1,625 Linear Feet), Serving the Wilmeth Ridge South Subdivision, Generally Located on the East Side of Ridge Road (CR 161) and on the South Side of Wilmeth Road (CR 164). Resolution caption reads as follows:

RESOLUTION NO. 2021-09-120 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A ROADWAY IMPACT FEE CREDIT AGREEMENT WITH W/J WILMETH

RIDGE, LP, FOR THE CONSTRUCTION OF TWO LANES OF RIDGE ROAD (EXTENDING 1,625 LINEAR FEET), SERVING THE WILMETH RIDGE SOUTH SUBDIVISION, GENERALLY LOCATED ON THE EAST SIDE OF RIDGE ROAD AND ON THE SOUTH SIDE OF WILMETH ROAD

- 21-0827** Consider/Discuss/Act on a Resolution Authorizing the City of McKinney to Participate in the Proposed Opioids Settlements Brought by the State of Texas and Other Jurisdictions Against Various Pharmaceutical Companies for their Roles in the National Opioid Crisis, and Authorizing the City Manager to Execute Documents Related Thereto. Resolution caption reads as follows:

RESOLUTION NO. 2021-09-121 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ELECTING TO PARTICIPATE IN THE PROPOSED OPIOID SETTLEMENTS BROUGHT BY THE STATE OF TEXAS AND OTHER JURISDICTIONS AGAINST VARIOUS PHARMACEUTICAL COMPANIES FOR THEIR ROLES IN THE NATIONAL OPIOID CRISIS; MAKING FINDINGS; AUTHORIZING THE CITY MANAGER TO EXECUTE APPROPRIATE DOCUMENTATION RELATED THERETO; ADOPTING THE TEXAS TERM SHEET; AND PROVIDING FOR AN EFFECTIVE DATE

- 21-0828** Consider/Discuss/Act on a Resolution Authorizing the Formal Rejection of all Bids under Solicitation 21-62FP Traffic Signal Poles and Accessories. Resolution caption reads as follows:

RESOLUTION NO. 2021-09-122 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE FORMAL REJECTION OF ALL BIDS RECEIVED UNDER SOLICITATION 21-62FP TRAFFIC SIGNAL POLES AND ACCESSORIES

- 21-0829** Consider/Discuss/Act on a Resolution Ratifying the Fifth Meet and Confer Agreement with the Professional Fire Fighters of McKinney. Resolution caption reads as follows:

RESOLUTION NO. 2021-09-123 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, RATIFYING THE FIFTH MEET AND CONFER AGREEMENT WITH THE PROFESSIONAL FIRE FIGHTERS OF MCKINNEY IAFF LOCAL 2661

- 21-0001C2** Consider/Discuss/Act on a Concept Plan for Shops at Westridge, Located on the Northwest Corner of Westridge Boulevard and Independence

Parkway

Mayor Fuller called for the Plat Agenda.

21-0145PF Consider/Discuss/Act on a Preliminary-Final Plat for DuCharme Plat-Honey Creek Venues Addition, Located in the ETJ of McKinney, Approximately 1,600 Feet East of Colmena Road and on the East Side of County Road 170

Council present unanimously approved the motion by Council Member Franklin, seconded by Council Member Frazier, to approve to Staff's recommendation of a conditional approval on a Preliminary-Final Plat for DuCharme Plat-Honey Creek Venues Addition, Located in the ETJ of McKinney, Approximately 1,600 Feet East of Colmena Road and on the East Side of County Road 170.

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

21-0830 Conduct a Public Hearing to Consider/Discuss/Act on a Resolution Approving the Grant Agreement Extension of Awarded Agencies under the CDBG CV McKinney Emergency Living Assistance Program

Council present unanimously approved the motion by Council member Gere' Feltus, seconded by Council member Rick Franklin, to close the public hearing and approve a Resolution Approving the Grant Agreement Extension of Awarded Agencies under the CDBG CV McKinney Emergency Living Assistance Program. Resolution caption reads as follows:

RESOLUTION NO. 2021-09-124 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXTEND THE CDBG-CV GRANT AGREEMENT FOR AGENCIES UNDER THE MCKINNEY EMERGENCY LIVING ASSISTANCE PROGRAM TO CONTINUE SERVICES IN FY 2022, AND PROVIDING AN EFFECTIVE DATE

21-0008A/ Conduct a Public Hearing to Consider/Discuss/Act on a Petition to Annex

21-0087Z2 (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 (REQUEST TO BE TABLED)

Applicant's request to table this item will be recorded in the Appendix of these minutes as "Appendix A – 21-0008A/21-0087Z2 Request to be Tabled".

Jared Pickens, 711 Pearson, McKinney, TX 75069, spoke regarding this item.

Council present unanimously approved the motion by Council Member Frazier, seconded by Council Member Franklin, to table this item to the first meeting in October.

This item will be on the Regular Agenda for the City Council on October 4, 2021.

20-0073Z4 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 "C3" - Regional Commercial District and "CC" - Corridor Commercial Overlay District, Located on the Northwest Corner of State Highway 121 (Sam Rayburn Tollway) and Tina Drive, and Accompanying Ordinance

Bob Roeder (Applicant), 1700 Redbud #300, McKinney, TX 75069, spoke in favor of this item.

Council present unanimously approved the motion by Council Member Feltus, seconded by Council Member Franklin, 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 "C3" - Regional Commercial District and "CC" - Corridor Commercial Overlay District, Located on the Northwest Corner of State Highway 121 (Sam Rayburn Tollway) and Tina Drive, and Accompanying Ordinance.

Ordinance caption reads as follows:

ORDINANCE NO. 2021-09-098

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 45.59 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF STATE HIGHWAY 121 (SAM RAYBURN TOLLWAY) AND TINA DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT, AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "C3" – REGIONAL 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

21-0007M2 Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Section 146-135 (Landscape Requirements) of the Code of Ordinances, and Accompanying Ordinance

Council present unanimously approved the motion by Council Member Frazier, seconded by Council Member Franklin, to close the public hearing and approve a Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Section 146-135 (Landscape Requirements) of the Code of Ordinances, and Accompanying Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2021-09-099

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING SECTION 146-135 (LANDSCAPE REQUIREMENTS) OF THE ZONING REGULATIONS; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

21-0831 Consider/Discuss/Act on Appointing a Member to the Animal Service Facility Advisory Committee (ASFAC)

Council present unanimously approved the motion by Council Member Frazier, seconded by Council Member Franklin, to appoint Cindy Durham as a Member to the Animal Service Facility Advisory Committee (ASFAC).

Cindy Durham's term will start October 1, 2021 and will serve until September 30, 2023 at the will of the Council.

21-0850 Consider/Discuss/Act on Appointing a Member to the McKinney Armed Services Memorial Board (MASMB)

Council present unanimously approved the motion by Mayor Fuller, seconded by Council Member Frazier, to appoint Colin Kimball as a Member to the McKinney Armed Services Memorial Board (MASMB).

Colin Kimball's term will start October 1, 2021 and will serve until September 30, 2023 at the will of the Council.

21-0851 Consider/Discuss/Act on Appointing a Member to the Library Advisory

Board (LAB)

Council present unanimously approved the motion by Council Member Feltus, seconded by Council Member Frazier, to appoint Kelly Juntunen as an Alternant Member to the Library Advisory Board (LAB).

Kelly Juntunen's term will start October 1, 2021 and will serve until September 30, 2023 at the will of the Council.

21-0832 Consider/Discuss/Act on a Resolution Nominating Member(s) to the Collin Central Appraisal District Board of Directors

Council present unanimously approved the motion by Council Member Beller, seconded by Council Member Franklin, to approve a Resolution Nominating Brain Manzey as a Member to the Collin Central Appraisal District Board of Directors.

Resolution caption reads as follows:

RESOLUTION NO. 2021-09-125 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, NOMINATING INDIVIDUALS FOR CONSIDERATION TO SERVE THE BOARD OF DIRECTORS FOR THE CENTRAL APPRAISAL DISTRICT OF COLLIN COUNTY, AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Fuller called for Citizen Comments on matters not on the Agenda. There were none when called.

Mayor Fuller called for Council and Manager Comments.

Council Member Beller spoke regarding Beaker Pharmacy's popup Covid-19 vaccine clinic.

Council Member Franklin spoke regarding McKinney's Oktoberfest.

Council Member Frazier spoke regarding Covid-19 testing, TxD.o.T cleaning roads, and the McKinney Fire Department and Disaster relief.

Council Member Feltus spoke regarding Beaker Pharmacy's popup Covid-19 vaccine clinic and Opal Lee.

City Manager Grimes spoke regarding a City employee who passed away due to Covid-19, Fire Meet & Confer Agreement, the Office of Emergency Management, and McKinney's Oktoberfest.

Mayor Fuller spoke regarding McKinney's Oktoberfest, North Texas Giving Day, Covid-19 testing, iSpy event & Meals on Wheels, Maylee Thomas-Fuller & Market Street Food Drive, the McKinney Fire & Police Departments, and DispatchHealth.com.

Council present unanimously approved the motion by Council Member Feltus, seconded by Council Member Frazier, to adjourn the meeting at 7:10 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 October 4, 2021.

SIGNED:

GEORGE C. FULLER, Mayor

ATTEST:

EMPRESS DRANE, City Secretary
JOSHUA STEVENSON, Deputy City Secretary

City of McKinney, Texas

A | R | B | H
ABERNATHY ROEDER
BOYD HULLETT
EST. 1876

Robert H. Roeder
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Main: 214.544.4000 | Fax: 214.544.4044

September 14, 2021

Ms. Jennifer Arnold
Director of Planning
221 Tennessee Street
McKinney, Tx 75069

Re: Request to Reschedule Council Hearings for Annex2021-0008A and ZONE2021-0087Z

Dear Ms. Arnold:

On behalf of the property owner and applicant, I respectfully request that the above-referenced City Council public hearing cases be rescheduled from September 21, 2021, to October 4, 2021.

This request is not submitted for purposes of delay, but to provide additional time for my client to evaluate the cost and effectiveness of certain mitigation efforts related to an adjoining recreational facility.

Please confirm that this request has been accepted.

Very truly yours,



Robert H. Roeder

cc: Bill Penz